Local Government and Communities Committee  
Planning (Scotland) Bill  
Submission from Ken Miles  

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?

The proposals are development-led and suggest the planning system restricts development, in particular that of new housing.

This assumption overstates the role of planning as restricting development.

The Bill has a focus on reducing regulation rather than improving planning and protecting the public interest.

The proposals would weaken protection of the built and natural environment.

The proposals would contribute to undermine public trust and confidence in the planning system and so do not provide a balance in the public interest.

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?

There seems to be a developer-led suggestion that blames planning constraints have restricted and delayed housing development. I do not think this is the case.

Planning should ensure the delivery of high-quality sustainable new housing settlements.

In regard to my home area of Kinross and Milnathort and the wider Perthshire area there is no shortage of housing delivery and there is little evidence of a much quoted (by the development industry) “desperate need for housing”.

Indeed the level of new housing being proposed and granted is excessive, around nine thousand housing units in the immediate Perth area (which compared to the existing population of around 45 thousand persons seems unsustainable) and a similar factor of expansion to population is being delivered in Kinross-shire.

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?

The Strategic Development Plans should be preserved.

Lack of public participation due to lack of knowledge of the existence of and how the Planning System works is the cause of democratic deficit.
Better use of media could result in more active involvement rather than just engaging with planning professionals, developers and interest groups.

Most “representative” groups having an influence on the planning system comprise of developer industry based and planning officials from Local Authorities.

There appears to be little if any “grass roots” representation within these groups which is contrary to the stated aim of inclusion.

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?**

Currently the Local Development Plans process relies on a Local Authority seeking a genuine dialogue with the communities, that it is meant to represent, through a consultation process that encourages meaningful participation and response.

Too often local planning authorities seem to treat this as a “tick box” exercise and engagement is token and dismissive of community responses resulting in erosion of public trust in the value of engagement.

Reporter Examination remains an important underpinning of the Planning System.

Opportunities for meaningful public engagement require to be enhanced within the process.

The lack of the open public forum that was previously provided by regular Public Inquiry Examination further distances the public from engaging meaningfully in the process and does not uphold confidence in the Planning System.

Applicants for planning permission have the right to appeal against the decisions of local planning authorities.

Communities and other parties do not.

Decisions to grant controversial planning permission are not subject to scrutiny, even when significantly contrary to the agreed development plan.

This is contrary to the principles of justice and equality.

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

The proposals in the bill seem to have an agenda that focusses on and is fixated by a desire to deliver developer-led development at any cost.
The proposed powers seek less regulation and faster development.

This may be in the best interests of the Development Industry but not in the best community and environmental interests.

Meaningful public engagement, transparent processes, adherence to environmental protection and commitment to enhanced design standards are paramount.

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?

Local Place Plans have the potential to provide proactive community engagement in the local planning policy process.

However my experience is that despite their best efforts most Communities struggle to get to grip with the planning system and are receiving very little help in understanding the basics. As I understand, it is a responsibility of Local Authorities to foster engagement and takes steps to equip communities (community councils etc) with an understanding of the planning process. In practice this is not being actioned meaningfully in my Local Authority Area (Perth and Kinross).

In fact there is a strongly held belief in the community that there exists a culture of control amongst some senior council officers that works against the best interests of democracy.

This is due to a lack of transparency, scrutiny and accountability.

Due to the lack of Right of Appeal communities and individuals are disadvantaged.

There is an acute lack of financial support to equip communities to contribute to improved and ongoing engagement. The Bill makes limited provision to support communities.

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?

Local authorities have discretion to investigate breaches of planning conditions.

In practice it seems enforcement action is rare within my Local Authority area.

Large developers appear most likely to avoid enforcement no matter how clear and significant the breach.
There should be a requirement to investigate cases where breaches of enforcement are brought to the attention of the Local Authority by the public and their representatives.

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?

The substantial uplift in land values as a result of planning designation and approval result in an industry of its own feeding off this process, which by control of land banks is fuelling a development bonanza. This is not in the public interest and requires government intervention.

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?

Yes. It surely follows that if councillors are responsible for decisions they should be fully trained in planning matters.

Some years ago I was involved in overseeing a Local Authority political group on a weekly basis. Despite some councillors being members of Development Control for 13 years, none had any knowledge of or indeed heard of the existence of PAN 40, produced by the Scottish Executive to advise on Development Control matters.

This lack of advice resulted in councillors having an unhealthy dependence on council officers and ill equipped to provide proper scrutiny of reports.

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

Local planning authorities need to be required to improve performance through ongoing assessment and scrutiny.

This should not be self-assessment or self-scrutiny but entirely impartial and serving the best interests of the public when things go wrong and serious breaches are uncovered.

Currently performance is self-assessed and appears solely driven by speed of decision-making rather than the quality of decision making by planning services.

Any system that introduces independent scrutiny is welcome.

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?

Press reports indicate the large players in the development industry are making massive profits on the back of subsidised home purchase incentives.

In this way public money is being directed into the profits of developers.

There appears to be a misguided view that this gold rush is somehow a good thing as housing units are being produced at an ever alarming rate, without much heed for quality, sustainability and environmental concerns.

This has resulted in many poorly assessed schemes being thrown together in haste and few that have genuinely added value to communities, instead more a burden on already over-stretched services.

As ever the few benefit from the uplift in land value while the public are left to carry the wider cost burden.

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

Considerable re-think and re-assessment required.

Too much influence being brought to bear by the Development Industry who are clearly desperately keen to see these “reforms” implemented.

In the interests of upholding confidence in the Planning System, which in my experience in my community is at an all-time low, I trust the Committee will ensure that the Bill is shaped to put the public interest first before that of the Development Industry and Landowners.

Ken Miles

(I have over 25 years experience in active engagement in the Planning System both as an individual and as a executive member of Kinross-shire Civic Trust)