Local Government and Communities Committee  
Planning (Scotland) Bill  
Submission from GVA

Dear Sir/Madam

Local Government and Communities Committee: Call for evidence on the Planning (Scotland) Bill

Response by GVA

GVA is a multi-disciplinary commercial property practice operating across Scotland for a range of both private and public sector interests. We welcome this opportunity to provide responses to the Committee’s call for evidence on the Planning (Scotland) Bill given its importance to the legislative framework that governs planning and development across Scotland.

Q1: Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

It is recognised that the proposed Planning (Scotland) Bill is set out as an overall package of measures. The detail of these measures is largely going to be contained in secondary legislation and it is important that the Bill is therefore closely scrutinised to ensure that the Bill as the enabling legislative framework does properly balance the views of communities, the development industry and other interested parties.

As proposed, it would appear that the proposals for more focus on a front loaded approach, greater collaboration and engagement, a simplified development planning system, training and monitoring do appear to have the basis of a balanced planning system.

Q2: To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

There are a number of positive proposals within the Planning Bill that GVA consider should, in theory, assist to support additional housing delivery. For example, a simplified and front loaded development plan process should ensure that only commercially viable and deliverable sites are allocated; thus improving prospects for delivery of housing. Notwithstanding, GVA does have concerns about the incomplete picture currently available on many parts of the Bill that would benefit from additional clarity through the Committee review process and then consulted upon during the preparation of secondary legislation. Some of these points are expanded upon below.

GVA welcome the ambitions for a simplified and streamlined development plan preparation process that should allow for more front-loading and early input from all
sectors of society and the economy as a means of improving the quality of the final plan. Nevertheless, for this new system to operate as intended it will be important for the secondary legislation to be clear on the process involved in the preparation of new LDPs, in particular the ‘gatecheck process’ and ensure that consultation with both public and private interests is thorough, meaningful and inclusive. This will be important to build greater trust in the plan-led system, which should then assist in the delivery for more homes across Scotland.

It is understood that the National Planning Framework will take on a greater role in determining future housing land supply requirements. This move is welcomed and should avoid the existing inconsistent approaches across various planning authorities. Given that housing numbers will be critical in setting out frameworks for development plan making over a 10 year period and influencing the preparation of all Local Development Plans and Local Place Plans, this process must be collaborative and inclusive.

Lastly, one of the most significant issues frustrating the delivery of additional house building relates to the delivery of infrastructure, particularly education and roads, which typically require upfront investment/funding from local authorities. GVA previously responded to the consultation process highlighting the need for a national infrastructure body to be established, as per the recommendations of the independent review panel. Infrastructure investment should be carefully targeted and directed to future growth areas. A national body would, in our view, assist to co-ordinate infrastructure investment and help generate new mechanisms to raise necessary financing for large scale projects.

Q3: Do the proposals in the Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

We generally support the removal of the requirement to produce Strategic Development Plans (SDP) and consider that there is sufficient scope within National Planning Framework (NPF) to accommodate a regional planning policy framework.

It is important however that there is a strong provision made for co-operation and engagement amongst key agencies and constituent authorities in regional areas.

Whilst the detail in respect of how key agencies and/or local authorities are to co-operate with one another to assist in the preparation of the National Planning Framework, we do consider that in overall terms, the proposals in the Bill do appear to create a robust structure to maintain regional planning following the removal of SDPs.

Q4: Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?
In overall terms, the changes in the Bill to the content and process for producing local development plans (LDP) does appear to be achieving the aims noted in Q4. We would suggest as an initial comment however that there should be a focus to ensure that LDPs are produced as swiftly as possible. Currently, the preparation of an LDP can take several years creating situations where the evidence base / original vision has become out of date and / or irrelevant before the LDP has even been adopted. It is imperative that the process of creating a LDP is as streamlined as possible. We support the removal of Main Issues Reports (MIR).

Furthermore, LDPs should be succinct and concise. It should not be necessary to re-state Scottish Planning Policy. We support the incorporation of Scottish Planning Policy (SPP) into NPF and trust that this will allow Local Planning Authorities (LPA) to focus more on local circumstances / local area planning rather than the overall policy framework which will already broadly be set out within NPF/SPP. In turn, this will enable more focus on implementation and delivery.

Assuming the conditions for cross boundary / regional planning are correctly established in NPF, LDPs should reasonably be able to complement other local planning authority priorities.

Q5: Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

GVA are broadly supportive of SDZs and their ability to help enable development, particularly in relation to the provision of additional mechanisms to encourage greater housing related growth.

Whilst there will likely always be frictions in some areas between community and developer interests, frontloading the designation process with appropriately detailed supporting information and meaningful community and landowner engagement should provide sufficient safeguards to protect community and environmental interests. It would also provide certainty to both developer and community groups regarding the detailed form of development that would be permitted within any given area.

The production of SDZs and associated development briefs and detailed guidance is likely to be of significant time and cost to local authority resources. We therefore have some reservations as to whether they will be widely taken up by many LPAs, particularly at a time when resources continue to be stretched. However, the indication that Scottish Ministers might direct and set out the terms of a SDZ could assist in removing some of the burden of preparation and assist in making them more attractive to LPAs and developers alike to deliver ‘investment ready’ opportunities.

Q6: Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical
support for community bodies wishing to develop local place plans? If not, what more needs to be done?

In recent years and indeed at the previous reform of the planning system, there has clearly been a shift in emphasis towards a ‘front loaded’ planning system. We support this on the basis that it creates more opportunities for early involvement which in turn should enhance the prospects that development proposals / allocations etc are developed in a more cohesive, collaborative and co-ordinated manner. This enables opportunities for involvement at the outset which can create better conditions and prospects for collaboration in the evolution of design and place making as matters progress. This is clearly preferable to a late objection / challenge at the end of the process which would have the potential to be a significant disincentive for investment given the upfront costs associated with the preparation and submission of a proposal for planning permission.

Local Place Plans (LPP) will enable communities to be more engaged with local development planning. It is noted that a ‘community body’ [as defined] may prepare a local place plan. The definition of a community body (per the Community Empowerment (Scotland) Act 2015) is noted. There could be circumstances whereby a community body is established with a single issue focus. The potential for conflict between the Community Body and the wider community and/or the Community Council is apparent. Community Bodies and Community Councils are both governed by a legislative framework and it is not obvious how one could take priority over the other or how conflicts in views will be resolved.

It is noted that the Bill creates provisions to set out the matters which the community body must have regard to when preparing the local place plan. It is welcomed that this includes the LDP and NPF which ultimately comprise the statutory development plan. The terminology of ‘have regard to’ does however suggest that there could be scope for deviation. This could be avoided if Local Place Plans are required ‘to comply’ or ‘to accord’ with NPF/LDP etc. Further certainty on this matter will be important to provide confidence to the development sector.

Ultimately, local planning authorities and elected representatives must be entitled to come to a view on the spatial plans for a particular area. We would be keen to see provisions made that ensure that development proposals are not unduly delayed as a result of ambiguity and conflicts arising during the preparation of local place plans.

It is imperative that the community body is fully aware of the overall NPF spatial strategy and local authority outcome plans / spatial strategies. Technical understanding of the planning system and development generally (e.g. economics, markets etc) is vital to ensure that place plans are credible and deliverable. We would be keen to ensure that community representatives are suitably trained / aware of the provisions within which the place plans are required to sit.

It is not clear what proposals / provisions are in place relating to matters such as timescales for their preparation and ultimately implementation and delivery of local place plans.
Q7: Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

GVA has no comment to make in response to Q7.

Q8: Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

It is understood that the Bill in its current form only allows for the opportunity to introduce a Levy in future and that additional significant pieces of research are required to demonstrate that this could work successfully and effectively before a decision is made on its introduction. It is therefore difficult to comment in detail given the many unknowns about the operation of such a system.

As within the current system, GVA support existing mechanisms that require fair and reasonable contributions from developments where infrastructure is required as a consequence of development.

An infrastructure levy, if introduced, should not be used as a tax on development or to address existing shortcomings with infrastructure. We firmly believe that this should only be used to support the delivery of infrastructure required as a result of new development, with this fully considered and scoped as part of the development plan preparation process.

Q9: Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

We fully support mandatory training for Councillors sitting on Planning Committees and/or any Committee authorised to consider and determine a planning application. This should cover a wide range of topics relating to planning and development and is important to improve the quality of decision making.

Q10: Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

GVA cautiously supported an increase in the maximum planning fees with an important proviso that this must be linked to improved performances by LPAs and that additional income raised by higher planning fees must be reinvested in the planning service as a whole. We remain of the view that an increase in the number of effective planning personnel working in LPAs is needed in order to deliver improved performance.

Planning performance statistics published by the Scottish Government continues to highlight that despite a fall in submissions, major category development proposals
are generally taking longer to determine by LPAs. Whilst the increased planning fees may take some time to have any meaningful impact upon planning delivery statistics, we have seen no evidence to suggest that any such revenues generated by an increase in planning fees has been or will be reinvested into LPAs in order to improve service delivery. Whilst ‘positive intervention’ and proposals for ‘independently-defined solutions’ by the Scottish Government are welcomed, this should not be pursued as a means to improve determination timescales at the expense of quality decision making. Without guaranteeing the provision of additional financial resources for LPAs, we would question the likely long-term effectiveness of the proposed measures to improve the performance those authorities struggling to meet performance targets.

We would suggest that monitoring of planning authority performance should equally apply to all decision making authorities including DPEA where decision timescales for appeals (and indeed Ministerial determination) can extend beyond targets set.

**Q11: Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high–performing planning system the Scottish Government wants? If not, what needs to change?**

As noted above in responding to Q10, we have previously noted our cautious support for increases in planning fees. Therefore, in responding to Q11, we confirm our ongoing cautious support for appropriate changes to planning fees. However, where additional fees are proposed, these must be directly linked to additional resources for planning services to deliver improved performance and outcomes.

**Q12: Are there any other comments you would like to make about the Bill?**

GVA have no further comments to make on the Bill.

Yours sincerely

**GVA GRIMLEY LTD**