

**REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE 16 APRIL 2008**

**SUBJECT: MODERNISING THE PLANNING SYSTEM  
CONSULTATION ON DEVELOPMENT PLAN EXAMINATIONS**

**BY: THE DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 This report asks Members to homologate a consultation response that has already been submitted and to consider any further comments the Committee would wish to add.
- 1.2 This report is submitted to Committee in terms of Section D(2) of the Council's Administrative Scheme relating to the Review and Preparation of Strategic and Local Plans.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee agrees to homologate the comments that have already been submitted to the Scottish Government.**
- 2.2 **It is also recommended that any further comments agreed by Committee are forwarded as an addendum to the previous submission.**

**3. BACKGROUND**

- 3.1 The Scottish Government is committed to modernising the Planning System, and the new provisions are introduced by the Planning etc (Scotland) Act 2006. The detail of the new provisions will be brought forward in separate Regulations, and a series of consultations on draft regulations is on-going.
- 3.2 Comments on Draft Regulations on Development Plan Examinations are requested by 4 April 2008.

Development Plan examinations (also known as Local Plan Public Inquiries) are held to resolve outstanding objections to new Local Plan proposals. An independent Reporter is appointed to consider objections and to report his/her findings and recommendations to the Council.

- 3.3 The principal changes proposed in the Draft Regulations are as follows:
  - 1. The current Inquiry system is to be replaced with a new "examination" system.

2. The Inquiry stage has been identified as a cause of delay in the adoption of Local Plans. In 1996 Planning Advice Note 49 envisaged a one week inquiry and the report being prepared in 6 weeks. The current reality far exceeds this. The new procedures are designed to streamline this stage of the process.
  3. A key change is to move away from a presumption that there will be an inquiry. This effectively removes the right to a personal appearance by objectors. It will be at the discretion of the “person appointed” (Reporter) how objections may be determined. He/she will decide if additional material to that contained in the objection is required in order for him to reach a conclusion on the matter. The Reporter will determine what form the examination will take. In many cases written submissions will be the most appropriate route and no oral sessions required. Where they are, this will normally follow the Hearing format, as opposed to full Inquiry Session with cross-examinations.
  4. The Reporter will assess whether the Council has complied with the Consultation Statement as set out in its Development Plan Scheme (this is a separate aspect of the new Act). If he finds faults then he can recommend steps to rectify.
  5. The Report will contain conclusions and recommendations, as at present. There is no reference to these findings being binding on the Authority, as had at one time been envisaged.
- 3.4 In order to meet the deadline for responding, officer comments have already been submitted (see Appendix 1). This comprises answers to a series of questions raised in the consultation document.

Further comments agreed by the Committee will be accepted as an addendum to the original submission.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Development Plan/Community Plan/Service Improvement Plan**

None

**(b) Policy and Legal**

None

**(c) Resources (Financial, Risks, Staffing and Property)**

In theory the proposals could reduce the staff input required at examination stage, although the discretion on whether Hearings are

required will rest with the Reporter. Local Authorities will still be required to bear the costs of Examinations.

**(d) Consultations**

The Principal Solicitor (Legal and Committee) has been consulted, given her heavy involvement in representing the Council at past Local Plan Inquiries.

Councillor Wright, as Joint Chairman of this Committee, was consulted prior to the submission of the officer comments.

**5. CONCLUSION**

- 5.1 The new proposals for Local Plan examinations are intended to assist in speeding up the adoption of Local Plans.**
- 5.2 The removal of the present “right to be heard” (which the current arrangements permit) is a positive move. This then provides the Reporter with discretion to avoid frivolous or unnecessary objections, and have these dealt with by written submissions. This would certainly assist with the time and effort required in presenting material at Hearings.**
- 5.3 The proposals may however simply displace some of this workload to an earlier stage in the process, thus negating any savings to the overall time taken to reach adoption.**
- 5.4 The proposals will not necessarily reduce the number of objections received. In fact this may be increased with improved public awareness and consultation, and by new neighbour notification arrangements. The Reporter will still require to “write up” his findings on these objections, even though they are not dealt with by personal appearances.**
- 5.5 In order to meet the consultation deadline, officer comments have already been submitted. Any further views the Committee wishes to put forward will still be accepted as an addendum.**

Author of Report: Mark Cross, Principal Planning Officer  
Background Papers: Scottish Government Consultation Paper: Draft  
Regulations on Development Plan Examinations  
Ref: MC/JC

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