

**Use of the Planning System to Support and Promote Public Policy:
Correspondence from COSLA and Scottish Government**

Report by Head of Communities and Economy

1.0 Purpose of Report

- 1.1 This report informs Committee of correspondence received from COSLA and the Scottish Government, in response to a matter raised by this Committee.

2.0 Background

- 2.1 Members may recall being advised at the meeting of this Committee in June 2016 of a Scottish Government Reporter's planning appeal decision granting planning permission for a hot food takeaway in close proximity to Lasswade High School. The Committee instructed that the matter of the operation of the planning system and its role in promoting public policy be raised with COSLA and with the Scottish Government's Chief Planner.
- 2.2 A copy of the letter sent by the Chair of this Committee to COSLA (a letter in similar form also sent to the Scottish Government Chief Planner), and a copy of the replies from COSLA and Scottish Government are appended to this report.

3.0 Recommendation

- 3.1 The Committee is recommended to note the content of the responses received from COSLA and from the Scottish Government's Chief Planner.

Background Papers: None

Date: 4th January 2017

Report Contact: Ian Johnson, Head of Communities and Economy
0131 271 3460
ian.johnson@midlothian.gov.uk

*Councillor
Jim Bryant*

SNP Group

Ward 3
Dalkeith

Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
Midlothian EH22 1DJ

Tel 0131-271 3080

Mobile: 07917 048639

E-mail jim.bryant@midlothian.gov.uk

Midlothian

APPENDIX

12 July 2016

Councillor David O'Neill
COSLA
Verity House
19 Haymarket Yards
Edinburgh
EH12 5BH



Dear Councillor O'Neill

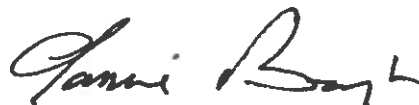
Ref: The Role of Local Government taking into account the area of healthy living.

On behalf of Midlothian Council, I am raising with COSLA the matter of the extent to which councils in their role as local planning authorities can take into account public policy, most particularly in the area of healthy living.

This issue arose recently in Midlothian in relation to a planning appeal decision by the Department of Planning and Environmental Appeals to grant planning permission for a hot food takeaway in close proximity to a secondary school. The Council had refused the application for reasons including the proposal being contrary to the Council's objectives of promoting healthy lifestyles and healthy eating at its schools. Whilst the Council is not challenging the appeal decision, it has written to the Scottish Government Chief Planner to seek clarification of Scottish Ministers' views on the overall issue of the degree to which planning authorities can account for public policy in their preparation of statutory development plans, as well as in the determination of planning applications. At a recent meeting of the Council's Planning Committee the view of Councillors was clearly that matters of public policy, such as the healthy living agenda, should be regarded as significant consideration in the exercise of statutory planning functions.

I would be grateful to know the views of COSLA on this particular matter, and the experience of Member Councils in dealing with this issue. If there were a significant level of concern amongst a majority of Councils is this a matter that COSLA may consider raising with Scottish Ministers ?

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jim Bryant', with a stylized flourish at the end.

Councillor Jim Bryant
Cabinet Spokesperson for Communities and Economy

C.c. Councillor Peter Johnston COSLA
Councillor Stephen Hagan COSLA



T: 0131-244 0928
E: cara.davidson@gov.scot

Ian Johnson
Head of Communities & Economy
[Via Email]

29 August 2016

Dear Ian,

Re: Use of the Planning System to Support and Promote Public Policy

I refer to your letter to John McNairney, Chief Planner, on the above and to your subsequent email of 23rd August. I have been asked to respond.

Your committee asks whether it is appropriate for development plans to include policies and criteria on the restriction of hot food take-away's. In 2014 the Scottish Government's publication 'Beyond the School Gate' recognised that the food environment around schools has an important role in promoting a healthy diet and addressed the matter of the role of the planning system in restricting particular food outlets. It states that development plans can limit the number of food outlets in an area if there is reason to do so which is related to planning positively for the quality of place. You can access the publication from our website: <http://www.gov.scot/Topics/Health/Healthy-Living/Food-Health/BeyondTheSchoolGate>.

The second point on the application of broader public policy through individual planning decisions is addressed through the assessment of material considerations. Where matters raised are thought to pass the tests of materiality then they can be applied to the planning decision. This allows matters, including Scottish Government policy beyond planning policy, to be considered in the planning process where appropriate.

I trust this information is helpful.

Yours Sincerely,

Cara Davidson
Planning & Architecture Division



From the President Councillor David O'Neill



7 September 2016

Cllr Jim Bryant
Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
Midlothian EH22 1DJ

Dear Cllr Bryant

Ref: the Role of Local Government taking into account the area of healthy living

Thank you for your letter about planning policy and local health improvement. I'm sorry it has taken so long to respond to you formally but I understand that Robert Nicol, Chief Officer for Development, Economy and Sustainability, has been in touch with you by email. I know that Robert is happy to discuss this matter further with you, perhaps around the time of the next Development, Economy and Sustainability Executive Group on 16 September.

While you have cited a specific example from your local area, the scenario which you describe is familiar to COSLA and has been discussed in the past with Scottish Government. I share your frustration that local authorities cannot do more under the law to promote healthy living through the planning system. That said I think there is an upcoming opportunity through the forthcoming planning white paper and next year's expected planning Bill to debate how development planning can support wider public policy. You may be aware that the Independent Review of Planning recommended that planning policy should be more closely aligned with other strategic plans, including community plans. Clearly this is not a simple matter but I know you will be debating COSLA's response to the Independent Review at the Executive Group on the 16th of this month which should be an opportunity for you to share your experience with members with a view to shaping our response to Scottish Government.

I hope you find this response satisfactory even if it has taken longer than I would have liked to reply formally to you.

Yours sincerely

David O'Neill
COSLA President

WHEN CALLING PLEASE ASK FOR: Robert Nicol 0131 474 9241