

Scottish Government Road Shows : Note of Events

Q&A : DEVELOPMENT PLANNING

Development Plan Schemes

Q1 Are the SG to comment or approve these?

A They are to be sent to the SG for information but there is no intention to formally respond to individual authorities as a matter of course, just if there are concerns. It is intended that a few good examples will be identified.

Q2 Can they be varied?

A The law requires authorities to prepare a new development plan scheme at least annually, or earlier if they think appropriate. The content of any new scheme supersedes and may differ from the content of the previous scheme. Any changes to schemes should be notified to the Scottish Government via planningmailbox@scotland.gsi.gov.uk.

Q3 How are they being used?

A SG are monitoring the timescales being considered and will make these timescales available on the SG Planning website. We also intend to identify and disseminate good practice examples. HS are using them to allocated resources appropriately. HS are sharing the information with SW.

Q4 Some schemes have an extra stage for consultation on modifications before the examination. Is this appropriate?

A There is the legal provision to do this as it is required if there is a major alteration, however, the proposed plan should be a long way towards the adopted plan. There is currently a culture of constant tinkering to make plans perfect however, it may not always be necessary to take a plan back to committee prior to an inquiry. If representations suggest sensible changes, the reporter, whose recommendations are binding, is equipped to incorporate them into the plan without the need for a pre-examination modifications stage.

Q5 Would you agree that timescales for preparation are unrealistic and at the expense of officials health and stress levels?

A Timescales are considered to be realistic for the new concise, map based style of development plans which Ministers are expecting.

Evidence Base

Q1 If there are no substantial statements justifying the policy approach then when issued for consultation substantial objections can be expected because there is no further opportunity.

A Circular 1/2009 indicates the number of words (2000) that should make up an objection to concentrate minds on what it is they are actually objecting to. However, this is not a statutory requirement. Evidence can be presented in the Monitoring Statement, the Environmental Report or other supporting documents rather than in the plan itself.

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- Q2** What is the best way to get people together to consider what the plan should be?
- A** Support was given for a more engaged approach – bringing in agencies, using scenario planning and building shared understanding of different viewpoints and perspectives. SEA processes can be a good way to do this and ensure the plan is a product of a collaborative process.

Monitoring Statement

- Q1** How are Monitoring Statements expected to differ from the traditional Report of Surveys?
- A** The Monitoring Statement is expected to focus on changes since the previous plan, evaluate the performance of the previous plan and may show a consciousness of future trends. It may throw up new issues for inclusion in the Main Issues Report. The Monitoring Statement could include the two main legal requirements and other supporting information i.e. environmental information could be in a suite of documents.
- Q2** What length and content is appropriate?
- A** The Monitoring Statement should consider the effectiveness of existing policy. This information should be brought together to inform the Main Issues Report. It's length will of course depend but it should be focussed and could point to other background studies to avoid running into hundreds of pages.

Main Issues Report (MIR)

- Q1** What is the document aiming to be and what should it look like?
- A** The MIR should focus on the Council's big ideas for change. It will contain a preferred strategy but also set out alternative approaches. It is the main opportunity for the public, agencies and developers to have a constructive dialogue with the Council about the content of the plan.
- The MIR is also the critical stage for SEA, when the Environmental Report will be published. The Council should be genuinely open to ideas at this stage rather than being in a mindset of defending their proposals. Importantly, the Council will not be starting from scratch as a number of the policies and proposals are likely to carry over from the previous plan.
- Q2** How will best practice be shared and what are other local authorities planning to do?
- A** The SG is keen to develop a range of fora to help exchange good practice and to make best use of the internet to help communicate ideas between authorities.
- Q3** Do all aspects of the current plan need to be addressed in the MIR?
- A** The MIR will focus on the areas of change in terms of policies and proposals. Where policies do not need to change, the MIR or the Monitoring Statement which informs it, should briefly set out the reasoning behind that to provide clarity and transparency.

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Q4 Does neighbour notification need to be carried out twice as part of an application and then for the LDP?

A Yes, or vice versa – if a proposal is first neighbour notified through the LDP process, it may need to be re-notified when a planning application is made.

Q5 What could agencies do to helpfully assist?

A Get involved in pre-main issues discussion, for example by reviewing policy in existing plans. This is happening in the Highland Local Development Plan project. Take ownership of the plan once adopted and accept the principle of development proposals contained therein.

Proposed Plan

Q1 How will local authorities be able to back up their policy when there is a reduction in national policy?

A National planning policy is being consolidated but most of the reduction in text comes from the removal of supporting non-policy material. Plans should be justified with reference to good planning and not solely by national policy.

Q2 Will developers be able to come forward with their own definitions?

A Developers may make any representation they choose to a proposed plan.

Q3 Local authorities need to write and defend policies which requires a level of detail yet there is a requirement for shorter plans, how should this be addressed?

A Authorities can use SPG to explain detailed policy, linked to a 'hook' in the development plan. Local authorities should consider the detail currently in adopted local plans and decide whether it is needed, particularly as some officials commented that there was a lot of unnecessary detail in their local plans. Justification can be contained in supporting material including the monitoring statement, the environmental report and the authority's response to representations.

Q4 The development planning presentation showed the word 'inform' under the proposed plan rather than consult. What should this stage involve?

A Front loading of consultation and negotiation around the MIR. At the proposed plan stage the authority should have reached a settled view, so this stage of engagement is more about informing the public of the content of the plan to facilitate representations for the examination.

Development Plan

This is a single, cohesive document flowing from a clear spatial strategy. It should contain the **amount, location, impact and quality** of development for an area.

The plan should contain a clear policy framework that reflects members' aspirations for their areas.

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Q1 In the move from the old to new style plans a lot of material will be removed. Will this lead to a tension between streamlining and informing?

A Plans could be shortened by taking out some of the scene setting / justification text which may only get referred to during the plans examination and not later on. Detailed policy material can be removed to supplementary guidance.

Q2 What is the distinction between the vision and the settlement strategy?

A The vision is not necessarily area based and the strategy will set out how the vision is achieved.

When developing the vision authorities are not starting from a clean slate – Single Outcome Agreements and other strategies provide the foundations on which to build.

There was support for plan to be more place based than topic based, thereby promoting focus and joined up thinking and making it easier for local people to interpret the plan as it relates to them.

Q3 Is more advice to be made available on what is a good development plan and how it should be prepared? The scale of some areas requires a number of maps...

A SG are scaling back from providing guidance, instead placing emphasis on the sharing of good practice, encouraging innovation and opportunities to things in new ways. There is no one-size-fits-all approach.

Map based, short, visionary plans are what Ministers are expecting, concentrating on the big ideas for change, prepared quickly, reviewed frequently and based on people getting involved early. Rather than justifying the policy approach, text should be adding clarity to mapped proposals.

Development plan fora are envisaged to help identify and disseminate good practice.

Q4 How do new development plans relate to the CAR Regulations?

A SEPA are producing guidance that is more map based, identifying constraints, and include a screening tool for authorities to use in their allocations before contacting SEPA.

Strategic Development Plan

Q1 What guidance is available for SDPAs to prevent the high level document from being unclear?

A SG is working with SDPAs to help deliver the new SDPs. The SDP should focus on issues which require cross-boundary discussion and Ministerial input in the approval process.

Strategic Environmental Assessment

Q1 How does this fit with the new development plan system?

A Guidance on how these fit together under the new system will be issued shortly. The new style plans, and in particular the MIR, have been designed to fit better with the SEA process, by ensuring that alternatives are fully defined and explored at an early enough stage in the process.

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- Q2** If the MIR is generalised, how easy will it be to carry out SEA?
- A** The MIR will discuss options and alternatives, and particularly for LDPs will look at specific sites so it will fit well with SEA. The MIR should include sufficient detail, including an early indication of a preferred option, to allow the SEA to explore the likely effects of the plan. The more comprehensively alternatives are defined and assessed at this stage, the less likely it is that an additional SEA consultation will be required at the proposed plan stage.
- Q3** Does SPG need to go through the SEA process?
- A** Depending on the nature of the guidance, it may still require SEA so screening will be necessary. If the guidance is statutory it is likely that it will fall under section 5(3) of the Environmental Assessment (Scotland) Act 2005 and can proceed straight to scoping. Non-statutory SPG will require screening. There will be opportunities to minimise additional work to SEA SPG by linking any further assessment with the ER produced for the main plan. Contact can be made with the Gateway for advice.
- Q4** How do you get the balance between being strategic and providing enough detail to engage the public and others effectively?
- A** SEA of development plans should strike the right balance between making a rigorous and comprehensive assessment and 'seeing the wood for the trees'. At LDP level it is likely that SEA of individual sites will be required but the SEA of SDPs and strategy within the LDP should be strategic in nature and not seek to replicate EIA level assessments.
- Q5** What techniques for engaging the public can be used and how can expectations be managed?
- A** Although the ER is the main tool for SEA consultation, it may be useful to involve the public at an earlier stage in the assessment process. SEA consultation should be integrated with that relating to the plan. Workshops at or prior to key stages in the SEA process to involve people in defining environmental effects can be useful.

Supplementary Planning Guidance (SPG)

- Q1** Some local authorities have gone a long way to combine a number of plans into a single one. The aim is to now make that even more concise. Will this now increase the volume of SPG, given that it has the same status?
- A** An indication should be given in the Main Issues Report what SPG will be part of the development plan. It will only have the same status if it is signalled in the plan and is properly consulted on. Its purpose will then be to develop the policy detail where the principle has already been established. SPG is not to be policy by the backdoor. Principles of brevity and conciseness also apply to SPG as well as the plans.
- Q2** What kind of issues can be considered in SPG?
- A** Circular 1/2009 provides guidance on what SPG can cover. The law limits SPG to topics that are specifically mentioned in the SDP or LDP, and the provision of further information or detail within the context of broad proposals or policy approaches set out in the SDP or LDP itself.

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SPG cannot be used to introduce policy changes through the back door or to deal with interim changes in the policy. Departures from national policy and more significant development proposals should be dealt with in the development plan itself.

Q3 Is SPG to be subject to formal consultation with Scottish Ministers?

A Whilst this is not a formal requirement, there is provision for pre-adoption scrutiny by Scottish Ministers to ensure that it complies with the legal requirements.

Q4 Will the SG informally comment on SPG?

A SG may comment if helpful.

Q5 What are the timescales for SPG preparation? How does this fit with the Action Programme?

A SPG can be introduced either when a plan is adopted or during its lifespan. The preparation of SPG may well be among the actions set out in the action programme.

Q6 What is the intended lifespan of SPG?

A SPG is written in association with a particular SDP or LDP, so it would fall at the end of the 5 year cycle. However, when a new plan is being progressed, SPG could be re-presented, briefly re-consulted on and rolled forward if relevant.

Q7 What are the transition arrangements for SPG?

A Current SPG will continue to be non-statutory. Where a new SDP or LDP outlines SPG that will be prepared, the SPG will then follow on from the approval / adoption of that plan and formally become part of the development plan thereafter.

Examination

Q1 Is all evidence to be produced up front?

A Yes, the Reporter will carry out an examination of issues raised, and not resolved, in presentations made timeously on the proposed development plan. There is no scope to consider additional issues at this late stage. This does not allow for vague holding objections – it is essential that people state their full case in their representation to the planning authority if they want those matters to be considered.

Q2 How will a development plan examination differ from a local plan inquiry?

A There will no longer be an automatic inquiry into unresolved objections. 'Examination' is the term given to the whole process carried out by the Reporter, who will consider all information provided by the planning authority, including all unresolved objections and who will seek additional information only if it is needed to enhance his/her understanding of any particular issue.

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Q3 What will the Reporter's approach be?

A Reporters will have new powers to manage the process more actively. It will be at their discretion to ask for further information and to decide on the method of examination. The right to be heard orally has been removed, with a presumption in favour of written submission in most cases, should any additional information be needed: although an oral session may sometimes be necessary. The Reporter will assess 'issues' rather than individual representations. These changes should result in a shorter process. Ensuring full information is provided up front will be key.

Q4 At an oral session, will participants be subject to cross-examination?

A Where an oral session is needed, this is likely to be in the hearing format rather than formal inquiry sessions, and so the discussion and questioning is likely to be led and managed by the Reporter. Only exceptionally will an inquiry session be necessary to test the information through cross-examination. The Reporter will ensure all participants are aware of what is expected of them.

Q5 How will people know whether the Reporter has agreed with their views?

A After completing the examination, the Reporter will submit a report to the Scottish Ministers (strategic development plans) or to the planning authority (local development plans). At that time, the report will be published and parties who made representations will be advised of this.

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