



RTPI

mediation of space · making of place

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Dear Sir / Madam

Draft Regulations on Development Plan Examinations

The Royal Town Planning Institute (RTPI) welcomes the opportunity to respond to this consultation which addresses the essential features of the new Development Plan Examinations. This is a crucial document in ensuring that more certainty in operation is achieved and robust principles, procedures; content and consultation arrangements are put in place.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2000 members in Scotland, working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia.

Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

Our detailed response to the consultation is set out below under the questions raised in the consultation paper.

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

The Institute supports the aims to ensure that Development Plan Examinations are more responsive, inclusive and cost effective. These principles should underpin the commitment to the continued achievement of plans of a high standard. There should be a commitment to ensure that the quality of plans will not suffer due to the various efficiency measures, and that service users and the public generally will have increasing confidence in the Development Plan system following their introduction. An additional principle might read 'ensure high standards of plans and of stakeholder involvement'.

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?

The Institute supports the use of a code of practice to set out detailed procedures for examinations rather than prescribing this in formal regulations. The Code of Practice should be sufficiently flexible to cope with different circumstances and reviewed periodically to respond to the experience of good practice through time.

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?

The Institute considers that in general these arrangements may be sufficient, however, we suggest that some flexibility may be required. It would be reasonable, for instance, for the appointed person to request further information in circumstances where concerns were raised about the consultation process.

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?

The Institute agrees that the proposed scope of the examination is adequate. Experience should be monitored and reviewed in the longer term.

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

The Institute considers that responsibility for identifying issues to be assessed should lie with the appointed person. We agree that issues should normally be those dealt with in the original representations, the authority's response, any further representations asked for by him and relevant 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?

The Institute considers that a menu of matters might be set out as part of Code of Practice in the first instance.

Q7 Are there other bodies beyond those proposed in regulation 6(4) from whom it should be possible to seek further representations?

In general, the Institute agrees that in a limited number of cases the appointed person may wish to seek further information or representations. The Institute considers that some flexibility may

be helpful and it may be more appropriate to cover such a listing in guidance. Circumstances may be identified where it would be useful to consult: Community Councils or other established community groups; national amenity bodies or any similar bodies, including Ministers, in England, where that country adjoins or significantly affects the planning of the relevant Strategic Development or Local Development Plan area in question; and / or other expert persons who, in the judgement of the appointed person, can provide further representations or information helpful to the examination of the proposed Plan.

It is suggested that section 6 (4)(d) should be amended to read *...whose district adjoins or significantly affects the strategic...*

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

The Institute notes that the intention of the guidance is for parties' individual costs of preparing and presenting evidence to be met by that party. More details of associated arrangements will be needed in guidance and further consideration might be given to how the costs of Community Councils or other established Community Groups might be met through some form of grant or other support in order to ensure that responsible community involvement is assured.

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

See Q8 above. It will be important to raise awareness among these groups at an early stage.

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

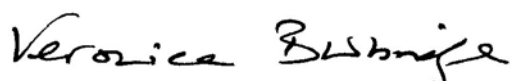
There will be issues relating to how to achieve effective engagement with minority and equalities groups in the plan making process and these will require resourcing and capacity building.

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

In general, the Institute welcomes the regulations, however, our comments seek further clarification on a number of issues, and suggest the need for further consideration of matters that might be dealt with by guidance rather than regulation. The increased efficiency of the development plan examination system should be accompanied by increased overall quality of plan outputs and inclusiveness; and the identification and promotion of best practices in an open and accessible manner.

The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification or further assistance, please do not hesitate to contact me at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, or email: veronica.burbridge@rtpi.org.uk

Yours sincerely



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