
**AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE
8 MARCH 2002**

Getting Involved in Planning

PURPOSE OF REPORT

- 1 To respond to the recent Scottish Executive Consultation "Getting Involved in Planning".

BACKGROUND

- 2 The Scottish Executive is carrying out a review of existing arrangements for enabling people to become involved in the planning process. The paper is complex and poses many fundamental questions about the detailed workings of the local planning system, particularly at a development control level (the Appendix gives a summary of the main suggestions and the list of questions). Nevertheless there are a small number of issues raised that could impact on the strategic planning process, and this paper focuses entirely on those. They can be identified as:
 - consultation associated with the production of a development plan;
 - advertisement of the development plan; and
 - the process of public engagement.

GETTING INVOLVED IN PLANNING

- 3 The main aim of the paper is to build greater public involvement in planning without holding up decision making or undermining the decision-takers. For the full range of implications it has to be read in conjunction with the previous "Review of Strategic Planning" as both to some extent cover the possible changes to the statutory development plan process and their possible impact.
- 4 The consultation paper notes that the context for the way that the public interact with the planning system has changed with the introduction of the Scottish Parliament. This will continue further with the statutory recognition of Community Planning in the Local Government Bill as the over-arching framework for community engagement and as eGovernment proceeds. The consultation offers no support for third party rights of appeal arguing that an open and transparent planning process should be an adequate safeguard for most circumstances. This argument is then developed through a series of detailed sections on a variety of planning issues.

CONSULTATION ASSOCIATED WITH THE DEVELOPMENT PLAN
(QUESTIONS 1 AND 2)

- 5 As the Committee will be well aware, the proposal from the Scottish Executive is to remove the requirement to prepare structure plans (strategic development plans) from all of Scotland except for the four major cities, unless a specific case can be justified. Irrespective of the outcome of this decision, in some parts of Scotland a two tier statutory planning system will still be in place, and it is not clear from either this or the previous consultation the Executive's view on how this should be handled.
- 6 Under Section 8 of the Town and Country Planning Act (Scotland) 1997 there are specific requirements to ensure an adequate consultation process is carried out, and Ministers can refuse to accept plans that do not fulfil these obligations. The Joint Committee went to considerable lengths in the production of the plan to engage communities, and this added a considerable element of time into the production process. Given the requirement to consider setting up local planning policy forums in this current consultation it is not clear whether this would also apply to strategic development plans. If so the definition of a community of interest and the servicing of such a forum could become a serious issue, as well as the interaction with any local planning process.
- 7 A section on neighbour notification also raises the prospect of notification for people directly affected by policy changes in the development plan. This seems impractical. As an illustration, the Ayrshire Joint Structure Plan contains a policy and defines a general area for sensitive landscape. This could in certain circumstances be seen as limiting the use of land by landowners. The detailed boundaries are defined only at the local plan stage, but are extensive. The task of notifying all landowners within that area are immense and disproportionate to the result. Every effort is made to engage the community and if successful should be sufficient to ensure the effective transmission of policies.

ADVERTISEMENT OF THE DEVELOPMENT PLAN (QUESTIONS 14 AND 15)

- 8 Under present legislation there is a requirement to advertise the stages of structure plan production in the Edinburgh Gazette. The consultation recommends that the requirement to advertise in the Gazette be removed from all proposals covered by the Planning Acts.
- 9 Whilst clearly local advertisement is more important, it has to be noted that several consultations about the Ayrshire Joint Structure Plan were known to have been received as a direct result of advertisement in the Gazette. This was particularly focused on law firms representing major private sector clients who were not locally based - but whose interests were affected. Whilst removal of an unnecessary bureaucratic process is always welcome, the Executive would need to ensure this important range of interests was adequately covered.

THE PROCESS OF PUBLIC ENGAGEMENT (QUESTION 1)

- 10 The main thrust of the consultation paper for making the service accessible for local planning is that Councils should consider setting up local planning policy forums to consider planning issues and build up local interest and expertise. It has already been noted (in para. 6 above) if this advice is to be replicated at a strategic level there may be some difficulty in identifying a community of interest that would be both manageable and representative.
- 11 Nevertheless, public engagement with any plan is fundamental to the principles of the planning system and considerable time and energy is devoted to ensuring as many people as possible are involved. Although not mentioned by this paper one of the main faults of the planning system identified by the "Review of Strategic Planning" was consultation overload.
- 12 If this concept of planning policy forums is different or a replacement of community council consultation, and separate from Community Planning consultation, and other consultation of the community by both statutory bodies and the Scottish Executive itself, it is difficult to see this an improvement for any strategic planning process. It may well be more effective to devise a comprehensive system covering all aspects of the corporate forward planning agenda of Councils, rather than single planning out separately, and educate as well as consult as part of the process. In any event at a strategic level it would be important not to lose sight of the importance of public support for the plan.

CONCLUSION

- 13 "Getting Involved in Planning" represents a substantial change to the local planning process. It has implications for strategic planning, in that certain elements could apply to the way that Councils consult at a plan preparation stage that are not covered either by this consultation or the "Review of Strategic Planning".

RECOMMENDATION

- 14 The Committee are asked to note the contents of this report and pass to the Scottish Executive as the views of the Ayrshire Joint Structure Plan and Transportation Committee.

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