
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 101

The Town and Country Planning (Development Planning) (Scotland) Regulations 2023

PART 4

Examinations

Application and interpretation of Part 4

14.—(1) Part 4 of these Regulations applies to an examination under section 19(3) or (4) of the Act.

(2) In this Part—

“appointed person” means a person appointed by the Scottish Ministers under section 19(3) of the Act to examine a proposed local development plan,

“authority” means the planning authority which submitted the proposed local development plan,

“unresolved representations” means in respect of a proposed local development plan, representations mentioned in section 19(2) of the Act.

Notification of appointment of appointed person - examination

15. 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

16.—(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 regulation 15—

- (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 in accordance with the Environmental Assessment (Scotland) Act 2005⁽¹⁾ and copies of opinions expressed in response to the invitations referred to in section 16(1) and (2)(a)(iii) of that Act,
- (d) the proposed delivery programme prepared for the proposed plan in accordance with section 21 of the Act,
- (e) a copy of the authority’s participation statement current at the time when the proposed plan was published under section 18(1)(a) of the Act.

(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 3—
 - (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 under section 19(6) of the Act, the authority are to include—
- (a) a statement that the authority has provided, or is to provide, to the appointed person a summary of the issues it considers should be assessed at the examination, and
 - (b) 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.

Scope of the examination

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

Further representations or information - examination

18.—(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 request such further representations or information and is to do so by giving notice (a “procedure notice”) to that effect to—

- (a) the planning authority,
 - (b) any other person from whom the appointed person wishes to receive further representations or information.
- (2) The appointed person may make a request under paragraph (1) at any stage of the examination.
- (3) The procedure notice to be given under paragraph (1) is to—
- (a) set out the matters on which such further representations or information is requested,
 - (b) specify the date by which such further representations or information are to be sent to the appointed person, and
 - (c) state the name and address of any person to whom the procedure notice is given.
- (4) Any further representations made or information provided in response to the procedure notice (the “procedure notice response”) are to be sent to the appointed person on or before the date specified for that purpose in the procedure notice and a copy of any procedure notice response is to be sent on or before that date to any other person to whom the procedure notice was given.
- (5) Within a period of 14 days from receipt of a copy of the procedure notice response, any person to whom the procedure notice was given—
- (a) may send comments to the appointed person in reply to the procedure notice response, and
 - (b) must, when doing so, send a copy of such comments to any other person to whom the procedure notice was given.
- (6) In this regulation—
- “procedure notice” has the meaning given in paragraph (1),

“procedure notice response” has the meaning given in paragraph (4).

Expenses of examination

19. 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 section 19(3) or (4) of the Act are to be met by the authority.