Dear Sirs

Call for Evidence on the Planning (Scotland) Bill

After a review of the Scottish Government documentation in relation to the ‘Call for Evidence’ on the Planning (Scotland) Bill, Halfway Community Council (HCC), serving all of Cambuslang East Ward in South Lanarkshire authority with a population of c20,000, would like to contribute the following points to the appropriate committee members for review. Certain points have been focused on in detail which HCC reflect our recent experiences. HCC has also tried to capture answers to some of the questions proposed by the committee within the body of the submission.

1. Infrastructure Levy Proposal

HCC are happy to welcome the introduction of the Infrastructure Levy as opposed to the current agreements made through the planning legal agreements / Section 75 planning obligations. Although not clearly defined, from the reference to the recent Supreme Court case, referred to in the policy memorandum, it appears the purpose of the infrastructure levy is to provide a more legally binding and secure mechanism in securing capital investment from developers for infrastructure creation.

Any change should however not allow planning authorities to collect infrastructure levies and use them outwith the areas that the development is located. It must be remembered that these infrastructure levies are generated to accommodate increased populations in the local area and to provide adequate infrastructure to support them, as a direct result of development.

It has been Cambuslang East wards experience over the last few years that extensive residential development has occurred with very little investment in supporting community infrastructure creation or improvements. The Cambuslang East ward is now completely overburdened with road congestion and associated high pollution levels, schools and health service facilities such as doctors and dentists reaching bursting point and very limited community facilities and amenities for local residents. The area also lacks a high school with children from the same community having to travel some distance to go to a range of different schools. The over development of the ward with a population of c.20,000 residents has not been supported by any reasonable infrastructure improvement, which has been to the detriment of existing and new residents within the ward. In addition, the over use of the minimal facilities and amenities that are in place results in them needing upgrading or replaced more often. It is therefore the recommendation of HCC that should the Infrastructure Levy come into force, safeguards must be put in place to ensure that the money generated within an area of development, remains within the
area to generate the infrastructure required to accommodate the requirements of the increased population.

It is suggested within the Policy Memorandum under section 5 that the money could be used on a “wider area”. Through the experience within the Cambuslang East ward, this could be detrimental to existing and future communities moving into the newly build residential developments, where adequate infrastructures haven’t been planned or provided for. Measures need to be put in place to safeguard infrastructure levy cash to ensure it is spent appropriately within the area of the developments.

In addition, the important role of local community councils and elected representatives should be recognised more formally with greater participation given to them in the decisions made around investment in local community infrastructure needs. This will ensure that the investment in community facilities to support increases in population is effectively targeted.

Detailed regulations need to be clear and established for the infrastructure levy (which isn’t clear in the bill) if it is introduced.

It should also be recognised that development adds to land value with landowners making substantial profits from the sale of land for development. Consideration should definitely be given to the proposal that landowners should have to make a percentage financial contribution, perhaps through the infrastructure levy agreement, should the land they own see significant increases in value through development designation.

2. Community Engagement (through pre-application consultation (PAC) and the Local Place Plan (LPP))

HCC welcome the proposed measures within the Planning Bill to engage more with community bodies, including involving them more in the planning process.

To quote Kevin Stewart, Minister for Local Government and Planning “Decisions affecting local communities should be made by those communities, it is they who hold the knowledge and understanding of how the place works and they are also the ones with the long term vested interest in getting things right”.

Part of the issues with current planning processes are that communities are ignored, with much of the community engagement process being nothing more than a tick box exercise, as suggested in the consultation comments in the policy memorandum document. This has also been HCC’s experience. Therefore as a community council we encourage more increased community involvement and empowerment in these processes and decisions.

HCC does not share the views of the review panel, that a third party right of appeal should not be introduced. As developers have the right of appeal, equal rights of appeal to local communities should be introduced to provide a balanced and fair system. Without an ERA (equal right of appeal), community engagement will almost be meaningless.
Although communities would be encouraged to participate in the PAC and the LPP, which may go on to form the LDP, it may be that communities disagree with development from the outset and may not wish or be able to participate in the process. Therefore waiving the right to early participation should not waive the opportunity to appeal against a decision they may be opposed to.

3. Training

Support in the form of training/development and funding should also be offered to communities and community groups to enable them to provide an informed and educated comment on plans. Without this, it is possible substandard submissions will be made which will stand little or no chance of being considered within the LDP. If it is suggested that the LPP is purely an expression of community’s views, safeguards need to be introduced within the LPP to ensure they are actually taken into account and not given “lip service” consideration as has happened in Cambuslang East communities and that they can be produced to a professional standard to ensure any value to the development.

HCC strongly supports the training of local elected members and community council members giving them a better understanding of the planning process. With elected members having the responsibility of approving or rejecting proposals which can have huge impacts on communities and areas, as much training as can be given can only help members to make informed and fair decisions. Locally elected members and community council members can also communicate more effectively with residents to ensure they understand the planning process and applications. This will help to facilitate and enable the communities they serve in compiling such things as LPP submissions and responding to planning applications.

4. Environmental and Greenbelt Protection

After considering the proposals and the findings of the review panel within the bills documentation, it is HCC’s view and understanding that the bill would not reach the much needed balance of securing appropriate development while providing protection for the natural environment.

From details given of the simplified zoning proposals in part 2 of the policy memorandum, it seems protection of natural environmental areas would be moving away from restriction from development to leaving the protection of areas open to decisions made by planning authority’s. Cambuslang East ward has experience of large volumes of its green space being given up to housing development and is now currently experiencing further erosion of its green and historic and scenic land to development. There appears to be little recognition of the importance of the natural environment and the need for green spaces within urban and heavy residential areas. It would be HCC’s view, that current restrictions that protect greenbelt and conservation areas should be further enhanced and remain protected and not left to a planning authority’s discretion.

There also needs to be a greater enforcement of the planning authority’s requirement to carry out Environmental Impact Assessments to ensure protection of the full range of environmental factors and communities through development. There
also needs to be closer and earlier consultations between organisations such as SEPA and other Scottish protection agencies as part of EIA’s.

5. Conclusion

The considerations being made through community engagement are welcome and a definite improvement on the current arrangements, however further details are needed on how these will be managed and legislated for. The weight community’s involvement will carry also has to be much clearer and defined with equal rights to appeal provided for.

It is also inherent in the proposed bill that planning is moving towards a more centralised model with the loss of local democracy. This flags up key legal issues with ministers making decision on both policy and individual cases. This conflict needs to be addressed appropriately.

The Cambuslang East ward has been a victim of the current planning process being developer driven with little consideration of community and environmental impact. It has witnessed its infrastructures, quality of life and places diminish as a result of current planning processes and development outcomes. HCC therefore strongly welcomes positive change to address the balance through a change in the planning process, however as detailed above, there are still many uncertainties which haven’t been clearly addressed and defined.

The planning changes should be about safeguarding existing communities and places and providing attractive and sustainable living environments. The general flavour of the bill seems to be more about speeding up development and less about the quality of towns, communities, spaces and protection of the environment.

Thank you in advance for considering our response to your consultation exercise.

Should you need further information from our community council please do not hesitate to contact our Secretary in the first instance.

Yours sincerely

Stephen Towill
Vice Chair
Halfway Community Council