

WEST DUNBARTONSHIRE COUNCIL

Report by Executive Director of Housing, Environmental and Economic Development

Planning Committee: 12 June 2012

Subject: Scottish Government Consultation Paper - Development Plan Examinations

1. Purpose

- 1.1** The Committee is requested to consider the Scottish Government consultation on the Development Plan Examination process and to agree the Council's response.

2. Background

- 2.1** A key part of the Development Plan preparation process is the Examination, when an independent Reporter appointed by the Scottish Government's Department of Planning and Environmental Appeals considers unresolved representations/objections to the Plan. Revised arrangements for examinations implemented in recent years from the Planning etc. (Scotland) Act 2006 have led to significant improvement in efficiency, with the average time for Local Plan Inquiries (as they were previously called) reduced from 70 weeks on average to 24 weeks. Examinations can be costly, with direct costs to planning authorities ranging from £10k to £200k, with an average of £65k. The Government is aware that change on this scale takes time and that the new system is still bedding down. Presently, the Scottish Government is considering how well the Examination process is functioning and how it can be improved.

3. Main Issues

- 3.1** The consultation paper contains 4 specific questions on which the Council's views are sought. The recommended responses are attached in Appendix A.
- 3.2** The consultation sets out four options for change to the examination process. These are:

Option 1: Improving Current Practice – Reporters could examine a Plan and recommend that it be adopted, but highlight areas on which further work is required. This could prevent a single issue holding up the adoption of an otherwise sound Plan.

Option 2: Greater discretion to depart from the reporters recommendations - This would allow planning authorities greater scope to set aside Reporter's recommendations if the authority could provide clear reasons to demonstrate that these were not in the interests of the areas they represent.

Option 3: Restrict the scope of examination - Planning authorities would be able to define the scope of the examination with not all unresolved representations

requiring to be the subject to examination as is presently the case. Scope could be restricted in other ways for example focusing on the plans compliance with the strategic development plan.

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Option 4: Remove the independent examination from the process – The planning authority would consider the representations made to the proposed plan and there would be no examination process. They would then adopt the plan with or without modifications.

- 3.4** Option 1 is to be supported as a process by which the majority of a Plan can be adopted whilst work is undertaken on specific areas highlighted by the Reporter is welcomed, as it would facilitate earlier update local development plans. Before planning reform the previous development plan regime allowed Planning Authorities to depart from Reporters recommendations. It is recommended that this option should be the reintroduced as it gives responsibility to Councils for their own local areas. In terms of options 3 and 4 the examination process is an important stage of the Development Plan process whether from the position of a person who has made representations or planning authority. It provides credibility to the development plan process and contributes significantly to fairness and transparency, core principles of planning reform.

4. People Implications

- 4.1** There are no personnel issues associated with this report.

5. Financial Implications

- 5.1** There are no financial implications associated with this report.

6. Risk Analysis

- 6.1** There are no known risks associated with this report.

7. Equalities Impact Assessment (EIA)

- 7.1** There is no equalities impact associated with this report.

8. Strategic Assessment

- 8.1** The recommendations associated with this report are not considered to conflict with the Councils strategic priorities. A more efficient development plan examination process and achievement of an up to date development plan is compatible with the strategic priorities of regenerating and growing the local economy and fit for purpose Council.

9. Conclusion and Recommendation

- 9.1** Overall, the current Examination process is working well and any measures to reduce its scope or its removal altogether would reduce transparency and trust in the planning system. These are core principles of planning reform and the planning system. The proposal to regain the right for planning authorities not to adopt a Reporter's recommendation is supported as it gives more local accountability.
- 9.2** It is recommended that the Committee notes the content of this report and agrees that Appendix A forms the Council's response to the consultation paper.

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Date: 29 May 2012

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Appendices: Appendix A (Response to Consultation Questions)

Background Papers: Scottish Government Consultation - Development Plan
Examinations

Wards Affected: All