Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Savills

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 Bill as currently drafted leaves much of the detail to secondary legislation, regulations and guidance as to how the various proposals will work in practice. We look forward to seeing how this develops at a later date. The Bill is rightly aspirational in seeking to achieve collaboration between all parties to deliver positive planning outcomes. We welcome the focus on this with the opportunity for communities to become more involved in shaping the future direction of development in their areas through Local Place Plans.

The replacement of the Strategic Development Plan tier of the Development Plan with the inclusion of the National Planning Framework as well as the move towards a 10 year review cycle for Local Development Plans is understood and should deliver more resources to help successful plan making.

A link between these documents and the new Local Place Plans needs to be included within the Bill to avoid any confusion in what might be included in the Development or what might be a material consideration in the determination of planning applications at any one point in time.

In respect of the 10 year review cycle for Local Development Plans, clear triggers for review or alterations to Local Development Plans, such as a failure to maintain an effective housing or employment land supply or to meet housing land targets, should be included in the Bill.

Whilst not part of the Bill as currently drafted, we do have concerns that there may be steps taken to introduce Third Party or Equal Rights of Appeal through amendments to the Bill. The right of a land owner to develop their land or property as he or she sees fit is specifically restricted by the planning system, which is administered by democratically elected local planning authorities. It is therefore only fair that there is a right of appeal for land owners. It is our view that the introduction of even a narrow spectrum of additional appeals will simply deter investment, unrealistically raise communities expectations and further undermine public trust in the planning system.

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 needs to be clear trigger points or circumstances where either the whole or parts of a Local Development Plan can be reviewed to react to any change in circumstances during the 10 year Local Development Plan Period.
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 role of the Regional Planning Partnerships needs to be better defined, including a statutory requirement for them to be involved in the Development Plan process and specific wording included in the Bill to let Ministers intervene to direct groups of local authorities to work together if this is not occurring voluntarily.

Given the focus of much of the Scottish Government’s economic strategy on City Regions and the establishment of City Region Deals to deliver significant infrastructure and economic growth, the Bill needs to ensure that linkages between City Region Deal Bodies and Regional Planning Partnerships is properly established in secondary legislation or guidance.

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 relationship between the documents comprising the Development Plan, which as a result of the Bill will be The National Planning Framework, Local Development Plans and Local Place Plans, needs to be properly set out in the Bill. The hierarchy and relevance of each document to each other must be confirmed in order that decision makers can properly understand what exactly forms the Development Plan at any one specific point in time.

In respect of the 10 year timeframe of Local Development Plans, trigger points or circumstances under which either an alteration or a complete review of the Local Development Plan can come forward need to be set. This will allow either the whole Local Development Plan or sections of it to adapt to changes circumstances and meet any changes in local market requirements or economic demands.

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

Yes, there should also be further consideration in secondary legalisation as to how Simplified Planning Zones might assist in delivering small scale housing developments as well as commercial developments.

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?

Yes, provided that the preparation and adoption of Local Place Plans is based on a collaborative approach and subject to formal scrutiny based upon sound evidence
and planning judgement. The relationship between Local Place Plans and Local Development Plans Should be Clarified in the Bill and secondary legislation drawn up to specifically detail the basis upon how these will be delivered and, examined and adopted.

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?

No comment other than to implicitly accept the principle of the changes by not commenting.

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?

We remain sceptical as to the benefits on an infrastructure levy and how it might be implemented across Scotland, given the vast regional differences encountered in delivering development. Experience from elsewhere in the UK does not indicate that an infrastructure levy is likely to deliver more or better developments.

Extending the remit of section 75 agreements, provided the link to the impact of a particular development is maintained, seems a more reasonable and likely successful means to move forward.

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?

We fully support this aim which should be mandatory.

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

We support the aims of these elements of the Bill. Continued and enhanced use of Processing Agreements should be further encouraged in secondary legislation.

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?

Any additional up-front charges should be reimbursed from any subsequent planning application fees.
Charges should not be introduced for appeals, given there are significant existing costs in putting together appeal submissions. These additional costs already make applicants pause to think prior to submitting an appeal.

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

We would oppose any potential amendment to the Bill to provide for even a limited Third Party or Equal Right of Appeal.

The creation of the planning system in 1947 imposed restrictions on an individual’s right to develop their land as they see fit. It is therefore only natural justice that a land owner has recourse to an independent review at appeal in line with the EU Human Rights Directive.

Providing for additional rights of appeal will only give a false impression to local communities and potentially further erode public confidence in the planning system. The Bill, as currently formed, rightly aspires to greater levels of collaboration in plan making through requiring consensus by Full Council endorsement of Local Development Plans and providing for communities to become directly involved in their area though Local Place Plans. This is the best means by which to achieve positive planning outcomes and deliver the sustainable economic growth that Scotland needs.