
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: Planning Committee Operating Arrangements

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Purpose

To agree modifications to the Standing Orders for Planning Committee meetings and decide on new arrangements for calling-in planning applications.

Recommendations

That the Board:

- a) Agrees changes to Standing Orders for Planning Committee as set out in **Annex I**;
and
- b) Agrees new arrangements for calling in planning applications based on officers' report being available online or by email (Option 4), only to take effect once a suitable and satisfactory period of testing has taken place.

Executive Summary

A number of changes to Standing Orders are set out for agreement, in the wake of changes to Board size and membership and other changes. Options are presented for a new way of conducting call in arrangements with recommendations that we move to a process based on officer recommendations and Board scrutiny using the availability of an online presentation. The new arrangements would only be brought in once a suitable period of testing has taken place.

BOARD OPERATING ARRANGEMENTS FOR DECISION

Background

1. This paper concerns procedures for the Planning Committee and proposes a set of changes to deal with changes in Board size and membership and which will also improve efficiency and effectiveness. An associated paper proposes changes to Board arrangements generally and a further paper will be brought forward on Board meeting arrangements towards the end of the year.
2. The proposals are part of a wider set of changes to planning procedures that will be implemented over the next few months. These changes arise from a number of coinciding factors, including:
 - a) recommendations of a Planning Effectiveness Review of the Development Management function carried out by Deloitte (August 2010);
 - b) New opportunities to do things differently – i.e. the change to the Designation Order that will allow greater delegation of functions by Planning Committee;
 - c) The likely approval in the near future (29 October) of the first Local Plan for the Park which will mark a significant change in how planning function is delivered.
3. A further paper on a Planning Service Improvement Plan, scheduled for mid-November, will cover many of the proposed changes.

Changes to Standing Orders

4. Standing Orders (SOs) govern the procedures for handling business at meetings. In general terms the Planning Committee has functioned very effectively since its inception. However, it is timely to consider a number of modifications at this time for reasons set out above and also based on our experience to date and best practice elsewhere.
5. Proposed new Standing Orders are attached at **Annex I**. The main proposed changes are:
 - a) Removal of all text relating to “call in” arrangements (in line with recommendation later in this paper that this function does not take place at formal meetings).
 - b) SO 3: New arrangements for adverse weather.
 - c) SO 3, 5, 9: Reference added to availability of papers on website as well as CNPA offices.
 - d) SO 7: Quorum of half the total plus one; with the new Board of 19 this would become 10. Increase in time for quorum to be present.
 - e) SO 9: Anyone wishing to make oral representations at the meeting must have already made written representations; they must give 72 rather than 48 hours notice (with exception of Community Councils who have 48 hours notice), CNPA will make papers available on website 7 days before meeting.

- f) SO 10: Groups with same view who wish to speak at meetings should nominate spokesperson, ideally in advance (data protection legislation prevents CNPA from putting people in touch with each other), otherwise Convener allows 5 minutes to sort out.
- g) SO 11: Time available to speak at meetings will be 10 minutes for applicant/supporters, 10 min for objectors, 5 minutes for Community Councils. We propose removal of the provision previously available for speakers to question each other and made provision for Convener to ask any of them back after all have spoken. Everyone should state at outset if they want to speak at meetings; it should not be dependent on others or what they say.
- h) SO 13: Papers lodged within 48 hours of a meeting will not be brought to Members' attention.
- i) SO 14 -17: Expanded provisions for conduct at site visits and clarification that non-attendance at site meetings does not exclude members from debate and decision-making processes.
- j) SO 26: The making of a motion or amendment contrary to officers' recommendation must include clear planning reasons.
- k) SO 27, 28: Procedures to help the Convener avoid prolonged and repetitious discussion.
- l) SO 29: Procedures for agreement of precise reasons for refusal or conditions, terms of S75 Agreements, etc.

Recommendation

- 6. That the Board agrees changes to Standing Orders for Planning Committee as set out in **Annex I**.

“Call in” Arrangements

- 7. “Call-in” is the process by which the CNPA decides which planning applications to determine. All planning applications within the National Park are made to the relevant local authority in the usual way; they notify the CNPA who then have 21 days in which to indicate whether or not the application “...in the opinion of the Authority, raises a planning issue of general significance to the National Park aims...” (Source: Cairngorms National Park Designation Order 2003). Application which are of general significance are “called-in” and then determined by CNPA. If the decision is not to call in an application, it is dealt with by the local authority in the usual way.
- 8. Over the past 7 years the call-in rate has fallen from a starting high of around 17%, to around 12% now. The fall undoubtedly reflects a growing confidence in such decisions. Very few decisions go against recommendation, suggesting a degree of common understanding between staff and Board.
- 9. Because of the time limit of 21 days, in practice this has meant meeting every fortnight to make these decisions. Our original intention of having a small committee to deal with the decision on call-in proved impossible because of a minor but significant error in the Designation Order which established the CNPA, with the consequence that such decisions had to be taken by the Planning Committee (which

was already a committee of the whole Board, for good reason). So the call-in decisions became the first piece of business before every Board meeting and Planning Committee (only lasting about 30-45 minutes); it also drove the decision to hold meetings every fortnight, and pack all our business into those 2 days a month – all committee meetings, and discussions/ briefing etc have been held on Board days.

10. With the change in the designation order, we are now free to deal with the call-in decisions in a more efficient way, freeing up more time on Board meeting days and Planning Committee days to deal with more strategic matters. A new proposal for call in arrangements is set out below.
11. As a result of review activity through Management Team, helped by informal discussion with Board members, a number of key considerations are worth bringing to the attention of the Board:
 - a) *Resource efficiency*: The current arrangements are costly in terms of Committee member time (at meetings and for travel) and have significant environmental consequences that we are committed to address though other business targets (e.g. use of fossil fuel and carbon contributions).
 - b) *Decisions in line with recommendations*: A very significant proportion of decisions are taken in agreement with officers' recommendations. Officers now have considerable experience of the nature and scale of applications that members are likely to want to call in.
 - c) *Focussing resources on key areas*: Many of our decisions, to call in an application or not, are perfectly straightforward. There is an opportunity to focus Committee resources more effectively on those applications that are border-line in terms of significance to the Park. For example, only very basic details need to be provided for very simple and straightforward applications that clearly do not pass the test of general significance to the aims of the Park.
 - d) *Commenting on applications not called in*: In the past members have on occasion wanted to comment on applications that were not called in. Now that the new Local Plan is almost in place the rationale to do so is less strong – those applications not called in will be assessed against the same Local Plan (with exception of applications in Perth and Kinross until the new Local Development Plan is approved). As part of bringing in the new arrangements it would be desirable for CNPA to comment less frequently on non called-in applications and trust local authority partners to assess the applications effectively. Compliance with the new Local Plan will of course be monitored. Any comments that are proposed by members as part of the decision to call in should however be recorded and appear on the note of the decision-making process.
 - e) *Transparency*: Public attendance at call-in meetings has been exceptionally low. But this is not to say there is no public interest in how and why applications are called in. There is need for transparency so that any interested member of the public can continue to see officer recommendations, the decisions made and the reasons for taking them. Formal records of officers' recommendations, the decisions made and the rationale must be kept and made publicly available.
 - f) *Declarations of interest*: At times, members have required to declare direct or indirect interests. If members are to continue to take decisions based on officer recommendations, provision to do so requires to be in place.

12. Looking to the future there are essentially four options:

Option	Advantages	Disadvantages
1. No change – Committee continues to meet every two weeks.	a) Continuity	a) Resource intensive, financially and environmentally b) Does not make use of new flexibility arising from modified Designation Order
2. Delegate call-in entirely to officers:	a) More resource efficient than Option 1 b) Retains member involvement	a) Lack of member “buy in” to process as applications progress through the system c) Risk of public perception that process is less transparent
3. Sub-committee meets for call-in function only	a) Slightly more efficient than Option 1 b) Retains Member involvement	a) Onerous for some Members b) Mismatch between Members calling-in applications and taking decisions
4. Officers make recommendations through a report/presentation available online/by email; Members scrutinise report and have the option to disagree with officer recommendation. At least two Members disagreeing with recommendation results in decision by Convener and Deputy Convener of Planning Committee.	a) Much more efficient , financially and environmentally b) Retains Member involvement c) Focuses Member attention on most significant issues at stake	a) Risk of public perception that process is less transparent

13. Option 4 is recommended on the basis that it provides the most practical and resource efficient approach. However, it is very important that, before any new procedure is put in place, we can be sure it will work effectively. This is especially important given that we have a number of new Board members and other changes are ongoing at present (e.g. introduction of E-Planning procedures, changes to CNPA website, etc).

14. If the recommended option is approved it is proposed that that we proceed on the following basis

- a) **Test period:** Normal call-in meetings take place until around the end of November and a test of the new arrangements is run in parallel with Board members. If tests prove satisfactory new procedures should take effect in early to mid-December.
- b) **Call-in Procedure Note:** As part of the testing period officers will draw up a Procedure Note describing how the new system works. This should be

approved by the Committee at end of test period and made available for everyone to see online.

Recommendation

- 15. That the Board agrees new arrangements for calling in planning applications based on an officers' report being available online or by email (Option 4), only to take effect once a suitable and satisfactory period of testing has taken place.**

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STANDING ORDERS FOR THE CAIRNGORMS NATIONAL PARK AUTHORITY PLANNING COMMITTEE – DRAFT SECOND REVISION [*Date Approved*]

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

Frequency of Meetings

2. The Planning Committee will normally meet every four weeks, 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 Convener 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.
3. A decision to cancel a meeting because of exceptional adverse circumstances (for example, the weather) 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 . CNPA staff will endeavour 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 Convener calls a special meeting under 2. above.

Pre-Agenda Briefing Meetings

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

Notice of Meetings

5. A notice giving details of the meeting will also be posted at the CNPA offices, and on the website www.cairngorms.co.uk, as well as the offices of each of the local Councils within the Park. Applicants, objectors and others who have made representations 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 papers will normally be sent to all Board Members seven days before each Committee.

Quorum

7. The quorum of the Planning Committee will be 10 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.
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 Convener may decide then or afterwards.

Oral Representations

9. In relation to the determination of applications called-in by the CNPA, any applicants, supporters or objectors who have made previous written representations and who wish to make oral representations to the Committee, or make themselves available to answer questions, in respect of an agenda item must request to do so in writing (including by e-mail) to planning officials at the CNPA at least 72 hours prior to the time of the meeting. In doing so, they must set out clearly the reasons for wishing to address the Committee. If an objection is proposed, it must be competent in planning terms. 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 72 hours before the appointed time of a Committee meeting will not be considered, except in the case of Community Councils when such a request must be made at least 48 hours prior to the time of the meeting. The agenda and papers will normally be available at the CNPA offices and on the website www.cairngorms.co.uk seven days before the meeting to allow parties to consider if they wish to submit such a request.
10. 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. Where possible individuals will be advised of this in advance of the commencement of the meeting. If this has not been achieved the Committee Convener may allow 5 minutes before the relevant item for this to take place. This will ensure that such representations can be dealt with efficiently within the formal Committee meeting.
11. Opportunities to address the Committee will be limited to 10 minutes (in total) for the applicant and supporters and 10 minutes (in total) for the objectors. Community Councils who have made a request to speak will be given 5 minutes to do so. The normal procedure will be for the applicant/supporters to speak first, objectors to speak second and Community Councils to speak last. Members will then have opportunities to ask questions of any of the speakers. Having heard all of the speakers the Convener may ask any of them to come forward again and respond to any further questions that members may have. At the conclusion of this procedure,

and before any debate takes place, the CNPA planning officer will be given an opportunity to respond to any new issues raised or criticisms of the officer report.

Written Representations

12. Written representations which are received before the Committee papers are issued will be included with those papers.
13. Where applicants/supporters, objectors or Community Councils make written representations (including by email) after the Committee papers have been issued, but no less than 48 hours prior to the meeting, this will be drawn to the Committee's attention by the Convener at the meeting and copies of the relevant correspondence made available to Committee. The Convener 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 be permitted to be drawn to Members' attention due to the lack of time to properly scrutinize its contents.

Site Visits

14. 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. The Head of Development Management in consultation with the Committee Convener or Vice Convener may also arrange a site visit prior to the matter coming before Committee in which case the same notification procedures will be followed.
15. 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.
16. A site visit is managed by the Committee Convener. 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 Convener, 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 Convener 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, will take place during site visits.

17. Members may 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

18. 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 Committee Convener 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. Votes will be recorded by a roll-call.
19. 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.
20. 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 votes will become the decision of the meeting.
21. 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.
22. 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.
23. 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.
24. The Committee Convener, if present, has the right to move approval of the report of, or minute of, that meeting.
25. 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 Committee Convener will close the debate, and no other Member will be allowed to

speak. The Clerk or the Committee Convener will announce the terms of the motion and amendment(s) and take the vote.

26. A motion or amendment that is contrary to the officer's recommendation shall include clear planning reasons.
27. At any meeting of the Committee, if five or more Members of the Committee (in addition to the mover and seconder of the motion and any amendments) have spoken on a matter, any member who has not spoken on the matter may move for the debate to be closed, and the motion and any amendments be voted upon.
28. On the motion being seconded, the Committee Convener 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 and of any amendments shall have the right of reply and thereafter the matter under discussion shall be voted on in the ordinary way; if the motion is not carried, the debate shall be resumed.
29. Where the decision on a planning application or other matter is contrary to the planning officer's recommendation, the precise reasons for refusal or full terms of approval, including conditions and the terms of any matters to be contained in a legal agreement, shall thereafter be agreed by the Head of Development Management in consultation with the Committee Convener or Vice Convener.

What happens if votes are equal?

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

Procedural Motions

Adjourning a meeting

31. The Committee Convener may adjourn any meeting for a reasonable interval if he/she decides there is a good reason to do so.
32. 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 Convener 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.

Suspending Standing Orders

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

Cairngorms National Park Authority