

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

Date: 3 December 2010

Title: Amendments to the Modernised Planning System Consultation

1. Purpose of Report

1.1 The purpose of this report is to propose a response from the Strategic Development Planning Authority (SDPA) to the Scottish Government's consultation on amendments to the modernised planning system.

2. Background

2.1 The Planning etc (Scotland) Act 2006 has been implemented in phases over the past two years and has included new arrangements for strategic planning, the move from local plans to local development plans and a range of changes to planning application and appeal procedures. This has been done through various pieces of secondary legislation (normally 'Regulations'), with the main development plan provisions coming into force in February 2009 and the development management provisions in August 2009.

2.2 The Scottish Government are still examining experiences of the changes in practice. However, initial feedback has led the Scottish Government to consult on a series of early amendments to the secondary legislation relating to both development planning and development management.

3 Consultation

3.1 The consultation document recognises that the efficient operation of the planning system is important in supporting planning's contribution to sustainable economic growth. The changes proposed have been informed by discussions with key stakeholders to refine legislative requirements and are largely seen as facilitating increased efficiency and removing anomalies.

3.2 The consultation paper is divided into seven sections as set out below:

- a) Statutory Pre-Application Consultation Requirements and Applications to Change Planning Conditions
- b) The Neighbour Notification and Advertising of Planning Applications
- c) Other Changes to the Development Management Regulations
 - New Consultation Requirements
 - Amendment of Requirements for Design Statements for Marine Fish Farming
 - Requirements on Decision Notices
- d) Amendments to the Appeals Regulations
- e) Changes to Neighbour Notification Requirements on Permitted Development Rights for Demolition

- f) Changes to Development Planning Regulations
- g) General Questions

- 3.3 The consultation document discusses a range of proposals under these headings, poses a series of 28 questions and appends revised draft regulations.
- 3.4 Changes to the development plan regulations are covered in paragraphs 54 – 63 and questions 24 and 25. These cover issues relating to flood management, marine planning and regional spatial strategies. In each case the changes are proposed as a consequence of legislation passed over the last two years.
- 3.5 Flood Management – the preparation of both strategic and local development plans would in future need to have regard to flood risk management plans prepared by the Scottish Environment Protection Agency (SEPA). SEPA are already required to take account of development plans when preparing flood risk management plans and this change will ensure the requirement is reciprocated with the aim of ensuring development plans and flood risk management plans are consistent.
- 3.6 Marine Planning - the preparation of both strategic and local development plans would in future need to have regard to any regional marine plan. The Marine (Scotland) Act 2010 already requires Scottish Ministers to take all reasonable steps to secure that a regional marine plan is compatible with the development plan for any area which adjoins the relevant marine region. The change proposed in the current consultation will ensure the requirement is reciprocated with the aim of ensuring development plans and regional marine plans are consistent.
- 3.7 Regional Spatial Strategies – the revoking of regional spatial strategies in England has meant that there is no longer any need to have regard to such strategies when preparing strategic or local development plans in Scotland. This change does not impact on this area as the two local planning authorities do not plan for land adjoining England.
- 3.8 An extract from the consultation paper is attached as Appendix 1. Responses to the consultation paper are required by 28 January 2011.

4 Proposed Response

- 4.1 It is proposed to limit the response of the SDPA to those changes that directly impact on its interests and functions. This means that the response will only address issues impacting on the preparation and implementation of strategic development plans.
- 4.2 The changes proposed to the legislative requirements for development planning seem entirely reasonable and are welcomed. Both flood risk management and regional marine plans have the potential to influence and be influenced by strategic development plans and it is important that these relationships are explored during the preparation of the plans.

- 4.3 SEPA are required by the Flood Risk Management (Scotland) Act 2009 to undertake a preliminary flood risk assessment by 22 December 2011 and prepare flood hazard and risk maps for areas potentially vulnerable to flood risk by 22 December 2013. Flood Risk Management Plans (probably on the basis of groups of river catchments) are required to be in place by 22 December 2015.
- 4.4 A consultation is anticipated in the next few weeks from Marine Scotland on the boundaries of the Scottish marine regions and this will be reported to a future meeting of the SDPA. However, if a response is required prior to the March meeting of the SDPA it is proposed to seek the agreement of a provisional response from the chair and vice chair.
- 4.5 Appendix 2 contains a draft letter to the Scottish Government in response to the consultation.

5 Financial Implications

- 5.1 There are no financial implications arising from this report.

6 Recommendations

- 6.1 It is recommended that the SDPA:
- a) welcome the moves by the Scottish Government to increase the efficiency of the modernised planning system; and
 - b) agree Appendix 2 as its response to the consultation; and
 - c) agree that a provisional response to Marine Scotland's marine region boundaries consultation be approved by the chair and vice chair, if required, and that the consultation be reported and response homologated at the next meeting of the SDPA.

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