

**DUNDEE, PERTH, ANGUS AND NORTH FIFE  
STRATEGIC DEVELOPMENT PLANNING AUTHORITY  
JOINT COMMITTEE MEETING**

**DATE: 24 FEBRUARY 2009**

**REPORT ON: DEVELOPMENT PLANNING REGULATIONS**

**REPORT BY: INTERIM STRATEGIC DEVELOPMENT PLAN MANAGER**

**REPORT NO: 01-2009**

**1 PURPOSE OF REPORT**

- 1.1 To advise the Joint Committee of the publication of the Development Planning Regulations 2008 by Scottish Ministers and to highlight the provisions relevant to the preparation of the Strategic Development Plan.

**2 RECOMMENDATION**

- 2.1 It is recommended that the Joint Committee:
- a) note the publication and content of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008;
  - b) note the timescale for the Regulations coming into force; and
  - c) note that the Scottish Government intend to publish a Circular on Development Planning to accompany the Regulations.

**3 DEVELOPMENT PLANNING REGULATIONS 2008**

- 3.1 The Draft Regulations on Development Planning were published by the Scottish Government for consultation in October 2007. Comments on the Draft Regulations were made by each of the constituent authorities.
- 3.2 The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 were laid before the Scottish Parliament on 19th December 2008 and subject to parliamentary scrutiny, are expected to come into force on 28<sup>th</sup> February 2009. The commencement of the regulations will be the start date for the new Development Planning System in Scotland. These Regulations will replace the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 and the Designation of Structure Plan Areas (Scotland) Order 1995.
- 3.3 The Regulations are the key piece of secondary legislation for Development Planning and set out the form, content and procedures for Strategic Development Plans and Local Development Plans.
- 3.4 The Finalised Regulations apply a less prescriptive approach to the filling out of the provisions of the Planning etc (Scotland) Act 2006 than was contained in the draft of the Regulations. The approach taken in the published Regulations therefore provides more flexibility to the Strategic Development Planning Authority in terms of the content of the Strategic

Development Plan and the process for the preparation of the Plan. The approach adopted in the Finalised Regulations is welcomed.

- 3.5 The Finalised Development Planning Regulations provide much needed clarity with regards to the SDP's legislative framework. It also provides the certainty required for the refining of the project planning for the preparation of the SDP.
- 3.6 Although the Finalised Development Planning Regulations have been revised from the draft published in 2007 there are no changes that will require the Strategic Development Plan's project plan and timeline to be significantly revised.
- 3.7 The Draft Regulations had set a target for the submission of the SDP to Ministers within two years after the introduction of the new development plans system. The published Regulations no longer contain such a requirement. The withdrawal of a Scottish Government imposed submission target is welcomed. A recent letter from The Scottish Government's Chief Planner has also confirmed that no such targets will now be set for Strategic Development Planning Authorities.

#### **4 NEW DEVELOPMENT PLANNING CIRCULAR**

- 4.1 The Strategic Development Plan Managers have been advised that once the Regulations have completed their parliamentary progress they will be accompanied by a circular which will explain the requirements of the new system and ministerial expectations for it. This circular when published, will replace Planning Advice Note (PAN) 37 on Structure Planning and PAN 49 on Local Planning.

#### **5 CONSULTATIONS**

- 5.1 The Director of Infrastructure Services, Angus Council, The Director of Planning and Transportation, Dundee City Council, The Head of Development Services, Fife Council and The Executive Director (The Environment Service), Perth & Kinross Council have been consulted and are in agreement with the contents of this report.

#### **6 BACKGROUND PAPERS**

- 6.1 Town and Country Planning (Development Planning) (Scotland) Regulations 2008
- 6.2 Draft Development Planning Regulations, Scottish Government, October 2007
- 6.3 Letter from Mr James G McKinnon, Scottish Government Chief Planner, to all Scottish Heads of Planning and SDPA Managers, 'Development Plan Programme', 22 December 2008

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GSR

10 February 2009