Local Government and Communities Committee
Planning (Scotland) Bill
Submission from Hallam Land Management

Question 1

Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure appropriate development with the views of communities and protection of the built and natural environment?

1.1 It is Hallam Land Management’s (Hallam) view that the overall approach set out in the Bill will lead to an imbalance in the planning system, and that community involvement and environmental protection will take precedence over and above other significant factors to be considered such as economic development, job creation, and the delivery of high quality homes. A holistic approach must be taken to ensure that the needs of all aspects of development delivery are considered and balanced.

1.2 It is anticipated that the proposals will lead to a more fractious system and create unrealistic expectations for communities, instead of harbouring a greater understanding of the positive economic impact of development. Working together to ensure that balanced view is taken and appropriate development is delivered is key to a successful planning system, however Hallam question if the proposed changes will lead to the right balance being struck.

1.3 Planning decisions are required to take account of wide-ranging influences, however, it is imperative that these are given appropriate weight to ensure that decisions – whether these be through the development planning or development management process – reflect these pressures and deliver the right development in the right place.

1.4 Theoretically, every opportunity exists at present to deliver a planning system that balances all the requirements to be considered in securing appropriate development (which extend beyond only community views and environmental protection). This requires culture change, accountability, and more meaningful involvement of the development industry in the early stages of plan preparation. None of these issues have been addressed through the progression of this Bill, and in fact, will deliver a system which further deviates from these key purposes.

Question 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 Put simply, the proposals in the Bill will not lead to higher levels of new house building, and in Hallam’s opinion, will – if all proposals are implemented – drastically reduce the delivery of housing across Scotland. This is a matter of significant concern given the current housing crisis. A number of the suggested proposals will significantly weaken the ability of the planning system – through a plan led approach – to deliver higher levels of house building.

2.2 Crucially, the Bill, and all stages which have pre-dated the publication of the Bill, have failed to identify (or indeed consider in any great detail) how the issue of housing land shortfalls are to be addressed. This is particularly concerning as in our experience it is the single biggest barrier to the delivery of housing in recent years. Given the numerous and wide ranging experiences of identified housing shortfalls across Scotland, it is deeply concerning that this issue has not been discussed in greater detail through the preparation of this Bill. This again demonstrates the imbalance of the Bill, which favours community involvement to the detriment of the development industry’s key priorities.

2.3 The Bill fails to identify any provisions that may be implemented in instances where Local Development Plans (LDP) fail to identify an effective housing land supply. This is particularly concerning given the intention to move to a 10-year LDP cycle and the recent outcomes of a number of LDP Examinations which have led to the adoption of LDPs with identified housing land shortfalls. If Reporters through LDP Examinations do not feel that they are able to ensure the adequate provision of effective housing land – given that this is a key requirement of the LDPs as identified in SPP – who is to be held accountable for the continued failure to meet housing supply targets? The Bill fails to recognise this issue and does not provide any solutions to address it.

2.4 Hallam remain unconvinced that the proposed changes to the development planning process will allow for an amendment or review of LDP within a 10-year cycle, or indeed how this may take place. The current planning system should, on paper, allow for fit-for-purpose LDPs to be adopted enabling the delivery of appropriate levels of housing, and yet there are consistent and wide ranging failures to meet housing need and demand. If the basic requirement of an LDP cannot be met within a 5-year cycle, it remains to be seen how a 10-year cycle will improve the situation. Without clear information as to how any reviews will be undertaken, or indeed what may trigger such a review, we are unclear as to how this may work in practice.
2.5 There is a complete lack of clarity in respect of the Infrastructure Levy, and some of the options being considered do not recognise the realities of development. This will simply lead to developments becoming unviable. The delivery of infrastructure is a significant barrier to the delivery of housing development, and Hallam welcome the intention of the Scottish Government to address this issue. We do not, however, agree with the manner in which it is being done and the answer needs to be much more carefully considered. The involvement of those who are at the ‘coalface’ is crucial to ensure that decisions are made with the knowledge and understanding of the realities of the market. It is concerning that this has not been done and this is too important and too complex to form part of this Bill, where so many other aspects are being considered at the same time. Hallam strongly request that this be considered as a stand alone matter; and that the enabling powers are removed from the Bill until greater detail can be provided to allow the necessary scrutiny.

2.6 The implications of an ill-conceived Levy approach will have a direct impact on the delivery of housing. This relates not only to homes for private sale. It is crucial to recognise that any reduction on the delivery of open market housing will have a direct impact on achieving the affordable housing targets set by the Scottish Government.

2.7 The points raised above individually raise serious concerns regarding the housing delivery. Taken together – continued shortfall in effective housing land, a more protracted LDP process, and the introduction of an Infrastructure Levy – there is no doubt that housing delivery will decrease.

**Question 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?**

3.1 At present, whilst Strategic Development Plans (SDP) form the basis for setting housing land requirements, there is a strong argument that they add little to the process. Experience shows that Local Authorities repeatedly ignore housing supply targets, often as a result of local political pressure. The inclusion of housing targets at a national level (through National Planning Framework (NPF)) is in theory the obvious process by which to set requirements for LDPs, however Hallam are cautious about this approach, given the lack of clarity.

3.2 Recent experience has shown that LDPs (despite numerous stages of consultation and Examination) are continuously being adopted despite a recognised and acknowledged housing land shortfall. If LDPs are failing to comply with an overarching strategic strategy, will Local Authorities be even less inclined to meet
housing supply targets if requirements are set at a national level – even further ‘removed’ from their regional area?

3.3 Housing numbers being set at a national level is welcomed if this leads to housing supply targets being given greater weight and the onus being placed more firmly on LDPs to meet the requirements. The concern remains that these targets will continue to be overlooked and LDPs which are not fit for purpose being adopted, regardless of an identified shortfall.

This prospect is even more concerning given the proposed 10-year review cycles.

3.4 It is vital that the methodology of calculating housingsupply targets is drafted in conjunction with the development industry and that there is a far greater onus placed on Local Authorities to ensure that land audits are up to date and factual. Local Authorities who inaccurately report housing land audit information in order to manipulate their housing land supply must be held accountable and accurate information provided.

3.5 NPF (and SPP) currently play a limited role in the planning system on a day-to-day basis. However, the opportunity to provide an overarching national policy to form part of the development plan (alongside LDPs across Local Authorities) is broadly welcomed, and it is hoped that this will lead to more consistent decision making, thereby providing certainty to the development industry. This should not simply be SDPs ‘rebadged’, and strategic priorities and housing supply targets should directly influence the content of LDPs. In its new role, NPF should set an overarching housing requirement for Scotland and provide comprehensive policy guidance on sustainability, transport and other strategic policy areas to provide consistency across all authorities, removing the requirement for duplicate policies to be contained within LDPs, and ultimately ensure that plans become more streamlined.

3.6 The removal of SDPs presents an opportunity for LDPs to become more visionary and ensure that sites are identified which will deliver and maintain an effective housing land supply – however, these sites need to be in the right locations where people want to live and where market demand exists. In order to achieve the Bill’s aim of improving regional planning, and to ultimately close the gap between housing demand and the delivery of homes, the starting point is to ensure that land is allocated in areas where there is confidence that delivery is going to happen. If sites are identified in areas of high demand, it will allow for homes to be delivered earlier in the lifetime of the plan and, due to higher land values, will enable infrastructure to be delivered. Infrastructure improvements are required on all development sites, regardless of location. However, in areas of higher land value, these infrastructure improvements can be delivered with greater ease than in areas with lower demand and land value. In the context of the introduction of Local Place Plans, it is important to remember this, and that placing a moratorium on
development in strong market areas, will simply serve to increase the market demand pressure in that area.

**Question 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?**

**Process**

4.1 The Bill currently sets no criteria for determining whether a LDP is appropriate. In Hallam’s view the Bill must be amended so that LDPs are required to be consistent with the NPF. If it is not, then there is a very real prospect of each authority deciding to disregard the NPF (which will of course have been approved by the Scottish Parliament) and to do their own thing.

4.2 The introduction of an Evidence Report which is to be ‘gate checked’ by a Scottish Government Reporter is noted, however there is no detail provided about the form that this will take. This process must ensure that the appropriate level of detail is available for scrutiny and will lead to more meaningful discussion with the development industry than presently exists though the current MIR and Proposed LDP stages. Should the ‘gate check’ lead to reduced scrutiny and dilution of evidence to enable planning authorities to introduce policy positions without adequate consultation, Hallam would strongly object to this approach. The detail of this should be known at this stage in the progression of the planning system reform.

4.3 It is imperative that early communication with the development industry takes place at the start of the plan process, and throughout the progression of the LDP. It is the private sector that will ultimately deliver development. In particular, a ‘gate check’ stage must not result in the housing supply targets being ‘fixed’ at that point with no further opportunity to scrutinise these requirements through future stages of the Examination. Experience in the preparation of ClydePlan shows the issues that can arise from not having a transparent plan preparation process. Despite repeated requests from the development industry for further clarity, there was no evidence provided of how the housing supply target was determined. ClydePlan is now the subject of legal challenge. Lessons must be learned, and transparency in the preparation of development plans is crucial.

4.4 The intention of the Bill is clearly to include communities more through the development plan process, but there appears to have been little consideration given to the inclusion of other stakeholders (particularly the development industry) to
inform the LDP process. The current system allows for consultation with both the development industry and local communities at the same time and on the same published material (i.e. following the publication of the MIR, and the publication of the Proposed Plan). The proposals set out in the Bill appear to provide further opportunity for local communities to get involved, and – conversely – reduce the opportunity for the development industry to scrutinise the content of LDPs. This further demonstrates the imbalance that is to be created towards community involvement in the process. If there is no opportunity for the development industry to be involved in the early stages of evidence gathering, LDPs will be significantly less transparent and will fail to ensure successful development delivery.

4.5 It appears that the first opportunity for the development industry to be involved is after the Evidence Report has been prepared and agreed. Hallam question if this evidence gathering period is to be undertaken without any meaningful input from the development industry. It is unreasonable to suggest that a LDP will achieve the aims of delivery, if the very sector which will undertake the delivery of the plan is not involved in the early stages of the process.

4.6 Hallam urge the Scottish Government to ensure that this evidence gathering and ‘gate check’ stages involves a level of scrutiny which is both robust and meaningful and while we welcome the intention to include the housing land requirement at this stage, the development industry must be involved. A collaborative approach must be taken to avoid the current situation of LDPs being adopted without an effective housing land supply in place (and over reliance on only allocating a few large sites to meet housing targets).

4.7 At present, DPEA Reporters have the authority to intervene and suggest modifications to the LDP as they see fit in order to address any deficits within the LDP through the Examination process. Yet experience shows that they rarely do so, and indeed there are examples of Reporters stating that they are unable to adequately resolve the issue of a housing land shortfall. Surely this is fundamental aspect of the Examination. To ensure that the current pattern of inadequate LDPs does not continue, Reporters must ensure that this early ‘gate check’ intervention in the LDP process provides the opportunity to make positive and meaningful changes, and that they utilise their powers to ensure that the LDP is ultimately fit for purpose.

4.8 Hallam would welcome this ‘gate check’ approach if it would lead to the preparation of LDPs which involve key parties at an early stage, and ultimately ensure delivery of homes on the ground throughout the lifetime of the plan.

Local Place Plans

4.9 Local Place Plans are considered further below, however, despite significant representations submitted though the consultation process, there remains a lack of
clarity as to the material weight to be given to Local Place Plans, or indeed how a consistent approach is to be taken across Scotland where some communities may not have undertaken Local Place Plans. Furthermore, there will often be situations whereby different sectors of the community want different things – so it is unclear how representative these plans will be.

4.10 There is no information available regarding the content of Local Place Plans, and the concern would be that communities may see this as an opportunity to stop any development from progressing, or conversely that an unrealistic level of development (i.e. community facilities) should take place. These concerns remain valid and we anticipate that undeliverable expectations will ultimately lead to delays in development delivery. Hallam believes that the Bill should require any Local Place Plan to be consistent with the NPF and any current LDP for the area.

Review of Local Development Plans

4.11 At present, LDPs are already out of date relatively soon after adoption, particularly in respect of housing land supply. These instances have not been adequately addressed and have recently become more frequent. Given the lack of information on how the current housing land supply issue is to be addressed through this Bill, we have concerns that this pattern will continue and 10-year plan periods will simply exacerbate this problem. Planning applications will continue to be submitted in light of a housing land shortfall, which ultimately threatens the intentions of a plan led system.

4.12 Within a 10-year LDP cycle, the opportunity to review the plan during the plan period must be permitted. Whilst some information is contained within the Bill, it is disappointing to note the lack of detail on the form these reviews may take. Given that it is the intention to double the duration of the plan period, surely the mechanisms in place to ensure LDPs are fit for purpose must be considered in full. The planning process is an ever-changing cycle and there must be the flexibility within development plans to respond to these fluctuations and particularly avoid housing numbers being ‘tied up’ in undeliverable sites. This flexibility does not exist within current LDPs, and must be addressed. Hallam is in agreement that the aim of LDPs must focus on delivery, which will ultimately be improved if there is greater flexibility.

4.13 The Policy Memorandum states that the circumstances whereby amendments will be permitted will be limited, and a suggested example of such a circumstance is when there is evidence of a shortfall in the supply of housing land. Taking this example, further clarification is needed as to who determines if this housing shortfall evidence is accurate. Experience has shown that Local Authorities seldom admit that there is a housing land shortfall until such times as a Reporter takes a view on this through a planning application appeal or through the Examination of a LDP. This not
only highlights the requirement for flexibility to allow amendments to the LDP to occur, but also the need for an independent body to be involved in this process. The Bill needs to set out the procedures for dealing with amendments rather than delegating those procedures to secondary legislation.

4.14 In light of the intention to remove statutory guidance, a further concern in respect of any amendments to LDPs during their 10-year cycle is that this will lead to a significant level of non-statutory guidance. This conflicts with the intention of the Bill to remove supplementary guidance and ensure policy details are contained within the LDP. Further information on the scope of any non-statutory guidance should be provided.

**Question 5**

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

5.1 It is not clear through the Bill as to how the implementation of on Simplified Development Zones (SDZ) will lead to a simpler process or their ability to actually assist in delivery. It appears that the level of information required up front is much the same as would be required for any major development.

5.2 We would assume that the community and environmental impacts of SDZ’s would be considered in advance of the identification of a particular area as a SDZ.

**Question 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 Avenues will be created for communities to get involved, however we seriously question how these proposed changes would improve the public’s understanding of the planning system, and suggest that this only serves to create unrealistic expectations. The Bill does not suggest that those involved in the preparation of Local Place Plans will undergo any training prior to the preparation of these documents. This needs to be considered thoroughly to ensure that Local Place Plans are fit for purpose and are realistic. The development industry should play a role in any guidance or training to ensure that their role in the system is understood and to try and address the distrust and scepticism of developers.
6.2 Despite the increased involvement of communities since the previous planning reform, there is still a clear lack of understanding of development economics. There has been a complete failure to educate the public on the purpose of community consultation and the role of professional planners in decision making. Our experience shows that many communities are of the opinion that significant levels of objection will lead to applications being refused, regardless of the planning merits of the proposals. If communities are to trust the planning system and are to become more involved in it, a greater understanding of the development process, the considerations undertaken by professional planners in making planning decisions, and the role developers in the delivery of successful places must be clearly understood. In the context of the introduction of Local Place Plans, it is important to ensure that the role of professional planners is not undermined and that sound spatial planning decisions are made.

6.3 Despite stating that the intention for Local Place Plans is to ‘support rather than undermine the LDP’, from the Flowcharts prepared by the Scottish Government, it appears that these Local Place Plans will be prepared at the same time as the Proposed Plan. It is not clear how these Local Place Plans can therefore be based on the aims and objectives of the LDP given that the first and only ‘draft’ LDP is the Proposed Plan. Will the Local Authority be required to resource the review of Local Place Plans which may have entirely different aspirations that the Proposed LDP? This will place an additional burden on resources within Local Authorities to manage the production of a Local Place Plan for every community in their area. It remains unclear how Local Authorities are to facilitate this.

6.4 Additionally, we question the parameters on which any Local Place Plan will be based if they are to be prepared alongside rather than after the publication of the Proposed Plan. It is worth considering the experience of Neighbourhood Plans in England, which have been the subject of a number of legal challenges. Despite Neighbourhood Plans not being granted the same statutory weight as development plans (and are therefore not subject to the same level of independent scrutiny), they often significantly influence how future development is accommodated within a particular area. This further highlights the importance of Local Place Plans to be consistent with the NPF and any LDP for the area.

6.5 Furthermore, this leads to an imbalance within communities and between neighbouring communities. Unless individuals happen to be involved in the preparation of Local Place Plans, it is only after the publication of the Proposed Plan that any formal consultation stage will be undertaken to allow them to be involved – from experience this is entirely too late to have any meaningful input. Additionally, we question how representative Local Place Plans will be of the majority of the community. There will surely be instances whereby different sections of the community have different priorities they wish to see addressed through Local Place Plans.
6.6 The Policy Memorandum states that it is the intention of the Local Place Plan process to be ‘defined by the capacity and preferences of the communities themselves’. This simply fosters inequality and inconsistency across different neighbourhoods. As experienced currently, some communities are significantly more active in the planning process than others and it is often the limited vocal minority that are involved in the process. Will this simply lead to those active communities to prepare Local Place Plans which place a moratorium on development, only for communities who have not prepared Local Place Plans to face a substantial level of development? This not only creates an imbalance, but will lead to a ‘patchwork’ of Local Place Plans (as is the case in England in respect of Neighbourhood Plans), which calls in to question their purpose. Is it only those communities which are particularly active that will have an influence on LDPs?

**Question 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 Hallam have no comment on this.

**Question 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 Hallam have serious concerns regarding the inclusion of enabling powers to bring forward an Infrastructure Levy within the Bill and reiterate their position that this element of the Bill should be withdrawn until further detail is provided. Given that the preferred Levy model to be progressed has not yet been determined, and thus far no input or consultation with the wider development industry has been undertaken, we fundamentally disagree with the inclusion of this element of the Bill.

8.2 The suggested approach to a locally co-ordinated Levy as set out in the Technical Paper (December 2017) is ineffective. This is based on the future development value of the land, which is too unpredictable upon which to base any land transaction deal, and therefore the suggested approach cannot be applied in reality. It is also extremely unclear how it is proposed that the Local Authority is to become involved at the point of the initial land transaction. This process is
undertaken long before any engagement with the planning system. At the point of the land transaction, the Local Authority is not, nor should they be, involved.

8.3 Moreover, there is no clear indication of how this Levy approach would work with regard to prioritising infrastructure delivery and the suggestion that these monies could be spent on infrastructure which is not directly related to – or even in the same local authority area – the development provides no confidence that there will be arrangements in place to deliver the infrastructure towards which developers would be contributing. This will simply lead to greater (and understandable) frustrations from communities that infrastructure improvements are not being delivered in line with new development.

8.4 There is no overall infrastructure plan at a national or local level, and the removal of SDPs provides no strategic focus for the delivery of required infrastructure to serve development.

Surely infrastructure requirements and key priorities should be identified – in advance of a ‘tariff’ being set – which will inform the level of contributions needed.

8.5 Absolutely no clarity is evident through the Bill or the Technical Paper in regards to the implications of a proposed Levy. Within the Policy Memorandum itself, it is recognised that how the Infrastructure Levy will operate is unclear and that further work is needed. The Levy must not be seen as a tax on development, and the infrastructure investment must be related to the development proposed. At present, there are no safeguards to ensure this, and it is imperative that these fundamental aspects are clarified. The suggestion that planning permission could be withheld until such times as any Levy payment is fundamentally flawed and does not reflect the commercial reality of development delivery in practice. Developers rarely own the land until such times as the all consents are granted, and therefore will not be in a position to provide Levy payments in advance of this. This clearly demonstrates that it is imperative for the development industry to be involved in the consideration of any such Levy to ensure it is based on a sound understanding of development economics. Appropriate time is needed to discuss this in greater detail and agree a suitable approach.

8.6 This being the case and the impact that an Infrastructure Levy will have to development viability clearly indicates that this approach must be carefully considered quite apart from the Bill. This element of the Bill should therefore be removed until such times as the objectives and mechanisms of such a Levy are discussed and understood.

8.7 The lessons we can learn from the Community Infrastructure Levy (CIL) in England is that it has not lead to an improvement in the delivery of development or removed any complexities surrounding individual planning agreements. Therefore,
the implementation of an Infrastructure Levy should not be treated as a ‘silver bullet’ and should be carefully considered as stand alone legislation.

8.8 As recently as last year, it was suggested that the CIL would be abolished, and there have been - and continues to be - numerous amendments taking place to legislation in order to deal with the complexities of a wide range of planning consents. It remains unclear how revised and amended applications to existing permissions (which have outstanding Section 106 agreements) are liable for CIL. Despite numerous legislation changes to restrict the pooling of contributions from S106 and CIL, the reality is that authorities are still seeking contributions through both mechanisms. Furthermore, not all English authorities have implemented CIL which has led to uncertainties from investors who may reconsider developing in one Council area which charges CIL, in favour of another Council area that does not. This demonstrates the complexities surrounding such regulation and should serve to caution against rushing through a similar approach in Scotland.

8.9 Experience in England shows that once a CIL tariff is set, it is regarded as a fait accompli and is extremely difficult to influence. To challenge CIL tariffs through the Local Plan process, the onus is on the development industry to comprehensively demonstrate that the viability information which informs the CIL is incorrect and that this will have a direct impact on the viability of development across the whole authority area, rather than on individual sites. Given that the work undertaken thus far to inform a similar Infrastructure Levy in Scotland has been done behind closed doors, and that fundamental aspects of how this will be implemented are still undetermined, it is entirely unreasonable to expect developers to demonstrate the viability impact that this may have on development, when they have not first been included in influencing how any such tariff may work. The development industry needs to be involved, and it is entirely too late to understand and influence what form the Levy may take through this call for evidence. Hallam strongly advocate that the enabling powers of the Levy be removed from the Bill until the uncertainties and anomalies in the technical papers are worked through properly.

8.10 Within the Technical Papers and Policy Memorandum, there is no recognition of how sites are funded and purchased (particularly when payments are staged). The valuation process identified in the Technical Paper is unrealistic, and it is unclear who will undertake these, or on what the valuation is based. It cannot be a one size fits all approach, and account must be taken of land value and market demand. Additionally, there appears to have been no acknowledgement of the viability impacts associated with sites which have high abnormal costs (many of which cannot be anticipated) and the direct impact this has on the delivery of private and social housing.

8.11 It must be recognised that as the cost of development increases, it places greater pressure on areas of high demand and will ultimately impact smaller,
regeneration proposals. Developers will increasingly progress larger, high value sites to ensure that a satisfactory profit margin is made, and smaller, affordable schemes will suffer as a result of higher costs and will therefore fail to be delivered. The economic realities of development must be understood to inform any Infrastructure Levy discussions.

**Question 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 this is supported, and it is questioned why this is not already the case. Should Councillors sit on planning committees making planning decisions, it is imperative that they understand planning matters. However, it is important that this training not only involves an understanding of the process itself, but also the wider economic implications of taking planning decisions. Additionally, this training should take place on a regular basis, and should not simply be a one off.

9.2 It is the intention of the Bill that the adoption of LDPs is reported to Full Committee, therefore all Councillors, and not just those that sit on planning committees should undertake training.

9.3 Regardless of the training provided, however, it is questioned whether this will address the unpredictability that comes with the political involvement in the planning system. Although it is accepted that many planning decisions are part of the democratic process, the cyclical and short term nature of political decisions must be recognised. The majority of decisions must still be taken by a balanced, independent planning professional to ensure that the planning merits of the case inform the decision making process.

9.4 Hallam (and we are sure many others within the development industry) would welcome the opportunity to be involved in any Councillor training and would be happy to discuss their expertise in economic investment and delivery mechanisms and the key role this plays when making planning decisions.

**Question 10**

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

10.1 Hallam welcome the intention of the Bill to take a more wide-ranging approach to the performance of the planning authority, in particular the quality of the decisions taken. The current use of performance indicators which simply identifies how quickly
applications are determined does not necessarily lead to the best outcome in planning terms, and although the Bill proposes to retain these, it is hoped that these figures will be considered in the context of the additional performance indicators identified. The concern still remains that if planning decisions are continued to be monitored in terms of timescales, this will lead to decisions being rushed through.

10.2 How the ‘quality of decision making’ and the ‘outcome on their areas’ to be measured is still unclear, and how it is to be reported when a planning committee elects to go against an officers recommendation is questioned. This is particularly prevalent in light of the significant hike in planning fees, which in practice does not appear to be linked to performance or quality in terms of decision making.

10.3 Regardless of the requirement for Local Authorities to prepare annual performance reports, the key barrier to the delivery of housing remains the continued shortfall in allocating effective housing land, and not development management procedures. It is noted that there is no intention to include development planning within these performance reviews and there remains no accountability for Local Authorities that fail to meet the housing land requirement. If it is indeed ‘the performance of planning authorities’ that is to be improved through this Bill, it should be evaluated in its entirety, and performance reviews of all sectors which sit within the planning authority should be undertaken.

Question 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 Following the recent increase in planning application fees in 2017, there has been no evidence of an improved service as a result of this additional payment. The service received from Planning Authorities should be commensurate with any increase. This is not the experience to date, and this – in conjunction with the speed at which the fee increases were implemented – has impacted developer confidence in the system.

11.2 As has been reiterated through the consultation process across the development industry, the principle of increased planning application fees is accepted, provided that this increase is ‘ring-fenced’ for planning authorities, rather than being redirected within the wider Local Authority. It is not clear if this is the intention. To suggest a further increase without first confirming that these fees are to be retained by the planning authority gives little confidence that this will lead to improvements in the service.
Question 12

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

12.1 Hallam welcome that the Bill preserves the current statutory provisions on appeal rights and have continuously supported the view that the right of appeal for third parties to challenge development decisions would be an unwelcome addition to the planning system. Any introduction of such a proposal would undoubtedly prolong the timescales of delivery and increase the level of uncertainty in the process which is ultimately odds with the intention of the planning reform to facilitate the delivery of the right development in the right location.

12.2 The planning process includes the opportunity for public comments to be taken into account – and balanced with all other considerations – in the determination of planning proposals and are therefore subject to a statutory process. The focus through this reform of the planning process should be to encourage positive collaboration and reduce the level of discord and conflict within the planning process.