Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Friends of the Earth Tayside

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 seems to cater for large-scale house builders, at the expense of everyone else. It centralises the power on decision making.

Communities would be required to spend vast quantities of time and energy educating themselves to the standard required to produce Place Plans – only to find them over-ridden by local authorities. They seem to be no more than displacement activities to give communities a sense of power.

The environment currently seems to be viewed as an a luxury or afterthought – to be mentioned occasionally when a box has to be ticked or ‘green’ credentials highlighted.

When local authorities breach environmental regulations there appears to be no censure from central government. Nothing in the proposed bill seeks to change that. For enforcement to take place, the planning authority has to recognise an infringement. When the local authority/planning authority is also the developer and adjudicator, does anyone really expect transparency?

The powers of statutory agencies with responsibility for natural, built and historic environment are limited and require the co-operation of local authorities.

National Planning Framework should align with other national policies, such as Land Use and Biodiversity, rather than be stand-alone.

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?

They will probably result in higher levels of new house building. Whether those houses will be of a standard expected by homebuyers – or even where people want them is another matter. Or the houses may not be built, but the land bought up.

Surely what we require is a sustainable increase in quality, energy-efficient homes built for people before profit? The proposed bill does not appear to take this into account.

The energy performance of developments should be raised, through higher building standards to move more quickly towards low-carbon developments.
We would welcome investment into methods challenging the large-scale, developer-led method of increasing house numbers. We would also welcome more rigorous requirements of investigation into existing environmental conditions of sites. Also, an assessment of infrastructure which should be provided, including sustainable transport provision.

Initiatives to help small-scale developments and building co-operatives would increase house building of the type people actually want, rather than speculative mass-production.

3. Do the proposals in the 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?

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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. The proposals are focussed on simplifying matters for developers. 2 of the main factors which appear to ‘get in the way’ of developers are communities and the environment.

We would like to see an Environmental Rights Centre and an Equal Right of Appeal for communities.

By easing the way for developers and putting the need for house-building so far above everything else, the Bill gives developers the perfect opportunity to forget about trying to regenerate ‘tricky’ brownfield sites and insist they really need access to that greenbelt.

Priority should be for refurbishment of existing buildings, before demolition and new build, where the overall carbon calculations and other factors (e.g. retaining the character of the local built environment, local community involvement) favour this.

The final decision is firmly with Scottish Government Ministers, and their priority is clear.

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

No. Scotland needs an Environmental Rights Centre. Environmental protection is currently piecemeal and open to interpretation. Enforcement of environmental conditions attached to planning permission are dependent on the whim of the planning Authority. National Agencies (e.g. SEPA and SNH) take Local Authorities’ evidence without requiring verification that it is correct.
SDZs give planning authorities scope to keep moving goalposts. Where is the requirement for scrutiny and input from community or interest groups?

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. The statement that the Local Authority must “have regard to any local place plans within their district.” appears meaningless. Planning authorities regularly ‘consult and ignore’ – will they not just ‘regard and ignore’? How exactly will communities be supported impartially? From their local planning department? What if there is a conflict of interests?

What measures are to be taken to ensure communities have a say at every stage of the process? At the moment the statutory consultation usually involves the vaguest of outlines at an early stage. If people cannot visualise or predict what a final development will be like, they should have further opportunity to have their say. Without an Equal Right of Appeal, attempts at suggesting improved community input will always be a token gesture.

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?

Fines will be weighed up against profits. If there’s still a profit being made…

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?

Dundee City Council has an existing 1% levy to go towards public artworks. Developer compliance with this seems to drop dramatically as soon as planning permission has been granted. Any Levy should go towards sustainable, facilities identified as of value to the community and the local environment.

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?

Councillors should be trained in a range of matters – not just planning. In Dundee City Council, matters such as biodiversity as ‘explained’ to the councillors by City
Development. Apparently the council does not need the (legally-required) Biodiversity Duty document as it had an ecology survey done for a site… Should these officers be ‘training’ the councillors?

Any training must be well balanced, factual and evidence based. Insisting that councillors deciding on planning matters should have to be specifically trained in planning may leave Planning Committees fully staffed with a ‘build at any cost’ mentality.

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

The Bill appears to focus so much on ‘getting things built’ that the bigger picture is not being taken into consideration. This increases the chances of Things Going Wrong. At that point the Scottish Government Ministers seem to get involved.

In a lot of cases – for example, habitat destruction, they are not going to be able to fix it.

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?

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

- A missed opportunity for radical reform.
- Disappointed in lack of importance of sustainable development and co-production.
- Missed opportunity for formalized input of local community knowledge about environment and purpose of planning.
- Need emphasis on sustainable travel networks incorporated in all new developments

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