

NORTH LANARKSHIRE COUNCIL

REPORT AGENDA ITEM NO.10.....

To: PLANNING AND ENVIRONMENT COMMITTEE	Subject:	
From: DIRECTOR OF PLANNING AND ENVIRONMENT	'Getting Involved in Planning' - Consultation from Scottish Executive Development Department	
Date: 20 March 2002	Ref: PG/LMcW/16/01	

1. Purpose of Report

To inform Committee of a Consultation from the Scottish Executive Development Department on public involvement in the Planning system and to provide a recommended response.

2. Sustainability Implications

Public support for the Planning process is an essential ingredient of Sustainable Development. The Scottish Executive's proposals aim to encourage that support by ensuring that the public are fully involved in the procedures for development planning and development control. This Report outlines the implications for the Council and provides a response which balances the interests of the various parties involved in the process.

3. SEDD Proposals

The Scottish Executive Development Department has published a consultation document reviewing the involvement of the public in the planning system. It looks at the scope for improvements and best practice, and highlights some benefits of new technology, including the internet.

4. The consultation document emphasises the Scottish Executive's determination to make the planning system accessible and open to everyone. This includes wider access to planning information and clear explanations for actions and decisions so that people can be aware that taking part in the process has been worthwhile. It is also emphasised that this has to be done without holding up decision making.

5. Some of the changes proposed by the SEDD include

- Direct notification to owners, tenants and neighbours where people are affected by policy changes in a development plan
- Local Plan Inquiry Reporters to be chosen by the Scottish Executive Inquiry Reporters Unit, rather than by the local authority and the scope to depart from their recommendations to be limited
- Councils should take over neighbour notification from applicants
- Up to 21 days for response to notification or advertisement
- Reducing the period for appeal from 6 months to 2 months
- Consideration should be given to the use of mediation in disputes
- Investigating greater use of information technology including the internet.

6. Recommended Response

The great majority of the Scottish Executive's proposals are welcomed. There are some proposals however which are not considered practical, others which have resource implications for local authorities and others could affect performance in relation to planning matters.

7. The full list of questions and the recommended response is attached as the appendix to this report.

8. **Recommendation**

That Committee responds to the Scottish Executive Development Department consultation in accordance with the recommendations detailed in the Appendix to this Report.



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DIRECTOR OF PLANNING AND ENVIRONMENT

1 March 2002

For further information please contact Phil Gaunt on 01236 616252.

Scottish Executive Development Department

Getting Involved in Planning (Consultation Paper November 2001)

Q1: We think councils should consider setting up local planning policy forums to consider planning issues and build up local interest and expertise. Do you agree?

A1: YES

The first step in setting up local planning policy forums would be to undertake an audit of the existing forums already in operation throughout the local area to gauge whether or not existing forum coverage is adequate or if there is a requirement to set up further forums. Following the findings the next step, if required, would be to decide how forums are organised be it by geographic area (as per the current arrangement) or by interest, sector etc. For some of the larger local authorities it would be beneficial to have one main forum with representatives from all of the smaller forums attending meetings to give a co-ordinated and consistent approach to feed to the Council Committees. It would be useful if the Forums considered all aspects of planning to raise awareness of issues which do not appear in development plans such as utilisation of windfall sites.

There should also be a recruitment drive for these forums to try and involve the wider community. Possible advertising/poster campaigns, school visits etc. The use of Planning Aid Scotland's CLEAR (Community Local Environment Awareness Raising) programme should perhaps be explored as a possible programme for any existing or future forums.

Q2. Where people are going to be directly affected by policy changes in a development plan, we think direct notification of owners, tenants and neighbours should be considered. Do you agree?

A2: NO

Direct notification of all people who would be affected by policy changes in a development plan is simply not practicable. How would you decide who would be affected? Policy changes often occur over a wide range of issues, how would you go about notifying people of this, how would names and addresses be established, how would people be notified etc. Direct notification would be cumbersome, lengthy, costly and simply not practicable.

There is however an argument for notification, at least of owners and occupiers of land, where there is a change of zoning through the local plan process (except in circumstances where the local plan is reflecting a consent already given). Notification to owners and occupiers should also be made where areas are to be specially designated through the local plan process eg. SINCS.

The current system could be considered biased towards key interest groups and in this context the current system of notifying the public of changes to the development plan should be looked at. A simple advertisement in the local press and Edinburgh Gazette is not enough. Advertising by way of billboards and featured articles in Newspapers would perhaps raise the profile and get more people interested. This could also relate to establishing local planning policy forums. More forums will make more people aware of where and how planning would affect them and thus raising awareness of policy changes.

Q3: We think Reporters for Local Plan Inquiries should be appointed independently by the Scottish Executive Inquiry Reporters Unit, who would conduct the Inquiry and recover costs from the council. Do you agree?

A3: YES

Appointing a Reporter rather than choosing a Reporter would be in keeping with the Government's initiative of openness and transparency. It would provide all parties with confidence in a fair hearing.

Q4: And we think the scope to depart from the Reporter's recommendation should be limited. Do you agree?

A4: YES

Whilst the promotion and adoption of Development Plans is the role of the Planning Authority who remain accountable and responsible for the policies in the plan, at the same level as they are being implemented, it is our opinion that if the Planning Authorities decision is to depart from the Reporters recommendations, it would be appropriate for the Local Authority to give justification for, and advise all parties of their decision to depart.

Q5: How can we make local plan adoption faster and more user-friendly?

A5: Local plan adoption could be made faster by reducing timescales for preparation i.e. reduce the number of weeks for consideration of representation etc but this would rely on having a full staffing complement for speedier consideration of objections. While we fully support the Executive's initiative to encourage greater participation in the planning process and welcome the opportunity to be involved, we are aware that any proposal seeking to achieve broader participation in planning matters will inevitably result in greater awareness and increased participation in producing local plans. Within this context it is difficult to see how adoption could be speeded up without some radical changes to the system as a whole.

Local Plan adoption could be made more user friendly by using IT methods such as a running report on the stages of the plan. Using web cams to publish the LPI on the net so that people can tune into the Inquiry. The designated programme officer for any inquiry could perhaps take an active role in advising members of the public on the inquiry procedure/adoption procedures. Alternatively, the planning policy forums could adopt this role i.e. holding workshops to inform the public of inquiry procedures in order to give them some understanding what to expect. Planning Aids CLEAR programme could also be used to that effect.

Q6: We see merit in standard application forms for all Councils. They could be user-friendly, with translation and all necessary certificates. Do you agree?

A6: YES

Forms must be user-friendly and designed such that they can be made electronically available by planning authorities as their IT permits and also able to be submitted electronically.

Q7: Do you agree that:

- a) authorities should take responsibility for neighbour notification?*
- b) application fees should be increased to cover their extra costs?*
- c) research is carried out to help decide the fee increase required?*

A7: a) **YES**

but it is agreed this is likely to result in a significant increase in administrative costs

b) **YES**

fees should be increased to cover the extra costs and should take cognisance of administration costs, postal costs and also copyright and printing costs – see Q10

c) **YES**

however, we have concerns that the true costs would be too much to be covered by an increase in fees.

Q8: *Do you agree that Planning authorities should have the flexibility to decide how best to serve neighbour notification?*

A8: **YES**

guidance should identify a range of mechanisms available to the Planning Authority, and leave the decision to the Planning Authority on which is the most appropriate for the type of applications and location.

Q9: *Do you agree with keeping the duty to notify owners and occupiers and removing it for non-domestic lessees?*

A9: **YES**

this would simplify matters. Information on non-domestic lessees is difficult to obtain, but they are often the same as the occupier anyway.

Q10: *Do you agree notification should include the information and guidance described above?*

A10: **YES**

Location and dimensions of proposed extensions or new buildings would be helpful in informing those notified, and may be sufficient for some to reach a decision as to whether or not they wished to view further details

Q11: *Do you agree with extending the time for responding to neighbour notification from 14 to 21 days?*

A11: **NO**

particularly if the Planning Authority is going to carry out the neighbour notification which can only be done after the application is validated, and may take one or two days to do. This being the case, and if 21 days are added, it is extremely unlikely that any application would be dealt with in less than 4 weeks.

Q12:

a) *Do you agree there should be neighbour notification where an enforcement notice is served, and for certain types of advertisement proposals?*

b) *What kind of advertisements should be included?*

c) *Should the Authority serve the notice in both cases?*

A12: a) & b) **YES**

it is agreed that there should be neighbour notification for hoardings, free standing signs and illuminated signs, but not for fascia signs on shops or business premises.

It is also agreed that neighbours should be notified of the terms of an enforcement notice. The reasons are that firstly, the notice can require positive action, and also to keep neighbours advised that the Planning Authority is taking action.

c) If it is agreed that the Authority carries out all other types of neighbour notification, then it should also service notices in these circumstances. (It is difficult to see who else might carry out neighbour notification in enforcement cases).

Q13: *What are your views on what should trigger re-notification?*

A13: It is very difficult to set criteria for this. Different amendments will affect neighbours in various ways and it is up to the planning officer to exercise discretion in coming to a decision on whether the extent to which neighbours would be affected by the amendment would merit re-notification.

Q14: *Do you agree that we should end the requirement to advertise proposals in the Edinburgh Gazette?*

A14: **YES**

Q15: *Do you think Local Authorities should be able to decide themselves how best to publicise planning proposals locally?*

A15: **YES**

but within guidelines to ensure consistency.

Q16:

a) *Do you agree that Councils should regularly publish a notice explaining where copies of the weekly list can be viewed, and post the list on the internet?*

b) *Should such lists be distributed free of charge to amenity societies currently dependent upon the Edinburgh Gazette for information?*

A16:

a) **YES**

agreed this is a good idea, and lists should be posted on the internet early as each Authority's IT progress allows. It must be acknowledged however that not everyone has access to the internet and that there must be other means of making the information available

b) **YES**

if either the information is not available on the internet or if they do not have internet access.

Q17: *Do you agree that the time for making representations in all cases should be extended to 21 days? EIA cases would continue to have 28 days.*

A17: **YES**

for ease of understanding.

Q18: *Do you agree that applicants for proposals contrary to an adopted development plan should bear the cost of advertising.*

A18: **YES**

in principle, but in cases where applications are potential departures, asking the developer to pay may lead to pressure from the developer for the Local Authority to make a decision at an early stage on whether an application is a departure or not.

Q19: *Do you agree that costs for advertising listed building and conservation area developments should remain with planning authorities?*

A19: **YES**

Q20: *Would wider use of site notices add to the effectiveness of informing the public?*

A20: **NO**

The preparation of such a notice and the erection and replacement if needed would have resource implications. Many construction sites already display notices and sometimes artists impressions of the finished development. It is difficult to see how a small Planning Authority notice would sit comfortably with these. If the developer is to be required to display such a notice it is difficult to see how this would be enforced.

Q21: *Should official consultation responses be open to all as soon as they are made?*

A21: **YES**

this would be helpful to the applicant, but consultees would need to be made aware of any revised practice.

Q22:

- a) *Should there be standard ways to make comments on applications electronically?*
- b) *Should there be a national form for comments?*
- c) *Should the comments be publicly available?*

A22:

a) **YES**

This would save time and speed up the process

b) **NO**

This would be too restrictive.

c) **NO**

at present anyone making representation is advised that their correspondence will become a public record in accordance with the Access to Information Act ie 3 working days prior to consideration of the application. Some withdraw their representations when that becomes known to them, for various reasons. Some fear harassment or reprisal. If representations were publicly available immediately then those submitting them may not be aware of that, and would not have the opportunity to withdraw.

Q23: *Do you agree that the full record of relevant factors in deciding applications, and the reasons for decisions, should always be publicly available?*

A23: **YES**

they should be available for people to view and copy. Whilst posting on the website could be desirable goal, the timescale for reaching this would be dependant on the IT capabilities and strategies of the individual Planning Authorities.

Q24: *We think the full text of planning decisions should always be available from the Council so that people can take copies without undue difficulty or expense. Do you agree?*

A24: **YES**

Q25:

- a) *We think more information should be made available on planning agreements and entered in the planning register. Do you agree?*
- b) *What level of information should be recorded?*

A25: **YES**

Information should be made available regarding such agreements on the planning register where they are related to planning applications. The entries would have to be carefully worded but could include the purpose of the Agreement, the parties involved, the date of conclusion of the Agreement and the date of registration.

Q26: *We think that 6 months for making appeals is too long and suggest that it be reduced to two months. do you agree?*

A26: **YES**

Q27: *How can we make appeal inquiries more accessible and less intimidating?*

A27 Inquiries are too legalistic for the public to follow. Use of QC's and advocates should be actively discouraged by the Scottish Executive. The Hearings procedure should be used more often.

Q28:

- a) *Do you agree that enforcement notices should be neighbour-notified?*
- b) *Should there be other changes in public information on enforcement, particularly to publicise any action being taken by the Planning Authority?*

A28:

- a) **YES**
- b) **NO**

Q:29

- a) *Do you have views on the use of mediation in planning?*
- b) *When could it be recommended?*
- c) *How could it be funded and arranged?*

A29:

- a) There may be a role for mediation in planning related matters, but not involving the Planning Authority
- b) It could be recommended to applicants and/or objectors
- c) The Planning Authority should not be involved in funding or arrangements. Mediation only works if both/all parties are willing participants and therefore it should be up to the parties involved to make their own arrangements.

Q30: *Do you see value in a national consultative group to review current problems and help promote best practice and policy development?*

A30: While we recognise merit in setting up a National Consultative Group to consider problems, promote best practice in planning and to stimulate the debate, we are concerned that any such group may represent only the views of a small number of influential interest groups. We would also question the merits of this approach particularly as some of the key aims of the group appear to relate to the dissemination of information. Again this could be achieved by extensive use of the Internet. It is our opinion that in order for us to fully support a national consultative group, further work is required to be carried

out to identify who this group would be aimed at and the extent to which this would represent added value and not replicate work at other levels.

Q31: We think that a Working Group should keep abreast of electronic opportunities for better access to planning information and services, co-ordinating progress across Scotland and drawing attention to good practice. Do you agree?

A31: YES

Such a Group would be valuable in ensuring that information contained in electronic format is compatible with recognised information systems and is therefore available to the widest possible sections of the community. This is particularly important if applications and proposals are to be submitted by electronic means or posted on the internet. If such a Working Group was able to set a standard system to be used in all electronic publishing we could ultimately carry out consultations with the services by electronic methods, with obvious improvements in our response times as a result.

Q32: We propose to explore ways to co-ordinate national and local planning helpline services. Do you agree?

A32: While agreeing with the need to explore ways of improving phone services offered to the public, the extent to which the Scottish Executive helpline could be linked to Council services requires to be determined. There would be significant cost implications relating to such a service. However, it is our opinion that at this time it is difficult to provide a clear response as there are insufficient details on either the nature of the Executive's helpline or local help-lines. Does this question imply that all Councils should operate such a service? If so, there are clearly funding and staffing issues that require to be considered.

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