
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: Planning Committee Standing Orders - Third Revision

Prepared by: Don McKee
Head Planner

Purpose:

To seek Members agreement to the revisions to Planning Committee Standing Orders as set out in this report.

Recommendation

That Members of the Planning Committee agree the revised Planning Committee Standing Orders as set out in Appendix I.

Background

1. The CNPA Board on 15 October 2010 agreed the second revision to Planning Committee Standing Orders, the first revisions since February 2004. Whilst this made a number of changes to the operation of the Planning Committee to take account of the reduced number of Members and experience since the last revision, Members did not accept suggested changes to the paragraphs relating to Oral Representations. Instead Members asked that a further report be brought forward with alternative suggested changes to these aspects of Standing Orders.
2. Having considered Members' discussion on 15 October and practice in other authorities, it is now possible to deal with these outstanding parts of Standing Orders along with a few other small changes to improve clarity. A consolidated document is attached as Appendix I to this report which, if agreed, would comprise the third revision to Standing Orders setting out the procedures for meetings of the Planning Committee. The second revision agreed on 15 October 2010 is attached as Appendix 2 for the purposes of comparison.

3. The proposed changes can be summarised as follows:
 - Para 2 – replace “7 clear days” with “7 days” and “3 clear days” with “3 working days”.
 - Para 5 – clarify that notice will be given “7 days before the meeting”.
 - Para 7 - add “remains” to clarify final sentence.
 - Paras 9 & 10 – deal with written representations, replace previous paras 13. & 14. This is new and states that only representations received in writing and/or by e mail within 42 days of call-in will be presented to Planning Committee. All others will be “late letters of representation” and will not be presented. There is further explanation on this below.
 - Paras 11 to 15 – replace paras 9 to 12 and require requests to speak at Committee to be made within 42 days from call-in: again further explanation is given below. Time limits remain the same, although Community Councils will now be given 10 rather than 5 minutes.
 - Para 31 – expands on para 30 and requires Committee to give planning reasons where a decision is contrary to officer recommendation and these will form the basis of the precise reasons or conditions that have to be agreed thereafter. If agreement cannot be reached on these between the Head Planner and Committee Convener/Vice Convener then they will be brought back to Committee.
4. Standing Orders currently allow for written representations to be presented to the Planning Committee if they are submitted up to 48 hours before the meeting. It can be the case that written representations are made at the “11th hour” and have to be taken into account by CNPA officers and Members, as well as the applicant. This can create difficulties when a lot of work has already taken place on a particular application and it is ready for determination. This is not in line with practice elsewhere and does not contribute to our efforts to improve efficiency and effectiveness in the way we process planning applications.
5. Scottish Government has targets for the processing of different categories of planning application. This is 8 weeks for Local Developments (i.e. small scale applications) and 12 weeks for Major Developments (i.e. more complex and larger applications). For this reason Aberdeenshire Council, for example, does not consider representations submitted more than 21 days (the minimum in the Regulations) after an application is registered in order to assist them in meeting these targets. Scottish Government appreciates that the “call-in” process effectively adds up to another 4 weeks to the determination process for those applications that are “called-in” by CNPA. Nonetheless, we do have to submit performance statistics and, as with other planning authorities, we have signed up to Delivering Planning Reform and to make our processes as efficient and effective as possible.
6. It is within this context that we are suggesting a cut-off of 42 days which is twice the minimum required. If we take the 8 and 12 week periods referred to in the preceding paragraph and add the extra 4 weeks we should try and achieve 12 and 16 weeks to meet Scottish Government targets. Once a planning application is registered by a Council it can take 2 weeks for a call-in decision to be taken. If one then adds 6 weeks (42 days) we have reached 8 weeks leaving 4 weeks for a report

to be prepared and sent to Members at least 7 days before the meeting. The application will have been “live” for 8 weeks (6 from “call-in”) leaving people ample opportunity to submit representations. This in turn will allow them to be fully considered by CNPA officers and applicants, and all changes and/or further information to be sought, made available and taken into account in the reports and recommendations to Planning Committee. In practice many representations are received sufficiently in advance, but a deadline of 42 days will ensure that this happens in all cases.

7. If we require written representations to be submitted within 42 days of “call-in” and requests to oral representations at the Planning Committee have to be in writing, it then makes sense to have the same 42 day deadline. This will ensure that all parties are aware well in advance of who else wishes to speak and will avoid situations experienced under existing Standing Orders where people have made the request 48 hours before the meeting not having previously submitted any written representation. The period of time for people to make the request remains generous and if the circumstances of an application change there is nothing to preclude someone from having a change of mind and withdrawing their request.

Conclusion

8. We are in the course of improving all aspects of our planning service and the operation of the Planning Committee is an important part of that service. The changes to Standing Orders agreed in October 2010 went some way to this end, but it is essential that there is a resolution to the outstanding matters in relation to the submission and consideration of representations. It is considered that the proposals put forward in Appendix I address these important issues in a fair way, in line with good practice elsewhere, and will allow CNPA to continue to improve the effectiveness of its planning service in line with Scottish Government expectations.

Recommendation

That Members of the Planning Committee agree the revised Planning Committee Standing Orders as set out in Appendix I.

Don McKee
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planning@cairngorms.co.uk