

## THE HIGHLAND COUNCIL

### PLANNING APPLICATIONS HEARING PROCEDURE

**The following procedure shall be adopted for all Committee meetings (including Council meetings) at which a pre-determination hearing is to be held in respect of a planning application.**

There are two types of hearing:

- Discretionary pre-determination hearings where a hearing is requested by a Planning Applications Committee prior to the **Committee** determining a planning application, and
- Non-discretionary pre-determination hearings where a hearing is required by the Town and Country Planning (Scotland) Act 1997 prior to the **Council** determining a planning application.

#### **A. Prior to a Hearing**

- a) The Planning and Development Service shall agree with the Chair of the Committee (or Convener of the Council, as appropriate) whether the hearing should take place at a scheduled Committee meeting (or scheduled Council meeting as appropriate) or at a special meeting and will identify an appropriate venue for the meeting.
- b) In complex cases the Planning and Development Service, in consultation with the clerk, may hold a “procedural meeting” to advise the parties about the procedures, to encourage them to coordinate their responses to avoid repetitious statements and to agree the order of speaking.
- c) The Planning and Development Service will circulate the hearing procedure and inform parties of the date, time and venue of the hearing.

#### **B. At the Hearing**

- 1) If possible and practical to do so, the clerk or the administrator will identify those parties present who wish to participate in the hearing and will distribute copies of this hearing procedure. A list of participants will be passed to the Chair/Convener.
- 2) The Chair/Convener will open the hearing by welcoming those parties present and will ask for confirmation (1) of the identity of those parties present who wish to participate in the hearing (if it has not proven possible to identify them beforehand), (2) that all persons wishing to participate in the hearing have a copy of this hearing procedure and (3) that all participants understand the procedure. The Chair/Convener will indicate, by name, the order in which the parties taking part will address the Committee/Council.
- 3) The Chair/Convener will remind parties to focus their comments on the views which they have already expressed in writing. New information should only be presented for the purposes of clarification and if this happens the other parties to the hearing will be allowed to respond to this new information.
- 4) The planning officer will introduce the application, giving a brief description of the proposed development and the application site, the planning policies against which the application is to be assessed and any other material considerations relevant to the application.
- 5) The applicants will have the opportunity to present their case (in no more than 10 minutes). Applicants may 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). After the applicants’ presentation members of the Committee/Council may ask questions of the applicants.
- 6) Where a community council has objected to the proposal it will have the opportunity to present its case (in no more than 5 minutes in total). After the community council’s presentation Members of the Committee/Council may ask questions of the community council representative(s).

- 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 in total). After the third parties' presentation members of the Committee/Council may ask questions of the third parties.
- 8) The Chair/Convener will ask whether there are any other members of the public who have made timeous objections 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 for such period as the Chair/Convener permits and the Committee/Council will have an opportunity to ask questions.
- 9) If appropriate, and at the Committee's/Council's request, any other relevant officer of the Council or statutory consultee present will have an opportunity to identify any concerns or issues they wish to raise.
- 10) The applicants will be given the opportunity to respond to issues raised by members, officers or third parties which were not covered in the applicants' original presentation.
- 11) After all parties have concluded their presentations the Chair/Convener will establish whether the Committee/Council has had its requirement for information met. The Chair/Convener 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 Chair/Convener will indicate that the hearing has been completed and all parties will return to the public gallery.**

The planning officer will detail the appraisal of, and present the recommendation on, the application, after which the Committee/Council will consider and determine the application.

### **Guidance Notes**

- Applications subject to hearings will normally be scheduled first on a Committee agenda to minimise waiting time by the parties involved.
- Applicants and objectors are expected to take a maximum of **10 minutes** to make their presentations – this timeslot being divided among those wishing to speak for each party. 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 Committee/Council shall decide whether to allow a longer period. Any extension of time should not exceed 5 minutes.
- Where there are a number of objectors wishing to speak, they are encouraged to appoint a spokesperson(s) to present their views as experience has shown that this focuses on the main matters of concern and avoids repetition.
- Any party wishing to use PowerPoint during their presentation **MUST** notify the clerk at least two clear working days before the date of the meeting so that arrangements can be made.
- Finally, it should be noted that if a hearing has been arranged and all the interested parties (i.e. applicant, objector(s) and any third parties) have been invited to attend or be represented, then the hearing will proceed irrespective of the absence of any of the invited parties when the application comes to be considered. 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. The Committee/Council will hear the parties present and then determine the application.
- All parties who have made representations on an application will be advised by the Planning and Development Service of the Committee's/Council's decision on the application.