

## **Planning and Access Committee Standing Orders**

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### **Commencement**

**These Standing Orders shall apply from 7th December 2020**

### **Definitions Section**

Applications	As defined in Section 2, paragraph 6 of the Scheme of Officer Delegation relative to planning.
Chair	The person appointed by the Park Authority to preside at the Committee.
Clear Working Days	When referring to service of notices, the term “clear working days” refers to weekdays, excluding weekends, Bank Holidays, local or national holidays, the day the Notice is posted and the day the meeting is held.
Committee	The Loch Lomond and the Trossachs National Park Authority Planning & Access Committee.
Clerk	The Officer responsible for minuting a meeting of the Committee.
Depute Chair	The person appointed by the Park Authority to preside at the Committee in the absence of the Chair.
Legal Clerk	A person employed by the Park Authority or otherwise who is suitably qualified to provide advice and assistance to the Committee in respect of these Standing Orders.
Member	A Park Authority Board Member appointed to serve on the Committee.
Park Authority	The Loch Lomond and the Trossachs National Park Authority.
Director of Rural Development and Planning	The Director of Rural Development and Planning or an appropriate senior officer of the Park Authority.

### **Remit**

1. These Standing Orders govern the procedure of meetings of the Committee. In addition to these Standing Orders, the Park Authority Standing Orders also apply. In the case of conflict between the two sets of Standing Orders, the Committee Standing Orders take precedence.

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### **Frequency of Meetings and Procedural Matters**

2. The Committee will meet on a monthly basis or at such other frequency as is required to consider Planning and Access Committee business. Additional meetings can be called at the Chair's discretion by giving notice of seven Clear Working Days. The meeting venue may be varied and this will be notified with the agenda papers. Meetings may be postponed or cancelled by the Chair, acting in consultation with the Director of Rural Development and Planning, where there is insufficient business, or where there are other good reasons to do so. One week's notice (unless the Chair in consultation with the Director of Rural Development and Planning considers that this is not reasonably practicable) must be given of the postponement or cancellation of any Meetings.
3. The Committee may adjourn any meeting for a reasonable interval or to another date as they may agree then, or failing agreement as to a date, the Chair may decide a date at their discretion. The vote on a motion to adjourn, on being seconded, will be taken without amendment or discussion and by a show of hands. Unless the meeting is being held under Park Authority Board Standing Order 25 and in which case Members will indicate their voting intentions by verbal confirmation. If a motion is made to adjourn and is not carried, a similar motion will not be competent within an hour of the previous motion having been made.
4. The Chair may, without a vote, adjourn any Committee meeting for a reasonable interval, to a time they may then or afterwards fix, in the event of disorder arising.

### **Notice of Meetings**

5. Notice of the Committee meeting will be placed at the Park Authority Headquarters, on their website and may be displayed at the headquarters of each of the local authorities within the Park area (namely West Dunbartonshire Council, Stirling Council, Argyll and Bute Council and Perth and Kinross Council). For each planning application included on an agenda, notification will be sent to both the applicants and all relevant parties (those who have made a representation) confirming the date, time and location of the Committee meeting.

### **Agenda Papers/Applications**

6. The agenda and papers for a Committee meeting will be circulated in accordance with the Standing Orders of the Park Authority.
7. The Committee will consider all Applications except:
  - a. Applications delegated to officers for decision as set out in Appendices 1 and 2 to these Standing Orders and as noted in paragraphs 54 and 55 below;
  - b. Applications as defined under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 as may be modified, extended or re-enacted from time to time which are:
    - i. applications for 'national developments'

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- ii. applications for 'major developments' (where the Chair of the Planning and Access Committee in consultation with the Director of Rural Development and Planning is of the opinion that there would be a significant departure from the Development Plan were the application to be approved);
  - c. Applications for 'local developments' which are in the opinion of the Chair of the Planning and Access Committee in consultation with the Director of Rural Development and Planning, if approved, to represent a major departure from planning policies as set out in the Development Plan. In such occasions, the application will be referred to the next available meeting of the Board for decision;
  - d. Applications where the Chair of the Planning and Access Committee in consultation with the Director of Rural Development and Planning is of the opinion that it would be appropriate for the Board to take the decision on the Application for reasons, including the application raising new or significant issues or public interest meriting determination at Board.
8. Pre-determination hearings when the Chair of the Planning & Access Committee in consultation with the Director of Rural Development and Planning in their opinion consider it appropriate for a pre-determination hearing to be held.

### Membership and Quorum

9. The membership of the Committee is up to twelve Members. The quorum of the Committee is five Members. No business will be transacted at a Committee meeting unless a quorum is present. If the Chair finds during a Committee meeting that the number of Members present has fallen below the quorum (for example because one or more Members has declared an interest and cannot participate in an item), the Committee meeting shall end at that point. It will be recorded that no further business was considered because there was no quorum. All attendance and absences shall be recorded in the minutes of the Committee meeting.
10. If, ten 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. In those circumstances, the meeting will be adjourned to another time on the same day, or to another date and time at the Chair's discretion.
11. Members will be expected to attend Committee meetings regularly.
12. People who are not Members of the Committee may be invited by the Chair to attend for all or part of the Committee meeting, but they will not be entitled to vote.
13. Any Member wishing to leave during the course of the Committee meeting must indicate their departure to the Chair, prior to leaving.

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14. Members must be present at the start of an item in order to participate. An item starts when the officer starts their presentation of an item. If a Member arrives after an officer begins their presentation, they should not participate in either the debate or any vote relative to that item.
15. All Members shall be eligible to sit on the Local Review Body of the Park Authority.

### **Declarations of Interest**

16. At the start of every meeting of the Committee, Members should declare if they have any interest in any item on the agenda. If such an occasion arises, the Committee Member should decide if in the context of the matter being considered, and having regard to the terms of the Code of Conduct for Members, if they should continue to attend the meeting and participate in the discussion and voting or, take no part in the discussion and voting of the Committee in relation to that item and withdraw fully from the room. Members should refer to the Board Standing Orders and the Code of Conduct for Members for further guidance.

### **Written and Oral Representations**

17. All relevant parties who have made a written representation (or any spokesperson representing them) and who wish to make an oral representation to the Committee must submit a public participation form in writing or by electronic mail to the Clerk no later than 12 noon two and a half clear working days prior to the designated Committee meeting. Any requests received after this deadline will only be considered in exceptional circumstances and at the discretion of the Chair of the Planning and Access Committee in consultation with the Director of Rural Development and Planning. The Clerk will confirm receipt of all requests.
18. The Committee will hear a maximum number of oral representations as set out in these Standing Orders. In the event of more persons wishing to make representations than permitted in terms of these Standing Orders, objectors will be asked to decide amongst themselves who will speak. In the event of the objectors failing to reach agreement amongst themselves the Chair may use their discretion to nominate someone to speak or decline to hear from objectors (other than the Community Council).
19. Up to two parties may be heard in support of an application. Priority will be given to representations from the applicant (or their nominated representative), a Community Council, and thereafter any other party. Parties will be permitted to speak so long as they have submitted the public participation form as outlined in Standing Order 17.
20. In the event of the applicant (or their nominated representative) and/or the Community Council not wishing to make verbal representations in support of an application, up to two supporters will be allowed to speak in accordance with Standing Order 17. In the event of more than two supporters wishing to speak, Standing Order 18 applies.
21. Up to two parties may be heard in opposition to an application. If the Community Council are in opposition to an application, and have made a request to make

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representations in terms of Standing Order 17, they will be permitted to speak. In that case, all other objectors who have made a request to speak in terms of Standing Order 17 will be asked to nominate one objector amongst their number to speak on behalf of all.

22. In the event of the Community Council not wishing to make verbal representations in opposition to an application, up to two objectors will be allowed to speak in accordance with Standing Order 17. In the event of more than two objectors wishing to speak, Standing Order 18 applies.
23. Each party shall be allowed five minutes in which to present their case.
24. Only relevant parties who arrive before the meeting has started will be allowed to make a representation. If any party has requested to make an oral representation and does not attend the meeting, the Committee will proceed to determine the application.
25. Requests from relevant parties to continue applications to another date to allow them to attend will not be considered.
26. The Chair in consultation with the Depute Chair and Director of Rural Development and Planning may in exceptional circumstances arrange for additional relevant parties who have submitted a public participation form to address the Committee in a hearing on an Application and require that relevant parties submit their public participation forms no later than 5 clear working days prior to the designated committee meeting.
27. After each party has made their representation, Members may put any relevant questions to the speaker. There will be no opportunity for any speakers to question other speakers, planning officers or Members directly.

### **Public Attendance At Meetings**

28. Meetings of the Committee will be open to the public and representatives of the media, subject to powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at meetings or in accordance with statutory provisions.
29. Members of the public present at Committee meetings (including speakers invited to make representations) will only be entitled to address the Committee when invited to do so by the Chair.
30. If, in the opinion of the Chair of a meeting, any member of the Committee, member of Park Authority staff, or member of the public present at that meeting is incapacitated or not showing proper behaviour, or is behaving in an inconsiderate manner, it shall be in the power of the Chair of that meeting to require that person to leave the meeting.

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### **Late Submission of Written Representations**

31. Where relevant parties have made further written representations following circulation of the agenda papers, these will be orally reported in summary form in the officer's presentation at Committee and held on the file. Written representations which have been submitted later than two Clear Working Days prior to the Committee meeting will not be reported or circulated to the Committee.

### **Member Representation (Scottish Parliament, UK Parliament or European Parliament)**

32. Park Authority Board Members shall not be entitled to make a representation on behalf of another party. A local Councillor (who is not a Park Authority Board Member), a Member of the Scottish Parliament, a Member of the UK Parliament or a Member of the European Parliament who wishes to make an oral representation will be required to complete the public participation form and their request will be dealt with under Standing Order 17.

### **Site Visits**

33. During the course of a Committee meeting, Members may decide to hold a site visit in relation to an Application. Members will vote by a show of hands and decide by majority to arrange a site visit. If the meeting is being held under Park Authority Board Standing Order 25 Members will indicate their voting intentions by verbal confirmation. In exceptional circumstances, Members may in substitute for a site visit, provided the technology is available, use high quality video drone footage or similar to view the site. A decision in this regard will require to be made by a show of hands and decided by a majority or if the meeting is being held under Park Authority Board Standing Order 25 Members will indicate their voting intentions by verbal confirmation.
34. Where the Committee considers it necessary to continue the determination of a particular application to carry out a formal site visit by Members, 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 Members, and the relevant parties in writing. Further consideration of the Application after the site visit will be made at the next available Committee meeting, unless the Chair otherwise directs.
35. Only Members who attended the site visit may participate in any debate and/or vote relative to that item. A member who attends the site visit, but did not attend the Committee meeting where the decision to hold a site visit was taken, may participate in any subsequent debate and/or vote relevant to that item. If a further item of business is considered by the Committee relative to the same site not involving a separate site visit, Members will be able to participate in consideration of that item of business unless the Chair otherwise directs.
36. No oral representations will be permitted at a site visit. Members of the public may observe a site visit, but may not participate other than if invited by the Chair to provide clarification.

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### Committee Decisions

37. A Member departing early will be treated as a non-attending Member for the purpose of any decision taken after the time of departure.
38. Written comments on agenda items submitted by Members who are not attending will be circulated to Members. All written comments must be received by the Clerk, no later than two Clear Working Days prior to the Committee meeting.
39. In the event of Members wishing to make a decision at a meeting contrary to officer recommendation, the reasons must be given and will be minuted by the Clerk.
40. In the event that the Chair in consultation with the Director of Rural Development and Planning is of the opinion that an Application falls within paragraph 7(c) above, that it is an application for 'local development' which if approved will represent a major departure from planning policies as set out in the Development Plan, such application shall not be determined by the Planning and Access Committee and be referred to the next meeting of the Park Authority Board for determination. In the event of such a decision being taken, it must be supported by a clear statement of reasons as to why such a decision has been made to refer the application to the Park Authority Board.
41. Decisions of the Committee will be by majority of attending Members. The matter will be decided on by vote of Members. Only attending Members will be able to vote. The voting procedure is described below.

### Voting Procedure and Motions

*Please refer to Voting Process Flowchart below for a visual representation of the process followed.*

42. A motion for the approval of a report, or a minute, of the 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".
43. The Chair has the right to move approval of the report, or minute, of the Committee.
44. The structure of the debate will be as follows. The mover of the original motion shall speak first. The mover of an amendment has a right of reply. The mover of the original motion may then reply. After the mover of the original motion has replied, the Chair will close the debate, and no other Member will be allowed to speak. The Legal Clerk will announce the terms of the motion and amendment(s) and take the vote by a show of hands. Unless the meeting is being held under Park Authority Board Standing Order 25 and in which case Members will indicate their voting intentions by verbal confirmation.
45. Every motion or amendment must be moved and seconded. The terms of all motions and amendments must be clearly stated prior to the Member speaking to the motion or amendment. If the Chair decides (in their discretion or in agreeing to a request from any Member,) a meeting can be adjourned in order to allow a motion or amendment to be written down, signed by the mover and seconder, and given to the Legal Clerk to

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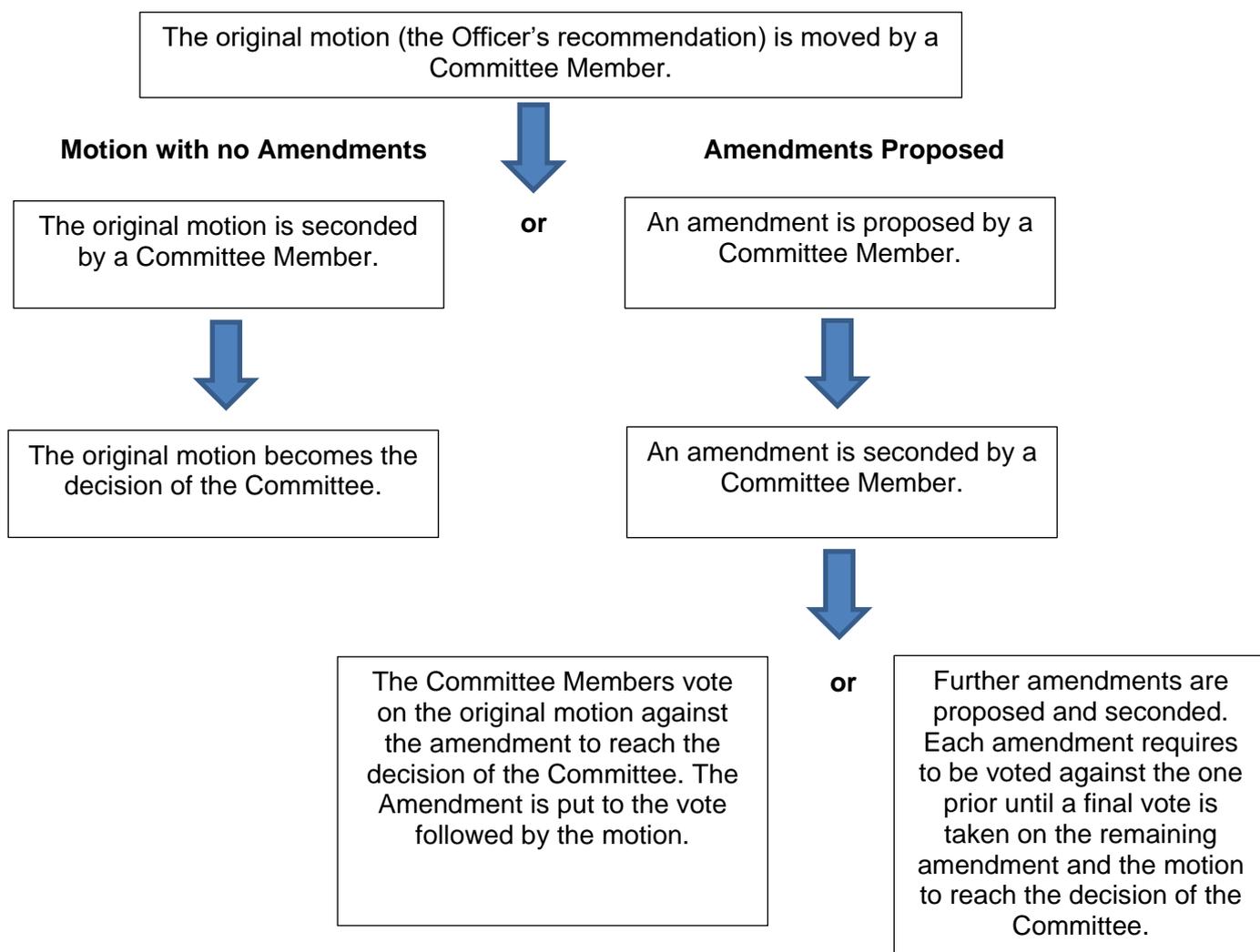
- read it to the meeting. The Legal Clerk, in consultation with the Director of Rural Development and Planning may if required provide advice on the terms of any motion or amendment.
46. Where an officer's recommendation is moved and seconded and no competent amendment has been tabled, this motion (the officer's recommendation) will become the decision of the Committee and therefore no show of hands or verbal confirmation is required. The Chair may, however invite Members to indicate their support for the motion by way of a show of hands or verbal confirmation and in which case the Legal Clerk will announce the terms of the motion and take the vote by a show of hands. If the meeting is being held under Park Authority Board Standing Order 25 Members will indicate their voting intentions by verbal confirmation.
  47. A motion or amendment may be withdrawn by the mover if their seconder agree. Such a motion or amendment will not be inserted in the minutes.
  48. Where the officer's recommendation has been moved and seconded, any amendment to this motion from a Member must be competent and based on relevant planning grounds. When required, the Legal Clerk or the Director of Rural Development and Planning will provide advice to the Chair on the competency of any motion or amendment moved by a Member. The Chair's ruling on the competency of any motion or amendment will be final.
  49. Where a motion and one amendment only are before the meeting these will be voted on together the vote will be taken on the amendment first. If there ~~are~~ is more than one amendment, the amendment last proposed will be put against that immediately preceding and the amendment then carried against the next preceding and so on until there remains only one amendment, between which and the original motion the vote will be taken and in which case the vote will be taken on the one remaining amendment followed by the vote on the motion.
  50. Where a vote is taken all business will be decided by a majority vote of those present and voting, except in circumstances where these Standing Orders specify that a two-thirds majority is required.
  51. A vote will normally be taken by a show of hands unless the meeting is being held under Park Authority Board Standing Order 25 Members will indicate their voting intentions by verbal confirmation.
  52. In the case of an equality of votes, the Chair will have a second or casting vote.
  53. Motions or amendments which are not seconded will not be discussed or recorded in the minutes. Any Member who has moved a motion or amendment and who is in a minority of one will, if they ask, have their dissent from the eventual decision recorded in the minutes. Dissent cannot be recorded in the minutes unless the member has moved a motion or amendment.

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### Voting Process Flowchart



### Scheme of Delegation

54. The approved Scheme of Officer Delegation for the purposes of discharging the Planning functions of the Authority will form part of these Standing Orders attached as Appendix 1.
55. The approved Scheme of Officer Delegation for the purposes of discharging the Access functions of the Authority will form part of these Standing Orders attached as Appendix 2.
56. If an application is considered and refused under delegated powers, an unsuccessful applicant may submit an appeal against the decision to the Local Review Body (LRB). The LRB will be the subject of separate the LRB Standing Orders.

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### **Suspension of Standing Orders**

57. Providing it is consistent with any statutory provisions, these Standing Orders can be suspended at any meeting provided that two-thirds of those Members present agree.