

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

11 OCTOBER 2001

SUBJECT: REVIEW OF STRATEGIC PLANNING CONSULTATION PAPER

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report comments on and provides a suggested response to the Scottish Executive Consultation Paper on the Review of Strategic Planning which includes radical proposals aimed at modernising and streamlining the planning system in Scotland.

1 RECOMMENDATION

It is recommended that the Committee –

1. note the far reaching proposals of the Scottish Executive for the Review of Strategic Planning in Scotland, and agree this report, including detailed comments on key issues identified in Appendix 1, as the Council's formal response to the Consultation Paper;
2. agree to advise the Scottish Executive that Angus Council:-
 - (i) welcomes the opportunity now available to reinforce and reinvigorate the core purposes and values of land use planning by further developing a coherent strategic national planning framework, which in turn supports subsidiarity in the tiers of plan making where decision making is retained at the most appropriate level;
 - (ii) supports the general principles on diversity, consistency, focus, subsidiarity, inclusion, responsiveness and certainty identified in the Consultation Paper, together with proposals for developing National Planning Policy Statements and a Scotland wide spatial perspective document;
 - (iii) supports the need for sub-national strategic planning, and suggests that this should be developed on a partnership basis between the Scottish Executive and Local Authorities (as illustrated in the diagram attached to this report) in order to address genuinely strategic planning issues, which should continue to include minerals and waste;
 - (iv) questions the basis on which City Regions (as yet undefined) are proposed as the sole focus for strategic development plans, where this will introduce dual standards both in different parts of Scotland and, depending on geographical boundaries, within some individual Council areas;

- (v) propose that further consideration be given to more inclusive and widely drawn areas for delivering sub-national strategic development plans and that European Partnership areas could form a basis for the appropriate sub-national strategic planning areas (see map attached to this report);
- (vi) suggests that Local Authorities be encouraged to prepare the minimum number of development plans/local development plans necessary to ensure complete geographical coverage of their area.

It is further recommended that the Scottish Executive be advised, in the event they conclude in favour of their current preference for strategic development plans to be prepared only for the four largest City Regions, that Angus Council:-

1. would expect to be an equal partner in any joint Committee set up to oversee the preparation of a strategic development plan relating to any part of Angus;
2. notes that any City Region boundary which dissects a Local Authority area would raise subsidiarity issues and require more problematic arrangements to secure compatibility between the respective Local Development Plan and the Development Plan covering the remainder of the Council area;
3. requests that further consultation be undertaken on proposed City Region boundaries, and specifically any proposed City Region boundary relating to Angus, prior to any final decision being taken.

2 INTRODUCTION

- 2.1 In June 2001, the Scottish Executive published a Consultation Paper on the Review of Strategic Planning. Under present arrangements "strategic planning" means structure planning as part of the development plan system. However, the proposals in the Consultation Paper are radical and potentially far reaching, extending considerably beyond structure plans alone. In practice the Scottish Executive's proposals have significant implications for the overall future direction of the planning system, including planning at the national level and local plans.
- 2.2 This report summarises the main elements of the Consultation Paper and provides the suggested basis for the Council's response to the important issues which the Paper raises. A copy of the full Consultation Paper has been placed in the Members' Lounge and a summary of key issues on which views are sought, together with a suggested response, is included as Appendix 1 to this report. Comments on the proposals in the Consultation Paper have been requested by 31 October 2001.

3 SUMMARY OF PROPOSALS

- 3.1 The Consultation Paper includes discussion of the wider context in which strategic planning is delivered; strengths and weaknesses of structure planning within the current system; and a possible way forward. Proposals for change have been drawn up by the Scottish Executive against the following principles:-

- Diversity – the structure and components of the system should reflect the diversity in geography, the differing characteristics of communities and variation in the scale/nature of development pressures in Scotland.
- Consistency – within this diversity there should be more consistency in the content of plans.
- Focus – the priority is for development plans to be clear on what they can deliver and concentrate on doing that well.
- Subsidiarity – planning policies should be formulated and planning decisions taken at the level of individual Councils unless there are strong reasons for a framework that transcends Local Authority areas.
- Inclusion – development plans must be based on wide consultation with local communities, agencies, as well as the private sector.
- Responsiveness – the system must be sufficiently flexible to address new and emerging issues with speed and confidence.
- Certainty – plans must be more directional and much clearer about the nature/ scale of development and how it should be carried out in a way that is sustainable and reflects Scotland's distinctive natural and cultural heritage.

National Planning Policy Guidelines and Overview

3.2 In addition to further targeting the National Planning Policy Guidelines series, including drafting model policies, the Executive propose to prepare an **overview document** that looks at Scotland as a whole. It is stressed that the intention is not to produce a National plan for Scotland but rather to identify a spatial perspective related to a limited number of subjects where:-

- the planning system at the National level has an important role in delivering sustainable solutions;
- a co-ordinated approach to planning is required;
- a spatial context for resource allocation under the European Structural Funds programmes would be useful.

3.3 The proposed overview document would focus, in the first instance, on the following subjects:-

- Settlement pattern, land resources and infrastructure capacity.
- Population and household change, including the spatial dimension of social justice.
- Economic prospects and the implications for planning.
- Environmental challenges and the role of the planning system.

- Strategic priorities for transport (reflecting the Transport Delivery Plan) and other infrastructure investment.

Structure Plans

- 3.4 The Executive propose to end the current requirement for full National coverage of structure plans. Instead it is proposed that **strategic development plans**, focusing on a limited number of genuinely strategic issues and covering a 15 year minimum period, will be prepared only for the four largest cities and their hinterlands. Views on the appropriate boundaries of these City Region areas are sought. In National Parks the requirement to prepare a National Park Plan is suggested as the statutory document for dealing with strategic planning issues.
- 3.5 It is proposed that there should be a statutory requirement to establish a joint Committee to oversee the preparation of the strategic development plan and that a dedicated officer team be appointed to this task.

Local Plans

- 3.6 In the four City Region areas it is proposed that two tiers of development plan will remain with local plans to be replaced by **local development plans** which should conform to the strategic development plan.
- 3.7 Most of the rest of Scotland (with the possible exception of National Park areas) will be covered by single plans to be known as **development plans** which will replace the current coverage of structure plans and local plans.

Waste and Minerals

- 3.8 The Executive propose that the specialist subjects of waste and minerals are best handled separately from strategic development plans, local development plans or development plans. Waste subject plans are therefore proposed.

4 DISCUSSION

- 4.1 Publication of the current Consultation Paper follows the ministerial announcement in November 2000 of the Review of Strategic Planning, which in turn followed the earlier Consultation Paper on Land Use Planning Under A Scottish Parliament (report No. 291/99 to the Planning and Transport Policy Committee, 11 March 1999 refers).
- 4.2 Various discussions and contributions to the debate have been ongoing both prior to and since the release of the current Consultation Paper. Early comments on the present proposals have featured in the technical planning press and professional journal, including qualified statements of support from the Royal Town Planning Institute in Scotland.
- 4.3 There is much to be supported in the Consultation Paper including the overarching theme that statutory plans, which are more focused and action oriented, should continue to be at the heart of the planning system. However certain key aspects of the proposals gives cause for concern and uncertainty. In particular the proposal that

strategic development plans should be prepared only for the four largest City Regions raises a number of significant questions including:-

- the appropriate boundaries of these City Regions which will inevitably provoke controversy, including potential boundaries running through parts of a Council area;
- how in practice the proposed arrangements will ensure that individual Councils retain an appropriate level of control over decisions affecting land within their area in accordance with the subsidiarity principle.

4.4 The Consultation Paper recognises that not all parts of Scotland are facing pressures associated with population growth, where in some parts urban regeneration is the priority. This is the case in Dundee where development continues to be successfully accommodated in support of urban renewal. In this context there is no evidence that urban renewal, which is viewed as a strategic land use issue, is being frustrated by the current strategic planning arrangements.

4.5 Joint preparation of the Dundee and Angus Structure Plan has demonstrated how a successful and mutually beneficial arrangement can operate in practice between equal partners. It is, however, difficult to see how direct democratic accountability could be maintained over strategic planning matters where a "Dundee City Region" would also extend into parts of Perth & Kinross and Fife raising issues of equity.

4.6 The City Region concept is far from new both in a planning context and in a wider Local Government context. Indeed previous proposals and practices for Local Government organisation in Scotland have had varying regard to this approach, including the previous system of Regional and District Councils between 1975 and 1996. The current Consultation Paper stops short of identifying the possible boundaries of the proposed City Regions or even the relevant criteria on which the geographical extent of the City Region area should be considered. It is considered that the city region concept should be subject to further critical examination, including proposed boundaries, before a decision is taken on this matter. In any event it is important that any proposed boundaries which may emerge from this consultation process are in turn the subject of a further round of consultation.

4.7 The Consultation Paper does not, in my view, provide a compelling argument to support the introduction of a tier of strategic planning focussed on four City Regions. Indeed the basis for the City Region proposal is not clearly set out nor are other possible alternatives identified or evaluated in the Consultation Paper.

4.8 A suggested response to the key issues identified from the Consultation Paper is further discussed in Appendix 1 to this report.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this report.

6 HUMAN RIGHTS IMPLICATIONS

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

7 CONSULTATION

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

8 CONCLUSION

- 8.1 The Consultation Paper on the Review of Strategic Planning is to be commended in raising issues to be addressed to ensure development plans realise their potential in contributing to the management of change in Scotland for the long term public good. In Angus we have the benefit of a recently adopted Council wide Local Plan and current direct experience in joint working on structure plan preparation. From this perspective it is vital that any changes to the planning system should further assist development plan preparation and delivery in Angus as well as more fully meeting National requirements. The current proposals of the Scottish Executive include some worthwhile changes but also raise particular concerns and uncertainties over who should prepare strategic development plans as well as their geographic boundaries.
- 8.2 The Scottish Executive has indicated that it hopes to announce its conclusions on the current exercise in Spring 2002. Some of the proposed changes are likely to require alterations to primary legislation, others will require the substantial revision of secondary legislation such as the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. Other issues can be progressed without any legislative change. Meantime Councils are advised to continue to progress structure plans and local plans in line with current procedures.

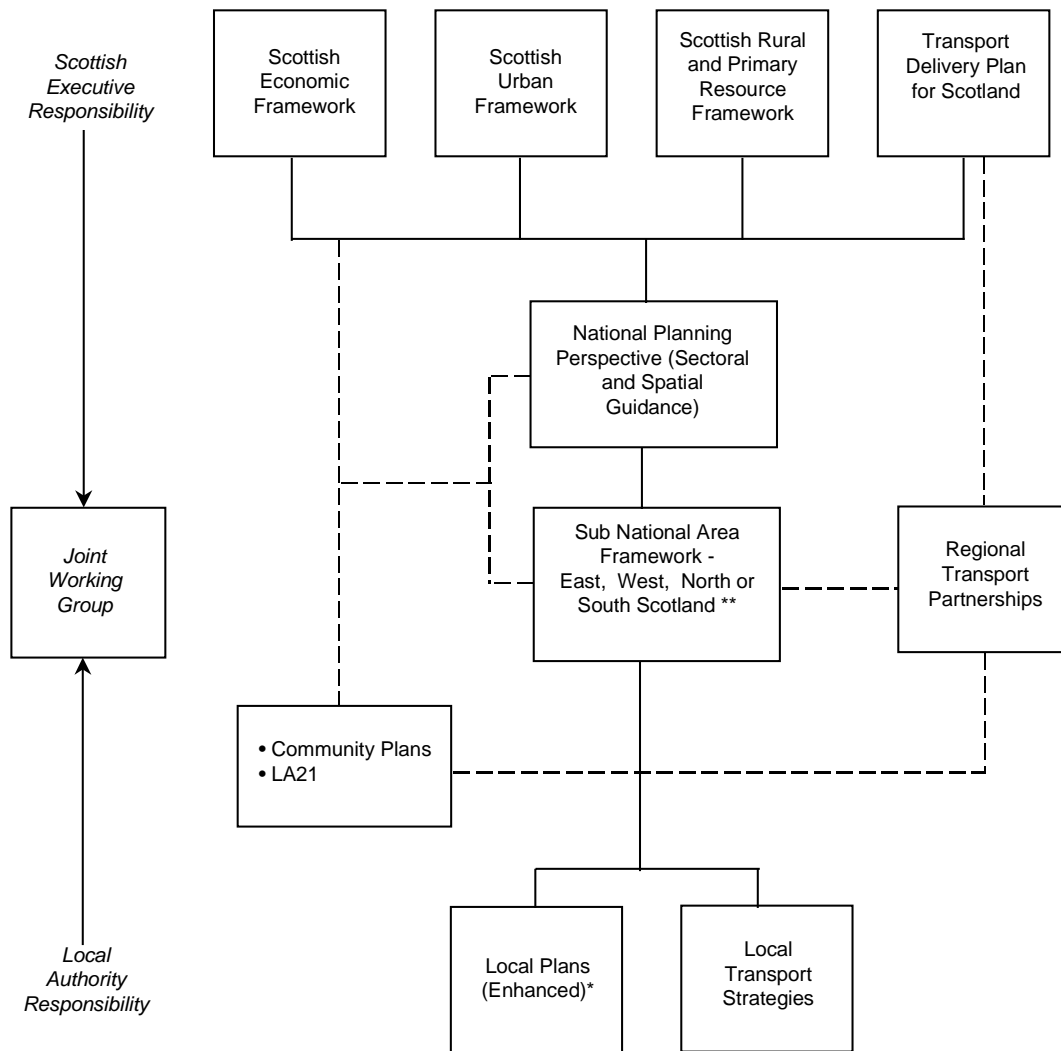
NOTE

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/IAL
2 October 2001

Alex Anderson
Director of Planning and Transport

**REVIEW OF STRATEGIC PLANNING
ANGUS COUNCIL PROPOSAL**



*Council wide Local Plans including elements of strategic guidance (eg Part 1 Unitary Development Plans) together with more detailed local proposals.

**The present European Partnership areas could be a basis for sub-national strategic planning areas.

APPENDIX 1 : KEY ISSUES AND ANGUS COUNCIL RESPONSE

- ***Should National Planning Policy Guidelines be renamed National Planning Policy Statements?***

The suggested name change is appropriate but is less important than the purpose, status and form of the Guidelines/Statements. In particular Statements of Scottish Executive policy may continue to be material considerations to be taken into account in development plan preparation and development control.

- ***Should some form of national overview document be prepared? If so:-***
 - *What issues should it address?*
 - *How should it be prepared?*
 - *What sort of scrutiny/approval process should be involved?*

The need for a coherent strategic national planning framework or perspective is fully supported. This, in turn, should support subsidiarity in the tiers of plan making where decision making is retained at the most appropriate level. The subjects for inclusion proposed in the Consultation Paper (paragraph 3.3 of this report) cover appropriate issues provided that this allows a focus on areas of cross-cutting policy development (see diagram attached to this report). Preparation of the document should be the responsibility of the Scottish Executive with extensive stakeholder involvement, including key inputs from local authorities. The need for transparency and scrutiny by members of the Scottish Parliament is evident.

- ***Should model development plan policies be drawn up? If so, for what subjects?***

Yes, there are a wide range of policy areas covering aspects of environmental protection, employment and enterprise, housing land, town centres and retailing, sport, recreation and tourism, infrastructure provision, and transport and communication where standardised model policies could be applicable. Clearly the spatial application of model policies will depend on individual circumstances and may also require appropriate local variation. A major advantage of developing model policies would be to reduce the amount of time spent in debating the precise working of certain policies (e.g. environmental designations or telecommunication developments) and allow closer consideration of the geographical application of the policy.

Structure Plans

- ***Should the current requirement to prepare structure plans for all parts of Scotland be removed***

The response to this issue depends on what form of sub-national strategic planning is to replace structure plans. A key strength of the current system is the approval of current structure plans by Scottish Executive Ministers which should ensure national considerations are adequately reflected **throughout** Scotland including human rights issues. On balance Angus Council favours an inclusive system which ensures that all of Scotland is covered by and benefits from sub-national strategic planning. European Partnership areas could form a basis for sub-national strategic planning areas.

- ***Do you agree strategic development plans be prepared only for the four largest City Regions? What should the boundaries of these areas be?***

No, as indicated in the response to the previous issue Angus Council would suggest that sub-national strategic planning should extend across all of Scotland possibly based on the four European Partnership areas. The City Region/boundary issue is among the most controversial of the Scottish Executive's proposals and it is not clear the extent to which this may be part of a wider agenda. Because the boundary issue is central to the concept of city-regions, it is unfortunate that there is not examination of this aspect. The prospect of the city region boundaries including parts of adjoining administrative areas raises issues of democratic accountability for the preparation of strategic planning policy. Before any decision is taken on the city region proposal it is considered that the concept should be re-examined in the light of any practical difficulties which have arisen from the present Structure Plan arrangements and the implications of establishing appropriate boundaries. In any event Angus Council would request that a further extensive round of consultation be undertaken on any proposed boundaries in the event that the Scottish Executive were to conclude in favour of this approach to strategic planning at only the City Region level.

- ***Do you agree joint Committees be set up to oversee the preparation of strategic development plans?***

In the model suggested by Angus Council (see attached diagram) preparation of sub-national strategic development plans would be undertaken and overseen by joint working groups comprising representatives from the local authorities and from the Scottish Executive. This partnership approach between Central and Local Government could facilitate concentration on a limited number of genuinely strategic issues providing both a national and local dimension. In the event that the City Region approach is pursued, then Angus Council would expect to be an equal partner in any joint Committee set up to oversee the preparation of a strategic development plan relating to any part of Angus.

- ***Do you agree strategic development plans should concentrate on a limited number of strategic issues and that they should not restate national planning policy?***

Yes. However, the question of what constitutes a strategic issue is not fully discussed in the current Consultation Paper and may well vary among different parts of Scotland. As a working definition the Draft Dundee and Angus Structure Plan suggests that strategic issues are mainly likely to arise where the scale, nature or type of development in one community would significantly affect other communities. While strategic development plans should not restate national planning policy they should further interpret and help implement that policy as appropriate at the sub-national level.

- ***Do you agree that strategic development plans should be site specific?***

In some cases this may be appropriate and would help clarify and co-ordinate certain development proposals. However, this will not be appropriate for all the issues considered to require strategic planning intervention, where it remains essential to provide discretion for local planning decisions and choices as appropriate reflecting the subsidiarity principle. In any event the blanket definitions of site specific strategic land releases in the Consultation Paper (100 houses or business parks above 5 ha) is not considered appropriate. It is also worth noting that a requirement to bring forward site specific proposals at this strategic stage could well delay preparation of strategic development plans where significant amounts of

local detailed investigation are required before even the principle of the development is considered and agreed.

- ***Do you agree an action plan should be prepared as part of the strategic development plan and that it should be reviewed every two years as part of the process of monitoring and review?***

Preparation of an action plan should in effect be a development of the Implementation Chapter of current structure plans. This is supported subject to the recognition that implementation of a strategy requires the involvement and co-operation of a range of key partners. A review or assessment of progress every two years may be useful but many of the actions necessary to implement a strategy will not necessarily lend themselves to the type of simplistic approach implied which suggests that a Yes/No answer will be given before moving on to a new action.

- ***Do you agree that a public examination of objections should be made mandatory?***

No, but there should be sufficient checks and balances to ensure full compliance with human rights requirements. Discretion should remain for a public examination where necessary but requiring this on a mandatory basis in all cases would result in unnecessary delay to the plan preparation/approval process. An examination should be mandatory where there is unresolved disagreement among Councils represented on any joint Committee.

- ***Do you agree the Scottish Ministers should issue a certificate of conformity with national policy rather than formally approve structure plans as at present?***

The approval of current structure plans by Scottish Ministers is viewed as one of the strengths of the present system which should not be dispensed with lightly. In practice the terms of current approvals are however highly qualified where, for example, it does not commit Scottish Ministers or any Government Department to the payment of grant on any particular project or to the amount or timing of any capital expenditure. The continuation of some form of endorsement by Scottish Ministers is viewed as essential and this is particularly the case where there is disagreement between Councils involved in joint structure Plan preparation. A certificate of conformity might avoid the situation where Scottish Ministers may modify a plan but then take no active part in the interpretation or implementation of the modification.

- ***Do you support the arrangements for monitoring set out in paragraph 36?***

Broadly yes where in addition to assessing progress on the plan, the opportunity to roll forward strategic guidance after five years is likely to be relevant.

Local Plans

- ***Do you agree that, outwith the four City Regions, there is no need for two tiers of development planning?***

No, as previously indicated this Council's preference is for sub-national strategic development plans supported by enhanced local plans on a Scotland wide basis (see diagram attached to this report).

- ***Do you think there should be a requirement for Councils to submit a development plan scheme for the agreement of the Scottish Ministers?***

This appears a reasonable requirement which will assist timetabling commitments. Further consideration is required of any process to be followed in the event that Scottish Ministers do not agree a scheme. Similarly, the frequency at which development plan schemes should be prepared requires consideration recognising the variations in local circumstances across Scotland.

- ***Do you agree the process for drawing up development plans and local development plans should be similar to the procedures for strategic development plans?***

For the reasons previously outlined, Angus Council does not support the partial City Region based approach to sub-national planning which, in turn results in an overcomplicated system of strategic development plans, local development plans and development plans, all of which may potentially apply within an individual Council area. Angus Council's proposal would result in two different types of plan at very different geographical scales, namely broad brush strategic plans at sub-national (European Partnership area) level, and enhanced local plans at individual Council level. In these circumstances the process for drawing up these plans would have some similar components but would also differ given the different agencies involved. In the event that the Scottish Executive's current City Region based approach is pursued then the process may be similar. A related issue in this situation is the difficulty in articulating a Council wide planning strategy where this multiplicity of types of plan covering parts of the area would apply. This is viewed as a serious issue arising from the proposed City Region based approach.

- ***Do you agree more use should be made of supplementary guidance?***

Yes, strongly agree that this is a useful mechanism which has already proved beneficial in Angus where, for example, a range of Planning Advice Notes are extensively used.

Waste

- ***Do you agree Waste Subject Plans should be drawn up and their boundaries should be aligned with Area Waste Plans?***

No, waste land use issues at local level should continue to be integrated with other aspects of the development plan. Area Waste Plans should provide the broader picture at sub-national level.

Minerals

- ***Do you agree a period of stability is now required in respect of the strategic planning policy framework for open cast coal?***

No comment.

POSSIBLE SUB NATIONAL STRATEGIC PLANNING AREAS

European Partnership Area	Current Structure Plan Area	Constituent Authorities
1. Highland & Islands	<ul style="list-style-type: none"> • Argyll & Bute • Highland • Western Isles • Orkney • Shetland 	Argyll & Bute Highland Western Isles Orkney Shetland
2. East of Scotland	<ul style="list-style-type: none"> • Moray • Aberdeen & Aberdeenshire • Dundee & Angus • Perth & Kinross • Fife • Stirling & Clackmannan • Falkirk • Lothian 	Moray Aberdeen Aberdeenshire Angus Dundee Perth & Kinross Fife Stirling Clackmannan Falkirk Edinburgh West Lothian East Lothian Midlothian
3. South of Scotland	<ul style="list-style-type: none"> • Scottish Borders • Dumfries & Galloway 	Borders Dumfries & Galloway
4. West of Scotland	<ul style="list-style-type: none"> • Ayrshire • Glasgow & Clyde Valley 	North Ayrshire East Ayrshire South Ayrshire Dumbarton & Clydebank East Dunbartonshire Glasgow Inverclyde North Lanarkshire South Lanarkshire East Renfrewshire Renfrewshire