

THE ROYAL TOWN PLANNING INSTITUTE IN SCOTLAND

PLANNING ETC. (SCOTLAND) BILL

STAGE ONE TOPIC PAPERS:

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- PAPER 2 – STRATEGIC DEVELOPMENT PLANS [Click here](#)
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CONTEXT

- The NPF exemplifies the contribution of spatial planning to public policy.
- It is not part of the statutory development plan although it defines 'national developments' for the purpose of the statutory T and CP system and is material considerations.
- It facilitates the essential joined up approach of government to spatial aspects of development policy and capital investment.
- It can be prepared with a relatively light touch as a statement of ministerial policy but transparency and parliamentary scrutiny are necessary for its success.
- The first NPF (2004) provides a framework already for debate of the Forth crossing, the Aberdeen Western Peripheral Route etc. in the context of the concept of an east coast corridor improvement which it contains.
- The intention in the white paper is to converge spatial decisions further with major capital investment decisions.
- Scotland is now ahead of England, Wales and NI in national spatial strategy development and working towards what Holland and other countries have achieved.

ISSUES

- THE DEFINITION OF NATIONAL DEVELOPMENTS
- THE CONSULTATION AND SCRUTINY PROCESSES

RECOMMENDATIONS

National Developments

- Should be defined in two ways:-
- First type – notional locations or search areas reserved for developments in implementation of national planning priorities, which will also be the subject of planning applications through the normal channels of the planning authority in the first instance but which ministers may wish to call in for determination, e.g. renewable energy zones, major sports facilities.
- Second type – large publicly funded infrastructure projects which will have national or transregional impacts on economic growth and regeneration, which will not be the subject of planning applications as above and will be determined by ministers under other statutes, e.g. the Roads (Scotland) Act for trunk roads and motorways, the Electricity Act for larger generation plant and transmission lines, the Pipelines Act for pipelines etc..
- In either case, the spatial representation in the NPF should establish the conceptual principle at a purely national scale and should not pre-empt the outline or detailed site identification required through strategic and

local development plans and through line order or other statutory site identification procedures.

- In the case of infrastructure projects, inclusion in the NPF should coincide with commitment to funding in the development of investment programmes.
- The NPF should NOT be used as a debating ground for policy principles e.g. energy policy, regeneration priorities, transport policy etc., but should be used to examine the spatial relationships arising from these policies.

Consultation and Parliamentary Scrutiny

- The Executive should carry out a public consultation on the NPF in final draft form prior to submission to parliament, should adjust the draft NPF if appropriate and report on the results of this consultation to the parliament.
- The consultation and parliamentary scrutiny processes should have regard to the wider public interest which will be attracted to the NPF in view of its use as the planning context for major projects which will eventually affect local communities.
- The policy context for any 'national development' included in the NPF should be clearly explained.
- The parliament should appoint independent commissioners to hold a public examination of the NPF and report to inform debate on an Executive motion on the NPF in the chamber.
- The period for such a process will be longer than the 40 day period proposed in the bill. It is suggested that the Executive should give at least 60 days notice of the submission of the NPF to the parliament, to coincide with part of the consultation period, during which time the commissioners may be appointed and may become acquainted with the progress and issues arising for the NPF, and that the period during which it lies in the parliament should be 100 days.
- The parliament should draw up the procedure for dealing with the NPF as soon as the bill is enacted in anticipation of the NPF 2 emerging during late 2007.

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STAGE ONE TOPIC PAPER 2 – STRATEGIC DEVELOPMENT PLANS

CONTEXT

- City regions are coherent spatial entities within which integrated systems for planning appropriate responses to housing markets, travel to work patterns, business clusters, waste management, leisure and shopping patterns and transport networks are essential.
- Subsidiarity principles in government apply to planning as much as to anything else. In planning they are highly sensitive to issues of geographical scale. The city region is an essential scale of competence above the local authority level in governance in planning in Scotland. There is less need for such a formal planning framework beyond the 4 larger city regions.
- The two-tier structure/local plan system was devised in Scotland before a two-tier system of local government was conceived for the period between 1975 and 1996 and it is not actually dependent on a parallel structure of local government where collaborative solutions are available.
- The concept of city region planning is well established across the world but constantly suffers from turf wars under two-tier local government or from lack of integration under collaborative governance.
- In England there is currently a major examination of the potential for city region planning in view of the lack of spatial coherence in the Regions which are currently the subject of Regional Spatial Strategies (RSS).
- Statutory joint committees under the local government act, established voluntarily by the local authorities concerned, have been highly successful in Glasgow and the Clyde Valley and in Ayrshire since 1996 in preparing, monitoring and reviewing the relevant structure plans and in providing a platform for other forms of related integrated strategic policy, while structure planning in other areas of Scotland without joint committees with delegated powers has suffered from delay, lack of focus, lower commitment from constituent authorities, and less engagement of other public agencies.
- The benefits of the dedicated strategic planning teams as a resource for planning in the two joint committee areas are clear, but they have limited impact on strategic planning activity in Scotland as a whole due to their tiny representation in the profession.
- Where there have been joint committees and permanent teams, there has been a strong relationship with other agencies which has demonstrated its worth in the focussing of resources in the implementation of the aims of the plan.

ISSUES

- THE ARRANGEMENTS FOR STRATEGIC DEVELOPMENT PLANNING AUTHORITIES FOR THE FOUR CITY REGIONS MUST SECURE THE INTEGRATION OF INFRASTRUCTURE, LAND SUPPLY AND REGENERATION INVESTMENT WHICH IS VITAL TO A REFORMED PLANNING SYSTEM FOR SCOTLAND
- THE AVAILABILITY OF AN EFFECTIVE STRATEGIC PLANNING RESOURCE FOR SCOTLAND
- ADEQUATE ENGAGEMENT OF THE PUBLIC AND ALL APPROPRIATE PUBLIC AGENCIES WITH STRATEGIC DEVELOPMENT PLANS

RECOMMENDATIONS

- Statutory joint committees with delegated powers should be mandatory in the four city regions as the Strategic Development Planning Authorities, comprising elected members of the constituent planning authorities with observers from the key agencies (as defined by regulations under the bill) and appropriate executive agencies.
- All four city regions should have permanent teams of strategic planning staff, hosted by one authority in each region.
- Under these circumstances, there should be no requirement for the proposed power of ministers to direct the designation of a Strategic Planning Manager and staff by identification (section 2 – 4(3)).
- A Scottish Strategic Planning Forum should be established as a technical advisory group on strategic planning policy and practice for both the National Planning Framework and for Strategic Development Plans.
- Each SDPA should be required to prepare and keep under review a position statement with each key agency and with those executive agencies to be nominated by the Scottish Executive.
- The key agencies for strategic development plans (to be defined under regulations) should include the appropriate Regional Transport Partnership(s), Local Enterprise Companies, and Health Boards, as well as the national agencies referred to in the Explanatory Notes to the bill.
- Each city growth fund partnership within the four main city regions should be required to demonstrate a spatial policy framework for their bids within the SDP.
- Special regard must be had to the requirements of sections 2 – 9(3) and 2 – 9(6) with regard to the ease of comprehension of a strategic development plan main issues report to those who may wish to make representations, compared with the same requirements for a local development plan, and the same principles should be extended to the plan itself.
- (See topic note 5 for further matters concerning public engagement in SDPs)

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STAGE ONE TOPIC PAPER 3 – LOCAL DEVELOPMENT PLANS, SYNCHRONISATION AND DEVELOPMENT PLAN SCHEMES

CONTEXT

- A transformation to the local development plan system is vital to Planning Reform in Scotland. Planning is not planning without effective local development plans. They are the key to reversing the negative, reactive image of planning.
- Local Development Plans should command the respect of the public, politicians (even those of a subsequent regime), public agencies, businesses, property owners and developers as expressing the settled vision for the time being, for any local area.
- This can only happen if they are kept up to date with continuous engagement of stakeholder interests. The 5 year review period in section 2 – 16(1) must be seen as a continuous cyclical process of preparation, implementation, monitoring and review.
- The statistics quoted by the Executive for current local plan performance demonstrate a situation which completely contradicts the concept of a plan-led system. For 59 years, there has been the philosophy of a plan led system which was originally predicated on the assumption of development promoted through public sector programmes. Globalisation and a market led approach to development now require a system which provides a more responsive framework for decision making and enabling.
- For over 20 years, attention has been focussed on the speed of response through the determination of planning applications. However, only a more effective local plan system can get to the root of the problem.

ISSUES

- THE NEED TO MAKE THE LDP PROCESS A CONTINUOUS CYCLE
- INCENTIVES FOR PLANNING AUTHORITIES TO KEEP LDPs UP TO DATE
- PREVENTING DELAYS TO THE PREPARATION OF LDPs IN THE ABSENCE OF UPDATED SDPs

RECOMMENDATIONS

- Section 2 – 16 is entitled 'Preparation and monitoring of local development plans: general' but refers to no more than 'keep under review' in regard to monitoring. The proposed two yearly Action Programmes under section 2 – 21 should also specifically include a report on any issues arising from the consideration of the plan in the light of the changing environment in which it is operating.
- There should be provision for the alteration of a local development plan outside the five year review to enable such matters as land supply for housing to be maintained or other themed issues to be dealt with expeditiously.
- This continuous commitment to the local plan cycle of activity should reduce the extent of the plan requiring review and replacement at the five year review. The main issues report should highlight those policies which are not proposed for review, and why.
- The requirement for a planning authority to report to ministers on its reasons for not reviewing a LDP within 5 years is not in itself an incentive to perform.

Even if it is a transparent process in the eyes of voters, the effects of a delayed LDP are not likely to be felt in any immediate way. The power of ministers to intervene and prepare a LDP themselves is a repeat of an existing power which has never been used and presents serious practical and ownership problems. There should be a financial inducement to planning authorities with a form of grant support dependent on performance in reviewing LDPs.

- The lack of synchronisation between local and strategic plans at present is a major cause of delay in the adoption of local plans. This often creates uncertainty over such matters as housing land supply with resultant lengthy public inquiries into appeals. One step to take would be to ensure an oversupply of land, with possible phasing policies, but difficulties with the planning of infrastructure. Another would be to give Supplementary Guidance status to finalised LDPs pending the approval of the appropriate SDP review.
- In preparing its Development Plan Scheme (section 2 – 20B), a planning authority and a strategic development planning authority should be required to indicate specifically how it intends to integrate the timetable for its LDPs with that for the relevant SDP, and vice versa.

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STAGE ONE TOPIC PAPER 4 – LOCAL GOVERNMENT PLANNING, RESOURCES AND CULTURE CHANGE

CONTEXT

- The current planning system was devised 60 years ago to provide a spatial rationale for the delivery of public sector led programmes for land supply, infrastructure and development. The imperceptible move towards a policy framework for enabling private sector development has been a disincentive to the traditional ethos of local government of direct responsibility for service delivery. As a result, the planning service has generally been stripped of the resources and capacity to use the full range of discretionary planning powers to act creatively in the making of plans and in an enabling capacity to delivering the visions contained in them. It has been left to perform a reactive and publicly perceived negative role.
- The growth of strategies for service delivery in many other areas of public service, such as housing, regeneration, economic development, transport has not been matched by full integration with the planning service to ensure effective outcomes.
- The potential of the skills of planners in the planning service to assist integrated service delivery, has not been used.
- The workload of planners has been dominated by the increase in planning applications due not only to economic prosperity but also greater complexity of statutory processes.
- For twenty years the only measure of performance for planning has been in process efficiency, ignoring the quality of outcomes which is what planning is designed to achieve.
- The planning service is not a large one nor does it carry a large budget in any authority. It no longer justifies departmental status in its own right under modern integrated service orientated management. However, many of the structures used by local authorities over the years to incorporate planning have destroyed the essential coherence required between the policy role of development planning and the role of development control (to be known now as development management) as part of the implementation of this policy.
- Embedded mechanisms to ensure the necessary continuous policy monitoring, implementation programme development and stakeholder liaison are rarely included in the structure of the planning service.
- Levels of specialist support for urban design, conservation, ecology, landscape, business development etc. have declined as integral parts of the service especially since 1996.
- The central statutory duty of a planning authority is to determine planning applications in accordance with the development plan (section 25). The extensively out of date array of plans has therefore undermined confidence in the entire system.
- Two recent research reports for the Executive show that a) the system is underresourced to start with, and b) the proposals for planning reform will incur certain specific costs.

ISSUES

- THE NECESSARY CULTURE CHANGE IN PLANNING REQUIRES POLITICIANS TO SHOW GREATER COMMITMENT TO THE POLICY AGENDA AND GREATER TRUST IN THE PLANNING PROFESSION TO DELIVER IT.
- THE PLANNING SERVICE IN LOCAL GOVERNMENT MUST BE GIVEN THE MANAGEMENT STRUCTURES AND RESOURCES TO MAINTAIN AN EFFECTIVE SERVICE

RECOMMENDATIONS

Culture Change

- Maximum use must be made of the scheme of delegation to officers under section 43A (part of section 16 of the bill) in order to
 - increase efficiency in the process and allow resources to be concentrated on developments and issues with wider public interest;
 - remove issues of neighbour dispute from the political arena;
 - underline the importance of a plan led system to a culture change which results in policy and not political influence as the basis of decision making.
- The proposed section 251B (part of section 28 of the bill) should be deleted in favour of the more general power for minister to require performance assessments, as it focuses too much attention on the process of applications as a measure of performance.

Resources

- Resource needs assessment for the planning system should recognise the severe under-resourcing of the current system and not just the needs arising from the proposals for change.
- Resource needs assessment for the proposals for change should focus as much on less unquantifiable aspects of use of discretionary powers to prepare and implement effective plans as on the more quantifiable processes to introduce such matters as neighbour notification by planning authorities.

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Title: PLANNING ETC
Subject:
Author: Elonex Installed
Keywords:
Comments:
Creation Date: 03/05/2006 10:02:00
Change Number: 2
Last Saved On: 03/05/2006 10:02:00
Last Saved By: Elonex Installed
Total Editing Time: 0 Minutes
Last Printed On: 03/05/2006 10:04:00
As of Last Complete Printing
Number of Pages: 8
Number of Words: 2,726 (approx.)
Number of Characters: 15,542 (approx.)