

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 26 SEPTEMBER 2000

DRAFT NPPGI: THE PLANNING SYSTEM

Report by Director of Development Services

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of the Draft NPPGI. Due to the timescales involved this report has been forwarded by the Head of Planning and Building Control to the Scottish Executive.

2. BACKGROUND

- 2.1 This draft NPPG is the first overview of the planning system in Scotland since planning became a devolved matter to Scottish Parliament. It is written in a manner which reflects changes in government policy in relation to Social Justice, Integrated Transport Economic Competitiveness and Environmental Quality with the latter reflecting recent changes to European Legislation. It is therefore cross related to other NPPG's in the series.

2.2 The NPPG

- Outlines the purpose of the planning system;
- Indicates how planning can contribute to the Executive's wider objectives
- Sets out the main tasks for development planning and development control;
- Identifies the Executive's priorities for an efficient and effective planning service; and
- Specifies the performance targets that the Executive and councils should aim to meet in carrying out their statutory responsibilities

3. COMMENT

- 3.1 The tone and presentation of the document is welcome and sets a useful framework for the statutory planning process. The opportunity of clarifying the primary objectives and purpose of planning is particularly useful however the document still does not tackle the underlying tensions in the land use planning system and does not attempt to resolve the inevitable conflict between economic competitiveness and sustainability. The objectives are defined as;

- To set the land use framework for promoting sustainable economic development;
- To encourage and support regeneration and social justice; and

- To maintain and enhance the quality of the natural heritage and built environment

Purpose

The purpose of the planning system is defined as “to guide change through an efficient and effective process that respects the rights of the individual while acting in the interests of the wider community.”

- 3.2 In the context of Structure Planning the key requirements of “brevity, clarity and precision” are welcomed and reflect the form and content of the Ayrshire Joint Structure Plan. Clarity on the need to keep Local Plans up to date is also welcomed but there is a significant unresolved issue between the desire for speed and stated aims of addressing openness, accountability, the content of 17 NPPGS and PANS and changes in European legislation. The NPPG does not offer any guidance on resolving this conflict and in view of the implications of the Human Rights Act it is difficult to envisage the speedier public inquiries sought in the document.
- 3.3 Whilst Ayrshire does work well as a Joint Planning Authority there are other parts of Scotland where this is not working and further boundary changes may therefore be required. In the same context the document makes no reference to major spartial tensions at a Scottish level for example national guidance on regional disparities between areas of high unemployment like East Ayrshire and the more buoyant Central Belt. Equally no reference is made to cross boundary issues where guidance would be welcome at a national level (e.g. waste, transportation, rural/urban housing). Some of these issues may well be beyond the normal time horizon of a Structure Plan (i.e. 10 years) and relate to major infrastructure decisions which lie outwith the control of the local authority.
- 3.4 Also welcome is the clarification that supplementary guidance should be used to support the statutory development plan; and is a material consideration in determining planning applications. Clarification on what is a material consideration is also useful and the following interpretation of a House of Lords decision of Section 25 is appreciated. “Section 25 of the Town and Country Planning (Scotland) Act 1997 requires the planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The interpretation of this provision was clarified in a House of Lords’ decision in 1997. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the application does not accord with the plan, it should be refused unless there are material considerations indicating that it should be granted.”
- 3.5 The NPPG also confirms that it is for Councils to decide when to notify the Executive of a departure and that applications should only be notified when they are contrary to the strategic objectives of the plan. This adds weight to the

developing pattern of referring only significant departures to the Executive and reinforces the Council's scheme of delegation which effectively means that few applications are determined by the Development Services Committee.

3.6 The NPPG usefully emphasises that an application can be refused on design grounds but further clarity is required in paragraphs 51/55 which leaves the following issues unresolved;

- Para 51; the degree to which planning decisions can be related to other legislation
- Para 55; whilst clarifying that opposition to a proposal is not in itself a ground for refusing permission the paragraph then indicates that the weight given to public concern should be based on both the level of concern expressed and the relevance of the planning issues raised.

3.7 Finally, there is clarification of the role of the Executive in planning matters and it is appreciated that, performance targets currently applied to local authorities are now equally applying to the Executive.

4. RECOMMENDATION

4.1 **It is recommended that Committee note the contents of the report agree to homologate the action taken by the Head of Planning and Building Control in forwarding the comments to the Scottish Executive.**

Stephen Chorley
Director of Development Services

8 September 2000 (AN/SA)

BACKGROUND PAPERS

1. **NPPG1 (Revised 2000) in Draft; The Planning System by Officers A Neish**

Any person wishing to inspect the background papers listed above should contact Alan Neish on 01563 576767.

Implementation Officer: Alan Neish

AGENDA