

## Planning and Access Committee Standing Orders

---

### Definitions Section

<b>“Applications”</b>	means applications for planning permission under the Planning Act 1997 or for listed building consent under the Listed Building Act 1997 and any other applications or consents that may be competently determined by the Committee;
<b>“Board”</b>	means the Park Authority Board which also has jurisdiction for planning and access matters in certain circumstances;
<b>“Chair”</b>	means the Member appointed by the Park Authority to preside at the Committee or in his absence the Member appointed by the Park Authority to be the Depute Chair at the Committee;
<b>“Clear Working Days”</b>	means 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;
<b>“Committee”</b>	means the Loch Lomond and The Trossachs National Park Authority’s Planning and Access Committee;
<b>“Governance Clerk”</b> of a meeting	means the Park Authority officer responsible for governance and minuting of the Committee;
<b>“Depute Chair”</b>	means the person appointed by the Park Authority to preside at the Committee and/or act with the authority of the Chair in the absence of the Chair;
<b>“Director of Place”</b>	means the Director of Place of the Park Authority including in their absence the Planning Manager Development Management of the Park Authority or other appropriate senior planning officer of the Park Authority;
<b>“Legal Clerk”</b>	means the person employed by the Park Authority who is suitably qualified to provide legal advice and assistance to the Committee in respect of these Standing Orders and other procedural and relevant matters;
<b>“Listed Buildings Act 1997”</b>	means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
<b>“Local Development”</b>	means all development other than National Development or Major Development;

# Loch Lomond and the Trossachs National Park Authority

## Planning and Access Committee Standing Orders

---

<b>“Major Development”</b>	means major development within the meaning of section 26A (1) (b) of the 1997 Act;
<b>“Member”</b>	means a Park Authority Board Member appointed to serve on the Planning and Access Committee;
<b>“National Development “</b>	means national development in terms of by section 3A(4)(b) of the Planning Act 1997;
<b>“Park Authority”</b>	means The Loch Lomond and The Trossachs National Park Authority established in terms of the National Parks (Scotland) Act 2000 and The Loch Lomond and The Trossachs National Park Authority Designation, Transitional and Consequential Provisions (Scotland) Order 2002 and having its principal offices at Carrochan, Carrochan Road, Balloch G83 8EG;
<b>“Planning Act 1997”</b>	The Town and Country Planning (Scotland) Act 1997 and any relevant statutory instruments made thereunder including any modification reenactment or amendment;

### Remit

1. These Standing Orders govern the procedures for 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’s Standing Orders take precedence.
2. These Standing Orders will be interpreted and applied in a manner that is consistent accordance with legislation (primary and secondary) and national guidance.

### Frequency of Meetings and Procedural Matters

3. The Committee will generally meet on a monthly basis or at such other frequency as is required to efficiently consider 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 Place, 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 Place considers that this is not reasonably practicable) must be given of the postponement or cancellation of any Meeting.
4. The Committee may adjourn any meeting for a reasonable interval or to another date as they may agree on, 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 and require approval by a majority of Members present. If a motion is made to adjourn and is not carried, a similar motion will not be competent within an

# Loch Lomond and the Trossachs National Park Authority

## Planning and Access Committee Standing Orders

---

hour of the previous motion having been made.

5. 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

6. Notice of the Committee meeting will be placed at the Park Authority Headquarters, on the Park Authority's website and may be displayed at the headquarters of each of the local authorities within the National Park area (namely West Dunbartonshire Council, Stirling Council, Argyll and Bute Council and Perth and Kinross Council). For each 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

7. The agenda and papers for a Committee meeting will be circulated in accordance with the Standing Orders of the Park Authority.
8. The Committee will consider and determine all Applications except:-
  - a. Applications delegated to an Appointed Officer or Appointed Access Officer for decision
  - 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 and which are:-
    - i. Applications for National Development
    - ii. Applications for Major Development' (where the Chair in consultation with the Director of Place is of the opinion that there would be a significant departure from the development plan under the Planning Act 1997 ("Development Plan") were the application to be approved). In such circumstances, the application will be referred to the next available meeting of the Board for a decision;
  - c. Applications for Local Development which are in the opinion of the Chair in consultation with the Director of Place, if approved, would be significant departure of the Development Plan. In such circumstances, the Application will be referred to the next available meeting of the Board for a decision;
  - d. Applications where the Chair in consultation with the Director of Place is of the opinion that it would be appropriate for the Board to determine the Application for reasons, including the Application raising new or significant issues or public interest meriting determination by the Board.
9. Pre-determination hearings must be held under section 38A of the Planning 1997 Act for (1) applications for National Development and (2) applications for Major Development where when the Chair in consultation with the Director Place are of the opinion that the application is significantly contrary to the development plan. In these circumstances standing order 8 b shall apply.

# **Loch Lomond and the Trossachs National Park Authority**

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

---

10. In addition to controlling procedures for Applications, these Standing Orders shall also govern procedures for the Committee where it considers and takes decisions on other relevant items of planning or access related business including (but not limited to the foregoing generality) enforcement, policy matters, consultations, performance matters, legal agreements, access matters under the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967 and approving its minutes.

### **Membership and Quorum**

11. 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. Where a Member declares an interest in a particular matter, they cannot participate and must withdraw, they will be entitled to rejoin the Committee and it shall be competent for them to consider and vote on any business where they do not have such an interest.
12. 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.
13. Members will be expected to attend Committee meetings regularly and a record of their attendance will be maintained through the minutes.
14. 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 on any item of business.
15. Any Member wishing to leave during the course of the Committee meeting must indicate their departure to the Chair, prior to leaving and this will be recorded in the minutes.
16. Members must be present at the start of an item of business in order to participate. An item starts when the Park Authority officer starts their presentation of an item. If a Member arrives after an officer begins their presentation, they must not participate in either the debate or any vote relative to that item.
17. All Members shall be eligible to sit on the Local Review Body of the Park Authority.

### **Declarations of Interest**

18. At the start of every meeting of the Committee, Members must declare if they have any interest in any item on the agenda. If such an occasion arises, the Member must decide if in the context of the matter being considered, and having regard to the terms of the Code of Conduct for

# **Loch Lomond and the Trossachs National Park Authority**

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

---

Members, if they should continue to attend the meeting and participate in the discussion and voting of the Committee 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's Standing Orders and the Code of Conduct for Members for further guidance. Although such matters are ultimately a matter for the Member concerned the Chair may invite the Legal Clerk or Governance Clerk to provide advice to the Committee in this regard.

### **Written and Oral Representations**

19. All relevant parties who have made a written representation on an Application (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 Park Authority 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 in consultation with the Director of Place. The Governance Clerk will confirm receipt of all requests.
20. 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).
21. 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 (in whose area the Application site is located) 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 19.
22. In the event of the applicant (or their nominated representative) and/or the Community Council (in whose area the Application site is located) 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 21. In the event of more than two supporters wishing to speak, Standing Order 20 applies.
23. Up to two parties may be heard in opposition to an Application. If the Community Council (in whose area the Application site is located) are in opposition to an Application and have made a request to make representations in terms of Standing Order 19, they will be permitted to speak. In that case, all other objectors who have made a request to speak in terms of Standing Order 19 will be asked to nominate one objector amongst their number to speak on behalf of all.
24. In the event of the Community Council (in whose area the Application site is located) 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 19. In the event of more than two objectors wishing to speak, Standing Order 20 applies.
25. Each party shall be allowed five minutes in which to present their case. Subject to the wishes of

# **Loch Lomond and the Trossachs National Park Authority**

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

---

- the party concerned the Chair may allow a party to be available to provide information to the Committee in response to questions from any Member.
26. 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.
  27. Requests from relevant parties to continue the consideration of an Application to another date to allow them to attend will not be permitted.
  28. The Chair in consultation with the Director of Place may in exceptional circumstances arrange for additional relevant parties who have submitted a public participation form in accordance with Standing Order 19 to address the Committee or increase the time allowed for making representations beyond 5 minutes per party as required in Standing Order 25.
  29. 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, Park Authority officers or Members directly.
  30. The Director of Place may arrange for an officer of a neighbouring planning authority or a statutory consultee to be present at a meeting in order to provide Members with information on a particular Application or matter.

### **Public Attendance At Meetings**

31. 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.
32. No filming or recording (visual or audio) of the proceedings of the Committee will be permitted.
33. Members of the public present at Committee meetings will not be entitled to address the Committee unless through the operation of Standing Orders above.
34. If, in the opinion of the Chair, any person present at a meeting is incapacitated or not showing proper standards of behaviour, or is behaving in an inconsiderate manner, it shall be in the power of the Chair to require that person to leave the meeting forthwith.

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

35. Where relevant parties have made further relevant written representations following circulation of the agenda papers for a Committee meeting, these will not be circulated to Members and will be orally reported in summary form in the Park Authority's officers presentation to Committee and held on the file but only where such representations are received no later than two Clear Working Days prior to the Committee meeting. Written representations which are not received within this time limit will not be reported to or circulated to the Committee.

# Loch Lomond and the Trossachs National Park Authority

## Planning and Access Committee Standing Orders

---

### Representation (Scottish Parliament and UK Parliament)

36. A local Councillor (who is not a Park Authority Board Member), a Member of the Scottish Parliament, a Member of the UK Parliament who wishes to make an oral representation to the Committee will be required to complete the public participation form and their request will be dealt with under Standing Order 19.

### Site Visits

37. During the course of a Committee meeting, Members may decide to hold a site visit in relation to an Application or particular matter. Members will vote on this matter by a show of hands and decide by majority to arrange a site visit. In exceptional circumstances the Chair in consultation with the Director of Place may decide to hold a site visit in advance of a particular Application or item of business being considered at a Committee meeting. Further, in exceptional circumstances Members may in substitute for a site visit, provided the technology is available, use high quality video drone footage or similar technology to view the site. A decision in this regard will require to be made by a show of hands and decided by a majority.
38. Where the Committee considers it necessary to continue the determination of an Application to undertake a 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.
39. 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.
40. No representations in any form 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.

### Committee Decisions

41. Decisions of the Committee will be by majority of attending Members entitled to vote. The matter will be decided on by a 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 the Park Authority officers' recommendation in a report to Committee, or for approving a minute, will be considered as an "Original Motion" and any proposal involving alteration or rejection of the recommendation of the Park Authority officers'

# Loch Lomond and the Trossachs National Park Authority

## Planning and Access Committee Standing Orders

---

- report to Committee or approval of a minute will be dealt with as an "Amendment".
43. The Chair has the right to move approval of the Park Authority officers' recommendation to Committee in a report, or for approving a minute.
  44. The structure of any debate amongst Members shall 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 Original Motion and Amendment and take the vote by a show of hands.
  45. The Original Motion and any Amendment must be moved and seconded otherwise they will fall. The terms of the Original Motion and any Amendment must be clearly stated prior to the Member speaking to the Original 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 an Original Motion or any Amendment to be written down, signed by the mover and seconder, and given to the Legal Clerk to read it to the meeting. The Legal Clerk, in consultation with the Director of Place may if required provide advice on the competency of the Original Motion or any Amendment.
  46. Where the Original Motion is moved and seconded and no competent Amendment has been tabled, the Original 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 Original Motion by way of a show of hands and in which case the Legal Clerk will announce the terms of the Original Motion and take the vote by a show of hands.
  47. The Original Motion or any Amendment may be withdrawn by the mover if their seconder agree. In such cases that Original Motion or Amendment will not be reported in the minutes.
  48. Any Original Motion or Amendment in relation to the determination of Applications and other determinations under the Planning Act 1997 or the Listed Buildings Act 1997 must be based on relevant planning grounds. The Legal Clerk may provide advice to the Chair on the competency of any Original Motion or any Amendment. The Chair's ruling on the competency of the Original Motion or any Amendment will be final.
  49. Where the Original Motion and one Amendment only are before the meeting these will be voted on together and the vote will be taken on the Amendment first. If there 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, and in which case the vote will be taken on the one remaining Amendment followed by the vote on the Original 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 Members.
  52. In the case of an equality of votes, the Chair will have a second or casting vote.



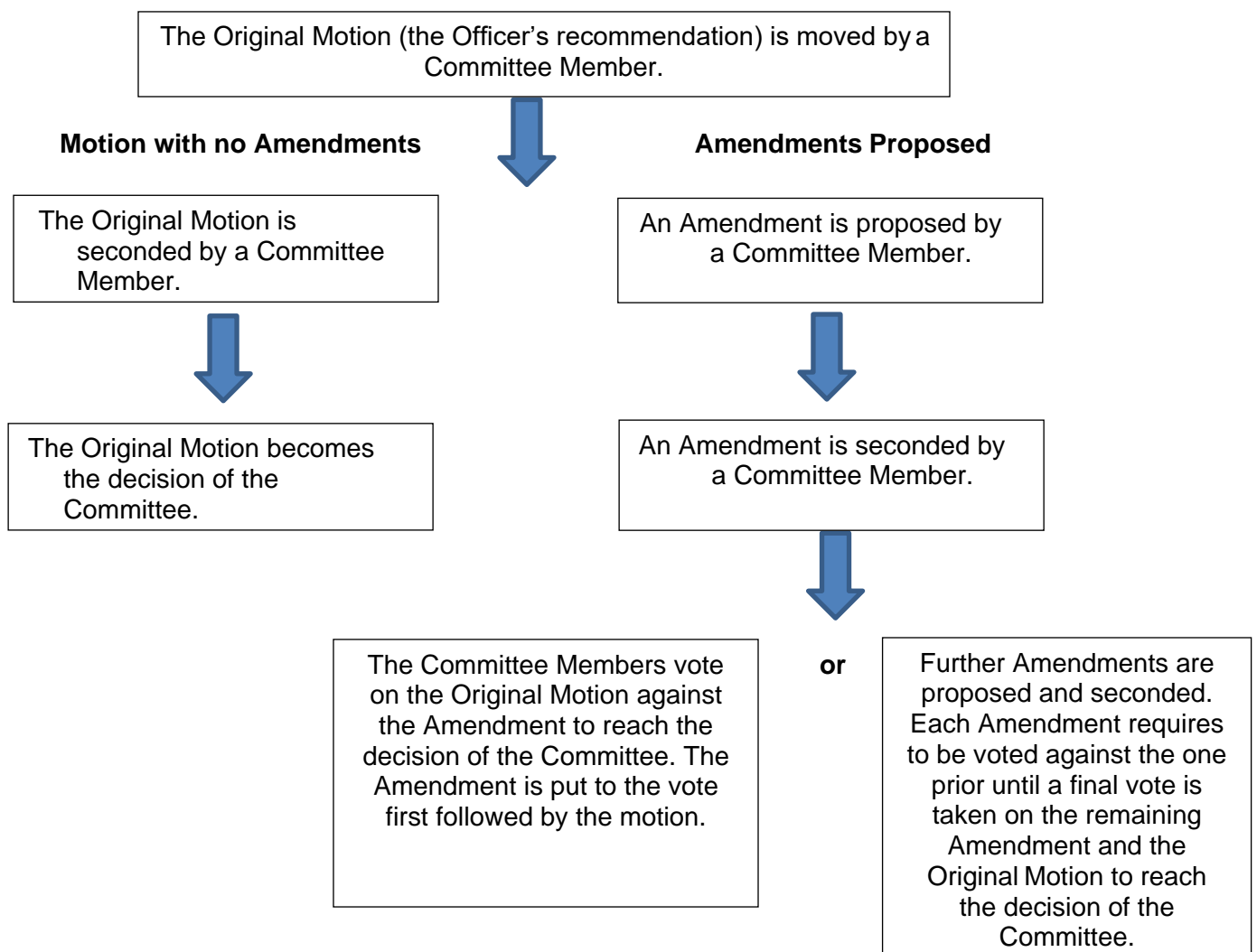
# Loch Lomond and the Trossachs National Park Authority

## Planning and Access Committee Standing Orders

---

53. Original Motions or any Amendments which are not seconded will not be discussed or recorded in the minutes. Any Member who has moved the Original Motion or Amendment and who is in a minority of one will, if they request, have their dissent from the eventual decision recorded in the minutes. Dissent cannot be recorded in the minutes unless the member has moved the Original Motion or Amendment.

### Voting Process Flowchart



### Suspension of Standing Orders

54. 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.