

| QUESTION   | ANSWER  |
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| What data do the Reporters feel is most appropriate to have regarding up to date housing requirements?   | we as reporter don't have a view. What is set out in policy or SG guidance. We take whatever data is taken by a party to appeal. We try and get parties to agree data. Try to make sure they are comparable otherwise may hold a hearing or inquiry.  |
| If a Local Authority fails to notify the Scottish Government reporter regards a consented application which is contrary to national policy, the development plan or a significant development requiring notification...what can be done to hold the Council to account?                  | Not understanding the context to which that would apply. If there is an appeal it will be the appellant who can apply. Major application normally requires notification to the Reporter as national context to see if it complies with the LDP, but council didn't notify the reporter. How would the reporter find out about it. Answer: Councils don't notify reporters, notify the Minister, the planning and architectural division. There are requirements that council is minded to notify the Minister as then Minister can decide whether he wants to call it in. Usually if a party has objected to it like SEPA. So the answer is we wouldn't know. What action can national bodies or community groups take? A: You would have to go back to the notification regulation to understand what the implications of failure to notify was. |
| in seven years experience, there has not been allowed a single presentation by groups questioning development plans. Is our council obliged to allow public consultation?  | There are obligations on public consultations, however the form of the consultation is a matter for each individual council.  |
| Do you envisage that the 2019 Act will bring about fundamental changes to LDPs or will it produce more subtle/incremental changes?<br>If a hearing has been held at the planning stage by council and the development has been sent to the reporter will the reporter watch the hearing? | Bit of both. Certain elements will be really different like the NPF4 which will have national policies. LPPs may be quite exciting. On the other hand a lot has been kept Probably not. If that is the planning appeal the issue is whether planning permission should be granted or not. How the council actually reaches a decision is not of direct relevance. The Once a council makes a decision it is expected to defend it. It is the Council decision not what the officer has recommended that the Reporter looks at.  |

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| <p>If proposed development sites in a LDP were also included in previous LDPs but were excluded by Reporters when they examined by them do reporters check and take notice of the comments by previous Reporters?</p>   | <p>If those are brought to their attention when they are next examining the plan. Quite often when there are disputes over sites to be included/allocated in the plan that the planning history of those sites would be raised. In those circumstances the Reporter would have regard to whatever is put forward to them. Reporters don't go searching for information. It would be up to you to raise the issue.</p> |
| <p>What if the community reps can't attend a hearing on a particular day? The developer has a choice of staff/consultants and will always be able to find someone to represent them. Community members have to juggle commitments!</p>  | <p>If a reporter was arranging a hearing then the dates and times are agreed with parties. Can be difficult. Sometimes hearings take place in the evening or weekends to accommodate folk.</p>  |
| <p>I had a case where the Council's Planning Committee unanimously refused a developer's application in support of the community's objections. (The developer was taking a parcel of land beyond the land designated for development.) At appeal the Reporter upheld the reasons for refusal but, nevertheless, upheld the developer's appeal. How is that justifiable?</p> | <p>Basis of appeal system is that when an appellant submits an appeal the reporter is deciding afresh and the issue is a planning judgement based on the merits of the case. So council and appellant can put forward their cases. That is how our appeal system works, you may not agree with it.</p>  |
| <p>What's the next stage Renfrew Council voted to reject reporters analysis of LDP. What follows on from that. Answer: Council decides what to do with reporters report. They can abandon and start and do another plan. Response It was a small site on HLS, so 9 planning board voted to reject the whole plan as not allowed to change</p>                               | <p>that means they won't be able to adopt that LDP.</p>   |

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| <p>Scotland Against Spin, through the DPEA Stakeholders' Forum, requested a handbook explaining the appeals process and this was published last month. Can you tell us more about the stakeholder group and the resources and who can access them?</p>          | <p>Stakeholder group, every 6 months we invite regular customers of the appeals system legal, consultees and various campaign groups like PD and interest groups to discuss and give feedback on how we are implementing the system. To help us improve the appeals process. We have a series of guidance and that booklet is on the policy webpage. We used to have a helpful website, but now have to conform and its not so helpful. If you have an appeal give the case officer a ring or email and they will help you to the guidance.</p> |
| <p>Within a LDP, there are conflicting policies eg (economic) development (sustainable, how defined?) versus environment and biodiversity. How does the Reporter weigh these up in an appeal? Also how does the Reporter take into account Scot Gov policy?</p> | <p>one wouldn't be seeing it as that kind of decision. When council prepares the plan you hope they have thought of these in the balance. Ultimately it is a balancing exercise and reporter has to make a planning judgement.</p>  |
| <p>Does 58% rejected appeals include speculative the applications.</p>  | <p>I don't know how many of these are contrary to the development plan, I would have to go through all 600 odd to find that out.</p>  |
| <p>Does the Reporters' decision making framework include anything about how far away from a development plan an application has to be before it is "not in accordance"? Perhaps the basic question here is what does "in accordance mean"?</p>                  | <p>Ultimately is a matter of planning judgement. Courts have given guidance but you have to look at the objectives of the policies and detailed wording of the plan that are relevant to the proposal and decide overall whether it complies or not. Elements can be supported in the plan and elements are not. But that is planning judgement.</p>  |
| <p>What weight is given if any to an emerging LDP that is contested?</p>  | <p>If it's a PP appeal section 25 which says a decision should be taken in accordance to a development plan unless mat considerations state otherwise. So that is your starting point the development plan. If there is an emerging plan it is a mat consideration and tis up to reporter</p>   |