Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Ferguson Planning

Ferguson Planning has previously engaged in the Independent Review of the Scottish Planning System, providing written submissions thereto. We welcome the opportunity to participate in the Call for Evidence on the Planning (Scotland) Bill. Our written evidence on certain issues posed by the Local Government and Communities Committee is provided below.

Local Development Plans/ Community Involvement/ Housing Delivery

Consideration needs to be given to the fact that incorporation of SPP into NPF may remove opportunities for communities and stakeholders to comment on policy content. This proposal, including the combined NPF forming part of the Development Plan is generally supported, providing there is sufficient flexibility in LDPs to take into account local circumstances, given the diversity of such circumstances across Scotland. There is a suggestion that LDPs will be streamlined by removing a need to reiterate national policy, but, in reality, the detail of LDP policies is often specifically due to the taking into account of local circumstances, as opposed to reiterating national policy. It is proposed that LDPs have greater focus on local ‘place’ - a balance needs to be struck between succinctness and supporting the needs of individual places.

The desire to better align spatial planning with community planning, (including a desire to have joined-up community engagement and consistent prioritisation of Council and partner objectives) is commended. The detail is awaited as to how this process can be implemented efficiently and to the benefit of stakeholders.

LDPs must take into account the Local Outcome Improvement Plan for an area and regard must be had to any Local Place Plan (LPP) which has been produced. Consistency and relevance in the timing of preparation of all these Plans will be key if this concept is to offer real benefits. LPPs should feed into LDPs at an informative stage. The overarching concept of streamlining versus the inevitable delays introduced through multiple plan co-ordination need to be carefully considered.

It is agreed that LPPs must support, and not undermine, LDPs. LPPs should not influence matters of national policy or local planning policy and should, for example, have to have regard to nationally set housing numbers. They should not be used as a tool to undermine the LDP, rather they should accord with its key principles. If this is not the case, this could reduce the value of LPPs and lead to tensions.

A key aim is to increase efficiencies, but the ability to do so, in reality, may be challenged by the process of seeking to co-ordinate and align multiple Plans, both in terms of content and timing.

Supplementary Guidance, to date, has generally been considered to be of value. The drive to produce shorter LDPs should not lose sight of this. The proposed ability to
continue to produce SG, albeit in a non-statutory form, is welcomed, but the likely
decision to lose statutory SG is questioned, particularly given the focus on the
importance of the ‘distinctiveness of place’. SG should not be used as a tool, post-
adoption of the LDP, in circumstances where Councils have been found to be short
on housing, or other, allocations.

The 10-year LDP cycle is noted, as is the provision for limited mid-cycle review. The
circumstances in which such review may occur must be sufficiently flexible to take
account of altered economic and local circumstances. 10 years is a considerable
time in terms of potential changes.

The longer 10-year cycle could ‘lock’ otherwise suitable sites out of the system for
extended periods which would be contrary to wider aims of facilitating the delivery of
development. The proposed 10-year period may prevent windfall sites from coming
forward; these sites make a very real contribution to housing land supply in many
areas. Underperforming housing allocations will remain allocated, but undelivered, for
a greater period of time. The desire for greater ‘stability and certainty’ must be
considered carefully against the requirement to preserve flexibility. Markets and
associated economic circumstances, by their nature, are not necessarily ‘stable and
certain’ and the system must be fit for purpose when circumstances change. The
process for possible LDP updates, and the circumstances in which they may occur, is
eagerly awaited in forthcoming regulations.

The early ‘gate check’ concept in LDP preparation, and front loading generally, is
supported provided that there are sufficient resources and expertise available within
Planning Authorities, including a thorough understanding and appreciation of
development economics/ viability matters. This is an area of expertise which is felt,
too often, can be lacking. Resources will be required to ensure that Officers have the
necessary training or have access to such expertise within their organisations. The
requirement for front-loading will have significant resource implications for developers
and may exclude smaller and medium scale developers from bringing forward sites.
The planning system should be geared to, and be receptive to, the varying scales
and natures of development companies which exist throughout Scotland.

The ‘gate check’ procedure does not have an associated consultation phase which
will reduce the opportunity for communities and stakeholders to comment on locally
important matters at a formative stage of Plan preparation. This appears to conflict
with an overall desire for greater community engagement.

The provisions to place a duty upon key agencies (potentially to be expanded from
those defined at present) to participate in the preparation of the development plan is
welcomed.

**Simplified Development Zones**

The provisions to be put into place for the (rebranded) Simplified Development Zones
are awaited in light of the low uptake of Simplified Planning Zones. The Zones aim to
lead and facilitate development through the front loading of the planning process. Again,
significant resources will be required on the part of Councils in the lengthy
process of designation process of such Zones and these will need to be provided for.
Planning Fees

The increase appears to be generally supported within the development industry but only on the basis that there is a commensurate improvement in resources and delivery. Past fee increases have not made a material change. Planning fees should be ring fenced and used to ensure that Local Authorities have enough appropriately skilled Officers and other necessary resources.

Wider Councilor Training

The requirement for a good level of training of Members who sit on Planning Committees and Local Review Bodies is welcomed. The overall aim must be to provide better quality and robust planning decisions, whether at Committee or Local Review Body.

Infrastructure Levy

Land value uplift levy/ infrastructure levy etc. has a lengthy history, with a solution to the issue being illusive to date in Scotland. The principle is supported subject to a workable detail of the proposal being put forward which adequately addresses the shortfalls which have previously led to non-implementation. This is considered to be a fundamental aspect of facilitating infrastructure delivery and this significantly helping to bring forward development sites, yet proposals appear to remain at an extremely early stage with broad parameters only. Fundamental questions remain such as (a) how the levy will be calculated (b) who will be liable to pay, and in what circumstances (c) method of collection and (d) aggregating and spending levy income still to be addressed.

There will be significant viability issues for developments if the levy requires to be paid upon the receipt of planning permission.

Other Matters

It is proposed that Planning Authorities be able to serve Completion Notices, forcing development sites to be completed within a defined period where such have not been finished prior to the expiry of a permission. Whilst there may be circumstances where this approach could be appropriate it is crucial that an acknowledgement of development economics within changing market circumstances exists and reasonable action is taken accordingly.