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**AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE  
2 SEPTEMBER 2005**

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Modernising the Planning System

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PURPOSE OF REPORT

1. To advise the Committee of the publication of a White Paper by the Scottish Executive setting out a package of measures to modernise the planning system and to introduce a planning Bill to implement the proposals that require legislative change during this parliamentary session.

BACKGROUND

2. The Scottish Executive has been producing a wide range of consultation papers since 1999 on the future of the planning system in Scotland. Much concerns the detailed workings of the planning system and the need to update the planning process.
3. In June 2001 the Executive launched a formal review of the strategic planning system, which set up the principle of preparing a National Planning Framework, set up new methodologies for structure plan preparation and flagged the intention to require structure plans only for the four city regions. In June 2002 the Executive announced their intention to proceed with this proposal through a document "Review of Structure Planning: Conclusions and Next Steps" when a suitable legislative timetable was available.
4. All of the previous consultation conclusions have now been brought forward in a White Paper signalling an intention to introduce a Bill this parliamentary session. This includes the formal intention to proceed with a requirement on Councils to prepare joint structure plans only for the four city regions. If and when this Bill becomes law, therefore, the need to prepare a joint structure plan for Ayrshire will end. The consultation paper on the proposals asks for a response to the issues raised by 16 September.

STRATEGIC PLANNING: THE PREVIOUS AYRSHIRE RESPONSE

5. Since June 2001 the Committee, together with the three Councils, has consistently opposed the principle of removing the requirement to prepare a joint structure plan for Ayrshire. At the September 2001 Committee, after a presentation by Jim Mackinnon the Scottish Executive's Chief Planner a report was approved *inter alia* opposing the move to single tier status for Ayrshire on a variety of technical grounds and recommending the three Ayrshire Councils endorse the views of the Joint Committee. This was agreed and the Committee Paper is enclosed as an Appendix for reference. A further

report approved in September 2002 affirmed the intention to proceed with the new structure plan, and this has been ongoing since then, though the formalised process did not start until late 2003.

## MODERNISING THE PLANNING SYSTEM

6. With the intention to limit the requirement for producing strategic development plans to four city regions already concluded and agreed as a way forward by the Scottish Executive's June 2002 conclusions and next steps report the current consultation is short on detail about the Executive's thinking. The section on "Strategic Development Plans/Local Development Plans" states:

*These new procedures put in place a more proportionate approach to development planning, focusing attention on the key areas of change and reducing duplication of effort in areas where only a single tier of development plan is necessary.*

7. In the past the Ayrshire Council's through the Joint Committee have sought to refute this allegation arguing that the natural geography and major land use change requires a strategic approach to development in Ayrshire. The current structure plan potentially will strengthen this argument. Key policies are likely to be based round the a limited number of Gateway locations spreading broader economic benefit and with the subsequent need to improve transport infrastructure; the need to co-ordinate housing land release to ensure effective infrastructure delivery and a requirement to seek integrated environmental action. However, the Scottish Executive has consistently put forward the argument there are no truly strategic issues facing Ayrshire, and therefore no need for a joint structure plan.
8. Whilst this single issue is clearly of most concern to the Joint Committee, and to the constituent Councils, there are a number of other concerns raised by the White Paper in part caused by the documents overall lack of detail. The first concern focuses on the National Planning Framework (NPF) that is targeted for publication in 2008. The first NPF was advisory, and although supportive of certain key policies in Ayrshire, generally was seen by many organisations in the West of Scotland as favouring development in the east. Both Joint Committees in the West of Scotland commented to this effect on its publication.
9. The intention is now to set out the Executive's strategic development priorities more precisely by enhancing the role and status of the NPF, with more emphasis on implementation and closely linked to the Government's Infrastructure Investment Plan and the investment programmes of public agencies and infrastructure providers. With new development constrained over much of Scotland it seems infrastructure improvement will be directly channelled through the NPF. This represents a new direction as until now Councils have been able to negotiate direct with infrastructure providers. On current reading of the White Paper this will now be required to be done as part of the enhanced consultation opportunities proposed for the NPF that will then

decide on priorities through Parliament. Implementation of plans through resource shortfall has always been seen as a weak link in the planning system and it is not clear how this will be improved by the proposals.

10. At a technical level there is no detail on the changes that will be necessary to move from a two-tier planning system to a single tier. The planning process does not exist in a vacuum. In Ayrshire's case there are strong relationships between the joint structure plan and local plans. The current structure plan is in its final stages of preparation with submission early next year. If agreed, this will set in train development proposals until 2025. With a single local development plan required from each Council if and when the proposed Planning Bill becomes law it is far from clear how the processes become integrated.
11. Finally there is clearly an issue of resources. The White Paper talks of a culture change in the planning system and acknowledges there will be an additional cost burden that falls largely on local government. It also notes difficulties in recruitment, skill shortages and a lack of priority for planning in some authorities. Whilst many of the changes proposed are said to improve the planning system's ability to deliver there are other new agendas to fulfil – action plans, enhanced community engagement, SEA, e-planning and the additional burden on single councils preparing local development plans without a strategic context. There must be a real issue about the availability of resources to improve the planning system and indeed whether there are enough planners in the system to meet this enhanced demand.

## CONCLUSIONS

12. The Scottish Executive has produced a White Paper on Modernising the Planning System and has signalled the introduction of a Bill in this Parliamentary session to implement the changes required. Although there are many detailed proposals, the main change to affect the Joint Committee is the withdrawal of the need to prepare a joint structure plan for Ayrshire. This will have serious implications for the current joint structure plan team in terms of personnel, constitution and function. Given the Councils are structure plan authorities in their own right, though required by legislation to work jointly, and the Joint Committee is an advisory body to the Councils, the final decision on any course of action must rest with the Councils themselves.
13. The Executive has given the opportunity to make comments on the White Paper by 16 September. Thereafter with the publication of a planning Bill scheduled for later in the year any objection would need to be done through an extensive lobbying exercise to Parliament. The Joint Committee, and the constituent Councils, has consistently opposed any move away from the need to prepare a joint development plan for Ayrshire – and this has been constantly resisted by the Executive. This is, however, the first formalisation of that process through potential legislation and, if Councils wish to maintain their objection this must be a jointly shared view. Whichever course of action is taken there will be a requirement to discuss the future of the structure plan team in detail and with a degree of urgency.

14. As it stands the White Paper is short on any detail about the very substantive changes that are to be made to the planning system, including removing the requirement to prepare a joint structure plan for Ayrshire. It is considered the changes are likely to bring about a fundamental shift in the relationship between infrastructure providers and Councils with many of the key development decisions taken at national rather than local level. Further there is no detail on how the current two-tier planning system will be refocused to one tier and the implications for existing plans. In the circumstances the conclusion to be drawn is that an objection to the current proposal to remove the need to prepare an Ayrshire Joint Structure Plan should continue to be opposed.

#### RECOMMENDATION

15. The Committee are asked to maintain their objection to the proposal to remove the need to prepare a joint structure plan outside the four city regions specifically for Ayrshire and to recommend to the three Councils there is an urgent need to discuss a future course of action.

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## APPENDIX 1

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### **AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE 7 SEPTEMBER 2001**

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#### **Review of Strategic Planning**

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#### **PURPOSE OF REPORT**

- 1 To present the views of the Ayrshire Joint Structure Plan Committee on the Scottish Executive's "Review of Strategic Planning".

#### **BACKGROUND**

- 2 In November 2000, Sam Galbraith, then the planning minister, announcing a review of the strategic planning system. At the December 2000 meeting of the Joint Committee this potential threat to what is regarded as the successful process of structure planning in Ayrshire was raised, and a letter of concern sent to the Chief Planner at the Scottish Executive. In early 2001, the Executive started an initial consultation exercise on the nature and extent of the possible changes, and resulted in a meeting at officer level with Executive officials. At the March 2001 Committee a response was agreed and circulated to Councils and Ayrshire MSPs (AJSPTC, March 2001, Item 8 refers). This paper, again, argued strongly for the retention of the current structure plan process as practiced in Ayrshire.
- 3 In June 2001 the Executive produced the formal consultation document on the Review of Strategic Planning. Because of the publication date, at the June 2001 Committee it was possible only to present a paper outlining the main proposals and potential issues, and, as a result of the debate, to invite the Scottish Executive's Chief Planner to the next meeting to give a presentation.
- 4 This current paper provides the context for the presentation by the Chief Planner and a possible response by the Joint Committee to the Review. As each Council is a structure plan authority in its own right, and the Joint Committee an advisory body, the Committee's views will need to be considered formally by each of the three Councils. The paper is prepared with two supporting appendices.

Annex 1 The case for the retention of Ayrshire as a joint structure plan area;  
and

Annex 2 A detailed response to the questions posed by the Review.

## REVIEW OF STRATEGIC PLANNING

5 The main elements of the review are:

- A change in the nature and extent of National Planning Policy Guidance;
- The preparation of a national spatial overview document;
- The removal of the need to prepare joint strategic plans except for the four largest cities;
- The requirement for a more focused, action-oriented strategic plan;
- A statutory duty to prepare strategic development plans; and
- The replacement of local plans by a single development plan.

As will be appreciated this is not just a review of strategic planning, or the current structure plan process, but a review of the planning system as currently exists. For Ayrshire it signifies the end of the need to prepare a joint structure plan, and the two-tier planning system.

## AREAS OF CONCERN

### **6 (i) The Loss of Two Tier Planning System in Ayrshire**

The Ayrshire Joint Structure Plan, and the supporting Committee structures, technical processes and procedures are acknowledged as a prime example of how structure planning should be undertaken, with two national awards in the last two years. Indeed, the Review, in suggesting the way forward for a strategic planning process, essentially describes the system currently in operation in Ayrshire.

Despite universal support in Ayrshire to the principle that a joint structure plan working in a two-tier planning arrangement is the most effective way to deliver the planning process, the Scottish Executive has concluded the number and scale of cross boundary issues is limited. They are not convinced, therefore, that a strategic development plan is essential, leaving each Ayrshire Council to prepare a single plan for their area. This is a total misunderstanding of the nature of the development process in Ayrshire.

The three Ayrshire Councils are unique in Scotland. Nowhere else outside the four city regions do three separate and distinct planning authorities occupy such a historic, geographical, economic and socially well-defined area, or have such inter-related spheres of interest. Thus,

with the three main towns all less than 10kms. apart, and in three different Council areas, there is an overriding imperative to ensure balance in the development process - a balance that can only be provided by a jointly produced and agreed strategic overview. The fact that the scale of issues is less significant in terms of size of units or hectares than in the city regions is not relevant. What is relevant is the need to ensure that equitable and sustainable development takes place for the benefit of the whole community. Without the three separate planning authorities coming together in a joint way this would be almost impossible to achieve. Similarly, the assertion that the number of cross boundary issues is limited does not bear analysis. This is explored in detail in Appendix 1.

(ii) The Planning System

The current planning system was conceived and developed as a coherent whole. There is, therefore, a substantive issue regarding the nature and extent of the consultation currently being undertaken. Although entitled a "Review of Strategic Planning" the report represents a complete change to the planning system under the guise of a review of strategic planning. But only the strategic planning element is sketched out albeit in insufficient detail. If all but four city regions are to lose a tier of planning, then major elements of the current planning process will either need to be taken up to a national level and be delivered by Parliament, or incorporated in the already time consuming process of producing a local plan. Although this is recognised by the Review, the paragraphs discussing both the national planning component and the local plan elements have few details. It is not therefore possible to judge the effectiveness of the complete system. It has to be remembered the two tier response with the integration of structure and local planning in Ayrshire is a direct response to the criticisms levelled at the planning system on integration and response times. The changes made have indicated that action.

(iii) Democratic Accountability

The Review sets out proposals to change National Planning Policy Guidance in National Planning Policy Statements of a more spatial nature, and to prepare a spatial overview document for Scotland covering such topics as settlement pattern, land resources, infrastructure capacity, population and household change, economic prospects, environmental challenges and strategic priorities for transport. These elements of policy development have traditionally been the role of the strategic planning authorities, i.e. the Councils. In delivering the new system there will be "extensive stakeholder involvement" and "some form of scrutiny by MSPs".

But the stakeholders are the communities in Scotland who have traditionally been able to influence the debate through dialogue with

the planning process at Council level. The nature of the proposed changes implies that much of the major planning policy decisions will be taken at national level, with major implications for the loss of local democratic accountability by local government.

(iv) The Urban/Rural Divide in Scotland

Although the Review seeks to defuse the issue - and the fact that it feels the need to do so is significant - there is a very real danger that what is being proposed places undue emphasis on urban as opposed to rural issues. Many councils outside the four cities have large towns with “urban” problems that seem completely unrecognised by Review. The tone of the whole document suggests the planning system should return to tackling the big issues of employment, housing and transport, and these are relevant only in the four cities. This would imply a priority in resources for developing the four city regions to the exclusion of the areas perceived as rural. It would also imply that the same issues do not occur in so-called rural areas, and/or that countryside issues are somehow less important.

(v) Legal Implications

In many ways the Review presents the planning system as a mechanistic process of producing and agreeing plans. Behind the plans, however, is a complex set of legislation and case law. The changes proposed to the system will substantially alter the relationship between central and local government, with local government no longer the prime generators of policy. This can only have a profound influence on how the system can be challenged and will lead to further issues over openness, accountability and the speeding up of the planning process. In general the Review is not sufficiently detailed to address the legal implications, but a few examples will illustrate the issues raised.

- How will communities challenge National Planning Policy Statements or the national spatial overview?
- There is a substantial difference between guidance and a statement: how will challenges to National Planning Policy Statements be dealt with?
- If strategic development plans for the four city regions are to be subject to a mandatory examination in public, why is the national spatial overview - which provides the strategic context outside the four cities - not subject to the same process?
- How are model policies challenged?

(vi) The Corporate Planning Agenda

Increasingly, current structure plan working is seen to be hampered by the legislation. This is exemplified by the recent Executive modifications to The Highland Council Structure Plan and by the Joint Committees in both the Clyde Valley and Ayrshire using non-statutory framework documents to promote a more broadly based corporate action. In all cases this is a response to the importance of both integration and implementation as the key elements of a new and more corporate strategic planning response. This is unrecognised by the Review, and as such the concept of a strategic development plan seems strangely dated - and can only serve to marginalise the planning process further.

In a government set on driving through a "cross cutting agenda" the fact that links between land use and transport are not explored is surprising, particularly as they are part of the same Ministerial responsibility. Nor is there anything but the vaguest reference as to how the potential links to the social justice agenda, or to economic policy, or to national infrastructure agency strategies will be achieved. The Community Planning Task Force is charged with looking at the proliferation of locally derived plans but has only just started work. This could have implications for local plans which might feed back to a strategic level. Again there is no reference.

CONCLUSIONS

- 7 There is no doubt that the planning system requires review. Originally conceived immediately after the Second World War, with the current system largely designed in the 1970s for a period of unrestrained growth, modified in parts over time, and more extensively by local government reorganisation, the development plan system is seen to be failing. The main shortcomings are identified as a changed context with the coming of the Scottish Parliament and doubts over scale, with plans that are not up-to-date and lacking in transparency.
- 8 But this is more than a review of strategic planning. With much of the "strategic" elements currently undertaken by Councils taken into an enhanced Scottish Executive role this is a fundamental shift in planning policy towards central government and away from local democratic accountability. In making the shift, there is insufficient detail to draw anything but the broadest conclusions about the ultimate shape of the total planning system. In effect we are being asked to agree to a fundamental change to one element of the planning system without knowing the consequences at national or local level.
- 9 At the same time, the Review, concludes that the current strategic planning arrangements for Ayrshire should be disbanded, with no real debate, and with

no regard to the what has been seen as "the strategic dividend" - the intangible but invaluable benefits that flow from Councils working in partnership.

## RECOMMENDATIONS

10 The Joint Committee:

- (a) approves the report as the Joint Committee's response to the "Review of Strategic Planning;"
- (b) expresses total opposition to the premise in the Review of the loss of two-tier planning system in Ayrshire;
- (c) wishes to be added to the list of those authorities required to draw up a strategic development plan;
- (d) registers concern over the creation of uncertainty in the planning system and the loss of local democratic accountability in the planning system; and
- (e) recommends to Councils they endorse the report as the views of the Ayrshire authorities on the future of strategic planning.

Once the Councils have given their consideration it may be that at a date a further meeting with Scottish Executive should be considered and a meeting arranged to brief the Ayrshire MSPs.

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## **APPENDIX 1**

### **THE CASE FOR AYRSHIRE**

It is generally accepted that strategic planning is an integrated process involving a consideration of the relationships between development, land-use, transportation, infrastructure and the environment. It is about establishing the principles on which detailed policies will be shaped with sufficient clarity and purpose to allow for a local plan to take forward the detailed agenda.

Strategic planning is about balance, and, in the specific case of Ayrshire, it is about trust that although there are three different planning authorities sharing a common environment, balance will be maintained. For Ayrshire, therefore, strategic planning is an essential not an optional component of planning policy.

The Ayrshire Joint Structure Plan is the prime example of what can be achieved by joint strategic planning, and has been recognised as such with two national awards for planning quality. Produced and agreed in 27 months, approved by Scottish Ministers in less than three years and with the first Monitoring Report already published, the Plan is a model for current thinking on the preparation of structure plans.

In the Review no attempt has been made to determine what defines an area for strategic planning purposes. The following sections, therefore, set out what are seen as key criteria for a coherent joint strategic planning area and present the case for a continued joint planning regime in Ayrshire.

#### Natural Geographic Area

Ayrshire is a geographic entity with strong economic, social and historic linkages. The landscape character assessment recognised this coherence by describing the area as a broad lowland **plain** with a surrounding **rim** of uniform high ground which acts as a natural barrier. Visually the islands of The Cumbraes, Arran and Ailsa Craig provide a continuous backdrop out to sea.

The boundaries of the three councils represent historical land divisions rather than geographic reality, and the whole area is a natural water catchment focused on Ayr Bay and a series of inter-related river systems. The coastline is a continuous pattern of erosion and deposition cells stretching from Loch Ryan to the inner Firth of Clyde. Both river and coastal flood management across council boundaries is likely to become an issue for the future.

#### Socio-Economic Contexts

Over 95% of the 375,000 population live on 30% of the land area of the lowland plain, and the communities have developed closely inter-related economic and social links. A majority of the population live and work in the three main towns of Ayr, Kilmarnock and Irvine, the three main towns of separate council areas, but all less than 10 kms. from each other. The maintenance of a balanced approach to

development planning across the three councils is therefore crucial in achieving sustainable development.

In the employment market, most of the people who live in Ayrshire work in Ayrshire (88%). Internally there are strong economic links between councils, for example 13% of people resident in East Ayrshire work in South Ayrshire and the linkage between councils are amongst the strongest in the former Strathclyde area. Because of the complexity of the journey to work patterns, the joint development of strategic locations for business and industry in Ayrshire is recognised as a means of ensuring available resources are maximised to the wider benefit of all.

96% of all retail expenditure in Ayrshire is spent within Ayrshire, with 88% of this expenditure contained within local catchments. There are strong structure plan policies that support this pattern of retail expenditure. Town centres are the focus for retail policy and are vital to the life of the community offering a wide range of services and a focus for visitors. Many display characteristics of physical decline and a poor range of shops and services. Because of adjacency, speculative proposals have the capability to draw expenditure from outside local catchments. Reversing these trends requires not only integrated management and continuing investment but also a consistent planning framework. Joint strategic planning is therefore essential in maintaining investor confidence and the equilibrium in expenditure patterns.

Within Ayrshire, 85% of all private sector housing sales transactions are by local residents, with the pattern for new-build housing similar to that for existing stock. External purchasers constitute about 15% of all housing transactions, though for North Ayrshire Council, with traditional commuter markets to Glasgow, that figure rises to 25%. Although some housing movement takes place between councils, generally each council area is a finite housing market area, and thus once again the issue of the balance of supply and equilibrium between councils are significant factors. This balance operates through the establishment of an Ayrshire Housing Market Area at a strategic level.

### Environmental Management

One of the key strengths to a joint planning approach has been the ability to manage the process of environmental change at a more coherent level. Common landscape characteristics across the three Council boundaries has led to a deeper understanding of the natural environment and the ability to prepare policy that recognises for the first time the significance attached to landscape as a "quality of life" issue.

This integrated approach to the management of environmental resources has led to the development of a revised framework for opencast coal working already approved in the structure plan and is currently being used to develop an Indicative Forestry Strategy. In both cases the issues and solutions are Ayrshire wide, and not confined to a single council area. Joint strategic planning has developed the framework against which individual proposals and programmes can be developed in confidence, e.g. East Ayrshire Council's Opencast Coal Subject Plan.

## Infrastructure Provision

A key objective of sustainable development is to maximise the use of existing infrastructure to accommodate future development. Efficient utilisation of existing capacity will minimise the need for additional expenditure which may become necessary in servicing greenfield locations.

Land use patterns determine the overall level and distribution of travel demand. Transport issues require a strategic response if the overall demand for travel is to be influenced, access to economic opportunity is enhanced and impact on the environment minimised. This was recognised by the councils in extending the remit of the joint structure plan committee to cover strategic transportation - the only such unit in Scotland.

Travel demand is already recognised as a key element of economic activity across Ayrshire and steps are being taken to integrate journeys across boundaries, such as the priority bus corridors. This allows for better integration and management of existing capacity.

The lack of capacity in both the water and sewerage systems in Ayrshire is a cause of considerable concern. Both the supply of water and the treatment of sewerage has been developed as an integrated system, with much of the area's water from Loch Bradan and sewerage treatment at Meadowhead Irvine. Capacity constraints are appearing across Ayrshire, and development may well need to be managed at the strategic level in future to avoid the potential of enormous cost.

## Links to Implementing Agencies

Strategic planning is one of an increasing number of existing links between the three Councils in Ayrshire that seek to expand efficiency in terms of service delivery. E-government, common educational services, computer networks and the Local Biodiversity Action Plan are just some of the examples of joint working currently being developed in response to a shared agenda. But it is the links beyond the three councils that have provided the new dimension for strategic planning.

The main strength of the current strategic planning arrangements is that many of the key implementing agencies have similar geographic boundaries. This is particularly important in the case of the Enterprise Company, with whom joint working on several issues has been developed in response to a shared agenda, for example, business strategies and telecommunications.

There are also strategic relationships between other key implementing agencies and where there are overlapping activities, such as the health board and tourist board. This not only allows for ease of operation in the preparation of the strategic planning process, but also leads to efficiency in the use of scarce staff resources.

It should also be remembered that many of the pressure groups responding to public consultation are run at an Ayrshire level and expect to have their concerns dealt with at that scale.

## Subsidiarity and Interdependency

The development plan for Ayrshire has been conceived as a coherent whole. Preparation of the local plans in each council to similar chapter headings to the structure plan ensures continuity across the system. Any change to this arrangement would undoubtedly lose the momentum gained over the five years since reorganisation and the many linkages established

with partners in the process. Of equal importance, however, is that the decision-taking process reflects the principle of subsidiarity - the ability for decisions to be taken at the most appropriate level for the community of interest affected.

The two-tiered approach to development plans adopted by Ayrshire has shown to be an effective way of tackling at least some of the problems faced by the planning process. A small team dedicated to the preparation of the structure plan has been established, structure and local plan teams interact at all levels to ensure compatibility of actions and data is collected corporately for use by all parts of the planning system. Subsidiarity and interdependence are thus built in to the process. The Review in fact recommends the very process currently in operation in Ayrshire as the way forward for the four largest cities.

### **Conclusion**

There is a clear demonstration that Ayrshire has a distinct identity, that joint working is essential to ensure sustainable development is achieved throughout the planning system of the three Councils and that the two tier system for planning should remain.

## APPENDIX 2

### ANSWERS TO QUESTIONS IN ANNEX

#### **Scottish Executive**

##### ***Should National Planning Policy Guidelines be renamed National Planning Policy Statements?***

Although seemingly semantic, the change represents a major shift in emphasis for the Executive. With one or two exceptions the main strength of the NPPG system has been to place into a national consensus emerging policy issues largely derived at the sub-national level. "Guidance" is therefore the key word. It allows for sub-national flexibility. It suggests the appropriate way forward - but without insistence. It gives councils the opportunity to reflect a national agenda modified to suit local circumstance.

A "statement" is not the same, it implies a formal prepared announcement, and it may well have different legal connotations. It also requires more certainty from the person making the statement (needing more research and more staff?). With the intention of making the NPPGs more spatial in nature, it will undoubtedly lead to tensions, and indeed legal challenges, between centrally derived statements and local circumstance at development plan/control level (for example, over the capacity of an area to take a particular form of development).

##### ***Should some form of national overview document be prepared?***

- ***What issues should be addressed?***

The need for some form of national framework is accepted. It is difficult from the text to judge whether the proposals will suffice. The need is to produce a document somewhere between a vision and a framework. It should seek to reposition planning back at the heart of an integrated government agenda, complementing the Economic Framework etc. It should not be prescriptive - more a setting of context.

It is more important, however, that any national planning arrangement achieves both status and integration with the main implementing agencies. Indeed the key issue at the national level is the co-ordination of the national agencies. For example, where does statutory land use planning fit into the plethora of initiatives being undertaken through the auspices of the Scottish Executive? How does development planning relate to the roles being assumed by key agencies in areas central to the operation of statutory planning, e.g. in housing?

None of this is addressed and for such a key recommendation this section lacks significant detail. An overview statement for Scotland must surely include only those elements of a strategy that can be decided at a national level if concerns over subsidiarity are to be avoided, and should also set the context for the shape, form and content of subsidiary plans. Vincent Goodstadt's article (Planning No.1426, 6 July 2001) has already identified a potential list of topics.

Although much has been made of a "light touch" approach to this plan, the Review is unclear as to how that will be achieved. Certainly the bullet point list of topics in para.20 gives an

impression of an all-embracing spatial overview of considerable complexity. Much of that list is currently prepared by councils, so that, once again, the Review seems to set a direct challenge to local democratic accountability.

- *How should it be prepared?*
- *What sort of scrutiny/approval process should be involved?*

Given that outside the four city regions this national overview will provide the only strategic context the current proposals fall far short of the rigour of the current system. Whilst stakeholder involvement might be a worthy objective it is the community that is likely to bear the burden of any change and their involvement is almost certainly precluded by the process. If a strategic development plan requires a mandatory examination in public then so too should the spatial overview and National Planning Policy Statements.

None of the proposals gives as effective an appraisal process as the current two-tier approach at Council level, and although approval may be speeded it is at the price of local democracy.

*Should model development plan policies be drawn up? If so, for what subjects?*

There is some merit in this proposal. In practice implementation may prove to be more difficult unless it is specifically confined to the protection of national/international designations e.g. Natura 2000 sites, or, say, national criteria for the treatment of archaeological remains. However, it is difficult to envisage how nationally derived mainstream planning policy could reflect local circumstance, or the need to balance conflicting policy requirements.

## **Local Authorities**

### **Structure Plans**

*Should the current requirement to prepare structure plans for all parts of Scotland be removed?*

For some time it has been obvious that universal structure plan coverage of Scotland could not be supported given the size of some current local authorities and the planning issues involved. Equally, the case for joint working by adjoining councils has been established, and, in some parts of Scotland, is working well. In accepting that 2-tier planning may not be appropriate in all parts of Scotland, however, throws in to focus where it is appropriate and how those areas might be defined. None of this comes through in the Review.

***Do you agree strategic development plans should be prepared only for the four city regions?***

Emphatically no.

The three Ayrshire Councils are unique in Scotland. Nowhere else outside the four city regions do three separate and distinct planning authorities occupy such a historic, geographical, economic and socially well-defined area, or have such inter-related spheres of interest. Thus with the three main towns all less than 10kms. apart, and in three different Council areas, there is an overriding imperative to ensure balance in the development process - a balance that can only be provided by a jointly produced strategic overview. The fact that the scale of issues is less significant in terms of size of units or hectares than in city regions is not relevant. What is relevant is the need to ensure that equitable and sustainable development takes place for the benefit of the whole community. With three separate planning authorities this would not be possible. Similarly the assertion that the number of cross-boundary issues is limited does not bear analysis (see Appendix 1).

The three Ayrshire Councils wish to be added to the list of those authorities required to draw up a strategic development plan.

***Do you agree joint committees be set up to oversee the preparation of strategic development plans?***

Experience in the west of Scotland has confirmed joint committees as an effective means of delivering strategic planning policy. It allows the correct balance between the ability of a council to act in a formalised joint working arrangement whilst still retaining independence of action. However, making the process statutory alters the nature of the arrangement; as with any partnership, individual partners must want to work together. It has to be remembered that the principle of joint committees for strategic city-region planning is already established by the 1995 legislation, but on a voluntary basis.

***Do you agree strategic development plans should concentrate on a limited number of strategic issues, and they should not restate national planning policy?***

The general answer to both elements of the question is yes, but what is at issue is the subjects suggested by the Review.

The case for strategic development plans is argued only on the basis of a return to the "big issues" type of planning last seen in the late 1960s/early 1970s in response to perceived, and unrealised, economic growth. It is surely inherently wrong to argue that strategic planning is just about new development. If sustainable development is the goal, then the management, improvement and safeguarding of existing investment, natural resources and environmental capital is even more crucial. And this should be promoted in a coherent and co-ordinated manner to achieve best value solutions.

Current structure plans are seen, increasingly, to be hampered by the enabling legislation. This is exemplified by the recent Executive modifications to Highland

Council's structure plan removing elements of corporate policy, and by Glasgow and Clyde Valley and Ayrshire Joint SP Committees use of non-statutory strategic/framework documents to promote corporate action.

In all cases this is a response to the importance of both integration and implementation as the key elements of a new and more corporate planning response at the strategic level. In the Review the Executive seems totally out of touch with this agenda, and, as a result, the concept of a strategic development plan seem strangely dated, and can only serve to further marginalise the planning process.

The RTPi in Scotland has identified key tests for the preparation of a strategic plan. These include such elements as a natural geographic area, containment in socio-economic catchments, co-ordinated with plans for infrastructure, related to areas of key implementing agencies and not being dependent on decisions by adjoining authorities. It is only after this type of analysis that consideration should be given to the realities of council boundaries and whether there is a need to apply a joint approach.

The Review recognises this analysis can only be done once the results of the 2001 Census are known. How then can areas requiring a strategic development plan be defined today except by a need to have a neat and tidy solution? The real planning issues currently facing Scotland are much more complex.

***Do you agree that strategic development plans should be site specific?***

No. The two-tier planning approach to development planning works well in the interaction with the community. It allows balanced judgements to take place in the correct setting. If it were to be introduced it would almost certainly result in the same delays currently being experienced in local plan preparation being transferred into the strategic system. What is required is a resolution to the local plan delays not a transference of the problem. This might be better achieved by dropping the requirement for the draft plan stage.

***Do you agree that an action plan should be prepared as part of the strategic development plan and that it should be reviewed every two years as part of the process of monitoring and review?***

This proposal is worthy of consideration, though it is already available in legislation. It may also be useful to consider applying the same philosophy to subjects as well as areas.

***Do you agree that a public examination of objections should be made mandatory?***

It is noted having not called an Examination in Public for 20 years, the Scottish Executive now thinks they should be mandatory - but with all costs now paid by the joint committees. This would only apply to strategic development plans in the four largest city regions. In practice outside these areas the spatial overview provides the strategic context and should have the same rigour attached to its proposals. Given that much of the strategic system proposed by the Review is likely to have been

developed at national level a more equitable solution would seem to be to adjust cost between central and local government on the basis of the issues raised.

***Do you agree the Scottish Ministers should issue a certificate of uniformity with national policy rather than formally approve structure plans as at present?***

Yes

***Do you support the arrangements for monitoring set out in paragraph 36?***

Yes

### **Local Plans**

It should be noted that there is a general lack of ability to answer the questions in this section as there is insufficient detail on which to base any real comment. In general, therefore, the view would be to reserve judgement until a later stage.

***Do you agree that outwith the four city regions there is no need for 2 tiers of development planning?***

No

See the answer to previous question on structure plans being site specific.

***Do you think there should be a requirement for councils to submit a development plan scheme for the agreement of the Scottish Ministers?***

Yes

***Do you agree the processes for drawing up development plans and local development plans should be similar to the procedures for strategic development plans?***

If this question relates simply to paragraph 39, then, in principle, yes. There is considerable concern, however, if the inclusion of the limited range of topics identified for a strategic development plan is carried through to the local level.

***Do you agree more use could be made of supplementary guidance?***

Yes

## **Specialist Subjects**

### **Waste**

***Do you agree Waste Subject Plans should be drawn up and their boundaries should be aligned with Area Waste Plans?***

The proposals seem to make an inherently simple process complicated. It is naïve to assume that removing the problem issues of waste to a separate plan and realigning it to area waste plans will somehow stop the process being problematic. For the most part the planning issues of waste management are simple in nature, though clearly contentious, and can readily be promoted through existing plans. Separating waste planning from waste authorities seems illogical, as does the separation of waste from the wider planning agenda.

### **Minerals**

***Do you agree a period of stability is now required in respect of the strategic planning policy framework for opencast coal? In the case of aggregates, strategic planning arrangements will be informed by the current review of NPPG 4.***

The comments about opencast coal are agreed. Although no substantive recommendations are put forward for aggregates the proposal is that they should be dealt with in a separate and distinctive manner. As with waste, it is difficult to follow the logic. There are already successful examples of Aggregate Subject Plans as part of the overall planning response. Where markets overlap council boundaries it would seem that the partnership approach currently adopted for waste could also be applied.

### **Other Issues not Covered by the Questions**

#### ***The Urban/Rural Split***

The Review notes that strategic development plans should only focus on the four largest cities and should not be interpreted as giving sustainable rural development a lesser priority. However, in splitting Scotland into simplistic "urban" and "rural" areas the Review has already failed to recognise the complexity of the Scottish landscape and the need for planning to manage their interaction for sustainable ends. It would be difficult to convince many councils outside the four cities that their "urban" problems were of lesser significance when it comes to the sharing out of resources.

#### ***The Structure Planning Process***

The main criticism leveled at the planning system is delay in plan preparation and approval. The key test of any new process developed, therefore, must be whether it is likely to improve on current practice whilst still retaining the system's strengths. The only substantive new elements likely to achieve greater efficiency are limiting the 2-tier approach to the four largest cities and their hinterlands, thus relieving the burden of consultation in rural areas, and limiting the number of topics covered.

Comment has already been made on whether or not the limiting of topics actually gives a better and more sustainable plan. In practice many structure plans only deal with priority issues as a first step, leaving residual elements to be developed at a later stage - and increasingly in other ways. Most other changes; a mandatory EIP, enhanced monitoring, site specific strategic land releases and action plans can only add to the time taken to prepare a strategic development plan.

The Review is also silent on the transport issue, and the links between the Executive's Transport Delivery Plan and any review of strategic planning, where there are bound to be implications.

The conclusion remains that the Review in seeking to improve the planning process has in turn removed the importance of the holistic approach to planning, complicated a readily understood system on the grounds of perceived efficiency and overseen a new urban and rural division in Scotland.