

Glasgow and the Clyde Valley Strategic Development Planning Authority

**To: Glasgow and the Clyde Valley Strategic Development Planning Authority
Joint Committee**

On: 10th December 2018

**Report by
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Planning (Scotland) Bill Update

1. Summary

- 1.1 The purpose of this report is to update the Joint Committee on the matters relating to the ongoing consideration by the Scottish Parliament of the Planning (Scotland) Bill.

2. Recommendations

- 2.1 It is recommended that the Joint Committee notes this report and the progress and Parliamentary scrutiny of the Planning (Scotland) Bill.

3. Context

- 3.1 The Joint Committee are aware of the most relevant aspects of the Bill as it pertains to Clydeplan, namely:
- the removal of the statutory requirement to prepare Strategic Development Plans; and,
 - a requirement on a planning authority or, two or more planning authorities, to provide information to assist the Scottish Ministers in their preparation of the National Planning Framework.

4. Parliamentary Scrutiny

- 4.1 The Parliamentary scrutiny process has been ongoing since the Bill's publication in December 2017. The process is being scrutinised by the Scottish Parliament's Local Government and Communities Committee to which Clydeplan gave both oral and written evidence.
- 4.2 In the Stage 1 report the Local Government and Communities Committee's Stage 1 noted that

"It is fair to say that views are mixed on the proposal to remove the statutory provisions relating to Strategic Development Plans (SDPs). To the extent that there is support, it is contingent on a commitment to continue with some form of regional spatial planning because, as one witness put it, "people and the natural environment do not obey strict political boundaries." We note that there are significant concerns about the future of regional spatial planning, a discipline that has a long history in Scotland and has attracted interest and commendation from elsewhere.

"A number of the planning authorities that comprise Clydeplan wrote of their positive experience contribution that regional planning had made to "the successful delivery of regeneration and economic growth in the Glasgow city region in recent years."

4.3 The Committee concluded in respect of Strategic Development Planning that

"we do not consider that the current statutory framework for regional planning should be repealed unless a more robust mechanism is provided to that currently proposed in the Bill."

4.4 The report also stated that it is unclear that removing SDPs from the statutory planning system will lead to simplification, streamlining, cost savings or more effective regional planning and considers there are risks if regional planning becomes voluntary.

4.5 A debate on Stage 1 of the Bill was held in the Scottish Parliament held on 29th May 2018. The Bill was introduced by Kevin Stewart MSP, Minister for Local Government, Housing and Planning who stated:

"The Bill seeks to remove strategic development plans from the system, but I have always been clear that a strong continuing role for strategic planning in Scotland will remain through the national planning framework and regional partnership working across the country. However, strategic development planning in Scotland has had challenges as well as successes, and we need the system to change so that planning can better respond to the world that we live in..... I understand the concerns that have been raised by some about political support and resources being available for strategic planning, so we will look at lodging an amendment at Stage 2 to introduce a clearer duty for planning authorities to work together on strategic planning. I want to ensure that we avoid being too prescriptive about that to ensure that we allow for different approaches that reflect local circumstances"

4.6 At the Stage 2, Day 1 session held on 12th September the Minister brought forward an amendment (Amendment 116) which amongst other considerations sought to introduce the concept of 'strategic development reports'. Such reports were to be prepared by planning authorities 'from time to time' and would set out long term spatial strategy for their areas and in particular identify

- a) the need for strategic development
- b) priorities for the delivery of strategic development; and,
- c) proposed locations for strategic development which must be show in the report in the form of a map or diagram.

4.7 Strategic development was defined as 'development that is likely to have a significant impact on future development within the area of more than one planning authority'.

4.8 Planning authorities were to consult on the report and there after publish it and submit it to Scottish Ministers. Under the terms of the proposed amendment Scottish Ministers would, in exercising their functions of preparing, revising and amending the National Planning Framework have regard to any current strategic development report submitted to them.

4.9 Following deliberation by the Committee the Amendment in relation to strategic development reports was not agreed to.

- 4.10 On 19th September, Day 2 session the Committee gave consideration to Section 2 of the Bill, namely the removal of requirements to prepare strategic development plan. The Stage 1 report had stated that the Committee considered that the current statutory framework for regional planning should not be repealed unless a more robust mechanism is provided to that currently proposed in the Bill.
- 4.11 In response to the Stage 1 Report and the Ministers Amendment 116 an amendment (Amendment 42) was submitted (by Andy Wightman, MSP) which would retain Strategic Development Plans. In response to the proposed Amendment the Minister made a number of statements to the Committee in relation to strategic development plans, in particular

"I ask the committee to consider whether strategic development plans in their current form have a significant impact. From what has been said, it appears that most of the successes of strategic or regional planning were achieved decades ago - long before the current arrangements emerged. Strategic or regional planning used to have real influence and I am concerned that that is no longer the case. I have made it very clear that we want to improve and strengthen strategic planning, not to undermine it.

Unfortunately, our efforts to improve flexibility and rationalise the system have been misinterpreted or misconstrued as a complete abolition of strategic planning. That has never been my intention."

"Experience has shown that we can have little confidence that strategic development plans would be adequate if they were not independently examined. Although I cannot comment on specific plans, including those that are currently before me, some strategic development plans have had problems tackling significant issues, leaving them to be addressed in the examination. I would not like to speculate on whether that is because authorities are unable to properly tackle challenging issues or is down to people relying on the examination or ministers to make difficult decisions on their behalf. Such issues include housing requirements, retail and town centre allocations and major cross-boundary infrastructure requirements. I am sure that the committee can see that those are not matters of detail; they are significant issues and strategic development plans are failing to address them."

"However, if strategic development plans are retained, it is unlikely that authorities will be able to work as closely with the Government in preparing the national planning framework. It also leaves the rest of the country outwith the four SDP areas operating in a different context. We estimated that removing the formal process around strategic development plans would free up around £2.5 million for more effective ways of working"

"If members decide to retain strategic development plans or, worse still, to bring in an even more unworkable version of them, they will increase, not reduce, complexity and duplication in the system and allow a small but vocal group of planners in Scotland to cling to an outdated and ineffective pursuit that costs a lot and provides very little benefit in return."

“one of the difficulties with the existing strategic development planning approach is that it is not robust. During the examination, it often falls to ministers and others to point out the difficult decisions that the current SDPs do not take. It is difficult for me to give examples of that, because some of those matters are still live. However, I ask all members of the committee to look at some of the recent difficulties that there have been with agreements on housing numbers or infrastructure construction, for example.”

- 4.12 Following consideration by the Committee Amendment 42 was agreed to and consequently Strategic Development Plans would be retained. In response the Minister stated he would bring back similar proposals to Amendment 116 at Stage 3.
- 4.13 The Stage 2 deliberations, after seven hearing sessions, was completed on 14th November. This was followed by the publication of the Planning (Scotland) Bill (As Amended at Stage 2) on 16th November.
- 4.14 The primary provisions of the amended Bill include the retention of Strategic Development Plans and the removal of the requirement to prepare a Main Issues Report which is replaced by the requirement to prepare an Evidence Report for the preparation of a Strategic Development Plan.
- 4.15 This Evidence Report is to
1. set out the Strategic Development Planning Authority’s views on
 - (a) the principal physical, economic, social and environmental characteristics of the strategic development plan area,
 - (b) the principal purposes for which land is used in that area,
 - (c) the size, composition and distribution of the population of that area,
 - (d) the infrastructure of that area (including communications, transport and drainage systems and systems for the supply of water and energy),
 - (e) how that infrastructure is used, and
 - (f) any change which the strategic development planning authority think may occur in relation to any of the matters mentioned in paragraphs (a) to (e).
 2. the consultation process undertaken and the ways in which the views expressed during the consultation process have been taken into account.
 3. any such other matters that are prescribed.
- 4.16 The Evidence Report is to be submitted to Scottish Ministers who will then appoint a person to assess whether the report contains sufficient information to enable the Strategic Development Planning Authority to prepare a Strategic Development Plan.
- 4.17 If satisfied with Evidence Report as submitted the appointed person will notify both the Strategic Development Planning Authority and Scottish Ministers. If not satisfied the appointed person will set out the reasons and send a copy of the assessment report to the Strategic Development Planning Authority and Scottish Ministers.
- 4.18 In addition the Scottish Ministers may make regulations as to meeting the general administrative costs, staffs costs and overheads incurred in relation the assessment by the appointed person.

- 4.19 At this stage it is unclear if the Strategic Development Plan is to remain in its current cycle of review (4 years after approval by Scottish Ministers) or whether this period will be aligned to the review timescales of the National Planning Framework and Local Development Plans of 10 years.
- 4.20 As a consequence of the Stage 2 amendments the Development Plan system now comprises:
- (i) the National Planning Framework,
 - (ii) any Strategic Development Plan for the time being applicable to the area, together with,
 - (i) the Scottish Ministers' notice of approval of that plan, and
 - (ii) any supplementary guidance issued in connection with that plan, and
 - (iii) any local development plan for the time being applicable to the area.
- 4.21 A date for Stage 3 of the Bill has yet to be set but likely to early 2019. Progress of the Bill can be viewed at www.parliament.scot/parliamentarybusiness/Bills/106768.aspx.
- 4.22 Given progress to date and the number of amendments and Committee sessions it is unlikely that the Bill will not now receive Royal Ascent until spring 2019 at the earliest.
- 4.23 It is unclear whether the delay to the timetable for the Bill will have knock on consequences for the preparation of NPF4 preparation activities. Such delays in both the Bill and NPF4 continue to be unhelpful particularly in giving a degree of clarity and certainly around the future role of strategic planning in the new planning system for Scotland.