

Examination of Conformity with the Participation Statement

1. Section 19(4) of the 1997 Town and Country Planning (Scotland) Act (as amended) states that a person appointed to examine a proposed local development plan “is firstly to examine...the extent to which the planning authority’s actions with regard to consultation and the involvement with the public at large have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under Section 18(1)(a).”
2. Paragraph 110 of Circular 6/2013: Development Planning, indicates that in the assessment, the appointed person (the reporter) is only expected to refer to existing published documents such as the Participation Statement, the Statement of Conformity with this, and any representations relating to the authority’s consultation and public involvement activities.
3. The proposed Loch Lomond & the Trossachs National Park Local Development Plan was published and issued for consultation in May 2015. The Development Plan Scheme, which the council has clarified was then current, was published in August 2014. The Participation Statement is included at pages 10 and 11 of that Scheme. That section explains that community engagement is important in the planning process. It also sets out, in very broad terms, who is being consulted at key stages in the plan preparation process, along with a variety of engagement techniques.
4. Our examination is limited to a consideration of conformity with the engagement measures proposed in the Participation Statement for the proposed plan stage. The 2014 Participation Statement is principally aimed at community engagement in the period leading up to the publication of the proposed plan and its issuing for consultation. The Participation Statement set out in the 2015 Development Plan Scheme is more focused on community engagement for the proposed plan stage. However, the 2015 Scheme was published on 29 May 2015 and, while the National Park Authority Board approved the key measures to be used to engage the community at the proposed plan stage, on 28 April 2015, the 2015 Participation Statement did not become current until after the publication of the proposed plan and its issuing for consultation.
5. The 2014 Participation Statement contained relevant measures which could be applied to the proposed plan stage. These involved proposing to:
 1. distribute information through the website, leaflets and Park Magazine;
 2. disseminate information through community councils and local libraries;
 3. hold events and exhibitions in places where people gather or visit;
 4. place articles in local and community media;
 5. attend public meetings and other community meetings and events;
 6. make available interactive mapping;
 7. offer drop in events;
 8. offer direct staff contact through telephone and e-mail;

9. use social media: information feeds and sharing feedback through facebook, twitter, and instagram;
10. provide a range of ways for people to provide feedback and comments;
11. provide 3 you tube summary report videos; and
12. arrange youth engagement via primary and secondary schools.

6. We note that the 2015 Participation Statement contained similar measures, but that the wording had been updated to take account of the fact that community engagement was now focused on the proposed plan. While it omitted the above measure relating to the provision of 3 you tube videos, they were still available throughout the consultation period for the proposed plan. It also did not refer to the proposal to involve primary schools and Planning Aid for Scotland in youth engagement, but the Park Authority carried out the measure itself in secondary schools. The 2015 Participation Statement added 2 measures relevant to community engagement at the proposed plan stage, which involved proposing to:

- a. provide updates at key stages to those who requested to receive updates or responded to the 2014 LIVE Park consultations; and
- b. notify site owners/agents and tenants of proposed development sites, and neighbours.

7. The Park Authority submitted a Statement of Conformity to Ministers along with the proposed plan. It sets out in detail the actions the Park Authority took in order to comply with the proposed consultation measures for the plan, using the measures contained in the 2015 Participation Statement. These actions included: updating the bespoke LIVEpark website to make it easier to access information; giving advance notice of the consultation on the proposed plan, and sending out e-mails to all those who asked to be kept informed of the plan process (300 people and organisations, such as, community councils); making available hard copies of the plan and supporting reports in libraries and National Park Offices, and on line; placing statutory planning advertisements and articles in local media; meeting community councils (when requested); holding locally advertised community drop-in events at Drymen, Callander, Balmaha, and Arrochar; producing weekly blog updates, tweeting, and posting on facebook; engaging with 3 secondary schools – Hermitage Academy, Helensburgh, Balfron High School, Balfron, and McLaren High School, Callendar; allowing the submission of representations on line; and notifying every property within at least 20 meters of a proposed development site in the proposed plan (804 letters were sent).

8. I note that the Statement of Conformity included one additional consultation action, which was not referred to in either the 2014 or the 2015 Participation Statements. This involved highlighting the LIVEpark consultation throughout the consultation period for the proposed plan, in the weekly newsletter of Planning Aid for Scotland.

9. We have considered the community engagement actions outlined in the Statement of Conformity, the proposed consultation measures outlined in the 2014 Participation Statement, and the supporting documentation submitted by

the Park Authority. We have also borne in mind the proposed consultation measures outlined in the 2015 Participation Statement. Overall, we are satisfied that the National Park Authority conducted an appropriately wide-ranging consultation exercise on the proposed plan, as envisaged by Scottish Ministers, and that the exercise generally conformed with the underlying intentions of the 2014 Participation Statement. In particular, the Park Authority: made available relevant published documents on its website and in convenient locations; appropriately publicized the proposed plan, including drawing it to the attention of interested parties; and provided suitable opportunities to make responses and representations regarding the plan.

10. For the avoidance of doubt, we are also satisfied that the exercise generally conformed with the terms of the 2015 Participation Statement.

11. In the circumstances, we found that the Park Authority had acted in accordance with Section 19(4) of the Act. We therefore proceeded to examine the proposed local development plan.