Local Government and Communities Committee

Planning (Scotland) Bill

Submission from North Ayrshire Council

1.1 The changes introduced by the Bill are generally welcomed and would seek to strengthen processes, engagement and participation in planning. However further details are required in particular on both the transitional arrangements, which is important given the advanced stage of the Council’s Local Development Plan, which will be reported to Committee in April 2018; and furthermore on the proposed regional partnership working arrangements, and the implications for resources given the current constraints on Council budgets. The following comments are offered as evidence to be considered by the committee.

1.2 NPF - Further detail is required on the transitional arrangements between the current system and the proposed changes taking effect and how they are applied, given in particular the advanced stage of preparation of the Council’s current LDP which is due to have its draft plan considered in Spring 2018. In addition, introducing changes which supersede processes and work already done will have a resource implication at a time when there are current constraints on budgets and staff resources and workloads. A gradual approach to introducing the changes will encourage effective operational planning for services.

1.3 Regional Working - The regional pathfinder project and the Ayrshire Growth Deal are examples of close co-operation between the 3 Ayrshire Authorities which could be a model for the future regional partnership to assist in the preparation of the NPF, and influence strategic policy development within the region. Further detail is required on the operational requirements of this regional working and its expected resource implications of partnerships feeding into the NPF (and how many regional partnerships the SG expect each LA to be a part of).

1.4 LDP Timescales - the move to a 10 year cycle would be out of sync with the timing of all other Council plans and strategies, which are generally on a 3 or 5 year cycle. Whilst this is a welcome move towards a more strategic and long-term framework for development of an area and noting that provision is made in the new legislation for periodic updates or amendments to the Plan, concern is that beyond year 5 the Plan is likely to become less well aligned with the Council’s other key strategies and programmes such as the LOIP, SHIP, and Local Housing Strategy where either local issues dominate or funding streams are not known until much closer to the base date. The 5 year timescale is also a key timeframe in SPP, with regards to the requirement to maintain a 5-year effective supply of development sites. Further detail about changes to SPP and the resource implications of periodic updates is required. Further detail about how closely aligned, in terms of timescales,
NPF and Local Development Plans are expected to be is also required, which is particularly pressing given the progress of our current Local Development Plan.

1.5 LDP Process - The Main Issues Report stage of the preparation of the Plan would be removed to be replaced by an independently determined gate check procedure that would consider whether a new Plan can be commenced, which may lead to added costs for the Council if multiple gate check submissions are required which is not a requirement of the current system. However it would deliver an earlier check on the direction of the Plan in respect of national policy and could lead to quicker examinations following the Proposed Plan stage. Further details on the expected costs of requesting gate checks and examinations is required to better understand the expected implications of this additional step.

1.6 Delivery – The sign off of the Delivery Programme stage of the Local Plan by the Chief Executive and the full Council is in accordance with this Council’s current practice, as the Local Development Plan Committee has full Councillor Membership. The key change is that the programme would now align with all other relevant Council delivery programmes, e.g. Capital Plan, which would require more detailed commitment and programming which may have resource implications for the Council.

1.6 LPP - The introduction of Local Place Plans is a new procedure for which it is unclear how it would be resourced. If left to individual community bodies then it might only favour well-resourced communities, or if to be supported by the Council, then it would raise further resource issues. There may also be resource implications of the new legislation to ‘have regard’ for these plans. More clarity is required about the scope and governance of Local Place Plans.

1.7 SDZ – The Council is one of 3 Authorities taking part in a pilot scheme funded by the Scottish Government on the Simplified Development Zones (SDZ). Evidence to date has indicated support for this approach from the development industry which may unlock current underperforming sites. There has been a significant resource implication for preparing the designation and the SDZ is aimed at front-loading the process placing the resource implications on the Local Authority. Further clarity on the Scottish Government’s funding mechanism, expectations for the scope, scale, and frequency of use is required.

1.8 DM – The changes to Development Management are generally welcomed, which would improve local accountability and efficiency of decision making. The timescale for the review of fees has not established and the Government should be encouraged to bring this forward, given the aim to fully fund the planning system, at times of decreasing Council finances.

1.9 Member training – The Council currently undertakes training on Planning for all members. A statutory requirement for such training, with penalties for any failures is wholly unnecessary. The current practices should continue to be supported.
1.10 **PPF** - The Planning Performance Framework was introduced by the Heads of Planning Scotland as a means of demonstrating high levels of performance at a local level, rather than the purely statistical return on the time to decide an application. A statutory requirement, with a national performance co-ordinator with possible powers to penalise Authorities is unnecessary and unwelcome.

1.11 **Infrastructure** - The introduction of an infrastructure levy to support the delivery of necessary infrastructure across a wider area is welcome. The proposal to capture a proportion of land value uplift to give some public benefit may be seen as a barrier to the delivery of development by the landowners and industry but is recognition of the need to support infrastructure provision to facilitate development in these financially challenged times for all Authorities. The Council would support a national levy which would deliver added resources across the country. Allocation of national funds to support infrastructure development could support inclusive growth policy that would spread investment appropriately.

1.12 **Island Communities** – In our response to the consultation paper dated January 2017, the Council recommended:-

- Island proofing all local plan policies and guidance to reflect and support the Islands distinct development opportunities;
- Simplifying planning policies for rural and edge of settlement housing on the island and
- Enhancing greater collaborative working with stakeholders to deliver housing for key workers and employment land on the islands.

The Council is therefore concerned that the Bill does not contain any provisions to reflect the particular challenges and opportunities of island communities.

Caitriona McAuley
Head of Service (Economic Growth)