

Appendix 1

Draft Development Planning Regulations

Q1 Are you satisfied that the procedures set out in the draft regulations for adopting development plan schemes will adequately ensure that planning authorities have proper programmes in place for the review of their plans, including their proposals for consultation and public involvement?

Response : It is agreed that the DPS will assist in setting out a timetable for reviewing LDP on a 5 yearly cycle

Q8 Are there any other information sources or considerations that planning authorities should be required to have regard to in preparing LDPs and how can planning authorities demonstrate that they have complied with these requirements?

Response : There are other documents that Councils prepare that will have an impact on the LDP such as the Core Path Plan, Open Space Strategy, Economic Development Strategy, existing Supplementary Planning Guidance, and these should be acknowledged

Q9 Are the minimum publication requirements set out in the proposed regulations adequate, or should additional requirements be included, for instance specifying a list of statutory consultees for development planning?

Response : No detail is given as to recommended period for consulting on the main issues report. It is suggested that a period of not less than 6 weeks is allocated to this consultation period

Q10 Is the requirement to place a notice in the Edinburgh Gazette still useful?

Response : Having a publication within which all notices concerning LDP are published provides a simple point of reference and is considered appropriate

Q11 Are the proposed circumstances where neighbour notification would be required and the definitions of neighbouring land appropriate?

Response : The inclusion of such matters within the LDP process represents a significant administrative and potentially costly exercise. It is also the case that the failure to adequately notify could in certain circumstances lead to challenges to the Plan, including court action. It is acknowledged that this draft regulation is an attempt to engage the public in the planning process at an early stage, however this proposal places a significant burden upon Councils.

Q12 Will the broad proposed definition of 'notifiable' modifications unnecessarily delay the plan process by subjecting too many modified plans to further consultation?

Response : The process of consulting on notifiable modifications results in a third stage of consultation to the Plan before it is submitted for approval, and clearly will reduce the ability of Councils to produce a LDP on a 5 yearly cycle

Q13 Do these proposed exceptions provide an appropriate degree of scope for authorities to depart from the recommendations of examination reports?

Response : By making examination reports binding on Councils it removes an element of local control, as decisions are made by Reporters who are not accountable to those affected by their decision. This appears at odds with the process within Development Management where increased local scrutiny and control is being proposed

Q14 Are you satisfied with the proposed regulations for action programmes?

Response : The process of preparing an Action Plan and for it to be regularly reviewed every 2 years appears reasonable, however where a Council are embarking upon a review of a LDP and prepare a DPS and are undertaking work to prepare a MIR it would appear confusing to the public and represent abortive work to continue to review an Action plan based on the previous LDP. It is suggested that once a DPS is submitted to Scottish Ministers this then negates the requirement for any further updating of the Action Plan for the previous LDP

Q15 Given its enhanced status, should the draft regulations (as opposed to advice) say more about the content and procedures for adopting supplementary guidance?

Response : It is agreed that supplementary advice has a role to play in advising on development in particular areas or subject matter. It is important however that the Regulations ensure that if supplementary guidance is to be afforded the same status as the LDP it is subject to adequate levels of publicity and scrutiny.

Q16 It is The Scottish Government's view that the list of key agencies should be limited to statutory bodies regulated by Scottish Ministers but not forming part of government. On this basis, do you agree with the list of key agencies proposed?

Response : The list provided appears reasonable, and bodies that are part of the Scottish Government including Historic Scotland, Transport Scotland and component part of the Scottish Government itself will obviously have a key role to play in the preparation of an LDP

Q17 Do the proposed transitional arrangements raise any specific issues for particular plans or areas?

Response : For West Dunbartonshire Council this matter is of significance, as the West Dunbartonshire Local Plan Finalised draft has been placed on deposit recently and the period for publicity and consultation having only just expired, it is in the process of

considering those representations prior to making pre-inquiry modifications. At this stage a date for a PLI is being considered in consultation with the Directorate for Planning & Environmental Appeals. At this stage which is well advanced in the process the Council would obviously wish to proceed to PLI to allow unresolved objections to be considered. However currently it is uncertain whether this can proceed and also in the absence of information concerning the examination stage of the process which is subject to separate regulations it is difficult to accurately assess the impact of this upon the West Dunbartonshire Local Plan

Q18 Are there any potential impacts on the business or voluntary sectors that we should be aware of in finalising these regulations?

Response : No

Q19 Are there any potential impacts on particular societal groups that we should be aware of in finalising these regulations?

Response : No

Q20 Do you have any other comments to make on the draft development planning regulations?

Response : It is suggested that the proposed Draft Regulations will not speed up the process of preparing Local Plans/Local Development Plans. The increased administrative burdens placed on local authorities combined with the various phases of public consultation suggest that 5 yearly reviews of a LDP will be a major exercise that takes little account of external influences that could affect the ability of a Council to prepare and adopt a LDP. Currently issues of staff retention and recruitment, and the requirement to prepare other strategies have a significant impact on the ability of Councils to deliver Local Plans/LDP timeously. It is also the case for West Dunbartonshire which is a small local authority and a small development planning team, the resources to prepare a LDP and service the constituent parts of the SDP is a significant challenge.