



## Standing Orders for Planning Committee Meetings of the Cairngorms National Park Authority

### Purpose

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

### Frequency and Location of Meetings

1. The Planning Committee will normally meet every six weeks. The Committee shall approve in advance of each calendar year a provisional set of dates and venues for its planning meetings. The schedule will be published on the Park Authority website and posted in the reception area of the Park Authority offices and will be notified to the five local authorities with part of their area within the National Park. Special meetings may be called by the Planning Convener at other times, giving seven days' notice, when it appears that an item of business requires urgent attention. In the absence of the Planning Convener, a special meeting may be convened by the Deputy Planning Convener.
2. Committee meetings will normally be held in hybrid format from the Park Authority's offices in Grantown-on-Spey. To ensure the effective operation of hybrid meetings, members shall have their camera switched on when attending hybrid meetings online (unless there is a technical reason why it is not possible at that meeting). When determining planning applications that raise issues of particular significance, committee meetings may be held in person at a location close to the site of the proposed development. The need for any such in person meetings will be identified through agreement between the Head of Planning and Chief Planning Officer and the Planning Convener or Deputy Planning Convener. The meeting venue will be notified with the agenda papers.
3. Meetings may be cancelled where there is no business to be considered and notice of such cancellations will be given at least three working days in advance of the previously agreed date. A decision to cancel a meeting because of other exceptional circumstances will be taken at least one day in advance and notice will be posted at the Park Authority offices in Grantown-on-Spey and on the website [www.cairngorms.co.uk](http://www.cairngorms.co.uk). Park Authority 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 paragraph one above.

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

4. Pre-agenda meetings to brief the Planning Convener and Deputy Planning Convener on forthcoming agenda items will be held at the discretion of the Planning Convener, normally during the week prior to the distribution of agenda papers. The meeting will be scheduled once the agenda has been established and prior to the planning committee.

### **Notice of Meetings**

5. A notice giving details of the Planning Committee meeting will be posted at the Park Authority offices and on the website [www.cairngorms.co.uk](http://www.cairngorms.co.uk) seven days before the meeting. Notices of meetings will also be supplied to each of the local authorities with part of their area within the National Park. Applicants and other people making representation on 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 seven days before each Committee meeting and will be published on the Park Authority website other than where there are confidentiality considerations.

### **Quorum**

7. The quorum of the Planning Committee to allow a meeting to commence will be 10 members. The quorum of 10 members will apply regardless of vacancies in membership. 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. If the Planning Convener finds during a Planning Committee meeting that the number of members present has reduced below the quorum:
  - a) The item of business shall be deferred if members leaving the meeting as a consequence of declarations of interest in that item is the cause of the quorum not being met; or
  - b) The meeting shall end at that point should a quorate meeting not be able to progress.



8. 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.
9. 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.
10. 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**

11. A minimum of 28 days will be permitted for representations on planning applications. Only representations which are received in writing and / or by email within 21 days of the date on which the application will be considered 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 Park Authority's stated address or to the designated planning email address. Written representations received by members are not deemed to have been properly received in terms of these standing orders irrespective of the date of sending or receipt. On receipt of any such representations, members may inform the sender that the required process is to submit written representations to designated planning officers at the Park Authority's stated address or to the designated planning email address. Members may forward such representations to the appropriate planning officer. Members may elect at their sole discretion not to respond to someone sending a written representation and / or elect not to forward the representation received to planning officials. Such action does not signify any failure of planning process, as only written representations made to designated planning officials within the timetable set out in these standing orders are valid representations for inclusion in Committee papers or to be put before members of the Planning Committee.



12. All other written representations not meeting required criteria set out in paragraph 12 will be regarded as 'late letters of representation'. Only in exceptional circumstances, where the contents of a late letter of representation are, 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

13. In relation to the determination of applications called-in by the Park Authority, any applicant / agent / supporter, objector and Community Council who has made a valid representation on a planning application qualifying under Section 12 of these Standing Orders, 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 Park Authority. Requests must be received by planning officials no later than seven calendar days prior to 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 each request. If such a request to make oral representations to the Committee is refused the application will be determined without that specific oral representation.
14. Requests to speak to the Committee received fewer than seven days prior to the planned commencement of the meeting which will consider the relevant item of business shall not be considered.
15. Where a number of individuals wish to raise similar points in objection or support of an application, they will be asked to elect 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.
16. 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 to the applicant / agent / supporters



- c) Objectors
- d) Questions from members to the objectors
- e) Community Council representation
- f) Questions from members to the Community Council

17. At the conclusion of this procedure, and before any debate takes place, the Committee's planning officer or relevant Park Authority staff will be given an opportunity to respond to any issues raised.

### Written and Oral Representations on Other Agenda Items

18. Planning Committee meetings are typically undertaken in public, with papers available for public scrutiny prior to meetings. The Park 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 Park 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.
19. Where there are exceptional reasons for circulating such representation or summary notes of representations, the Park Authority's officials will agree this approach and the rationale for circulation with the Planning Convenor, or with the Deputy Planning Convenor in the Planning Convenor's absence, prior to the meeting.

### Site Visits

20. The normal method of appraising Committee Members of the characteristics of any item which is on the agenda will be through a combination of the relevant committee report and an appropriate presentation from officers on the item at the committee meeting. The officer presentation will include photographic images relevant to each planning application, with any necessary commentary, prior to the hearing of any representations or questions on that application.
21. Where a planning application is considered to raise issues of particular significance and / or it is considered that the nuances of an application may be difficult to fully represent through normal presentational methods, the Head of Planning and Chief Planning Officer in consultation with the Planning Convener or Deputy Planning Convener may arrange a site visit



prior to the matter coming before the Planning Committee. When such a site visit is deemed necessary, a suitable time will be arranged and officers will notify in writing all Committee Members, the applicant, and any objectors or other third parties of the date and time of the visit.

22. Further consideration of the application following the site visit will be made at a future Committee meeting. Member attendance at site visits is required, and non-attendance will preclude Members from taking part in the decision process for the relevant item at the subsequent Planning Committee meeting. A site visit is part of the formal decision-making process of the Committee and, as such, a quorum will be required in order to support determination at a subsequent meeting. Members must also be aware of the arrangements concerning managing conflicts of interest as any involvement in a site visit where attendance is a requirement forms part of the formal determination process. While applicants / supporters, objectors and Community Councils may attend they have no right to speak at these site visits.
23. A site visit is managed by the Committee Convener. Park Authority 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 form will take place during site visits.
24. Any Member may also propose a motion for a site visit where they deem this to be necessary for the effective determination of a planning application. A motion for a site visit may only be proposed after the officer's presentation on the application and any points of clarification on the officer's presentation have been dealt with. Requests for a site visit will not be accepted prior to the start of the Committee meeting. Motions for a site visit must be seconded by another Member. Once seconded, the Committee Convener will identify whether there is unanimous support for the motion or whether a vote on the motion is required. Where such a motion is passed, the decision on the relevant planning application will be deferred and the site visit will be arranged prior to the next Committee meeting. When a suitable time for the site visit has been arranged, officers will notify in writing all Committee Members, the applicant, and any objectors or other third parties of the date and time of the visit, and the



visit will be carried out in accordance with the normal procedures outlined in paragraphs 23 and 24.

## **Planning Committee Decisions**

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

25. Where an item of business involves a paper from officials presenting a recommended course of action, the recommendations set out in the paper shall be the “original motion” for all such items of business. The original motion arising from a written recommendation by officials is established by the paper without need for any further action, with the original motion deemed to have been proposed and seconded. Other than original motions established by the circulation and presentation of a paper by officials, every amendment must be moved and seconded. The terms of all amendments will be stated immediately when they are proposed and before the member speaks to the amendment. At the request of a member and with approval of the Planning Convener, or on the decision of the Convener 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 amendment. Once the member has received that advice, the Planning Committee Convener will call an end to the adjournment and recommence the meeting.
26. All amendments 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. Amendments which are not seconded will not be discussed. The minutes will record that an amendment was proposed but it was not supported. Any Member who has moved an amendment and who is in a minority of one may ask for their dissent from the eventual decision to be recorded in the minutes.



30. An amendment may be withdrawn by the mover if their seconder agrees. Such an amendment will not be inserted in the minutes.
31. In instances where there are no written recommendations included as part of a paper or report, a motion for the approval of a report of, or a minute of, a committee meeting 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.
32. The Planning Convener, 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, where a member has specifically moved and had seconded an original motion, each has a right to address the Committee, 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, the Planning Committee Convener will close the debate, and no other Member will be allowed to speak. The Clerk or the Planning Committee Convener will announce the terms of the motion and amendment(s) and take the vote. The vote will proceed as set out in paragraph 29.
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 five 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 matter under discussion shall be voted on in the ordinary way as set out in paragraph 34 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 of Planning and Chief Planning Officer in consultation with the Planning Convenor or Deputy Planning 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 Planning Convener 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 they decide 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 ask the Committee Convenor and officers to identify 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. 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, negotiation and conclusion of planning obligations and legal agreements, monitoring and enforcement processes except those which involve serving formal enforcement notices, 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. This will involve, as appropriate to the relevant function, the Director of Planning and Place, Head of Planning and Chief Planning Officer, Planning Manager (Development Management), and Planning Manager (Forward Planning and Service Improvement).



## Amendment of Standing Orders

41. These standing orders may be varied, revoked or added to only by the Park Authority 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.