

EAST AYRSHIRE COUNCIL

SPECIAL DEVELOPMENT SERVICES COMMITTEE: 25 JUNE 2003

PROPOSED ALTERATION TO HEARINGS PROCEDURE

Report by the Director of Development Services and the Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1 To recommend alterations to the hearings procedure utilised at Development Services and Local Planning Committees prior to determination of planning applications.

2. BACKGROUND

- 2.1 This Council is one of only four in Scotland that offers an opportunity for hearings on all planning applications that have been subject to an objection. The Council's hearing procedure on planning applications is not a statutory requirement and has been available to all objectors since inception of the Council, in line with our core values. The public awareness of planning has grown significantly over the past 6 years and there is the potential for a hearing on the majority of planning applications determined by Committees.. In the interests of efficiency and effectiveness of the decision-making process it is considered that the format of the procedure should be reviewed.

3. CONSIDERATION OF HEARING PROCEDURE

- 3.1 The opportunity for a hearing on all planning applications although not a statutory requirement is useful in ensuring that objectors have a chance to address their concerns in person at the Committee. There are benefits in terms of confidence in the system and transparency of decision taking. Subsequent correspondence and complaints resulting from lack of knowledge of how decisions are taken are reduced and more generally public understanding of what the system can or cannot achieve is increased. It is not proposed to reduce the opportunity for planning hearings but rather to consider improvements in their effectiveness and efficiency.
- 3.2 There are two areas that require to be addressed in an effort to ensure that there is clarity, precision and efficiency of decisions on applications involving hearings. These are the separation of the roles of objector and applicant and the reduction in the opportunity to use cross-examination of the opposite party to turn the hearing into an adversarial process equivalent to a court procedure.

3.3. A revised hearing procedure is attached and the key changes are:

- That both objectors and the applicant have only one opportunity to present their views
- That there is no opportunity for cross-examination of an applicant by an objector or vice versa
- That Members questions to either party are separated

3.4 It is considered that these changes will still offer the opportunity for objectors to address the Committee but in a manner that is more efficient and effective.

4. FINANCIAL AND LEGAL IMPLICATIONS

4.1 None.

5. RECOMMENDATION

5.1 It is recommended that the revised hearing procedure attached in Appendix 1 is used in all hearings at Committees after the recess.

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Director of Development Services

Fiona Lees
Director of Corporate Resources

12 June 2003 (SC/AN/SA)

FV/AN

BACKGROUND PAPERS

Nil

For further information on the report contact Alan Neish, Head of Planning and Building Control, on 01563 576767

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APPENDIX 1

EAST AYRSHIRE COUNCIL

PLANNING HEARING PROCEDURES

Prior to commencement of the Hearing the Administration Manager or representative will seek confirmation that the Hearing procedure is understood by the participants.

HEARING BEGINS

- 1 The Head of Planning and Building Control or representative will give details of the application.
- 2 The objectors and/or their agents will present their objections to Committee in support of their written objection(s), in the order determined by the Chair of the Committee. Each objector will normally be given 5 minutes and, in cases where there are several objectors in excess of six objectors, parties are asked to collectively speak up to a maximum total of 30 minutes or such other period as the Committee may agree
- 3 Members of the Committee may ask questions of the objector(s) on submissions made.

This is not to be taken as an opportunity to comment on the merits or otherwise of the planning application.

- 4 The applicant and/or their agents will speak for a maximum total of 15 minutes or such other period as the Committee may agree.
- 5 Members of the Committee may ask questions of the applicant(s) on submissions made.

This is not to be taken as an opportunity to comment on the merits or otherwise of the planning application.

HEARING CLOSES

All parties will be asked to withdraw to the Public Gallery and the Committee will consider the application.

- 6 At this stage the Head of Planning and Building Control or representative will address the Committee and give appropriate clarification on any issues raised during the Hearing.

- 7 Committee discussion, motions and decision
- 8 The Administration Manager or representative will report the decision of the Committee to those present.

Note: the opportunity to address the Committee will only be extended to the applicant when an objector has addressed the Committee.