In addition to the questions below, please add any other comments you may have which would assist the Committee’s scrutiny of the FM.

**Question 1**
Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

**Comment**
Among others, we did participate in the *Places, People and Planning Consultation*. We commented in general on the financial aspects of the proposals.

**Question 2**
If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

**Comment**
The SWCF could not provide a detailed response to the question. We were unable to detect whether any of our comments influenced the Consultation’s conclusions.

**Question 3**
Did you have sufficient time to contribute to the consultation exercise?

**Comment**
The issue of the Financial Memorandum (FM - this consultation exercise) was 21st December 2017. The request for a response was by 26th January 2018. That created problems for us as it happened over the two-week Christmas holiday period. In order to respond adequately to the FM, it was necessary to first appraise the complexities of the Bill itself. We did not have sufficient time.

As for community organisations that do not meet on a monthly basis, how were they expected to cope?

**Costs**

**Question 4**
If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

**Comment**
The routine work of a Community Council or similar Community organisation will normally include dealing with planning applications and responding to them if necessary. In urban areas, the Weekly Lists produced by Councils takes time to review. Where it is necessary to go a stage further, as in lodging comments on applications or making submissions to the DPEA, this is an added burden. This can be compounded if called to participate in Public Inquiries or invited to comment on...
forthcoming Statutory Instruments. In recent years, this organisation has also reviewed and commented on Edinburgh’s LDP (twice), SESplan (twice), the Scottish Government’s paper ‘Places, People and Planning’ and others. These are not simple documents and a fair amount of background reading is required. This level of resource is difficult to find and to fund. See also answer to Qu.6, Local Place Plans, below.

Question 5
Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Comment
In para. 49, one has to ask why the figures quoted by developers for engagement in an LDP vary so widely (£11,500-£250,000). Is this because some developers are only looking at one site while others are looking at a range of sites? Is it because the number of parties responding to this question was insufficient to make any realistic appraisal? It would be no surprise to find that in ten years’ time, the costs to developers will be equally broad. They will in any case pass these costs on to their clients. See also answers to Qu.7, Qu.8 and Qu.9.

The costs to community organisations are discussed under Qu.6 and Additional Comments 4 and 6.

Question 6
If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

Comment
Para 55 talks about enabling communities to submit their own Local Place Plans. The idea is laudable but the reality is impractical unless further provision is made within the legislation to ensure that such plans are robust, professional and, more importantly, have any chance of success. In our experience our planning authority appears to have rarely amended its direction in response to Community Council comments. This has been particularly galling when our local knowledge has proved to be correct. The responsibility placed on Community Councils on planning matters gives the impression of a fig leaf absolving government, both local and national, from taking much account of the views of a Community Council. One of our Community Council members noted that having served ten years on the CC, it appeared that not a single opinion nor idea communicated to various governmental consultations had been adopted either by the local authority’s planning department or by governmental departments. Instead, under this Bill further responsibility appears to be placed on Community Councils with no additional resources and no obligation on the planning authority to include any of the Local Place Plans in their LDP.

In your document you estimate 20 days by a Principal Planner costs £6,438 and (para.58) that the average grant of £13,000 is what communities might expect when seeking to progress their LPP. So, that means that roughly 2 months of a principal planner’s time is what a community could expect to receive in support - is that enough? This does not seem to equate to the interpolated annual ‘Monetised cost including volunteer time and practical support’ in Table 1 for Local Place Plans - which works out at less than £1,000pa for each community organisation! Is this £13,000 ‘real money’ over and above the ‘monetised costs’?

Regarding Local Place Plans, Community Councils and similar bodies will be unable to bear the cost of Local Place Plans without professional design support. They will also require legal protection (similar to Professional Indemnity Insurance). That being...
the case, we suggest that Local Authorities be required to provide and fund a nominated chartered planner, or architect, to prepare Local Place Plans for the communities who have a vision they wish to see expressed on the ground. That way, the Local Authority’s broader interest would be invaluable in determining what Community Councils could do.

We disagree with para.59 where it says “Some costs may be covered by contributions in kind by volunteers …for professional support where there are appropriate skills within the community.” The Scottish Government will be well aware that registered planners and architects are not allowed by their professional bodies to take on work where individuals could be sued for professional negligence and who therefore have to carry professional indemnity insurance, even for voluntary work. See also the answer to Qu.4.

**Question 7**

Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

**Comment**

We agree that moving from the present system where some indication of costs can be surmised (based on long experience) to a completely different system means that some guesswork is necessary. Clearly those compiling the FM have identified this problem. The lack of clarity on what the large amount of supplementary legislation proposed is going to cover and the ironing out of problems after that legislation has been placed on the statute book suggests that the costs could be quite different to those estimated in Table 1. One hopes that the perceived savings will in fact materialise.

On timescales, we understand that new and amended secondary legislation and guidance will take around 18 months to prepare following enactment in autumn 2018. Effectively that means the Act cannot be implemented in full till at least mid-2020. From the information to hand, that appears optimistic and likely to result in the piecemeal introduction of Statutory Instruments over some years. That will impact on the costs identified in Tables 2-4.

**Wider Issues**

**Question 8**

Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

**Comment**

See Qu.7. While we found the Guidance helpful, volunteers who do not possess a professional background in the built environment will struggle to comprehend what much of the Bill is about. We suspect that some professionals will not find it easy either! We believe that as with any new legislation, there will be areas that have not been foreseen where additional costs will be incurred. Refining legislation can remove problems; adding to it usually creates more.

**Question 9**

Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

**Comment**

See Qu.7. The introduction of a raft of Statutory Instruments, consultation and implementation, could be very costly. Does the Scottish Government have a clear picture of the number of different SIs it is proposing, has decided their titles and scope and roughed out the contents of same? We do not have enough detail to attempt to quantify these costs.
**Additional Comment 1**

“In para 5 the FM talks about “… with opportunities for all …” but para 6 reveals the real winners in this proposal where it states that “… delays and uncertainty in the planning system are considered to cause significant costs to the development industry …”. The losers in this bill if it goes ahead are the communities and volunteers who labour tirelessly to make a broken planning system work.

**Additional Comment 2**

Para. 24 refers to the production of SDPs and LDPs. Para. 25 states that apart from the work undertaken by the authority responsible for the plan, “there will be involvement from those who have an interest in the outcome, including residents, businesses, prospective developers, key regulatory and infrastructure agencies and environmental and heritage groups”. This is true to a limited extent but as most smaller interest groups will be unable to predict the future with any certainty beyond a couple of years, it is unrealistic to expect them to be active participants in plans that are to have a lifespan of 5-10 years. Over the period from 2008 there have been several bank crashes that have caused people to rearrange their plans for the future – that makes it difficult to make long term plans.

**Additional Comment 3**

**Key Agencies** - Regarding food security, it looks as though Brexit, Climate Change and world-wide population increases and movements will have an impact on the amount of ground that may be set aside for building purposes. It follows that the Scottish Government needs to bring up to date, and regularly review, the Land Capability for Agriculture plans produced by the Hutton Institute (Macaulay Land Use Research Institute) in the 1980s. If it is not so already, the Institute should be considered to be a Key Agency, tasked with informing the Scottish Government as to what land should be retained for agriculture and to contain flood events. This is essential when there will be more mouths to feed across the globe. We need to ensure we can feed our own without imports, with a margin to spare.

**Additional Comment 4**

Para.53 says that ‘estimates from the community bodies indicated that they spend around two to three days engaging with the NPF, and five days on an SDP’. This is well wide of the mark in respect of this organisation (SWCF)! Not only has the Forum spent much time on the NPF, SESplan, the Edinburgh LDP, Local government and Government Consultations, but it has also been actively involved in routine planning matters. The costs of these activities are borne by members, most of whom have no professional expertise in planning. The proposed changes can only be properly dealt with by these organisations engaging people qualified in the appropriate disciplines – at no inconsiderable cost. The FM seriously underestimates the ‘monetised value’ of these activities. When the Scottish parliament, elected local councillors and developers require an ‘executive’ of people trained in the relevant disciplines, it seems invidious that community organisations, the most affected parties, should be expected to develop ‘Local Place Plans’ at their own risk and with no guarantee that they will be included in an LDP without similar expertise being made available to them. This is one other reason why an Equal Right of Appeal is needed for volunteers who are doing their best for their communities.

**Additional Comment 5**

Para.56 sensibly does not attempt to define what a community is, or indeed how many people would comprise a community. As there could be more than one community in an area that has designs on a particular site, there needs to be a single focal point within the community, and Local Authorities must be obliged to ‘take account of’ rather
than ‘have regard to’ local people’s desires. It should be borne in mind that many projects take years to develop, which could mean there will be instances when a newly elected committee (e.g. to a Community Council) will have different ideas to its predecessor committee and it is unlikely they will have an executive that provides continuity between these committees.

### Additional Comment 6

Paras 58 and 59 regard voluntary contributions from local communities as a given but this can be over-estimated. While there is expertise and good will in many communities to undertake the work of the preparation of Local Place Plans this should not be taken for granted. One Community Council states that having just undertaken, in a different context, a consultation with the community as part of the Community Ownership Scheme, it took 3 public meetings, plus the administration of submitting a complicated bid document followed by the management of the award over a 3-4 month period. Over-seeing such a consultation spanning a number of years requires a more generous response from SG. A figure nearer double what is proposed would be more realistic for the preparation of a LPP.