Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Old Aberdeen Community Council

We have chosen to respond to this Call for Evidence by focusing on the twelve questions posed in the introductory overview posted on the Scottish Parliament website;

“The Committee invites views on any aspect of the Bill but it would be helpful if written submissions could address 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. This is a bill focused on easing the path for the major developer to deliver more housing. While the Local Place Plan proposal may provide a suitable vehicle for some communities to vocalise their needs, the Bill provides little in the way of benefit for the average community and community council.

The revised streamlining of the development of the LDP is positive, but extending its renewal to every 10 years does not seem a democratic proposal as it denies one in two council administrations the ability to shape the agenda in line with the policies for which they were elected.

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?

While the streamlining of the process for major developments (i.e. making it easier) will likely encourage a little more building, all developers progress their projects so as to be working in an environment where demand exceeds supply. They will never intentionally create a glut of property as this will put unwanted pressure on their margins and they are relatively uninterested in building for the ‘Just About Managing’ sector. If a major national build program of affordable housing is deemed to be required, then the government will needs to drive this forward through some form of ‘council housing’ or a modern reincarnation of this model.

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?

While the SDPs may not have been a success in the central belt (we hear), they make a positive contribution in the North East by providing a useful vehicle for the Aberdeen City and Aberdeen Shire to knit together their priorities and aspirations.
While an intention to make regional collaboration a local authority duty is noted, the loss of the suitable vehicle and regular schedule for this collaboration is unlikely to achieve the same outcomes.

We cannot see how the proposed alternative of centralised strategic plans in the National Planning Framework will be able to adequately address regional issues. The poor outcomes from earlier centralisation initiatives by this government provide a dismal incentive for such a proposal.

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?

We worry that the proposed extension from a 5 year plan to a 10 year plan is a grave mistake. It is anti-democratic in that it potentially prevents an entire Council administration from shaping the Plan to meet their electoral promises.

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

The SDZs are unlikely to provide adequate safeguards to the community and environment because in most plans the devil is in the detail and it will be the detail issues that will often as not raise local concerns, yet the SDZ will have minimised any opportunity to comment upon any development plans.

A ‘front loaded’ system, as is advocated, may well seem reasonable to the community at first presentation, but if the community does not have the opportunity to scrutinise and, if necessary, challenge the detail, then the Bill will have removed an important level of community involvement.

The idea of a Simplified Planning Zone within a Conservation Area fills us with alarm; the restrictions inherent within a designated conservation area are there to protect the area for future generations, we do not wish to see any sort of mechanism that might enable a developer, or a local authority to bypass such restrictions.

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?

As we understand it, the Local Place Plans will form an input into the future LDP.

The Local Place Plans may provide a useful tool for community involvement but the protracted time scale involved in proposing, then realising such a change is so extended to be meaningless in an urban area where there is a steady changeover of residents and will be completely useless for e.g.;

- An area that is experiencing fairly dynamic changes to its use
• An area that feels an immediate step-change is required to pull it out of a crisis such as a major employer closing.

The community would potentially have to wait for the 10 year cycle for the next LDP to become active before the LPP could become effective. This is unlikely to attract much effort from community organisations, including our Community Council.

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 in a position to comment on this.

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?

Not in a position to comment on this.

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?

In principle it seems a good idea, but needs more work around how the planning committee of a newly elected council can be compiled if many of the nominees for the Committee have not yet had opportunity to be trained. And beware assuming that it will be practicable for training to be carried in the central belt.

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

Not in a position to comment on this.

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?

We enthusiastically support the proposal to enable a higher fee to be set for retrospective planning applications as certain developers seem to consider the process of ‘build first and apply later’ to be their rights.

We also consider it is essential that the local authorities should be adequately funded to properly oversee and control planning activities and that this should be fully funded by the applicants.
12. Are there any other comments you would like to make about the Bill?

We note that a stated policy objective is to “Empower people and communities to get more involved and to have a real influence over future development”.

This simply cannot be delivered without some meaningful level of ‘Right of Appeal’ but the comment under paragraph 110 of the Policy Memorandum rather gives the game away when it suggests that such a right of appeal would “run counter to the whole thrust of the bill”. Thus the ‘thrust of the bill’ would seem to be to encourage the building of more housing with less bureaucracy; and certainly without any additional tools for the community to alter this in any way. The suggestion (paragraphs 81, 102, 103) that early involvement such as a PAC will provide an adequate tool for steering the project in a way that is acceptable to the community is pure fantasy and will simply underline the fact that the developer is king.

If the government is serious in its wish to empower the community, then provision of a right of appeal will help deliver that empowerment.

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