Local Government and Communities Committee
Planning (Scotland) Bill
Submission from Jackton and Thorntonhall Community Council

Jackton & Thorntonhall Community Council is pleased to have the opportunity to submit evidence to the Local Government and Communities Committee of the Scottish Parliament.

We have responded to each of the questions and our responses are consistent with comments we have made in the earlier consultations on the planning review. A brief synopsis of our response is provided below.

*The most important point we wish to make is that introducing an equal right of appeal would improve fairness, would improve the quality of planning decisions and would be an indication that the Scottish Government genuinely welcomed and valued community engagement in planning matters.*

**Positive**

- Changes to enforcement and compliance are welcome
- Greater opportunity for community participation is welcome but needs to be supported with enabling resources
- We cautiously support the Infrastructure Levy

**Negative**

- The Bill does not provide communities with the power to challenge bad decisions – an Equal Right of Appeal is needed
- The Bill will not lead to an increase in housebuilding – it fails to recognise that output is demand-led
- The scrapping of Strategic Development Plans and the lack of a clear alternative is worrying and greater centralisation is undesirable
- Arrangements for Local Development Plans are sub-optimal
- Simplified Development Zones are a developer’s wet dream and should be removed from the Bill
- Requirement for Councillor training on planning matters should be voluntary not mandatory
- Scottish Government should concentrate on improving the quality of planning decisions, not the quantity
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?**

No, the Bill does very little to redress the imbalance between the power of the development industry and weakness of communities and other organisations that seek to resist inappropriate developments. We consider that the Bill would be greatly improved in this respect if it were to introduce an equal right of appeal whereby, under certain limited circumstances, those challenging the grant of planning permission should be allowed the right to appeal in the same way that an applicant has the right to appeal against the rejection of an application.

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?**

The proposals in the Bill will not, in themselves result in any further increase in housebuilding. While the proposals seek to “streamline” the planning system and remove obstacles to development, the numbers of houses built depends on the level of demand and this the Bill does not address. Simply making more land available for housing when an already generous supply exists will do nothing to promote additional construction. The notion that the planning system is somehow slowing down development betrays a complete lack of understanding of the basic rules of economics.

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?**

No, the proposed arrangements for the replacement of Strategic Development Plans are vague and are not subject to any public scrutiny. The greater role of central government in setting regional objectives is highly undesirable.

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?**

We welcome the abolition of “Main Issues Reports” which seemed to achieve very little and we also welcome the proposed introduction of Local Place Plans. We are, however, doubtful whether the proposals provide sufficient granularity to allow plans to achieve optimal delivery in, for example, delivering homes suitable for assisted living. We consider that the Housing Need and Demand Assessment could and should be made more detailed and much more rigorous.
5. **Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?**

Simplified Development Zones are not designed to provide such a balance (quite the reverse) so the answer must be in the negative.

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?**

We welcome, in principle, the introduction of Local Place Plans and the commitment to allowing communities to engage early in the development process. We are, however, concerned that many communities (including our own) have insufficient skills to participate effectively and insufficient funds to be able to employ professional advice. If these measures are to achieve their stated objective, then provision must be made to allow active and meaningful community participation by training and by generously funding community organisations.

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?**

We are supportive of the proposed changes which seem to us to be reasonable and proportionate. We have no suggestions for improvement.

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?**

We consider that Section 75 agreements remain the best and most appropriate means of ensuring that developers make the right level of contribution towards the cost of “hard” infrastructure (e.g. roads, schools, community facilities) required directly by their projects. There may be a case for using an infrastructure levy to fund “soft” infrastructure (e.g. parks and recreation facilities) that are not specific to any individual development, but which are, nonetheless, valuable to the broader community.

We note that the way in which housing developments are required to provide for or fund a proportion of “affordable” homes has the perverse effect of incentivising developers to build fewer, more expensive houses (in order to maximise their profits). So any infrastructure levy must avoid this trap by being based on the value
of the development and should be set at a modest level to avoid new house prices becoming even more expensive.

We are not familiar with the nature of the infrastructure levy in England so cannot comment on it.

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?**

We are uncomfortable with this proposal because it may reduce the number of Councillors from whom members of planning committees are drawn. Councillors have never been regarded as being or needing to be experts and have always had access to and been required to take expert advice. We know of no precedent for this approach – finance committee members need not be accountants or actuaries in order to perform their oversight function and there seems no reason to treat planning differently.

While it may be advantageous to provide planning committee members with access to training, this should be voluntary and not a prerequisite of their membership of the committee.

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

Improving the performance of planning authorities will take time, money and greater professionalism especially at the senior level. We are concerned that the proposals in the Bill focus too much on quantitative rather than qualitative improvements.

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?**

As noted in response to Question 10, we are not persuaded that the Scottish Government is wise to target a “high-performing” planning system. In our view, the aim should be for a planning system that delivers high quality decisions that are taken with care, professionalism, independence and with close adherence to Scottish Planning Policy. Additional financial resources are a necessary but not a sufficient step in the right direction.

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

Overall, the Bill, if enacted, would lead to a centralisation of development planning and a reduction in the number of opportunities for communities and individuals to
challenge the direction of regional and local plans. We consider this to be a retrograde step that would lead to lower quality developments than at present.

Alistair Stewart