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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR DECISION

**Title:** Planning Committee Standing Orders – Revision to Periods for Submission of Written Representations and Request to Make Oral Representations

**Prepared by:** Don McKee  
Head Planner

**Purpose:**

To seek Members agreement to the revisions to Planning Committee Standing Orders in relation to periods for submission of written representations and requests to make oral representations as set out in this report.

**Recommendation**

**That Members of the Planning Committee agree the revisions to paragraphs 9, 11 and 12 of Planning Committee Standing Orders as set out in Appendix 2.**

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**Background**

1. The current CNPA Planning Committee Standing Orders were agreed by the Planning Committee on 4 February 2011 and provide the basis for conducting the business of the Committee. This report is recommending a further revision in relation to the period of time allowed for:
  - Written representations to be submitted in order to be included in Committee papers – currently 42 days from call-in (para 9 in Appendix 1).
  - Written request to make oral representations to the Committee – again currently 42 days from call-in (para 11 in Appendix 1).
2. Members will recollect that the period of 42 days was introduced as a result of difficulties caused by last minute representations and requests to speak as the previous Standing Orders had no restriction. The Scottish Government expects planning applications to be determined without unnecessary delay and other planning authorities have a defined period for commenting on applications – commonly the minimum period of 21 days from neighbour notification by post or 14 days from publication of advertisement as required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

3. The 42 day period reflects both the fact that there had previously been no “cut-off”, and the desire of CNPA to allow maximum opportunity for people to comment on applications that the Authority would be determining. As the notification and call in process can take up to 2 weeks it does in effect offer a extremely generous period of up to 8 weeks in which to make representations. This equates with the period in which Scottish Government expects to see most applications actually determined, but it allows for the fact that the applications are transferring from one authority to another and for people to become aware that this is taking place so they know which authority is taking the eventual decision.
4. We have now been operating on the basis of the 42 days for over 18 months and in practice it has become apparent that most representations are submitted well within this timescale. It has also become clear that there have been several less complex cases where the applications could have been brought before the Planning Committee for determination sooner were it not for the 42 days i.e. we have effectively been treading water waiting for the period to elapse.
5. In common with all the other planning authorities in Scotland we will now have to submit annual reports under the new Planning Performance Framework setting out not only what we are doing in terms of the quality of our planning service, but also in terms of its efficiency. The speed of decision making is relevant to this and, whilst there is an inbuilt delay as a result of the planning arrangements as set out in the Designation Order, we have a duty as an authority to work as effectively as possible. Experience of the 42 days, as identified above, indicates that we could be just as effective and more efficient if we were to reduce that period.

## **Conclusion**

6. As already stated, the legislation requires a minimum period of 21 days from the date of neighbour notification or 14 days from advertisement, both of which are carried out by the local authority when an application is validated. The 5 local authorities in the Park all have a period of 21 days. It is therefore proposed that CNPA does likewise, but the 21 days run from the date of “call-in”. It is considered that this action is necessary to allow us to further improve our performance, but it is also justified by the improvements that we have made in facilitating access to planning information, particularly the recently introduced on-line access to all of the details of planning applications as part of our e-planning initiative.
7. In terms of notice given for wishing to speak at the Planning Committee (oral representations), it is considered that it is also perfectly reasonable for people to be able to do that within 21 days. If issues that lead to their request are addressed in the interim they can always withdraw that request before the relevant Planning Committee meeting.
8. The oral representations section in Standing Orders also makes reference to Community Councils, so they would also have to make their request within the 21 day timeframe. For the avoidance of doubt, Community Councils are formally consulted on all applications, and the proposed 21 days on submission of written

representations in Standing Orders would not apply to them although, as with other consultees, responses are still sought within 21 days.

9. The necessary revisions to Standing Orders are contained in Appendix 2 to this report.

### **Recommendation**

**That Members of the Planning Committee agree the revisions to paragraphs 9, 11 and 12 of Planning Committee Standing Orders as set out in Appendix 2.**

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**5 September 2012**  
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## **Appendix I**

### **Written Representations**

10. Only representations which are received in writing and/or by email within 42 days of the date on which the application was called-in by the Planning Committee will be included in the Committee papers or be put before members of the Planning Committee.
11. All other written representations will be regarded as 'late letters of representation'. Only in exceptional circumstances, where the contents of a late letter representation is, in the opinion of the planning officials, of material significance to the recommendation for the application to which it refers, will an oral summary of that representation be presented to the Committee by the planning officer.

### **Oral Representations**

12. In relation to the determination of applications called-in by the CNPA, any applicant/agent/supporter, objector and Community Council who wish to make oral representations to the Committee in respect of an agenda item must request to do so in writing and/or by email to planning officials at the National Park Authority within 42 days of the call-in date of the relevant application. The request must set out clearly the planning reasons for wishing to address the Committee and must be competent in planning terms. Such requests will be drawn to Members' attention when the item is presented at Committee. It will be at the Committee's discretion to determine whether to agree to the request. If such a request is refused the application will be determined without any oral representation.
13. Requests to speak to the Committee received more than 42 days after the call-in date will not be considered.

## **Appendix 2**

### **Written Representations**

9. Only representations which are received in writing and/or by email within **21 days** of the date on which the application was called-in by the Planning Committee will be included in the Committee papers or be put before members of the Planning Committee.
10. All other written representations will be regarded as 'late letters of representation'. Only in exceptional circumstances, where the contents of a late letter representation is, in the opinion of the planning officials, of material significance to the recommendation for the application to which it refers, will an oral summary of that representation be presented to the Committee by the planning officer.

### **Oral Representations**

11. In relation to the determination of applications called-in by the CNPA, any applicant/agent/supporter, objector and Community Council who wish to make oral representations to the Committee in respect of an agenda item must request to do so in writing and/or by email to planning officials at the National Park Authority within **21 days** of the call-in date of the relevant application. The request must set out clearly the planning reasons for wishing to address the Committee and must be competent in planning terms. Such requests will be drawn to Members' attention when the item is presented at Committee. It will be at the Committee's discretion to determine whether to agree to the request. If such a request is refused the application will be determined without any oral representation.
12. Requests to speak to the Committee received more than **21 days** after the call-in date will not be considered.