

Draft regulations on Development Planning

Q1

Are you satisfied that the procedures set out in the draft regulations for adopting development plan schemes will adequately ensure that planning authorities have proper programmes in place for the review of their plans, including their proposals for consultation and public involvement?

A1

Yes, we are content.

Q2 Do the regulations on SDP content need to say more to ensure that SDPs are effective tools for leading and managing change in the largest city regions?

N/A

Q3

Do you support the approach to listing the key topics that need to be covered by policies at the strategic level and do you support the topics listed?

The Crofters Commission is a Non-Departmental Public Body (NDPB) of the Scottish Government Rural Directorate that regulates and develops crofting, advises Ministers on crofting issues and promotes the interests of crofters. Amongst the key topics listed in paragraph 15 are *the principal physical, economic, social and environmental characteristics of the area* and *the principal land uses in the area*. However, we would wish to have a more definite reference to the value in the Highlands and Islands of planning that both retains the better agricultural land for crofting, and maintains the pattern of crofting settlements in local areas, whether the scattered settlement pattern or the more nucleated pattern. We support the approach of Community Planning.

Q4

Is the move to an accurate map base for SDP Proposals Maps workable?

A4

We consider that this is desirable and a way to make it workable should be found.

Q5

Do you support the continuing primacy of the written text of the SDP (or LDP) or would a move to primacy for the Proposals Map help strengthen the spatial dimension of the plan?

A5

We believe that the written text will continue to be important when the accurate map base for the Proposals Map has been developed, as written text is complementary, and qualifies the information on a map.

Q6

Do you support the list of information and considerations that the SDPA must take into account when preparing a SDP or main issues report?

A6

The list of information and considerations does not seem to take account of the many aims and initiatives included in Scottish Government's *A Forward Strategy for Scottish Agriculture*

Q7

Are there any other matters which the regulations should require always to be included in LDPs, or on the Proposals Map?

A7

Croft land should be identified on the Proposals Map and there should be a requirement on Local Authorities to consult the Crofters Commission (a Key Agency) on issues affecting croft land. We also consider that emphasis should be placed on encouraging communities to identify their own development opportunities.

Q8

Are there any other information sources or considerations that planning authorities should be required to have regard to in preparing LDPs and how can planning authorities demonstrate that they have complied with these requirements?

A8

Where any land involved is croft land the Crofters Commission in its role as Key Agency should be consulted.

Q9

Are the minimum publication requirements set out in the proposed regulations adequate, or should additional requirements be included, for instance specifying a list of statutory consultees for development planning?

A9

We believe that in addition to publication in local newspapers, it would be useful to put notices in other places regularly viewed by members of the public, such as Council Service Points.

Q10

Is the requirement to place a notice in the Edinburgh Gazette still useful?

A10

No, we think it is not useful.

Q11

Are the proposed circumstances where neighbour notification would be required and the definitions of neighbouring land appropriate?

A11

Where the Plans refer to croft land we believe it is essential to notify all those with an interest: owners, tenants, sub-tenants and grazings committees should all be informed.

In certain circumstances, when infrastructure for services such as water or access by road are planned, 20 metres may not be appropriate where the neighbour's crofting activities will be affected, in which case neighbour notification should be extended accordingly.

Q12

Will the broad proposed definition of 'notifiable' modifications unnecessarily delay the plan process by subjecting too many modified plans to further consultation?

A12

No – we believe that more effective consultation will lead to better outcomes.

Q13

Do these proposed exceptions provide an appropriate degree of scope for authorities to depart from the recommendations of examination reports?

A13

As a Key Agency, the Crofters Commission is content with its ability to contribute to Development Plans.

Q14

Are you satisfied with the proposed regulations for action programmes?

A14

The Crofters Commission would wish to be consulted about proposed regulations for action programmes.

Q15

Given its enhanced status, should the draft regulations (as opposed to advice) say more about the content and procedures for adopting supplementary guidance?

A15

We consider that the Regulations should make clear the procedures that will be in place to publicise any supplementary guidance.

Q16

It is the Scottish Government's view that the list of key agencies should be limited to statutory bodies regulated by Scottish Ministers but not forming a part of government. On this basis, do you agree with the list of key agencies proposed?

A16

In addition to the Crofters Commission being a Key Agency in the planning process in the Crofting Counties of Argyll, Caithness, Inverness, Orkney, Ross & Cromarty, Sutherland and Shetland, it should also be considered to be so in relation to any area designated by order of Scottish Ministers in terms of section 3A of the Crofting Reform Etc Act 2007 as land that may be constituted as a croft.

Q17

Do the proposed transitional arrangements raise any specific issues for particular plans or areas?

A17

We are content with these arrangements.

Q18

Are there any potential impacts on the business or voluntary sectors that we should be aware of in finalising these regulations?

N/A

Q19

Are there any potential impacts on particular societal groups that we should be aware of in finalising these regulations?

A19

We see it as essential that a crofting statement be included in the SDPs of all Local Authorities in the Crofting Counties and other designated areas (see A16). Safeguarding and promoting crofting is a crucial element in preserving the unique identity of communities in crofting areas.

Q20

Do you have any other comments to make on the draft development planning regulations?

A20

No further comments.