

## STANDING ORDERS FOR THE CAIRNGORMS NATIONAL PARK AUTHORITY PLANNING COMMITTEE – FIFTH REVISION ADOPTED 30 MAY 2014

1. This paper sets out the procedures which apply to meetings of the Cairngorms National Park Authority (CNPA) Planning Committee. These should be read in conjunction with the Standing Orders which have been agreed by the CNPA Board.

### ***Frequency of Meetings***

2. The Planning Committee will normally meet every four weeks. The Committee shall approve its, and a diary of provisional meeting dates and venues ~~will be approved~~ for each calendar year in advance. Special meetings may be called by the Committee Convenor at other times, giving 7 days notice. 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 3 working days in advance of the previously agreed date.
3. A decision to cancel a meeting because of exceptional adverse weather circumstances will be taken at least one day in advance and notice will be posted at the CNPA offices in Ballater and Grantown-on-Spey and on the website [www.cairngorms.co.uk](http://www.cairngorms.co.uk). CNPA staff will use their best endeavours to notify the cancellation to Committee Members and to those with an expressed written interest in any item on the agenda for that meeting. In the event of a cancellation, business will be carried forward to the next scheduled meeting unless the Committee Convenor calls a special meeting under 2 above.

### ***Pre-Agenda Briefing Meetings***

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

### ***Notice of Meetings***

5. A notice giving details of the meeting will be posted at the CNPA offices and on the website [www.cairngorms.co.uk](http://www.cairngorms.co.uk) 7 days before the meeting. Notices of meetings will also be supplied to each of the local Authority's with part of their area within the National Park for display 7 days prior to the meeting. Applicants, objectors and other representees 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***

6. The Agenda and papers will normally be sent to all Board Members 7 days before each Committee.

## Quorum

7. The quorum of the Planning and Committee to allow a meeting to commence will be 10 Members. No business can be considered at the Committee unless a quorum is present, unless a motion to suspend this standing order has been agreed by the Committee in accordance with this item of the Committee's Standing Orders. An item of business cannot be dealt with if, because one or more members declare an interest, less than a quorum of members entitled to vote on an item remains. To protect the efficient administration of public business and provision of services to the public, the Committee may agree to suspend these quorum requirements for specified items of business should it become apparent that numbers may fall below quorum levels for any reason. A motion to suspend standing orders as regards these quorum requirements for specified items of business must be made and agreed while a quorum of Committee members are present, and prior to commencement of consideration of the items of business in question. Members who have declared an interest in any specific items of business, including items that may be affected by a motion to suspend this standing order requirement for quorum, do not have a conflict of interest in a motion to suspend the quorum requirements of standing orders and may therefore participate in the decision on suspension of quorum requirements. A motion to suspend standing orders as regards quorum of the Planning Committee must include a requirement that the number of members present to consider any individual item of business must not be less than seven members.
8. If, thirty 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 Committee Convenor may decide then or afterwards.

## **Planning Applications: Written Representations**

9. Only representations which are received in writing and/or by email within 28 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. Written representations must be made to designated planning officers at the Authority's stated address or to the designated planning email address.
10. All other written representations will be regarded as 'late letters of representation'. Only in exceptional circumstances, where the contents of a late letter of 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.

## **Planning Applications: 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 ~~28 days of the call-in date of the relevant application~~ 7 days of the meeting which will consider the relevant item of business. 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 to

make oral representations to the Committee is refused the application will be determined without any oral representation.

12. Requests to speak to the Committee received ~~more than 28 days after the call-in date will not be considered~~ less than 7 days prior to the planned commencement of the meeting which will consider the relevant item of business shall not be considered.
13. 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. Where such a group cannot reach agreement on a maximum of two spokespersons, and in the opinion of senior staff in consultation with the Committee Convenor, or Deputy Convenor in the Convenor's absence, there remains a need to limit the amount of representations made to the Committee for reasons of business effectiveness and efficiency, two names of individuals requesting to make representations will be drawn at random and allocated time to address the Committee.
14. Opportunities to address the Committee will be limited to 10 minutes (in total) for the applicant/agent/supporter and 10 minutes (in total) for the objectors. Community Councils that have made a request to speak will be given 10 minutes (in total) to do so. The procedure will be for the applicant/agent/supporter to speak first, objectors to speak second, followed by the Community Council. Members will have an opportunity to ask questions of any of the speakers after they have spoken. The procedure is as follows:
  - a) Applicant/Agent/Supporters
  - b) Questions from members
  - c) Objectors
  - d) Questions from members
  - e) Community Council representation
  - f) Questions from members
15. At the conclusion of this procedure, and before any debate takes place, the Committee's planning officer or relevant CNPA staff will be given an opportunity to respond to any issues raised.

### **Written and Oral Representations on Other Agenda Items**

16. Planning Committee meetings are typically undertaken in public, with papers available for public scrutiny prior to meetings. The Authority may receive written or oral representations on these papers or agenda items from interested parties in the period between publication of the papers and the meeting taking place. The presumption is that Authority's business processes will have afforded appropriate opportunities for interested parties to make their views known prior to papers being finalised and published. Therefore, officials will not circulate such representations, or summary notes of them. Officials may consider reflecting the receipt of further representations since publication of papers within their presentation of items of business to the Committee.
17. Where there are exceptional reasons for circulating such representation or summary notes of representations, the Authority's officials will agree this approach and the rationale for circulation with the Convenor, or with the Deputy Convenor in the Convenor's absence, prior to the meeting.

### **Site Visits**

18. 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.
19. A member may propose a motion for a site visit where they deem this to be essential to the effective determination of a planning application. A motion for a site visit may only be proposed after the officers' presentation on the application and any points of clarification on the officers' presentation have been dealt with. Motions for a site visit must be seconded by another member. Once seconded, the Convenor will identify whether there is unanimous support for this motion or whether a vote on the motion is required. Requests for a site visit will not be accepted by request prior to the start of the meeting.
20. 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.
21. The Head Planner in consultation with the Committee Convenor or Deputy Convenor may also arrange a site visit prior to the matter coming before Committee in which case the same notification procedures will be followed.
22. Further consideration of the application following the site visit will 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/supporters, objectors and Community Councils may attend they have no right to speak.
23. A site visit is managed by the Committee Convenor. CNPA officers will provide a short presentation on the proposal and point out any relevant features of the site and its surroundings. Members of the Committee may ask, via the Committee Convenor, questions about matters relating to the site to officers, applicants or their agents, or objectors. Non-Members present will only be allowed to speak on the direction of the Committee Convenor and they will be permitted only to point out features of the site or building, land ownership and means of access. No discussions on the merits of a proposal, or decisions, and no oral representations of any form will take place during site visits.
24. Members make themselves familiar with sites in a number of different ways and non-attendance at a site visit will not preclude Members from taking part in the decision process on an item at a formal Committee meeting.

## **Planning Committee Decisions**

### ***How motions and amendments are moved and decided on***

25. 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. At the request of a member and with approval of the Convenor, or on the decision of the Convenor of the meeting, the meeting may be adjourned to allow a member to seek professional or legal advice on the wording and / or competence of a potential motion. If the Committee Convenor 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. Whenever there is a requirement for a motion or amendment to be written down, signed and read back to the meeting, the Convenor of the

meeting shall adjourn the meeting until the written version of the motion or amendment has been prepared. This will only be read back to the meeting once the Convenor has called an end to the adjournment and recommenced the Committee meeting. Votes will be recorded by a roll-call.

26. A motion or amendment that is contrary to the officer's recommendation shall include clear planning reasons.
27. 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.
28. 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. 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.
29. 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.
30. A motion or amendment may be withdrawn by the mover if his/her seconder agrees. Such a motion or amendment will not be inserted in the minutes.
31. 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. This is irrespective of the timing of any such motions within the Committee's proceedings. Therefore this paragraph takes precedence over other paragraphs in this section of the Standing Orders regarding Committee Decisions.
32. The Committee Convenor, if present, has the right to move approval of the report of, or minute of, that meeting.
33. The mover of an amendment and the mover of the original motion each has a right to address the Committee of reply, in that order. Where there are multiple amendments, the mover of the last amendment may address the Committee first, followed by the mover of the second last amendment, as so on, until the process finishes with the mover of the original motion addressing the Committee last. When the mover of the original motion has addressed the Committee replied, the Committee Convenor will close the debate, and no other Member will be allowed to speak. The Clerk or the Committee Convenor will announce the terms of the motion and amendment(s) and take the vote.
34. At any meeting of the Committee, any member who has not spoken on a matter being discussed, may move a motion (without making a speech), "That the question be now put", where at least 5 members (excluding the movers and seconders of the original motion and any amendments) have spoken on the matter.
35. On the motion being seconded, the Committee Convenor shall put the same to the meeting without speeches or discussion, and the vote shall be taken by a show of hands. If the motion for closure of debate is carried, ~~the mover of the original motion shall have the right~~

~~of reply and thereafter~~ the matter under discussion shall be voted on in the ordinary way as set out in paragraph 33 to cover any amendments made to that point together with the original motion. ~~if only~~ the original motion has been put to the Committee and this is not carried, the debate shall be resumed. Otherwise, the decision reached by the vote shall be the decision of the Committee and the item of business closed.

36. The Committee will give planning reasons at the meeting where the decision on a planning application or other matter is contrary to the officer's recommendation. The precise reasons for refusal or full terms of approval, including conditions and any legal agreements, shall thereafter be agreed by the Head Planner in consultation with the Committee Convenor or Deputy Convenor. The Minutes will reflect those reasons and if conditions or legal agreements required cannot be agreed then they will be brought back to Committee for approval.

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

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

#### **Procedural Motions**

##### **Adjourning a meeting**

38. The Committee Convenor may adjourn any meeting for a reasonable interval if he/she decides there is a good reason to do so.
39. The Committee may adjourn any meeting for a reasonable interval or to another date as they may agree or, if no decision on a date, the Committee Convenor will 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.

#### **Delegation of Responsibilities**

40. The Planning Committee may delegate authority for discharge of its responsibilities to planning officials. ~~Any delegation of responsibility to officials will be set out in a written scheme of delegation. The scheme of delegation shall be approved by the Committee before officials have the right to act in a delegated capacity. Routine operational decision-making necessary to maintain an efficient planning function, including but not limited to provision of professional planning advice, discharge of and compliance with conditions, non-material variations and the call-in of planning applications, is delegated to officials. The Chief Executive shall ensure an appropriate hierarchy of decision-making is established within the officer team for effective discharge of these operational functions.~~

#### **Suspending Standing Orders**

- ~~41. The provisions of these Standing Orders may be suspended by a motion supported by a majority of the Committee members. Notwithstanding this provision, no standing order may be suspended if this would contravene any statutory provision or direction made by Scottish Ministers.~~

#### **Amendment of Standing Orders**

42.41. These standing orders may be varied, revoked or added to only by the NPA Board, and any such alternation will require the consent of a majority of members voting. Notice of the intention to bring forward proposed amendments to standing orders must be signified at the Committee meeting prior to the Board meeting at which proposals will be considered. Notwithstanding this provision, no standing order may be amended if this would contravene any statutory provision or direction made by Scottish Ministers.