

THE HIGHLAND COUNCIL

HEARINGS PROCEDURE FOR THE PLANNING AND AREA COMMITTEES

The following procedure shall be adopted for the conduct of all meetings of the Planning Europe Development and Tourism Committee or Area Planning Committees involving the "hearings process" whether or not in relation to an application departing from the provisions of a Local Plan and whether undertaken in the Council Chamber, Committee Room or at another appropriate venue:-

A. Prior to a Hearing

- a) Discuss and identify with the Chairman and the local Member a venue and date convenient to all key parties and consider whether the Hearing should be heard within the normal business of a Committee meeting or at a special meeting.
- b) Ensure that the proposed venue is convenient/adequate for the Hearing given the number of parties and members of the public likely to attend.
- c) Inform all parties of the format in advance (see below) together with the date, place and time of the Hearing.
- d) In complex cases, it may be appropriate for officers to hold a "procedural meeting" to advise the parties about the procedures; to encourage them to co-ordinate their responses to avoid repetitious statements; and to agree the order of speaking.

B. At the Hearing

- 1) The Chairman will welcome the parties and explain the purpose and format of the Hearing. The Chairman will ask those who wish to speak to indicate at the start so that the sequence can be agreed (if not already done at (c) above) and will ask the Applicant and the other parties to the Hearing if they understand the proposed procedure.
- 2) The Chairman will explain that third parties should focus their comments on the views which they have already expressed in writing, although if any new information is presented by the applicant or the planning official or any previous misunderstanding is clarified, they will be allowed to address these matters also.
- 3) The planning officer will then introduce the application, giving a brief description of the proposed development and its site, identifying the planning policies against which the application is to be assessed and drawing attention to any other key material considerations.
- 4) Applicants will have the opportunity to present their case for approval (in no more than 10 minutes) including a response to any matters raised in third-party representations. Applicants may, if they so wish, allot part of their overall time to supporters of the application who have submitted timeous written representations in support of the application (this may include a Community Council). Thereafter members of the Committee may ask questions of the applicants for clarification;
- 5) If appropriate, any other relevant officer of the Council or Statutory Consultee will identify any concerns or issues they wish to raise.
- 6) Where a Community Council has objected to the proposal they will have the opportunity to present their case (in no more than 5 minutes). Members of the Committee will then have the opportunity to ask questions of the Community Council representative(s) for clarification;
- 7) Third parties who have submitted timeous written objections to the proposal will have the opportunity to make their representations (in no more than 10 minutes); again, Members of the Committee will have the opportunity to ask questions of the objectors for clarification;
- 8) The Chairman will ask whether there are any other Members of the public who have made timeous representations and have given notice that they wish to speak who have not yet been called. Any such Members of the public will

have the opportunity to speak and the Committee will have an opportunity to ask questions of them for clarification.

- 9) The Applicant will be given the opportunity to respond to issues raised by Members, officials or third parties which were not covered in the Applicant's original presentation.
- 10) After all parties have concluded their presentations the Chairman will establish whether the Committee have had all their requirements for information met.
- 11) The Chairman will also ask if the parties are satisfied with the way in which the Hearing has been conducted and their responses will be included in the Minute of the meeting.

Thereafter, the Chairman will indicate that the "Hearings Process" has been completed.

Officials will present their recommendation in the light of the relevant planning policies, material considerations and issues raised in the submissions, after which the Committee Members will consider and, if so disposed, determine the application.

Further Notes for Guidance and Information

For the proper disposal of business, the Committee will normally deal with applications subject to the "Hearings Process" at the commencement of the Development Control section of the Agenda to minimise waiting time by the parties involved.

Applicants and objectors are expected to take maximum of **10 minutes** to make their presentations which will be divided amongst those wishing to speak for each side. Community Councils presenting their objections are expected to do so within **5 minutes**. If any party wishes longer than these periods then they should indicate this prior to the presentations commencing. The Chairman should consider the views of other parties present and then decide, following discussion with other members of the Hearing in the light of all the circumstances (including whether the application is of a particularly complex nature or where there are a large number of objectors) whether to allow a longer period. Any summary should not exceed 5 minutes.

Objectors are encouraged to appoint one or a small number of spokespersons to present their views, to concentrate on the matters of main concern to them and to avoid repetition.

Finally, it should be noted that if a Hearing has been arranged and all the interested parties (ie, Applicant, objector(s) and any third parties) have been invited to attend or be represented, then the Hearing will proceed in the absence of any of the invited parties when the application comes to be considered and the Committee will hear the other parties present before determining the matter. Should a party invited to attend a Hearing be unable to be present, that party may submit a short written statement summarising their views which will be read to the meeting by the Clerk on their behalf at the appropriate stage in the proceedings.

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