Abstract: This report comments on and provides a suggested response to the Scottish Executive Consultation Paper on making Development Plans Deliver which further details wide ranging proposals on arrangements for strategic planning and ways in which the current system of local planning can become more effective.

1 RECOMMENDATION

It is recommended that the Committee:-

1. note the far reaching proposals for development planning and measures for implementing significant new arrangements as set out in the consultation paper on Making Development Plans Deliver;

2. agree this report, including detailed comments on questions identified in Appendix 1, as the Council’s formal response to the consultation paper; and

3. agree to advise the Scottish Executive of particular concerns for effective development planning arising from the approach adopted to water services infrastructure investment through the current Quality and Standards approach by Scottish Water.

2 INTRODUCTION

2.1 The Scottish Executive has published a consultation paper entitled “Making Development Plans Deliver” on which comments are invited by 30 July 2004. This consultation paper is intended to seek views on the detailed arrangements for strategic planning and ways in which the current system of local planning can become more effective.

2.2 The current paper follows on from earlier Scottish Executive publications aimed at modernising the planning policy framework:-

- Review of Strategic Planning : Conclusions and Next Steps (June 2002) – Report 999/02 to the Planning & Transport Policy Committee 29 August 2002 refers.

2.3 A copy of the current consultation paper on Making Development Plans Deliver has been placed in the Members’ Lounge.
3 CONSULTATION PAPER

3.1 The consultation paper is presented in nine main sections:

- The Purposes of Development Plans
- The Need for change
- The Key Themes of Modernisation
- Local Development Plans
- City Region Plans
- Development Planning in the National Parks
- Transitional Arrangements
- Conclusions
- Annexes

3.2 The Scottish Executive’s aims in reviewing the system of development planning (currently Structure Plans and Local Plans) can be summarised as:

- speeding up the preparation and approval process;
- engaging individuals and agencies more effectively;
- making plans shorter and targeted on key spatial issues; and
- focusing on delivery.

3.3 The wider context within which the current consultation paper seeks views on the preparation of Local Development Plans across Scotland and the detailed arrangements for strategic planning in the four main city regions has already been largely set by the Conclusions and Next Steps on Strategic Planning previously published by the Scottish Executive in June 2002. This encompassed some major and ongoing changes to the development plan system (Report 999/02 refers) including:

- preparation of a National Planning Framework – the National Planning Framework for Scotland, which is intended to guide the spatial development of Scotland to 2025, was subsequently published by the Scottish Executive in April 2004;
- removal of requirement to prepare Structure Plans for all parts of Scotland;
- requirement to prepare Strategic Development Plans for the four largest city regions (including Dundee City Region);
- requirement to establish a joint Committee to oversee the preparation of the Strategic Development Plan and also appointment of a dedicated officer team to this task;
- requirement to include an Action Plan for all development plans;
- requirement to hold a public examination of Strategic Development Plans where objections have not been withdrawn – a separate consultation paper on Rights of Appeal in Planning has also been published by the Scottish Executive;
- requirement for a Strategic Development Plan together with a Local Development Plan in each of the four City Regions, with a Single Tier Development Plan elsewhere.
4 DISCUSSION

4.1 17 specific questions on which views are sought, together with the proposed response of the Council to each of these questions, are detailed in Appendix 1 to this report.

4.2 In responding to these questions particular regard has been had to:-

- the Council’s previous response to questions raised in the initial Review of Strategic Planning Consultation Paper (Report 1147/01);
- issues arising from the Conclusions and Next Steps on the Review of Strategic Planning (Report 999/02 refers);
- progress on various changes already underway (para 3.3 above); including seminars held by the Scottish Executive during 2003;
- experience of development planning in Angus including preparation of the Dundee and Angus Structure Plan, and preparation and review of the Angus Local Plan;
- links between Development Plans and other strategies and plans including Angus Community Plan and Angus Community Plan Progress Report and Update, Angus LA21 Strategy, Angus Local Transport Strategy, Cities Review;
- land use planning/transport arrangements including proposals for a new approach to transport in Scotland (Report 1348/03 Infrastructure Services Committee 27 November 2003 refers).

4.3 The questions detailed in Appendix 1 cover a variety of issues ranging from open ended questions on management and preparation of development plans to specific technical questions on the style of proposals maps. Key areas of interest for Angus Council include:-

- the duty of other bodies (e.g. Scottish Water) to engage in development planning (Question 5);
- the proposed content for City Region Plans (Question 14);
- the representation of Local Authorities on joint Committees overseeing City Region Plans (Question 15).

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising directly from this report. Future resource implications, which may be significant, will only become fully apparent depending on how proposals in the current consultation document are taken forward. This will be the subject of further reports in due course.

6 HUMAN RIGHTS IMPLICATIONS

6.1 There are no human rights implications arising directly from this report.

7 CONSULTATION
The Chief Executive, Director of Finance and Director of Law & Administration have been consulted in the preparation of this report.

8 CONCLUSION

The current consultation paper forms part of a series of publications by the Scottish Executive aimed at putting in place a more effective set of development plans that drive forward change on the ground quickly and transparently. This signals some major changes not only for development planning, but also for the planning system generally in Scotland, and will have significant implications for the manner in which the Planning service is undertaken and delivered in Angus.

NOTE

The following 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 a material extent in preparing the above Report.

- Making Development Plans Deliver – SEDD Consultation Paper, April 2004
- Review of Strategic Planning – SEDD Consultation Paper, June 2001
- Review of Strategic Planning – SEDD Conclusions and Next Steps, June 2002
- Getting Involved in Planning _ SEDD Consultation Paper, November 2001
- Your Place, Your Plan – SEDD White Paper, March 2003
- Rights of Appeal in Planning – SEDD Consultation Paper, April 2004
- National Planning Framework for Scotland – SEDD, April 2004

AA/CGR/KW
28 May 2004

Alex Anderson
Director of Planning and Transport
Q1 **What are the most important factors in the successful management of Development Planning?**

Response

The pilot audit of Development Planning in Angus undertaken by the Scottish Executive Development Department in 2000 (Report 1096/00 Planning & Transport Policy Committee 23 November 2000 refers) found that:-

- “Development planning in Angus is well organised and efficient, with many examples of good practice that work well for their organisation. Their approach towards development planning is pragmatic. It is a small department but staff have clear lines of responsibility, and have little doubt over their roles.”

Successful management of Development Planning includes factors involving Organisation, Process, Product and Performance where the main thrust is directed toward:-

- a well managed organisation with good lines of communication;
- a realistically timetabled plan preparation process;
- a clear view of plan making as an ongoing activity rather than a one-off event.

Q2 **Should development plan schemes indicate timetables for plan preparation to provide some certainty for stakeholders?**

Response

Yes, the replacement of the present “Notice of Intention to Prepare” stage by a development plan scheme incorporating SMART targets is a reasonable requirement which will assist timetabling commitments. The frequency at which development plan schemes should be prepared requires further consideration recognising the variations in local circumstances across Scotland.

Q3 **What are the most effective ways to ensure quick preparation and review of development plans?**

Response

This question is a recurring theme which has figured in several previous consultation exercises undertaken by the Scottish Executive. It is a wide ranging and open-ended question for which there is no single or simple answer. From experience in Angus, it is clear that while efficient and effective management can help to speed up plan production, there are limits as to what can be achieved while affording full opportunity for the submission, discussion, consideration and response to views, representations and objections. Indeed it is inevitable that Development Plans will continue to raise important matters generating local controversy.

The White Paper on Public Involvement in Planning “Your Place, Your Plan”
identified previous relevant suggestions including:-

- stages in development plan process – remove consultative draft stage;
- form and content of plans – shorter focussed on key issues;
- publicity and consultation – more targeted;
- project management – better organised;
- use of technology – wider access;
- staff resources – availability of sufficient resources.

Q4 Do you agree that early targeted consultation on the key issues should replace consultation on draft policies and proposals?

Response

Yes, recognising the difficulties involved and the balance between public involvement and speed, the removal of the consultative draft stage should be replaced by early engagement on the key issues leading to the preparation of a single “proposed plan” to which formal objections or expressions of support can be made. There may also be further opportunities to consult and engage on key land use issues alongside work on Community Planning.

Q5 Should the following and any other bodies have a duty to engage in development planning placed upon them?

- Health and Safety Executive
- Local Enterprise Companies
- Scottish Environment Protection Agency
- Scottish Natural Heritage
- Scottish Water

Response

Yes, this would also reflect the duty for a wide range of bodies to participate in Community Planning as part of the Local Government in Scotland Act 2003. It recognises that the planning system is the main means of delivering those aspects of the Community Plan which impact on the development and use of land. The Development Plan has a key role in providing a land use planning framework integrating the investment programmes, plans and strategies of other bodies.

In this context the position of Scottish Water is highlighted as the subject of particular current concern both in Angus and elsewhere in Scotland as a result of the approach to the Quality and Standards programme. Scottish Water expenditure plans focus on meeting environmental and quality standards and do not in the main allow for growth. In practice this has broken an essential link where there is now little or no practical opportunity for Angus Council to suggest to Scottish Water how investment within Angus should be prioritised having regard to Development Plan Strategy and policies. This situation, which is replicated throughout Scotland, constitutes one of the most serious threats to effective development planning and should be addressed by the Scottish Executive as a matter of urgency which extends considerably beyond the reference to Water and Drainage in the recently published National Planning Framework for Scotland.
Q6 Do you have any suggestions for improving the involvement of businesses in the development planning process?

Response

Businesses and commercial interests are already actively involved in the development planning process in Angus. For example Business/Commercial interests accounted for the largest source of comments from any groups (excluding individuals) in respect of consultation responses both on the Angus Local Plan and on the Dundee and Angus Structure Plan. It must, of course, also be recognised that the business community may not always be able to speak with one voice where competing interests may arise. This again highlights the controversial issues which are addressed by Development Plans in the wider community interest. There are also opportunities to involve businesses in the development planning process through Local Area Based Partnerships and Economic Development Partnerships.

Q7 Do you agree that the certified copy of the plan should remain a paper version?

Response

Yes, this should also be supplemented by the display of development plans online making full use of ICT opportunities to link development plan information with other geographic planning data.

Q8 Do you agree that a Development Planning Forum should be formed to support better plan-making?

Response

Yes, this would be a useful extension of the current Structure Plan Issues Forum which has already encouraged discussion on best practice and emerging issues.

Q9 Do you agree that action planning is a continuous process with formal publication of an action plan every two years?

Response

Preparation of an action plan should in effect be a development of the Implementation Chapters of current Structure Plans and Local Plans. This is supported subject to the need to recognise that implementation of a plan requires the involvement and co-operation of a range of key partners (e.g. Scottish Water as discussed in response to Q5). A review or assessment of progress every two years may be useful but many of the actions necessary to implement a plan will not necessarily lend themselves to a simplistic yes/no response.

Q10 Outside the city regions, do you support the provision for an area-wide local development plan to set the overall context in areas where there continues
to a mosaic of local development plans?

Response

This would appear a sensible proposal although it will not have any direct implications for Angus where:-

- a single local plan already covers the Council’s area;
- Angus is a constituent Council identified for the proposed City Region Plan for Dundee.

Q11 Do you agree that, where it can be demonstrated that there has been community and other stakeholder consultation, supplementary guidance should have a statutory backing?

Response

Yes, this is a useful mechanism which has already proved beneficial in Angus where a range of non-statutory Planning Advice Notes are extensively used.

Q12 Do you support greater consistency in the style of plans, particularly proposals maps?

Response

Yes, there is considerable scope to move toward a greater consistency in presentation without undermining the need to address the particular circumstances which apply to each plan area and which vary widely across Scotland.

Q13 Under what circumstances should Local Authorities be allowed to depart from the Reporter’s recommendations on the local development plan examination?

Response

Discretion to depart from a Reporter’s recommendations should be limited and require to be fully justified, particularly where it involves a significant policy matter or major proposal. Some latitude is, however, required where the detailed wording of Reporter’s recommendations may raise issues requiring clarification.

Q14 Do you agree with the proposed content for City Region Plans?

Response

The consultation paper confirms that City Region Plans should concentrate on a broader overview of genuinely strategic issues which cross Council boundaries. They are intended to cover housing, transport, employment and the environment.

The current consultation paper does not provide much additional guidance on content and does not discuss what constitutes a strategic issue which may well vary among the four proposed City Regions. The “generic” headings of housing, transport, employment and the environment would appear to provide some
discretion to encompass “topics” such as retailing, energy etc. as appropriate. In practice the balance of content between City Region Plan and Local Development Plan may vary among the four City Regions in Scotland.

City Region Plans should cover the strategic land use dimension of the wider Community Planning vision. However, there is no single wider Community Planning vision which will cover the city region area. The Scottish Executive should consider requiring local authorities to prepare this single agreed wider vision for the city region area which would set the broad context for City Region Plans.

Q15(a) Should there be equal representation of Local Authorities on the joint Committees?
Q15(b) How should costs be divided among Local Authorities on the joint Committees?

Response

Angus Council has previously confirmed it would expect to be an equal partner in any joint Committee set up to oversee the preparation of a strategic development plan (City Region Plan) relating to any part of Angus. In any event it is likely that the identification of boundaries for the City Region Plan for Dundee (involving constituent authorities identified by the Scottish Executive of Angus, Dundee City, Perth & Kinross and Fife Councils) together with financial and other arrangements for a joint member Committee supported by a dedicated officer team will give rise to controversial issues, not least of which is democratic accountability. This was highlighted in Angus Council’s earlier responses to previous Consultation Papers and remains a major concern in addressing how, in practice, the proposed arrangements will ensure that individual Council’s retain an appropriate level of control over decisions affecting land within their area.

Q16 Do you consider that the proposed approval process will be quick and transparent?

Response

The approval process should be transparent but requiring a mandatory independent examination in all cases will delay the approval process.

Q17 Are the proposed transitional arrangements appropriate?

Response

The proposal that in the four City Regions Structure Plans will only remain in force for three years from legislation coming into force, or until replaced by an approved City Region Plan in the designated Council areas if earlier, is too inflexible. A period of five years rather than three years would better recognise the need for some flexibility to respond to unforeseen delays.