

Item: 9

Special General Meeting of the Council: 6 May 2020.

Local Review Body – Proposed Suspension of Site Inspections.

Report by Chief Executive.

1. Purpose of Report

To consider temporary suspension of the policy of undertaking site inspections for all planning applications subject to a local review.

2. Recommendations

The Council is invited to note:

2.1.

That, on 8 July 2014, the Council adopted a policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review.

2.2.

That there are currently three outstanding reviews which cannot be progressed due to restrictions imposed on social distancing and group activities as a result of the Covid-19 emergency.

It is recommended:

2.3.

That, as a result of restrictions imposed by the Covid-19 emergency, the policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review, be temporarily suspended.

2.4.

That powers be delegated to the Chief Executive to withdraw the temporary policy suspension, referred to at paragraph 2.3 above, when the circumstances of the present Covid-19 emergency allow, namely when there are changes to the current social distancing and group activity restrictions that would allow normal arrangements to resume.

3. Background

3.1.

The Local Review Body may arrange a site inspection to gather further information to assist it in determining a planning application which is the subject of a local review. The committee may inspect the land at any point in the review process and may do so either unaccompanied or accompanied by the applicant and any other party they consider should attend.

3.2.

In 2014, a review was undertaken of the 18 applications which had been subject to local review. Ten were subject to a site inspection, with requests for site inspections made in four of the remaining eight cases.

3.3.

As the decision to undertake a site inspection was made at the meeting which initially considered the review, deferring to undertake a site inspection led to a delay in the decision making process. Accordingly, the Council subsequently adopted a policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review.

4. Proposed Suspension of Policy

4.1.

There are currently three outstanding reviews which require to be determined by the Local Review Body.

4.2.

When considering a review, the Local Review Body is provided with all the information which the Appointed Officer took into consideration when determining the initial application, as well as information provided by the appellant. This includes photographs of the site/proposed development.

4.3.

As the first step in the process would be to arrange a site inspection, it is proposed that, as a result of restrictions imposed by the Covid-19 emergency, this policy be temporarily suspended. This would allow the Local Review Body to determine any reviews where the committee did not consider a site inspection to be necessary and to continue consideration of those where a site inspection was considered necessary until a further date when then the current restrictions were no longer in place.

4.4.

It is anticipated the suspension would be lifted when there are changes to the current restrictions relating to social distancing and group activities that would allow normal arrangements to resume. Any reviews continued for the purpose of allowing a site inspection would then be progressed as soon as reasonably practicable.

5. Corporate Governance

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

All resources associated with undertaking site inspections, mainly in the form of travel costs, are contained within existing Planning and Democratic Services revenue budgets. For mainland based site inspections, these include mileage costs for members and officers traveling to and from the site. For island based site inspections, costs include ferry travel, minibus and venue hire and lunch costs.

7. Legal Aspects

The relevant legislation covering site inspections is contained in paragraph 16(1) of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013 which states:

“16. (1) The local review body may at any time make –

(a) an unaccompanied inspection of the land to which the review relates; or

(b) an inspection of the land in the company of such of the persons notified under paragraph (3) as desire to attend the inspection.

(2) Where the local review body intend to make an unaccompanied inspection, the local review body are to inform the applicant that they propose to do so.

(3) Where the local review body intend to make an accompanied inspection, the local review body are to give such notice of the date and time of the proposed inspection as may appear to them to be reasonable in the circumstances to –

(a) the applicant; and

(b) any interested party.”

8. Contact Officers

John W Mundell, Interim Chief Executive, extension 2101, Email john.mundell@orkney.gov.uk.

Hazel Flett, Senior Committees Officer, extension 2208, Email hazel.flett@orkney.gov.uk.

Roddy Mackay, Planning Advisor to the Local Review Body, extension 2530, Email roddy.mackay@orkney.gov.uk.

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2246, Email katharine.mckerrell@orkney.gov.uk.