On Friday 15 December 2017, the Scottish Parliament’s Local Government and Communities Committee launched a call for written evidence on the Planning (Scotland) Bill.

The Planning (Scotland) Bill was introduced into Parliament by the Scottish Government on 4 December. The Scottish Government claims that the Bill will improve the system of development planning, giving people a greater say in the future of their places and support delivery of planned development.

Bill proposals

The documents accompanying the Bill set out more information on how the Bill will work, the consultation and consideration of alternatives undertaken in relation to the Bill’s proposals and the costs of implementing the Bill. There are five key parts to the Bill which are summarised as:

- Part 1 relates to development planning and includes changes to the National Planning Framework, Scottish Planning Policy, Strategic Development Plans and Local Development Plans, and includes a new right for communities to produce their own plans for their places;
- Part 2 makes provision for simplified development zones, which will front load scrutiny of potential development sites, delivering consents through zoning of land;
- Part 3 makes changes to the development management process (such as the planning application process, appropriate local consultations and local decision making);
- Part 4 deals with changes required to support effective performance across a range of planning functions, including enforcement, charging of fees, performance improvement and training; and
- Part 5 makes provision for the introduction of an infrastructure levy payable to local authorities and linked to development.

The Scottish Government has provided simplified flowcharts to help explain how the Bill proposes to change development planning and the preparation of local development plans. These can be found here:

Scottish Government Flowcharts

Other documents include:

Accompanying Documents  
Financial Memorandum  
Equality Impact Assessment  
Business Regulatory Impact Assessment (once completed)
Organisations and individuals have been invited to submit written evidence to the Committee setting out their views on the Planning (Scotland) Bill. Those views will then inform the Committee’s scrutiny of the Bill.

The Committee invites views on any aspect of the Bill but have sought written submissions specifically on the following questions:

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?

   No, we believe that the Bill will reduce the opportunity for local influence on the planning system. Removing the requirement for Strategic Development Plans (SDPs) will remove the statutory nature of strategic planning, and will undermine the effectiveness of cross-boundary and region-wide agreements. Replacing regional decision-making with a national focus will remove local accountability and a commitment to delivery and is counter to the principle of subsidiarity and returning power to communities.

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 focus should not be just on levels of new house building, but in assessing needs and requirements, how to ensure quality of developments, necessary house types and identifying appropriate locations reflecting the needs and priorities of the region. The purpose of planning should be to ensure the creation of better places and quality outcomes for communities. This single focus on higher levels of house building is not appropriate.

3. Do the proposals in the 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. The requirement for a statutory plan ensured that local authorities worked together and reached agreements on a strategic, cross-boundary range of policies and development proposals based on regional needs. Removing SDPs and taking power to a national level will result in a loss of influence regionally. New regional partnerships should continue to have a statutory basis and the requirement to prepare regional plans. These could be integrated with Regional Transport Strategies (and potentially also Regional Economic Strategies) to ensure a consistent and cohesive approach to the future development of our city regions.
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 context of the new Local Development Plans (LDPs) should be set by statutory regional plans, including the Regional Transport Strategy. In addition, to ensure an integrated approach, the review timescales for LDPs should be consistent with that of the Regional Transport Strategy and associated Local Transport Strategies.

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

Not Applicable.

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?

See comments above in relation to the removal of SDPs, which removes an opportunity for local communities to influence the future of their areas.

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?

Not Applicable.

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 concept of a fund to enable the delivery of strategic investment to support development is supported. In particular, the idea of a transparent and fair way of mitigating cumulative impact from various developments is essential to avoid burdening local authorities, having an unfair requirement put onto a single developer or causing blight by restricting development until supporting infrastructure is available, contrary to the principle of enabling development.

It should be noted that by applying an “Infrastructure” levy, there is an assumption that funding will be directed solely towards capital schemes to provide infrastructure such as roads, railway stations and the like. However, in practice it may be that smaller scale initiatives, often requiring revenue subsidy (such as supporting a bus service or allowing for a car club or bicycle
hire scheme) may have greater influence on mode shift and mitigating the impact of a development. Any future fund to enable implementation of strategic transportation schemes should reflect that in its title and be flexible if required.

It should be noted that Nestrans and its partners had developed a proposal for a Strategic Transport Fund which was intended to enable regionally necessary transport infrastructure to enable development. Although this was subsequently quashed by the Supreme Court, the merits of such a fund were not questioned, rather the court’s decision related to the legality of the fund under the terms of the current legislation. Any Infrastructure levy will, therefore, need to overcome the legal impediments. There should be the opportunity for Regional Transport Partnerships (or any future regional transport/planning body) to secure and manage those elements (such as strategic transport) to be administered regionally, rather than at a national or local level. This will help to ensure that developments are facilitated across local authority boundaries – and reflect strategic priorities in the area where funding is generated.

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?

Not Applicable.

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

Not Applicable.

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?

Not Applicable.

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

No.