

**REPORT TO: Special Meeting of Environmental Services Committee on 9 February 2007: Supplementary**

**SUBJECT: Moray Local Plan**

**BY: Director of Environmental Services**

**1. REASON FOR REPORT**

- 1.1 This is a supplementary report to that previously issued for the meeting to advise Members when it might be appropriate to start using the emerging replacement Local Plan as a "material consideration".
- 1.2 This report is submitted to Committee in terms of Section D(2) of the Council's Administrative Scheme relating to the preparation and review of Strategic and Local Plans.

**2. RECOMMENDATION**

- 2.1 **It is recommended that a decision on whether to start using the provisions of the emerging plan as material considerations should be deferred until at least after the modifications have been advertised (Option 2). By this stage the volume of objections outstanding can be confirmed and it may be easier to assess matters then.**

**3. BACKGROUND**

- 3.1 The Report already issued described the status of the 'new' Plan relative to the current Moray Local Plan 2000 (para 3.9). Moray Local Plan 2000 must remain the statutory Local Plan until such time as the Council formally adopts the new Plan. This is not likely before Spring 2008.
- 3.2 It is possible to use the emerging plan as a 'material consideration', that can be taken into account when considering planning applications. This would require a formal resolution by the Council, and it is at the Council's discretion if and when it chooses to do so. Some options are put forward in the previous report (para 3.9) and further comment on the implications arising from these options is contained in para 3.4 below.
- 3.3 Further discussions have taken place with Development Control staff about the various implications that are likely to arise from operating a 'Twin Track' system, utilising the current and proposed plans.

These have concluded that it would be extremely complicated to begin to use the new plan now, due to a number of factors.

1. In addition to the 570 objections to designations within towns, villages and rural communities, there are 70 policies within the new plan, with objections submitted against 53 of these. The final form of these designations and policies will not be known until after each objection is resolved. The earliest this could be is at the 'modification stage' (July 2007) or not until after the Public Local Inquiry (PLI) report (Feb 2008). To start using a policy as a material consideration before the objection is resolved, could prejudice an objector's position at the PLI.
  2. An initial comparison between the two plans shows 'significant' changes between 34 of the policies. This increases the number of aspects that have to be addressed by officers when assessing planning applications and could affect performance indicators. For comparative purposes, a sample of recent decisions were examined in the context of the provisions of the new Plan. In most examples (including but not limited to housing in the countryside proposals) a number of key policies require to be taken into account, many of which are subject to objections or significant changes from the current plan. It is likely that a substantial number of applications could not be determined pending resolution of objections.
  3. Applications would have to be assessed for 'departures' against 2 plans, possibly requiring 2 advertisements (the current plan as a 'departure'; the new plan as 'not in accordance'). This is likely to result in a complicated procedural arrangement that could be difficult for individuals (whether applicants, the public, officers, members) to follow. It will also increase advertising costs for placing statutory notices in local newspapers.
  4. In administrative terms, time has to be allowed for the new plan contents to be entered into the UNIFORM computer system before officers and admin staff can access policy and other details, for use in the preparation of reports
  5. Much of the policy content has been "slimmed down" with further information/detail intended to be provided within Supplementary Planning Guidance (SPG). Although this has been drafted, and been out to consultation, it has not yet been approved/adopted by the Council. Without the SPG to refer to policies are lacking in supporting material and it is therefore slightly premature to be using these policies.
- 3.4 The previous report put forward 4 options that could be considered (para 3.9).

**Option 1: Before the Elections in May**

This is not considered realistic or practical due to the scope for confusion and complication, caused by the number of objections yet to be resolved. There is also insufficient time in which to arrange the necessary administrative systems in UNIFORM.

**Option 2: Following Modifications (June/July)**

It is hoped that by this stage the number of outstanding objections would have been reduced due to withdrawals or negotiations, although the modifications themselves may attract objections. This could help simplify matters somewhat, but this could not be confirmed until after the modifications had been advertised. It would be necessary to review the situation at that time rather than to commit to this now, in advance.

**Option 3: After the Report on the Public Inquiry (Spring '08)**

By this stage all the objections would have been dealt with and the Reporter's recommendations known. Once these had been accepted by Committee, there would be no outstanding areas of doubt and the final format of the new Local Plan would be known. Whilst there are still statutory procedures to be observed before the Plan is formally adopted, this would represent a much more straightforward point at which to start using the new plan. This was the stage of the previous Review at which it was decided to start using the emerging Plan as a material consideration. This reduced the 'twin track' approach to a short time period (approx. 6 weeks), thus minimising the overlap and confusion of operating both plans.

**Option 4: On Adoption (May 2008?)**

After the required statutory processes have been observed, the Council would formally adopt the new Plan. At this point it would replace completely the current plan, and there would be no need to operate a 'twin track' system.

**4. SUMMARY OF IMPLICATIONS**

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

The Review and Replacement of the Moray Local Plan 2000 is a priority. The new Local Plan will be instrumental in implementing the Councils planning policies and assisting strategies such as Moray 2020.

**(b) Policy and Legal**

The preparation of a Local Plan is a statutory requirement for the Council. The lead up to, and period of inquiry will require significant legal resources to be available. The Chief Legal Officer is aware of this and has been asked to make staff available.

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

The volume of objections has created a significant workload for Local Plan Officers, and will have to be prioritised above other tasks and duties. Other services such as Roads; will also be required to participate in preparation for the Inquiry. Financial resources will be required to cover the costs of the inquiry; expert witnesses; specialist advice. Some provision for this has been made in the 2007/08 budget. It must be recognised that, due to the complications and additional processes involved, a decision to start using the emerging plan as a material consideration is likely to impact on staff workloads and affect the ability to maintain

performance indicators in terms of processing of planning applications.

Costs of advertising 'departures' will increase due to the implications of assessing proposals against two plans.

**(d) Consultations**

The Principal Solicitor, (Commercial and Conveyancing) Principal Accountant, Development Control Manager and Head of Direct Services have been consulted and their views incorporated into this report.

**5. CONCLUSION**

- 5.1** The number of objections to policies and proposals will complicate the use of the emerging plan as a material consideration. A complex and confusing procedure for assessing applications against two plans will result, with delays in determining planning applications occurring.
- 5.2** To begin reference to the new Plan now is unrealistic and impractical.
- 5.3** The situation could be improved following advertisement of modifications, as objections are withdrawn, but this could not be confirmed until that point in time. Some further objections could be received to the modifications themselves.
- 5.4** Matters would be much more straight forward following the PLI report when the final form of the new Plan would be confirmed. However this will be at least 12-14 months away.
- 5.5** There is no need to 'twin track' after adoption, as at this point (May 2008?) the new Plan will officially replace the old Plan.

Author of Report: Mark Cross, Principal Planning Officer

Background Papers:

Ref: MMC/HML