

EAST AYRSHIRE COUNCIL

SPECIAL DEVELOPMENT SERVICES COMMITTEE – 17 APRIL 2007

PLANNING ETC (SCOTLAND) ACT 2006 IMPLEMENTATION TIMETABLE AND COMMENCEMENTS

Report by Depute Chief/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To list those sections of the Planning (Scotland) Act 2006 (the Act) that are already in force, to outline an indicative timetable of future consultation on the detailed regulations and orders needed to implement the Act and to recommend given the extent, scope and volume of the consultation proposals that a special members/officers group be convened.

2. BACKGROUND

- 2.1 The Act received Royal Assent in December 2006 and replaces many parts of the Town and Country Planning (Scotland) Act 1997. A report on the Act as proposed and before it was considered by the Scottish Parliament was considered by committee in March 2006.

3. FUTURE CONSULTATIONS

- 3.1 Appendix 1 details the timetable for future consultations on the various regulations and orders that will be needed to implement the other provisions of the Act. In addition there are likely to be further consultation documents issued which are not directly as a consequence of the Act but are nevertheless related to it.
- 3.2 Given the number and range of consultation documents that will require a response over a relatively short period of time it is considered that the current practice of placing all draft consultation documents before committee for consideration is not suitable. For example, 6 consultation documents were received between 2-4 April. Accordingly it is recommended that a member/officer group comprising 3 Members of the Development Services Committee, to be determined by the incoming Council, and the Head of Planning and Economic Development be convened to deal with all future consultation documents issued either as a direct result of the need to implement the Act or related consultation

documents issued as a consequence of the Act being enforced and that it be authorised to issue responses on the Council's behalf.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications arising from this report.

5. FINANCIAL AND LEGAL IMPLICATIONS

5.1 There are no financial implications arising from this report.

5.2 It is considered that as the Act is the first major step to reforming the planning system the Council's view on the practicalities of how the new system should operate and be implemented given its current experience will be invaluable and that every opportunity should therefore be taken to influence the detail of how the new system should operate and be controlled. Convening the members/officers working group will enable the Council to respond efficiently, promptly and effectively to all of the consultation documents that are to be issued.

6. COMMUNITY PLAN AND POLICY IMPLICATIONS

6.1 There are no direct implications for the Community Plan arising from this report.

6.2 Although there are no direct policy implications as a result of this report the new Act will require the Council to review its practices and procedures for development planning, determining planning applications and planning enforcement. The Act is notable for enabling greater stakeholder engagement and involving the general public more, for simplifying plan preparation procedures and for promoting sustainable development. How this will be achieved will be detailed in the forthcoming consultation documents but the implications for Council policy and practice will only be known after the regulations and orders are finalised and issued by the Scottish Executive. Future reports detailing any policy implications for the Council as a result of the implementation of new planning regulations or orders will be prepared for consideration of committee in due course.

7. RECOMMENDATIONS

7.1 It is recommended that the committee:

- (i) agrees to a member/officer working group, as described in para 3.2 above, be convened to consider and issue responses in relation to all consultations arising directly as a result of the Planning etc (Scotland) Act 2006 or arising as a consequence of the Act but not directly relating to it;
- (ii) otherwise note the contents of this report.

Elizabeth Morton
Depute Chief Executive and Executive Director of Corporate Support

10 April 2007 (KD/SA)
FV-AN

LIST OF BACKGROUND PAPERS

1. Report to Development Services Committee by the Director of Development and Property Services, Planning Etc (Scotland) Bill, 8 March 2006.

Anyone wishing to inspect the above paper please contact Karl Doroszenko on 01563 576751.

Implementation Officer: Alan Neish

APPENDIX 1

The dates below represent current best estimates of when the Scottish Executive will be able to bring forward draft and final versions of regulations and orders, and where necessary guidance and codes of practice, which are needed to implement the changes to the planning system.

Development Planning

- Consult on Development Planning Regulations – Summer 07
- Consult on transitional arrangements – Summer 07
- Consult on Examination Regulations/Code of Practice – Autumn 07
- Implement changes from Summer 08 onwards

Development Management

- Consult on General Development Procedure Order – Summer 07
- Consult on draft schemes of delegation regulations and guidance – Summer 07
- Consult on draft hierarchy regs – Summer 07
- Consult on local review regulations – Summer 07
- Consult on regs for pre-application consultation/hearings – Summer 07
- Consult on Fee Regulations – Autumn 07
- Consult on Householder Permitted Development Rights and User Guide - Autumn 07
- Consult on permitted development rights for micro-renewables – Autumn 07
- Consult on neighbour notification regulations – Autumn 07
- Implement schemes of delegation – Spring/Summer 08
- Implement local review bodies – Spring/Summer 08
- Implement new fees and bring in changes to hierarchies/neighbour notification – Spring/Summer 08
- Consult on General Permitted Development Order – Summer 08
- Implement pre-application consultations/hearings – Summer 08
- Consult on mezzanine floors order - Summer 08

Enforcement

- Consult on Fees for Monitoring Regulations – Summer 07
- Consult on Enforcement Regulations – Autumn 07
- Consult on fixed penalty regulations – Autumn 07
- Implement new enforcement regime - Spring 08

Appeals

- Consult on draft regulations – Summer 07
- Draft inquiry Rules – Summer 07
- Draft Code of Practice for examinations/accompanying participation statement – Autumn 07
- Implement new regulations – Spring/Summer 08

Other Areas

- Consult on guidance on sustainable development – Spring 07
- Consult on GNA regulations and guidance – Summer 07
- Consult on revised circular on Planning Obligations – Spring 08
- Consult on revised SPP1: The Planning System – Summer 08
- Consult on Tree Preservation Order Regulations – Summer 08
- Introduce GNAs – Summer 08
- Implement TPO regulations – Autumn 08