

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE - 28 JUNE 2004**

**REPORT ON: MAKING DEVELOPMENT PLANS DELIVER – CONSULTATION PAPER BY THE SCOTTISH EXECUTIVE**

**REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION**

**REPORT NO: 423-2004**

**1 PURPOSE OF REPORT**

1.1 To review the Consultation Document “Making Development Plans Deliver” and confirm this Council’s response to the Scottish Executive.

**2 RECOMMENDATION**

2.1 It is recommended that the Committee agrees the comments it is proposed to forward to the Scottish Executive in response to its Consultation Document.

**3 FINANCIAL IMPLICATION**

3.1 There are no financial implications from this report.

**4 LOCAL AGENDA 21 IMPLICATIONS**

4.1 The Local Agenda 21 implications of this report cover a very wide range of key themes, in particular transportation implications for new developments, issues of sustainable development, the efficient use of resources and minimising of waste and access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

**5 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 No equal opportunities are associated with this report.

**6 BACKGROUND**

6.1 This document is the latest in a series of consultation papers from the Executive with the common aim of updating and streamlining the planning process. Previous documents have been reported to Committee and the Council is broadly in agreement with the principles and aims of the process particularly with regard to the management of the process and involvement of stakeholders.

6.2 Of particular interest to Dundee City in this document is that it spells out the details of the proposed implementation of the transition process from the current system of Scotland – wide Structure and Local Plans to a system of 4 ‘City Region’ Plans for Glasgow, Edinburgh, Dundee and Aberdeen, with the rest of the country being covered by new ‘Local Development Plans’.

6.3 The document makes it clear that the ‘Local Development Plans’ of all local authorities within ‘City Region’ areas will be required to conform to the City Region Plan (CRP) (Para 17).

- 6.4 City Region Plans will be required to focus on 'long term spatial strategy and key land use planning issues' with a programme of actions (and accountable agencies). They will cover housing, transport, employment and the environment. They will be expected to be a short, accessible narrative simply expressed in words and images.
- 6.5 Special arrangements are to be put into place for the preparation and monitoring of CRPs. Councils on whom a statutory requirement is placed to draw up a City Region Plan will be required by law to establish a joint committee with a mandatory membership. In Dundee's case this committee will be made up of equal membership of two councillors from Angus, Dundee City, Fife and Perth and Kinross Councils.
- 6.6 Each joint committee will be responsible for employing its own dedicated planning team to be responsible for the preparation and monitoring of the CRP and its action programme. These teams will draw on the expertise of the constituent councils and be expected to make the necessary links with national, transport, infrastructural or other community planning programmes and initiatives. It is assumed that in practice this will require each authority to provide one (or more) full time member(s) of staff on a permanent seconded basis to this team.
- 6.7 The basis for these arrangements is equality between authorities modelled on the perceived success of present arrangements in Glasgow and Ayrshire. The Executive is willing, however, to consider whether it may be appropriate, in some instances, for the City authority to take a slightly larger share of membership (and costs). Conversely it may be possible for some authorities to take a slightly lower share where their area extends beyond or into another city region.
- 6.8 It is not clear, however, whether this Committee will have any delegated responsibility from the constituent authorities to take decisions that would subsequently be binding on them all or whether each separate authority would be required to ratify all decisions of the Committee. In addition it is also not clear whether the committee chair would have a casting vote in the event of a tie.
- 6.9 It will be the joint responsibility of the constituent authorities to establish the appropriate boundaries for the City Region Plan taking geographic and policy implications into account. A meeting will take place with a 'cross cutting' group of Scottish Executive interests at the beginning of each plan to consider the national interests in the area. It is expected that a 'proposed plan' will be published and advertised for formal objection within 18 months of the new regulations coming into force.
- 6.10 The City Region Plan will have a two-stage approval process. After seeking to resolve any objections the joint committee will pass the plan to the Scottish Executive Inquiry Reporters Unit for independent examination by a Reporter(s). The Reporter's findings will be published including any recommended changes. The plan is then automatically lodged with the Scottish Executive along with the Reporter's report. There will be two months for all parties to submit comments before Scottish Ministers proceed to approve the Plan with any modifications they consider justified.

## 7 CONCLUSIONS

- 7.1 Dundee City Council has consistently supported changes to the current system of Strategic Planning in Scotland which it has held to be inappropriate and unsustainable.

- 7.2 The Council supports the majority of the proposed changes to the system as representing a more rational and workable alternative.
- 7.3 The Council supports the principle of equal representation on the proposed joint committee, however would be willing to consider representations from any of the constituent authorities for lesser representation.
- 7.4 Detailed responses to the questions posed in the consultation document are contained in the Appendix to this report.

## **8 CONSULTATIONS**

- 8.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

## **9 BACKGROUND PAPERS**

Making Development Plans Deliver, Scottish Executive, April 2004

Mike Galloway  
Director of Planning & Transportation

Ian Mudie  
Head of Planning

IGSM/IJ/EB OB60

4 June 2004

Dundee City Council  
Tayside House  
Dundee

**APPENDIX I****MAKING DEVELOPMENT PLANS DELIVER****List of Questions on which views are sought:**

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

Successful management of development planning requires strong commitment from senior Council management and Elected Members to give priority to the process and its outcome and the shared commitment of all stakeholders to the plan preparation process.

Identifying clear individual responsibility for daily progress of the process.

- Q2 *Should development plan schemes indicate timetables for plan preparation to provide some certainty for stakeholders?*

'Timetable' is not an appropriate concept as it implies more certainty than is generally reasonable, or within the control of the authority, however, there should be a 'project plan' for implementation in the development plan scheme that highlights key stages and which would be revised annually.

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

Paragraph 23 suggests a number of possible 'punitive' measures on fees and primacy of the plan to 'encourage' speedy preparation and review of plans. It is considered, however, that such actions would send out entirely the wrong signals to the development industry and do nothing to support the primary goal of this process which is the facilitation of proper planning decisions.

Speeding up the preparation and review of development plans requires an appropriately balanced approach to be taken towards public involvement at all stages, including the public local inquiry. The Local Plan timescale outlined in PAN49 is wholly unrealistic, particularly given the move towards fewer local plans covering larger areas.

The current experience of preparation of the Dundee Local Plan Review has been subject to rigorous management. However, the Plan is not likely to be adopted until early 2005, almost 4 years after the Notice of Intention to Prepare the Local Plan was published. Without some radical change to the statutory process governing preparation including the public local

inquiry process in order to ensure that up to date coverage is maintained, the review of the Local Plan will require to commence very shortly after its adoption. This gives very little opportunity for strategies and policies to be adequately monitored and creates uncertainty for developers and the general public.

It is appropriate therefore to question whether the requirement to review Local Plans every 5 years is desirable. Recent guidance in SPP3 encourages planning authorities to take a longer term view of housing land issues in strategic planning. A similar approach to land use issues in Local Plans would require less frequent review. Greater emphasis could be placed on alterations to Local Plans to make policy changes which are not fundamental to the overall strategy and direction of the Plan.

Greater use of and more statutory backing for Supplementary Guidelines could also help increase flexibility and relevance.

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

Yes – the ‘Consultation Draft Plan’ is now an outdated and inefficient method of consultation which should now be replaced by more direct and relevant exercises.

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

Yes – Other bodies that should also be included are:

- Communities Scotland
- Sportscotland
- Historic Scotland
- Scottish Executive TRNMD

There should also be strict time limitations attached to their involvement (identified in the project plan) to ensure that this does not unduly delay the plan preparation process.

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

Closer liaison with the local Chambers of Commerce.

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

Yes

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

Yes

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

There is a danger that the formal requirement to publish action plans every two years may again bog the system down in process and continually changing targets.

This proposal needs to be considered more carefully and be very much more focused if it is to assist the process.

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

Whilst supporting this proposal in principle, however, it may have certain practical difficulties. The area wide local development plan must be kept up to date to provide a relevant context of individual local development plans. Changes to the area wide local development plan may require alterations to individual local development plans. This proposal is likely to demand significant resources and may hamper efforts to maintain up to date development plan coverage.

Presentation is an important consideration to ensure that a clear expression of a planning authorities local development plan is available and easily understood by all stakeholders.

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?*

There is considerable merit in this proposal in support of ensuring that development plans are focused. However, it will inevitably raise concerns amongst stakeholders in respect of the form and nature of public consultation that may be undertaken and whether there is any opportunity

for independent scrutiny as exists through the local plan inquiry process. Further public consultation on detailed planning policy issues may also cause confusion amongst stakeholders and/or lead to consultation overload.

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

Yes – although it is important that innovation in plan presentation techniques is still encouraged.

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

Where circumstances have changed significantly since the Inquiry.

Where there is doubt over evidence led at the Inquiry.

Where the Council fundamentally disagrees with the resultant change.

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

Yes – however it is appropriate that the city region plans should also consider potential strategic spatial issues raised by major leisure and retail developments.

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

Yes – in principle, this would form the most appropriate basis for authorities to work in partnership to set the strategic planning context. However, there is some concern that the interests of the City authorities could be overshadowed by those of adjoining local authorities.

In addition some authorities represented in more than one City Region area may wish a reduced representation.

In general, if there is a consensus to depart from this, then local circumstances should try to be accommodated.

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

Equally or proportionately.

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

Yes. However, it must be acknowledge that the timescales for stages in the preparation and approval process are ambitious. For example, only six months is given from the advertisement of the plan to pass it over to SEIRU for independent examination. This period includes the objection period itself together with the summary and classification of objections received. Depending on the scale and nature of objections and the staff resources available, this timescale could be very challenging. The availability of a reporter to conduct the examination at the right time is also necessary to achieve the timescales proposed.

Q17 *Are the proposed transitional arrangements appropriate?*

Yes

### **General Comments**

Paragraph 52 encourages the site selection process to be carried out 'transparently and independently of financial interests in particular sites' and indicates that this is particularly important in relation to Council owned land. By its very nature the Council is very probably the biggest single landowner in any administrative area. Councils are often required to endure substantial losses as a result of residential or infrastructural regeneration. This process can, however, also generate opportunities. It should be made clear that there is nothing wrong in principle with pursuing these opportunities as long as the principles of proper planning are applied to the process.