

**REPORT TO: SPECIAL MEETING OF ENVIRONMENTAL SERVICES
COMMITTEE ON 30 AUGUST 2007**

SUBJECT: MORAY LOCAL PLAN REVIEW

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 This report asks members to consider the objections submitted to the Schedule of Modifications that were approved in respect of the Finalised Version of the Moray Local Plan Review.
- 1.2 It also advises on any 'agreed positions' that have now been reached with original objections. Following earlier consideration of the Elgin STAG report, the objections to the Elgin TSP proposals in the plan can now be addressed.
- 1.3 Although it is not recommended, members are then asked to give consideration to the use of the emerging plan as a "material consideration" which can be taken into account when determining planning applications.
- 1.4 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:

- i) **That the Committee agrees to the responses proposed to objections received, as contained in the report at APPENDIX 1. (Responses to Elgin TSP objections will be dependent upon earlier considerations of the Elgin STAG);**
- ii) **That the agreed changes should be advertised as further modifications; and**
- iii) **Given the number of outstanding objections, and therefore the uncertainty regarding the final content, the emerging plan not be brought into use as a material consideration for planning applications at this stage.**

3. BACKGROUND

- 3.1 The Moray Local Plan 2000 has been under Review since 2005. Most recently, at its meetings on 9th February and 12th April 2007, the Committee agreed a series of Modifications in response to objections to the Finalised

Version. These modifications were advertised for a six week period, and attracted approximately 140 objections.

- 3.2 A report on these objections is contained in APPENDIX 1, and includes a summary of the objection; a recommended response; and reasons for the recommendation.
- 3.3 There are also some outstanding objections to the Finalised Plan for which modifications were not proposed. Planning Officers have been negotiating with objectors to reach an 'agreed position', or to have them withdrawn. These are also included in the Report at APPENDIX 1. These repeat the details previously reported to Committee, then explain how an agreed position, acceptable to both parties has been reached.
- 3.4 Responses to objections to Elgin TSPs (road and traffic improvement proposals) have been delayed pending completion of the Elgin STAG study. The findings of this study will have been considered prior to consideration of this report. Thus it should now be possible to respond to the TSP objections.
- 3.5 All remaining objections will be referred to a Public Local Inquiry, where a Reporter from the Scottish Executive's Inquiry Reporters Unit, will preside. This is due to commence on 13th November, and is provisionally timetabled for 6 weeks (exceeding the original forecast of 3 weeks, due to the large volume of objections). Objections can be considered by means of written representations; hearings; or more formal inquiry sessions.
- 3.6 Any further changes to the Finalised Plan resulting from consideration of these latest objections to modification, or from the 'agreed positions', will be advertised, and any responses will be forwarded to the Inquiry, to be taken into account by the Reporter.
- 3.7 As things stand at present there are approximately 130 topics still subject of challenge and some 450 registered objectors; thus the final content of much of the new Plan remains uncertain until after the Inquiry. Regrettably, it is therefore concluded to be too soon to start operating the Plan, as a material consideration for planning applications. Whilst some sites might be clear of objection themselves, they could still be affected by policies which are not, and which would be used in considering an application.
- 3.8 The Reporter's findings from the Inquiry are unlikely to be available before May 2008. Allowing time for consideration of his report, and further advertisements, it will be at least 12 months before the new plan can be formally adopted by the Council.
- 3.9 Until then, the Moray Local Plan 2000 remains the statutory plan in force. Any applications submitted for sites proposed for designation in the new plan, will (until the Council resolves to use the emerging plan as a material consideration) require to be determined under the provisions of the existing plan.

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 Council's 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 preparations for, and period of the 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. The Inquiry will be conducted within the terms of the Scottish Executives "Code of Conduct for Local Plan Inquiries" which requires a number of administrative procedures to be followed.

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

The volume of objections submitted 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 and Transportation, will also be required to participate. Legal representation is referred to in (b) above. Some budgetary provision to cover the costs of the Inquiry has been made in the 2007/08 financial year, but it will be insufficient, now that the length of the Public Inquiry has been extended. The Council is required to pay for the Reporter's time; and for the Programme Officer (both of whom are now in post); as well as engagement of any specialist/expert witnesses; hire of halls; press advertisements. Budgetary provision will be subject of a separate report to the next meeting of this Committee.

(d) Consultations

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

5. CONCLUSION

- 5.1 Members are asked to consider the proposed responses to objections, and 'agreed positions', and agree further modifications to the Plan. Responses to Elgin TSP objections will depend upon the outcome of considering the Elgin STAG report.**

- 5.2 The date for the Public Inquiry has now been fixed to start on 13th November and it will last longer than originally anticipated.**
- 5.3 There will be a significant workload on staff across a number of services.**
- 5.4 It is still too early to start using the emerging plan as a 'material consideration'.**
- 5.5 The existing 2007/08 budget provision will be insufficient to cover the full extent of Inquiry expense.**

Author of Report: Mark Cross, Principal Planning Officer
Background Papers:
Ref: MMC/BDH