Local Government and Communities Committee

Planning (Scotland) Bill

Submission from North Lanarkshire Council

1. 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?

Answer

In general yes, but see Q6 for comment on views of communities.

2. 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?

Answer

Whilst the Bill focuses heavily on house building, the planning system alone will not increase house building. Factors such as available finance, landbanking, infrastructure provision and the ability of buyers to get loans, all impact on the levels of house building.

3. Do the proposals in 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?

Answer

Whilst the loss of the statutory status is regrettable, as far as North Lanarkshire Council is concerned, the current arrangements for SDPs are clear and understood, and in the case of Glasgow City Region have enabled effective strategic planning for over 20 years. The strength and success of this longstanding partnership, in conjunction with the aims of the Glasgow City Region economic strategy, are likely to support planning at a regional level into the future. Partnerships in other areas may not be as strong.

4. 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?

Answer

The changes increase the focus on delivery, however the development industry will continue to play the dominant role in the actual delivery of sites, and this is
influenced by wider economic considerations. A delivery programme can promote sites which the planning authority expects to be built out over the plan period and monitor progress made and identify where public investment is required to unlock development. Provisions enabling amendments to the LDP are welcome.

5. **Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?**

**Answer**

Much depends on the type of development and use in such SPZ areas. For industrial or commercial areas with appropriate conditions, there are likely to be sufficient safeguards. An SPZ for housing development, even with conditions, is less likely to be able to achieve the balance sought. It is noted provision is made for SPZ to include Road Construction Consents. A significant level of detail is required for any RCC, and there is therefore a tension between the *simplification* of the planning “consent” and the RCC.

6. **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?**

**Answer**

The proposals will create an opportunity for more community involvement, but there is no guarantee that the community will participate. It is generally only at the point when there are detailed imminent proposals that could directly affect people, that they want to engage.

The requirement for producing Local Place Plans is welcomed, but may not be understood by many communities, and it is considered that a significant amount of capacity building will need to be undertaken if such plans are to materialise. This should be underestimated.

7. **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?**

**Answer**

Stronger enforcement penalties are welcomed, but whilst the scales of fines are set by legislation, the fines in particular cases are given by the courts so a greater understanding of the implications of planning breaches is required by sheriffs. Further engagement with the Procurator Fiscal Service and planning authorities to develop good practice may be beneficial. The introduction of the
provision for charging orders is noted, however this does not ensure recovery of costs, as often charges on a title, such as a standard security for a mortgage, could rank before a planning authority’s charging order, and depending on funds remaining, would leave the charging order unpaid. Consideration should be given to reprioritising such payment.

8. 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?

Answer

The proposed levy would provide funding for infrastructure needed to support development in terms of transport, green infrastructure, and education, but it is not clear how this would provide infrastructure outwith the control of local planning authorities such as healthcare facilities, energy and water. The impact on development is likely to depend on other economic factors, and may prevent some marginal developments form progressing.

9. 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?

Answer

Yes. Involvement of elected members in decision making is very important for the democratic process, and so training in planning matters is considered to be essential. Timing, however, would be a key consideration, particularly following local government elections.

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

Answer

On the whole yes, however care should be taken to retain the breath of the aspects of performance taken into account, as introduced by the Planning Performance Framework.

11. 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?
Answer

It is considered that the scale of fees for planning applications should remain centrally set and the same for all planning authorities. Applications do not have the option to apply elsewhere so it would lead to significant arguments and complaints if levels of fees were different. Flexibility should cover additional factors such as pre application consultations, costs of Section 75 Agreements and costs of meetings and this would be welcomed.

12. Are there any other comments you would like to make about the Bill?

Answer

1. There are concerns about the loss of the requirement for full council decisions on important planning applications.

2. The lack of detail, particularly on the proposed infrastructure levy, makes it difficult to comment further.

Shirley Linton
Head of Enterprise and Place