LOCAL GOVERNMENT AND REGENERATION COMMITTEE

AGENDA

1st Meeting, 2013 (Session 4)

Wednesday 16 January 2013

The Committee will meet at 10.00 am in Committee Room 2.

1. **Decision on taking business in private**: The Committee will decide whether to take items 10, 11, 12 and 13 in private.

2. **Subordinate legislation**: The Committee will take evidence on the Public Services Reform (Planning) (Pre-application consultation) (Scotland) Order 2013 [SSI 2013/draft] from—

   Derek Mackay, Minister for Local Government and Planning, Alan Cameron, Policy Manager, Planning Legislation, and Norman MacLeod, Senior Principal Legal Officer, Scottish Government Legal Directorate, Scottish Government.

3. **Subordinate legislation**: The Committee will take evidence on the Public Services Reform (Planning) (Local Review Procedure) (Scotland) Order 2013 [SSI 2013/draft] from—

   Derek Mackay, Minister for Local Government and Planning, Alan Cameron, Policy Manager, Planning Legislation, and Norman MacLeod, Senior Principal Legal Officer, Scottish Government Legal Directorate, Scottish Government.

4. **Subordinate legislation**: The Committee will take evidence on the Planning etc. (Scotland) Act 2006 (Supplementary and Consequential Provisions) Order 2013 [SSI 2013/draft] from—

   Derek Mackay, Minister for Local Government and Planning, Alan Cameron, Policy Manager, Planning Legislation, and Norman MacLeod, Senior Principal Legal Officer, Scottish Government Legal Directorate, Scottish Government.

5. **Subordinate legislation**: Derek Mackay (Minister for Local Government and Planning) to move—
S4M-5247—That the Local Government and Regeneration Committee recommends that the Public Services Reform (Planning) (Pre-application consultation) (Scotland) Order 2013 [draft] be approved.

6. **Subordinate legislation:** Derek Mackay (Minister for Local Government and Planning) to move—

   S4M-5246—That the Local Government and Regeneration Committee recommends that the Public Services Reform (Planning) (Local Review Procedure) (Scotland) Order 2013 [draft] be approved.

7. **Subordinate legislation:** Derek Mackay (Minister for Local Government and Planning) to move—

   S4M-5245—That the Local Government and Regeneration Committee recommends that the Planning etc. (Scotland) Act 2006 (Supplementary and Consequential Provisions) Order 2013 [draft] be approved.

8. **Subordinate legislation:** The Committee will consider the following negative instrument—

   Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2012 SSI 2012/325.

9. **Public services reform and local government: strand 2 – benchmarking and performance measurement:** The Committee will take evidence from—

   Ronnie Hinds, Past Chair, and David Martin, Immediate Past Chair, Society of Local Authority Chief Executives.

10. **Public services reform and local government: strand 3 - developing new ways of delivering services:** The Committee will consider its approach to the inquiry.

11. **Planning issues:** The Committee will consider its approach to the forthcoming review of the National Planning Framework and Scottish Planning Policy.

12. **Request from the Standards, Procedures and Public Appointments Committee:** The Committee will consider requests from the Standards, Procedures and Public Appointments Committee in relation to its ongoing inquiry work.

13. **Delivery of regeneration in Scotland:** The Committee will consider a draft remit and person-specification for the post of adviser in connection with its forthcoming inquiry on the delivery of regeneration in Scotland.
The papers for this meeting are as follows—

**Agenda item 2**

Note from the Clerk

Public Services Reform (Planning) (Pre-application consultation) (Scotland) Order 2013 [SSI/2013/draft]

**Agenda item 3**

Note from the Clerk

Public Services Reform (Planning) (Local Review Procedure) (Scotland) Order 2013 [SSI/2013/draft]

**Agenda item 4**

Note from the Clerk

Planning etc. (Scotland) Act 2006 (Supplementary and Consequential Provisions) Order 2013 [SSI/2013/draft]

**Agenda item 8**

Note from the Clerk

Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2012 SSI 2012/325

**Agenda item 9**

Note from SOLACE

PRIVATE PAPER

**Agenda item 11**

SPICe Briefing

SPICe Briefing

**Agenda item 12**

PRIVATE PAPER

**Agenda item 13**

PRIVATE PAPER
Local Government and Regeneration Committee

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SSI COVER NOTE

SSI title and number: Public Services Reform (Planning) (Pre-application consultation) (Scotland) Order 2013 [draft] SSI 2013/draft

Type of Instrument: Affirmative Instrument

40 day date: 23 January 2013

Local Government and Regeneration Committee deadline to consider SSI: 23 January 2013

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Purpose of Instrument:

This Order amends section 35A of the Town and Country Planning (Scotland) Act 1997 to provide that applications made under section 42 of that Act are not subject to the requirements for pre-application consultation contained in section 35B of that Act.
Local Government and Regeneration Committee
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SSI COVER NOTE

SSI title and number: Public Services Reform (Planning) (Local Review Procedure) (Scotland) Order 2013 [draft] SSI 2013/draft

Type of Instrument: Affirmative Instrument

40 day date: 23 January 2013

Local Government and Regeneration Committee deadline to consider SSI: 23 January 2013

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Purpose of Instrument:

This Order amends the Town and Country Planning (Scotland) Act 1997. Section 43A(8)(c) enables an applicant to require the planning authority to review the case if the person appointed to determine the application has not done so within the period prescribed by regulations made under that section. The amendment made by article 2 will allow the applicant and the appointed person to extend that period by agreement.
SSI COVER NOTE

SSI title and number: Planning etc. (Scotland) Act 2006 (Supplementary and Consequential Provisions) Order 2013 [draft] SSI 2013/draft

Type of Instrument: Affirmative Instrument

40 day date: 23 January 2013

Local Government and Regeneration Committee deadline to consider SSI: 23 January 2013

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Purpose of Instrument:

This Order amends the provisions of the Town and Country Planning (Scotland) Act 1997 (“the Act”). The changes are minor supplementary and consequential provisions following from the amendments made to the Act by the Planning etc. (Scotland) Act 2006 (“the 2006 Act”).

Article 2(2) amends section 39(2) of the Act so that the provisions apply in relation to local reviews under section 43A of the Act as they do in relation to appeals made under section 47 of the Act. Article 2(3)(a), (4) and (5) also make amendment to ensure that the Act operates in relation to applications to be determined under schemes of delegation or on review by virtue of section 43A of the Act as it does in relation to other applications or appeals. The amendment made by article 2(3)(b) places the right to require a review under section 43A(8)(c) on the same footing as the right to appeal under section 47(2). Article 2(6) removes section 218(1)(c) of the Act as this is no longer applicable following the repeal of section 133(7) by the 2006 Act.
Local Government and Regeneration Committee

1st Meeting, 2013 (Session 4), Wednesday, 16 January 2013

SSI COVER NOTE

SSI title and number: Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2012 SSI 2012/325

Type of Instrument: Negative Instrument

40 day date: 23 January 2013

Local Government and Regeneration Committee deadline to consider SSI: 14 January 2013

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Purpose of Instrument:

Local Government and Regeneration Committee

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Note from SOLACE

Further to the Branch meeting on 14th December and our discussion about the benchmarking project, I have provided, below, a brief update on progress, and an outline of next steps in terms of our communications strategy.

- All the data is now in, and the Improvement Service is populating the indicators for 2011/12. There are a couple of indicators where we are reliant on Scottish Government data, for example the per pupil spend indicators in Education Services. The pupil census data is classified as a National Statistic and is not released until mid-December and we cannot get early access to it. The Scottish Government do have a methodology for estimating the likely numbers and we will use that to give an indication until the official data is available this month.

- The Improvement Service ran a workshop with council representatives at the end of November. Participants talked through the preliminary analysis of the 10/11 and 11/12 data - on the understanding this is still to be finalised when the denominator data is available. This group also considered how the data could be presented in the final report. The detailed analysis will be shared amongst councils and it will be the basis for the public report. A first draft of the public report will be available for discussion early January.

- David Martin and Mark McAteer met the full Commission last month. They took them through the analysis we are undertaking, explaining the issues of data availability and the information we expect to be publishing. Overall they were impressed. Fraser McKinley confirmed to David on Friday, that the Accounts Commission will drop the current approach and the new Direction will include a requirement for Councils to use and report against the SOLACE indicators next year.

- The timing of the public report was also discussed with the Accounts Commission. Given the data availability issues, and the range of activity underway in councils over the next couple of months, it was agreed we should wait until the end of February or early March before making the information public. This provides more time for us to ensure that all councils will have the data, analysis and reporting format well in advance of any publication date.

- In terms of communications, a small group has now been established to take the outline strategy forward. This brings together representatives from the National Communications Advisory Group, COSLA and the Improvement Service. They are meeting on the 16 January to discuss and agree a final strategy for our consideration. The revised communications strategy will take account of the public affairs/lobbying work as well as positioning with the national media and the steps we should take to ensure all councils have what they need to prepare local communication plans in advance of the release date. High level messages will also be provided.
Finally, the Improvement Service are organising a second workshop for council representatives during week beginning 21st January 2013. This is to consider both the draft report and is targeted at Finance/Policy officers. A specific date will be issued as soon as possible.

Given these developments I would be grateful if you could ensure your policy/research and communication leads are now briefed on our activities to date and have the information they need to help develop the national communication strategy and your local engagement plans.
The National Planning Framework for Scotland

Introduction

The National Planning Framework (NPF) sets out the Scottish Government’s national spatial planning policy, which is incorporated into local authority strategic and local development plans. The NPF also sets out the Scottish Government's strategic development priorities over the next 20-30 years and can designate specific developments as ‘national developments’.

This briefing provides a short history of the National Planning Framework. It goes on to summarise the changes to the status of the NPF and parliamentary approval process introduced by the Planning etc. (Scotland) Act 2006. It then outlines key points from the development and parliamentary consideration of NPF2 and initial work on NPF3.

The First National Planning Framework

The first NPF was a non-statutory Scotland-wide planning policy document, published by the Scottish Executive on 1 April 2004. The role of the first NPF, as defined in its introduction, was:

…to guide the spatial development of Scotland to 2025…It is not intended to be a prescriptive blueprint, but will be a material consideration in framing planning policy and making decisions on planning applications and appeals. It will be taken into account by the Executive and its agencies in policy and spending decisions.

The first NPF provided a description of Scotland in 2004, identified key issues and drivers of change, set out a vision for Scottish development to 2025 and identified priorities and opportunities for different parts of the country.

The groundwork for the first NPF was laid when Sam Galbraith MSP, then Minister responsible for planning, announced in November 2000 that the Scottish Executive intended to undertake a review of strategic planning. The Scottish Executive published a consultation, entitled Review of Strategic Planning, in June 2001, which outlined proposals for changes to the strategic planning system. The responses to this consultation were analysed in the Review of Strategic Planning – Conclusions and Next Steps published in June 2002, this document also outlined the Executive’s initial proposals for changes to strategic planning. Among the proposals outlined was the publication of a non-statutory NPF, to cover the period up until 2025.
During the development of the NPF, the Executive held two series’ of stakeholder workshops. These workshops were supplemented by a series of bilateral meetings between the Executive and public and private sector groups and presentations to MSPs and councillors. There was no general public consultation on the first NPF.

As a non-statutory strategy document there was no legislative process for adopting the first NPF. The launch of the NPF was announced by Margaret Curran MSP, then Communities Minster, in a statement to Parliament on 1 April 2004. The Parliament had no formal involvement in the development or adoption of the NPF.

**The Planning etc. (Scotland) Act 2006**

The Planning etc. (Scotland) Act 2006 provides a statutory basis for the NPF. Section 1 of the 2006 Act describes the role of the NPF as:

…to set out in broad terms how the Scottish Ministers consider that the development and use of land could and should occur.

To do this the legislation requires the NPF to include a strategy for the spatial development of Scotland and a statement of Scottish Ministers priorities for that development. The NPF may also include information or policies on land use related matters and list any number of “national developments” along with Ministers’ justification as to why each national development merits that designation. The 2006 Act does not include a definition of what should constitute a national development, rather it is left to the discretion of Scottish Ministers to decide which developments fall into this category.

The 2006 Act also requires Scottish Ministers to publish a participation statement prior to the development or review of the NPF. This statement should set out the consultation process that will be followed throughout the development or review process. Scottish Ministers can either update the NPF every five years or choose not to update it and publish an explanation as to why they have decided not to update it.

The NPF cannot be formally adopted by Scottish Ministers without it completing a 60 day period of parliamentary consideration. During this period the Scottish Parliament and/or its Committees will consider the contents of the draft NPF and, subject to Parliamentary agreement, publish report(s) or pass a resolution on the NPF. Scottish Ministers are required to “have regard to any resolution or report of, or any committee of, the Scottish Parliament made, during the period for Parliamentary consideration”.

The 2006 Act requires Scottish Ministers to exercise their NPF functions “…with the objective of contributing to sustainable development”.

**Development, adoption and monitoring of NPF2**
The development and parliamentary consideration of NPF2 is summarised below:

- Initial engagement on the scope and content of NPF2 ran from February 2007 until October 2007. Work during this period included the establishment of an NPF2 website, stakeholder meetings, seminars and the establishment of an advisory committee.
- The NPF2: Discussion Draft and associated Strategic Environmental Assessment was published on 9 January 2008, with consultation running until 15 April 2008. In addition to a call for written evidence the Scottish Government ran a series of five NPF2 conferences around the country, met with key stakeholders and held other participation events in an attempt to gather views on the content of NPF2.
- The National Planning Framework for Scotland 2: Proposed Framework was laid before Parliament on 12 December 2008, starting the 60 day parliamentary consideration of NPF2. The Local Government and Communities Committee were appointed as the lead Committee. The NPF2 was also considered by the Transport, infrastructure and Climate Change (TICC) Committee and Energy, Economy and Tourism (EET) Committee.
- The Local Government and Communities Committee took oral evidence from Scottish Government planning officials, the Royal Town Planning Institute, Heads of Planning Scotland, Scottish Building Federation and the Ministers for Transport, Infrastructure and Climate Change over three meetings (17 December 2008, 14 January 2009 and 21 January 2009).
- The Local Government and Communities Committee published its Report on the National Planning Framework 2: Proposed Framework on 25 February 2009, which included contributions from the TICC and EET committees.
- A plenary debate on the Local Government and Communities Committee Report on NPF2 is held on 5 March 2009. A motion approving the Committee’s Report and suggesting several changes to the final NPF2 was agreed.
- The final version of NPF2 was published at the same time as the Scottish Government’s response to the Committee’s report on 25 June 2009.

NPF2 is accompanied by an action programme, which identifies 80 actions, and how they contribute to the NPF strategy. It also sets out milestones to be completed and the lead partners and delivery bodies that will deliver the actions. Progress on the NPF2 Action Programme is reported to Parliament annually. The most recent progress report was published in July 2012 and is available online.
A detailed description of the content, development and parliamentary scrutiny of NPF2 can be found in the SPICE Briefing “The National Planning Framework for Scotland 2”, which was published on 4 March 2009.

**Initial Preparatory Work on NPF3**

The Scottish Government published the Participation Statement for NPF3 on 2 October 2012. The participation statement sets out how and when Scottish Ministers will consult during the development of NPF3. The Scottish Government also issued a public call for proposed national developments, which closed on 14 December 2012. To be considered for inclusion in NPF2, a proposed National Development must meet the following criteria:

**Mandatory**

- The development will be of more than regional significance.

**National developments must also make a significant contribution to one or more of the following:**

- An 80% reduction in emissions by 2050.
- Achieving the aims of the Zero Waste Plan.
- The Scottish Government’s Renewable Energy Targets.
- Skills development, reducing unemployment and job creation.
- Strengthening Scotland’s links with the rest of the world.
- Improving our digital, transport, utilities or green infrastructure networks.
- Adapting to or mitigating the effects of climate change.
- Improving the quality of the built or natural environment.

The Scottish Government is undertaking a Strategic Environmental Assessment (SEA) of NPF3, as required by the Environmental Assessment (Scotland) Act 2005. As the first stage in the SEA process, an **SEA Scoping Report** was published online in September 2012.

**Future Development of NPF3**

The Scottish Government intends to publish a “Main Issues Report” in March 2013. This will set out the Government’s preferred policy options for inclusion in NPF3 plus possible alternatives.

The Scottish Government intends to lay the Proposed NPF3 before the Scottish parliament for its 60 day scrutiny period in September 2013 and publish the final version of NPF3 in June 2014.

Alan Rehfisch
Senior Research Specialist
SPICe
Local Government and Regeneration Committee

1st Meeting, 2013 (Session 4), Wednesday, 16 January 2013

The Scottish Planning Policy (SPP)

**Introduction**

The Scottish Planning Policy (SPP) is a statement of the Scottish Government's policy on land use planning and sets out:

- the Scottish Government's view of the purpose of planning
- the core principles for the operation of the system and the objectives for key parts of the system
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006
- concise subject planning policies, including the implications for development planning and development management
- the Scottish Government's expectations of the intended outcomes of the planning system

The SPP compliments the National Planning Framework for Scotland, which sets out spatial planning policies rather than the subject specific policies set out in the SPP – although there is obviously some crossover between the two documents.

**Development of the first SPP**

The SPP was published during February 2010 and consolidated Scottish Government planning policies that had been set out in a series of 17 Scottish Planning Policy and older National Planning Policy Guideline documents.

In launching the SPP, Stewart Stevenson MSP (then Minister responsible for Planning) **stated**:

"The Scottish Government has listened to voices calling for a more effective and efficient planning system. We have acted by introducing a package of measures to provide applicants, communities and the development industry with greater certainty and speed of decision making."
By consolidating planning policies into one, single document, we are providing a shorter, clearer and more focused statement of national planning policy.“

The SPP can be split into three broad sections:

1. aspirations and core principles;
2. expectations for the key elements of the planning system; and
3. a clear statement of Scottish Government planning policy relating to development and natural and built heritage.

The full SPP was preceded by an interim SPP, published during October 2008, which only included sections one and two. A consultative draft of section three of the SPP, covering specific planning policies, was published on 1 April 2009. The consultation closed on 24 June 2009 and almost 200 responses were received.

**Initial work on the review of SPP**

A review of the SPP was announced in the Scottish Parliament on 18 September 2012 by Derek Mackay MSP, Minister for Local Government and Planning. The Scottish Government also issued a call for “Priorities for Change” at the same time. Effectively, the Scottish Government is asking planning stakeholders to identify what policy works, where there are concerns with current policy and possible solutions to these concerns. The closing date for the receipt of priorities for change responses is 11 January 2013.

The Scottish Government website states that the review will:

- **Up-date policy:** many of the previous Scottish planning policies bought together in the 2010 consolidation were debated and published prior to 2008.
- **Focus the policy on sustainable economic growth:** the SPP must look to meet the challenges presented by the significant economic challenges we continue to face.
- **Emphasise place making:** good quality, successful and sustainable places are achieved by making connections and understanding linkages – such places in urban and rural Scotland are vital to the success of the economy.”

The Scottish Government published a Participation Statement for the revised SPP, setting who they intend to consult and when, on 25 September 2012. As the first stage in the Strategic Environmental Assessment (SEA) process, an SEA Scoping Report was published online during September 2012.

A series of joint National Planning Framework for Scotland 3 and SPP consultation events were held around Scotland during November 2012.

**Future work on the review of SPP**
The Scottish Government has published the following indicative timetable for the review of SPP.

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<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Winter 2012/13</td>
<td>Pre-draft engagement and initial SPP drafting</td>
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<tr>
<td>Spring 2013</td>
<td>Publish draft SPP for consultation</td>
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<tr>
<td>Summer 2013</td>
<td>Analyse responses and re-draft as appropriate</td>
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<tr>
<td>Before end 2013</td>
<td>Publish finalised SPP</td>
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