

## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** INTERIM STANDING ORDERS FOR MEETINGS OF  
THE PLANNING AND DEVELOPMENT CONTROL  
COMMITTEE

**Prepared by:** DENIS MUNRO, INTERIM PLANNING MANAGER

### **Purpose**

This report has been prepared to provide the Planning and Development Control Committee with clear procedures for the conduct of its business.

### **Recommendations**

That the Committee approves the recommendations in Annex 1 as the Standing Orders governing the conduct of meetings of the Planning and Development Control Committee.

### **Executive Summary**

Much of the business of the Planning and Development Control Committee involves the exercise of quasi-judicial functions where decisions must be made in an open, consistent and manifestly fair way balancing the interests of those who propose development against those who will be affected by it. To assist those objectives it is important that the Committee operates within an agreed framework which will guide its own conduct and inform those with an interest in the development process how they may interact with the Committee. The proposals in Annex 1 have been prepared for that purpose.

### **Enclosures**

Annex 1 - Standing Orders for Meetings of the Cairngorms National Park Authority

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## INTERIM STANDING ORDERS FOR MEETINGS OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

### Discussion

1. The purpose and meaning of each of the provisions in Annex 1 are, I hope self explanatory and, in this report, I will merely highlight a small number of points by way of explanation for the proposals:

- (a) **Frequency of meetings** (paragraph 2). The calling-in of planning applications has the potential to extend the timescale for the determination of planning applications beyond that which might occur if the CNPA did not exist. To avoid any criticism to that effect - and to adhere as closely as possible to the Performance Indicators set by central government for making decisions on planning applications - it is important that the Committee meets with a reasonable frequency and a cycle based on every second Friday is proposed.
- (b) **Call-in Decisions (paragraphs 5 and 11)**. In order to make call-in decisions within the approved twenty-one day period, the committee will need to deal with virtually all of the applications notified during the preceding two weeks. It will not be possible, therefore, to close the agenda for this aspect of the Committee's business seven days in advance of the meeting when reports are issued. On the assumption that the committee will always meet on a Friday, a follow up report will be sent out on the Monday of that week (and posted on the CNPA's Website) containing a list of additional applications for call-in decisions. In order to give staff sufficient time to appraise these applications the advice to the committee on whether or not to make a call-in will generally have to be given by an oral presentation.

In summary, therefore, the call-in advice will be given as follows:

- i) The first report will be circulated with other committee reports seven days before the meeting.
- ii) The second report will be issued on the following Monday (and posted on the CNPA's Website). This will consist of a list of applications notified since the conclusion of the report described at i) above but without, in most cases, recommendations on whether or not to exercise the call-in power.
- iii) Oral advice will be given on whether or not to exercise the call-in power where this has not been provided in reports described at i) and ii) above.

Under this arrangement the first and second reports can be made available for public inspection although the absence of recommendations on the call-in power in some cases may weaken the value of these reports to interested parties. Unfortunately, this is an unavoidable consequence of having to keep the agenda for these items open for as long as possible to make decisions within the 21 day limit.

- (c) **Oral Representations** (paragraphs 8-11). Allowing applicants and objectors (or their agents) to speak at committees where planning applications are being

determined is not a legal obligation but it is increasingly regarded as good practice and I would commend it as a facet of the CNPA's commitment to open decision making. The proposal is that applicants and objectors be given equal opportunity to make their points but within guidelines which allow the Committee to conduct its business expeditiously.

In relation to the making of call-in decisions I have proposed that there be no opportunities for allowing applicants or other interested parties to speak since the issues in these cases relate solely to interpretations of the Protocol. However, I have proposed that written representations will be accepted until 4 pm on the day before the committee. This, I think, strikes a reasonable balance between the fact that the agenda for these items is more "open-ended" than other aspects of the Committee's business and the need for some time to review and process such representations by the CNPA's staff.

- (d) **Written Representation** (paragraphs 12-14). As with oral representations, it is proposed that there be a cut-off point 48 hours before the Committee for the submission of written representations. The rationale for this proposal is that a reasonable period is needed for staff to make an assessment of the points being made in the submissions. However, in the case of representations on making call-in decisions, it is proposed that the deadline be extended to 4pm on the day preceding the Committee because the agenda for this aspect of the Committee's business is more "open ended".
- (e) **Site visits** (paragraph 15). Prior to making a decision on a planning application it will be important, in most cases, that the Committee have a good understanding of the site of the proposal and its surroundings. One method of doing this would, of course, be for the whole Committee to visit every site but this would be a very heavy commitment and it is suggested that the normal arrangement will be for CNPA staff to make a video and/or photographic record of the site and its surroundings for display by appropriate means of projection at the Committee, item by item, as the agenda proceeds and before any representations are heard or discussion takes place. If the latter arrangement is agreed the Chair and Vice Chair may, as a matter of normal practice, visit each site with a planning advisor prior to the Committee meeting taking place.
- (f) **Quorum (paragraph 6)**. A quorum of 13 members was previously agreed but 9 is now proposed taking into account the proposed increased frequency of meetings.

**Denis Munro**  
**12<sup>th</sup> September 2003**

## STANDING ORDERS FOR MEETINGS OF THE CAIRNGORMS NATIONAL PARK AUTHORITY

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 Chair 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 Chair and Vice Chair on forthcoming agenda items will be held at the discretion of the Chair 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. When a particular planning application is to be included on an agenda, notification will be sent to the applicants and any objectors at the same time as the papers are issued. A letter will inform them that the application is to be determined by the Committee and will confirm the date, time and location of the Committee meeting.

### *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 Chair 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 and demonstrate how this would add to the information covered in the officer report already before Members for consideration. 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 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. In the event that parties are invited to address the Committee, such representations will be limited to five minutes for each party followed by the opportunity for the Committee's planning advisor to respond to any new issues raised or criticisms of the officer report. Members will then have the opportunity to ask questions.
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 either be included with those papers or summarised in them.
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 Chair at the meeting and copies of the relevant correspondence made available to Committee. The Chair 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. The applicant, objectors and others who have already made formal representations may be afforded the opportunity to speak during the course of such site visits under the direction of the Chair or Vice Chair. In such circumstances any oral representations should be restricted to drawing Members attention to particular features of the site and other physical matters relevant to the application, but not reiterate points already made in written representations. Any requests for such oral representations must be addressed under the terms set out in paragraph 8 of this report. Again, where there are a group of individuals with similar views and raising similar points, they will be requested to elect a spokesperson to avoid repetition.

**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 Chair 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.

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 the Member voting will become the decision of the meeting. In the event of the votes for proposals being equal, the Chair may use his 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 will, if he/she asks, if his/her dissent from the eventual decision 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 Chair of the Committee, 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 Chair will close the debate, and no other Member will be allowed to speak. The Clerk or the Chair will announce the terms of the motion and amendment(s) and take the vote.

#### *How votes are taken*

24. Except where the law or the Standing Orders make a different provision, questions coming or arising before the Committee will be decided by a majority of the Members present and voting on that question. A vote will normally be taken by a show of hands.

#### *What happens if votes are equal?*

25. 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*

26. The Chair may adjourn any meeting for a reasonable interval if he/she decides there is a good reason to do so.
27. The Committee may adjourn any meeting for a reasonable interval or to another date as they may agree then, or, failing that, the Chair 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*

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