

**ABERDEEN CITY & SHIRE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY**

Date: 3 December 2008

Title : Planning Update

1 Purpose of Report

- 1.1 To advise the Authority of development plan progress within Aberdeen City and Aberdeenshire Councils and other planning issues of interest to the Authority. Matters relating to the progress of the structure plan will be addressed in other reports on this agenda.

2. Aberdeen City and Aberdeenshire Local Development Plans

- 2.1 With the adoption of the Aberdeen City Local Plan in June 2008, work on preparing local plans to conform to the current structure plan came to a close. However, implementation of the plans themselves and monitoring work to inform future plans is ongoing.
- 2.2 With the secondary legislation associated with the Planning etc (Scotland) Act 2006 soon to come into force (see section 5 below), future planning update reports will focus on the progress with preparation of local development plans by the two Councils.
- 2.3 These local development plans will be prepared to implement the provisions of the emerging structure plan and address matters of detail relevant to the two Councils. A detailed update will be provided to the next meeting of the Authority.

3 Aberdeen Western Peripheral Route Inquiry

- 3.1 The Public Inquiry into the Aberdeen Western Peripheral Route started on 9 September 2008. The main sessions are due to be completed before Christmas, potentially re-convening in January to allow the parties to present their closing submissions. A report of the Inquiry will be presented to Scottish Ministers later in 2009 following which a decision on the detailed alignment of the route will be made.

4 Menie Estate Inquiry.

- 4.1 The Menie Estate inquiry began on Tuesday 10 June and concluded on Friday 4 July 2008. The Scottish Ministers received the report of the Inquiry on 10 October and announced their decision on 3 November 2008. The decision was that the Scottish Ministers were minded to grant outline planning permission for the proposed development subject to 46 conditions and the satisfactory conclusion of a planning agreement. Both Aberdeen City and Aberdeenshire

Councils have expressed support for the positive outcome to the process. The report of the Inquiry and the decision letter can be found online at:

<http://www.aberdeenshire.gov.uk/planning/inquiry/CINABS001.pdf>

<http://www.aberdeenshire.gov.uk/menueinquiry/decisionletter.pdf>

- 4.2 Since the last meeting of the Authority, two more golf course and hotel developments have been approved in Aberdeenshire (subject to the successful conclusion of planning agreements) with significant elements of enabling development for the restoration of Listed Buildings. These are at Ury House (Stonehaven) and Blairs College (South Deeside Road).

5 Planning etc. (Scotland) Act 2006 – Secondary Legislation

- 5.1 The secondary legislation required to bring into force the development plan provisions of the Planning etc (Scotland) Act 2006 are likely to be laid before the Scottish Parliament in the next few weeks and come into force in February / March 2009.
- 5.2 This legislation will enable both Aberdeen City and Aberdeenshire Councils to formally start their respective local development plans and have clarity about the detail of the process that they are required to follow. The legislation will also set out the detail for the preparation of strategic development plans and the transitional arrangements applicable to plans currently in preparation. These provisions may therefore apply to the emerging structure plan.
- 5.3 It is likely that a Planning Advice Note on development planning as well as a Circular containing statutory guidance on planning and sustainable development will be published in the next few months as well – both in time for the commencement of the new system.

6 Infrastructure and Developer Contributions

- 6.1 As agreed by the Authority at its last meeting on 18 September 2008, a letter was sent to John Swinney MSP (Cabinet Secretary for Finance and Sustainable Growth) outlining concerns regarding the postponement of the review of developer contributions. A copy of that letter is attached at Appendix 1.
- 6.2 To date, no response has been received but any response will be reported to a future meeting of the Authority. It is understood that a number of other planning authorities have written to Scottish Ministers in a similar vein.

7 National Planning Framework 2

- 7.1 It was verbally reported to the last meeting of the Authority that the Scottish Government had published an Annex to the Environmental Report prepared for the Draft National Planning Framework 2 (NPF2) which related to a list of 52 potential national developments. Since this had only been published the previous day, it had not been possible to review its contents. It was agreed that, if a response from the Authority was warranted that it would be signed by the Chair and Vice-Chair and reported back to this meeting.

- 7.2 On detailed examination of the consultation it became clear that the consultation was limited to the Strategic Environmental Assessment and that it would not provide the opportunity to give support to particular schemes. Due to the nature and content of the consultation therefore, it was decided that this did not merit a response from the Authority. However, in the interests of informing the Authority, the list of 52 proposed developments is attached at Appendix 2. It is understood that this list encompasses all the responses made during the consultation on the draft strategy. Those suggested “National Developments” impacting or potentially impacting on the area are highlighted.
- 7.3 It is understood that a revised version of NPF2 will be laid before the Scottish Parliament before the end of the year. This then commences a parliamentary process which will be led by the Local Government and Communities Committee (although other Committees may wish to take evidence and report to it). The time for parliamentary scrutiny lasts for 60 days, although periods when the Parliament is in recess are not included.
- 7.4 The Scottish Government is likely to publish the final version of NPF2 later in 2009.

8 Planning Summit

- 8.1 A Planning Summit took place in Edinburgh on 28 October 2008 at which a wide-ranging package of improvements were announced to make Scotland’s planning system leaner and fitter – making planning “quicker and more proportionate”.
- 8.2 The measures were developed by the Scottish Government in partnership with the Convention of Scottish Local Authorities, Scottish Natural Heritage, Scottish Environment Protection Agency, Scottish Water, Architecture and Design Scotland, Historic Scotland, Transport Scotland, the Scottish Property Federation and Homes for Scotland. The package was also endorsed by the Scottish Society for Directors of Planning and the Royal Town Planning Institute.
- 8.3 A copy of “Delivering Planning Reform”, published on the day is attached at Appendix 3. The statement sets out the next steps in the journey of planning reform, what each party will do and how they will work together.
- 8.4 Main benefits for this new way of working are seen to be:
- Up to date development plans which provide greater certainty.
 - Focusing resources on matters of greatest significance.
 - Improved planning applications that help speed up response time from the public sector.
 - Simpler and more transparent processes.
 - Greater understanding of cooperation across public and private sectors.
 - The right partnerships in place to deliver better developments in the right places.
- 8.5 The statement makes it clear that legislative changes alone will not deliver planning reform – both public and private sectors have important roles to play.

The public sector will have to work more effectively with clear direction and the support to deliver it in practice, while the private sector needs to play its part in the process by engaging meaningfully in the development plan process and submitting high quality planning applications informed by community views. The document shows a joint effort to deliver a fundamental change in the way planning operates.

- 8.6 The Scottish Government have committed to rationalising the Scottish Planning Policy Series to provide clearer and consistent planning advice by focusing future guidance on key principles, allowing local solutions to be developed (see section 9 below). The document also makes a commitment to making planning processes more effective and efficient by introducing the electronic planning system by spring 2009 and local forums to consider the quality of the planning service. Finally it has been identified that there is a need to develop skills and improve performance - this will be achieved by ensuring that planning authorities are given sufficient priority and resource, including identifying measures to recruit and retain staff.
- 8.7 The publication of this statement does not signify the end of the programme of work. New opportunities will continue to be identified and new areas explored to enable the planning system to work more effectively.

9 Scottish Planning Policy (Parts 1 & 2)

- 9.1 On the date of the Planning Summit, the Scottish Government published the first two parts of its new Scottish Planning Policy (SPP). A copy of the SPP is attached at Appendix 4.
- 9.2 The Scottish Government has committed to combining all SPP and NPPG series publications into one condensed Scottish Planning Policy (SPP) document with the intention of providing clearer, more focused and consistent policy messages.
- 9.3 The published document sets out the Scottish Government's view of the purpose of planning and the core principles for the system's operation (part 1). It also sets out the objectives for key parts of the system (development planning, development management and enforcement) in part 2.
- 9.4 In effect, the first two parts of the SPP replace SPP1: The Planning System. During 2009, part 3 will be published which will contain thematic policies (in effect condensing down and updating the existing 19 SPPs and NPPGs).
- 9.5 It can be seen that whereas the 2002 version of SPP1 was 32 pages and 92 paragraphs in length, the new version is just 6 pages and 34 paragraphs (less than 20% of the length of the previous version).
- 9.6 The SPP outlines six broad principles which the Scottish Government believe should underpin the planning system:
- It should be genuinely plan-led;
 - Primary responsibility lies with the local level;
 - The system should be efficient, predictable and transparent;

- Constraints and requirements should be necessary and proportionate;
- All interests should be engaged as early and fully as possible; and
- There should be a clear focus on the quality of outcomes.

9.7 The Scottish Government believes that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth.

9.8 The SPP requires that all planning authorities publish a development plan scheme by 31 March 2009, setting out their programme for plan preparation. This deadline will apply to both Councils in terms of their Local Development Plan programmes as well as the Authority in terms of its Strategic Development Plan responsibility.

9.9 The two development plan schemes prepared in relation to the structure plan to date have been non-statutory in nature. A significant review and revision will be required to bring it into line with the legislative requirements over the coming months.

10 Recommendation

10.1 It is recommended that:

- a) this report be noted; and
- b) a report be presented to a future meeting of the Authority proposing a development plan scheme for submission to Scottish Ministers by 31 March 2009 in accordance with the statutory requirements.

David Jennings
Aberdeen City & Shire Strategic Development Plan Manager

Dr Margaret Bochel
Head of Planning & Infrastructure
Aberdeen City Council

Dr Christine Gore
Director of Planning & Environmental Services
Aberdeenshire Council



Report prepared by: David Jennings, Strategic Development Plan Manager

Appendix 1: Letter to John Swinney MSP

John Swinney MSP
Cabinet Secretary for Finance & Sustainable Growth
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ

Contact: David Jennings
djennings@aberdeencity.gov.uk

Phone: 01224 628214

Our ref: SI/SG/DCReview

Your ref:

Date: 4 November 2008

COPY

Dear Mr Swinney,

Review of Developer Contributions

I am writing on behalf of the Aberdeen City and Shire Strategic Development Planning Authority. The SDPA was established under the Planning etc. (Scotland) Act 2006 by secondary legislation on 25 June this year to take forward strategic development planning in the North East. This was a key innovation, one that we have embraced in the North East as part of the wider modernisation agenda.

The first meeting of the SDPA took place on 18 September and at that meeting I was elected to chair the Authority for the next two years (with Councillor Peter Argyle from Aberdeenshire Council elected as the vice-chair). I am confident that the setting up of the four SDPAs around Aberdeen, Dundee, Edinburgh and Glasgow will facilitate the modernisation of planning in Scotland and help to meet all our objectives for economic growth and sustainable development.

Aberdeen City and Shire have shown an appetite for change in the modernising of strategic planning in Scotland and I believe that our current draft structure plan is a good starting point for the SDPA as we move forwards over the coming years.

However, at the first meeting of the SDPA it was agreed that I should write to you to express our concern regarding the recent announcement (19 August 2008) to postpone the review of the system of developer contributions in Scotland.

The severity of the current housing market situation is recognised, has been widely reported and many elements of the Scottish Government's response are welcomed. The challenges of the current situation are considerable and the wider context has deteriorated further since the announcement on 19 August.

However, the postponement of the review of developer contributions is one element of the package of measures announced that we believe will act against the aspirations of the Scottish Government itself as well as the SDPA and the two authorities in the North East.

SPP3, published on 28 July, recognised the importance of the review but 22 days later it had been postponed. I note that the announcement appeared in the press release but not in the accompanying report which would have afforded the opportunity to explain why it was felt necessary to postpone the review. Although it is understood that the announcement does not cover the proposed updating of Circular 12/96 (which was not clear from the press release), we are concerned that the postponement will have significant impacts on the ability of the planning and development process to meet the Scottish Government's aspirations for sustainable economic growth in general and a significant rise in housebuilding in particular.

There are five principal reasons for this concern:

1) **To be successful a country needs good infrastructure** – This is recognised explicitly in “Moving Scotland Forward: The Government’s Programme for Scotland 2008/09”. The postponement of the review will limit the effectiveness with which we can move towards infrastructure improvements in Scotland. It is important that the mechanisms for public sector investment are clarified (for example through the Scottish Futures Trust) but the role of developer contributions and how they relate to the SFT in the context of new development is also critical.

2) **New infrastructure is critical to growth** - Without significant infrastructure investment the growth agenda of the Scottish Government will not be realised. That investment needs to come from both the public and private sectors to help deliver sustainable mixed communities for the future. The aspirations of the Scottish Government (shared by the SDPA and expressed in our draft structure plan) are for an increase in the quantity and quality of development (sustainable mixed communities). Creating such places requires considerably more investment than has been achieved to date and the method used to achieve that investment needs to be easy to operate and within a clear framework.

3) **Infrastructure requirements extend beyond individual sites** – The formation of SDPAs is an explicit recognition that development in one area (and one local authority) has an impact on other areas (and other local authorities). Mechanisms need to be found to co-ordinate the delivery and funding of this infrastructure.

4) **Infrastructure influences public acceptance of growth** - The provision of appropriate infrastructure to support new development is critical not only to its delivery but also public acceptance of such growth. This infrastructure includes schools, transport, water / wastewater systems, health, social and community facilities.

Local authorities and communities are rightly concerned about development taking place without appropriate levels of infrastructure investment.

Our draft structure plan (consultation on which closed on 12 September) proposes significant growth and focuses on the need to create high quality sustainable mixed communities – a step change from what we have delivered in the past (in terms of both quantity and quality). The plan makes explicit mention of the fact that this will require significant investment from both the public and private sectors. If we are unable to deliver this investment, communities could be justified in saying that they will not accept the growth. Indeed, during consultation in many cases it was infrastructure issues which concerned people most.

5) **We need to plan ahead** - With new-style development plans soon to commence across Scotland (and our own draft structure plan just having completed its consultation phase), a lack of clarity around the mechanisms to be used to deliver the infrastructure presents a significant challenge. The development industry requires certainty moving forward but postponement of the review will increase rather than reduce that uncertainty. While not necessarily a perfect solution, the “Community Infrastructure Levy” in England and Wales does at least evidence a commitment to putting in place the mechanisms to allow growth to take place and plan in an appropriate way for the necessary infrastructure.

At a time when the housing market is facing challenging times it is understandable that the Scottish Government would seek to put in place measures to address these challenges. However, failing to plan adequately for the period as we come out of these current difficulties will not help the housebuilding industry, communities or the preparation of robust Strategic Development Plans and Local Development Plans.

As a consequence of the above, there appears to be a lack of coherence between the clearly expressed aspirations of the Scottish Government and the measures taken to stabilise the housing market. If it was the implementation of the review of developer contributions that was being postponed that might be understandable. However, that would be several years away even with no postponement.

We look for swift progress with the review of Circular 12/96 to bring it up-to-date and an early resumption of the now postponed review. Our shared aspirations for Scotland’s future will not be well served by failing to plan adequately for the future.

If you require clarification on any point or wish to discuss these issues further, please contact David Jennings (SDP Manager) at the address above.

I trust that you will review the postponement decision and we will happily work with you in the review to bring forward a system which facilitates the right development in the right places, one of the principal objectives of the modernisation process.

Yours sincerely,

Councillor Scott Cassie
Chair of the Aberdeen City and Shire SDPA

cc Jim Mackinnon, Directorate of the Built Environment, Scottish Government
Stephen Garland, Directorate of the Built Environment, Scottish Government
Chair Edinburgh and South East Scotland SDPA
Chair Dundee, Angus, Perth & Kinross and North Fife SDPA
Chair Glasgow and the Clyde Valley SDPA

Appendix 2: Potential 'National Developments' subject to Strategic Environmental Assessment by the Scottish Government in response to consultation on the draft National Planning Framework 2

Bold = Proposed as 'National Developments' in draft National Planning Framework 2

** = Potential 'National Developments' in Aberdeen City and Shire

- 1 **Forth Replacement Crossing**
- 2 **Edinburgh Airport**
- 3 **Glasgow Airport**
- **4 Aberdeen Airport
- 5 Prestwick Airport
- 6 A9 Upgrading: Dunblane - Inverness
- 7 Targeted Road Improvements: Glasgow - Fort William
- 8 A96 growth area
- 9 A1, A68 and A7 route improvements
- 10 Improved Rail Connectivity in the West of Scotland
- 11 Edinburgh – Glasgow Rail Improvements Programme
- 12 Highspeed rail to London
- **13 Rail links within Aberdeen
- **14 Rail Service Enhancements between Aberdeen and Inverness
- 15 Rail Service Improvements on the Highland Mainline to Inverness
- 16 Borders Rail link including an extension to Carlisle
- 17 Edinburgh Tram
- **18 National Long Distance Trails Network
- **19 Rail Service Enhancements between Aberdeen and the Central Belt
- **20 Further Electrification of the Strategic Rail Network
- 21 Far North Rail Line
- 22 Upgrade Edinburgh Haymarket Public Transport Interchange
- 23 Rail Service Enhancements between Glasgow Inverclyde/Ayrshire
- 24 Reducing Conflict between Local and Strategic Traffic in Dundee
- **25 A90 Aberdeen to Dundee
- 26 **Grangemouth Freight Hub**
- 27 **Rosyth International Container Terminal**
- 28 **Scapa Flow International Container Transshipment Facility**
- 29 Hunterston Transshipment Facility and Clean Coal Power Station
- 30 Loch Ryan Gateway Port
- **31 Peterhead Deep Water Port
- 32 Port of Dundee
- 33 Sullom Voe Oil Transfer Facility
- **34 Sub-sea super-grid
- **35 **Energy Transmission Infrastructure**
- **36 New non-nuclear baseload capacity at existing power station sites
- 37 Outer Hebrides National Energy Zone
- 38 Stornoway West Harbour
- 39 Hunterston – Carradale Subsea Cable
- 40 Nigg Complex
- **41 Peterhead Carbon Sequestration

- 42 Westfield Energy Park
- 43 Fife Energy Park, Methil
- 44 Energetics Cluster on the Ardeer Peninsula
- 45 **Glasgow Strategic Drainage Plan**
- 46 **Commonwealth Games**
- 47 Central Scotland Green Network
- 48 Development of the Canal Network (Lomond Canal)
- **49 National network of waste facilities
- 50 Coastal protection –Firth of Forth
- **51 The Energetica Corridor
- 52 Edinburgh Bioquarter

Note: This list in no way indicates the likely response of the Scottish Government to the developments proposed during the consultation period.

DELIVERING PLANNING REFORM

Appendix 3: Delivering Planning Reform



THE SCOTTISH GOVERNMENT HAS A CENTRAL, OVERARCHING PURPOSE – TO FOCUS THE GOVERNMENT AND PUBLIC SERVICES ON CREATING A MORE SUCCESSFUL COUNTRY, WITH OPPORTUNITIES FOR ALL OF SCOTLAND TO FLOURISH, THROUGH INCREASING SUSTAINABLE ECONOMIC GROWTH. THIS OVERARCHING PURPOSE HAS BECOME EVEN MORE IMPORTANT AS THE PROBLEMS IN THE WIDER GLOBAL ECONOMY POSE MAJOR CHALLENGES FOR SCOTLAND.

Sustainable economic growth means building a dynamic and growing economy but, at the same time, safeguarding our environment for future generations and ensuring our communities can enjoy a better quality of life. A reformed planning system is essential to increasing sustainable economic growth in Scotland.

The Planning etc. (Scotland) Act 2006 introduced important legal changes to planning in Scotland, but legislation on its own cannot deliver the improvements that are needed. Over the last few months the Scottish Government and its agencies have been working with the Convention of Scottish Local Authorities and the development industry to look at how they can significantly increase co-operation and speed up the pace of reform. The Planning Summit reflects the outcomes of this work and is the next stage in that journey and sets out what each party will do and how they will work together to make further improvements to planning.

The main benefits from this new way of working to improve the efficiency of the planning system will be :

- ▶ Up to date development plans that provide investors and communities alike with greater certainty.
- ▶ More proportionate demands made of developers by the public sector to focus resources on matters of greatest significance.
- ▶ Improved planning applications that help to speed up response times from the public sector.
- ▶ Simpler and more transparent processes, including streamlined statutory consultation processes by Scottish Government agencies that focus on matters of genuine national interest.
- ▶ Greater understanding and cooperation across the public and private sector.
- ▶ The right partnerships in place to deliver better developments in the right places – and to deliver these more efficiently.

These changes will be taken forward while retaining the fundamental purpose of the planning system - to secure through democratic means development and change that is consistent with the long term public and community interest. Development plans should support the delivery of single outcome agreements between the Scottish Government and local authorities to provide sustained improvements in economic development, housing, schools, health improvement and environmental quality.

STATEMENT OF SHARED OBJECTIVES AND JOINT ACTIONS

This document sets out our shared determination to speed up reform of the planning system.

The planning system is critical to increasing the rate of sustainable economic growth. It should be one of the main creative driving forces behind the delivery of better places in Scotland – helping the public sector, development industry and communities work together to make good development happen in the right place.

The foundations of a new system were laid in the Planning etc. (Scotland) Act 2006. To support this, a major programme of secondary legislation will be laid before the Scottish Parliament over the next few months. But legislation alone will not deliver reform.

What is required is more fundamental. Those of us in the public sector will work together in a different way and work more effectively with the development sector. We will each take responsibility for making sure that all organisations and staff are aligned to that common aim. Further, we will give the direction and support necessary to deliver it in practice.

We will also collaborate in the development of improved services. The aim is to clarify roles and responsibilities, to avoid duplication and overlap, to ensure that requirements for information and analysis are proportionate, and to approach issues collaboratively. We will, individually and collectively, identify and tackle inefficiencies head-on so that we can free up resources to invest back into improving the service.

The private sector also needs to play its part in helping deliver this reform agenda by engaging meaningfully in development plan preparation and submitting high quality applications informed by community views.

This document does not list all of these individual responsibilities or plans for action, but does demonstrate a concerted and determined joint effort to deliver a fundamental change in the way we work. This won't happen overnight, but it will happen. The key to sustained and real change will lie in part in the development of a new generation of development plans – plans that are robust, address community needs and can be delivered in practice, giving much greater certainty in the delivery of new development on the ground. As these plans develop, the joint actions contained in the statement will help us to put a sharper focus and increased pace behind the change. These actions will be refined as we continue to look to secure ongoing improvements in the way the planning system operates and planning services are delivered.

JOINT ACTIONS

Our joint actions will speed up the reforms and result in a planning system where: policies are proportionate, practical and informed by early and wide engagement; advice is clear and consistent; processes are effective and efficient; and skills are developed and performance improved.

Proportionate and Practical Planning Policies

The Scottish Government will rationalise the Scottish Planning Policy series into three parts:-

- ▶ aspirations and core principles;
- ▶ expectations for the key elements of the planning system; and
- ▶ a clear statement of Scottish Government planning policy relating to development and natural and built heritage.

Appendix 3: Delivering Planning Reform



The first two parts are published on 28 October 2008 and the third part will be published early in 2009.

Every five years, planning authorities will produce development plans as the key strategic document that focuses on land use and infrastructure, provides a sound basis for future development and helps deliver on single outcome agreements. Issues of detail will be addressed through supplementary planning guidance or the development management process.

Agencies will support planning authorities in the new approach to development plans by providing map-based advice on potential constraints. Once the development plan is agreed by the planning authority, agencies will support its implementation.

While work to take forward development plans continues across the country, two specific projects will be initiated to examine more closely the value of a partnership approach to development plans and to promote examples of good practice to share. SESPlan will work with SEPA, SNH, Scottish Water, and Transport Scotland as active partners, to promote the new strategic development planning process. The aim is to demonstrate the benefits of a partnership approach to the preparation of new-style, short, map-based plans. The findings and lessons learnt on effective joint working will be shared. Highland Council will similarly investigate the preparation of a local development plan using the same approach.

The Scottish Government will work with Local Government to raise awareness of the contribution planning reform can make to sustainable economic growth, the legal framework within which planning will operate and the central contribution that culture change can make. Agencies, the private sector and the RTPi will participate actively in this programme of work. The audience for this will include planning

schools, front line staff and elected members involved in planning policy decision-making.

Clear and Consistent Planning Advice

The Scottish Government will scale back the amount of planning advice and, instead, focus future advice on key principles, allowing local solutions to be developed. The Scottish Government will continue to play an active role in disseminating good practice.

Existing biannual meetings between the Scottish Government and Heads of Planning will be replaced with annual meetings with Heads of Planning and Planning Convenors in local and national park authorities.

The Scottish Government will do more to effectively communicate good practice. For development planning and development management, the Scottish Government will provide opportunities where issues with the new system can be discussed and solutions identified and communicated widely. Planning authorities, agencies and the private sector will be expected to actively participate, sharing experience, advice and good practice. The aim is to resolve issues of procedure and process locally.

Effective and Efficient Planning Processes

The Scottish Government will formally launch the electronic planning system in spring 2009. Some planning authorities are already introducing this system at the local level.

The Scottish Government will issue a revised Notification Direction and Circular in early 2009 to reduce the number of cases that require to be notified to Scottish Ministers. This will signal a more proportionate involvement in planning cases by the Scottish Government.

North Ayrshire, and Perth and Kinross Councils will lead and deliver a business change project in development management to be completed by end June 2009. The first stage will look at current practice in a range of recent cases to help identify the scope for improved ways of working in practice, including more effective approaches from public sector partners.

Planning authorities will produce a development plan scheme by end March 2009 and a new scheme of delegation by end June 2009.

Agencies will work together and with planning authorities to review roles and responsibilities. The aim will be to remove duplication and provide greater clarity on where agencies should be consulted. A key outcome will be more proportionate consultation with agencies, particularly on local developments. The new arrangements will be in place prior to the introduction of the new development management system.

The agencies will ensure that the level of information they require of the development sector is clear and proportionate. This will include identifying the scope for a more joined-up approach between the agencies on guidance and advice for the development sector.

The Planning Divisions of the Scottish Government and the Directorate for Planning and Environmental Appeals will produce an annual statement on performance, identifying the scope for service improvements. The first of these statements will be published in spring 2009.

Planning authorities will establish local forums to consider the quality of their planning service.

By end March 2009, authorities will identify areas for service improvement and how best they be tackled. This process will be repeated on an annual basis.

Agencies will by end November 2008, have produced a plan for service improvement with clear milestones. Agencies will produce annual reports on performance and service improvement, starting in summer 2009.

The private sector will improve the quality of applications, reducing the need for repeat consultations with agencies over missing or inadequate information and enabling faster decision making by planning authorities.

The Scottish Government, local authorities, the Scottish Public Sector Ombudsman and the Standards Commissioner will, by end March 2009, agree an action plan for a more effective approach to complaints handling in planning.

By end 2008, the Scottish Government will consider with planning authorities, agencies and the development industry the scope for introducing a non-statutory method of giving a provisional view on whether or not a major development is likely to receive planning permission. The aim is to give developers, in particular inward investors, a degree of confidence before they commit to potentially lengthy and expensive technical appraisals in support of a planning application.



Developing Skills and Improving Performance

The Scottish Government will establish a new internal unit to support the Strategic Environmental Assessment of development plans.

Planning authorities will ensure that the planning service is given sufficient priority and resource, including identifying whether measures are required to recruit and retain staff. In addition, authorities will consider the scope for new ways of delivering planning services.

By end April 2009, Agencies will assist planning authorities to further develop staff skills in order that they place proportionate reliance on agency input.

Agencies will identify those areas where the development sector is consistently failing to provide essential information and engage with the sector to resolve this.

By end March 2009, agencies will have named agency liaison officers for key development sectors.

The Scottish Government will agree, with the private sector, a firm programme to better explain the importance of development economics in planning. This will allow local authorities to better understand the financial aspects of development and help them in the effective negotiation of planning agreements.

By spring 2009, the Scottish Government will have in place a programme of measures to support improved place making.

The private sector will work with the Scottish Government, planning authorities and agencies to prepare a series of model agreements covering residential, commercial, business and retail development and mineral working, and also a template for local schemes of developer contributions.

By April 2009, the Scottish Government will consider, with planning authorities, agencies, the development industry and the Royal Town Planning Institute the options for a scheme of staff development to allow staff at different stages in their career to work in different public and private sectors organisations. Consideration will also be given to the options for promoting planning as a career, including the opportunities for mid-career entry to the profession.

MAINTAINING THE MOMENTUM

The publication of this statement does not signify the end of this programme of work. The actions and commitments will be kept under review by the Cabinet Secretary for Finance and Sustainable Growth, the President of COSLA and Chairs/Chief Executives of the Agencies.

Progress will be reported to the First Minister's Council of Economic Advisers and other relevant bodies.

We will continue to identify new opportunities and new areas to explore to enable the planning system to create better quality places and contribute more effectively to Scotland's long term prosperity.



The Scottish
Government

Appendix 4: Scottish Planning Policy (Parts 1&2)

SCOTTISH
PLANNING
POLICY

**SCOTTISH
PLANNING
POLICY**

Appendix 4: Scottish Planning Policy (Parts 1&2)

INTRODUCTION

1. This document is a statement of Scottish Government policy on land use planning.
2. In addition to the National Planning Framework which expresses the spatial aspects of the Government Economic Strategy, Scottish Government Planning Policies will comprise 3 elements:
 - The Scottish Government's view of the purpose of planning and the core principles for the operation of the system
 - The objectives for key parts of the system
 - Thematic policies on planning structured around
 - the contribution to the Scottish Government's Central Purpose
 - concise expression of policy
 - implications for development planning
 - implications for development management
3. This approach seeks to place planning in the wider context of Scottish Government aims and policies and clarify the expectations of the system and the service. It is, therefore, a brief statement of policy direction and does not attempt to provide a comprehensive summary of planning in Scotland, nor to describe the diverse range of objectives to which planning may contribute.

THE PURPOSE OF PLANNING

4. Planning guides the future development and use of land. Planning is about where development should happen, where it should not and how it interacts with its surroundings. This requires promoting and facilitating development, while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time. Careful attention to layout, design and construction should result in places where people want to be.
5. The Scottish Government believes that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. The way in which the planning system is structured and operated should be directed towards that purpose and to supporting the Scottish Government's 5 strategic objectives.
6. The Government believes strongly in the value of forward-looking, visionary and ambitious plans that will guide development. They will provide guidance to potential investors in Scotland's future on likely paths to success; provide various interests the opportunity to participate in shaping the future of their nation and their communities; and give public authorities a structure within which decisions can be made with confidence. Plans should seek to lead and guide change. The statutory requirement to keep plans up to date should ensure that they reflect and respond to emerging pressures and issues.

Appendix 4: Scottish Planning Policy (Parts 1&2)

7. Planning has a critical balancing role to play when competing interests emerge in the consideration of future development. It is essential to recognise that planning issues, by their very nature, will often bring differing interests into opposition and disagreement and the resolution of those issues one way or another will inevitably disappoint some parties. Planning cannot be expected to satisfy all interests all of the time. It should, however, enable speedy decision making in ways which are transparent and demonstrably fair.

CORE PRINCIPLES

8. The legislative framework for Planning in Scotland has recently undergone a major overhaul through the Planning etc (Scotland) Act 2006. The secondary legislation required for its full implementation is being introduced at Holyrood from autumn 2008.

The Government believes that the following broad principles should underpin the modernised system:

- There should be a genuinely **plan-led** system, in which succinct development plans set out ambitious, long-term visions for their area. They will be kept up to date, and provide a practical framework within which the outcome of planning applications can be decided with a degree of certainty and efficiency.
 - The **primary responsibility** for the operation of the planning system and service **is with local and national park authorities.**
 - **Confidence in the planning system** needs to be reinforced through: the efficient and predictable preparation of plans and handling of applications; transparency in decision-making and reliable enforcement of the law and planning decisions.
 - The **constraints and requirements** that planning imposes **should be necessary and proportionate.**
 - The system should operate to **engage all interests as early and as fully as possible** to inform decisions and allow issues of contention and controversy to be identified and tackled quickly and smoothly.
 - There should be a clear focus on the **quality of outcomes**, with due attention given to considerations of the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. Successful reform of the planning system will only be achieved if all those involved in planning – applicants, planning authorities, agencies and consultees, communities, representative organisations, public bodies, the Government and the general public – commit themselves to engaging as constructively as possible in development planning and development management, so that the planning system can contribute effectively to increasing sustainable economic growth.

Appendix 4: Scottish Planning Policy (Parts 1&2)

DEVELOPMENT PLANS

10. The development plan comprises a local development plan supported by supplementary planning guidance, and in the 4 largest city regions, strategic development plans will additionally address land use issues that cross local authority boundaries and strategic infrastructure.
11. Development plans should guide the future use of land and the appearance of cities, towns and rural areas. They should indicate where development, including regeneration, should happen and where it should not. Development plans must be accessible to the communities they serve; they should be concise and written in plain English.
12. There is a statutory duty on development plans to contribute to sustainable development. The Government will publish the statutory guidance before the new system of development plans is commenced.

PREPARATION

13. The development plan scheme should indicate the programme for plan preparation. All planning authorities should publish their first schemes by 31 March 2009. The emphasis should be on actions that have to be taken to ensure that an up to date development plan is in place as swiftly as possible.
14. The processes of engagement, information gathering, analysis and assessment should be geared towards the date of submission of the plan to Ministers. These processes must be proportionate and fit for purpose. Contracting out parts of plan preparation, including community engagement, may offer scope for effective management of the process.

CONTENT

15. Development plans should be concerned primarily with land and infrastructure. The efficient use of land and good infrastructure are important for the wellbeing of an area, particularly where they are supported by the commitment to the maintenance and creation of high quality places. Development plans should provide clear guidance on what will or will not be permitted and where. This should be very clear from the proposals map. Only policies that provide a clear indication of how a decision maker will react to a proposal should be included in the plan. Plans should therefore provide opportunity and stability.
16. Development plans should be aspirational and realistic. They should address the spatial implications of economic, social and environmental change, in particular opportunities for development. They should be clear as to the scale of anticipated change and demonstrate the underlying reasons for the preferred location and the likely sequence of development.

Appendix 4: Scottish Planning Policy (Parts 1&2)

17. Investment in infrastructure may be required as a consequence of existing under provision and/or planned growth. These issues should be addressed in development plans and not left to the development management process to be resolved.
18. The Scottish Government expects development plans to:
 - have a sharp focus on land and infrastructure
 - concentrate on what will happen, where and why
 - make more use of maps and plans to explain and justify the long term settlement strategy
 - contain policies and proposals that will achieve predictable outcomes.

IMPLEMENTATION, MONITORING AND REVIEW

19. The action programme is a key means of delivering the plan's objectives. It should set out how the plan is to be implemented, in particular what should happen over the following 2 years.
20. A key element will be the programme of supplementary planning guidance. Where this is to form part of the development plan, authorities should ensure the guidance:
 - is derived from the plan
 - has been the subject of discussion and engagement.

Supplementary planning guidance should not be applied to development proposals until it has been formally agreed by the authority following consideration of comments and representations on the draft.

21. Monitoring should focus on what has changed, for example the extent to which key assumptions remain tenable, whether land allocations have proved viable and investment in infrastructure has been forthcoming. Monitoring should set the direction for the future review of the plan.
22. The review, which should take place at least every 5 years, should focus on what has to change rather than invite the re-opening of settled issues.

Appendix 4: Scottish Planning Policy (Parts 1&2)

DEVELOPMENT MANAGEMENT

23. Development management is a key part of the planning system and must operate in support of the Government's central purpose. This means providing greater certainty and speed of decision making as a means of creating good quality sustainable places.
24. Development management should operate within a climate of continuous improvement. Processes must be responsive, reliable, transparent and efficient. Decisions should be taken against a framework of up to date and effective development plans and supplementary planning guidance.
25. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. However, it is important that stakeholders understand their role in the planning process and how decisions have been arrived at. There should be clear but concise reports of the considerations that have been taken into account in reaching decisions on all planning applications.
26. The Scottish Government's expectation is that schemes of delegation provide maximum scope for officials to determine planning applications, thus ensuring elected members focus on complex or controversial issues.

DETERMINING PLANNING APPLICATIONS

27. The Scottish Government strongly encourages pre – application discussions and consultation. This part of the planning process is intended to allow meaningful consultation to take place with communities. Pre – application discussions are vital to ensure that all parties – communities, key agencies, planning authorities and developers have a shared understanding of the prospects for a proposed development, information requirements and the likely timescales for determination. Processing agreements will support the delivery of decisions on Major and National developments to agreed timescales. While the Scottish Government does not intend to introduce financial penalties where the terms of an agreement have not been met, authorities and key agencies should respond positively to requests for such agreements.
28. The Planning Acts require decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Material considerations should be related to the development and use of land. Where a proposal is in accordance with the development plan, the principle of development should be taken as established and the process of assessment should not be used by the planning authority or key agencies to revisit that.

Appendix 4: Scottish Planning Policy (Parts 1&2)

29. Conditions imposed on the grant of planning permission can enable development proposals to proceed where it would otherwise have been necessary to withhold planning permission. While the power to impose conditions is wide, it must be exercised in a manner which is fair, reasonable and practicable and the conditions imposed must accord with the established tests set out in Circular 4/1998.
30. Planning obligations/agreements can be used to overcome obstacles to the grant of planning permission but they should not be used to obtain a benefit which is unrelated to the nature or scale of the proposed development. Planning authorities should use the development plan and supplementary planning guidance to set out their approach to planning agreements/obligations and should not seek to introduce agreements late in the development management process. Planning agreements should only be used where the obligation cannot be secured by condition or by other means.

ENFORCEMENT

31. Effective enforcement is important as a means of sustaining public confidence in the planning system. The 2006 Planning Act contains a range of additional powers on enforcement and planning authorities should use the full range of powers available to them to ensure that enforcement action is appropriate, speedy and effective.

ROLE OF THE SCOTTISH GOVERNMENT

32. Scottish Ministers have a general power to intervene in planning applications. A revised Circular and accompanying notification direction, will be published in early 2009. They will signal a more proportionate involvement in planning cases by the Scottish Government.

APPEALS AND LOCAL REVIEWS

33. The 2006 Act introduces important changes to the appeal process aimed at improving efficiency. Central to this is frontloading the planning process and a proportionate approach which ensures that the person taking the decision follows an examination process that is appropriate to the case. All parties should be clear that new material should not be introduced late in the process except in exceptional circumstances.

ASSESSMENT

34. The Government does not intend, at present, to commence the provisions in the 2006 Act for planning assessment but will work with authorities to promote a framework of self assessment which reflects the new relationship with local government, the new approach to audit and inspection and a culture of continuous improvement that is generated from within the planning service. The Planning Divisions of the Scottish Government and the Directorate for Planning and Environmental Appeals will also produce annual reports on performance and priorities for improvement.