

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE; 4 MAY 2004

MAKING DEVELOPMENT PLANS DELIVER: PUBLIC CONSULTATION

Report by Executive Director of Development and Property Services

1 PURPOSE OF REPORT

- 1.1 To advise and obtain the views of the Committee on a consultation paper issued by the Scottish Executive Development Department entitled 'Making Development Plans Deliver'.

2 BACKGROUND INFORMATION

- 2.1 In June 2002, the Scottish Executive published a review paper entitled 'Review of Strategic Planning – Next Steps and Conclusions' which essentially proposed the removal of Structure Plans from the planning system, the introduction of city region plans for the four largest cities and the preparation of local development plans for all areas of Scotland. Now that the broad shape of the new system has been outlined, the Executive is setting out in this consultation paper its detailed proposals for modernising the development planning process.
- 2.2 The Executive is strongly committed to raising the profile of development planning with all users and stakeholders in the planning system and considers that the full engagement of all participants in the planning process is the cornerstone of an effective planning system. Views on the consultation paper are invited with responses requested by 30 July 2004.

3 THE CONSULTATION PAPER

- 3.1 The stated aims of the Scottish Executive in reviewing the development planning system 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.
- 3.2 In order to achieve the above aims, the Consultation Paper details a number of proposals relating to the management of the plan process, consultation and engagement, the content of plans and effective plan delivery. A synopsis of the main provisions of the consultation paper is as follows:
- (i) The paper proposes the demise of the two tier development plan system in Scotland, with the exception of four identified city regions where authorities are required, jointly, to produce a city region plan and, individually, a local

development plan. Outwith the four city regions, authorities are required to produce only a local development plan. East Ayrshire Council is not identified in the consultation paper as part of the adjacent Glasgow City Region and, consequently, is required to produce only a single tier, area-wide local development plan for the area. Under the proposed new arrangements there will be no requirement for a Structure Plan to be produced.

(ii) The paper proposes a number of procedural changes, including a requirement for Councils:

- to publish a Development Plan Scheme, setting out their programme for the production and review of their development plans. This will replace the 'Notice of Intention to Prepare' stage of the current procedures;
- to prepare internal Project Plans for each development plan, setting out clear tasks and, where possible, job descriptions for individual staff;
- to focus plan preparation on two stages, these being early engagement with stakeholders on the key issues and options for change, leading to the preparation of a single 'proposed plan' to which formal objections or statements of support can be made. This would effectively remove the requirement for authorities to produce Consultative Draft versions of the plan; and
- to notify owners, tenants and neighbours directly affected by land use proposals in the plan.

In addition the Executive intends:

- to place a statutory duty on key agencies comprising the Health and Safety Executive, Local Enterprise Companies, SEPA, SNH and Scottish Water to engage in the development planning process;
- to introduce a statutory requirement for authorities to prepare an Action Plan for each Local Development Plan or City Region Plan, setting out how the local authority and other stakeholders will take steps to implement the plan. It proposes that a process for continually updating the action plan should be put into place and there should be a formal requirement for authorities to publicise the plan every two years. The action should include a schedule identifying those sites allocated in the plan where the Local Authority has ownership of or within which it has a financial interest; and
- to introduce hearings or round the table discussions as the norm for dealing with unresolved objections to the plan. The paper proposes that a formal inquiry will only be required where complex or technical issues merit detailed examination. It is further proposed that the scope for an authority to depart from a Reporter's recommendation on local development plans should be limited.

- (iii) The paper proposes a number of changes relating to good practice, including:
- the early involvement of all stakeholders in the development plan process, including communities, developers and public agencies ;
 - the provision of emerging and adopted plans on line, together with all supporting information such as master plans, research reports and staff contact details;
 - the introduction of model policies as a means of sharing best practice across Scotland;
 - the establishment of a Development Planning Forum of local authority planners to engaging users of the planning system and to facilitate the exchange of ideas on policies and their effectiveness;
 - the preparation of sustainability appraisals, examining environmental, social and economic implications of their development plans, as an extension to the Strategic Environmental Assessment process;
 - the introduction of greater consistency in the format, style and presentation of plans and proposals maps; and
 - the use of supplementary guidance, on which there has been public consultation and subsequent approval by the Council, to support local development plans and to provide additional detail for decision making.

4 THE COUNCIL'S VIEWS ON THE CONSULTATION PAPER

- 4.1** The contents of the Consultation Paper, if implemented, will have a number of implications for the Council, the major implications being as follows:
- (i) The requirement for the authority to produce a single authority-wide local development plan instead of the current Structure Plan and Local Plan will have serious implications for the current Structure Plan Team, in terms of its personnel, constitution and function. It will be necessary for the Council to explore, together with North and South Ayrshire Councils, the future role of the Team.
- (ii) It is proposed that there should be a requirement for authorities to prepare a single 'proposed plan' following an early engagement with the public and other stakeholders on key issues to be addressed in the plan, in order to speed up the plan preparation process. In this regard, there would appear to be a degree of conflict with the requirement for new local development plans to conform with the impending Strategic Environmental Assessment Regulations, which require an SEA statement to be issued for consultation purposes alongside the Consultative Draft version of the plan. This potentially negates the use of expedited procedures in local development plan preparation as proposed in the consultation paper. This issue requires to be addressed by the Scottish Executive as a matter of priority.

- (iii) The consultation paper suggests a total of 7 ways to ensure regular review of development plans, a number of which are already in place or which require only minor amendment to existing established practices. One suggestion represents, in effect, a penalty on authorities whose development plans are not up to date by removing an authority's right to charge fees on planning applications after a set period following adoption. No indication is given as to what the set period might be. It is considered that while this may result in the loss of some revenue to poor performing Councils, the imposition of such a penalty would be a strong incentive for authorities to ensure that their local development plan are kept up to date.
- (iv) The consultation paper proposes that Councils should notify all owners, tenants and neighbours directly affected by site specific policy changes or proposals identified in a development plan. This requirement will have significant manpower, workload and cost implications for the authority, involving the issue of hundreds, if not thousands of notifications, and could prove to be unworkable in practice.
- (v) Although not a constituent authority in the production of the Glasgow City Regional Plan, the Council may well be invited to work with the joint Glasgow joint committee where it is considered that it has a role to play in the delivery of the broad city region strategy. This effectively provides for cross boundary co-operation and joint working on matters of a sub-regional and regional nature and is worthy of support.

4.2 A more detailed response on the above points and on the various questions posed in the consultation paper are detailed in the Annex attached to this report.

5 TRANSITIONAL ARRANGEMENTS

5.1 Amendments to existing legislation will be required to implement a number of the changes described in the consultation paper and it is expected that a Planning Bill will be introduced during the current four year Parliamentary programme. However, many of the changes proposed in the paper can be carried out within the law as it presently stands. Pending the introduction of the Planning Bill, all authorities are expected to push forward with reviewing and modernising their local plans, incorporating many of the non-legislative elements contained in the paper.

6 FINANCIAL IMPLICATIONS

6.1 There are no financial implications for the Council as a direct result of the Consultation exercise.

7 LEGAL / AUTHORITY IMPLICATIONS

- 7.1** There are no direct legal / authority implications for the Council as a direct result of the consultation exercise. However, a number of the proposals suggested in the consultation paper, if implemented, will require changes to primary legislation and current operational planning practices which will have implications for the authority.

8 PERSONNEL IMPLICATIONS

- 8.1** There are no direct personnel implications for the Council as a direct result of the consultation exercise. However, a key proposal suggested in the consultation paper is to remove the requirement of the three Ayrshire Councils to prepare a joint structure plan. If implemented, this could require the possible refocusing of the Ayrshire Joint Structure Plan Team to other duties as detailed in paragraph 4.1(i) above. Implementation of procedural changes, changes brought about by new primary legislation and changes to current operational planning practices may also have considerable manpower implications for the authority.

9 RECOMMENDATIONS

- 9.1** It is recommended that the Committee agrees:

- (i) to approve the contents of this report; and**
- (ii) to authorise the Executive Director of Development and Property Services to forward a copy of this report and the attached Annex to the Scottish Executive, as representing the views of the Council on the Consultation Paper.**

James Lavery
Executive Director of Development and Property Services

26 April 2004 (AN/SA)
FV-AN

LIST OF BACKGROUND PAPERS

- 1. Scottish Executive Consultation Paper: Making Development Plans Deliver.**
- 2. Development Services Committee Report entitled 'Review of Strategic Planning – Next Steps and Conclusions' considered by Committee on 22 October 2002.**

For further information on the contents of this report contact Alan Neish, Head of Planning and Building Control. Telephone 01563 576782.

Implementation Officer: Alan Neish
Making Development Plans Deliver

Annex 1

Council Responses to the Questions Raised in the Consultation Paper

Q1: What are the most important factors in the successful management of development planning?

It is considered a high quality, dedicated professional planning team is in place to implement the development plan proposals detailed in the Consultation Paper. The implementation of many of the measures detailed in the consultation paper will have significant manpower and financial resource implications and it is important to ensure that sufficient resources can be put into place to deliver the proposed service to the highest possible standards.

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

The Council echoes the views of the Executive that a Development Plan Scheme will give the public, other stakeholders and the business sector an indication in advance of the times when they need to be involved in the plan preparation process and supports the approach proposed. This requirement will effectively replace the 'Notice of Intention to Prepare' stage of the current procedures.

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

A number of the ways outlined in the consultation paper to ensure regular review of development plans are already in place or require only minor amendment to existing established practices. One suggestion represents, in effect, a penalty on authorities whose development plans are not up to date by removing an authority's right to charge fees on planning applications after a set period following adoption. No indication is given as to what the set period might be. It is considered that while this may result in the loss of some revenue to poor performing Councils, the imposition of such a penalty would be a strong incentive for authorities to ensure that their local development plan are kept up to date.

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

The early engagement with stakeholders on the key issues and options for change, leading to the preparation of a single 'proposed plan' to which formal objections or statements of support can be made will effectively remove the requirement for authorities to produce Consultative Draft versions of a local development plan. It is considered that the approach proposed in the

consultation paper would significantly reduce plan preparation times and is worthy of support.

The proposal for authorities to notify owners, tenants and neighbours directly affected by land use proposals in the plan represents a significant departure from current practice and will have significant financial, workload and manpower implications for the authority. There would be no objection, in principle, to this proposal provided that the Executive makes sufficient resources available for the Council to meet and implement this additional requirement. However, such a proposal could prove to be extremely onerous and possibly unworkable and further guidance is required as to how such notification procedures are to be carried out before any detailed observations on the proposal can be made.

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

The Council is fully supportive of the engagement of key stakeholders in the development process at all stages of plan production and would agree that the delivery of specific projects and proposals identified in the plan could be significantly strengthened by making such an engagement mandatory. It is already proposed that SEPA and SNH will be designated as Consultation Authorities in connection with the Strategic Environmental Assessment of development plans.

Q6: Do you have any suggestions for improving the involvement of businesses in the development planning process?

It is considered that the statutory requirement for Local Enterprise Companies to engage in development planning, as proposed in Q5 above, will contribute significantly to involving the business community in the development planning process. Insofar as the three Ayrshire Authorities are concerned, full and detailed consultation with The Ayrshire Economic Forum at all stages of development plan preparation should also assist in achieving this objective.

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

The consultation paper recommends that all Councils should provide their emerging and adopted plans on line, together with all supporting information such as master plans, research reports and staff contact details. The Council is fully supportive of this approach. The Council would also agree that, for the reasons stated in the paper, the certified copy of the plan should remain a paper version.

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

The Council is fully supportive of the Executive's proposals to reduce unnecessary duplication and to increase harmonisation of development plans including the proposal to establish a Development Planning Forum of local authority planners, engaging users of the planning system, to facilitate the exchange of ideas on policies and their effectiveness. No indication is provided in the consultation paper as to whether the proposed forum would be established at a national or more local level and no indication is given as to which particular users of the system would be invited to sit on such a body. The Council would have no objection in principle to the establishment of such an organisation. However, some of the functions of such a forum may well overlap with the role and function of the Scottish Society of Directors of Planning in assessing the effectiveness or otherwise of planning policy and related matters.

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

The Council would have no objection to the introduction of a statutory requirement for authorities to prepare an Action Plan for each Local Development Plan or City Region Plan, setting out how the local authority and other stakeholders will take steps to implement the plan. Like the Executive, the Council is strongly of the opinion that action plans are an effective way of setting out a schedule for the delivery of development plan projects and policies. It is considered, however, that it may be difficult to obtain a firm commitment to implement individual actions, especially when a range of non-Council bodies may be involved in the delivery of a particular project or proposal. The Council would agree that an appropriate process for continually updating such action plans should be put into place and there should be a formal requirement for authorities to publicise an Action Plan every two years.

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

The Council is fully supportive of the proposal for local authorities to create single, area-wide development plans for their individual areas. This approach has already been taken by the Council in its production of the East Ayrshire Local Plan and has clearly demonstrated benefits over the raft of individual local plans that previously existed within East Ayrshire, for all users of the document.

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?

It is considered that this provision is worthy of support and would greatly assist in making the plans shorter and more concise. In particular, it is considered that detailed policies dealing with development promotion and control matters, as well as detailed design guidance, while still forming an integral part of the development plan could be presented as supportive information, as an adjunct to the main plan itself. It is considered important that, because of the wide use of such guidance in the planning process, it should maintain its statutory base.

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

The Council has no objections to increased standardisation of development plans and greater consistency in the format, style and presentation of plans and proposals maps.

Q13: Under what circumstances should local authorities be allowed to depart from the Reporter's recommendations on the local development plan examination?

The consultation paper addresses the issue of local development plan adoption and proposes that hearings or round the table discussions will become the norm for dealing with unresolved objections to the plan. A formal inquiry should only be required where complex or technical issues merit detailed examination. This approach is supported by the Council and will go a long way to removing the more adversarial elements that generally accompany formal planning inquiries. It is considered that Councils should only be able to depart from a Reporter's recommendation where, in the period between the inquiry or hearing and the Reporter making his recommendation, there are changes in circumstances which make the recommendation unreasonable.

Q14: Do you agree with the proposed content for city region plans?

The production of City Region Plans is not a particular issue for East Ayrshire Council.

Q15a: Should there be equal representation of local authorities on the joint committees?

The production of City Region Plans is not a particular issue for East Ayrshire Council.

Q15b: How should costs be divided among local authorities on the joint committees?

The production of City Region Plans is not a particular issue for East Ayrshire Council.

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

The production of City Region Plans is not a particular issue for East Ayrshire Council.

Q17: Are the proposed transitional arrangements appropriate?

Amendments to existing legislation will be required to implement a number of the changes described in the consultation paper and it is expected that a Planning Bill will be introduced during the current four year Parliamentary programme. However, many of the changes proposed in the paper can be carried out within the law as it presently stands. Pending the introduction of the Planning Bill, all authorities are expected to push forward with reviewing and modernising their local plans, incorporating many of the non-legislative elements contained in the paper. The transitional arrangements described in the paper are extremely general in nature and are considered acceptable, as far as they go. The Council is currently carrying out a review of the adopted East Ayrshire Local Plan and will ensure that the reviewed plan will be prepared taking on board all available advice and guidance provided in the consultation paper.