Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Development Trusts Association Scotland (DTAS)

INTRODUCTION

DTAS is the national membership organisation for development trusts, with over 250 members in urban, rural and island communities across Scotland. Development trusts are community-led organisations who use a combination of assets, enterprise and creativity to address local issues and generally improve the quality of life for local people. As such, development trusts are very much about place-making!

In going about their business, the activities of development trusts will often interface with the planning system – both to seek consent where appropriate for community-led development, and to seek to influence externally generated developments which will impact in the local community.

Over the years development trusts (and other community anchor organisations) have often produced neighbourhood / community plans to articulate the vision of local people for a particular place and / or to create a framework for action. Almost without exception, these plans will be influenced by the outcomes of community engagement activities, and will often also take into account the views of other local stakeholders. It is worth noting that there is currently no one obvious source of funding for this kind of neighbourhood/ community planning activity.

VIEWS ON PLANNING (SCOTLAND) BILL

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?

DTAS recognises the need for a planning system which is fit for purpose and supports the Bill objectives of a strengthened and simplified planning system. DTAS also supports the move towards a more pro-active planning system and the emphasis on greater public-led development. However DTAS does not have any planning expertise, and as such is unable to comment in an informed way on whether some of the proposed measures will achieve the objectives set out in the policy memorandum.

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?
While recognising that the availability of housing is a serious concern for communities across Scotland, DTAS has some concerns that focusing purely on quantitative improvements risks losing sight of the fundamental purpose of planning, which is to create great places. Some mechanism is required to ensure that planning performance takes account of quality outcomes, not just how many houses can be built how quickly. A key challenge for this Planning Bill will be its ability to reverse the current trend of Scotland building the smallest, most expensive and least energy efficient houses in Europe!

It is disappointing that the Bill does not seek to challenge the predominant model of volume housebuilding in Scotland and seek to create a more ‘mixed economy’ house-building market, which provides real opportunities for community and smaller scale housing development (and boosts local economies). The speculative nature of this practice, and a business model which is reliant on the uplift in land value that results from the granting of planning permission, is the dominant dynamic within development processes and is clearly undermining rather than enhancing quality place-making in Scotland.

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?**

DTAS does not have sufficient planning expertise to comment on these proposals.

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?**

No comment. See answer to Question 3.

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

No comment. See answer to Question 3.

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?**

Speaking to our members about the current planning system, it is clear that there is a huge credibility gap to be bridged by this legislation. Many communities have lost faith in a planning system which they feel consistently works in the interests of developers and other large vested interests over that of local people and local
communities. In general the planning system is seen as being too site specific and too re-active, it encourages rather than challenges land speculation and land banking, with the result that it frequently undermines, rather than enables, quality place-making. Too often the views of communities are not taken seriously within the planning process and community-led development accorded less value than private sector development. It goes without saying that greater community involvement in the planning system requires greater confidence that becoming involved actually makes a difference, and that the planning system will deliver quality places.

For the reasons set out in the introduction, DTAS supports the proposed introduction of Local Place Plans and believes it is essential that, where appropriate and relevant, there is a strong interface between the Local Place Plans and the statutory planning process. The Local Government and Communities Committee may well want to ask the question why, where local place plans currently exist, they are ignored by planners rather than seen as evidence of community views and therefore a potential useful planning resource. A key concern of DTAS would be whether encouraging planning authorities on a voluntary basis to read and act upon those local place plans which met any necessary requirements, will be sufficient. This policy ambition clearly requires significant cultural change to take place within local authorities, and the kind of positive response to community empowerment within local authorities, which has not been evident so far in relation to other community empowerment measures, such as the Asset Transfer Right.

The concept of ‘Local Place Plans’ covers a wide range of community engagement, visioning, design and planning activity, and a systematic and impartial review of the various forms which this can take, should be carried out prior to the development of any statutory guidance. In particular, the Scottish Government’s obsession with the charrette programme as the preferred model needs to be critically evaluated. The experience of DTAS members, is that local place plans work well when there is a sense of genuine ownership by local people, and where they take a holistic approach – encompassing social, economic and environmental development as well as special planning. We also need Local Place Plans which identify actions which can contribute to the implementation of the Local Place Plans. Without such a delivery element we will continue to produce Local Place Plans which gather dust on shelves throughout the country.

Crucial to the ‘introduction’ of Local Place Plans, is a commitment by the Scottish Government to ensure that the development of these are adequately resourced, with sufficient financial and technical support in place to support those communities who wish to take up the option.

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?

DTAS supports the strengthening of enforcement powers, but this needs to be accompanied by an increase in resources which will help ensure that the powers available to local planning authorities are actually used. This will also involve empowered planners with the confidence to use any new powers, something which is not always evident currently.
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?

DTAS does not have sufficient detailed knowledge of the planning system to comment on the proposed infrastructure level. However the obvious way to achieve a properly resourced planning system is to embrace the potential (as originally envisaged when the planning system was first introduced) for local authorities to acquire potential development sites at existing use value and, when ready, sell these on to the individuals, communities and developers, capturing rising land values for the benefit of the public. Ownership also increases control, thus an additional benefit of this approach would be the ability to influence development through ownership as well as the planning system.

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?

DTAS fully supports this proposal.

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

No comment

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?

See answer to question 8.

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

No.

Ian Cooke
Director