

**CAIRNGORMS NATIONAL PARK AUTHORITY**

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**DRAFT MINUTES OF THE PLANNING COMMITTEE**

held at Spey & Dee meeting rooms, Grantown on Spey  
on 13<sup>th</sup> September 2019 at 11am

**Members Present**

Eleanor Macintosh (Convener)  
Peter Argyle (Vice Convener)  
Carolyn Caddick  
Deirdre Falconer  
Pippa Hadley  
Janet Hunter  
John Kirk

John Latham  
Douglas McAdam  
Willie McKenna  
Ian McLaren  
Dr Fiona McLean  
William Munro  
Dr Gaener Rodger

**In Attendance:**

Gavin Miles, Head of Planning & Communities  
David Cameron, Directory of Corporate Services  
Alix Harkness, Clerk to the Board

**Apologies:**

Geva Blackett  
Xander McDade  
Judith Webb

Anne Rae Macdonald  
Derek Ross

**Agenda Items 1 & 2:**

**Welcome & Apologies**

1. The Convener welcomed all present.

**Agenda Item 3:**

**Minutes & Matters Arising from the Previous Meeting**

2. The minutes of the previous meeting, 16 August 2019, held at Albert Hall, Ballater were approved subject to the following amendment:

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- Throughout the document Gavin Miles has two different titles, it was confirmed the title with the word 'Communities' in it, was the correct one. To be changed throughout to ensure consistency.
3. There were no matters arising.
  4. **Action:                      None.**

### **Agenda Item 4:**

#### **Declaration of Interest by Members on Items Appearing on the Agenda**

5. No interests declared.

### **Agenda Item 5:**

#### **Review of Planning Committee Standing Orders**

6. The Convener advised that following this discussion and subject to any amendments the Planning Committee Standing Orders would be ratified by the Board next week.
7. David Cameron, Director of Corporate Services introduced the paper which presents a review of the Planning Committee Standing Orders for consideration by the Committee, following adoption of revised Standing Orders for the Cairngorms National Park Authority at the Board meeting on 14<sup>th</sup> June 2019. He highlighted that since writing the paper he had noted in the March Board minutes that there had been an action to increase the Planning Committee quorum from 10 to 13 members and apologised for having omitted this from the draft Standing Orders. He suggested the Planning Committee discuss this further, given some potential risks and difficulties with quorum requirements this may present. He went on to thank a Member for highlighting an inconsistency in paragraphs 11 and 12 (pages 2 & 3) with regards to the period of notification of people making representations and agreed the proposed amendment as 7 calendar days prior to the meeting.
8. The Convener advised that she would be more comfortable with the quorum for Planning Committee to be set at 10 members. David Cameron agreed with this sentiment. David explained that the danger with the position of setting aside Standing Orders if a conflict of interest only became apparent mid-way through a discussion setting the quorum too high may inadvertently put pressure on a Member not to declare such conflict in order to maintain quorum, or declare a conflict with the result of the item of business being deferred due to the meeting becoming inquorate. The Convener agreed and reminded the Committee that the suggested quorum with Planning Committee should Standing Orders be suspended to support consideration of an item of business is that it cannot drop below 7 members. Therefore, there is a

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minimum guaranteed number of members to consider any single item. The Vice-Convenor of the Planning Committee agreed that the sentiment of setting the quorum for the Committee at 10 members was robust. This was agreed.

9. The Committee discussed the draft Standing Orders and made the following points and observations:
  - a) With reference to paragraph 9, suggestion made to add a sentence to provide clarity on how members should deal with email correspondence and explicitly state how they should take it forward. David Cameron agreed and advised that process is that Members are to ensure the correspondence is passed onto the Planning staff so that it can be treated as late representations and taken into account. Gavin Miles, Head of Planning and Communities added that late representations were more and more common for controversial applications and that those who make them deliberately want to exclude the staff however it is imperative that they are taken into account. **A1**
  - b) Suggestion made to provide Members with a stock phrase to respond with upon receipt of such representations. Members wish to be able to recognise and acknowledge any contact while safeguarding the Committee's collective position. It was agreed that this was not appropriate for the Standing orders but David Cameron agreed and suggested drafting some guidance as an annex to the Code of Conduct.
  - c) With reference to paragraph 11, suggestion made to change the word 'any' to 'that' to make it clear that it not only one or all was intended, the Planning Committee at their discretion to decide as and when it was appropriate. This was agreed. **A2**
  - d) At Paragraph 12 could it be explained why it was required? David Cameron advised that it was to make it explicit what the procedure was if the deadline was not met. **A3**
  - e) With reference to paragraph 11, concern raised for the 28 days bearing in mind people may only decide that they wish to speak at the Committee meeting after having read the officers report. Gavin Miles advised that it was currently set at 28 days from the date of Call-in, and that posed an issue with timetabling. He explained that 7 days was the minimal deadline the team could reasonably do, while it also gives applicants the opportunity to withdraw from speaking if they feel it is no longer necessary. David Cameron agreed that it was 7 calendar days and agreed to make this more explicit. **A4**
  - f) With reference to paragraph 13, the current procedure is that those who wish to make an oral representation to the Committee can do, it is not limited to 2 spokespersons. Gavin Miles agreed and reported that where required, the Convenor had allocated equal or agreed parts of the 10 minutes between spokespersons and that this had proved effective and fair. David Cameron

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noted this and agreed to remove the reference to their being a restriction on the number of spokespersons. **A5**

- g) At Paragraph 19 where there is a motion for a site visit, should this motion be put forward prior to the Planning Officer giving their report? The Vice Convener advised that a member should not be coming along to a meeting with the view that a site visit is required prior to hearing the officer's presentation and all the representations being made. He added that Members should be coming along with an open mind and once having heard all the information, should they think a site visit is required before reaching a decision then at that point it would be the point to put forward that motion.
- h) With reference to paragraph 24, if a member was not present at a site visit concern raised that they should not be able to take part in making the decision. David Cameron advised that this point had been debated at length when Standing Orders were last reviewed, with the Committee concluding that members develop an awareness of sites and developments through a number of means and an attendance at a site visit was not a compulsory aspect of participating in a determination. Gavin Miles pointed out that no new information was provided at site visits, the purpose of a site visit was to point out things on the ground in situ. Normally site visits were requested for a particular reason. He added that if an application was controversial Planning Officers would organise a site visit as a matter of course.
- i) The Convener highlighted that the motion on the table would always be the planning officers' recommendation and the amendment would always be the change. This was noted and it was agreed to add a sentence to make this clear.  
**A6**
- j) With reference to paragraph 25, concern raised with the public perception of walking to the corner of the room to get legal wording to support any amendment(s). The Convener advised that she always tried to make it clear at any meeting when this occurs that the purpose is to get the legal wording, with members generally agreeing that this was a necessary element of good governance and ensuring clarity in decision making processes.
- k) Suggestion made to remove paragraph 32 as it was superfluous. This was agreed. **A7** (Post meeting note: in paper to Board David Cameron highlighted that, following further reflection, this paragraph is not in fact superfluous as there may be instances where there are no motions set in a paper which require a motion to be made by a member.)
- l) With reference to paragraph 33, would the mover of a motion be the Planning Officer? David Cameron advised that a member may wish to bring the motion into light.
- m) Suggestion made at paragraph 26 to remove the words 'motion or' from the sentence. This was agreed. **A8**

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- n) Query raised regarding the purpose of paragraph 34. The Convener explained this was to safeguard the capacity for an item of business to be put to a vote, where any member not already involved with the debate, motion or amendment(s) has the ability to seek to draw extended discussion to a close with a motion to move to a decision.
- o) With reference to paragraph 40, did a written scheme of delegation already exist? David Cameron advised that having a scheme of delegation gave a risk of error by omission – with extreme difficulty in trying to capture every possible area of responsibility that is undertaken by the staff team – and a consequent opportunity for being challenged. Therefore it was preferred not to go down this route. He advised that he would make the responsibilities of the Planning Committee more explicit in the Terms of Reference and bring it back to the Planning Committee for comment prior to bringing it before the Board in December for ratification.

### 10. The Committee:

- a) Considered the review of the Planning Committee Standing Orders presented;
- b) Considered further review listed as amendments A1-A8 above be made prior to it being presented to the Board for ratification;
- c) Agreed to seek the Board's approval to rescind prior decision to increase Planning Committee quorum to 13.

### 11. Action Points arising:

- i. **David Cameron to incorporate the Planning Committee's comments and amendments into the draft Planning Committee's Standing orders to be presented to the Board for ratification at their meeting next Friday 20<sup>th</sup> September 2019.**
- ii. **Planning Committee Terms of Reference to be revised and brought to the Planning Committee for comment and any amendments made prior to going before the Board for ratification on 6<sup>th</sup> December 2019.**
- iii. **David Cameron to draft guidance for Planning Committee members on how best to respond to late representations that would be annexed to the Board Members Code of Conduct.**

### Agenda Item 6:

#### Any Other Business

- 12. No items presented.

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13. **Action Points arising:** None.

### **Agenda Item 7:**

#### **Date of Next Meeting**

14. Friday 11<sup>th</sup> October 2019 at Community Hall, Boat of Garten.

15. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Clerk to the Board, Alix Harkness.

16. The public business of the meeting concluded at 11.51.