

REPORT TO: DUNDEE, PERTH, ANGUS AND NORTH FIFE STRATEGIC DEVELOPMENT PLANNING AUTHORITY JOINT COMMITTEE MEETING ON 4th OCTOBER 2016

REPORT ON: REVIEW OF THE SCOTTISH PLANNING SYSTEM

REPORT BY: GORDON REID, ACTING STRATEGIC DEVELOPMENT PLAN AUTHORITY MANAGER

REPORT NO: SDPA 11-2016

1 PURPOSE OF REPORT

1.1 To update the Joint Committee on the review of the Scottish planning system following the publication of the Independent Panel's report on 31st May 2016.

2 SUMMARY

2.1 In September 2015, an Independent Panel was appointed by Scottish Ministers to review the Scottish planning system. The review focused on 6 key themes - development planning; housing delivery; planning for infrastructure; development management; leadership, resourcing and skills; and community engagement. Scottish Ministers have since published a report which provides their initial response. Scottish Ministers are expected to publish a further response under a White Paper in due course.

3 RECOMMENDATION

3.1 It is recommended that the Joint Committee:

a) Note the contents of this report.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising.

5 REVIEW OF THE SCOTTISH PLANNING SYSTEM

5.1 TAYplan made a submission to the review of the Scottish Planning System in November 2015 (Report SDPA01-2016: *Progress Report – Appendix 2*). Appendix 1 sets out the propositions made by TAYplan and the relevant panel recommendations.

5.2 TAYplan have been and remain actively involved in supporting the development of a positive solution to the review outcomes:

- Planning Convenors meeting – 13th January 2016
- Planning review panel visit to TAYplan team – 27th January 2016
- SDPA Managers meeting with planning review panel – 2nd February 2016
- SDPA Managers meeting with Scottish Government (after report published) – 7th June 2016

- SDPA Teams meeting with Scottish Government – 11th August 2016. This allowed for active involvement and positive contributions on the future shape of SDPAs and their roles.
- 5.3 On 31 May 2016, the Independent Panel; Crawford Beveridge, Petra Biberbach and John Hamilton, published their report '*Empowering Planning to Deliver Great Places*'. The report sets out 48 recommendations designed to '*rationalise, improve and modernise the Scottish planning system*'.
- 5.4 The Independent Panel proposed six outcomes:
- Strong and flexible development plans.
 - The delivery of more high quality homes.
 - An infrastructure first approach to planning and development.
 - Efficient and transparent development management.
 - Stronger leadership, smarter resourcing and sharing of skills.
 - Collaboration rather than conflict – inclusion and empowerment.

6 RECOMMENDATIONS FOR SDPAs

- 6.1 The recommendations made to Scottish Ministers relating to Strategic Development Planning Authorities are that:
- in order to simplify the development plan system, SDPs should be replaced by an enhanced National Planning Framework (NPF), and that NPF should define regional housing targets as the basis for setting housing land requirements in local development plans.
 - Strategic Development Planning Authorities (SDPAs) should be repurposed to pioneer a different way of working where planners proactively co-ordinate development with infrastructure delivery at the city-region scale.
 - by working with others to take forward commitments set out in a 'live action programme' for the city region, SDPAs would also support housing delivery and co-ordinate cross-boundary thinking to inform Local Development Plans.
 - SDPAs should be given a statutory duty to co-operate with the Scottish Government in producing the NPF.
 - a national infrastructure agency or working group with statutory powers should be established. This group would include the re-purposed SDPAs.
 - the National Planning Framework should define regional housing targets as the basis for setting housing land requirements in Local Development Plans.
- 6.2 The review also suggested some general recommendations on how Development Plans are being prepared, such as the abolition of Main Issues Reports.
- 6.3 There are some operational concerns about how these and other recommendations would be implemented, their compatibility and whether they would be either desirable or workable. Officers from TAYplan and other SDPAs are working with Scottish Government officers to explore some of the practicalities and issues relating to these recommendations.

7 SCOTTISH MINISTERS INITIAL RESPONSE TO PLANNING REVIEW

7.1 Scottish Ministers published their initial response to the report of the independent planning review panel on July 11, 2016. Through this report, ten immediate actions have been proposed to be taken forward as a priority. The recommendations relevant for Strategic Developments are set out below:

- Work with strategic development plan teams to identify options for re-purposed strategic development planning authorities, taking into account their relationship with National Planning Framework and wider governance of city region planning, development and infrastructure delivery.
- Establish working groups to focus on each of the six key themes addressed by the review: development planning; housing; infrastructure; development management; leadership, resources and skills; and community engagement. The groups will be tasked with exploring practical options for implementation of the recommendations.
- Aim to consult fully on a White Paper in Autumn/ Winter 2016. This will enable a Planning Bill to be brought forward in 2017.

7.2 Scottish Ministers also propose that over summer/ autumn 2016 they will work with key stakeholders to develop more detailed proposals for all other recommendations.

7.3 Scottish Ministers advised that they aim to publish and consult fully on a White Paper in Autumn/Winter 2016 to enable a Planning Bill to be brought forward in 2017.

8 NEXT STEPS AND REPORTING BACK

8.1 TAYplan continue to work with other SDPAs and the Scottish Government and will report back to the Joint Committee as discussions progress. This will include attending officer workshops and related activity during autumn 2016.

8.2 TAYplan staff will continue to work on research areas for the third Strategic Development Plan. This work will continue to be useful to TAYplan and the constituent authorities, assisting in the preparation of Local Development Plans.

9 CONSULTATIONS

9.1 TAYplan's Treasurer and Clerk; Angus Council's Director of Communities Directorate; Dundee City Council's Executive Director of City Development; Fife Council's Executive Director, Enterprise & Environment; and Perth & Kinross Council's Executive Director (Environment) have been consulted and are in agreement with the contents of this report.

10 BACKGROUND PAPERS

- 10.1 Report SDPA01-2016: *Progress Report*
http://www.tayplan-sdpa.gov.uk/system/files_force/minutes/SDPA_01_2016_ProgressReport.pdf?download=1
- 10.2 Scottish Government Planning Review Webpage
(<http://www.gov.scot/Topics/Built-Environment/planning/Review-of-Planning>)
- 10.3 Empowering Planning to Deliver Great Places
(<http://www.gov.scot/Resource/0050/00500946.pdf>)
- 10.4 Scottish Ministers' Initial Response to the Planning Review Recommendations
(<http://www.gov.scot/Resource/0050/00502867.pdf>)
- 10.5 Report SDPA01-2016: *Progress Report – Appendix 2*
(<http://www.tayplan-sdpa.gov.uk/jointcommittee>)
- 10.6 Town and Country Planning (Scotland) Act 1997
(<http://www.scotland.gov.uk/Publications/2005/01/20576/50663>)
- 10.7 Town & Country Planning (Development Planning) (Scotland) Regulations 2008
(<http://www.legislation.gov.uk/ssi/2008/426/contents/made>)
- 10.8 Circular 6/2013: *Development Planning*, Scottish Government
(<http://www.scotland.gov.uk/Resource/0044/00441577.pdf>)
- 10.9 Planning etc. (Scotland) Act 2006
(http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf)

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20 September 2016

Summary of TAYplan's Response to the Scottish Planning Review (2015)

TAYplan Proposition	Planning Review Panel Recommendations
Value of the Development Plan System	
<ul style="list-style-type: none"> Plan reviews should focus on what needs to change rather than continual wide-ranging reviews. This will focus resources and make engagement easier for stakeholders. 	<p>Considered in part through mention of alternative strategies to keep plans continually up to date.</p>
<ul style="list-style-type: none"> Planning authorities should have a duty to adopt project plans to ensure delivery. 	<p>No specific mention.</p>
<ul style="list-style-type: none"> Review SDPs less frequently after approval but with frequent monitoring. Move away from the rigid 4-year review cycle to one that uses Action Programmes to monitor plan implementation and trigger change <u>when required</u>. 	<p>Proposed that SDPs should no longer be prepared and instead repurposed.</p>
<ul style="list-style-type: none"> Reconsider the number, scale and proportionality of supporting assessments, which can divert resources from plan making and implementation, and can reduce plan making to a series of processes. 	<p>Proposed that the proportionality of supporting information should be addressed.</p>
Value of Strategic Planning	
<ul style="list-style-type: none"> Land use and transport are interdependent. As a 'game changer', combine strategic land use plans and transport plans, working to the same geographies to help co-ordinate needs and capital funding programmes. 	<p>A national infrastructure agency or working group has been proposed including all relevant infrastructure agencies, key agencies including SDPAs.</p>
Planning for Housing	
<ul style="list-style-type: none"> Placemaking must be promoted over setting targets and debating land supply; this should be supported by land reform measures to make land available for development in a manner that funds infrastructure as a public good. 	<p>It is considered that placemaking should play a much bigger role in planning for housing.</p>

<ul style="list-style-type: none"> • <i>Use design quality and external environmental standards as performance indicators in creating successful, sustainable places.</i> 	<p>No specific mention.</p>
<ul style="list-style-type: none"> • <i>Review the role of Scottish Futures Trust or an equivalent body to have a role in working jointly with Councils to assemble land/provide infrastructure to unlock development potential and deliver local priorities and outcomes.</i> 	<p>It is considered that the Scottish Futures Trust could play a role in a development delivery infrastructure fund which could be partly resourced by a mechanism of capture land value uplift.</p>
<ul style="list-style-type: none"> • <i>The panel is asked to take account of the Joint Housing Delivery Plan for Scotland¹ which identifies priority actions for various players to achieve the country's housing objectives.</i> 	<p>No specific mention.</p>
<ul style="list-style-type: none"> • <i>Clearly define housing land supply and explore whether this should reflect development activity over a 7 year period and so trigger releases on upturns as well as remove the need for excess supply in times of low build rates.</i> 	<p>No specific mention.</p>
<ul style="list-style-type: none"> • <i>Developers and land owners seeking their land to be included in development plans should have a duty to undertake due diligence to demonstrate the land will be effective, serviced, and available for development. This should be demonstrated in delivery plans accompanying submission for consideration at MIR stage.</i> 	<p>No specific mention.</p>
<p>A Holistic View of Planning</p>	
<ul style="list-style-type: none"> • <i>Action programmes should be given a statutory role within councils corporately to identify investment priorities and actions needed to make things happen.</i> 	<p>No specific mention.</p>

¹ <http://www.gov.scot/Resource/0047/00477306.pdf>