

ANGUS COUNCIL**PLANNING AND TRANSPORT POLICY COMMITTEE****11 MARCH 1999****SUBJECT: LAND USE PLANNING UNDER A SCOTTISH PARLIAMENT
CONSULTATION PAPER****REPORT BY DIRECTOR OF PLANNING AND TRANSPORT**

Abstract: This Report comments on a consultation paper issued by the Scottish Office which helps to prepare the ground for the Scottish Parliament by addressing a number of issues relating to the structure, policy and process of the planning system.

1 RECOMMENDATION

It is recommended that the Committee:-

1. note the wide ranging and potentially far reaching scope of the Consultation Paper in examining the role of the planning system in regulating and controlling the development and use of land in the public interest within the context of the Scottish Parliament;
2. agree that a copy of this Report be forwarded to the Scottish office as Angus Council's response to the Consultation Paper, drawing particular attention to the comments in Sections 4 and 7 of this Report which support the continued evolution of the current main components of the planning system;
3. advise the Scottish Office that it is this Council's view that a key area for early review should focus on developing a coherent strategic national framework while ensuring subsidiarity in the tiers of plan making where decision making is retained at the most appropriate level;
4. request the Scottish office to consult fully and at the earliest possible stage on any draft proposals which may arise from the Consultation Document and responses to it.

2 INTRODUCTION

- 2.1 Against the background of Modernising the Planning System the Scottish Office have issued a consultation paper to help prepare the ground for the Scottish Parliament. The Consultation Paper discusses planning within the context of wider government objectives, confirming its role in co-ordinating land use and transport, in providing for economic development, in assisting policies for social inclusion and in safeguarding and enhancing the quality of cities, towns, and countryside and the natural and historic environment.

:

- 2.2 The Consultation Paper highlights that the planning system can make a more active input to sustainable development objectives through better identification of cross cutting issues and ensuring consistency and coherence in policy. Examples put forward include housing and regeneration policy, the rural development strategy and land reform programme, environmental policies, National parks, Community Planning and Best Value.
- 2.3 A copy of the Consultation Paper has been placed in the Members' Lounge. Responses to the paper have been invited by 31 March 1999.

3 SCOPE OF CONSULTATION PAPER

- 3.1 As part of a wide ranging discussion, the Consultation Paper:-
- sets out some of the background to the evolution of the planning system;
 - provides some details of the current arrangements;
 - identifies some of the changes that will be made over the short term to modernise the planning process to improve efficiency and effectiveness;
 - examines some of the factors influencing the future shape of planning in Scotland;
 - discusses some of the options for change;
 - poses some questions on which particular responses are sought.
- 3.2 Of particular interest the Consultation Paper comments on the future of National Planning Policy Guidelines (NPPG's), development planning and development control in the context of the Scottish Parliament. Discussion focuses on the issues involved in the scope of planning and the interface between planning at national and strategic levels. It also examines the process of national/strategic plan preparation and the question of whether national/strategic planning should be statutory or non-statutory.
- 3.3 The Consultation paper refers to a modernising agenda. Its main purpose is to open up debate about the relevance and shape of the key mechanisms of the planning system and whether they need to be adapted at the margin, or more fundamentally.
- 3.4 The Consultation paper refers to various previous reviews of the planning system including an extended programme of research carried out on a number of topics including a review of Development Planning and Development Control. The current paper goes beyond some of the recent studies and revisions to consider more broad ranging questions on the operation and delivery of planning particularly at the strategic level.
- 3.5 Significantly the Consultation paper confirms that it is not necessary to disturb the fundamental principles of the system which have stayed constant for over 50 years. It includes the following broad assumptions about the way in which the planning system might evolve under a Scottish Parliament:-

- there should be no substantial shift in responsibility between the national and local levels; so allowing planning to remain fundamentally a local authority activity;
- there should be better co-ordination of the work of the public and private sectors through the partnership approach;
- the area of planning in which the Scottish Executive and Scottish Parliament is likely to have greatest interest is the strategic policy level;
- any changes should be consistent with ensuring a fair, open and participative planning process which offers the highest standards of integrity, probity, quality, service and Best Value for users of the system and local taxpayers.

4 DISCUSSION

General Considerations

- 4.1 In considering the general shape of future planning arrangements in Scotland a key area of interest is to secure an effective national planning framework which is more closely aligned with other functions of government and public agencies while maintaining and encouraging flexibility in the local delivery of a plan led system.
- 4.2 This review of the planning system provides an important opportunity to:-
- reinforce the core purposes and values of land use planning;
 - integrate these purposes across related plans and strategies.
- 4.3 In practice the likely areas of discussion and debate of most interest and potential controversy raised by the Consultation Paper relate to the appropriate balance between:-
- role of strategic land use plans (particularly Structure Plans) viz a viz other strategies and initiatives;
 - a top down or bottom up approach across the different tiers of plan making.
- 4.4 Two options are identified below based on varying the spatial/functional relationship in order to provide examples of different ways in which the different tiers of plan making could be undertaken. These options recognise that the status quo is unlikely to persist not least because of the changes to administrative arrangements via a Scottish Parliament and also the range of related issues being addressed in various Plans, Programmes and Strategies in addition to Development Plans.

Option 1 : Continuing Refinement of Planning System

- Consolidate NPPG series into legislation, highlighting and strengthening topic linkages between development planning and other strategic policy areas to clearly signal national priorities;

- Retain separate Structure Plans sharpening focus on strategic land use and transport planning elements with an enhanced role in resource allocation across Government agencies;
- Retain Local Plans in broadly their present form with additional guidance on agriculture, forestry and land management complementing rural strategies.

Option 2 : Structural Change to Planning System

- Develop strategic locational land use planning guidance at sub-national level (e.g. east and north-east Scotland);
 - Subsume Structure Plan within Community Plan prepared at Council-wide level;
 - Extend scope of Local Plans to refine sub-national land use policy akin to Unitary Development Plans.
- 4.5 Individual elements from the above options are not necessarily mutually exclusive. Varying combinations could be argued to result in a “stronger” or “weaker” planning systems or to produce “duplication” or “gaps” in guidance.
- 4.6 The first requirement should be to re-examine what the planning system at a national strategic level is seeking to achieve. The Scottish Branch of the Royal Town Planning Institute have suggested that the following broad elements might comprise a new national framework:-
- A National Economic Planning Framework - consisting of development priorities to support inward investment; key transport nodes including ports and airports; and strategic development priorities for Assisted Areas and tourism;
 - An Urban Framework - consisting of targets for urban renewal (e.g. the recycling of brownfield land); principal regeneration areas; greenbelts and the strategic importance of conservation of the built heritage;
 - A Rural and Primary Resource Development Framework - consisting of a rural transport and settlement strategy; mineral exploitation targets related to energy and recycling policies; national indicative strategies for forestry, windfarms and overhead services; a national waste infrastructure; and natural heritage protection policies;
 - A National Integrated Transport Framework - consisting of national network development priorities; strategic development locational policy; and priorities for use of the network.

Angus Perspective

- 4.7 In response to specific questions raised in the Consultation Paper it is suggested that the response from Angus Council be framed around the following points:-

- 4.8 Fit for Purpose - The planning system as it currently operates is generally fit for purpose. However, the status quo is not considered a viable option. Indeed by failing to respond to opportunities and challenges arising, the status quo would not take full advantage of the significant contribution which planning could and should make to society's needs. In the context of the Scottish Parliament the opportunity arises to develop an effective and pro-active national planning framework which is at the centre of Government thinking rather than a marginalised activity overtaken by topical initiatives.
- 4.9 The key elements of the national planning framework would be to:-
- establish a vision for the future development of Scotland;
 - co-ordinate the actions and investment programmes of the Parliament, government agencies and key providers of infrastructure and transport;
 - set the framework for international linkages and for sub-national planning.
- 4.10 Further consideration would require to be given to the form and content of the national planning framework but it is envisaged that it would include national priorities and proposals for international transport connections, national transport nodes and links, strategic economic development sites, major infrastructure projects and broad urban and rural policy. Depending upon the extent of the sub-national planning content, the need for complete coverage of Structure Plans could be reviewed. However there is a need to ensure that the role currently filled by Structure Plans is adequately replaced. In some instances the most appropriate mechanism may be through Unitary Development Plans. The interface between the National Planning Framework and next tier of strategic land use planning requires further consideration.
- 4.11 Sustainable Development - Planning legislation should make explicit reference to sustainable development. In practice planning encompasses a range and breadth of considerations which makes it ideally placed to develop and deliver a major input to the various inter-related facets of sustainable development.
- 4.12 Scope of Planning System - A focus on the use and development of land should remain the main focus of the planning system in Scotland. However, the factors which relate directly or indirectly to this core purpose extend across a broad range of social, economic and environmental considerations. A narrow perspective is therefore wholly inappropriate albeit that the significance of related issues will vary at different levels of plan making and development control.
- 4.13 National Planning Policy Guidelines (NPPGs) - The emphasis should be on drawing together a more coherent vision of national land use priorities which not only provide guidance for statutory land use planning activities but help direct investment programmes of Government Agencies and Non-Governmental Organisations. This need not result in a highly centralised national plan but should strengthen linkages between development planning and other strategic policy areas such as the broad framework elements suggested in paragraph 4.6 above. While continuing to address various topics NPPGs could be grouped, including a consolidated summary document, referred to in legislation and provide a stronger locational component at a

Scotland-wide level. This could also include a statement of national priorities applying to perhaps three or four sub-national divisions of Scotland.

- 4.14 The role of NPPGs should therefore be reviewed in the light of decisions taken on the National Planning Framework as the policy content of the national framework could obviate the need for NPPGs. While recognising the success of NPPGs (and their predecessors) particularly in the initial period where they set the planning context for the development of the North Sea oil industry, circumstances have changed and much of the information in NPPGs is already known to planning authorities. However, there is a continuing benefit in the dissemination of good practice advice (PANs)
- 4.15 Role of Structure Plans - Following on from the above there may continue to be a need for Structure Plans to provide an appropriate bridge between coherent guidance on national priorities and detailed local requirements. Current moves are aimed at sharpening the focus of Structure Plans and this should be endorsed including the significant role these plans already play in co-ordinating planning and transport policies. Significantly Structure Plans currently provide a strategic level of planning at which public consultation and participation is engaged. This should not be dismissed lightly as part of the emphasis on partnership working confirmed in the Consultation Paper.
- 4.16 Sub-National Planning Guidance - The combination of National Planning Framework, NPPGs and Structure Plans as discussed above would not require some additional form of sub-national planning guidance. A key requirement is to ensure that each tier of plan making contributes added value to the process. This extends beyond issues of conformity between tiers to more fully embrace the principles of subsidiarity where decision making is retained at the most appropriate level.
- 4.17 Other Development Planning Changes - The management of the preparation of Structure Plans and Local Plans has already been the subject of considerable technical study and advice by the Scottish Office. The Best Value process will continue to assist in the delivery of the most appropriate products. Beyond this the key issues are the relationship to other strategies and initiatives (including Community Planning) and the role of Development Plans in attracting and directing resources. The current move towards other mechanisms for securing resources (e.g. Local Transport Strategies) should be carefully reviewed. In particular it remains of concern that the Secretary of State's approval of a Structure Plan carries no commitment from Central Government towards directing resources for implementation of proposals. Alongside the evolving role of NPPGs and Structure Plans there should therefore be a clear role in the direction of investment across relevant agencies and bodies.
- 4.18 Planning Audit Unit - Development Planning like all other services is subject of the Best Value process. Additionally Structure Plans are approved by the Secretary of State while Local Plans are subject of independent consideration via the Public Local Inquiry Reporter. There would not appear a pressing case for the Planning Audit Unit to extend into the management of development planning at the current time.
- 4.19 Amendments to Planning Powers - The Land Reform Policy Group has given some consideration to the extension of planning control to agricultural, forestry, sporting and conservation-related developments. There is a wide range of possible change. At the minimum level, planning control might be extended to new or altered

farm/forestry buildings. More comprehensive powers could extend to cover all land use operations not presently subject to the planning process. In determining the scope of change it might be appropriate in the first instance to target specific types of development/activities where such control might help to deliver sustainable development in a more integrated way and was practicable. Extending planning powers to cover additional aspects of agriculture, forestry and land management would add to the costs of administering the planning system, including the need for specialist resources. The benefits would include removing a gap in current statutory arrangements where urban and rural development are considered more consistently. It could also complement wider rural strategies considering other aspects of rural life and development including service provision.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this Report.

6 CONSULTATION

6.1 The Chief Executive and Directors of Finance and Law & Administration have been consulted in the preparation of this Report.

7 CONCLUSION

7.1 The Consultation Paper on land Use Planning Under a Scottish Parliament provides an opportunity to stand back from the day-to-day operation of the planning system. In particular it encourages examination of the key components of the system (National Planning Policy Guidelines, Structure Plans, Local Plans, Development Control) including most significantly the mechanisms for plan making at the National/Strategic level.

7.2 The general approach which it is suggested should be supported by Angus Council provides for the further evolution of the current key components of the system rather than wholesale change. In particular it is suggested that a key area for attention is to secure an effective national planning framework which is more closely aligned with other functions of Government and public agencies while maintaining and encouraging flexibility in the local delivery of a plan led system. Allied to this is the clear recognition that the planning system must be proactive in guiding development and investment decisions while also being reactive to the pace of change and need for up-to-date and responsive action.

7.3 In support of the general approach summarised above it is suggested that the following points are highlighted:-

- A continuing focus on land use set within the wider framework of sustainable development;
- A more coherent vision of national land use priorities alongside other strategic policy areas via a consolidated approach comprising a new national framework;
- Additional national direction on strategic locational priorities but without the need for separate sub-national planning guidance;

- Sharpening Structure Plans focus on strategic land use and transport planning elements with an enhanced role in resource allocation across Government agencies;
- Review of other resource distribution mechanisms to reflect role of National Planning Framework, Structure Plans and NPPGs;
- Support for extension of planning control to agricultural, forestry, sporting and conservation-related development.

7.4 The Consultation Paper indicates that the Paper itself and the responses to it will be available to the Scottish Executive and Parliament in reaching any decisions on any action that might be taken. In view of the potentially far reaching implications it will be essential that further opportunity is made available for comment at the earliest possible stage on any draft proposals arising from this exercise.

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/CGR/KW/IAL
2 March 1999

Alex Anderson
Director of Planning and Transport