

WEST DUNBARTONSHIRE COUNCIL

Report by Director of Housing, Regeneration and Environmental Services

Planning Committee: 4 October 2006

**Subject: Scottish Executive Planning Advice Note – Community Engagement
“Planning with People”: Consultation Draft.**

1. Purpose

1.1 To inform the Committee of the publication by the Scottish Executive Development Department of a Planning Advice Note on Community Engagement “Planning with People”: Consultation Draft and to recommend a response.

2. Background

2.1 Planning Advice Notes provide advice on good practice and other relevant information.

2.2 There are already many opportunities for community engagement in the planning process. The Planning Bill, which should be enacted later this year, will bring in more opportunities and requirements for community engagement. This draft PAN explains many of the new procedures, clarifies the differing roles for planning authorities, applicants/developers and community groups and gives examples of good practice.

2.3 West Dunbartonshire Council has set out its approach to consultation in its Consultation Strategy. The principles and approaches of this strategy are in harmony with the thinking behind the Executive’s draft PAN. The Council and its Community Planning partners adopted the supporting good practice in “Communicating Effectively”. Work is also progressing with Community Planning partners on implementing the good practice contained in Communities Scotland’s “National Standards for Community Engagement”, with local guidance about to be made available. Much existing work is therefore already in line with the advice given in the draft PAN.

3. Main Issues

3.1 The PAN stresses the importance of planning in everyone’s lives and the consequent desire that all sections of the community need to engage in planning the future of their area. The Executive’s aim is for a planning system that promotes early and broad based engagement in both the formulation of planning policy and in decision making on planning applications.

- 3.2** The PAN recognises the important point that community engagement will not necessarily mean that everyone is happy with resultant decisions. Planning decisions are often tough decisions to take, involving the weighing up of a number of complex matters and opinions. The hope is that with greater inclusion and more transparent processes there will be a greater understanding – and hopefully acceptance – of decisions which go against the wishes of certain sections or individuals in the community.
- 3.3** The PAN looks at the role of planning authorities in community engagement in 3 main functions: the preparation of development plans; development management (planning applications and related matters); and enforcement.
- 3.4** Development plans are the key to decisions on planning applications in that such decisions should be in accordance with the development plan unless there are material considerations which indicate that a different decision should be taken. It is crucial, therefore, that all sections of the community engage in the development plan preparation process. This is easier said than done in that the great majority of people will not feel inclined to become involved unless they perceive some threat to their personal circumstances.
- 3.5** In West Dunbartonshire a number of measures have been used in the past, including exhibitions in libraries, public meetings and presentations to community councils. Such efforts can produce wide ranging, and sometimes opposing, views but all responses are considered in moving towards the finalised plan.
- 3.6** The PAN encourages planning authorities to be innovative in their approach to ascertaining the public's views. Additional measures are included in the Planning Bill, including the proposal that owners and neighbours of new site specific proposals will be notified directly by the planning authority to ensure that they are aware of the proposals at an early stage. Planning authorities will also have to produce, at the start of any plan preparation, a Participation Statement indicating how people can become involved. Later in the process the extent to which the authority has met or exceeded its intentions to involve people, communities and business as set out in the Participation Statement will be assessed independently.
- 3.7** For development management the PAN confirms that, whilst planning applications should be determined in line with the development plan, the opinion of members of the community is a material consideration. This is why our committee reports always make reference to representations received.
- 3.8** The weekly list of planning applications received is made available to Councillors and interested parties and appears on the Council's website. An intention of the Planning Bill is that this list should also be published weekly in local newspapers. Neighbour notification of applications is also to be undertaken by local authorities rather than by applicants with the time for comment being extended from 14 to 21 days.

- 3.9** The Executive also intends that applicants for major developments undertake discussions of their proposals with the community prior to such applications being submitted to the local authority. The authority will be able to refuse to register such applications should it be considered that the consultation undertaken is inadequate.
- 3.10** This Council offers all applicants and those making representations the chance to be heard on any application coming before the Planning Committee. This good practice will become standard across the country for larger, more controversial applications. This Council informs all who have made representations of the outcome of the application and again this good practice will become standard.
- 3.11** Enforcement can be a complex procedure. Often small breaches of planning control and/or misunderstandings of the need for planning permission can be sorted out through explanation or mediation. The Council's Planning Enforcement Officer is expert at dealing with a wide range of complaints of this nature.
- 3.12** The Council's powers of enforcement are limited and procedures can be very time consuming. In future Councils will have to publish a Planning Enforcement Charter, clarifying their procedures and policies on enforcement. The new legislation will also make it easier for planning authorities to monitor approved works through a requirement for Start Notices and Completion Notices. Unauthorised works will be liable to Temporary Stop Notices.
- 3.13** The second part of the PAN takes a look at community engagement at a broader level, indicating that links between community planning and development planning should be strengthened. The 10 guiding principles of the National Standards for Community Engagement produced by Communities Scotland are put forward as the relevant model.
- 3.14** The PAN also considers support for Community Engagement in planning making particular reference to Planning Aid for Scotland as a source of help for communities and the Executive's recent Planning Development Programme as a resource to help local authorities address training needs and skills gaps for officers and councillors.
- 3.15** The draft PAN contains an Appendix of good examples of Community Engagement. Included within this is Clydebank Rebuilt, commended for its efforts in engaging the community through a broad range of measures in regeneration projects.

4. Personnel Issues

- 4.1** There are no immediate personnel issues but some of the changes proposed in the Planning Bill will add to current staff workloads and responsibilities.

5. Financial Implications

5.1 There are no immediate financial implications.

6. Conclusion

6.1 The draft PAN asks no particular questions of local authorities as part of the consultation. It basically sets out current good practice and anticipates further changes which will be brought in following enactment of the Planning Bill. Much of the PAN is already embedded in our working practices including consulting widely on Local Plan preparation and hearings at Planning Committee on planning applications.

7. Recommendation

7.1 The Committee is invited to:-

- (a) note the content of this report; and**
- (b) await enactment of the Planning Bill and publication of further legislative and procedural guidance.**

David McMillan
Director of Housing, Regeneration and Environmental Services
Date: 5 September 2006

Wards Affected:	All
Appendix:	None
Background Papers:	Planning Advice Note Community Engagement "Planning with People": Consultation Draft issued by Scottish Executive Development Department July 2006.
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