

STANDING ORDERS FOR THE CAIRNGORMS NATIONAL PARK AUTHORITY PLANNING COMMITTEE – **FIFTH REVISION** ~~ADOPTED 14 SEPTEMBER 2012~~ **PRESENTED 21 MARCH 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, 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 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. 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 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 be posted at the CNPA offices and on the website www.cairngorms.co.uk 7 days before the meeting. ~~as well as the offices of each of the local Councils within the National Park,~~ **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.**¹ 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.

¹ Cannot require local authorities to display notices of meetings. Therefore standing orders reflect the requirement to supply the notice which is within our control rather than it be "posted".

Quorum

7. The quorum of the Planning and 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 entitled to vote on an item remains.
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.

Planning Applications:² Written Representations

9. Only representations which are received in writing and/or by email within ~~21~~ 28³ 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.**⁴
10. All other written representations will be regarded as 'late letters of representation'. Only in exceptional circumstances, where the contents of a late letter 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:⁵ 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 ~~21~~ 28⁶ days of the call-in date of the relevant application. 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 is refused the application will be determined without any oral representation.

² Clarification that this section relates only to practices related to determination of planning applications.

³ Extension of period for making written representations, to meet previous representations on this matter received from Community Councils.

⁴ Clarification to provide for potential publication of all members' email contacts to ensure that formal written representations must be made to designated offices or email addresses and avoid risk of direct contact to other officers or members not being communicated internally yet expected by correspondents to be a valid representation.

⁵ As 2, clarification of applicability of section to determination of planning applications.

⁶ Extension of period for making oral representations, to meet previous representations on this matter received from Community Councils.

12. Requests to speak to the Committee received more than ~~21~~ ²⁸⁷ days after the call-in date will 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.
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.

Site Visits

16. 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.
17. 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 meeting⁸.
18. 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.

⁷ Extension of period for making oral representations, to meet previous representations on this matter received from Community Councils.

⁸ Clarification of process for members' proposal for a site visit.

19. The Head Planner 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.
20. 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.
21. 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, **and no oral representations of any form⁹** will take place during site visits.
22. 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

23. 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.
24. A motion or amendment that is contrary to the officer's recommendation shall include clear planning reasons.
25. 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.
26. 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.¹⁰~~ 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.

⁹ Expansion and making clear that oral representations will not be permitted at a site visit, helping to define what matters may or may not be raised by non members at the Convener's discretion.

¹⁰ This sentence seems unnecessary. Delete.

27. 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.
28. 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.
29. 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.
30. The Committee Convener, if present, has the right to move approval of the report of, or minute of, that meeting.
31. 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.
32. 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.
33. 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 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.
34. 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 Convener or Vice Convener. 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?

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

Written and Oral Representations on Agenda Items

36. **As 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. Typically, the presumption is that Authority's officials will not circulate such representations or summary notes of them.**

Officials may consider reflecting the receipt of representations within their presentation of items of business to the Committee.

37. 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 Convener, or with the Vice Convener in the Convener's absence, prior to the meeting.¹¹

Procedural Motions

Adjourning a meeting

38. The Committee Convener 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 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.

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 and approved by the Committee.¹²

Suspending Standing Orders

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

¹¹ I understand there is a wish to be explicit on the approach to receipt of general representations on planning committee agenda items, such as where position on proposed windfarm developments are to be discussed. This section seeks to clarify approach.

¹² Clarification / make explicit approval to Committee to delegate authority for discharging responsibilities to planning officials.