

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: PLANNING AND DEVELOPMENT CONTROL COMMITTEE:

REVISION OF STANDING ORDERS

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Purpose

This Paper has been prepared to make minor revisions to the approved, but interim, Standing Orders. The modifications relate specifically to the provisions for applicants, objectors and other interested parties to make oral representations to the Committee in relation to the determination of Planning Applications.

Recommendations

That the Committee approves the revised Standing Orders as the basis for future decisions relating to the Committee's procedures.

Executive Summary

The Standing Orders approved on the 12th September 2003 have served to provide an effective basis for the Committee's procedures. They were, however, intended to be open to revision and, from our early experience in determining planning applications, it appears that the provisions relating to opportunities to make oral representations could be improved. The modifications fall within paragraphs 8 - 10 of the original Standing Orders and in the amended form attached to this report make the following provisions:

- (a) delete the previous requirement for those wishing to address the Committee to "demonstrate how this would add to the information already available to the Members"
- (b) increase from 5 to 10 minutes the speaking time allowed to applicants and objectors and create the opportunity for third parties who are neither applicants nor objectors also to be given 10 minutes speaking time.
- (c) Allow, at the Convener's discretion and direction, the speakers to ask questions of each other.

I have also substituted "Convener" and "Vice Convener" for the terms "Chair" and "Vice Chair" used in the original document.

In that amended form the Standing Orders would, in my opinion, be an adequate basis for dealing with all circumstances in which there is a need to grant opportunities to make oral representations, including occasions when the Committee is in "Hearing" mode for applications which are contrary to a Development Plan.

STANDING ORDERS FOR MEETINGS OF THE CAIRNGORMS NATIONAL PARK AUTHORITY - FIRST REVISION (JANUARY 2004)

1. This paper sets out the procedures which apply to meetings of the Cairngorms National Park Authority Planning and Development Control Committee. These should be read in conjunction with the Standing Orders which have been agreed by the Board except where reference is made in this paper to specific amendments in relation to the operation of the Planning and Development Control Committee.

Frequency of Meetings

2. The Planning and Development Control Committee will normally meet every two weeks, and a diary of provisional meeting dates will be approved for each calendar year in advance. Special meetings may be called by the Convener at other times, giving notice of seven clear days. The meeting venue may be varied and this will be notified with the agenda papers. Meetings may be cancelled where there is no business to be considered and notice of such cancellations will be given at least three clear days in advance of the previously agreed date.

Pre-Agenda Briefing Meetings

3. Pre-Agenda meetings to brief the Convener and Vice Convener on forthcoming agenda items will be held at the discretion of the Convener normally during the week prior to the distribution of agenda papers.

Notice of Meetings

4. A notice giving details of the meeting will also be posted at the Park Authority offices as well as the offices of each of the local Councils within the Park area. Applicants and objectors to planning applications will be notified of the date time and location of the Committee meeting which will determine the application in which they have an interest. Notification will be sent as soon as possible after a draft agenda is drawn up.

Agenda Papers/Notice of Meeting

5. Agenda papers will normally be sent to all Board Members 7 days before each Committee. A supplementary "call-in" report will be issued 3 days before each committee as a means of extending the agenda to include applications notified after the completion of the main "call-in" report. Where there has been insufficient time between the notification of the application and the closure of the agenda for officers to make an adequate appraisal of issues raised by the application, the advice on whether or not to exercise the call-in power will be made by an oral presentation at the Committee.

Quorum

6. The quorum of the Planning and Development Control Committee will be 9 Members. No business can be considered at the Committee unless a quorum is present. An item of business cannot be dealt with if, because one or more Members declare an interest, less than a quorum of Members are entitled to vote on an item.
7. If, ten minutes after the time set for the start of a meeting of the Committee, a quorum is not present, the meeting will be abandoned and it will be recorded that no business was considered because there was no quorum. If a quorum is not present, the meeting will be adjourned to another time of the same day, or to another date and time as the Convener may decide then or afterwards.

Oral Representations

8. In relation to the determination of applications called-in by the CNPA, any applicants, objectors or other third parties who wish to make oral representations to the Committee in respect of an agenda item must request to do so in writing (including by e-mail) to planning officials at the National Park Authority at least 48 hours prior to the time of the meeting. In doing so, they must set out clearly the reasons for wishing to address the Committee. If an objection is proposed, it must be competent in planning terms. Such requests will be drawn to Members' attention when the item is presented at Committee. It will then be at the Committee's discretion to determine whether to agree to the request. Requests received less than 48 hours before the appointed time of a Committee meeting will not be considered.
9. If such a request is refused the application will then be determined. If such a request is granted then, where there are other parties not present (the applicant or objectors) who may also wish to speak, the application will be continued for consideration at the following Committee meeting so that there is sufficient opportunity to give notice to such parties that they may also speak at the same meeting if they wish. Where there is a group of individuals with similar views and wishing to raise similar issues, they will be asked to elect a spokesperson, or a maximum of two spokespersons, to speak for the group in order to avoid repetition. This will ensure that such representations can be dealt with efficiently within the formal Committee meeting.
10. Opportunities to address the Committee will be limited to 10 minutes for the applicant and 10 minutes for the objectors. In the event that there are other parties who are neither applicants nor objectors they, too, will be limited to 10 minutes speaking time. The normal procedure will be for the applicant to speak first, objectors to speak second and other interested parties to speak last. Members will then have opportunities to ask questions of any of the speakers and, at the Convener's discretion and direction, the speakers may ask questions of each other. At the conclusion of this procedure, and before any debate takes place, the Committee's planning advisor will be given an opportunity to respond to any new issues raised or criticisms of the officer report.
11. In relation to items on the Committee's agenda dealing with the call-in of planning applications, no opportunities will be given for oral representations by applicants, their agents, objectors or other interested parties.

Written Representations

12. Written representations which are received before the Committee papers are issued will be included with those papers.
13. Where applicants, objectors or other interested parties make written representations (including by email) after the Committee papers have been issued this will be drawn to the Committee's attention by the Convener at the meeting and copies of the relevant correspondence made available to Committee. The Convener will give the opportunity to officers to respond orally to any points made in such representations. Where a submission is received less than 48 hours from the appointed time of the Committee meeting it will not normally be permitted to be drawn to Members attention due to the lack of time to properly scrutinize its contents.
14. In relation to items on the Committee's agenda relating to the call-in of applications, written representations (including by email) must be submitted by 4 pm on the day preceding the committee.

Site Visits

15. The normal method of appraising Committee Members of the characteristics of any site which is on the agenda will be by means of video and/or projected photographic images. The images relevant to each application will be shown, with any necessary commentary by officials, prior to the hearing of any representations or questions on that application. Where it is considered necessary to carry out a formal site visit by the Committee prior to the determination of an application the decision will be deferred and the visit will be arranged prior to the following month's Committee meeting. When a suitable time has been arranged officers will formally notify all Committee Members, the applicants and objectors or other third parties in writing. Further consideration of the application following the site visit should be made at a future Committee meeting. When making site visits Members are not functioning as a Committee. There is therefore no requirement for a quorum and while applicants, objectors and other third parties may attend they have no right to speak.

Planning and Development Control Committee Decisions

How motions and amendments are moved and decided on

16. Every motion and amendment must be moved and seconded. The terms of all motions and amendments will be stated immediately when they are proposed and before the Member speaks to the motion or amendment. If the Convener decides, a motion or amendment will be written down, signed by the mover and seconder, and given to the Clerk who will read it to the meeting. Votes will be recorded by a roll-call.
17. When a motion and one amendment only are before the meeting a vote will be taken between the motion and the amendment and the proposal receiving a majority of the votes will become the decision of the Committee.
18. When a motion and two or more amendments are before the meeting, the vote will be taken on the last proposed amendment against the preceding proposed amendment, each Member having one vote. If an amendment receives the support of an overall majority of

the Members taking part in the vote, that proposal will progress to a further vote if necessary until all the proposed amendments have been dealt with. Motions will be dealt with in reverse order until only one proposed amendment remains. A vote will then be taken on the motion and the remaining proposed amendment and the proposal receiving the majority of votes will become the decision of the meeting. In the event of the votes for proposals being equal, the Convener may use his/her casting vote to decide which of them is to be dropped.

19. Motions or amendments which are not seconded will not be discussed or recorded in the minutes. Except when the vote is taken by roll call, any Member who has moved a motion or amendment and who is in a minority of one may ask for his/her dissent from the eventual decision to be recorded in the minutes.
20. A motion or amendment may be withdrawn by the mover if his/her seconder and the Committee agree. Such a motion or amendment will not be inserted in the minutes.
21. A motion for the approval of a report of, or a minute of, a Committee will be considered as an original motion and any proposal involving alteration or rejection of the report or minute will be dealt with as an amendment.
22. The Convener, if present, has the right to move approval of the report of, or minute of, that meeting.
23. The mover of an amendment and the mover of the original motion each has a right of reply, in that order. When the mover of the original motion has replied, the Convener will close the debate, and no other Member will be allowed to speak. The Clerk or the Convener will announce the terms of the motion and amendment(s) and take the vote.

What happens if votes are equal?

24. In the cases of an equality of votes, the person presiding at the meeting will have a second or casting vote.

Procedural Motions

Adjourning a meeting

25. The Convener may adjourn any meeting for a reasonable interval if he/she decides there is a good reason to do so.
26. The Committee may adjourn any meeting for a reasonable interval or to another date as they may agree then, or, failing that, the Convener may decide then or afterwards. The vote on a motion to adjourn, on being seconded, will be taken without amendment or discussion and by show of hands. A similar motion to adjourn to another day will not be competent within a period of one hour after the decision on the earlier motion.

Suspending Standing Orders

27. The provisions of these Standing Orders may be suspended by a motion supported by a majority of the Committee members.