Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Charlestown, Limekilns and Pattiesmuir Community Council

In our view this draft Bill fails absolutely in its explicit policy objective to ‘enhance community engagement in development planning’, and to ‘effectively empower communities’.

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?*

   **Absolutely not.**

   In order to give ‘the views of communities and protection of the built and natural environment’ the primacy they deserve, the right of appeal of the applicant has to be balanced with an Equal Right of Appeal for communities of place and interest. An appropriately drafted right of appeal for communities would engender higher quality applications, and also would ensure proper scrutiny of those applications that are marginally approved, as well as those that are marginally rejected.

   The intention of the Bill as drafted seems purely to enable the volume housebuilders to build the houses they choose to build as fast as possible, and casts the current planning system as hindering the process. ‘Appropriate development’ means building houses of the size and quality that the population needs, together with access to those elements of infrastructure that make a house a home.

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?*

   **Wrong question.**

   The question should not be whether it delivers more houses. It should be whether it does a better job of identifying and meeting housing need. In Scotland, the planning system does a very good job of delivering speculative private housing developments dominated by larger houses that make the highest profits for the developer. It does an extremely poor job of delivering the social housing and affordable private rented sector housing that is desperately needed by the people who already live in the area and want to stay there.

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.**
It was already difficult for communities to have meaningful input into the strategic development plan process, but at least there was a process and a clearly defined consultation period. There is little clarity about proposed regional partnerships—what status they will have, how they will work, over what area, and what aspects of common interest they will consider, and how transparent their deliberations will be. It will be even more difficult for communities to understand what is being decided, and by whom, and how they can have meaningful input to the process.

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?**

*Very doubtful since we do not know what will be delivered in the ‘delivery’!* It is been difficult for communities to recognise the implications for their localities in what has become a broad brush document. It will become even more difficult for communities to engage with a plan that is to last for ten years. The Planning Review set much store on ‘front loading’ community consultation. However, with the proposed removal of the Main Issues Report and its apparent replacement it with a ‘Gate check’—where there is scant reference to the community voice, public participation in the process will be all but closed down.

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

*No. Definitely not.*

There is little evidence that it is complexities in the planning system that hinder development. We fear that Simplified Planning Zones could lead to a reduction in requirements to address community concerns and environmental impacts. Indeed, the recent SPICe Briefing lays out clearly what freedoms an SDZ designation would confer, and these ride roughshod over important parts of Scotland’s historic and environmental heritage such as Conservation Areas National Scenic Areas, Green Belts and Sites of Special Scientific Interest. These designations exist because such areas need protecting, and cannot be lightly tossed aside. Furthermore, the ability of Scottish Ministers to request a planning authority to develop SPZ(s), could represent a significant change to the operation of the Scottish development planning and development management systems, with implications for planning authorities, developers and communities.

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?**

*No.*

There is, as yet, little indication of the scope of local place plans or the process they will follow. All of this could be very costly and consume vast amounts of volunteer
time. Their introduction may also raise unrealistic expectations as to the degree of control which community bodies may exercise. As the SPICe Briefing avers: the Bill requires an LPP to have regard to:

- any relevant local development plan
- the National Planning Framework
- any other matters prescribed by the Scottish Government

The Scottish Government will also have the powers to set out the:

- required content and form of an LPP
- steps to be taken by the Community Council/body before developing an LPP
- steps that must be taken by a Community Council/body before submitting an LPP to the planning authority
- documentation that must be submitted by the Community Council/body to the planning authority alongside an LPP

With all this in mind, it seems unlikely that local concerns, interests and character would ever find its way into such a plan.

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?

Unlikely

Enforcement is currently very poorly resourced and planning authorities are often reluctant to enforce because of fear of the financial implications of enforcement cases going to court. Planning without effective enforcement is meaningless

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

A levy will always be too little and too late and house builders will wriggle out of their obligation. There has to be a national infrastructure fund funded by capturing the obscene increase in land value that results from planning consent. Infrastructure development has to be in the hands of public authorities who can see the overall picture of need, (of existing, as well as future populations) and not in the hands of housebuilders who have a very narrow focus on profit.

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.

Provided it is not delivered by a body independent of government.

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

**Doubtful.**

It all depends how you measure ‘performance improvements’. Speedy decisions are almost inevitably accompanied by poorer quality decisions. There has, to date, never been an assessment of the quality or extent of community engagement. If the public are to believe that the planning System is anything to do with them, effective engagement is essential. After all, ‘What gets measured gets done’.

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 response**

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

**Yes**

This comment from another submission to be repeated often and written on the wall of every Planning Department:

‘Developers never ‘own’ what they create - they move on once they have made their millions. Communities cherish ownership of their environment as caretakers for the future.’