Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Living Streets Scotland

Introduction

Living Streets Scotland welcomes the opportunity to comment on the Planning (Scotland) Bill. Reforming how we plan Scotland’s towns, cities and landscapes is vital, if Scotland’s people are to lead healthy, economically productive and more fulfilling lives. This means breaking away from short-term development decisions which have resulted in car dependent communities, were people live with congestion, air pollution, inactivity and are at a higher risk obesity.

Whilst the bill offers an opportunity for change. It is difficult to say if this new legislative framework will break the current pattern of unsustainable development. We suggest the committee takes evidence on how the system will deliver the Scottish Government’s policy goals on healthier communities and active travel in practice.

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?

This is unclear and very much down to the content of the revised national planning framework and national planning policies. Overall, a more plan led system is welcome in bringing clarity and greater certainty for developers and communities. However, policies need to be sufficiently prescriptive to deliver national policy outcomes. For example, Scottish Planning policy should state that infrastructure for cycling and walking is something that developments ‘must have’, not something developers ‘should’ give consideration to. Tackling this type of policy distinction is vital to prevent the creation of communities where local services are out of reach of people travelling on foot or by bike.

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?

The bill can provide more certainty for developers, via the plan led system which will assist decisions to invest in new housing sites. However, there must also be clarity on expectations about local infrastructure provision, including support for cycling and walking. There is a danger of lower quality development, if the focus is on the speed
and pace of decision making alone. Although homes may at first be more affordable, this could be counterbalanced by high transport costs accessing distant services and employment opportunities. Well located sites will for genuinely affordable housing must have good walking and cycling network and this should be the focus for future house building. Development plans that are proactive in identifying these sites and developing active travel networks have clear role to play in tackling Scotland’s housing problems.

Overall issues such as the reluctance of developers to follow through on policies supporting active travel, have deeper roots, such as the price of land. Planning is only one factor influencing land price. The bill is therefore only a partial solution to the complex issue of housing supply and quality.

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?

This is unclear and will be subject to emerging mechanisms agreed by local authorities in city regions. The City Deal process isn’t a good starting point, given the lack of transparency and public engagement and resultant failure to deliver Scottish Government policies such as the delivery of active travel infrastructure. The committee should consider specific duties around strategic transport planning and the promotion of active travel and the ‘town centre first principle’. At the very least the Scottish Government should provide robust assurances on how these policies will be enshrined in the new arrangements.

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 focused 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?

Overall the simplification of planning structures processes will be beneficial. However, the system needs to have a much greater focus on equalities and sustainability, as well as development delivery. This means much stronger translation of national policies into firm local policies, which raise the expectations on developers and enhances the ability of communities to secure higher quality developments.

A clear measure of progress is whether new developments support healthy forms of travel. At present most local policies offer too much wriggle room to developers, which they fully exploit. Parking issues are a symptom of developing on poorly located sites. The scope for developers and communities to interpret policies differently must end. Policies that say developments ‘should have’ need to become
‘must have’ statements of intent. The system also needs to be much clearer about what phrases such as ‘support active travel mean in practice’. Firmer and clearer policies will assist developers in factoring in the costs of measures such as active travel links in when they negotiate the purchase of sites.

Given the abject failure of the planning system in this area a duty to promote active travel should be considered.

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

Again this unclear and subject to how the policy is implemented. Given these are likely to be larger strategic developments an early and comprehensive assessment of transport impacts will be needed. Overall this should be about simplification of the process and not watering down policies. For instance, a developer should still be clear on what type of active travel infrastructure is needed and the level of provision of local facilities.

Early, version of simplified planning zones in the UK delivered poorly located and car dependent business and industrial parks. Processes must be put in place to ensure this isn’t repeated.

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?

This is entirely untested and relies on massive culture change in local government. Generally local authorities have struggled to support initiatives such as the community purchase of buildings. A further shift in power and decision making will be equally challenging to achieve.

Success can only be achieved if resources are put in place such as an enhanced planning aid service and scope to commission the expertise available to developers – for instance transport impact assessments. A duty on the Scottish Government to create a community support fund is vital.

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?
Whilst increased fines will act as a deterrent, offenders also need to have a reasonable chance of detection. Living Streets Scotland research has shown many instances of poor finishing of developments, where essential infrastructure is missing.

The bill could address this failure by requiring developers to submit reports 2-3 years after completion including consultation with communities. This would allow Local Authorities to understand any issues with the quality of developments, making issues such as the adoption of roads and pavements easier. Developers would also take a longer term view and evaluate and learn about their past projects.

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?

An infrastructure levy is vital and should cover pedestrian infrastructure, e.g. crossings, within 1 mile (a 20-minute walk from new developments). Living Streets research shows that despite increased footfall essential infrastructure such as crossings isn’t being delivered. Equally, the system should be far more robust in requiring developers to meet the costs of strategic transport infrastructure, brought about by increased car use. Poorly located developments which place pressure on the strategic road network should not be subsidised. This isn’t sustainable given the resources available within local and national transport budgets.

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, but it is important any training is developed by independent bodies the can interpret national policies appropriately. It is important the focus is on outcomes as much as process.

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

A greater focus is needed on outcomes rather than just process efficiency. For example, monitoring the quality of development in relation to transport choices.

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?

No Comment

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

Overall the bill focuses on processes to make the system more efficient and this has some advantages. However, it fails to consider outcomes and the type of towns, cities and landscape we want to create. The danger is more of the same, delivered at greater pace.

Living Streets Scotland believes caution is needed, including scrutiny of whether policies at a national level will be translated into high quality developments. Better access to active travel is an important area to consider, when assessing whether the new system will deliver positive changes for communities.

Stuart Hay
Director
Living Streets Scotland