



SCOTTISH EXECUTIVE
Development Department

INQUIRY
REPORTERS
UNIT



Review of the Year 2002-2003

2 Greenside Lane
Edinburgh EH1 3AG

October 2003

THE SCOTTISH EXECUTIVE DEVELOPMENT DEPARTMENT
INQUIRY REPORTERS UNIT

REVIEW OF THE YEAR 2002-2003

Foreword



I have pleasure in presenting the Seventh annual report of the Scottish Executive Inquiry Reporters Unit, covering the business year 2002-2003.

The Unit began this business year with more exacting targets than ever before. I am pleased that the targets for written submissions cases, other than for advertisements, were exceeded.

We are now turning our focus to the public local inquiry system. The consultation paper on Modernising Public Local Inquiries was published at the end of June. Our aim is to improve the system so that decisions are taken more quickly, while also allowing those interested in a development proposal to make their views known and have these views taken into account without being intimidated by the inquiry process. I see each of these as critical to the achievement of our objectives for both social justice and the wider involvement of communities in the planning system as well as allowing these important cases to be processed more quickly.

The Consultation invites comments on the specific proposals set out in the paper, and general comments about the operation of the public local inquiry process. It is intended to complete the review, and to issue a digest of consultation responses during 2004 before considering how improvements should be brought into effect. Some improvements can be introduced quickly. Others will require to be considered in the context of the conclusions we reach on a wider right of appeal in planning.

The expiry of the Unit's lease on its present Edinburgh premises in March 2004 has required us to consider relocation options within the context set by the Scottish Executive's office dispersal policy. I announced in July that the Unit would be moving to Falkirk. We have been determined to ensure that government in Scotland is efficient and decentralised as part of a wider vision of more accessible, open and responsive public administration. Besides maintaining and developing the planning appeals service, the Unit will thus be seeking a smooth transition to its new premises during the following months. Some existing members of the office staff will transfer to other jobs with the Executive in Edinburgh. My thanks go to them for their service to the Unit in the past. We look forward to welcoming new faces over the coming months.

A handwritten signature in cursive script that reads "Margaret Curran". The ink is dark and the signature is fluid and legible.

Margaret Curran MSP
Minister for Communities

Introduction by the Chief Inquiry Reporter



Welcome to the Review of the Year 2002-2003 for the Scottish Executive Inquiry Reporters Unit.

This review follows a similar pattern to the format newly adopted last year, and which seems to have been well received. Our intention is to provide a concise but informative commentary on the work of the Unit over the past year. As previously, we welcome comments and suggestions for its improvement.

Significant changes in administrative staff can be anticipated as the Unit prepares for the move to the Callendar Business Park in Falkirk. We will say goodbye to a number of case officers and managers who have given loyal service to us, some for many years, but who would prefer to remain with other Departments of the Scottish Executive in Edinburgh. I would like to record my thanks to them for their contribution to the Unit; we all wish them well in their future careers. There will be no change in the complement of reporters as the result of the move.

The next few months will be both challenging and exciting. Besides continuing to talk to stakeholders about the consultation on Modernising Public Local Inquiries and then arranging consideration of the formal responses we will be organising our move to Falkirk. Recruitment of new staff has already started, training will follow soon whilst the building is fitted out in parallel. We intend to do our best to ensure that our removal is completed with minimal disruption to the efficient handling of planning appeals and other casework.

A handwritten signature in black ink, which appears to read 'James McCulloch'. The signature is written in a cursive, flowing style.

James McCulloch
Chief Inquiry Reporter
Scottish Executive Inquiry Reporters Unit
2 Greenside Lane
Edinburgh EH1 3AG

Telephone 0131 244 5649
Facsimile 0131 244 5680
E mail seiru@scotland.gov.uk
Web pages www.scotland.gov.uk/planning_appeals/seiru

October 2003

The Scottish Executive Inquiry Reporters Unit

The Unit is part of the Scottish Executive Development Department. Its present office at Greenside Lane, Edinburgh, is separate from the remainder of the Development Department, and from the rest of the Scottish Executive. In early 2004 the Unit will move to offices in Falkirk where that functional separation will be maintained. The responsibilities of the Unit include:

- all planning and similar appeals lodged with the Scottish Ministers
- consideration of submissions on planning applications called-in by the Scottish Ministers for their decision
- non-planning cases, such as objections to compulsory purchase orders; objections to traffic regulation orders; harbours, fisheries and pollution cases
- arranging for these cases to be determined by public local inquiry, hearing, or by an exchange of written submissions
- supplying reporters to planning authorities to hold a local plan inquiry to consider and report on objections to local plans

Decisions and reports

The Scottish Ministers appoint a reporter to deal with each case. In the vast majority of cases, the decision is delegated to the reporter, who writes a letter explaining his or her decision and the reasons for it.

However, each year, the Scottish Ministers recall a small number of planning appeal cases for their own decision. A small number of planning applications is also called-in for Ministers' decision. In these cases the reporter prepares a report setting out the issues that have to be determined, together with conclusions, and a recommendation to Ministers. The report is then considered by the Scottish Ministers who subsequently issue their decision.

Written submissions, hearings and inquiries

Over 90% of the Unit's casework is dealt with by the exchange of written submissions¹. Under this procedure, a structured and timetabled series of written exchanges takes place involving the appellant, the planning authority and any other persons who have indicated their interest. These are considered by the reporter, who inspects the site, generally in the presence of the parties, and then issues his or her decision or a report and recommendation.

In any appeal, the appellant or the planning authority can request to be heard by a person appointed by the Scottish Ministers. In these circumstances, a formal public local inquiry or a more informal hearing is held.

The conduct of public local inquiries is governed by statutory procedure rules². The inquiry offers the opportunity for the presentation of evidence by the appellant, the planning authority, any other parties

¹ SEDD Circular 1/2000: Code of Practice for Planning Appeals and other Planning Cases Determined by Written Submissions, read with the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990.

² References to the Inquiries Procedure Rules are to The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997, as amended, for delegated appeals and to The Town and Country Planning (Inquiries Procedure) (Scotland) Rules 1997, as amended; for cases determined by the Scottish Ministers. Both should be read with SODD Circular 17/1998 Planning and Compulsory Purchase Order Inquiries and Hearings: Procedures and Good Practice.

involved in the case (such as consultees like SEPA or SNH), and by members of the public. In public local inquiries, there is the opportunity for those giving oral evidence to be cross-examined. A reporter holds the inquiry, and then writes a decision letter determining the appeal or (in non-delegated cases) writes a report to the Scottish Ministers making a recommendation.

Hearings take the form of a discussion led by the reporter, which follows an agenda circulated in advance, following the exchange of statements prepared by all of the participants. There is no opportunity for formal cross-examination. Matters that do not need to be discussed at the hearing are considered on the basis of the parties' written submissions. These procedures are set out in a Code of Practice³.

Staff resources

Inquiry reporters provide the professional input to the Unit's work, the core of whom are full-time and are established civil servants. A group of fee paid consultant part-time reporters is used to accommodate peaks in the appeals caseload, and to hold local plan inquiries. Both groups of reporters work from home.

The Unit's administrative staff organises all of the casework from its offices. These staff form casework teams, with individual case administrators taking responsibility for specific planning authorities throughout Scotland.

Volume of cases 2002-2003

Table 1 shows that there were 589 cases in hand at the beginning of the business year and that a further 1,118 cases were received during the year. In 2002-2003, 960 cases were determined by reporters acting under delegated powers and 68 by the Scottish Ministers. The Unit thus processed 1,028 cases to a decision in the course of the year.

Table 1: Volume of cases handled by SEIRU 2002-2003

<i>Business Year</i>	<i>In hand at start of year</i>	<i>Received*</i>	<i>Delegated appeals decided</i>	<i>Reports to the Scottish Ministers*</i>	<i>Withdrawn/suspended</i>	<i>In hand at end of year</i>
2002-2003	589	1118	960	68	115	564
2001-2002	484	1249	927	89	135	589
2000-2001	575	1257	1106	86	148	492
1999-2000	592	1270	1062	77	144	579
1998-1999	575	1300	983	91	209	592

* Including appeal and non-appeal cases

The number of cases in hand at the start of the year had increased on previous years. However, fewer were submitted in the course of the year, more were decided, and fewer were withdrawn or

³ Annex F of SODD Circular 17/1998 Planning and Compulsory Purchase Order Inquiries and Hearings: Procedures and Good Practice

suspended. The result was that appeals in hand at the end of the year had fallen to 564, slightly below the level at the beginning of the year. This reduction is encouraging.

Types of cases received 2002-2003

Table 2 shows that appeals of all types accounted for 95% of total cases, much the same as last year. However, this masks some significant changes in the categories of appeal. This year, 66% of the cases involved planning permission appeals (compared with 54% in 2001-2002). Appeals related to advertisements accounted for 12% (compared with 21% a year ago). The proportion of cases involving listed buildings and conservation areas remained much the same as last year, at 8% of total appeals, although the proportion of planning enforcement appeals, at 7%, was slightly lower than last year's figure of 8%. The number of planning call-ins, compulsory purchase and other planning orders was close to half the 2001-2002 figure, but the number of cases involving roads and transport issues doubled. However, the numbers in both categories remained small. There were 9 requests for a local plan inquiry compared with 15 in the previous year (when only 12 inquiries took place). This year, 8 inquiries took place, and objections to a ninth plan, the Fife Minerals Subject Local Plan, were considered on the basis of written submissions. This was against projections by planning authorities of a demand for 27 inquiries at the start of the business year. The pattern of slippage in the programmes proposed by planning authorities therefore continues, and at a proportionately higher rate, requiring a more realistic approach to their programming.

Table 2: Types of cases received 2002-2003

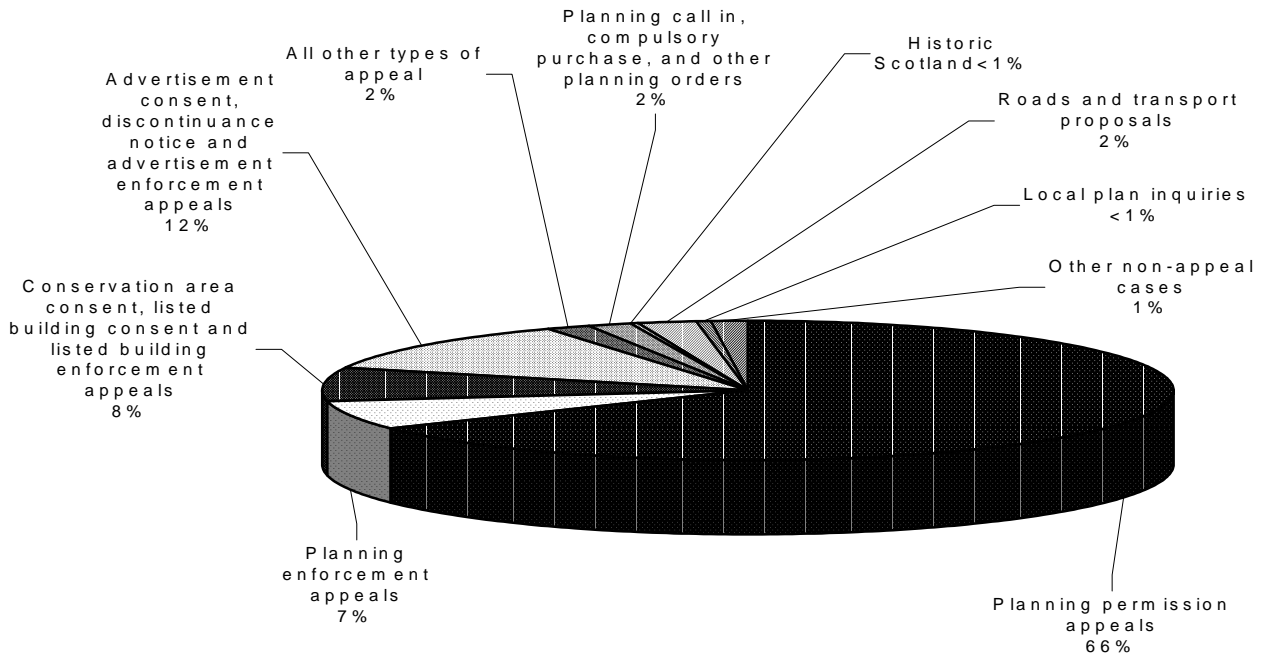
<i>Type of case</i>	<i>Number</i>	<i>% of all cases</i>
<i>Planning permission appeals</i>	734	66%
<i>Planning enforcement appeals</i>	76	7%
<i>Conservation area consent, listed building consent, and listed building enforcement appeals</i>	86	8%
<i>Advertisement consent, discontinuance and enforcement notice Appeals</i>	134	12%
<i>All other types of appeal</i>	17	2%
<i>Subtotal: all types of appeals</i>	1047	95%*
<i>Planning call-in, compulsory purchase, and other planning orders</i>	20	2%
<i>Historic Scotland (listed building call-in, scheduled monument consent and compulsory purchase cases)</i>	1	<1%
<i>Roads and transport (compulsory purchase, side road and other orders)</i>	25	2%
<i>Local Plan Inquiries**</i>	9	1%
<i>Other non-appeal cases***</i>	16	1%
<i>Subtotal: all types of non-appeal cases</i>	71	6%*
<i>All cases received</i>	1118	100%

* Rounded figures.

** Includes one case where objections were dealt with on the basis of written submissions.

*** Includes marine fish and shellfish farms; electricity proposals; flood prevention schemes; nature conservation orders etc

REVIEW OF THE YEAR 2002-2003



Trends in the cases received

By contrast with the overall number of cases, the number of planning permission appeal cases received increased significantly over the previous year (734 this year compared to 674). The types of development involved also changed. Domestic householder appeals increased from 111 to 150. Proposals involving the erection of new single houses increased from 154 to 187 and there was a significant increase in the number of single houses located in a green belt (from 3 to 17). However, the number of proposals involving 2-9 houses remained largely unchanged, and the number involving 10 or more houses fell from 59 to 49. The number of cases in the last 2 categories that were located in a green belt remained much the same as last year.

The continued decline in appeals involving major business and industrial developments (from 16 to 11) was again balanced to a degree by an increase in smaller scale business and industrial proposals (up from 53 to 89). Major retailing proposals showed little change, but smaller scale retailing proposals, including extensions, declined, from 80 to 40. The number of appeals involving hot food shops increased from 8 to 14. Appeals involving other small-scale developments increased slightly. The most striking change was the overall increase, from 11 to 45, in the number of appeals lodged for development within green belts defined in the development plan. This reversed a similarly striking decline in 2001-2002. Of 45 green belt cases dealt with during the year, 10 were allowed and 27 were dismissed. The balance of 8 cases remained undetermined at the end of the reporting year.

In addition to many small-scale but individually important cases, the following were the subject of major or controversial inquiries:

- residential developments in Aboyne, Currie, Dalkeith, Drymen, Eskbank, Inverurie, Meggetland (Edinburgh) and Penicuik;
- retail developments in Stirling and Haddington;
- a leisure development in Inverness;
- an abattoir and meat packing plant near Falkirk;
- a windfarm near Inveraray;

- a crematorium at High Blantyre;
- a planning and a scheduled monument consent application near Kilmaurs, Kilmarnock;
- a minerals development at Strathnairn.

Table 3: Planning permission appeals received 2002-2003

<i>Type of development</i>	<i>Number of cases</i>	<i>Number in a green belt</i>
<i>Householder</i>	150	2
<i>Minerals</i>	1	0
<i>Waste disposal</i>	4	1
<i>Dwellings: 10 or more</i>	49	4
<i>Dwellings: 2-9</i>	63	4
<i>Single houses</i>	187	17
<i>Caravans, camp-sites</i>	3	1
<i>Business and industry: major</i>	11	2
<i>Business and industry: small scale</i>	89	5
<i>Retailing: major</i>	5	2
<i>Retailing: small scale, change of use, alterations</i>	40	1
<i>Retailing: new hot food shops</i>	14	0
<i>Other: major</i>	4	1
<i>Other: small scale</i>	114	5
Total appeals	734	45

Method of determination and success rates

Table 4 shows the method of determination of cases and the success rates for different categories. Success in these tables is generally defined as a favourable outcome for the appellant or applicant, in that an appeal is allowed, an application is permitted, or an order is confirmed. The percentage of delegated appeal cases proceeding by public local inquiry or hearing, 7% (62 of a total of 960 cases) was slightly lower than last year's figure of 8%. The proportion of successful appeal cases in this category decreased from 47% to 40%. However, the success rate for written submissions appeal cases remained at 32%, giving an overall success rate for delegated appeals of 33%, similar to the figure of 34% in 2001-2002. Of the 11 non-delegated planning appeals, 3 (or 27%) were allowed. This percentage figure is significantly different from the 50% success rate in 2001-2002, when 4 of the 8 cases that were determined were allowed. However, the total number of cases in this category in both years was small, and the number of successful cases was only one fewer. The success rate for all appeals was 33% (compared with 34% last year). Last year's 100% success rate for roads and transport cases continued this year. However, there were only 4 cases in this category, all of which were related to the same development. The success rate for delegated advertisement appeals, 19%, was also the same as last year, and remained significantly lower than for other cases.

Table 4: Success rates by method of determination and type of case

	<i>Considered by Public Local Inquiry and Hearing</i>				<i>Considered by Written Submissions</i>			<i>All cases</i>	
	<i>All cases</i>	<i>Total</i>	<i>Number allowed</i>	<i>% allowed</i>	<i>Total</i>	<i>Number allowed</i>	<i>% allowed</i>	<i>Number allowed</i>	<i>% allowed</i>
<u>Delegated Appeals</u>									
<i>Planning permission</i>	651	45	15	33%	606	213	35%	228	35%
<i>Planning enforcement</i>	75	6	1	17%	69	29	42%	30	40%
<i>Conservation area consent, listed building consent, and listed building enforcement</i>	74	5	5	100%	69	14	20%	19	26%
<i>Advertisement consent, discontinuance notice and advertisement enforcement</i>	147	3	1	33%	144	27	19%	28	19%
<i>All others</i>	13	3	3	100%	10	4	40%	7	54%
<i>Subtotal : all delegated appeals</i>	960	62	25	40%	898	287	32%	312	33%
<u>Non-delegated appeals</u>									
<i>Planning permission</i>	11	8	2	25%	3	1	33%	3	27%
<i>TOTAL: ALL APPEALS</i>	971	70	27	39%	901	288	32%	315	32%
<u>Non appeal cases</u>									
<i>Planning call-in, compulsory purchase, and other planning orders</i>	38	17	12	71%	21	6	29%	18	47%
<i>Historic Scotland (listed building call-in, scheduled monument consent and CPO cases)</i>	2	0	0	N/A	2	1	50%	1	50%
<i>Roads and transport (compulsory purchase, side road and other transport orders)</i>	4	4	4	100%	0	0	N/A	0	0%
<i>Others*</i>	13	10	9	90%	3	1	33%	10	77%
<i>Total : all non-appeal cases</i>	57	31	25	81%	26	8	31%	29	51%
<i>TOTAL: ALL CASES</i>	1028	101	52	51%	927	296	32%	344	33%

* Includes marine fish and shellfish farms; electricity proposals; flood prevention schemes; nature conservation orders etc

The number of non-appeal cases processed to a decision in 2002-2003 was 57, compared with 81 in the previous year. The increased success rate in non-appeal inquiry cases of 81% (compared with 73% last year) reflected the high success rate for roads and transport and "other" cases. No Historic Scotland cases were determined. The 26 non-appeal written submissions cases produced a success rate of 31%, compared with 57% last year. The overall success rate for all non-appeal cases was 51%, which also was a significant reduction from last year's figure of 67%.

The Unit handled a slightly higher number of cases (1,028, up from 1,016). The overall success rate fell to 33%, from 36% in 2001-2002. Last year's Review speculated that the figures for 2001-2002 (which revealed a slightly lower number of appeals and an increased success rate) might be reflecting the increased strength of the plan-led system in discouraging appeals and proposals that are clearly contrary to development plan policies. This year's figures do not support the theory that 2001-2002 represented the start of a continuing trend. However, the success rate remains remarkably constant, at around one-third of all cases although this masks significant variations in individual small categories.

Local plans

As reported above, planning authorities projected that 27 local plan inquiries would open in 2002-2003. As it transpired, 9 local plan inquiries were actually committed, of which 8 took place. In the remaining case, and with the agreement of parties, the reporter considered all the objections by the exchange of written submissions. Very few planning appeal or call-in inquiries now last more than 4 or 5 weeks. However, inquiries of this length or longer are now common in considering objections to development plans. Last year five sat for more than 20 days, of which 3 sat for 40 or more days. A total of around 3,500 objections was considered, 750 on the basis of oral evidence. The forecasts in Table 5 indicate that planning authorities expect a very large proportion of the Unit's resources to be available for commitment to local plan inquiries in each of the next 2 years and particularly in 2003-2004. If these expectations are to be met, it will be critical that the length of development plan inquiries is reduced. However, this must be achieved without compromising either the effectiveness with which objections are considered or the quality of the recommendation. The consultation paper on Modernising Public Local Inquiries makes a number of suggestions directed at resolving this issue.

Table 5: Local Plan Inquiries 1999-2005

	<i>Actual</i>			<i>Forecast</i>		
	<i>1999-00</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>
<i>Number of local plans</i>	13	3	14	9*	23	4
<i>Total workload (days)</i>	856.8	251**	960***	840***	2160→2500	1520→1600
<i>Reporter months</i>	42.8	12.5**	48***	42***	108→125	76→80
<i>Average workload (days per LPI)</i>	65	83	80***	93***	94→109	380→400

* Includes one case which proceeded on the basis of written submissions

** Includes extensive work by several reporters on the Rural West Edinburgh Local Plan Inquiry, which did not proceed

*** A proportion of the work continues in the subsequent business year but is shown against the year in which it was generated.

Performance in determining delegated appeals: decisions in 2002-2003

The Unit's efficiency in handling delegated appeals is measured by 5 performance targets related to the most numerous types of cases, and whether the case is dealt with by public local inquiry or by the written submissions procedure. In 2002-2003, the target for planning appeals proceeding by written submissions (the most numerous category) was again significantly exceeded, with 84% of cases being determined within the reduced target of 20 weeks. Enforcement notice appeals determined by written submissions also exceeded the target, with 88% being determined within the reduced target of 24 weeks. However, of the 42 planning appeal cases that were the subject of a public local inquiry, only 71% were decided within the 38 week target, the same proportion as in 2001-2002. The reasons for the failure are also much the same, namely delay in making inquiry arrangements acceptable to the parties, delayed submissions, and, in several instances, the range and complexity of the issues involved. One inquiry was re-opened following the issue of an intentions letter. Of the 144 advertisement appeals determined by written submissions, 76% were decided within 17 weeks, compared with the target of 80%. This was caused by an internal blockage in programming following a short-term peak. While this problem was resolved in the course of the year, the results did not filter through sufficiently quickly to lift the annual performance to achieve the target, although the final shortfall is small. All 6 enforcement cases dealt with by public local inquiry were decided within the target.

Table 6: Performance in determining delegated appeals: decisions in 2002-2003

<i>Target</i>		<i>Number of appeals</i>	<i>Performance against target</i>
1	Delegated planning appeals determined by written submissions procedure Cases determined within 20 weeks (target: 80%)	606	84%
2	Delegated planning appeals determined by public local inquiry Cases determined within 38 weeks (target: 80%)	42	71%
3	Delegated enforcement notice appeals by written submissions procedure Cases determined within 24 weeks (target 80%)	69	88%
4	Delegated enforcement notice appeals by public local inquiry Cases determined within 38 weeks (target: 80%)	6	100%
5	Delegated advertisement appeals by written submissions procedure Cases determined within 17 weeks (target: 80%)	144	76%

Changes in performance targets and achievements 1998-2003

Table 7 shows that the targets against which the Unit's work is measured have become more stringent over the years. In this year the targets for written submissions planning appeals, enforcement appeals and advertisement cases were each reduced by 1 week. The 2001-2002 Review suggested that the failure to achieve the target for planning appeals determined by public local inquiry that year might indicate that the ability to improve overall handling times for this type of appeal is approaching its limit within current administrative arrangements. The fact that overall performance did not improve this year suggests this comment had some foundation because administrative efforts were made to deal with the situation. The consultation paper on Modernising Public Local Inquiries concentrates on wider means of addressing this issue so that decisions are taken more quickly, while also allowing those interested in a development proposal to make their views known and to have these views taken into account without being intimidated by the inquiry process. The challenge in improving the system is to secure the second aim, without prejudicing the first, as both are critical to the achievement of Ministers' objectives for both social justice and wider community involvement in the planning system.

Table 7: Performance targets and performance achievement 1998-2003

Target	1998-1999		1999-2000		2000-2001		2001-2002		2002-2003	
	weeks	%	weeks	%	weeks	%	weeks	%	weeks	%
1	25	84%	25	93%	23	92%	21	85%	20	84%
2	48	63%	48	91%	42	88%	38	71%	38	71%
3	32	88%	32	93%	28	98%	25	87%	24	88%
4	48	67%	48	100%	42	100%	38	100%	38	100%
5	20	82%	20	92%	19	82%	18	86%	17	76%

Claims for award of expenses

A total of 123 claims for award of expenses was made during this year, 30 fewer than in the previous year (153). There were 29 claims by planning authorities, all against appellants, much the same number as last year (31). These accounted for 24% of all claims, slightly higher than the 20% figure last year. However, the proportion of successful claims by planning authorities, 38% compared with 29% last year, was significantly higher. Appellants made 84 claims, compared with 109 last year, all against planning authorities. The 17 claims that were successful represented a 20% success rate, much the same as the 18% recorded last year. None of the claims made by third parties was successful. However, the number of third party claims remained small (10 as opposed to 13 last year) and the 23% of successful claims by third parties in 2001-2002 comprised only 3 cases.

Table 8: Expenses claims 2002-2003

<u>Claims made by the Planning Authority against:</u>			
	<i>Appellant</i>	<i>Third Party</i>	<i>Total</i>
	29	0	29
Successful	11 (38%)	0 (0%)	11 (38%)
<u>Claims made by the Appellant against:</u>			
	<i>Planning Authority</i>	<i>Third Party</i>	<i>Total</i>
	84	0	84
Successful	17 (20%)	0 (0%)	17 (20%)
<u>Claims made by Third Parties against:</u>			
	<i>Planning Authority</i>	<i>Appellant</i>	<i>Total</i>
	4	6	10
Successful	0 (0%)	0 (0%)	0 (0%)
All Claims			123
All Successful Claims			28 (23%)

The objective tests for deciding whether the behaviour of any party has been unreasonable remain those set out in SODD Circular 6/1990.

Complaints

During the business year to 31 March 2003 the Unit received 19 letters of complaint. These raised concerns about the delay in redetermining appeals following successful Court challenges; the planning conditions applied to a development approved on appeal; suggestions of inconsistency in interpretation of government guidance; claims that material considerations were not taken into account; the Unit's administration of the appeal; the conduct of the Reporter; and those unhappy with the decision taken.

All complaints were investigated and responses issued; several were found to be justified, while a number were found to have no basis. It was acknowledged that delay had occurred in the redetermination of appeals following successful challenge in the Court of Session although the need in one case for a further exchange of correspondence and, in the other, a further legal challenge had contributed to the delay. In another, it was admitted that a Reporter had applied planning conditions that fell short of the good practice advice contained in Circular 4/1998. We sent apologies in each case where our work did not meet the expected standard. Consideration was given also to the action needed to prevent any recurrence.

Court of Session challenges

The number of Court of Session challenges this year was slightly less than in 2001-2002 and remained within the range of normal variability. More than half the cases lodged during the year are still before the Court. In the other judgements the outcome was evenly spread. The Unit continues to meet its target of no more than 1% of all delegated appeals determined by reporters being successfully challenged in the Court, or undefended.

Table 9: Court of Session Challenges 1996-2002

	1998-99	1999-00	2000-01	2001-02	2002-03
<i>Delegated decisions challenged (number)</i>	7	16	8	11	9
<i>Withdrawn or abandoned (number)</i>	1	3	4	6	1
<i>Won by challenger or not defended (number)</i>	3	4	1	4	1
<i>Reporter's decisions upheld (number)</i>	3	7	3	1	1
<i>Remaining before the Court (number)</i>	0	2	0	0	6

There were no new petitions for Judicial Review during the year. The petition raised in 2001-2002 concerning the redetermination of a listed building enforcement notice appeal remains subject to continuing legal challenge.

Staff training and development

The Unit continued its programme of training and development for all staff. Short training sessions on making the best use of ICT were given to all administrative staff and a number of case officers and their managers also undertook personal developmental training during the year. Seminars for reporters are held regularly at Greenside Lane. These are designed to contribute to continuing professional development, to disseminate best practice and to promote consistency in decision making. These seminars are generally led by reporters for developmental reasons, but external participation is encouraged where balance in the contributions can be ensured, for example by inviting speakers from both sides of the development industry. Reporters also attend externally organised conferences and seminars, including the Planning Inspectorate's Annual Training Week, which was again held this year at Warwick University. The Unit continues to provide speakers for external conferences and seminars and has maintained its commitment to training the development industry, members of planning authorities, officials and others concerning best practice in planning appeal procedures. In addition presentations on the Consultation on Modernising Public Local Inquiries have been made to a wide range of stakeholders, and these continue.

Conclusion

The Unit has achieved a great deal during this management year whilst maintaining the quality standards of which we are justifiably proud. This would not have been possible without the co-operation and assistance that we routinely receive from appellants, planning authorities and the public and the commitment and resourcefulness shown by our administrative staff and reporters. We look forward to continuing and developing this constructive relationship in the years to come from our new home in Falkirk.

James McCulloch
Chief Reporter
Scottish Executive Inquiry Reporters Unit

October 2003

© Crown Copyright

ISBN 0-7559-4025-3



Astron B32831 10-03