Local Government and Communities Committee
Planning (Scotland) Bill
Submission from Shetland Islands Council

Introduction

Thank you for the opportunity to engage in the Call for Evidence stage of the Planning Bill from a Shetland perspective.

We have been fully involved in this process through a variety of methods: participating in the various workshops; contributing to the Heads of Planning Scotland submissions; participating in the Island Authority working groups; and political involvement through COSLA.

All these opportunities have been welcomed, and although our participation has required a significant time commitment, it is clear that our contributions have been taken on board – and consequently our response does not need to be lengthy.

The Islands Proofing statement is particularly welcomed. We have been working with the Scottish Government on islands issues for many years on an informal basis, but this is a significant step forward and should be noted as forward thinking, innovative, and worthy of commendation.

Q1 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?

Yes. The Planning Bill balances public engagement with the need to effectively deliver development. Proposals like the Local Place Plan offer communities the opportunity to lead on placemaking and negates the need for any other more radical methods of public participation during or after decision making.

Q2 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?

Yes. The Bill, and the Island Proofing Statement, clearly identify that housing provision in island communities faces very different challenges to most of mainland Scotland. The Bill allows for unique solutions and delivery models including, for example, high levels of windfall.

Q3 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?

Yes – the Bill allows for a flexible approach to spatial, economic and transportation partnerships which will work locally.
Q4. 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?

Yes – provided the National Planning Framework and Scottish Planning Policy are island proofed, as has happened informally previously. The Islands Proofing statement acknowledges the very different challenges that exist in development planning in island authorities.

Q5. Would Simplified Development Zones (SDZs) balance the need to enable development with enough safeguards for community and environmental interests?

Yes.

Q6. 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?

We welcome the proposal for Local Place Plans as an initiative that contributes to early and meaningful engagement with the community, and strengthens the links with community planning. We are supportive in principle.

Areas for clarification include:
- how the link with community planning and Locality Plans will work
- how we can support communities which would most benefit from LPP but perhaps don’t have the capacity or resources to undertake such a project
- Council’s will inevitably be expected to support the development of LPPs, and this will have resource implications.

Several of the Making Places projects, including our own in Scalloway, will potentially lead to the first generation of local place plans, and the Scottish Government should be commended for part funding this initiative.

Q7. 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?

Yes.

Q8. 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?

Yes, depending on the details. There is a potential impact on viability, particularly in an Islands’ context, where limited scope for revenue generation may not match the resource implications.

Q9  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

Q10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

Yes. But it has to be acknowledged that Island Authorities face very specific challenges, for example in models of development, geographic remoteness, dispersed communities - and in terms of recruitment. Any definitions of “failing” authorities, or resorting to league tables would have to take in to account that not all authorities are faced with the same challenges or opportunities for improvement.

Q11. 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?

Yes

Q12. Are there any other comments you would like to make about the Bill?

This submission should be read in conjunction with the HOPs submissions. Shetland Islands Council has been engaged in this process since its inception. Our views have been listened to and taken on board. We welcome island proofing moving from an informal to formal status.