Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Gladman Developments Ltd.

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?

1.1. Gladman support the general expectation of the Scottish Government that the right development must be located in the correct location, however Gladman has reservations over whether or not there will be a change in attitude surrounding development.

1.2. A change in attitude would be required from decision makers and stakeholders. The Planning Bill could provide a more engaging process that focuses on the collaborative planning process rather than confliction between parties.

1.3. The aspiration for development plans to be extended to 10 years has been recognised in order to reduce the chain of reviewing Local Development Plans, however there should be a requirement for frequent trigger points allowing for further consultation from various parties. The trigger points could allow for development plans to adapt to changes in local circumstances, local market and housing land supply. These trigger points should be clearly defined and implemented into legislation to allow for a coherent planning system across Scotland.

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?

2.1. From the outset one of the key reasons for the new Bill was to address the undersupply of housing throughout Scotland. In its current form the Planning Bill does not yet include the necessary mechanisms to improve housing delivery. Whether or not this can be achieved will be determined through secondary legislation, guidance and updated national policy, which must be consulted on (to include reviewing the housing land audit process (including reviewing and assessing realistic programming of sites), setting appropriate effectiveness criteria, traffic light system for categorising deliverability of land for housing in plans etc.).
2.2. The delivery of new house building depends on the approach taken to the operation of the system by decision-takers and policy-makers. This is particularly exacerbated through the removal of regional planning/strategic coordination. We advocate that strategic planning should not be removed.

2.3. It remains to be seen how the Bill may be amended and any secondary legislation be rejected in Parliament, this in turn, without further consultation, could continue to restrict the level of new house building in Scotland as a whole and slow economic growth.

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?

3.1. Not necessarily. The full extent of the structure of the new regional planning will be seen when housing targets from the NPF are translated into Local Development Plans. Gladman suggest that the new structure could be in the form of Regional Partnerships.

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?

4.1. Gladman believes there is potential for this, however there are concerns surrounding the relationship between the NPF and the LDP, with particular regard to setting housing numbers.

4.2. Gladman is concerned about the implementation of housing figures set out in NPF being translated into LDPs. Additionally, given that LDPs are proposed to fall over a 10 year period, how flexible will the housing numbers be in relation to local housing market changes and/ or over the wider economy? Should there be an economic down turn following Brexit or any other significant political shifts, how flexible will LDPs be to external factors?

4.3. Regular reviews of the LDP throughout the proposed new timeframe would assist in housing delivery and allow flexibility to other local authority priorities as well as potentially meeting both the needs of developers and communities.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?
5.1. Whilst there is the potential for Simplified Planning Zones to be of benefit, there are concerns over their effectiveness and viability. In order to designate an area an SPZ, the Council would be required to carry out a large amount of non-fee-generating work prior to designation. Given the economic strains local authorities are facing, the question remains as to whether or not local Councils have the resourcing to do this.

5.2. In order to maintain a flexible supply, Councils should identify potential future growth areas. This would not necessarily require an allocation, it could be an aspirational area of growth for settlements within a local authority. The area should not be formally designated until there is sufficient evidence to demonstrate the site is effective and deliverable. The evidence could be provided by a developer (if involved in the potential future growth area), if there is not a developer involved, then it raises further concerns over the effectiveness from a marketability perspective. Should the site deemed for a potential future growth area be considered ineffective from an early stage, then the Council could look to identify further areas of growth and follow the same process.

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?

6.1. Yes, subject to a change in attitude from local communities with regards to new development proposals.

6.2. Gladman is concerned over the technical support that can be provided to local communities. Do local authorities have the level of support and resourcing to assist local communities wishing to create Local Place Plans?

6.3. If disparities exist between local authorities resourcing, a local community situated in one authority may have the ability to produce a Local Place Plan, compared to a similar community in another authority. Additionally, if the local authority is not assisting in the production of Local Place Plans, less affluent communities may not have the same level of funding or expertise to produce such a plan, resulting in questions being raised over the fairness of the Local Place Plans process.

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?
7.1. No comment.

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?**

8.1. Whilst we support the principle behind an infrastructure levy; ensuring that infrastructure is provided to support development and mitigate any impacts, the lack of detail included at this stage leads us to question the impact it would have on levels of development. Implementing a levy regime will require a large amount of evidence and data to support it; both in terms of preparing an infrastructure plan, and in producing the evidence for the levy levels. There are also potential difficulties around delivery, timescales and overall control of the interventions required.

8.2. The proposed changes to section 75 offer a clearer way to ensure the provision of infrastructure and an increase in levels of development, and this can, as now, either be used to fund broader schemes or individual, development-specific infrastructure or remediation.

8.3. In considering the implementation of a levy, Ministers should consider carefully the way in which CIL has been implemented in England. This is particularly pertinent given the recommendations of the 2016 CIL review ([https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government](https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government)), which concluded that CIL should in fact now be replaced with a hybrid of local infrastructure tariffs and planning obligation payments for larger developments. Scotland should learn from this experience.

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?**

9.1. Yes. Gladman supports the training requirement for all elected members involved in the decision making process, as this should lead to more consistent, predictable and high-quality decisions. The level of training should cover the development side as well, in order to allow for an all-round knowledge to ensure a more balanced planning decision can be made. The provision in the Act for punitive measures to ensure compliance is also welcomed.
10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

10.1. In theory the Planning Bill could improve performance and should provide a better quality of service, however there are still resourcing issues that are encountered on a regular basis that may not be overcome through introduction of a new Planning Bill.

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?

11.1. Given that the planning application fees have recently been increased in 2017, the development industry has yet to see an improvement in the service provided any further increase in fees should be ring-fenced to ensure they are being distributed back to the planning department. The increase in fees, coupled with the performance monitoring, should in theory lead to an improved planning service.

11.2. With regards to the potential for appeal fees being implemented by the Scottish Government, Gladman is generally opposed to the idea. However, if it can be demonstrated that an upfront fixed fee will lead to an improvement in performance and timescales, then this is something that could be supported.

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

12.1. Gladman is generally supportive of Planning Bill in principle, however there are still fundamental issues and a significant lack of detail within the Bill. Highlighted in this consultation response, there are key components and outstanding questions that need to be addressed before the new Bill can be fully supported. The full extent of the new bill will be detailed in the secondary legislation and until this has been drafted there are still numerous unknowns. Once established, the secondary legislation must go through a consultation process.

12.2. The gate checks associated with the production of Local Development Plans should be strengthened to be the equivalent of the English ‘test of soundness’, especially in light of the other proposed changes to the nature of LDP examinations and the new LDP length. The strengthening of the gate checks should be essential in the production of LDPs. In addition, it is currently unclear if there will be public consultation or engagement at the gate check point of the
LDP? It is our view that this stage should be the subject of public consultation and engagement as it represents such a significant stage in the new LDP process.

12.3. Gladman believe that the wording in the current s.16, the requirement for LDPs to be ‘consistent with’ higher tier plans should be transposed into the new Bill rather than plans only being required to have ‘regard’ to the NPF. LDPs have to take into account NPF as opposed to just having regard to it; this sets a higher bar for the LDP, but will ensure consistency between plans, and ensure that the NPF, as the spatial expression of the wishes of Ministers, is properly translated into local delivery.

12.4. With the proposed removal of statutory supplementary guidance in order to make the development plan process more efficient and easier to use, will this in turn produce an LDP that is enormous and slow to produce (because it is attempting to include everything currently deferred to supplementary guidance); or will it have so little detail, because detail is deferred to the NPF (in the case of housing numbers) or left to non-statutory supporting information that it could be essentially useless, being merely a hollowed out statement of local intentions, rather than a plan guiding and managing development in a local authority area?

12.5. Finally, with reference to Schemes of Delegation, Gladman support the idea of decisions at a local level, however, appeals should still be on a national level to ensure that there still remains an independent oversight.