

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE –
24 SEPTEMBER 2001**

**REPORT ON: REVIEW OF STRATEGIC PLANNING – CONSULTATION PAPER
FROM THE SCOTTISH EXECUTIVE**

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 562-2001

1 PURPOSE OF REPORT

- 1.1 To review the Consultation Document 'Review of Strategic Planning' and confirm this Council's response to the Scottish Executive.

2 RECOMMENDATIONS

- 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 IMPLICATIONS

- 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 opportunity implications are associated with this report.

6 BACKGROUND

- 6.1 Strategic Planning in Scotland was first established with the major reform of local government in 1975, which saw the establishment of a two tier system, splitting the planning function; nine Regional Councils being the responsibility for Strategic Planning and fifty three District Councils for Local Planning (and three all purpose Islands Authorities). The 1996 reform of local government accepted that strategic planning was an important function of local government. With the abolition of Regional Councils, in a desire to revert to a single tier of local government, however, there were no natural administrative foundations on which to base this and a relatively hurried and ad hoc arrangement of single and combinations of the new authorities was created, to exercise strategic planning control
- 6.2 The current Consultation Paper, therefore, represents the first major reassessment of how the Strategic Planning function should best be carried out by local government and how in the present day circumstances this can be made to work in the most effective and appropriate manner. The proposals put forward in the Paper

represent a major change in national policy in this respect and are of significant importance to Dundee as they recognise the importance and sphere of influence of the City and seek to redress many of the anomalies that presently exist.

- 6.3 Dundee City Council has long been of the opinion that the present arrangements for Strategic Planning in Scotland are particularly unsuitable. The constraint of the City boundary drawn so tightly around (and through) the existing built-up area is not compatible with the sphere of influence it exercises. Nor is this mitigated by the creation of a joint strategic planning unit with Angus Council that still leaves two entirely separate strategic boundaries no more than one and a half (Fife) and four (Perth and Kinross) miles away from its City Centre.
- 6.4 The Council has not been alone in these opinions and since reorganisation in 1995, many other authorities, organisations and professional bodies have, over the years, made their opinions known to the Scottish Executive. In January 1999, the Scottish Executive, taking advantage of the significant change in circumstances as a result of the establishment of a Scottish Parliament, began the review process with the Consultation Paper "Land use planning under a Scottish Parliament" to which Dundee City Council submitted formal comments.
- 6.5 The current Consultation document now puts forward the proposals for change to the present system which have been formulated as a result of that previous consultation. These proposals contain a number of substantial changes to the system, which it is hoped will make it more relevant, rational, focused and workable. Foremost among these are the move away from a requirement to have total coverage of the whole of Scotland by Structure Plans, and a move to a new system of 'City Regions' based on Dundee, Aberdeen, Edinburgh and Glasgow for the administration of strategic planning.
- 6.6 Such 'City Regions' would, obviously, encompass a number of different current local areas. In Dundee's case, this would include Perth and Kinross and Fife Councils as well as Angus Council areas. The experience of working jointly with Angus Council in the preparation of the latest Structure Plan, however, has shown that this can work in a constructive and productive manner and that in most instances, an acceptable consensus is reached. This process has in no way undermined local governance or the autonomy of individual councils.
- 6.7 It should be remembered that the vast majority of development issues in the rural areas would be the subject of 'Local Development Plans' which would continue to be prepared by the individual local authorities. It is only around the city areas where development pressures are at their greatest, that it is important for the strategic perspective to be taken.
- 6.8 The proposal, therefore, that the production of the new 'Strategic Development Plans' be jointly overseen by a combination of Local Authorities, is one that can be supported by Dundee City Council. Indeed, the potential strength of such bodies could be much more effective in guiding development to the most appropriate locations.
- 6.9 From Dundee City's point of view, this represents a far more realistic approach than the present arrangements and the overall contents of the Consultation Paper are generally welcome. A detailed analysis of the whole Paper is contained in Appendix

1 of this Report for members' information. Appendix II contains the proposed responses to a series of key questions put forward in the Consultation Paper.

7 CONCLUSIONS

- 7.1 The current system of Strategic Planning in Scotland has long been held by Dundee City Council to be inappropriate and unsustainable.
- 7.2 The Scottish executive's proposals for change are put forward as a result of an extensive review and consultation process.
- 7.3 Dundee City Council should be supportive of the proposed changes to the system as representing a more rational and workable alternative.
- 7.4 The concept of joint working by authorities on the preparation of strategic plans is sensible and workable.

8 CONSULTATIONS

- 8.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, and Director of Leisure & Parks have been consulted and are in agreement with the contents of this report.

9 BACKGROUND PAPERS

- 9.1 'Review of Strategic Planning', Scottish Executive, June 2001

Mike Galloway
Director of Planning & Transportation

Keith Winter
Policy & Regeneration Manager

4 September 2001

IJ/RJ PO/36
Dundee City Council
Tayside House
Dundee

APPENDIX 1

REVIEW OF STRATEGIC PLANNING

Comments by Dundee City Council

1 CONTEXT

- 1.1 This Review follows the Scottish Office consultation paper 'Land Use Planning Under a Scottish Parliament' issued in January 1999. It is reassuring to note that many of the comments made by the City Council on that document have been taken into account in this Report. In particular, the fact that the current Structure Plan areas do not reflect geographic realities is highlighted (para 7).
- 1.2 Dundee City Council has long been of the opinion that the present arrangements are particularly unsustainable. The constraint of the Council boundary drawn so tightly around (and through) the existing built-up area is not compatible with the City's sphere of influence. Nor is this mitigated by the creation of a joint strategic planning unit with Angus Council that still leaves two entirely separate strategic boundaries no more than one and a half (Fife) and four (Perth and Kinross) miles away from its city centre.
- 1.3 The Review notes the substantial changes that have taken place since the basis of the current system of strategic planning was established some 30 years ago, and that these changes require a re-evaluation of its operation. In particular, the establishment of the Scottish Parliament has fundamentally changed the emphasis of many issues affecting land use planning.

2 REVIEW PROCESS/RESULTS

- 2.1 In general it is accepted that the Review process has been thorough and wide-ranging and that the general conclusions accurately and fairly represent the consensus of opinions in relation to the strengths and weaknesses of the present system (paras 10, 11, 12).
- 2.2 The continuation of the National Planning Policy Guidance series with the proposal to make their preparation more transparent is supported, as is the principle that it is not necessary for these to be repeated in Structure Plans. Rather a statement indicating acceptance, except where indicated otherwise, would suffice (para 13).
- 2.3 The desirability of a National 'Context Document' is accepted. However, there is no need for this to be extensive or overly prescriptive.
- 2.4 The recognition given to the importance of the sub-national level for strategic decision making is welcomed and the temptation to prepare a national plan has been avoided. It is important that the differing needs of distinctive regions of Scotland are recognised and decision making retained at the more local level.
- 2.5 The rejection of the proposal for a Strategic Plan for the Central Belt is supported. However, it is also right to recognise that it is not necessary to have total coverage of strategic plans for the whole of Scotland, as there are substantial areas where no strategic issues exist.

3 PRINCIPLES

- 3.1 The principles on which the proposals for change are based are considered to be relevant and appropriate.

4 SCOTTISH EXECUTIVE

- 4.1 The proposal to rename the National Planning Policy Guidelines, National Planning Policy Statements is a pragmatic move that would give a greater degree of clarity as to their status. Whilst the retention of this type of policy statement on issues of national significance is supported, it is important, that these are not binding or inflexible. There needs to remain the opportunity to deviate from these where local circumstances provide an overriding justification (para 19).
- 4.2 With the establishment of the Scottish Parliament, it is considered appropriate to have an overview document at the national level on selective issues. It is not appropriate for such a document to be as detailed as a 'National Plan'. However, there are many issues that should be covered, particularly those which provide a bridge to the European elements in terms of the Spatial Dimension and Structural Funds programmes.
- 4.3 The suggestion of Model Policies has been put forward for consistency across Authorities. In principle, this has some merit while still allowing individual authorities to create specific policies to suit their unique situations. In practice however, the applicability of model policies may be somewhat limited.

5 LOCAL AUTHORITIES

Structure Plans

- 5.1 A fundamental aspect of the Review is the acceptance that it is not necessary to cover the whole of Scotland with Structure Plans. A key lesson that has been learned from the previous two systems, is that there are substantial areas of the country, most obviously and understandably those of a rural nature, where no issues of a strategic nature exist and the necessity to apply the 2-tier planning system in these areas would seem to be unnecessarily onerous.
- 5.2 It is now more than ever desirable, with respect to the objective to produce more concise and focussed Structure Plan documents, that these return to the original intention of dealing solely with issues that are of a truly strategic nature. In the present circumstances, this will inevitably centre on the major cities and their hinterlands.
- 5.3 Cities, by their very nature, have a sphere of influence well beyond any administrative boundaries. The proposals put forward in paragraph 24 are based on demographic fact and Dundee City Council supports this approach, which not only recognises the reality of strategic planning issues **but also allows for the continued autonomy of existing authorities in relation to policies and decisions that are purely local in nature.**
- 5.4 In addition, the approach to addressing rural issues is supported with the National Park plans being the appropriate vehicle for dealing with strategic planning issues in these areas.

- 5.5 Clearly, while indicating support for the proposed revised system of Strategic Planning, it is important to examine carefully how it is proposed to implement this. The Review envisages that the new system would carry a statutory requirement for the establishment of a *Joint Committee* to oversee the preparation of the strategic development plan, with a *dedicated team* of officers to prepare it (para 27).
- 5.6 This is a substantial change from the present arrangements. In Dundee and Angus where a joint Structure Plan is currently being prepared, the Councils have established a joint Member Panel to oversee preparation. This Panel comprises four elected members from each Council and acts in an advisory capacity with no delegated powers of decision making. In Perth and Kinross and Fife, Strategic Planning is entirely the responsibility of these authorities. Staff resources are allocated from existing establishments and have other additional responsibilities.
- 5.7 The new arrangements would require a mandatory Joint Strategic Planning Committee comprising members from Dundee, Angus, Perth and Kinross and Fife Councils (possibly along the lines of present Joint Boards, such as for Police and Fire Services). Further details, such as the number of members from each Council and delegated powers of decision making, are clearly yet to be worked out. However, the Review envisages that a dedicated team of officers would be established, drawn from the existing resources of the authorities. The Review argues that this approach would make more effective use of staff and other resources.
- 5.8 Under the present organisational arrangements in Dundee and Angus, however, there is no separate dedicated team to produce the Joint Structure Plan. Rather, both Councils have Development Planning staff who are responsible for both Strategic and Local Planning issues. Having experience in operating in this manner, it is felt that there are positive advantages in this dual role. The appropriateness of dedicated teams for the sole purpose of Strategic Development Plan preparation is, therefore, questioned.
- 5.9 The Review also envisages the Strategic Development Plans (SDP) as 'reinvigorated and more focussed, action oriented structure plans' which would have a strict definition of the range of subjects to be covered. Employment, housing and transport are highlighted as the key issues. The Review also states that the plans must provide 'a robust and enduring basis for the conservation of built and natural heritage resources' (para 28).
- 5.10 Limiting the content of the plans allows for a greater degree of clarity, comparability and expectancy from stakeholders. However, the option to add additional items remains open if Ministers are convinced that there are clear strategic spatial implications. In addition, it is also important that the option to vary from national planning policy remains open to the joint committee in circumstances where local conditions differ substantially from the national trend and that this be reflected in the Strategic Development Plan (para 29).
- 5.11 The point about the lack of clarity in relation to many key diagrams produced under the present system is accepted. The proposal to make SDPs site specific for strategic land releases (eg housing sites about 100 houses or business parks in excess of 5 ha) is welcomed (para 30).
- 5.12 The proposal to incorporate 'Action Plans' to set out details of such matters as phasing of development, land acquisition, infrastructure provision and development

briefs is supported. This closely resembles the course of action adopted in the Draft Dundee and Angus Structure Plan where a 'Masterplan' for the Dundee Western Gateway area is being produced for many of these reasons (para 31).

- 5.13 The provision for a mandatory public examination of plans where there are objections which are not withdrawn and the proposed informal nature of the proceedings are felt to be necessary to support the fairness of plans, as is the proposed continuation of the role of Scottish Ministers in their approval (paras 32 & 33).
- 5.14 Recognition is given to the fact that the different councils represented on the joint Committee may not always be able to reach agreement on all aspects of the proposed strategic development plan. Provision is therefore made for the individual councils to submit their proposals to the examination and to either accept the Reporter's recommendations or to pursue an alternative approach, in which case Scottish Ministers will make a final decision based on all the information presented.
- 5.15 It is envisaged that the new plans will pursue an open and participative approach to preparation, building on consensus, thus making the consultative draft stage less important. It is intended that these will be prepared as partnership documents and it would be possible for agencies responsible for delivering the strategy to appear as co-signatories (para 35).
- 5.16 There are however, additional considerations which may need to be accommodated in relation to Strategic Development Plans such as, do Local Housing Strategies have a strategic affect and what should their relationship with the Plan be? Also, how will the SDPs reflect the proposed new River Basin Districts and any implications which may arise from these.

Local Plans

- 5.17 In addition to the Strategic Development Plan, there will also be a Local Development Plan (LDP) which will be required to conform to the SDP and along with it, constitute the Statutory Development Plan for the area. The LDP will deal with matters of smaller scale and more detail. As previously indicated however, it is proposed that the two tier system of plans will only apply in the four City Regions. Most of the rest of Scotland, therefore, will only be covered by the single plan to be known as the Development Plan in these areas.
- 5.18 The LDP will, in effect, be similar to present Local Plans. However, it will be able to incorporate any information or policy that would otherwise be lost in the absence of the present style of structure plan. The Development Plan could cover the whole of an authority's area or it could comprise a number of plans. Each Council will have to prepare a scheme for development planning in their area, along with a timetable for production which will require the approval of Scottish Ministers. A decision of these schemes is envisaged within two months of their submission.
- 5.19 While the Local Development Plans will be expected to be more detailed in coverage of subjects than the Strategic Development Plans, it is not expected that they will cover every eventuality. They will be expected to bring forward smaller scale proposals for development, as well as setting out development control policies.
- 5.20 Where plans have similar intention and effect, it is envisaged that model policies, as described earlier, could be used in order to increase consistency between different

authorities. It is also envisaged that more use will be made of supplementary guidance in association with the Development Plan, which would have the benefit of being more focused and quickly prepared and better tailored to the particular circumstances.

6 SPECIALIST ISSUES

- 6.1 The Review proposes that issues such as Waste and Minerals are of a specialist nature and best dealt with outwith the proposed new development plans. This is supported.

7 ADDITIONAL ISSUES

Transportation

- 7.1 Transportation is also an issue with clear strategic implications and in some areas, there are already established formal Regional Transport Partnerships that are already working on Regional Transport Strategies (SESTRANS, WESTRANS AND NESTRANS). In the Tay area, however, no formal partnership structure exists. However, there is a joint working between authorities (Fife, Perth and Kinross, Dundee and Angus), on a project related basis, eg Tay Estuary Rail Study, Tayway Corridor, A92 dualling.
- 7.2 Under the Transport (Scotland) Act 2001, the Scottish Executive can require public bodies to prepare joint plans for transport issues. It is considered appropriate therefore that, in this instance at least, the joint body for the Dundee Strategic Planning area also be charged with the responsibility of preparing a Joint Transport Strategy for the area.

REVIEW OF STRATEGIC PLANNING

APPENDIX II

Key Issues on Which Views are Sought

Scottish Executive

- *Should National Planning Policy Guidelines be renamed National Planning Policy Statements?*

DCC Response – It is felt that there would be merit in renaming the NPPG series as proposed to clarify their status.

- *Should some form of national overview document be prepared? If so :*

What issues should it address?

How should it be prepared?

What sort of scrutiny/approval process should be involved.

DCC Response - A national overview document would be appropriate as long as it relates to issues that affect the country as a whole. It should be prepared by the Scottish Executive, possibly on a 2 yearly basis, consulted on as with NPPGs and approved by Scottish Ministers.

- *Should model development plan policies be drawn up? If so, for what subjects?*

DCC Response - It is felt that model policies could have a useful role to play, particularly for issues where there is a high degree of similarity in approach between authorities. This would help to provide consistency of approach between authorities and improve clarity for the development control process, particularly in appeal situations where time can be wasted on the details of policies that have broadly similar aims. Subjects that may be suitable could include general policies, such as housing and employment, for the protection of residential amenity. Additionally, there may be policies that have a general applicability in the interests of sustainability.

Local Authorities

Structure Plans

- *Should the current requirement to prepare structure plans for all parts of Scotland be removed?*

DCC Response - YES. It is clear from the experience of operating the present system that there are substantial areas where no strategic issues are present, and it is unduly onerous on these areas to be required to produce Structure Plans.

- *Do you agree strategic development plans be prepared only for the four largest city regions? What should the boundaries of these areas be?*

DCC Response - YES. The larger City Regions by their nature tend to be a focus for issues of a more strategic nature. The boundaries of these areas are clearly an issue that will be the subject of much debate and there will of necessity be localised variations to reflect the particular circumstances of each area.

Nevertheless, in general, it would be logical for the boundaries to reflect the sphere of influence of the cities. This can be identified by the amalgamation of a number of indicators, such as – travel to work areas, shopping catchment areas, housing market areas, etc.

Question whether it is necessary to draw actual ‘hard line’; boundaries for this purpose or keep to general ‘sphere of influence’. Could be possible for some areas to be in more than one ‘sphere’.

- *Do you agree joint Committees be set up to oversee the preparation of strategic development plans?*

DCC Response - The control structure for overseeing the preparation of these plans is probably one of the most contentious aspects of the proposed reforms. The review of the system of strategic planning is not going to immediately accompany any major overhaul of local government and there are therefore going to be a number of different authorities represented in each of the proposed areas. If there are to be joint committees, then details of how these will be composed need to be clarified. Is it necessary for the same control structure to be applicable in all areas or could it vary to suit local circumstances? Could the structure be made a part of the Development Plan Scheme to be submitted to Ministers? Would the option of Boards be a possibility?

- *Do you agree strategic development plans should concentrate on a limited number of strategic issues and they should not restate national planning policy?*

DCC Response - YES. It is particularly important in the interests of keeping plans concise and focused, that there be a clear definition of the issues they are expected to address, that these issues are consistent across the different areas, and that each area does not need to re-interpret national policy for local application. The proviso that additional issues can be introduced where local circumstances merit, however, applies. For example, it is surprising that retailing is not included as one of the strategic issues, given recent implications from NPPG8. However, this may vary between areas.

- *Do you agree that strategic development plans should be site specific?*

DCC Response - YES. Where circumstances are appropriate, it could be helpful for strategic development plans to be more precise in their guidance. However, there may be discussion as to the level of detail to be provided and this also may vary according to circumstances.

- *Do you agree an action plan should be prepared as part of the strategic development plan and that it should be reviewed ever two years as part of the process of monitoring and review?*

DCC Response - YES.

- *Do you agree that a public examination of objections should be made mandatory?*

DCC Response - Very much question whether this is in fact necessary. Now that we have a democratically elected Scottish Parliament, is it not appropriate for any objections to the Finalised Plans to be referred back to that body for a final decision? There could be a special Committee set up with this specific remit. After all, there would only be four or five plans to consider.

- *Do you agree the Scottish Ministers should issue a Certificate of Conformity with National Policy, rather than formally approve structure plans as at present?*

DCC Response - YES. Particularly where this assists to speed up the process and adds to the validation of the Plan.

- *Do you support the arrangements for monitoring set out in paragraph 36?*

DCC Response - YES.

Local Plans

- *Do you agree that, outwith the four city regions, there is no need for two tiers of development planning?*

DCC Response - YES. A key lesson that has been learned from the previous two systems is that there are substantial areas of the country, most obviously and understandably those of a rural nature, where no issues of a strategic nature exist and the necessity to apply the 2-tier planning system in these areas would seem to be unnecessarily onerous.

- *Do you think there should be a requirement for Councils to submit a development plan scheme for the agreement of the Scottish Ministers?*

DCC Response - YES – See previous response re Joint Committees.

- *Do you agree the processes for drawing up development plans and local development plans should be similar to the procedures for strategic development plans?*

DCC Response - NO. The requirement for Ministerial approval of Local Development Plans may unduly lengthen the process. Final adoption could follow the same procedure as for current local plans. There are, after all, 'call-in' powers.

- *Do you agree more use should be made of supplementary guidance?*

DCC Response - YES. For the ability to more speedily and easily keep local development plans up-to-date and respond to changing circumstances, there is now an expectation that supplementary guidance will be provided. Experience gained in the production of the Dundee Local Plan showed that trying to incorporate a full range of Development Control Guidelines within the Plan added considerably to its length, bulk and complexity.

Specialist Subjects

Waste

- *Do you agree Waste Subject Plans should be drawn up and their boundaries should be aligned with Area Waste Plans?*

DCC Response – YES – although this is not a purely land-use planning issue.

Minerals

- *Do you agree a period of stability is now required in respect of the strategic planning policy framework for opencast coal? In the case of aggregates, strategic planning arrangements will be informed by the current review of NPPG 4.*

DCC Response - YES.