

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

**Title: Scottish Executive Consultation on Planning
Advice Note: Community Engagement “Planning
with People”: Consultation Draft**
(available online at: www.scotland.gov.uk/Publications/2006/07/14093848/0)

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Purpose:

This paper seeks the Board’s endorsement for the Park Authority’s response to the above consultation from the Scottish Executive Development Department.

Recommendations:

That the Board approve the following recommendations with additions or amendments to be formally sent to the Scottish Executive as the CNPA response to this consultation:

1. The CNPA supports the thrust of the Draft PAN on Community Engagement.
2. The CNPA looks forward to further guidance on the individual areas of engagement within the Draft PAN and requests that there should be no prescribed methods of engagement and authorities should be left to work with local communities to find methods that are fit for purpose for their own areas.
3. The CNPA requests that the Scottish Executive make sufficient training and financial resources available to both authorities and communities to ensure that there can be ongoing constructive and meaningful engagement in the planning process.

Summary:

The Scottish Executive has published a Consultation Draft Planning Advice Note (PAN) on Community Engagement "Planning with People" dated July 2006. The document provides detailed advice on the implementation of measures initially mooted in the *Modernising the Planning System White Paper 2005* and now contained in the Planning Bill that is expected to be enacted towards the end of 2006. The Draft PAN suggests ways to help improve community engagement to allow individuals and community groups to have a say in the development of planning policy and the planning decisions that affect them. It provides checklists for community engagement in the development planning process, the planning application process, and in the planning enforcement process. As well as the obvious focus on the role of the planning authority there is recognition that applicants and their agents also have role to play. The Draft PAN contains 10 guiding principles from the National Standards of Community Engagement and stresses links between land use planning and community planning. It contains examples of what the Scottish Executive considers to be good practice in community engagement in both development planning and development management.

Views on the Draft PAN are sought by 13 October 2006.

Background:

1. Scottish Executive Planning Advice Notes (PANs) provide advice on good practice and other relevant information on any given topic. This is the first time that the Scottish Executive has issued advice to planning authorities and developers on how communities should be properly engaged in the planning process.
2. Scottish Ministers are determined to make the planning system more inclusive and accessible to people, with greater openness and accountability in the decision-making process. The overhaul of Scotland's planning system aims to make it modern, efficient and with communities at its heart. Successful community engagement is pivotal to achieving this and is reflected in the current Planning Bill.
3. The Draft PAN recognises that better engagement cannot guarantee that everyone gets the decisions or outcomes they desire. It suggests ways to help improve community engagement and sets out guiding principles. The Draft PAN has been designed with a range of users in mind - Communities, Planning Authorities, Members and Applicants

4. The Draft PAN recognises that "community" can mean different things to different people and that each community will have different wants and needs that may have to be balanced against the needs of other communities. The Community Engagement PAN aims to:-
 - Ensure that decision making is more transparent;
 - Make sure that the views of the community are properly listened to;
 - Facilitate early and more meaningful community engagement;
 - Ensure clearer explanations of how and why decisions are made.
5. A number of roles and responsibilities are defined by the PAN, including Scottish Ministers who will be required to ensure Community Engagement at National Level. Scottish Ministers will require to engage people in:-
 - The preparation of the National Planning Framework
 - Approving Strategic Development Plans for the four main cities
 - Preparing new legislation and advice on land use planning
6. Planning Authorities will be required to ensure community engagement in the Preparation of Development Plans, in Development Management and in Enforcement. **Appendix 1** sets this out in more detail.
7. The Draft PAN also defines the role of applicants and their agents. Under the new system applicants will have a statutory obligation to consult local communities before an application is made on all major development proposals; those that are significantly contrary to the development plan; all proposals that require an Environmental Impact Assessment (EIA); and proposals defined as larger scale bad neighbour developments.
8. The Draft PAN recognises the importance of the Community Planning Process in providing an overarching framework for the design and delivery of all public services in the area. There is a clear link between these Community Planning Partnerships and Land Use Planning and the Draft PAN recommends that Planning Authorities should strengthen the links between these two planning systems.

9. The Draft PAN recognises that there needs to be support for Community Engagement in Planning. The free, impartial and independent planning advice service for individuals and community groups across Scotland offered by Planning Aid for Scotland is highlighted. There is also reference to the consultancy support offered by Communities Scotland to all 32 Community Planning Partnerships to help implement the National Standards of Community Engagement.
10. In terms of support for Planning Authorities and Members attention is drawn to the Scottish Executive Planning Development Programme, a resource designed to help planning authorities address training needs and skills gaps to help with effective delivery of planning functions. Community engagement is a key aim of this programme.
11. The Annex to the Draft PAN contains what the Scottish Executive consider to be good examples of community engagement, including:
 - Participative methods used by Highland Council in the Wester Ross Local Plan – camera scheme for residents to contribute photos of relevant issues, online/interactive version of the plan, feedback forms, residents “opinionometers” placed at various public locations;
 - Loch Lomond and the Trossachs National Park Community Futures Programme assisting 24 communities to prepare their own local community plans;
 - Moray Council’s web based interactive local plan allowing users to add annotations to the proposals map;
 - Aberdeenshire Council’s online submission of representations with automatic transfer to a database where individuals could then log on and view all representations;
 - Dundee City Council’s online interactive questionnaire “*Do I need planning permission?*”;
 - Stirling Council has developed a system that allows public access onto live planning casework databases to search for details and ascertain current status;
 - Liaison group for Balnavie Quarry in Fort William required as a planning condition and allowing local residents, community council, the operator and local authority to jointly monitor development, compliance with conditions etc. and iron out any problems that arise;

- Telecommunication development in a conservation area in Glasgow where the developer was made aware of concern over a proposal and carried out pre-application consultation with residents, assuaged many fears and secured a planning permission;
- Use of Pre-Determination Hearings by South Ayrshire to allow all views to be presented at Committee before Members consider an application.

Issues affecting the CNPA:

12. The general tenor of the Draft PAN is welcomed as it reflects the values of the CNPA and much of our practice to date. Our Local Plan preparation process with the Local Plan Community Co-ordinators and network of community based facilitators working closely with communities throughout the Park is very much in the spirit of the guidance. Likewise, the regular use by applicants, objectors and Community Councils of the provision in Standing Orders to address the Planning Committee and answer questions from Members prior to determination of applications.
13. There are provisions in the Draft PAN that have yet to be introduced in the work of CNPA. In line with the forthcoming changes to the planning system we will in due course be producing an Enforcement Charter. There is currently no formal mechanism for pre-application consultation with communities by applicants and in practice such consultation is the exception rather than the rule. As a planning authority we would wish to be involved as observers in this process, without prejudice to the final decision on the application, in order to benefit from the community views on proposals and to ascertain that consultation has been meaningful. Having said that, it is important that the principal focus of community involvement is the Local Plan as that provides the policy framework for determining future individual proposals. Pre-application consultation by applicants on proposals that to all intents and purposes comply with the Local Plan will only provide a restricted range of issues that communities can realistically influence. This has to be made clear in the final PAN so that community expectations are not unrealistically raised.
14. There will be a report coming before the Board later in the year on National Standards of Community Engagement and Members will have an opportunity at that point to discuss the wider role of CNPA on the issue beyond consultation on planning matters although there is of course a strong linkage in seeking consistent and effective engagement across all CNPA activities. It is hoped, and there is nothing in the Draft PAN to indicate otherwise, that methods of engagement will not be prescriptive and that CNPA will be able to continue to develop its own approach in consultation with communities in the Park.

15. To conclude, the Draft PAN is highly aspirational, but, with its roots firmly based in the new Planning Bill, there is commitment from Ministers to change the culture that has surrounded planning for many years. Generally speaking communities are cynical about the worth of consultation on planning matters. As a young organisation we have an opportunity to prove the cynics wrong and overall the provisions within the new Bill and the Draft PAN support our intentions. It is critical, however, that the Scottish Executive makes sufficient resources available for authorities and communities as meaningful engagement requires trained staff and finance. Without adequate resources authorities will not have the capacity to deliver the engagement that they desire and the Scottish Executive expects. Without resources, communities will be unable to respond to the increasing volume of consultation that is taking place and volunteers will start to flag.

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Appendix 1

Community Engagement in the Preparation of Development Plans

Planning decisions have to be made in accordance with the development plan unless material considerations indicate otherwise and it is important for the community to be involved in development planning. It is anticipated that the new Development Planning system will involve the following:

- Prepare and publish a **Development Plan Scheme** including a **Participation Statement** setting out how and when the community and others can get involved in the preparation process.
- Prepare and publish a **Main Issues Report** for early targeted consultation.
- Prepare and publish **Proposed Plan** and **Action Programme**.
- Notify owners and **neighbours** of new site specific proposals in the **local development plan**.
- Resolve as many objections as possible through negotiation or mediation.
- Publish a Report of Community Engagement which will be assessed by a **Reporter** or Scottish Ministers in the absence of an examination.
- Prepare for and participate fully in any independent examination by the **Scottish Executive Inquiry Reporters' Unit**.
- Only depart from the Reporter's Recommendations in an identified range of circumstances.
- Publicise and **adopt** the Plan in its final form.

A schedule of land ownership should be included as part of the development plan.

The PAN makes it clear that the community can also expect to be engaged in the preparation of Development Briefs and Supplementary Guidance.

Community Engagement in Development Management

The new arrangements for development management will involve the following;

- Prepare and advertise weekly list of new planning applications
- Notify neighbours of planning applications allowing 21 days for public comment
- Ensure that applicants have fulfilled **pre-application consultation** requirements with the community before the submission of certain planning applications
- Arrange **pre-determination hearings** in a greater number of cases for the community to make its views known
- Give reasons for all decisions: approvals as well as refusals
- Notify Scottish Ministers of departures from the local development plan

- Follow new procedures for development proposals where there is a **local authority interest**
- Place more information on the **Planning Register** including planning agreements

Community Engagement in Enforcement

Planning Authorities will be required to publish a Planning Enforcement Charter to:

- Explain the planning authorities policies on enforcement action;
- Explain how members of the public are to notify any apparent breaches of planning control to the authority;
- Explain how members of the public and developers can complain about enforcement action taken by the authority;
- Explain how complaints about enforcement action will be dealt with by the authority; and
- Review, update and republish the charter at least every two years.

The arrangements for Community Engagement will be subject to amendment as the Planning Bill progresses through Parliament and further regulations and guidance will be prepared.