
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 426

**The Town and Country Planning (Development
Planning) (Scotland) Regulations 2008**

PART 4

Examinations

Application and interpretation of Part 4

18.—(1) Part 4 of these regulations applies 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.

(2) In this Part of these Regulations—

“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 respect of—

- (a) an examination under section 12(1) or (2) of the Act, the strategic development planning authority which submitted the proposed plan; and
- (b) an examination under section 19(3) or (4) of the Act, the planning authority which submitted the proposed plan;

“monitoring statement” means, in relation to—

- (a) a proposed strategic development plan, a statement published in accordance with section 4(10); and
- (b) 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; and

“unresolved representations” means—

- (a) in respect of a proposed strategic development plan, representations mentioned in section 12(1)(a) of the Act; and

- (b) in respect of a proposed local development plan, representations mentioned in section 19(2) of the Act.

Notification of appointment of appointed person

19. 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.

Summary of unresolved issues

20.—(1) 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 section 12(4)(b) of the Act or regulation 19, as the case may be—

- (a) a summary of unresolved issues prepared in accordance with paragraph (2);
 - (b) copies of the unresolved representations;
 - (c) 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;
 - (d) the proposed action programme prepared for the proposed plan in accordance with section 21 of the Act;
 - (e) the most recently published monitoring statement for the area to which the proposed plan relates; and
 - (f) a copy of the authority’s participation statement current at the time when the proposed plan was published under section 10(1)(a) or 18(1)(a) of the Act, as the case may be.
- (2) The summary of unresolved issues to be submitted under paragraph (1)(a) is to—
- (a) specify the number of and list all unresolved representations (including the name of the person who made the representation);
 - (b) include, in the form set out in Schedule 4—
 - (i) a summary of each of the various issues raised in the unresolved representations; and
 - (ii) a statement of the reasons why the planning authority did not modify the proposed plan in response to the issues raised in the representations; and
 - (c) be arranged, so far as practicable, so that such summaries of issues appear in the same order as those parts of the proposed plan to which the issues relate are set out in the plan.
- (3) When advertising or giving notice of the examination—
- (a) under section 12(4) or (5) or section 12A(8) of the Act, the Scottish Ministers or the authority, as the case may be; or
 - (b) under section 19(6) or section 19A(8) of the Act, 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) In the application of paragraph (3) to advertisement under sections 12A(8) or 19A(8) of the Act the reference to a “summary” includes a reference to the note and report submitted under section 12A(5)(b)(ii) or 19A(5)(b)(ii), as the case may be.

Scope of the examination

21.—(1) An examination held under section 12(1) of the Act is to assess—

- (a) issues raised in unresolved representations;
- (b) any alternative proposals included in the proposed plan by virtue of section 11; and
- (c) matters specified in any direction made by virtue of section 12(1)(c) of the Act.

(2) An examination held under section 19(3) of the Act is only to assess issues raised in unresolved representations.

Further representations or information

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

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

Expenses of examination

23. The general administrative costs, staff costs (including any remuneration due to the appointed person) and overheads (including the costs of provision of a venue for the examination) incurred by the Scottish Ministers or the appointed person 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.