

PLANNING

**Draft
Regulations on
Development
Plan
Examinations**

Consultation Paper

December 2007

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Regulations on
Development
Plan
Examinations**

Consultation Paper

MODERNISING THE PLANNING SYSTEM: CONSULTATION ON DRAFT REGULATIONS ON DEVELOPMENT PLAN EXAMINATIONS

Responding to this consultation paper

We are inviting written responses to this consultation paper by 4 April 2008. Please send your response to:

dpexregsconsultation@scotland.gsi.gov.uk

or

Development Plan Examination Regulations Consultation
Planning Directorate
The Scottish Government
2H, Victoria Quay
Edinburgh
EH6 6QQ

If you have any queries on the content of the consultation paper or the consultation process, please contact liam.bullingham@scotland.gsi.gov.uk on 0131 244 0426. Please indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

In Planning Directorate we are changing our methods of distribution, with electronic publication for all our publications, subject to only a very small list of exceptions which will also be published in hard copy, such as the National Planning Framework. In addition, we are creating an improved e-newsletter system which will provide an effective way of alerting you to new e-publications, including consultations. To register for electronic newsletters about planning, please register your details at www.scotland.gov.uk/Topics/planning as soon as possible.

The Scottish Government also has an email alert system for all consultations ([SEconsult: http://www.scotland.gov.uk/consultations/seconsult.aspx](http://www.scotland.gov.uk/consultations/seconsult.aspx)). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations. SEconsult complements the new planning e-publications system described above and allows you to register for consultations on specific topic areas across the Government. Please follow the SEconsult link above if you wish to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of this consultation paper as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that The Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Publishing responses

Where respondents have given permission for their response to be made public (see the attached Respondent Information Form), these will be made available to the public in the Scottish Government Library within 6 weeks of the close of the consultation and on the [SEconsult](#) web pages within 6 weeks of the close of the consultation. Where agreement to publish has been given, we will check all responses for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting The Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next ?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the draft regulations or order. Final regulations and orders will require to be laid in Parliament. Further details on the timing of this process will be available through the Modernising Planning page on the Scottish Government's Planning Homepage at www.scotland.gov.uk/Topics/planning .

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to liam.bullingham@scotland.gsi.gov.uk on 0131 244 0426.

RESPONDENT INFORMATION FORM: DRAFT REGULATIONS ON DEVELOPMENT PLAN EXAMINATIONS

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name:

Postal Address:

1. Are you responding: (please tick one box)
- (a) as an individual go to Q2a/b and then Q4
- (b) **on behalf of** a group/organisation go to Q3 and then Q4

INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in The Scottish Government library and/or on The Scottish Government website)?

Yes (go to 2b below)

No, not at all We will treat your response as confidential

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

- 3 The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government website). Are you also content for your **response** to be made available?

Yes

No We will treat your response as confidential

SHARING RESPONSES/FUTURE ENGAGEMENT

- 4 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

Yes

No

Equal Opportunities Questionnaire

This Equal Opportunities Questionnaire is requested in order that The Scottish Government can build an accurate picture of the make-up and diversity of the people and groups that our planning policies impact on, and to ensure that the way in which we carry out our consultations is inclusive and not unwittingly discriminatory. If you have responded to this consultation as an individual it would be helpful if you could complete the form. This information is **only** used for this purpose.

If you have a disability that requires us to make a reasonable adjustment to enable you to complete this form, please notify us.

Name	
Consultation to which you are responding	
Gender	Male <input type="checkbox"/> Female <input type="checkbox"/>

Ethnic origin

How would you describe your ethnic or cultural origin?		
White Scottish <input type="checkbox"/>	White British <input type="checkbox"/>	White European/Other <input type="checkbox"/>
Black Scottish <input type="checkbox"/>	Black British <input type="checkbox"/>	Black African <input type="checkbox"/>
Black Caribbean <input type="checkbox"/>	Black Other <input type="checkbox"/>	
Asian Scottish <input type="checkbox"/>	Asian British <input type="checkbox"/>	
Indian <input type="checkbox"/>	Pakistani <input type="checkbox"/>	Chinese/Other Asian <input type="checkbox"/>
Bangladeshi <input type="checkbox"/>		
Mixed Racial Origin <input type="checkbox"/>		Other

Age

Under 25 <input type="checkbox"/>	25-39 <input type="checkbox"/>	40 – 54 <input type="checkbox"/>	55- 65 <input type="checkbox"/>	65 + <input type="checkbox"/>
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Disability

<p>Do you have a disability as defined by the Disability Discrimination Act 1995 (DDA)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>The definition of a disability under the DDA is “a physical or mental impairment which has a substantial and long term adverse effect on a person’s ability to carry out normal day to day activities.”</p>
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THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of The Scottish Government's working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a consultation paper inviting answers to specific questions or more general views about the material presented. Consultation papers are distributed to organisations and individuals with an interest in the issue, electronically or in hard copy and are placed on The Scottish Government's consultations webpage¹ to allow for participation from a wider audience. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in The Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: [SEconsult](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

¹ <http://www.scotland.gov.uk/consultations>

CONTENTS

	Paragraph
INTRODUCTION	1
DEVELOPMENT PLAN EXAMINATIONS	5
POST-EXAMINATION PROCEDURES	26
CONCLUDING REMARKS	29
ANNEX A – THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLAN EXAMINATIONS) (SCOTLAND) REGULATIONS 2007	
ANNEX B – PARTIAL REGULATORY IMPACT ASSESSMENT	
ANNEX C – PARTIAL EQUALITIES IMPACT ASSESSMENT	
ANNEX D – COMPLETE LIST OF CONSULTATION QUESTIONS	

DRAFT REGULATIONS ON DEVELOPMENT PLAN EXAMINATIONS

CONSULTATION PAPER

INTRODUCTION

1. In the new development planning regime introduced by the Planning etc. (Scotland) Act 2006, examinations are intended as the principal means of independently testing the issues arising from representations on proposed strategic development plans (SDPs) and local development plans (LDPs).
2. The Planning etc. (Scotland) Act 2006 introduces new provisions into the Town and Country Planning (Scotland) Act 1997 ("the Act") and requires examinations to be held into all proposed SDPs and LDPs where there are outstanding representations. In addition, examinations must be held into proposed SDPs where the planning authorities that make up the strategic development planning authority (SDPA) have not agreed on the content of the plan and have submitted alternative proposals, or Scottish Ministers otherwise consider an examination to be appropriate. Particularly with regard to SDPs this represents a significant change compared to the outgoing regime in which structure plans have very rarely been subjected to examination in public.
3. The draft regulations attached as Annex A to this consultation paper are made under new sections 12(3) and 19(5) of the Act, which allows Scottish Ministers to make regulations as to:
 - a) How examination costs and overheads will be met;
 - b) The procedures to follow at examinations; and
 - c) What is to be assessed in examinations and what matters may be referred to in making the assessment.
4. Under the outgoing development plan system, procedures for holding examinations in public into structure plans or local inquiries into local plans are not set out in secondary legislation but in guidance (Circular 6/1985 – Code of Practice for the Examination in Public of Structure Plans; Circular 1/1996 – Local Plan Inquiries: Local Plan Service Standards; and Circular 32/1996 – Code of Practice for Local Plan Inquiries (supplemented in March 2006 by further interim guidance)). The intention with these draft regulations is to provide more certainty by setting out the scope and some key procedures for the examination in legislation, but there will also be a continued role for guidance, by way of a new code of practice for development plan examinations.

DEVELOPMENT PLAN EXAMINATIONS

Principles for examinations

5. The scale of objection to local plans and the nature of the local plan inquiry process have been identified as significant causes of delay in the adoption of local plans. In 1996, PAN 49 envisaged a one week inquiry and the report being prepared in six weeks, but the length of most inquiries has greatly exceeded this with the entire process, including writing-up, taking in some cases up to two years. This situation is clearly not conducive to the efficient delivery of relevant up-to-date development plans. Many people, particularly those not used to legalistic or planning procedures,

found the arrangements off-putting and not helpful to them in stating their concerns about proposals. While these defects have largely been addressed by improvements in practice, the unwieldiness and delay caused by the scale of objections has not. A major aim of any revised procedures must therefore be to reduce the time taken for examinations while still ensuring that significant planning issues and community concerns are properly examined.

6. A key change in adopting the new terminology of 'examination' is to move away from the presumption that there will be an inquiry, to the carrying out of an examination, comprising a range of methods, including written submissions, hearings and inquiry sessions. In many cases, written submissions will be the most appropriate route to consider the issues raised and no further oral sessions will be required. Sections 12(3) and 19(5) of the Act stipulate that the form the examination is to take is at the discretion of the appointed person, and paragraph 25 describes how this may be determined.
7. In drafting these regulations, we have therefore identified the following principles. Examinations should:
 - take significantly less time than the current process;
 - be focussed on the appointed person seeking out the information he feels he needs to reach conclusions on the matters at hand;
 - be into the issues raised in representations rather than responding to each and every individual representation;
 - be succinct and proportionate;
 - ensure it is as easy as possible for people to get involved; and
 - be as similar procedurally for SDPs and LDPs as possible.

Q1	Do you agree that these principles should underpin the regulations and guidance for development plan examinations?
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Examination methods and procedures

8. For both SDPs and LDPs, the 2006 Act allows examinations to comprise a combination of written submissions process, hearings and inquiry sessions. The way in which these elements will be combined will vary for different plans, depending on the nature and scale of the issues. For example, the range of main issues raised in representations is likely to be more restricted at strategic level, and therefore the manner in which an appointed person carries out the examination will differ, possibly involving hearings in the form of round table sessions on a topic basis for those issues where an exchange of views is required. Such a process was used very successfully for the recent examination in public of the Bishopton element of the proposed Alteration to the Glasgow and Clyde Valley Structure Plan.
9. We also consider that the precise procedures for each of these elements should be able to adapt to different circumstances. For example, it might be appropriate for different timescales to be set for submitting evidence depending on the number and origin of representations on the plan and the issues raised. In this context, while the Act and regulations will set the overall framework, we do not propose to include detailed procedures for each of the elements in the regulations. This recognises that not all aspects of detailed procedures for examinations are suitable for regulation. In not seeking to prescribe detailed procedures, we are mindful that procedures for local plan inquiries and examinations in public have not hitherto been subject to regulation,

and we are reluctant to regulate unless there is a clear need. Finally, the less formal nature of development plan examinations in comparison to appeals (in that the appointed person is not making the final decision, but making recommendations) may justify a less prescriptive approach.

10. Key to this approach would therefore be the guidance that supports the new regulations. We expect to issue further guidance in the form of a code of practice for development plan examinations, in the course of 2008. In the meantime, the existing Circulars 6/1985, 1/1996 and 32/1996 will remain relevant for local plan inquiries and examinations in public into structure plans prepared under the outgoing system until the new system is commenced in late 2008.
11. However the powers do exist to make more detailed regulations in this area, and some may argue that prescribing the procedures to be followed would deliver more certainty and transparency to the examination process. If the regulations were to include detailed procedures for written representations, hearings or inquiry sessions, these would be likely to be similar to those for appeals. We would welcome views on whether these regulations should be more prescriptive in this area.

Q2 Do you support the use of a new code of practice to set out the detailed procedures for examinations, rather than prescribing this detail in regulations?

12. The consultation on the Draft Regulations on Development Planning published in October 2007 covers the transitional arrangements in moving from the one legal framework for development plans to the next. In relation to examinations, it proposes that plans started under the current system that have reached the early stage of consultation but have not issued a notice of an examination in public or a local inquiry at the time of commencement of the new system, shall follow the new examination procedures under the Planning etc. (Scotland) Act 2006. For further details, please see Annex C of that consultation at: <http://www.scotland.gov.uk/Publications/2007/10/31093026/0>.

Appointment of a person to examine the plan

13. The Act requires Scottish Ministers to appoint a person to hold an examination where there are unresolved representations or, in the case of SDPs, the constituent authorities of the SDPA submit alternative proposals, or Scottish Ministers otherwise consider it appropriate to hold an examination. In the case of LDPs, the Act requires the planning authority to request such an appointment when they submit the plan.
14. The appointment is to be advertised in a local newspaper and in local libraries and the people who made the unresolved representations are to be notified. Draft regulation 4(3) also proposes that this advert and notice should also include information on where documentation connected to the examination can be viewed. In the case of SDPs, this is the responsibility of Scottish Ministers: in the case of LDPs, it is the responsibility of the planning authority.
15. Section 12(4)(b) of the Act requires Scottish Ministers to serve notice of the appointment of the person to examine a SDP on the SDPA. Draft regulation 4 also requires Scottish Ministers to send a similar notification to planning authorities in the case of examinations into LDPs.

16. A key principle of the revised examination procedure is that, as far as possible, the appointed person should be furnished with all the information required to reach conclusions and recommendations at the outset. Regulation 4(2) therefore sets out a list of material that the planning authority/ SDPA should supply. This includes copies of the relevant representations, the authority's statement of reasons for not taking representations into account, and the authority's summary of the issues raised in representations. People who have made representations and the planning authority/ SDPA have no right, and should not expect, to submit any further material to the examination beyond this unless required to do so by the appointed person. This important shift of emphasis reinforces the front-loading of the process, ensuring that the appointed person, the planning authority and other interested parties have the relevant information up front to inform the examination of the plan. It will be important too in meeting the requirements for Strategic Environmental Assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the examination.

Examination of Conformity with Participation Statement

17. Before considering the general issues raised in representations on the plan, sections 12(2) and 19(4) of the Act firstly require examination of whether the authority has consulted on the plan and involved the public in the way they said they would in their participation statement. In carrying out this assessment, we envisage that the appointed person will only refer to existing published documents such as the participation statement itself, the authority's statement of conformity with this, and any representations relating to the authority's consultation and public involvement activities. We do not expect any additional evidence to be invited on these matters because we are reluctant to create an opportunity for delay. However we recognise that this approach would limit the information available to the appointed person, and could bar parties claiming not to have been made aware of the plan from stating a case that the authority did not meet its commitments regarding participation. Therefore the draft regulations do not actively restrict the matters to which the reporter may refer, and allow him to request further information in exceptional circumstances.

Q3	In order to ensure an efficient process, should the draft regulations restrict the matters to which the appointed person may refer in assessing the authority's conformity with its participation statement?
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18. Where the appointed person finds that an authority has not acted in conformity with their participation statement, sections 12A(1) and 19A(1) of the Act require him to prepare a report setting out the reasons for his dissatisfaction and recommending the further steps the authority should take. The Act allows the authority to challenge this and for Ministers to make a direction. But in any event, in these circumstances the remainder of the examination will be delayed until this has been resolved.

Scope of Examination

19. Draft regulation 5 proposes limiting the scope of matters to be assessed in an examination to issues raised in representations. We envisage that these issues will in the first instance be set out in the summary of issues prepared by the local authority/ SDPA. The appointed person would have the ultimate ability to add to or redefine the issues to be assessed, but at all times these must be limited to issues raised in the original representations. Our intention is that if any individual policy or

proposal in the plan is subject to representations, then this will generally be dealt with as a separate issue. But if multiple representations are made on one policy or proposal, the appointed person may choose to deal with these as a single issue. The appointed person will therefore produce conclusions and recommendations on each issue, but not on each representation. The intention in regulation 5 is also to prevent the scope of the examination spreading to become a wider test of the soundness of the plan.

Q4 Are you satisfied that the proposed scope of the examination successfully balances the need for a speedy and efficient process with a rigorous assessment of appropriate issues?

Q5 Specifically, where should responsibility lie for identifying the issues to be assessed in the examination?

Matters to which the appointed person may refer in making the assessment

20. In making his assessment, the expectation is that in most cases the appointed person will rely on the information contained in (or published documents referred to in) parties' original representations and the planning authority's/ SDPA's response as submitted to him at the outset of the process. As stated above, it is therefore essential that parties state the entirety of their case in their initial representation or, in the case of the planning authority/ SDPA, their initial response. The scope for new evidence and documentation to be introduced into the examination at a late stage will be limited in order to increase certainty and minimise confusion.
21. The Act allows Scottish Ministers to produce regulations to define to which matters the appointed person may refer. Such a list could include the representations themselves, the authority's response and any further representations sought by the appointed person, but also other key documents such as the National Planning Framework. Such a list would provide clarity and transparency as to the matters on which the appointed person could base his conclusions and recommendations. But our current view is not to regulate in this area. Because we cannot predict the variety of circumstances or new considerations that may arise over the lifetime of the regulations, it would be difficult and unhelpful to restrict the matters to which the appointed person may refer. However, our intention is that the appointed person will generally only refer to matters contained or referred to in original representations, the authority's response, any further representations asked for by him and a limited number of other key published documents.

Q6 Should the regulations set out a defined list of matters to which the appointed person can refer in assessing the plan, and if so, which matters should be included in such a list?

Further representations

22. In a limited number of cases, the appointed person may feel that he does not have all the information he needs to make a proper assessment of an issue. In these circumstances, draft regulation 6 allows further information or representations to be requested from:
 - People who made representations;

- The planning authority/ SDPA;
- A key agency (list proposed in the draft development planning regulations);
- A neighbouring planning authority or national park authority, or an authority in the same SDP area;
- The Health and Safety Executive; and
- Scottish Ministers.

23. The intention is therefore that the appointed person can seek out the information he feels he requires from a wider range of parties than under the outgoing system, in which evidence is largely limited to the objector and the planning authority and their witnesses/ consultants. For instance, regulation 6 would allow Scottish Natural Heritage to be asked to supply evidence on the landscape impact of a potential development site suggested in a representation and on which SNH had no published view.

Q7	Are there other bodies beyond those proposed in regulation 6(4) from whom it should be possible to seek further representations?
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24. We wish to be clear that there need be no link between the importance of an issue and whether the appointed person seeks further representations on it. There may be issues of great significance where he feels he has all the information he needs to reach a conclusion without any further input. Conversely, he may feel unable to make a recommendation on a relatively minor issue without further information.

25. As well as determining on which aspects of which issues, and from which parties, further representations are to be received, the Act is clear that it is the appointed person who will determine the form the examination is to take. As discussed above, we anticipate that most examinations will be hybrid in form: we expect the majority of issues can be dealt with without any need for further information to be submitted; where further evidence is requested, this will normally be in written form; and where an oral session is required to elicit the required information, this will normally follow the hearing format rather than being formal inquiry sessions. Individual issues may also frequently be dealt with using a number of formats. For instance the appointed person might feel he had adequate information on the landscape impact of a proposal, seek further written evidence on transport impacts, and convene a hearing to discuss recreational provision. We are not proposing any formal stage in the process where parties can state a preference as to the form of examination they would prefer, but such a statement could be included in the original representation or the authority's response. Figure 1 illustrates diagrammatically the ways in which representations and issues may be handled.

POST-EXAMINATION PROCEDURES

After the Examination

26. On completing the examination, the appointed person will prepare a report setting out and giving reasons for his conclusions and recommendations. We envisage that the report will include conclusions and recommendations for each of the issues identified at the start of the examination process. The report will also set out the appointed person's assessment of the authority's conformity with their participation statement. The report will not include conclusions and recommendations on each individual representation.

27. The appointed person will then submit his report to the planning authority (in the case of LDPs) or Scottish Ministers (in the case of SDPs), publish it (including electronically) and notify parties who made unresolved representations. In the case of SDPs, the appointed person is also to send a copy of his report to the SDPA.

Costs

28. Draft regulation 7 proposes that the general costs and overheads associated with examinations into SDPs should be met equally by the SDPA and Scottish Ministers, and that these costs associated with examinations into LDPs should be met by the planning authority. This reflects Scottish Ministers' distinct role in approving SDPs. The intention is that parties' individual costs incurred preparing and presenting evidence should be met by that party.

Q8 Do you agree that the proposed apportionment of examination costs is fair and workable?

CONCLUDING REMARKS

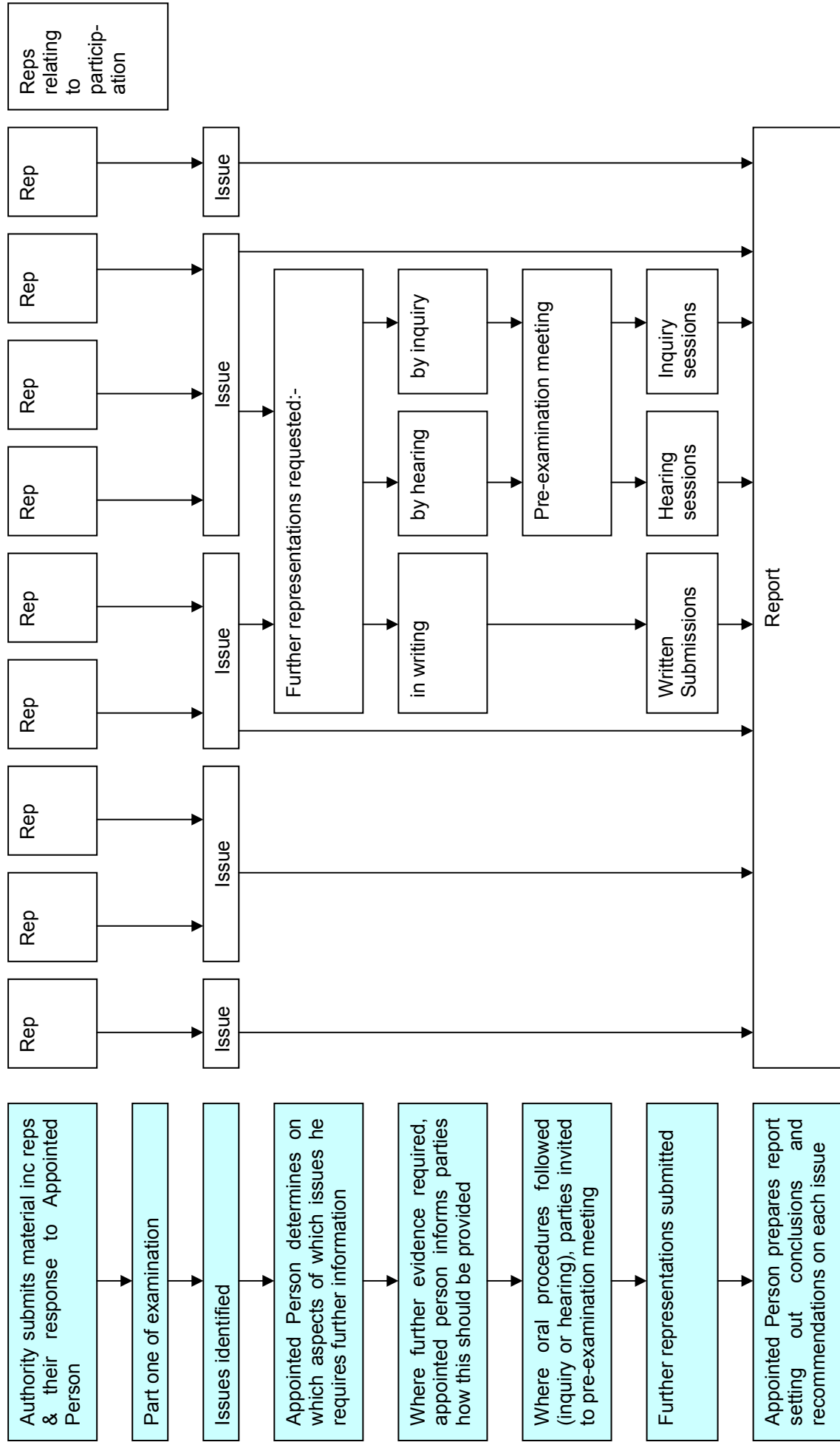
29. This consultation paper sets out the draft regulations on development plan examinations which will sit alongside the new provisions in Part 2 the Act. We would welcome any comments on the content of the regulations and on the partial Regulatory Impact Assessment and partial Equalities Impact Assessment which are attached as Annexes. Details of how to respond are set out at the front of the consultation paper.

Q9 Are there any potential impacts on the business or voluntary sectors that we should be aware of in finalising these regulations?

Q10 Are there any potential impacts on particular societal groups that we should be aware of in finalising these regulations?

Q11 Do you have any other comments to make on the draft development planning examinations regulations?

FIGURE 1 - ILLUSTRATION OF HOW REPRESENTATIONS COULD BE HANDLED



SCOTTISH STATUTORY INSTRUMENTS

2007 No.

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Development Planning Examinations) (Scotland) Regulations 2007*Made* - - - -*Laid before the Scottish Parliament**Coming into force* - -

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by section 12(3), 19(5) and 275 of the Town and Country Planning (Scotland) Act 1997⁽²⁾ and of all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Development Planning Examinations) (Scotland) Regulations 2007 and shall come into force on [].

Application of regulations

2. These regulations apply to—

- (a) an examination under section 12(1) and (2) of the Act; and
- (b) an examination under section 19(3) or (4) of the Act.

Interpretation

3. In these Regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1997;

“the 2005 Act” means the Environmental Assessment (Scotland) Act 2005⁽³⁾;

“appointed person” means, as the case may be, a person appointed by the Scottish Ministers—

- (a) under section 12(1) of the Act to examine a proposed strategic development plan; or
- (b) under section 19(3) of the Act to examine a proposed local development plan;

“authority” means in the application of these Regulations—

- (a) to an examination under section 12(1) or (2) of the Act, the strategic development planning authority which submitted the plan; and

⁽²⁾ 1997 c.8. Section 19 was substituted by section 2 of the Planning etc. (Scotland) Act 2006 (asp 17) and section 275 was amended by the Planning and Compulsory Purchase Act 2004 (c.5), Schedule 7, paragraph 20(3) and section 54(16)(a) of the Planning etc. (Scotland) Act 2006.

⁽³⁾ 2005 asp 15.

- (b) to an examination under section 19(3) or (4) of the Act, the planning authority which submitted the plan;

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (d) any film, negative, tape, disc or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom;

“environmental report” means the environmental report prepared in connection with a proposed plan in accordance with the 2005 Act;

“information” includes information contained in a document or provided (or to be provided) by oral evidence;

“monitoring statement” means, in relation to a proposed strategic development plan, a statement published in accordance with section 4(10) and, in relation to a proposed local development plan, a statement published in accordance with section 16(9);

“plan area” means in relation to—

- (a) an examination under section 12 of the Act, the strategic development plan area for the proposed plan; and
- (b) an examination under section 19 of the Act, the area to which the proposed plan relates;

“proposed plan” means in relation to—

- (a) an examination under section 12 of the Act, the proposed strategic development plan; and
- (b) an examination under section 19 of the Act, the proposed local development plan;

“relevant representations” means—

- (a) in respect of a proposed strategic development plan—
 - (i) representations mentioned in section 12(1)(a) of the Act; and
 - (ii) representations made in response to publication of the proposed plan under section 10(6) of the Act;
 - (iii) representations timeously made in consequence of the strategic development plan authority taking further steps with regard to consultation or involving the public at large specified in a direction made by the Scottish Ministers and which were not taken account of (or not fully taken account of) in modifications under section 12A(5)(b)(i) of the Act and have not been withdrawn; and
- (b) in respect of a proposed local development plan—
 - (i) representations mentioned in section 19(2) of the Act; and
 - (ii) representations timeously made in consequence of the planning authority taking further steps with regard to consultation or involving the public at large specified in a direction made by the Scottish Ministers and which were not taken account of (or not fully taken account of) in modifications under section 19A(5)(b)(i) of the Act and have not been withdrawn.

Notification of appointment of appointed person

4.—(1) The Scottish Ministers must as soon as practicable after appointing a person to examine a proposed local development plan under section 19(3) of the Act notify the authority that such an appointment has been made and of the name of the appointed person.

(2) The authority must, to the extent that they have not already done so, send to the appointed person within 14 days of receiving notification under paragraph (1) above or section 12(4)(b) of the Act, as the case may be—

- (a) copies of the relevant representations;
 - (b) a summary of the relevant representations and a statement of the reasons why the relevant representations were not taken account of (or not fully taken account of) in the plan;
 - (c) a summary of the issues raised by the relevant representations;
 - (d) the environmental report prepared in connection with the proposed plan and copies of opinions expressed in response to the invitations referred to in section 16(1) and (2)(a)(iii) of the 2005 Act;
 - (e) the proposed action programme prepared for the proposed plan in accordance with section 21 of the Act;
 - (f) the most recently published monitoring statement for the area to which the proposed strategic development plan or the proposed local development plan, as the case may be, relates; and
 - (g) the authority's development plan scheme.
- (3) When advertising or giving notice of the examination—
- (a) under section 12(4), the Scottish Ministers; or
 - (b) under section 19(6), the authority,

are to include a statement that the authority has, or is to, provide to the appointed person a summary of the issues it considers should be assessed at the examination and information as to where it is possible to inspect such summary and other information and documents provided by the authority in connection with the examination.

(4) On receiving a notice under section 12(4)(b) of the Act the strategic development plan authority are to give notice of the examination containing the information mentioned in paragraph (3) to any person who made a relevant representation in respect of the proposed plan in response to publication of the proposed plan under section 10(6) of the Act.

Scope of the examination

5. An examination under section 12(1) or section 19(3) of the Act is only to assess issues raised in relevant representations.

Further representations or information

6.—(1) Where the appointed person determines that further representations should be made or further information should be provided in connection with the examination of the proposed plan the appointed person may by notice request the person from whom the appointed person wishes to make or provide such further representations or further information to do so.

(2) The appointed person may make a request under paragraph (1) at any stage of the examination.

(3) A request for further representations or further information may only be made to an authority or person mentioned in paragraph (4).

(4) The persons are—

- (a) persons who made relevant representations;
- (b) the authority;
- (c) a key agency; or
- (d) a planning authority whose district adjoins the strategic development plan area or, as the case may be, the local development plan area.
- (e) any National Park authority for a National Park which adjoins the strategic development plan or, as the case may be, the local development plan area;
- (f) in the case of an examination under section 19(3) or (4) where the local development plan area, or any part of it, is within a strategic development plan area, the other planning authorities comprising the strategic development plan authority for that area;
- (g) the Health and Safety Executive; and
- (h) the Scottish Ministers.

Expenses of examination

7. The general administrative costs, staff costs and overheads incurred in relation to an examination held under—

- (a) section 12(1) or (2) of the Act, are to be met equally by the strategic development planning authority and the Scottish Ministers; and
- (b) section 19(3) or (4) of the Act, are to be met by the planning authority.

St Andrew's House,
Edinburgh

[Date]

Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations

PARTIAL REGULATORY IMPACT ASSESSMENT**1. Title of Proposal**

- 1.1 The proposed measure is the Town and Country Planning (Development Plan Examination Procedure) (Scotland) Regulations.

2. Purpose and intended effect***Objectives***

- 2.1 The regulations are required to implement Sections 12 and 19 of Part 2 of the Planning etc. (Scotland) Act 2006 regarding development plan examinations. They seek to ensure that development plan examinations are carried out fairly and efficiently. The regulations are intended to be in place before the first examinations are held under the new development plan system. This is expected to be commenced in late 2008.

Background

- 2.2 The independent testing of development plans under the outgoing planning system is by means of public local inquiries for local plans, and by Scottish Ministers for structure plans. Examinations in public have occasionally been held into certain structure plan proposals, but this procedure is not mandatory and is rarely used. The procedures for holding public local inquiries and examinations in public are currently set out in guidance rather than secondary legislation (Circular 6/1985 – Code of Practice for the Examination in Public of Structure Plans; Circular 1/1996 – Local Plan Inquiries: Local Plan Service Standards; and Circular 32/1996 – Code of Practice for Local Plan Inquiries (supplemented in March 2006 by further interim guidance)).
- 2.3 With regard to local plans, the time taken to go through the public local inquiry process has been identified as a major reason for delays in local plans being adopted. Over the past nine years, an average of eight public local inquiries into local plans have been held every year. The length of each inquiry varies greatly, from over 400 days of reporter time (for the Aberdeen Local Plan Inquiry) to under 10, though they typically take significantly more than 100 days of reporter time. Current inquiry procedures are therefore thought to contribute to the wider problem of local plans being out-of-date and often failing to effectively lead or manage change. A key aim of planning modernisation is to bolster the role of the development plan at the heart of the planning system by making them more relevant and up-to-date. This will require quicker preparation times and thus a much more efficient examination process.
- 2.4 Along with efficiency, planning modernisation aims to improve wider inclusion in the planning system. On the local plan side, public local inquiries gave, on the face of it, a great deal of opportunity for individuals and small businesses to have their say before an independent reporter. But in practice many found the lengthy, bureaucratic and legalistic processes involved off-putting. Structure plans were rarely examined in public, and so the new Act's requirement that examinations must be held into

strategic development plans where there are outstanding representations will enhance inclusion at this level.

Rationale for government intervention

- 2.5 Sections 12(3) and 19(5) of the 2006 Planning Act give Scottish Ministers powers to make regulations covering examinations. The expectation among stakeholders was and is that these powers will be used. While examinations and inquiries into development plans have not previously been the subject of regulations, the Scottish Government considers that legislation in this area is necessary to deliver more certainty to stakeholders as to how examinations will operate and to ensure that Ministers' priorities for them are achieved. In particular, we believe that the principles that evidence should generally be provided as early as possible in the process, and that the appointed person should have discretion as to whether and how any further representations are provided, should be enshrined in secondary legislation. These principles need to be universally applied to ensure that examinations are operated consistently over time and across the country, and meet the Scottish Government's intentions that the process is as efficient and fair as possible. If these matters were set out only in guidance, there is a danger that appointed persons could come under pressure from parties to the examination to make exceptions from these principles.

3. Consultation

- 3.1 **Within government** – The draft regulations have been the subject of discussion and internal consultation with the Directorate of Planning and Environmental Appeals, Historic Scotland and Transport Scotland. Various individual points have been discussed with other relevant parts of the Scottish Government.
- 3.2 **Wider consultation** – Prior to the passage of the new Planning Bill, the Scottish Executive ran a number of consultation exercises relevant to the content of these draft regulations.
- The 'Review of Strategic Planning' in June 2001 first proposed the introduction of strategic development plans and that these should be subject to mandatory examination and signalled the move away from an adversarial process.
 - A consultation on 'Modernising Public Local Inquiries' in 2003 focussed mainly on development management, but included discussion of development planning, and many of the issues raised with regard to development management are also of relevance to development planning.
 - 'Making Development Plans Deliver' in April 2004 again consulted on the proposal that appointed persons should have discretion over the style of examination and which issues should be heard orally.
 - The 'Modernising the Planning System' White Paper in 2005 included discussion on how to make the examination of development plans more efficient, transparent and accessible.

4. Options

- 4.1 Some principles for examinations have been set by the 2006 Act, for instance the mandatory nature of examinations where there are outstanding representations on the plan, and the discretion for the appointed person to decide on the form of the examination, and therefore what will be heard orally. The scope to consider options is therefore necessarily limited. The key areas where choices were to be made relate to:

- **Scope of Examination** - The draft regulations limit the matters to be assessed to matters raised in representations on the plan. This contrasts with the approach in England where reporters are asked to undertake a wider 'test of soundness' of the plan, i.e. to test the plan against various criteria even where no representations were made on that topic. We also considered listing some specific matters that the appointed person should assess, e.g. compliance with the National Planning Framework, but rejected these approaches as acting against the goal of moving through the examination stage quickly. Our approach places more responsibility on the Scottish Government itself, the key agencies and other stakeholders to raise any issues of concern in duly-made representations.
- **Treatment of representations** – We envisage the appointed person drawing conclusions and making recommendations on the issues raised in representations rather than on each individual representation. This approach may make it more difficult for individual members of the public to access the appointed person's findings on their particular representation, but has been proposed in order to expedite the examination process.
- **Limiting issues to be assessed** – We considered further limiting the scope of the examination by allowing planning authorities (in the case of LDPs) or Scottish Ministers (for SDPs) to direct appointed persons only to assess certain of the issues raised in representations. While this could have accelerated the examination stage, we felt that it would have removed transparency and objectivity from the process. Members of the public have a reasonable expectation that the issues they raise in representations will be considered by an independent person.

5. Costs and benefits

Sectors and groups affected

- 5.1 The principal people to be affected by these draft regulations will be those who may potentially wish to make representations on a proposed development plan. Among the business and voluntary sectors, these are likely to be companies and organisations with a particular interest in the development and use of land, for instance housebuilders, housing associations and amenity organisations. Other groups who are currently extensively involved in local plan inquiries are professional consultants e.g. planning, transport or landscape consultants, and the legal profession.

Benefits

- 5.2 We anticipate that our proposals will bring significant savings to businesses and voluntary groups seeking to make representations on development plans. The greater reliance on the content of the original representation, greater use of written representations, and less use of formal inquiry sessions should bring about significant savings in terms of professional and legal fees. Overall, a quicker examination process will contribute to a national framework of more responsive and up-to-date development plans. These in turn should be a positive tool for efficiently delivering the development the country needs and the certainty that developers and the wider business community expect.
- 5.3 We expect broadly the same number of LDP examinations to take place per year as local plan inquiries take place currently (around eight). But given the requirement for

all plans to be reviewed on a five-yearly cycle, we can expect these to have a wider geographic spread and for around a fifth of all businesses in Scotland to be located in the area of a plan undergoing examination in any one year. Businesses that wish to engage actively in every plan may therefore be involved in more examinations than at present. But this is unlikely to bring extra costs given the streamlined procedures that are proposed, and will also bring more opportunity to influence local planning policy.

- 5.4 The consultation on Modernising Public Local Inquiries elicited 14 responses from the business sector and 13 from the voluntary sector. The limited outright opposition to the use of hearings in SDP examinations came principally from the development industry. The key concern was that the hearings procedure did not permit a robust test of policies and the assumptions and issues underlying them. A number of other relevant suggestions were made. The most significant of these was simply the need to speed up plan making so that plans were kept more up-to-date. At the time, the Executive noted that its proposals had the potential to reduce inquiry costs and provide better control over expenditure. A Regulatory Impact Assessment was not therefore prepared at the time because the Executive took the view that there should be no adverse impact as a consequence of the proposals for business, charities, the voluntary sector or the public.
- 5.5 63% of the business respondents to the 'Making Development Plans Deliver' consultation agreed that the process for the approval of strategic development plans (including the examination process) would be quick and transparent.

Costs

- 5.6 No additional financial costs have been identified. The draft regulations aim to simplify current practice and reduce the number and scale of procedures to be gone through by parties seeking to make effective representations on development plans. Individual companies and voluntary organisations will, by virtue of the Act, lose their automatic right to be heard at examinations, but it is not considered that this will impact disproportionately on these sectors.

6. Small/ Micro Firms Impact Test

- 6.1 No specific information is available, or research undertaken, on the impact of these proposals specifically on small businesses. However, the existing inquiry system often demands a significant outlay of time and funds by objectors, so the use of simpler, faster and more transparent procedures should reduce costs for all businesses, and mean that small companies are not disadvantaged in comparison with better resourced firms.

7. Legal Aid Impact Test

- 7.1 The impact of these regulations on the legal aid system should be minimal. Civil legal aid will not be available for legal representation at planning examinations. It will remain available for appeals to the Court of Session on points of law but there is nothing to suggest that the regulations will increase the likelihood of that. Initial Advice and Assistance under Legal Aid will still be available to enable eligible individuals to receive advice from a solicitor concerning a planning matter. The new planning examination system is, however, intended to be less legalistic in its operation. Its introduction should not, therefore, increase the requirement for legal advice for individuals engaging with it.

8. “Test Run” of business forms

8.1 These draft regulations do not contain business forms.

9. Competition assessment

9.1 The draft regulations are not considered to have any competition impacts.

10. Enforcement, sanctions and monitoring

10.1 The regulations will have the strength of law and so the proper exercising of the proposed duties contained in them can ultimately be tested in the courts. The principal responsibility for the proper running of an examination will lie with the particular appointed person involved. He will be appointed from the Directorate of Planning and Environmental Appeals under the Minister for Transport, Infrastructure and Climate Change. The Scottish Government continually monitors development plan progress, and so if the expected reduction in the time taken to hold examinations does not materialise this should become apparent. The Planning Directorate also liaises closely with local authorities and representatives of the business community, and so the Government will be made aware of any dissatisfaction with the way the new examination system is operating.

PARTIAL EQUALITIES IMPACT ASSESSMENT

1. Equality impact assessment (EqIA) is about considering how policy (by policy we mean activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.
2. The Scottish Government has a statutory duty to consider and address the impact of policy on particular groups (disabled people, women & men and different ethnic groups). In addition to these statutory responsibilities the Government also has a commitment to promoting equality in the areas of religion and belief, age and sexual orientation. This partial EqIA recognises that we are not currently able to identify in all cases **who** these people might be and **what** specific needs they may have.
3. The Scottish Government has developed the following 10 step process to aid the EQIA process.

Step 1	Define the aims of the policy
Step 2	What is already known about the diverse needs and/or experiences of the target audience?
Step 3	What else do we need to know to help us understand the diverse needs and/or experiences of the target audience?
Step 4	What does the information we have tell us about how this policy might impact positively or negatively on the different groups within the target audience?
Step 5	What, if any, changes will be made to the policy?
Step 6	Does the policy provide the opportunity to promote equality of opportunity or good relations?
Step 7	Based on the work we have done – rate the level of relevance of the policy – HIGH, MEDIUM OR LOW
Step 8	Do we need to carry out a further impact assessment?
Step 9	Explain how we will monitor and evaluate this policy to measure progress
Step 10	Sign off and publish the impact assessment

4. This partial EQIA covers the first three steps. We are seeking your views on the conclusions made and particularly where you consider that the policy may impact disproportionately on equalities groups.

5. **Step One – Defining the aims of the policy**

<p>What is the purpose of the proposed policy (or changes to be made to the policy)?</p>	<p>The examination of proposed development plans has been made mandatory by the 2006 Planning Act where there are outstanding representations. A new set of regulations is proposed to govern development plan examinations. It includes provisions as to the scope, procedures for and meeting the costs of examinations of development plans. The draft regulations seek to ensure that development plan examinations are carried out fairly and efficiently.</p>
<p>Who is affected by the policy or who is intended to benefit from the proposed policy and how?</p>	<p>The parties principally affected are planning authorities and strategic development planning authorities, but also parties who may wish to make representations on development plans including landowners, potential developers and people affected by development proposals. The Scottish population should benefit from efficient examination processes because this will help deliver relevant up-to-date development plans. People making representations will benefit from procedures that allow the issues they raise to be considered fairly but with a minimum of procedural complexity.</p>
<p>How have you, or will you, put the policy into practice, and who is or will be responsible for delivering it?</p>	<p>The requirements in the regulations largely fall on the person appointed to hold the examination, but there are also duties on the planning authority and Scottish Ministers.</p>
<p>How does the policy fit into our wider or related policy initiatives?</p>	<p>The draft regulations fit into the strategic aims of the Government to produce a:</p> <ul style="list-style-type: none"> • Wealthier and fairer Scotland, by increasing the speed and efficiency of the examination, and thus the plan preparation, process, and by ensuring that the issues people raise about proposed plans are fairly considered; and • Greener Scotland, by providing a framework for environmental concerns about plan content to be assessed alongside other considerations.
<p>Do you have a set budget?</p>	<p>No. It is proposed that the cost of examinations into local development plans will fall upon local authorities, while those for strategic development plans will be shared between the strategic development plan authority and Scottish Ministers.</p>

6. **Step Two - What is already known about the diverse needs and/or experiences of the target audience?**

7. To understand the different needs and experiences of those affected by the policy, we have gathered the following information about the target audience.

8. The evidence and information contained in this EqIA primarily comes from consultations undertaken over the past few years by the Scottish Government on modernising the planning system. It is supported by work of the Scottish Parliament's Communities Committee in its consideration of the Planning etc. (Scotland) Bill and specific research projects.

9. A summary of the range of information can be found in the summary table with specific evidence and information highlighted below.

Do we have information on	Yes	X	No	
Age	Yes	X	No	
Disability	Yes	X	No	
Gender	Yes	X	No	
Lesbian, Gay, Bisexual & Transgender	Yes		No	X
Race	Yes	X	No	
Religion and Belief	Yes		No	X

Age	<p>Evidence: Research contained in <i>Planning and Community Involvement</i> indicated that generally the people likely to volunteer their views on a planning application come from an age profile dominated by the middle aged and the elderly. It can be expected that individuals making representations on development plans would have a similar profile.</p> <p>Consultation: In its pre-legislative consultation on the Planning Bill, the Scottish Parliament's Communities Committee heard from a representative of the Scottish Youth Parliament that there is a need to consider how the planning process can be made more open and transparent so that it is easier to understand and that young people should be consulted in a proactive and non-tokenistic manner.</p> <p>Summary of Evidence of Getting Involved In Planning http://www.scotland.gov.uk/Publications/2002/10/15638/12159</p> <p>Planning and Community Involvement in Scotland. http://www.scotland.gov.uk/Publications/2004/07/19666/40347</p>
Disability	<p>Local authorities amongst others have a specific duty to prepare and publish a Disability Equality Scheme setting out how they will meet these duties under the Disability Discrimination Act 2005.</p> <p>The Disability Rights Commission responded to the consultation on Making Development Plans Deliver: they believe that development plans have the potential to improve disabled people's access and involvement in the planning system, as well as access to participation within their neighbourhoods, communities and society as a whole. Full response available at: http://www.scotland.gov.uk/Resource/Doc/26350/0026228.pdf</p>

Gender	<p>Evidence: Defra funded focus groups (organised by the Women's Network) aimed primarily at looking at environmental decision-making for women. <i>Women in decision-making</i> sets out views of women on barriers to participation.</p> <p>In addition, research contained in <i>Planning and Community Involvement</i> showed that women were slightly more likely than men to become involved in the planning process, but significantly more likely to oppose a planning application.</p> <p>Consultation: Results from the Scottish Household Survey set out in <i>Getting Involved in Planning: Summary of Evidence</i> showed that broadly men and women were equally interested in the planning of their area and considered it was important that people should be involved in the planning of their area.</p>
Lesbian, Gay, Bisexual & Transgender	Currently no evidence
Race	<p>Research contained in <i>Planning and Community Involvement</i> indicated that white Caucasians dominated the responses. Of the 142 responses to the questionnaire, only three (two percent) were from an ethnic minority. This is broadly in line with the ethnic mix across Scotland. However, in two of the three areas there was no involvement from people who were not white.</p> <p>Evidence from across Britain indicates that planners have little understanding of the relationship between planning and race equality. Research published in 2004 by the Office of the Deputy Prime Minister (ODPM), which covered England, found that, 'issues about diversity and planning are not that well understood or a priority in planning practice and procedure.' The research also discovered that while a majority of planning officers had received some training on diversity issues, the training rarely made the link between planning and diversity. Although there is no equivalent research into planning in Scotland, the Commission for Racial Equality's knowledge of individual planning situations would indicate that the position in Scotland is no different. In our experience Scottish planning authorities have little awareness of the Royal Town Planning Institute's guidance on dealing with racist representations.</p> <p>http://www.scotland.gov.uk/Publications/2004/07/19666/40347 - Research highlighting the age, gender and race demographic of those involved in the planning system.</p>
Religion and Belief	Currently no evidence

10. **Step Three - What else do we need to know to help us understand the diverse needs and/or experiences of the target audience?**

Age	<p>We have limited information on the potential impact of this policy on this group. We will seek to disaggregate the views from individuals on the proposals by asking respondents to indicate the broad age category they are in.</p> <p>We are consulting with organisations representative of older and younger people, and have asked a specific question on the impact on societal groups. We will gather information from the consultation response.</p>
Disability	<p>We have some information on the views of organisations representative of disabled people on the broad principles of the overarching primary legislation.</p> <p>We are therefore looking for views on the more detailed proposals set out in the secondary legislation. Additionally we will seek to disaggregate the views from individuals on the proposals by asking respondents to indicate whether they consider themselves to be disabled.</p> <p>We are consulting with organisations representative of disability groups, and have asked a specific question on the impact on societal groups. We will gather information from the consultation response.</p>
Gender	<p>We have some limited information on the potential barriers to engagement for a part of this group.</p> <p>We will seek to disaggregate the views from individuals on the proposals by asking respondents to indicate their gender.</p> <p>We are consulting with women’s organisations, and have asked a specific question on the impact on societal groups. We will gather information from the consultation response.</p>
Lesbian, gay, bisexual and transgender	<p>We have no information on the potential impact of this policy on this group.</p> <p>We are consulting with organisations representative of the LGBT community, and have asked a specific question on the impact on societal groups. We will gather information from the consultation response.</p>
Race	<p>We have limited information on views regarding the broad principles of the overarching primary legislation. We have no information on the proposals contained in the secondary legislation.</p> <p>We will seek to disaggregate the views from individuals on the proposals by asking respondents to indicate their ethnicity.</p> <p>We are consulting with organisations representative of racial groups, and have asked a specific question on the impact on societal groups. We will gather information from the consultation response.</p>
Religion and Belief	<p>We have no information on the potential impact of this policy on this group.</p>

	We are consulting with organisations representative of religious and belief groups, and have asked a specific question on the impact on societal groups. We will gather information from the consultation response.
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References to Published Information

A Gender Audit of Statistics (Scottish Executive 2007)

<http://www.scotland.gov.uk/Publications/2007/03/27104158/1>

Draft PAN: Community Engagement – consultation responses (Scottish Executive 2006)

<http://www.scotland.gov.uk/Publications/2006/12/08125517/0>

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Planning and Community Involvement (Scottish Executive 2004)

<http://www.scotland.gov.uk/Publications/2004/07/19666/40347>

Scottish Parliament Communities Committee: *Reports of Pre-legislative events: Planning etc (Scotland) Bill* (Scottish Parliament 2006)

<http://www.scottish.parliament.uk/business/committees/communities/reports-06/cor06-05-Vol02-01.htm#6>

Women in decision-making (Women's Environmental Network 2007)

http://www.wen.org.uk/general_pages/resources.htm

COMPLETE LIST OF CONSULTATION QUESTIONS

- Q1 Do you agree that these principles should underpin the regulations and guidance for development plan examinations?
- Q2 Do you support the use of a new code of practice to set out the detailed procedures for examinations, rather than prescribing this detail in regulations?
- Q3 In order to ensure an efficient process, should the draft regulations restrict the matters to which the appointed person may refer in assessing the authority's conformity with its participation statement?
- Q4 Are you satisfied that the proposed scope of the examination successfully balances the need for a speedy and efficient process with a rigorous assessment of appropriate issues?
- Q5 Specifically, where should responsibility lie for identifying the issues to be assessed in the examination?
- Q6 Should the regulations set out a defined list of matters to which the appointed person can refer in assessing the plan, and if so, which matters should be included in such a list?
- Q7 Are there other bodies beyond those proposed in regulation 6(4) from whom it should be possible to seek further representations?
- Q8 Do you agree that the proposed apportionment of examination costs is fair and workable?
- Q9 Are there any potential impacts on the business or voluntary sectors that we should be aware of in finalising these regulations?
- Q10 Are there any potential impacts on particular societal groups that we should be aware of in finalising these regulations?
- Q11 Do you have any other comments to make on the draft development planning examinations regulations?



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