SOLACE Scotland is pleased to advance the following response to the call for evidence in respect of the Planning (Scotland) Bill. I am making this submission on behalf of SOLACE Scotland, of which I am the current chairperson.

As stated in our letter of December 2015 to the independent panel, the review of the Scottish Planning System is of significant interest to SOLACE Scotland.

SOLACE Scotland refers to its previous letter of 4th April 2017 to the Scottish Government and maintains its stance on the matters raised at that time on fees, self-funding of the planning service, performance, enforcement and infrastructure noting the progress in these aspects of the review into the bill although recognising nothing is yet finalised.

SOLACE Scotland endorses the overarching intent of the review to remove the focus from, as is often experienced, the process of planning to the deliverability of change and investment in a local area, in a balanced way, with the recognition of the locally stated outcomes as vary across Scotland.

In summation, SOLACE is keen to see the review advanced speedily to allow a better approach envisaged from these proposals to be deployed and add to any local authority response to issues it faces, economic and social, to link to its other relevant outcome facing processes, to exploit the opportunities that arise and provide a position for easier and fairer engagement for all stakeholders involved in the place making agenda.

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?

SOLACE Scotland endorses the approach to develop the National Planning Framework tool and its relationship with, and standing of, the Scottish Planning Policy approach. This must be with the agreement of parties, not least local authorities, who will be responsible as primary lead for implementation at a community level. This also connects to any approach to regional partnership mechanisms in the identification of, and support for, regionally-led priorities. This may well be an area appropriate for discussion through the now engaged Local Outcome Improvement Plans.

SOLACE Scotland is keen that the advancement of the review of the planning system achieves the stated aims of the review. This must include resources for developmental support across stakeholders. SOLACE Scotland would assert that
additional resources will be needed to support the implementation of the new approach and the development of skills to deliver improved outcomes.

There appears no element that will unduly affect the protection of the environment, which will always remain a factor in the balance of advancing inclusive growth strategies for local communities.

Following from the Christie Commission report and recommendations, and the emphasis on partnership, there clearly is a need to ensure that all stakeholders can have a material and purposeful input to the planning system. A question remains over the connection of different opportunities and pathways for community engagement as currently exist and to see these optimised.

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?**

SOLACE Scotland considers the provision of new housing in a Local Authority area, and particularly affordable housing to address recognised unmet needs and achieve the desired goal of the government, is a priority and forms a part of all housing strategies and development plans. However unless the points as covered at a) question 8 on the ability to fund and provide appropriate social and physical infrastructure timeously and an in a coordinated fashion and b) question 11 on sufficient resources provided into the system, and not least the deployment of staff, across specialisms, to drive performance and investment are addressed there is every possibility higher housing output across Scotland may not be achieved.

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?**

SOLACE Scotland would expect to see strong linkages made across concurrent Scottish Government reviews on areas of overlap as with the proposed formation of regional partnership mechanisms, not least with the Planning Review and the proposal to remove strategic development plans and replace this with an, as yet undefined, regional partnership arrangement.

There is a need to test the robust nature of the intended direction to assess any impacts from the change proposed which could have merit, whilst the extent of direction in terms of regional collaboration needs balanced to avoid a bureaucracy or rigidity being achieved which prevents flexibility for parties and variance across different geographies.

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?

SOLACE Scotland believes that the content in the bill if applied as stated could have benefits for all stakeholders. A lot depends on the extent of responsibility left with the Local Authorities and partners to meet local circumstances, challenges and opportunities to best effect.

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?

SOLACE Scotland would strongly suggest there are doubts around the addition of local place plans to the current arrangements. The provision for locality planning under the Community Empowerment (Scotland) Act 2015 exists and should be deployed to secure a stronger connection between land use planning and community planning. This is further reinforced by the advancement across Scotland of the first round of Local Outcome Improvement Plans, the vast majority co-produced across broader stakeholders for better effect and intention on addressing coherently local agendas.

The ability of local communities and individuals to get involved in the early stages of plans affecting their community and environment is critical and that they recognise their voice is being heard. The processes deployed and mechanisms applied must be accessible to all parties who want to be involved. Adding another pathway and layer of planning is not considered necessarily beneficial and could also raise a further aspect of resource provision.

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?

SOLACE Scotland is keen to see this area enhanced and to help balance the perceptions of imbalance and unfairness on the part of communities and individuals when a party fails, intentionally, as errors can occasionally genuinely happen and be resolved amicably, and the system cannot seem to redress breaches in process but particularly where there is detriment to another party. It is hoped that as used the
additional powers proposed will assist but these may not achieve improvements sought in this area of planning activity.

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?

SOLACE Scotland would seek to support the introduction of any infrastructure levy but is keen to understand the relationship, aspects and interplay of any infrastructure levy with local tax powers, and the ongoing work of COSLA and SOLACE Scotland on local tax reform. The levy could generate significant funds at a local or even regional level but will be less significant if nationally collected and distributed. In addition, it is not considered that any additional agency need be created in the current landscape but a shift of role for a body such as the Scottish Futures Trust be investigated and pursued.

SOLACE Scotland also considers on the information available on the application of the proposed approach, as shared through the review to date, that there remains a possible considerable gap in funds available to a Local Authority to satisfactorily and timeously deliver infrastructure in support of inclusive growth strategies or to remove any detriment to a community from growth pressures.

The position on strategic infrastructure Funds, their operation and standing also currently remains vexed for ease of application and requires consideration.

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?

SOLACE Scotland support training for councillors in all the roles they regularly perform within the Council for their communities. Much training is already undertaken across authorities and for various activities such as Licencing. Recognising the regulatory aspects of parts of the planning system councils already ensure that proper training is undertaken, strengthening this aspect and approach is supported provided the relevant and any additional resources are made available through the planning service for this.

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

In this regard, SOLACE Scotland reasserts the continued development and utilisation of the current Planning Performance Framework approach as reconfigured and assessed for continuous performance assessment of any local authority should continue. This approach and tool has displayed marked improvements across
Scottish local authorities since it was introduced and thus has validity. Enhancing the status of this process and positioning within the system may well be a good idea.

On the proposed National Performance Co-ordinator – SOLACE Scotland could support this in principle if an independent position, subject to more detail being released on the operation of any such role and its funding. Importantly is confirmation that the role is primarily to assist, supportively, Local Authorities to improve performance.

There is a late additions to the Bill around performance not discussed through the review stages to date. The Assessor role, which is asserted, is not seen as beneficial nor clear in purpose or outcome but more to align with the application of a penalty clause type approach around performance, consistently opposed by SOLACE Scotland previously. This could be seen to be penalising a party, and not reflective of the desire and recent experiences of mutual reinforcement between Scottish Government and Local Authorities to improve the planning system and performance of all stakeholders for all users of the system. Clearly given the manner of advancement and insertion of the clauses on this topic no discussion has been possible to date with government representatives.

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?

SOLACE Scotland is resolute in its stance that development management and development planning activities that represent the majority of the local authority allocated responsibilities in planning involving the wider public, public agencies and private business is self-funding to cover the end to end processes including pre application discussions and follow-up work post any decisions including enforcement. SOLACE reiterates the need to connect resources and performance.

SOLACE Scotland recognises the different opportunities and circumstances facing the Local Authorities across Scotland to apply any flexibility in a manner that would secure full cost recovery. This needs tested and an assured understanding in this available to all at the time the Bill advances and for carry forward into any related regulations and instruments, notably on fees. This warrants the push made by Local Authorities previously in different forums and processes to seek a comprehensive review of planning fees.

SOLACE Scotland considers that there needs to be a link with the Financial Memorandum to the act given the assertions included there and the potential to remove the necessary resources within the system to benefit parties and the economy from the changes proposed. What is the point in introducing the
opportunity to raise and apply fees increases if there is an expectation of structural savings in the system, whatever the level finally established and evidenced.

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

None.

SOLACE Scotland has also contributed to the submission led by COSLA and is aware of the submission from Heads of Planning Scotland into this stage of the Bill under the call for evidence.

SOLACE would be willing to expand on any of the above points as beneficial.

SOLACE Scotland confirms that it is content with the request in the consultation paper that our response is made available and can be published as part of the process for this stage of the review by Scottish Government.

Yours sincerely

Joyce White
Chairperson
SOLACE Scotland