

REPORT TO: PLANNING & TRANSPORT COMMITTEE - 11 FEBRUARY 2008

REPORT ON: MODERNISING THE PLANNING SYSTEM: CONSULTATION ON DRAFT REGULATIONS ON DEVELOPMENT PLANNING OCTOBER 2007

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 49-2008

1 PURPOSE OF REPORT

- 1.1 To advise the Committee of the comments to be forwarded to the Scottish Government on the draft regulations on Development Planning.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee notes and endorses the comments of the Director of Planning and Transportation, prepared for submission to the Scottish Government as the City Council's response to the consultation on draft regulations on development planning.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications as a result of this Report.

4 BACKGROUND

- 4.1 The Scottish Government published "Modernising the Planning System: Consultation on Draft Regulations on Development Planning" in October 2007 for consultation purposes. The consultation period finishes on 20 February 2008.
- 4.2 The response of the Director of Planning and Transportation to this document forms Appendix 1 to this report.
- 4.3 The Planning etc (Scotland) Act 2006 introduced a new statutory basis for development planning in Scotland and introduced strategic development plans (SDPs) and local development plans (LDPs) to replace existing structure plans and local plans.
- 4.4 The Planning etc (Scotland) Act 2006 contains more detail on the procedures to be followed in preparing development plans than the Town and Country Planning (Scotland) Act 1997. However, there are still many detailed aspects of the new planning system to be prescribed by Scottish Ministers through regulations.
- 4.5 The draft regulations consultation paper brings together the established requirements of the Planning etc (Scotland) Act 2006 with the proposed requirements of the draft regulations. It offers discussion and poses questions on those parts not fixed by the Planning etc (Scotland) Act 2006.
- 4.6 The draft set of regulations cover a number of areas including the content of strategic development plans and local development plans, procedures for the preparation of plans and procedures for related documents such as action programmes and new consultation arrangements.
- 4.7 These regulations will in due course replace the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983.

- 4.8 It is anticipated that the new procedures will put in place a more proportionate approach to development planning, focusing attention on the key areas of change.
- 4.9 The draft regulations are generally welcomed as it is considered that they will ensure a consistent approach to the development plan process. However, there is concern that due to the increase in the required stages that have to be followed this will result in a lengthy plan process and will put increased pressure on staff resources.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

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

7 BACKGROUND PAPERS

- 7.1 Draft Regulations on Development Planning Consultation Paper October 2007.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Head of Planning

IGSM/SJ/ES

9 January 2008

Dundee City Council
Tayside House
Dundee

Appendix 1

Comments of Dundee City Council on "Modernising the Planning System: Consultation on Draft Regulations on Development Planning"

COMMENTS OF DUNDEE CITY COUNCIL ON THE DRAFT REGULATIONS ON DEVELOPMENT PLANNING

CONSULTATION QUESTIONS

Q1	Are you satisfied that the procedures set out in the draft regulations for adopting development plan schemes will adequately ensure that planning authorities have proper programmes in place for the review of their plans, including their proposals for consultation and public involvement?
	The regulations are formalising the development plan scheme. It is important that the key stages are formally written down as this ensures that all authorities are following the same procedures. However, it is considered that this will result in a lengthy plan process.
Q2	Do the regulations on SDP content need to say more to ensure that SDPs are effective tools for leading and managing change in the largest city-regions?
	It would be helpful if further guidance was provided on what is expected from the spatial strategy element.
Q3	Do you support the approach to listing the key topics that need to be covered by policies at the strategic level and do you support the topics listed?
	Yes, it is important that the basic key topics are listed. It is noted that other topics may be included in the SDP where these are seen to be appropriate. This allows local authorities the flexibility to add other topics that are specific to their area.
Q4	Is the move to an accurate map base for SDP Proposals Maps workable?
	The principle of providing a more accurate map base is supported.
Q5	Do you support the continuing primacy of the written text of the SDP (or LDP) or would a move to primacy for the Proposals Map help to strengthen the spatial dimension of the plan?
	The primacy of the written text is fully supported. The Proposals Map is a graphic illustration in support of the written text.
Q6	Do you support the list of information and considerations that the SDPA must take into account when preparing a SDP or main issues report?
	Yes, however it is considered that reference should be made to the relevant Scottish Planning Policy documents as well.
Q7	Are there any other matters which the regulations should require always to be included in LDPs, or on the Proposals Map?
	The matters highlighted are comprehensive and still provide scope for other matters to be included depending on local circumstances.

Q8	Are there any other information sources or considerations that planning authorities should be required to have regard to in preparing LDPs and how can planning authorities demonstrate that they have complied with these requirements?
	Planning authorities should be required to have regard to the Community Plan and the Biodiversity Plan.
	In order to demonstrate that these sources have been considered, an appendix listing the sources could be included and reference could be made in the preamble to the policies or justifications.
	<i>(Q9 and Q10 are intended to relate to both the SDP and LDP processes.)</i>
Q9	Are the minimum publication requirements set out in the proposed regulations adequate, or should additional requirements be included, for instance specifying a list of statutory consultees for development planning?
	The minimum requirements appear adequate. However, the regulations should specify a core list of statutory consultees to ensure consistency amongst all authorities. A national database could be created with this information to ensure all authorities are using the most up to date information.
Q10	Is the requirement to place a notice in the Edinburgh Gazette still useful?
	No, it is considered that this is no longer a useful source for publicity. It is suggested that the Scottish Government provide details of current development plan consultations etc, on its website as a substitute to the Edinburgh Gazette. In addition, there should no longer be a differential in terms of advertising at the local and national level.
Q11	Are the proposed circumstances where neighbour notification would be required and the definitions of neighbouring land appropriate?
	It is considered that the need to neighbour notify will prove to be a large administrative task.
	The definition of "significant" requires further clarification as this could lead to some variations in interpretation.
	The specifying of 20 metres is arbitrary and may not always be appropriate.
Q12	Will the broad proposed definition of 'notifiable' modifications unnecessarily delay the plan process by subjecting too many modified plans to further consultation?
	Yes, it is considered that this will delay the plan process. In addition, it is considered that the term "notifiable" requires further clarification as this may lead to inconsistencies between authorities.
Q13	Do these proposed exceptions provide an appropriate degree of scope for authorities to depart from the recommendations of examination reports?
	No, it is considered that there is not enough scope to depart from the

	recommendations. Other exceptions could include instances where recommendations conflict with the LDP aims and strategy or are inconsistent with its other provisions. It is noted that the regulations allow for an exception in instances involving errors arising from the reporter's recommendations.
Q14	Are you satisfied with the proposed regulations for action programmes?
	Yes. However, it is considered that this will make the development plan system a lengthy process requiring additional administration.
Q15	Given its enhanced status, should the draft regulations (as opposed to advice) say more about the content and procedures for adopting supplementary guidance?
	Yes, now that supplementary guidance is to become part of the development plan then additional guidance is required to ensure that all documents are viewed equally.
Q16	It is the Scottish Government's view that the list of key agencies should be limited to statutory bodies regulated by Scottish Ministers but not forming a part of government. On this basis, do you agree with the list of key agencies proposed?
	Yes, it is considered that this list is adequate.
Q17	Do the proposed transitional arrangements raise any specific issues for particular plans or areas?
	It is considered that further clarification is required regarding these transitional arrangements.
Q18	Are there any potential impacts on the business or voluntary sectors that we should be aware of in finalising these regulations?
	No.
Q19	Are there any potential impacts on particular societal groups that we should be aware of in finalising these regulations?
	No.
Q20	Do you have any other comments to make on the draft development planning regulations?
	It is considered that as a result of these regulations this will require additional requirements in terms of dedicated resources.
	How and where does the Strategic Environmental Assessment fit into the revised arrangements for development plan preparation?
	It is considered that there should be a timescale produced by the Scottish Government to illustrate the response time they have at the various stages of the development plan process, including the length of time they have to consider a Strategic Development Plan.