Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the Scottish Alliance for People and Places

Introduction

The Scottish Alliance for People and Places welcomes the opportunity to provide the Local Government and Communities Committee with written evidence on the Planning (Scotland) Bill. We would welcome the opportunity to comment further on the contents of this submission through oral evidence if the Committee considered it useful for the purposes of its scrutiny.

It is important to acknowledge the efforts of the Minister and Scottish Government to engage widely in the process of developing this Bill, including the Independent Review of the Planning System and the subsequent series of consultations, which many of our members were involved in.

The Scottish Alliance for People and Places welcomes this Bill as an important step in the right direction to create a planning system that is more inclusive, innovative and respected. However, we believe there is room for more ambition to bring about the type of transformational culture change the planning system needs, as opposed to making technical process changes on the periphery.

We have set out how we believe this can be achieved through the legislative process in this submission, and we look forward to working with the Scottish Government and the Committee for the purposes of suggesting amendments at Stage 2. To assist the Committee with its deliberations, we have structured our submission according the areas outlined in the Call for Evidence.

Who we are

The Scottish Alliance for People and Places is a collection of organisations working across the place-making and planning sector. We launched at an event in Dynamic Earth on 24 September 2017, led by our Chair and former First Minister of Scotland, the Rt Hon. Henry McLeish.

We have come together for the first time in recognition of the unique opportunity to build a more inclusive, respected, efficient, and ambitious system of planning that puts people at the heart of their places. Our goal is to ensure this review of planning policy in Scotland meets the ambitions of communities, the built environment profession, and the Scottish economy by working with government, parliament and local communities to articulate a compelling argument for change and develop constructive ideas for how to realise that change.

We want to raise awareness of the importance of planning great places to the lives everyone in Scottish society and encourage greater active civic participation.

The members of the Scottish Alliance for People and Places are:
Summary of recommendations

Recommendation 1: Introduce a new Part to the Bill at the beginning which sets out a statement on the principles of the planning system.

Recommendation 2: The National Planning Framework should be subject to Parliamentary approval to improve consensus and local buy-in.

Recommendation 3: There should be a Chief Planning Officer in each local authority to oversee the link between community and spatial planning at a local level.

Recommendation 4: A duty for local authorities to develop Regional Spatial Strategies should be included as a tangible outcome of the duty to cooperate with a reciprocal statutory link with the NPF.

Recommendation 5: A duty for Scottish Ministers to make a statement to the Scottish Parliament on its assessment of the relevance of the NPF periodically throughout its lifetime.

Recommendation 6: Introduce a requirement for Local Authorities to undertake an annual assessment of the continued relevance of the LDP as part of the performance monitoring process.

Recommendation 7: Engagement with the community and a wide range of stakeholders, notably young people, should be part of the gatecheck and in the Bill itself.

Recommendation 8: A duty to consider a mediated process during the gatecheck should be introduced.

Recommendation 9: National and regional housing targets should be set in the National Planning Framework and Regional Spatial Strategies.
**Recommendation 10:** Appropriate new resource needs to be in place to ensure Local Place Plans are meaningful, and all communities can avail of their right to develop them.

**Recommendation 11:** Local Place Plans should be considered as part of the Local Development Plans process, notably considering their content during the first stage of the gatecheck. The Bill should make this link more explicit.

**Recommendation 12:** Where a Local Place Plan has been produced, and its contents have not been included as part of the Local Development Plan, authorities should be required to notify the community as to the reason(s).

**Recommendation 13:** Simplified Development Zones should be included in the Local Development Plan, and where they are introduced during its lifetime the LDP should be formally amended to include it.

**Recommendation 14:** There should be a national Planning Commissioner, appointed by Parliament, and supported by an office to monitor planning performance, to support skills and capacity building cross sector, and improve the quality of community engagement.

**Recommendation 15:** Quality of community engagement should be introduced as a performance metric as part of the annual performance monitoring process.

**Our vision and ambition for the Bill**

1. The Scottish Alliance for People and Places has a vision for a planning system that is inclusive, respected, ambitious, and holistic. We believe in a system that inspires and empowers civic participation, recognises the positive force that quality economic development can play in creating a more equal society, and is built on fostering strong relationships through consensus and collaboration.

2. We believe that a new planning system should be a corporate and collaborative service that supports and influences investment and policy across local and national government. It should be a front-loaded and proactive system to allow for community and stakeholder engagement and agreement on the priorities for an area and who is going to take them forward. It needs to be a system that delivers development on the ground by ensuring the vision for an area is viable and resourced. The planning system should be recognised as a valuable way of providing solutions to complex issues.

3. We understand that it is important to consider the appropriateness of primary legislation for policy outcomes, and we are acutely aware that legislation may not always be the best way to achieve the desired objectives. Therefore, we have sought to adopt a pragmatic approach to our positions in terms of whether they warrant inclusion in the Bill itself, or whether a more optimal outcome can be achieved through secondary legislation or guidance.
4. However, we also recognise that some inconsistency and incoherency in the present system can sometimes result in frustration and disaffection among some stakeholders, including local communities, developers, planning officials and political representatives. Whilst we understand the importance of flexibility, in terms of allowing for effective local variation in decision-making and policy development, we should take the opportunity of a new Planning Bill to embed a more consistent and coherent approach across the whole country.

5. Overall, we think the Bill is a positive step forward in bringing about a transformational culture shift in our planning system. However, we believe there is space for more ambition and changes can be made at Stage 2 to strengthen the Bill as a whole.

6. On a general level, we believe a new Part could introduced at the beginning of the Bill which sets out a statement on the principles that our planning system and those charged with implementing it should adhere to.

7. In addition, in order to bring about a more collaborative approach to planning across the country, we believe the National Planning Framework should be subject to Parliamentary approval.

8. We welcome the statutory link between community planning and spatial planning, and we support the suggestion from RTPI Scotland to introduce a Chief Planning Officer in every local authority to oversee the working of this link at a local level.

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**A plan-led approach**

**National and Regional Plans**

9. We agree that a new approach to strategic planning, moving away from Strategic Development Plans could allow for planning to be better coordinated with economic development, transport and active travel and infrastructure provision. We also support the concept of not being prescriptive as to how this regional partnership working should take place geographically, given the already complex multi-authority partnership arrangements already in place for a number of other policy areas.

10. However, it is important that regional partnership working does take place across Scotland, and as such we support a duty on local authorities to cooperate. We recommend a further duty to develop multi-authority and multi-agency Regional Spatial Strategies that ensure meaningful outcomes from this partnership working.

11. Regional Spatial Strategies that are developed as a result of regional partnership working should be considered as both contributing to, and implementing, the
National Planning Framework. To ensure this link is robust, we suggest that there should be a provision within the Bill that ensures the NPF is informed by the development of the Regional Spatial Strategies.

12. We are content with moving the NPF to a ten-year process, and we support the proposal to incorporate SPP within the NPF. Through links to the Regional Spatial Strategies, this strengthened NPF should be more delivery focused.

13. Furthermore, noting that a ten-year process could span consecutive Scottish Governments, we propose there be a duty on Scottish Ministers to make a statement to Parliament detailing its position on the relevance of the NPF during the Parliamentary term, or where there has been a material change in circumstances because of a national policy decision.

14. In addition, the Scottish Government should ensure the National Planning Framework links with and influences other key government policies and documents such as the Climate Change Plan, the Energy Strategy, the Cycling Action Plan for Scotland, the National Infrastructure Investment Plan, and the National Walking Strategy etc.

**Recommendation 4**: A duty for local authorities to develop Regional Spatial Strategies should be included as a tangible outcome of the duty to cooperate with a reciprocal statutory link with the NPF.

**Recommendation 5**: A duty for Scottish Ministers to make a statement to the Scottish Parliament on its assessment of the relevance of the NPF periodically throughout its lifetime.

**Local Development Plans**

15. We support the proposal to move Local Development Plans onto a longer-term footing, on the grounds that it will enhance their strategic credentials and credibility.

16. Furthermore, we believe there should be stronger link between Local Development Plans and other health, transport (including active travel, and transport poverty), environment and socio-economic outcomes. We believe this could be achieved through a statutory link with Local Outcome Improvement Plans, and as we welcome this duty in the Bill.

17. We support the proposal to introduce a mechanism through which LDPs can be updated within their 10-year life cycle to account for material changes in local circumstances. To ensure Local Development Plans remain relevant, our suggested approach is to introduce a requirement for local authorities to undertake regular analysis of the relevance of the LDP as part of the performance monitoring process. We believe this can be delivered without undue administrative burden, as it is likely that no change will be required in most years. However, there is important intrinsic value in undertaking such as process.

18. To ensure we realise the vision of a “front-loaded” system, whereby the view of the local community shape plans from the beginning, we strongly support the concept of putting “gatechecks” on a statutory footing. Whilst we are content that the
specification of the gatecheck can be set out in secondary legislation or guidance, we believe it is important that the key tenets, including consideration of key policy/evidence frameworks, are included in the bill itself, to ensure their prominence in the system and compliance.

19. The principle of the “gatecheck” as defined throughout the review process has not been reflected in the present Bill. We believe what is currently proposed should be much more ambitious and involve a much wider range of stakeholders. It should take place in two stages, with the second stage taking place later in the process.

20. In the first stage, there should be a specific focus on the views of a wider range of stakeholders, including the community, as part of the evidence gathering process including consideration of Local Place Plans. This could be supported by integrating the Development Management Scheme, whereby authorities have to set out their approach to engagement, into the gatecheck. There should be a particular focus on involving young people as a key stakeholder group in line with Article 12 and Article 31 of the UN Convention on the Rights of the Child (UNCRC).

21. The second stage would have a compliance focus and consider the action or non-action that has been taken because of engagement with the community and other stakeholders, incorporating the existing examination process.

22. In addition, we think there is an important role for a mediated process during the gatecheck, and we propose introducing a duty to consider using mediation in the preparation of the evidence report.

Recommendation 6: Introduce a requirement for Local Authorities to undertake an annual assessment of the continued relevance of the LDP as part of the performance monitoring process.

Recommendation 7: Engagement with the community and a wide range of stakeholders, notably young people in line with the UNCRC, should be part of the gatecheck and in the Bill itself.

Recommendation 8: A duty to consider a mediated process during the gatecheck should be introduced.

Housing

23. The Planning Review was set up to close the gap between the number of homes needed in Scotland and those being delivered. Our view is that the Bill could be more ambitious in this regard. We strongly support a more innovation focused housing program which must take full account of the changing demographics and deal with the large number of empty homes.

24. To deliver more homes we suggest that a national target should be considered as part of each National Planning Framework and that target should be based on needs and demands assessments. Underneath the national targets should be clear regional targets developed by local authorities through the regional spatial strategy process. The duty to set out national and regional targets should be included in the Bill.
25. The cost and availability of land often limits the ability to deliver affordable housing. We believe the Bill should allow for an appropriate share in the uplift in the value between development land value and existing use value to contribute towards the funding of infrastructure and public interest led development that speeds up delivery and provides a wider choice of private and affordable housing.

26. Furthermore, the Bill should contribute towards the facilitation of Compulsory Sales Orders for land that is deemed to be vacant or derelict beyond a reasonable time. However, we note the Scottish Government has already committed to deliver this.

**Recommendation 9:** National and regional housing targets should be set in the National Planning Framework and Regional Spatial Strategies.

**Local place planning and community engagement**

27. We strongly support the concept of providing local communities with a mechanism to plan their own places through a statutory right for communities to develop Local Place Plans. However, to make sure Local Place Plans work in practice, appropriate new resource needs to be in place to support the process and provide local people with the knowledge and confidence to engage. In addition, resources should be prioritised to ensure communities or groups who face specific barriers to participation, as identified in community planning, can develop Local Places Plans.

28. As such, we support the concept that local place planning be considered in the context of the preparation and delivery of the Community Plan/LOIP and Local Development Plan, particularly as part of the evidence gathering process in the gatecheck. The Bill should be amended to make this link more explicit.

29. Furthermore, where a community develops a Local Place Plan, separately, or as part of locality planning, the Local Development Plan should have regard - we welcome this provision in the Bill. However, to ensure local place planning is meaningful, planning authorities should be resourced and required to provide communities with a formal acknowledgement and explanation as to why proposals in a Local Place Plan have not been adopted as part of the Local Development Plan.

30. We support the proposal to involve communities in the writing of the Development Plans Scheme. We would support strengthening these requirements, particularly with groups who traditionally face barriers to participation. Planning authorities should set out how they intend to engage with these groups specifically, and the extent to which their needs and ambitions have been considered as part of the gatecheck.

31. We understand there has been a lot of debate about the concept of “Equal Rights of Appeal”, or “Third Party Right of Appeal.” In addition, we also understand why it is considered as a policy response for communities who feel their voices are not being heard. However, we support the Scottish Government’s position not to proceed with it.

32. Our primary concern is that it would undermine efforts to create a more positive, front-loaded and collaborative system whereby communities are involved much
earlier and more systematically in the planning process. Our collective goal should be to deliver a planning system that empowers people to plan for what they want, rather only be asked what they do not want.

33. Furthermore, we have concerns about how this would work in primary legislation, particularly in defining its scope.

**Recommendation 10:** Appropriate resources need to be in place to ensure Local Place Plans are meaningful, and all communities can avail of their right to develop them.

**Recommendation 11:** Local Places Plans should be considered as part of the Local Development Plans process, notably considering their content during the first stage of the gatecheck. The Bill should make this link more explicit.

**Recommendation 12:** Where a Local Place Plan has been produced, and its contents have not been included as part of the Local Development Plan, authorities should be resourced and required to notify the community as to the reason(s).

**Simplified Development Zones**

34. We are broadly supportive of the Scottish Government’s suggested measures in relation to Simplified Development Zones and PAC. However, it is important that if Simplified Development Zones are used along with removing full council decisions and extending permitted development rights, that there is clarity and strong community engagement around them in the Local Development Plan.

35. To ensure there is sufficient community support for a SDZ, we propose introducing a requirement that they must be part of the LDP. Therefore if there is the intention to introduce an SDZ during the lifetime of a LDP, we recommend a requirement that the LDP be formally amended to include the SDZ.

**Recommendation 13:** Simplified Develop Zones should be included in the Local Development Plan, and where they are introduced during its lifetime the LDP should be formally amended to include them.

**Improving skills and capacity**

36. We support the measures outlined in the Bill in relation to improving performance, including mandatory training for elected representatives.

37. We support the concept of a person appointed nationally to assess planning performance. However, we believe this could go further and work like a Commissioner role, in a similar status to the Children and Young People’s Commissioner Scotland, and the Information Commissioner. The role, appointed by the Scottish Parliament should be adequately supported in terms of human and monetary resource to carry out its duties effectively. In addition to assessing performance across planning authorities in Scotland, we suggest the position has a proactive role in supporting standards.
38. We agree with RTPI Scotland’s position that an initiative to improve skills and capacity across all stakeholders could be funded by top slicing from the fees from planning applications.

39. Furthermore, we support the development of national benchmarks and indicators on planning performance, set in secondary legislation or guidance. Quality of community engagement should be introduced as a new metric to annual performance monitoring, based on PAS’ SP=EED programme.

**Recommendation 14:** There should be a national Planning Commissioner, appointed by Parliament, and supported by an office to monitor planning performance, support skills and capacity building cross sector, and improve the quality of community engagement.

**Recommendation 15:** Quality of community engagement should be introduced as a performance metric as part of the annual performance monitoring process.