Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Auchinloch Community Council, North Lanarkshire

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. Nothing is said explicitly about the protection of the natural environment and nothing is proposed in the planning process that will provide necessary checks and safeguards. There is great pressure on the greenbelt that surrounds settlements and on the green spaces within settlements, and these green spaces are essential for the health and wellbeing of the residents as well as the preservation of local and accessible biodiversity.

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?**

It is a false claim propagated by the housebuilders’ representative body (Homes for Scotland) that the planning system is hindering new house building. We have witnessed many new housing developments within the M80 Corridor (between Glasgow and Cumbernauld) during the past five years. Local authorities need additional funding to provide new homes for affordable rents. Too many private developments on greenbelt land occupy the top end of the market in order to maximise their profits. What happened to the commitment to direct development to brownfield sites?

The severe reduction in planning personnel, due to local authority budget cuts, is likely to become the biggest cause of planning delays unless proper scrutiny of applications is sacrificed.

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?**

We are not convinced by the alternative proposals. With the severe reduction in the staffing of planning departments, we do not expect voluntary collaboration to be given any priority.

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?**
If there is a genuine intention to “front-load” the process in terms of community empowerment, planning officers must support local communities, especially in the production of Local Place Plans, so that they can engage in a meaningful way. The proposed 10 year cycle may be acceptable provided that there is a mandatory review during the fifth year.

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

Certainly not for house building but possibly for industrial, commercial etc purposes.

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?

Potentially but we need to be much clearer about the extent of support for community bodies wishing to develop local place plans and about how wide consultation will be achieved.

With regard to Pre-Application Consultations, communities need professional support to assist them in exploring the implications of a proposed development and in formulating responses that accurately represent their views and concerns. There needs to be confidence that a genuine dialogue with the developer may result in amendments and improvements to the proposal. Our experience is that the PAC is a token, tick-box exercise that changes nothing.

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?

Our observation is that the Local Authority is very reluctant to enforce planning regulations including the requirement to obtain planning permission for a project. We assume that practice is inconsistent within local government. The duty to enforce compliance needs to be mandatory.

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?

No comment.
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?

Yes, but we want to be reassured that the training will not simply inculcate a Scottish Planning Framework mindset whereby they discount local concerns about the environmental impact and the appropriateness of particular proposals. The training needs to be broadly based with input from at least one non-governmental source. We strongly object to the provisions in Section 25; this would be an affront to local democracy.

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

We question what is meant by driving “performance improvements” because there is no statement of the criteria. We suspect that this could lead to a lack of proper scrutiny being given to applications and a lack of consultation with interested parties before decisions are made. Will there be a target for both the quantity and the percentage of approvals, regardless of the circumstances?

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?

No comment.

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

a) The Bill says nothing about the powers and accountability of the government’s Reporters whose decisions are final. We are sceptical about the call for the Equal Right to Appeal because the Reporter is an agent of government policy with a strong bias towards development, regardless of legitimate and material objections by the community.

In our experience, the Reporter had scant regard for local democracy when, having agreed with all the grounds for refusing planning permission, he nevertheless upheld the developer’s appeal. The intention of the objectors, having accepted the allocation of the site for development, was to seek an important modification of the proposal to prevent intrusion into an adjacent environmentally sensitive green space. The modification could only be achieved by a process of refusal followed by an amended re-application.

We propose that the Reporter may uphold an appeal against the decision of a planning committee or council only where there are no material grounds for doing so and where the application is not contrary to the Local Development Plan.

b) The Bill says nothing about the roles of other government agencies such as Scottish Natural Heritage and the Scottish Environmental Protection Agency which
are required to comment on major developments. We have good reason to believe that these agencies are constrained from making objections to or expressing strong concerns about proposed developments because the government’s priority is to maximise economic development without proper regard for environmental considerations. We have received confirmation of this state of affairs from former and present employees of these agencies.

We deserve to be served by agencies whose integrity and independence is respected. We are very concerned that they are suffering disabling cuts to their budgets, reducing their ability to provide oversight.

Alastair Moodie
Chair
on behalf of Auchinloch Community Council