

## WESTERN ISLES LOCAL PLAN PUBLIC INQUIRY

### NOTE OF BUSINESS MEETING HELD ON 2 FEBRUARY 2007 AT STORNOWAY

#### **Present:**

- Michael Culshaw; John Watt: Scottish Executive Inquiry Reporters Unit
- Derek Laidlaw; Diane McPherson; Gordon Frith: Western Isles Council Comhairle nan Eilean Siar

#### **1. Introduction**

- M Culshaw has been selected by Comhairle nan Eilean Siar as the Inquiry Reporter who will conduct a public local inquiry into the objections which have been lodged and not withdrawn to the Western Isles Local Plan.

#### **2. Scale of the Job/Background to Local Plan:**

It was confirmed that around 280 objections had been lodged in total by some 53 individual objectors. The council indicated that the initial indications from the objectors did not yet give a clear idea as to how many wished to be heard at the local plan inquiry or rest on their written submissions. The council agreed that no planning appeals would be conjoined or heard concurrently with the LP inquiry.

#### **3. Progress on resolution of objections**

Progress on trying to resolve objections was discussed and the council indicated that it had prepared a report, with recommendations on any proposed changes to the plan in response to the objections. It was stated that these changes had been advertised and a period allowed for further objections to the proposed changes. It was hoped that this should result in some of the original objections being withdrawn or conditionally withdrawn, but may result in some new objections arising from the suggested changes. It was intended that any such further objections would also be placed before the Reporter.

#### **SEA and Appropriate Assessment**

The Council indicated that the plan had been subject to SEA, and that some minor modification of the plan was proposed arising from the SEA. They were also aware of the need to conclude an appropriate assessment of the impact of the plan on international wildlife interests prior to adoption. It was noted that some objections related to these processes.

#### **4. Appointment of Programme Officer:**

It was likely that Gordon Frith would be appointed as programme officer. This would be confirmed. The programme officer would be responsible for drawing up the inquiry programme, liaising with objectors over the arrangements for the inquiry, and would provide administrative assistance to the Reporter. Any contact between the Reporter and the council should be made through the programme officer. The individual appointed would report to the Reporter, and would act as an independent intermediary between the Reporter, the Council and the objectors. The council would consider providing the programme officer with any administrative support staff required.

#### **5. Electronic transfer of data**

The maximum use will be made of IT before, during, and after the inquiry. The council would use a web site to hold scanned copies of all objections and all inquiry documents and to inform the public about any proposed changes to the plan. The same web site would be used to publicise changes in the inquiry programme. Changes to the inquiry programme should also be posted on the inquiry notice board and notified to affected objectors. Lists of objectors, documents, and appearances will all be supplied to the Reporter electronically wherever possible. Objectors will also be encouraged to provide all their material in electronic form.

## **6. Options for Handling Objections at the Inquiry:**

The Reporter confirmed that the 1996 Code of Practice remains in force, but that inquiry practice has evolved since then. It was indicated that the Reporter intended to adopt the format of a “hearing” where individual objections are being considered orally, or where a number of objectors have an interest in the same issue. It was noted that certain topics might still justify the more formal inquiry format and that some objectors might opt to have their objections dealt with in this way.

The programme officer would take steps to establish as soon as possible which of those objectors who had indicated they wished to appear at the inquiry would require inquiry sessions.

Both the council and the objectors would be required to give advance notice of their case by setting out in their statement of participation a list of the documents which will be referred to and the witnesses who will be called. In addition they will be required to provide statements of evidence of these witnesses in advance of the inquiry. This will avoid surprise evidence and enable the Reporter to have sufficient time to prepare.

The Reporter would deal in his/her report with both those objections to be heard orally and those that were proceeding by way of written submissions. Written submission objections should not be included in the inquiry programme, but would be dealt with separately by the Reporter. In those cases where the objection concerns a matter which is the subject of another objection which is to be heard at the inquiry, the council should include the written objection as a document for that session.

Since the inquiry was into objections to the Plan those who support the council’s position would not normally be allowed to appear at the inquiry unless they were called by the council as one of its witnesses.

## **7. Timetable for Inquiry Preparation:**

### Pre-inquiry meeting

It was agreed that the pre-inquiry procedure meeting will be held on March 22 2007, in Stornoway in the evening. The programme officer will book a venue, probably the Council Chamber. The Reporter will supply the council with the draft agenda, and when finalised this will be sent out to each objector at least 2 weeks before the meeting. The letter inviting objectors to the pre inquiry meeting would include reference to those objections which have been withdrawn subject to modifications proposed by the Council, and seek confirmation of that position. The reporter would explain at the pre inquiry meeting that written objections would be given full consideration, and that for oral objections his preference was a hearing format, with an explanation of what that involved. Objectors would be asked in their statement to clarify what change they wished to see to the plan as a result of their objection.

### Timetable for inquiry and production of documents

The reporter asked the programme officer to prepare a the draft timetable for the inquiry in order to gauge its likely length.

It was agreed that the following provisional programme should be followed:

- Pre-Inquiry Meeting: 22 March
- Note of Pre inquiry meeting to be issued by w/c 5 April
- Clarification of objectors' position and intentions with regard to participation in inquiry : 30 April
- Final inquiry programme to be published: 14 May
- Inquiry to be advertised in accordance with Regulations
- All inquiry statements and documents to be submitted; Any further statements in support of written submission objections: 25 May
- Council final response to all written submissions: Submission of Inquiry Documents 8 June
- Opening date of Inquiry 25 June

#### Note of Pre-inquiry Meeting

A note of the pre-inquiry meeting would be sent to every objector, and they would be asked to indicate the following: (i) whether there has been any change in the position regarding their objection(s); (ii) whether they wished to be heard at the inquiry or to proceed by way of written submissions; (iii) if intending to give evidence to the inquiry, to state how they wished to have the objection considered, e.g. at a formal inquiry session or a hearing. Those appearing at the inquiry would be required to indicate how they would be represented at the inquiry (agent/solicitor or presentation of their own case), whether they would be calling any witnesses, and the main documents they intended to refer to.

All other objections would be dealt with by the Reporters on a written basis only. Supplementary written submissions would be permitted, but would have to be lodged by the date indicated. If, in exceptional cases, there was a need for clarification of the position on such an objection this would be done in writing by the Reporter.

#### Site Inspections

It was indicated that the Reporter would make inspections of all the sites which are the subject of objections. These would be made on an un-accompanied basis, unless an accompanied inspection is specifically requested by the objector, the council, or the Reporter.

### **8. Inquiry venue**

The council intends to hold the inquiry at the Council offices, which has access for the disabled. The council will investigate whether an appropriate room is available to allow the more informal hearing process to function successfully. The chosen venue has sufficient space to accommodate the maximum number of objectors likely to attend the proceedings. An additional room is available for the use of the Reporter, with access to a telephone, fax, photocopier, and storage facilities. Alternatively, the reporter's accommodation would be close to the offices and provide these facilities.

### **9. Location for public deposit sets of documents**

The council will ensure that full sets of statements, documents and precognitions are placed on public deposit, probably at a local council office and/or a public library. The set of documents should include a copy of the business and pre-inquiry meeting minutes, as well as a copy of the

inquiry timetable. It would also be helpful if the document sets could include a location plan for each site at issue.

#### **10. Start date for Inquiry**

Having considered the programme of work required to prepare for the inquiry and the need for the production of all the necessary documentation it was agreed that the Local Plan Inquiry should begin at 10.00am on 25 June at the agreed venue. The council will be responsible for the public advertisement of the inquiry in the local press on 2 consecutive weeks in accordance with the Regulations.

#### **11. Form of Final Report**

The report will be kept as concise as possible, and will be confined to a short description of matter in dispute, a brief summary of main points of evidence, the Reporter's conclusions and recommendation on each matter, and a list of proposed modifications to plan. The council and programme officer will provide as much information as possible in electronic form, including lists of objectors, inquiry participants, statements and documents for incorporation into the report. The Reporter will provide the following copies:

- 2 bound and one unbound paper copy; and
- one electronic copy for use on the Council's website.

#### **12. Administrative Matters:**

The council is responsible for all advertising associated with the inquiry and the pre-inquiry meeting in the press. It is not however required to give separate public notice of the appointment of the Reporter. The council is responsible for paying for the Reporter's time, at the daily rate notified, and for their travel and subsistence at the prevailing rates of the Scottish Executive. It was agreed that invoices for the Reporter's time would be submitted by SEIRU on a regular basis.

#### **13. Note of the Meeting**

The Reporter confirmed that he/she would prepare a note of the meeting, and that this would become an inquiry document which would then be available for public scrutiny.