Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the Improvement Service

This response is from the Improvement Service including its Planning Skills Programme. The Improvement Service exists to support and mobilise resources for our public sector partners to deliver excellent services, improve outcomes and reduce inequalities.

The Planning Skills Programme works with local authorities, Heads of Planning Scotland, Scottish Government, key agencies, the RTPI and other stakeholders to deliver collaborative and cost effective support for skills development.

http://www.improvementservice.org.uk/planning-skills.html

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?

Securing this aspiration will be dependent on the detailed content of secondary legislation, new policy and guidance. Furthermore, the planning system operates in a wider context. It gives an invaluable spatial expression to securing the views of communities and achieving the aims of public service reform. As such the requirement for the Local Development Plan (LDP) to take into account the Local Outcomes Improvement Plan (LOIP) for the area is a vital inclusion in this Bill. This not only links planning into addressing the needs of all our communities, including social inequalities, but requires it to collaborate more closely across all sectors and corporately within local authorities.

As well as being dependent on secondary legislation securing the aspirations behind this Bill will require adequate resourcing, predominantly staff, to enable planning services to engage with communities, other sectors and other local authority services. Essentially to achieve a more place based approach to deliver outcomes.

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?

Provision in the Bill for LDPs to contribute to the wider vision of an area as set out in their LOIP will in many cases strengthen the case for the allocation of land for new housing in the LDP.

The intention to introduce delivery programmes as agreed by local authorities, and signed off by the Chief Executive and full council, is a crucial provision to deliver higher levels of house building. The benefits have recently been evidenced by the work of the City of Edinburgh Council and their approach to taking ownership of delivering the growth in the LDP through their unique corporate, cumulative and credible action programme. At a recent Planning Skills programme event, sharing the
City of Edinburgh Council’s best practice with other planning authorities, there was unilateral acknowledgement of the benefits of this more corporate approach and concerns expressed over the challenges in securing corporate recognition. This provision would go some way into bridging that challenge.

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?

No comment.

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?

The introduction of a provision for LDPs to link to the LOIP visions gives a high level mechanism for LDPs to complement other local authority and community planning partnership priorities to meet the needs of developers and the communities. Our experience to date suggests a need for further guidance for how this can practically be achieved. Current practice often remains siloed some local authorities are lacking an effective governance structure, which would establish links and to allow more collaborative work between local planning authorities and their community planning partners.

Further guidance has the potential to speed up the creation of essential governance frameworks ensuring alignment and coordination across all local authority and community planning partner strategies.

The proposed Gatecheck procedure for LDPs is a significant opportunity to also confirm that the LDP is aligned with LOIP vision as required in the Bill. Given the importance of this requirement in achieving more collaborative working with community planning partnerships we would suggest that the Gatecheck includes this as mandatory. Given that the LOIPs vision is founded in extensive community consultation this would also ensure this additional layer of early and full engagement is reflected in the LDP.

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

No comment.

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?
We agree that the Bill provides more effective avenues for community involvement. However, we are concerned about how the provision for Local Place Plans will align with ongoing community engagement by community planning. There is the potential for duplication of engagement processes leading to confusion for communities and ineffective use of local authority resources. Securing positive outcomes for places begins with public services working their engagement around communities input based on the whole place not around an individual service. The Bill reinforces the existing legislative requirement for spatial planning to take account of community planning outcomes as defined in each LOIP vision. The introduction of Local Place Plans could involve too many layers of engagement resulting in confusion.

There are similarities between Local Place Plans and the ongoing preparation of community led action plans across many Scottish local authorities. Both are an opportunity for communities to inform the front loaded engagement processes that input into a LOIP and an LDP. Community input into the preparation of any plan should be encouraged to feed into public sector reform principles and be about the whole place and go beyond what the planning system and LDPs can address. As such place plans should feed into local development plans via the community planning process. If they feed directly into Local Development Plans this will require communities to have an understanding of Local Development Plans and the remit of the planning system and planning authorities within Councils. This will either require an immense resource to upskill all communities in the planning system or will introduce inequalities as different communities will have different capacities to input into a purely planning based process. This is directly at odds with the public service reform principles to build public services around community capacity and then work together to achieve outcomes. The Bill needs to be more specific about the importance of this link.

Local Development Plans risk being unequally influenced by communities with the financial capacity and knowledge to engage in the complex planning process while many communities will continue to be excluded from participation and feel further disenfranchised. Bringing all communities up to an equal capacity to prepare Local Place Plans will have an unaccounted resource implication on local authority planning services.

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?

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?

We support the principle of a new infrastructure levy and the contribution it can make to helping local authorities improve outcomes through the delivery of infrastructure. We would question whether this contribution is sufficient to fund the infrastructure
required to meet national targets for growth. Other national programmes would need to be investigated to augment local authorities’ ability to take ownership of a corporate, cumulative and credible approach to delivering growth.

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?

As part of the Improvement Services strategic aim to provide expertise advice and support to elected members we would support this provision. Planning is a complex area of local authority decisions that requires technical knowledge. A mandatory examination / course completion is already in place for those sitting on a licensing board. The Improvement Service Planning Skills Programme has already published a members’ guide to the fundamentals of the planning system in conjunction with Heads of Planning Scotland. We would suggest this forms a foundation for training content.

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

The Improvement Service has been supporting Heads of Planning Scotland (HOPS) on performance since Planning Performance Framework reporting began in 2010. We believe the proposals aimed at monitoring and improving performance are an opportunity to drive performance improvements provided:

- It takes a positive approach looking to support all planners to develop skills, behaviour and knowledge needed, and
- It takes account of all sectors involved in the planning system that impact on how the public sector delivers improved outcomes for all communities.

We agree that the form and content for producing annual performance reports should not be set in regulation until the full shape of the reformed planning system has been clarified in legislation.

HOPS has previously highlighted to the Scottish Government the extensive work on performance undertaken by the Planning Advisory Service in England and the key role and activity they undertake in assisting authorities in identifying best performance and improvements. We are aware that HOPS have suggested that a similar support function is critical to improving performance on a consistent and sustainable basis. As well as supporting HOPS with their Planning Performance Framework reporting the Improvement Service has worked closely with HOPS, the RTPI and the Scottish Government in delivering a planning skills development programme since the previous review of the planning system. The Planning Skills Programme shares the skills, knowledge and behaviours to promote culture change and improvements to current practice. Given that the Improvement Service overall priority is to support service improvements, productivity and efficiency we are ideally suited to provide this support function in Scotland.

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?

Enabling flexibility in how local authorities charge for their services is in alignment with the Improvement Services’ priority to support the achievement of better outcomes in a cost effective manner. As such introducing charging for some services will support this aim.

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

No comment.

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