

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE –
28 AUGUST 2000**

**REPORT ON: DRAFT REVISION OF NATIONAL PLANNING POLICY
GUIDELINE 1 'THE PLANNING SYSTEM'**

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 484-2000

1 PURPOSE OF REPORT

- 1.1 To advise the Committee of the comments proposed to be forwarded to the Scottish Executive in relation to the proposed revision of National Planning Policy Guideline 1 (NPPG 1) – The Planning System.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- a notes and endorses the comments made by the Director of Planning and Transportation for submission to the Scottish Executive.
 - b the Committee notes the emphasis on training specifically for Councillors involved in planning matters. (para 73)

3 FINANCIAL IMPLICATIONS

- 3.1 There are potential financial implications associated with this Report in the implementation of a training framework to be prepared by Scottish Executive the Royal Town Planning Institute and COSLA and a report will be submitted to Committee in due course.

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 the transportation implications for new developments affect 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 There are no equal opportunity implications associated with this report.

6 BACKGROUND

- 6.1 The Scottish Executive has recently published a draft revision of NPPG 1 for consultation purposes.
- 6.2 The detailed comments of the Director of Planning and Transportation on this document are included in Appendix 1 to this report.

- 6.3 It is generally welcomed that this National Planning Guideline on the Planning system has been updated particularly in respect of the changes to the framework within which it operates to take account of the reorganisation of local government and the consequent radical alterations to the structure plan boundaries and the fundamental changes in the overall philosophy towards the form and content of structure plans in particular.
- 6.4 The provisions at paragraph 73 in relation to 'councillor Standards and Training' are particularly worth noting with respect to the implications for the decision making process and the codes of conduct and training initiatives proposed. It is likely that these will have resource implications in terms of both time and money.
- 6.5 Many of the proposed changes are put forward as a result of previous studies of the system such as the Review of the Development Planning in Scotland by Hillier Parker, Dundas and Wilson and Heriot Watt University (1998) and the recent government consultation document on the future of land use planning under a Scottish Parliament (1999).

7 CONSULTATIONS

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

8 BACKGROUND PAPERS

- 8.1 Draft NPPG1 – The Planning System (July 2000).

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18 August 2000

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APPENDIX 1

COMMENTS OF DUNDEE CITY COUNCIL ON DRAFT NPPG 1

'THE PLANNING SYSTEM'

APPENDIX 1

Comments of Dundee City Council on Draft NPPG 1 – ‘The Planning System’

1 GENERAL

Generally welcome the ‘modernising and widening’ of this NPPG to bring it up to date and more in line with current thinking. While it may help to streamline some may question the loss of the ‘legislative framework’ background section (especially non-planners).

2 The Planning System and the Wider Objectives of the Scottish Executive

Para 6

Good to see the recognition of the importance of sustainable development but would like to see it made clearer that it is important to specifically link this to joined up government. Both are important issues where the planning system can take a lead and coordinating role. Given the opening to this section leads with sustainable development it would seem more logical for the appropriate sub-section (at paras 18 & 19) to follow it.

Para 7 Economic Competitiveness

This sub-paragraph seems to parachute in a bit at this point and while the bullet points are fairly standard they tend to be a bit ‘old fashioned’ in terms of their composition and do not reflect the paragraphs before or after ie in terms of priority the first will be taken as greenfield land, while promoting regeneration does not appear until the fifth. It would be better if these reflected more strongly the themes of Sustainability and Social Inclusion and emphasised the aim of minimising greenfield requirement. We need to protect more the good existing industrial sites from the speculators seeking windfall retail uses.

Para 10 Social Justice

Agree with the principles, but while the planning system can offer opportunities to communities to influence development in their areas experience shows that it is usually the more advantaged areas that are likely to take advantage of these anyway.

Para 11 Environmental Quality

Support the proactive approach to planning, recognising the importance of conservation and enhancement of the environment in delivering wider economic and social progress. Gets across the message that where the environment is concerned, is not necessarily a case of protection.

Para 13, 14, 15 Design

Pleased to see the strong emphasis on design in this section and the commitment to see a general raising of standards, we have tended to accept lesser quality for too long and this is unacceptable given the length of time on average we have to live with it. However, given the balance of cost and quality regularly a feature of today's

development then language of the Executive at paragraph 15 should be stronger, “wishing” alone for something will not make it happen.

Para 16 Integrated Transport

Support the emphasis given here and in particular the statement at para 17 on this.

Para 18 and 19 Sustainable Development

As stated previously this sub-section would seem to follow more logically after the opening paragraph of this section. Certainly in terms of priorities the message of the NPPG would suggest that this should be first and not last.

European Dimension

Important to identify the necessity of EC Directives on development plans and development control but it seems strange that there is not at least a cross reference here to the European Convention on Human Rights (paras 74 and 75) given that this is a substantial change with possibly far reaching effects. Reference to the European Spatial Development Perspective is also welcome, however, there is no real guidance on the larger scale implications of this and how these may be incorporated or reflected particularly in Structure Plans.

Development Plans

Generally agree with the updating of this section to take into account the consequences of the reorganisation of local government, the Executives commitment to structure plans in principle and the avoidance of the temptation to set statutory provisions in relation to timetables for production.

Paras 28-35 Structure and Local Plans

The need and importance of plan monitoring and the extent to which policies have been effective is also accepted, however, using indicators such as take up of land particularly for industrial purposes (para 30) is extremely suspect and experience has proved that this is unreliable, open to a multitude of different interpretations (and mis-interpretations) and not a dependable method of forecasting future trends or requirements. While such factors are of interest they can only be a component of a basket of more robust indicators including economic and demographic trends.

While accepting that the effective management of the plan production process is a critical factor in the efficient production of plans it is questioned whether encouraging authorities to set *demanding* timetables (paras 31 & 34) alone is advisable. While timetables should be ‘challenging’ they must also be realistic otherwise the confidence of both the public and the practitioner is undermined. In this respect the commitment of the executive to the ‘efficient handling’ of submitted structure plans is welcomed, however it is questioned whether describing this as an ‘aim’ is strong enough and whether 40 weeks is **demanding** enough.

Development Control

Para 39

The term 'processing' suggests an administrative and routine responsibility that gives the wrong impression. The use of 'determining' would be a more appropriate description.

Para 39-58

The power which is in the hands of Planning Authorities through the Planning Acts is obvious, but the implications of this and the dangers of misuse and misguided application could be explicitly stated.

Para 40

No mention of pending review of PAN 40.

Para 46

Confirmation of mandatory material considerations with possible examples of others would be helpful eg is NPPG1 a material consideration in itself?

Para 51

See above. This section should have been extended and used to clarify the interface between land use planning and environmental legislation to ensure corporate understanding and joined up thinking, action and the most efficient use of resources.

Para 52

Line 2 should read 'The Town and Country Planning (Notification of Applications) (Scotland) Directions 1997 and 1998.'

Line 8 should read 'The Town and Country Planning (Development Contrary to Development Plans) (Scotland) Direction 1996'.

Sideline box should also refer to 'Circulars 4/1997 and 15/1998' which include the updated and consolidated Directions.

Para 57-58

This should mention the preparation and adoption of Enforcement Policy Statements and Procedures Manuals.

Para 59

Would have hoped for more on developments by planning authorities and statutory undertakers; no reference to Private Finance Initiatives.

The Planning Service

Para 67 Implementation

Plenty of nice sentiments here about wider public policy formulation, investment priorities and service delivery by other agencies. It is important, however to realise

that as many of these have been removed from local authority control (water services being the prime example) there is no longer the ability to ensure appropriate and timeous input of essential information to the plan preparation process by Quangos and other Agencies. In the interests of 'joined up government' and efficient plan preparation, if *demanding* timetables are to have any chance of being met, then there has to be a level of compulsion on such organisations to provide the necessary information in a reasonable timescale. Encouragement alone is not sufficient to guarantee this.

Paras 68 and 69 Community Planning

The interface between development planning and community planning is one which many people, including professionals, find difficult to understand. It was hoped that this section would go some way to helping clarify this but it does not really help much.

Paras 70 and 71 Best Value

The necessity to provide *best value* is recognised and Dundee City Council has already carried out a Best Value Review of its Development Plan (Structure Plan) process. The suggestion in the second last sentence of para 71, however, that consideration should be given to *contracting out* all or part of the planning service is a substantial step away from the long accepted traditions of independence, impartiality and the public service ethic of local government associated particularly with its planning service and is not an alternative that should be suggested in a passing manner or without substantial debate.

Para 73 Councillor Standards and Training

The provision of a Scottish Executive/COSLA training framework for Councillors relating specifically to planning is to be welcomed. The suggestion on the provision of training to community councils is also sensible. However, there is no mention of the resource implications associated with such initiatives and whether these initiatives are supply or demand led in their implementation.

Paras 74 and 75 Human Rights

Important for reference to this now to be included, however it is a bit brief and, given the recent experience in Edinburgh, does not highlight how potentially significant this can be. Agree that 'the planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community' (para 75) however it is the *process* by which this is achieved that is open to challenge.

Para 78-81 Performance Target

Although the Development Plan performance targets have now been extended to incorporate timescales for production they are still a bit vague.

Structure Plans

100% coverage of *up-to-date* plans – could give rise to dispute, why not define as with local plans.

Local Plans

100% coverage of plans less than 5 years old – too blunt a measure, especially for authorities such as Dundee with a single plan where the result is all or nothing.

Three years to adopt new or replacement plans is also arbitrary and does not take account of circumstances outwith planning authorities control which prolong the process, eg frivolous objections and second PLIs.

Conclusions

The structure of the document in four parts: Content; Development Plans; Development Control and the Planning Service is a comfortable one.

A concern is the connection of the context, influences and objectives for planning and how the planning system is to deliver part or all of these. Much of the document is founded on process and inputs. More challenging emphasis should be placed on the outputs and outcomes.

There is also a question over who the document is for and therefore its purpose. Given the disparate array of interests involved in the planning system steps must be taken to ensure that it strikes the target and does not achieve the needs of any one group; eg local authority, development industry, community. This may be better resolved through the actions of promotion and distribution once finalised.