

**ANGUS LOCAL PLAN REVIEW
SECOND INQUIRY - PRE-INQUIRY PROCEDURE MEETING
ANGUS HOUSE, ORCHARDBANK BUSINESS PARK, FORFAR, DD8 1AX**

**NOTE OF MATTERS AGREED AT PRE-INQUIRY PROCEDURE MEETING
5 FEBRUARY 2008**

Introductions

1. The purpose of the meeting was to discuss the arrangements for the forthcoming public local inquiry into objections that have been made and not withdrawn, to the Angus Local Plan Review.

2. Mrs Jill Moody, who is an Inquiry Reporter with the Scottish Government, has been appointed by Angus Council to conduct the inquiry, and to prepare a report with recommendations as to whether the local plan should be altered in the light of any of the outstanding objections.

3. The Programme Officer is Ms Kirsty Dear. She was appointed by the council, and she works from County Buildings, Forfar. But she is not part of the council's inquiry team, and she is directly responsible to the Reporter, not the council, for the administration of the inquiry. She is the central contact for everyone involved in the inquiry, including the Reporter, council officers, as well as for objectors and their agents. Her duties also include:

- dealing with general correspondence on inquiry arrangements;
- maintaining the list of objections;
- establishing the nature of cases to be presented, including whether witnesses are to be called;
- bringing together objectors with a common interest;
- arranging the pre-inquiry exchanges of documents, precognitions and other written material;
- managing the day-to-day programme during the inquiry; and
- arranging any necessary accompanied site inspections.

4. Ms Dear's postal address is Planning & Transport Division, Infrastructure Services Department, County Buildings, Forfar, DD8 3LG and her other contact details are:

- direct dial telephone number (01307) 473265
- fax number (01307) 461895
- e-mail address deark@angus.gov.uk

Objections to the Angus Local Plan Review

5. Following the report into the first inquiry, which took place in 2006 and dealt with objections to the finalised version of the Angus Local Plan Review, the council advertised its proposed post-inquiry modifications on 14 February 2007, with a 6 week objection period that expired on 27 March 2007. A

summary of the objections received at that stage, together with the council's responses, was presented to the relevant Angus Council committee on 22 August 2007. Because of the decisions made at that meeting, a second round of post-inquiry modifications were advertised, with another 6 week objection period that ended on 23 October 2007. The whole process has generated 62 unresolved objections for this second inquiry to consider, relating to 13 issues. One main issue is the need to find sites for some 85 more houses in the Forfar, Kirriemuir and the Glens housing market area than had been anticipated in the first inquiry report, in order that the Angus Local Plan might ultimately accord with the over-arching approved structure plan for Dundee and Angus. The council proposes to divide these extra houses between Forfar and Kirriemuir, and the main issue for this inquiry is which sites would be the best and most effective locations in these towns to receive those extra allocations. Other issues include the large country house policy and policy SC6.

6. All objectors have been asked to make clear whether or not they wish to give oral evidence to the local plan inquiry, or whether they would prefer their objection to be considered on the basis of a written submission. The status of a written submission objection is no different to those heard at the inquiry, they will all receive full consideration. So far, 10 objectors, involving 22 objections, have confirmed their wish to take part in the inquiry. The remainder have opted either actively or by default because they did not respond, to have their objections heard as written submissions. This position may still change, if objectors prefer even now to revert to written submissions and not to give oral evidence to the inquiry.

Inquiry procedures

7. Because the issues to be considered are narrowly prescribed, and to allow the greatest flexibility and efficient use of time, most objections will be discussed at hearing sessions. The hearings will be divided broadly into one each for Forfar and Kirriemuir, plus one for the remaining issues. Hearings generally have a more relaxed atmosphere, which makes it easier to discuss objections in a less formal or adversarial way, and the method is especially helpful where objectors are unrepresented and where several objectors have a competing interest in the same issue. For example, in Kirriemuir several housebuilders oppose potential housing sites because they consider them to be less effective or more constrained than their own. The Reporter would normally lead a hearing as a round table discussion, based on statements and an agenda that has been circulated and agreed in advance of the scheduled start date, which means that these issues can be discussed more comprehensively and with less strict demarcation between evidence in opposition and in support, than might otherwise apply. That said, hearing are no less rigorous, and they will still focus on matters in dispute, unless exceptional circumstances justify otherwise, in which case the council confirmed its willingness to allow supporters to be heard, to make sure that the Reporter receives the fullest possible picture of the objections.

8. To save time and repetition, matters may still be agreed with the council between now and the start of the inquiry. In addition, where a number of objectors share the same point of view, they should try to group together because that offers them the benefit of pooling resources, it allows presentation of a co-ordinated comprehensive case, and it avoids unnecessary duplication of effort.

9. At the inquiry, the Reporter will make sure that the proceedings follow well established principles of impartiality, openness, and fairness. All sessions will be as informal as possible, and generally, participants will be allowed to present their case in their own way. But at all times the Reporter must maintain order and discourage repetition, to ensure that the inquiry is completed in the short time available, while still giving each objector a fair hearing. Objectors may be professionally represented if they wish, but the Reporter will always listen carefully to everyone's point of view.

Inquiry timetable

10. The meeting agreed that the inquiry will start on Tuesday 22 April 2008 at 10:00 hours, and it is expected to last some 2 weeks. All but one of the issues would follow the hearings procedure, and the broad timetable lines suggested by the council and attached, although some changes may still occur. For example, the reservations expressed at the meeting on behalf of Select Homes (Tayside) Ltd and Elite Homes (Tayside) Ltd have yet to be addressed, so that the prospect of further change must be reserved. Mr Bruce Smith, as representative of these companies, will provide clear and detailed reasoning to explain these reservations within 7 days of today's date, i.e. by 12 February 2008. In the meantime, the draft timetable will be published on the council's internet site and Ms Dear can give any necessary further information or clarification.

11. The inquiry will normally close each day at about 16:30 or 17:00 hours and a lunch break is usually taken each day at a convenient time, sometime between about 12:00 and 13:00 hours. But because flexibility is essential to meet the overall timetable, all of these times might vary.

12. As currently advised, week one of the inquiry will address the Kirriemuir sites, and will involve:

- Select Homes (Tayside) Ltd
- Guild Homes (Tayside) Ltd
- J&J Learmonth
- Mr & Mrs Dobson
- Mr & Mrs Roberston

Week 2 will address Forfar and the remaining miscellaneous issues. Forfar will involve:

- Select Homes (Tayside) Ltd
- Ms Gledhill

- Elite Homes (Tayside) Ltd

Miscellaneous will involve only the Fox Planning Consultancy.

Inquiry venues

13. The inquiry venues will be the Glens and Kirriemuir Old Parish Church Hall, and Angus House, Forfar, unless otherwise advised nearer the time. Both of these venues are central to the respective areas, they have access for disabled people, and they are administratively convenient.

Pre-inquiry procedures

14. The Code of Practice for Local Plan Inquiries, which was produced by the Scottish Office in September 1996, has not been superseded and is still a useful procedural guide. But because best practice at inquiries has evolved since then, particularly with the introduction of the Town and Country Planning (Inquiries Procedure) (Scotland) Rules 1998 and with the more recent Planning etc. (Scotland) Act 2006, the inquiry will not follow every part of the 1996 Code to the letter. Where there is any difference in approach, participants should rely on the matters agreed and recorded in this pre-inquiry meeting note, rather than on the detailed terms of the Code. Copies of these documents can be obtained from Ms Dear, my office (DPEA, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR). The Circular is also available on the Scottish Government's internet site at www.scotland.gov.uk/Topics/Planning-Building/Planning.

15. All inquiries are now conducted in a way that requires advance disclosure of opposing cases in accordance with strictly prescribed and applied rules. To comply, all pre-inquiry material must be lodged with Ms Dear within the undernoted timescales, and participants should supply at least 5 hard copies of documentation, i.e. one for the Reporter, 2 for the council, and 2 for public deposit, plus one electronic version, preferably in PDF format on CD. It is imperative that participants adhere to this pre-inquiry timetable, because otherwise the ability to start the inquiry will be prejudiced.

16. Different procedures apply in the event that any formal inquiry sessions result. These will be advised if necessary and as appropriate. However, for the council, and the objectors who intend to take part in any of the hearings, statements of case must be lodged with the council within 4 weeks from today (i.e. by 4 March 2008). These statements should contain full particulars of the case to be made at the hearing, and they should list reference documents.

17. At the same time, the council will consider how best to present its statement of case to give the relevant sections to particular objectors. The council will also lodge a list of the core documents that will be referred to, for example, adopted local plans, approved structure plans, National Planning Policy Guidelines/Scottish Planning Policies, Planning Advice Notes, etc. The

purpose of this list is again to avoid unnecessary duplication, and it will be published on the council's internet site.

18. Thereafter, participants have 2 weeks to submit a written response to their opponents' statements, i.e. by 18 March 2008, and any agreed statements should be lodged at that same time. The Reporter will then use all of this information, plus the original objections, to prepare agendas for the hearings.

19. Next, no later than 4 weeks before the start of the inquiry (i.e. 25 March 2008), all hearing session participants must lodge with the council copies of all documents that are to be referred to in presentation of their case. Documents include maps and photographs, and anything else that participants may wish to refer to. They will all be listed and numbered, and preferably placed in A4 lever arch files. Duplication is to be avoided when considering which documents to produce and, if any one of the documents has been included in the Council's list of core documents, there is no need to provide a further copy. Anyone resting on their written submissions who wishes to expand their objection in writing, should have done so by this same stage, i.e. at least 4 weeks before the start of the inquiry.

20. The council will make sure that a full set of all inquiry documents is placed on deposit in the public library, Reform Street, Kirriemuir DD8 4BS, and at the Planning Department, County Buildings, Market Street, Forfar DD8 3LG, for public reference. In addition, a full set will be brought to each venue for use during the inquiry.

21. At the inquiry, each objection topic will be considered, and the council will have an opportunity to bring matters up to date where discussions have been ongoing.

Site visits

22. By the end of the inquiry, the Reporter will have visited every objection site. Many of these visits will be unaccompanied, but where the Reporter considers that an accompanied site visit is justified, that will normally take place at the end of a site-specific session. Similar arrangements will apply to written submissions sites.

After the inquiry

23. After the inquiry, the Reporter will prepare a report for the council, not for the Scottish Ministers. The report will contain conclusions and recommendations on the merits of each objection. Recommendations may be made as to:

- any new modifications that should be considered;
- which of the changes proposed by the council should be incorporated;
- which matters should be deleted from the plan altogether; and
- which matters should not be changed.

24. The report will be as brief and focussed as possible, making best use of electronic media (e.g. electronic templates), where appropriate. The timetable for submission will be agreed with the council as the inquiry closes. Because the final content of the local plan is the council's responsibility, there is no obligation to accept the Reporter's recommendations. Similarly, the report is the council's property, so it retains the decision on when and how the outcome should be publicised. Ultimately though, the council will set out its response to each recommendation, giving its reasons for accepting or rejecting them. If the council then proposes to modify the plan, this must be re-publicised.

MRS JILL MOODY
Inquiry Reporter

11 February 2008