

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

17 JANUARY 1996

SUBJECT: REVIEW OF THE TOWN & COUNTRY PLANNING SYSTEM IN SCOTLAND

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: The Government has recently published its report on the Review of the Town & Country Planning System in Scotland. The proposals arising from the review do not propose fundamental changes to the existing system but seek to build upon its strengths. The intention is to simplify and streamline procedures, to improve efficiency and effectiveness in the operation of the planning system and to improve opportunities for participation in the planning process.

1 RECOMMENDATION

It is recommended that the Committee notes the changes to the Review of the Planning System in Scotland, including the intention of the Scottish office to bring forward further proposals for consultation on matters which require more detailed investigation.

2 INTRODUCTION

2.1 In July 1994 the Scottish Office published a consultation paper 'Review of the Planning System in Scotland' and invited views on how the system might be improved. On 28 December 1995, the Scottish Office announced its proposals arising from the Review including changes to the planning system in Scotland. A copy of the Government's Statement is appended.

2.2 In addition to the changes which have been announced, it should be noted that the Scottish office intend to bring forward for consultation further proposals in respect of matters which require more detailed examination.

3 THE CHANGES OUTLINED

3.1 The Scottish Office has established its own performance targets for Planning Permission Appeals, Enforcement Notice Appeals, Advertisement Notice Appeals and for Other Secretary of State Cases. With regard to Delegated Planning Appeals written submissions the target is 80% within 28 weeks and for Public Local Inquiry cases the target is 80% within 48 weeks.

3.2 With regard to Development Plans, the Scottish Office aims to reach a final decision by April 1996 on the three comprehensive Structure Plan reviews which are currently under consideration - this includes the Tayside Structure plan. With regard to Local Plans, the Scottish Office expects that Finalised (subject to adoption) plans should cover virtually the whole of Scotland by the end of 1996, and will liaise with authorities on future work on Local Planning priorities.

- 3.3 The Scottish Office intends to finalise its 4 draft National Planning Policy Guideline (NPPG's) on Waste Disposal, Roadside Services, Retailing and Sport and Recreation by mid 1996. It also intends to publish draft NPPG's on transport and skiing with a view to finalising them by the end of 1996.
- 3.4 The Review also focuses upon the performance of Planning Authorities and continuing emphasis is placed on the target of determining 80% of planning applications within the Statutory timetable. In addition the Scottish Office intends to examine issues of quality in the decision making process.
- 3.5 Work is also proceeding on a number of consultation papers which will be issued in Winter/Spring on a number of development control topics, and with a view to speeding up the appeal process, a consultation paper on new draft Inquiry Procedure Rules will be issued in early 1996. The scope for the use of Hearings in place of the formal Public Local Inquiry procedure is being investigated for less complex cases.
- 3.6 The Government has signalled its intention to take a radical look at Structure Plans with the aim of sharpening their focus on strategic issues subject to change. As a first step a revised Planning Advice Note is to be issued in late Spring 1996. Thereafter, it is proposed, in consultation with COSLA, to study the means for further streamlining and simplifying procedures including the interaction with Local Plans. Work is also underway on a comprehensive review of both practice and procedures for Local Plans.
- 3.7 In response to comments made during the Review, the Scottish Office has issued a new Direction which requires them to notify the Secretary of State of particular development proposals in which they have an interest, in order that he can decide whether to determine the case himself where a significant conflict of interest arises.
- 3.8 The Scottish Office intends to develop proposals for a telephone helpline to improve the service to those seeking information on the Government's role in the planning system. Discussions are to take place with COSLA to see if this could be extended to a local network involving local authorities.
- 3.9 In view of the statutory right of Community Councils to be consulted on planning applications (from April 1996), consideration is being given to how best to promote their effective and efficient participation and advice on best practice will be issued. In addition the Government intends to examine the issue of Public Access to Planning Information with a view to preparing a Planning Advice Note on the subject.

4 DISCUSSION

- 4.1 When the Review of the Planning System was announced in June 1994, it was stated that the intention was not to make fundamental changes but to focus upon improving its efficiency and effectiveness. The findings of the Review have confirmed that there is general support for the planning system and the changes are intended to build upon this.
- 4.2 With regard to Development Control the intention to speed up the appeals process is welcomed. There is a continuing emphasis on performance targets for determining

planning applications, but there is also a welcome recognition of the need to address qualitative issues. It should also be noted that the improvement in the Government's performance in dealing with appeals has been achieved by bringing in more staff.

- 4.3 The proposals to review Structure Plans and to issue new advice on Local Plans is welcomed. With regard to the Tayside Structure Plan which has been with the Secretary of State since January 1995, it is to be hoped that a decision will be issued in sufficient time before April in order to allow the document to be re-printed incorporating modifications.

5 CONCLUSIONS

- 5.1 The Review of the Planning System has resulted in proposals to build upon the strengths of the present system. The changes are generally acceptable and recognise the need for improved performance by the Scottish Office as well as by Local Government. It is also significant that the Scottish Office has required additional staff to secure improved performance in planning appeals. Further changes are likely to be forthcoming and are likely to have particular implications for the form and content of Structure Plans.

6 CONSULTATION

- 6.1 The Directors of Finance and Law & Administration have been consulted in the preparation of this report.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/MS

Alex Anderson
Director of Planning, Transport & Economic Development

12 January 1996



THE SCOTTISH OFFICE
Development Department

Review of the Town and Country Planning System in Scotland

The Way Ahead

RAISING THE STANDARD



REVIEW OF THE PLANNING SYSTEM IN SCOTLAND: THE WAY AHEAD

Introduction

1. In July 1994 The Scottish Office published a consultation paper "Review of the Planning System in Scotland" inviting views on how the system might be improved. The document generated a lively debate and 172 submissions were received making over 4,100 detailed comments about the planning system and the way it works. Details of the responses were published on 5 June 1995.

2. The Government is grateful to all those who contributed and careful consideration has been given to the views expressed. The Government's conclusions and decisions on the Review are set out below. In reaching these decisions, the Government has been influenced by the need to build on the strengths of the existing system but also to simplify and streamline procedures; to encourage greater openness, fairness, efficiency and effectiveness in the operation of the planning system; and to improve opportunities for participation by local communities, individuals, businesses and others interested in the planning process.

Responses to the Review

3. It is clear that, while the majority of people indicated general support for the planning system, many share the Government's view that it is not working as well as it should. This manifests itself mostly in the operational aspects of the system, but also in the complexity of the legislation and the procedures it generates. Most of the problems identified are familiar and relate to delays in decision making, ineffectiveness and inconsistency. These shortcomings, in turn, tend to undermine the credibility of the system and its ability to safeguard the public interest. This has resulted in a wide range of suggestions for steps to be taken to speed up decisions and simplify the procedures while, at the same time, reinforcing the means for quality assuring both the planning process and the outcomes on the ground.

4. Naturally not all the responses pull in the same direction. There is a tension between a desire to streamline the overall process, on the one hand, and to build in safeguards in the interests of amenity and the local community, on the other. The Government does not believe these objectives need necessarily be in conflict one with the other and that greater efficiency and effectiveness can be delivered through simpler, clearer and tauter procedures without abandoning the rights of interested parties to make their input to the decision making process.

Performance Targets for Central Government

5. The first priority, therefore, is to ensure that the basic tasks of processing applications, development plans and appeals are carried out as proficiently as possible. In order to demonstrate the Government's commitment to improve performance, a number of targets in relation to matters that come under the control of the Secretary of State for Scotland are set out in the following paragraphs. They represent the first comprehensive suite of performance targets for the Government's role in the planning system and a firmer resolve to ensure they

are striven for and then subsequently improved upon as soon as simpler, faster procedures are established.

Planning Permission Appeals

6. Considerable criticism has been directed at planning permission appeals and the delays encountered in reaching decisions on them. The upsurge in local plan inquiry work over the last 2 years or so and an abnormally large number of long planning inquiries resulted in a substantial backlog of appeal cases, which has hindered the ability of The Scottish Office Inquiry Reporters Unit to process cases quickly.

7. Recently however, with the appointment of additional staff, good progress has been made in improving performance, particularly in the area of planing permission appeals proceeding by the written submissions method. The number of cases processed within the target time for this category set out in National Planning Policy Guideline 1 has more than doubled in the course of 1995. By November 1995, 70 per cent of these cases had been dealt with inside 28 weeks. **We expect to achieve the 80% target set out in NPPG1 by April 1996.**

8. In addition, a large number of public local inquiries require to be accommodated. Work will continue with the aim of achieving the target in NPPG 1 for new cases proceeding to public inquiries by the end of 1996. Given the additional staff, and subject to the length and complexity of the cases falling to be handed by public local inquiries, this should be achievable.

9. Moreover, while achieving these targets is an important first step, we do not intend to rest on them. **Our objective is to reduce the time spent on all appeals as quickly as possible and, as a first step, it is our current intention to tighten the target for written submissions further from 28 weeks to 26 weeks and to have this tighter target in place for new cases by March 1997.**

Other Secretary of State Cases

10. For other cases referred to the Secretary of State by authorities, mostly by way of notification under Notification of Applications Directions, 80% are to be dealt with within the relevant statutory period with the remainder to be cleared within 2 months.

11. Details of these targets are set out in the tables below.

Review of the planning system in Scotland

Table 1: Performance targets for notifications, appeals and called in cases decided by the Secretary of State

1.1	Cases notified to the Secretary of State (see note)	- 80% within 28 days
		- 100% within 2 months
1.2	Reports submitted to the Secretary of State by SOIRU	- 80% within 2 months
		- 100% within 3 months

Note: Category 1.1 includes cases notified to the Secretary of State under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1988, as amended (SDD Circular 29/1988, as amended, refers); and the Town and Country Planning (Notification of Applications) (National Scenic Areas) (Scotland) Direction 1987. (SDD Circular 9/1987 refers.)

Table 2: Performance targets for decisions by Scottish Office Inquiry Reporters Unit (SOIRU)

Delegated Planning appeals

2.1	Written submission cases	- 80% within 28 weeks
2.2	Public local inquiry cases	- 80% within 48 weeks

Enforcement notice appeals

2.3	Written submission cases	- 80% within 32 weeks
2.4	Public local inquiry cases	- 80% within 48 weeks

Advertisement consent appeals

2.5	Written submission cases and hearings	- 80% within 21 weeks
2.6	Public local inquiry cases	- Not used in recent times

Note: Tables 1 and 2 supersede the targets set out in NPPG 1 (paragraphs 61 and 63).

Consolidation of Planning Legislation

12. Many representations were received about the need to consolidate planning legislation. This is a necessary task and the matter is currently being taken forward with the aim of having a **Consolidation Bill prepared by mid-1996 with a view to its enactment as soon as possible thereafter.**

Development Plans

13. As regards development plans, the objective of securing approved structure plan coverage throughout Scotland was achieved in 1988. Since then there has been regular updating in most areas.

14. Three comprehensive reviews and one alteration to a structure plan are currently before The Scottish Office Development Department. The aim is to reach a final decision on all of them by April 1996, assuming no Examinations in Public are required. A further review for Strathclyde Region is to be submitted soon and it is intended to deal with it by Summer 1996. By mid-1996 nearly all of Scotland, including all of the urbanised areas, will have recent or up to date structure plans in place so providing a robust strategic planning framework for successor authorities under the new local government structure.

15. Today local plans cover nearly 90% of Scotland and a major programme of plan preparation is proceeding. Finalised (subject to adoption) plans should cover virtually the whole of Scotland by the end of 1996, although ongoing updating will be required if they are to keep abreast of changing circumstances and so provide a sound basis for development control decisions. Local plans are principally a matter for local authorities, but The Scottish Office Development Department will liaise with authorities on future work on local planning priorities.

Policy Guidelines

16. Another area of central government work which has generated comment is progress on the provision of National Planning Policy Guidelines (NPPGs). Seven NPPGs have been published and a further 4 are available in draft. In the first half of 1996 these drafts on waste disposal, roadside services, retailing and sport and recreation will have issued as finalised NPPGs. In the same period another 2 on transport and skiing will issue in draft with a view to finalising them in 1996. That will substantially complete the current priority topics and

consideration is being given to a new programme, details of which will be announced early next year.

Citizen's Charter

17. To reinforce these targets the Government will publish a Charter statement covering service standards for The Scottish Office Development Department. A Citizen's Charter Standard Statement covering the work of The Scottish Office Inquiry Reporter's Unit will also be published in the near future, and will then be brought into use for all its appeal customers.

Planning Authorities' Performance

18. The vast majority of planning decisions rest, of course, with planning authorities. They too must play their part if a continued improvement in overall performance is to be secured. The Scottish Office Development Department has worked closely with authorities for a number of years and monitored performance, particularly on the handling of planning applications. This has led to a modest but steady improvement in performance over the last 4-5 years, with over 62% of all applications now decided within the statutory timetable. The comparative performance of authorities in this and other areas is now set out annually in the performance information published by the Accounts Commission. Their first report shows that there remains considerable variation in authorities' performance. Accordingly, the Department will continue to work closely with authorities to promote best practice as a means of assisting them towards the target of determining 80% of applications within the statutory timetable, as set out in NPPG 1. A number of authorities have demonstrated that such a target is achievable and the Government believes that others should strive to achieve it.

Focus on Quality

19. Respondents commented that as well as focusing on quantitative performance measures more attention might be paid to the issue of the quality of decision-making in the planning process. The Government welcomes this suggestion and intends to examine ways of taking forward appropriate initiatives.

Procedural Aspects

20. The consultation exercise produced many proposals for changes in procedures. The Government intends to act in the following areas to simplify and strengthen current procedures.

Development Control

21. Work is proceeding on a number of consultation papers which will issue in Winter/Spring on development control topics, including simplified but strengthened neighbour notification arrangements, improvements to the Use Classes Order and relaxation of controls on advertisements. Permitted development rights for CCTV cameras will be introduced at the same time. A new circular on Section 50 agreements and planning gain issued for consultation in November. In association with the Department of the Environment,

additional guidance on Environmental Assessment has been published in early December, while research on enforcement powers is to be commissioned shortly. New Simplified Planning Zone Regulations issued in August 1995. To date this procedure has not been taken up by many local authorities, but it is hoped that they will see it as an opportunity to speed up proposals for development in certain circumstances. There is also a commitment to remove Crown exemption from planning control as soon as the Parliamentary timetable permits.

Appeals

22. The Government attaches particular importance to improving as well as speeding up the appeal process. As already mentioned, The Scottish Office Inquiry Reporters Unit (SOIRU) will be publishing shortly a new Citizen's Charter standard statement on the service appellants and local authorities can expect from the Unit. In order to assist the faster handling of public inquiries, the procedures themselves warrant close examination. **Accordingly a consultation paper covering new draft Inquiry Procedure Rules will be issued early in the New Year.** These will offer a more efficient approach while safeguarding the traditional principles of openness, fairness and impartiality. In addition, the scope for a greater use of Hearings in place of the formal Public Local Inquiry procedure is being investigated. Hearings can be particularly suitable in less complex cases where the appellant is not professionally represented and where there is only minimal third party interest. In the longer term further possible changes to the appeals system will be examined.

Structure Plans

23. A further major area requiring action relates to Structure Plans process. The process of preparing and approving Structure Plans takes too long. Accordingly, the Government wants to take a radical look at sharpening their focus on strategic issues subject to change. **As a first step the Government proposes to prepare a revised Planning Advice Note** to promote best practice in Structure Plan preparation under the new system of local government. It is planned to issue this in late Spring 1996. Thereafter, it is also proposed, in consultation with COSLA, to study the means for further streamlining and simplifying procedures including the interaction with local plans.

Local Plan Procedures

24. In addition, work has started on a comprehensive review of both practice and procedures concerning local plans in consultation with the Convention of Scottish Local Authorities. This should lead to a package of significant changes, including a new Code of Practice for Local Plan Inquiries, new service standards for local plan inquiries, a new Planning Advice Note, a model COSLA Charter Statement and possibly changes to the relevant regulations.

Development by Local Authorities

25. A number of comments in the responses have criticised the scope for planning authorities to deal with planning matters in which they have an interest either through ownership of land or through their involvement in a company which they wholly or partially control. While authorities have to reconcile many different interests in exercising their

functions, it is important that, in the case of planning, there is seen to be no significant conflict of interest. Accordingly, a **new Direction** under the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 is being issued to local authorities today requiring them to notify to the Secretary of State, in certain defined circumstances, and of development proposals in which they have an interest so that he can decide whether to determine the case himself where a significant conflict of interest arises.

Telephone Helpline

26. In order to improve the present service offered to those seeking information on the Government's role in the planning system, proposals will be brought forward to establish a **helpline**. This helpline will provide the public with the opportunity to obtain information on planning matters in which they have an interest. Discussions will be held with the Convention of Scottish Local Authorities to see if this could be extended to a local network involving local authorities.

Wider Participation

27. As previously announced, community councils will be given a statutory right to be consulted on planning applications in time for the introduction of the new local government structure in April 1996. Discussions are under way with the Convention of Scottish Local Authorities and the Association of Scottish Community Councils as to how best to promote effective and efficient participation. Advice on best practice will be issued to coincide with the amendments to the General Development Procedure Order.

28. In addition, the Government intends to examine the issue of Public Access to Planning Information with a view to preparing a Planning Advice Note on the subject.

Further Proposals

29. The responses to the Review revealed a number of suggestions which require further investigation before firm proposals can be indicated. This statement is, therefore, only the first stage of a programme of reform. Further announcements are envisaged during the course of next year, to report on progress and on further measures for improving the planning system in Scotland.

The Scottish Office Development Department
December 1995

