



Each case is unique and must be considered on its merits. It is for the person appointed to determine the case to satisfy him/herself that the application of the practice contained in this note is appropriate to the circumstances of the case. A reporter who intends to depart from the guidance should advise a Principal or Assistant Chief Reporter so issues emerging can be considered for future case work.

<b>Guidance note:</b>	<b>Development Plan Examinations</b>
<b>Relating to:</b>	<b>Role of Non-Lead Reporters</b>
<b>Background/ legislative and policy framework:</b>	<p>1. The relevant sections of the Act, the regulations and the circular as they apply to the process of examination for both strategic development plans and local development plans are:</p> <ul style="list-style-type: none"> <li>• The Town and Country Planning etc. (Scotland) Act 1997- sections 12, 12A, 19 and 19A;</li> <li>• The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, Regulations 18 to 23 and;</li> <li>• Planning Circular 6/2013: Development Planning, paragraphs 105-125.</li> </ul> <p>2. Taken together, these require the development plan examination process to be:</p> <ul style="list-style-type: none"> <li>• reporter led and project managed to secure efficient delivery of the report (Circular 6/2013 says that Ministers' expectation is that from appointment to reporting will normally take around 6 months, and rarely exceed 9 months);</li> <li>• succinct, proportionate and focused on issues rather than on individual objections;</li> <li>• generally based on the material already lodged by those making representations or by the planning authority. Additional information is obtained through site visits, further written statements, hearings and inquiries, but only where necessary in the opinion of the reporter; and,</li> <li>• easy to understand for all parties.</li> </ul>
<b>DPEA practice:</b>	<p>1. The DPEA administration team is in regular contact with all planning authorities and maintains a list of the anticipated submission date for all development plans. The team provides pre-submission support to each planning authority to aid the smooth administration of the examination, and to ensure that the appropriate material is submitted. When submitting a plan for examination, the regulations require the planning authority also to send a completed form, as shown in schedule 4 of the regulations, for each of the issues raised in the unresolved representations. These are known as the 'schedule 4 forms'.</p>

2. The Head of Performance & Administration will identify the intended lead reporter in advance of the submission of the development plan. The responsibilities of the lead reporter are outlined in a separate guidance note (Guidance Note 12). These include deciding how many other reporters will be required to ensure the timely completion of the examination. Other reporters may be approached in advance by the Head of Performance & Administration to check potential availability, but the decision to appoint further reporters will be taken on the advice of the lead reporter, after scoping the work required for the examination.
3. The administration team will ensure that the appointment of further reporters is notified to the planning authority and published on their web-site. The team will assemble copies of the necessary documents which will be required by any further reporter to conduct his/her part of the examination. The team is developing standard procedures which will be applied to all examinations. Templates have been prepared for each stage, including for notices, correspondence, and reports.
4. The lead reporter will hold an initial briefing meeting to give any further reporters an overview of the examination, and will explain the role assigned to each of them. It is expected that each reporter will be given individual responsibility for part of the examination. It is not expected that they will act as “assistants”.
5. At that meeting, the further reporters will receive their documents, including each of the schedule 4 forms and associated documents relating to the issues which have been assigned to them. These issues may relate to particular geographical areas, or to topics or groups of topics, or some other combination. The lead reporter will explain the division of the workload and the issues allocated to each reporter. S/he will also highlight any over-arching or over-lapping issues which have been identified.
6. The schedule 4 forms will form the basis for the report of the examination, and will be converted for that purpose and forwarded electronically to the relevant reporter by the administration team. The lead reporter will confirm the approach to be adopted in writing the report.
7. The lead reporter has overall responsibility for the efficient management of the examination; for ensuring that the procedures adopted in the examination, and the reporters’ recommendations, are consistent with legislative requirements and Circular 6/2013; and for ensuring that all recommended modifications form a consistent and coherent package. Other reporters will retain responsibility for managing the examination of the issues allocated to them. At the initial briefing meeting, the lead reporter will pass on a copy of the outline project plan for the examination, including indicative timescales.
8. An early task for the other reporters is to assess the issues that

	<p>they are dealing with and give the lead reporter an estimate of the number of working days required to complete the task. This enables the DPEA to provide the planning authority with an indication of the anticipated cost of concluding the examination. It also helps with budget management. It should be understood that this is an estimate only and may change as the examination progresses.</p> <p>9. Sections 12(6) and 19(7) of the 1997 Act require that the examination does not start within 4 weeks of the appointment of the lead reporter. If appointed within this period, non-lead reporters may only undertake project management in order to organise the efficient examination of the issues assigned to them. Background reading of related documents can also be undertaken.</p> <p>10. Monthly progress meetings with the reporters and the administration team will be held until the process is concluded. Each reporter should submit a weekly progress return and time sheet to the administration team. Monthly expenses claims should be submitted to the DPEA promptly, clearly highlighting those expenses incurred in the course of the examination.</p>
Process:	<ol style="list-style-type: none"> <li>1. Each reporter should prepare a project plan for their part of the examination, which will meet the timescales indicated in the overall project plan.</li> <li>2. On starting the examination, each reporter should ensure that: <ul style="list-style-type: none"> <li>• they understand the broad shape, structure and content of the plan submitted for examination;</li> <li>• they understand, in the case of a local development plan, the framework set by the approved strategic development plan (if relevant);</li> <li>• they are familiar with the environmental report and, where relevant, the habitats regulations appraisal, the main issues report, and any existing approved plans.</li> </ul> </li> <li>3. The reporter should then make an initial assessment of the procedures likely to be necessary to complete the examination for each issue assigned to them. He/she should do this by reading each of the submitted schedule 4 forms, and referring as necessary to the associated documents for each, which will include copies of the relevant representations.</li> <li>4. If the reporter identifies that an issue has been raised in unresolved representations which is not the subject of a schedule 4 form submitted by the planning authority, he/she should draw this to the attention of the lead reporter. If the omission is confirmed, that issue should be subject to the same process of examination and reporting.</li> <li>5. Reporters should also advise the lead reporter <u>as soon as</u></li> </ol>

possible if there are any issues for which an oral process may be required to allow them to reach properly reasoned conclusions and recommendations. They should also inform the lead reporter if they identify deficiencies in the plan, so that the scope for these to be addressed, having regard to paragraphs 120-123 of Circular 6/2013, is considered at as early a stage of the examination as possible.

6. Reporters can use the converted electronic schedule 4 forms to set out in draft any initial findings and conclusions, and to note matters which will require to be inspected during a site visit. They can also note any further information which might need to be obtained from parties through the submission of a written statement, or holding a hearing or inquiry session.

7. The reporter should draw up a programme of site inspections. It is expected that most inspections can be unaccompanied. Depending on the time of year and the geography of the area, several can be done into one day. Reporters should always ensure that they use their time efficiently.

8. Reporters must consider their health and safety and should avoid spending excessive hours driving. They should notify the administration team of the intended programme. For personal security, where they expect to be away from home for more than one day, they should contact the office each day to report progress.

9. The order in which issues are examined should be decided in consultation with the lead reporter. Reporters should take into account the time needed to obtain any missing or further information, particularly if hearings or inquiry sessions have to be arranged. However, where there are over-arching or over-lapping issues with potential implications for other parts of the examination (e.g. the adequacy of housing land) early consideration of those issues may be prudent.

10. Reporters should assess the information provided in order to decide whether it is sufficient to allow them to make a recommendation on the issues raised in the unresolved representations. Circular 6/2013 makes clear that it is expected that the majority of issues will be dealt with without the need for further information .

11. Where reporters identify the need for further information, this should be discussed with the lead reporter to avoid duplication or confusion, and to ensure that the planning authority and the DPEA administration team can manage the programme of requests and the resultant timetable. When any such requests are issued, they should be copied for information to those who made representations on that matter. Any requests not directed at the planning authority in the first instance should also be copied to the planning authority. The administration team will ask that all requests are published on the planning authority's examination web-site, together with any responses received. Where

appropriate in the interests of natural justice, other parties should be given sufficient opportunity to comment on the responses.

12. Each reporter will be responsible for preparing any request for further information and the agenda for any hearing or inquiry session that they initiate, as well as for conducting the session. These documents will be issued by the administration team, and the reporter should check whether there is a standard template for the purpose. It may sometimes be helpful for other reporters to attend a hearing or inquiry session. Where there are over-arching or over-lapping issues, it may be necessary for more than one reporter to participate.

**Note:** Where the reporter requires further information from another part of the Scottish Government or wishes to request their attendance at an oral session, the admin team will issue the request via PAD. PAD has responsibility for collating all the initial SG responses during the LDP consultation, and will also take responsibility for sending on the requests for further information or request to attend an oral session.

13. As the reporter finishes writing his/her conclusions on each issue or group of issues, he/she should proof-read them before forwarding to the lead reporter and any other reporter. Inconsistencies or inaccuracies should be discussed and resolved or eliminated in discussion with other reporters. Conclusions and recommendations should be confined to addressing the issue raised in the unresolved representations. There is no power to examine the soundness of the plan, or any other aspect of it

14. Reporters should adopt a succinct approach to report writing, with plain English used wherever possible. Reporters should consider the summaries of the issues and representations set out by the planning authority in the schedule 4 forms, and should not alter them. The contents should not be repeated in the reporter's own conclusions. Where additional material is relevant to the reporter's conclusions and recommendations it should be introduced in the conclusions section. It may relate to: important contents of letters or other documents not referred to by the planning authority; key features that the reporter saw when visiting the site; information obtained from parties' written statements; or evidence given at a hearing or inquiry session.

15. Each reporter should follow the arrangements agreed for the submission, collation and publication of the report.