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 success of the new Planning Bill will depend on the detail of secondary legislation and guidance.

The Planning Bill is well intentioned; being more efficient, less resource hungry, delivering successful places and fostering inclusion. As mentioned by the Scottish Government, the success or failure of these changes will “depend on fresh thinking, different mindsets and a willingness to work with, and listen to the views of others.”

With the above in mind, Wallace Land Investments (Wallace) would ask the following questions for the Local Government and Communities Committee to consider:

- Will the new Planning Bill enable change in local political agendas that seek to prevent appropriate development without due regard to overarching material considerations to enable the delivery of development in the right places?
- Are ‘communities’ and politicians resourced and educated to create long term visions for their places to meet Scotland’s housing need and demand?
- Will the new system be flexible enough to respond to changing circumstances, economic, social and environmental?

It must be recognised that any changes to the Planning System in Scotland will never create a perfectly balanced system. Despite involvement and consultation with all stakeholders involved, planning will always lead to a certain element of conflict and disagreement, and the new planning system could inadvertently increase these tensions if the role of the planning professional in spatial planning is weakened or undermined, which the proposals in this Bill may lead to. There is still a lack of detail on how proposals such as Local Place Plans and the proposed Infrastructure Leve will actually work within the system and as such there is concern with and little confidence in the Bill’s proposals because it is hard to assess their potential success or failure against the Bill’s aims and objectives. Until this can be resolved we suggest later in this consultation response that some matters be removed from the new Bill.

There is no proposal in the Bill that will obviously lead to the delivery of homes that Scotland urgently requires. With the dissolving of strategic planning the Scottish Government needs to identify the Housing Requirements for Local Authorities, these targets are required to ensure that Local Development Plans know what they are required to deliver and to measure the success of the plans that are produced so that
they can be amended if they are failing. Strategic direction from Scottish Government is required as without culture change, local political agendas will stifle the creation of truly visionary Local Development Plans.

With the above in mind, the intent behind the Local Development Plan to have a 10 year cycle is welcomed, however, without culture change, plans could lead to a ‘do nothing for longer’ approach by Local Authorities who are pressured politically. There is a need for Local Development Plan review triggers to be clearly defined in further legislation or regulation to allow changes in local circumstance to be responded to timeously.

The relationship between Local Place Plans and Local Development Plans is poorly defined within the Bill. Clarity is required to understand their relationship to prevent conflicts between these plans in the future. A greater distinction needs to be made between Local Place Plans and Local Outcome Improvement Plans in order to prevent unnecessary duplication and consultation fatigue with communities. The way in which a community is defined also requires re-thinking. The question must be asked, is a community council truly representative of a cross section of the whole community? We would suggest that young peoples’ views are often missed due to their lack of involvement in such groups. If Local Place Plans are to be successful and positively lead to the delivery of homes in Scotland in the right places where people want to live, then we must do better than only consult with existing community groups that may not be representative of the whole community. We would also suggest that Local Place Plans be fed into the Gatecheck process rather than being created at any time, with the help and resource they will require from Councils. Plans must be evidence led and therefore the creation of community plans late the Local Development Plan production process, without such evidence if they are not given the resources they require will lead to a community’s efforts being dashed and thus create community consultation fatigue and a lack of meaningful outcomes despite much effort.

Wallace wishes to engage with the consultation process as a stakeholder of the Scottish Planning System to help identify the most appropriate means to achieve enhanced public involvement in the planning system whilst making plans that deliver.

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?

Wallace welcomes a renewed focus on housing delivery. Increasing house building requires joint action from all parties involved in development planning.

Firstly, the housing land requirements need to be set correctly to allow for economic growth and respond with appropriate housing requirements where need and demand is arising. The introduction of the Gatecheck process is therefore welcomed. This process will require input from all parties in the development process, including the views of developers and the industry body Homes for Scotland to ensure that the Reporter can take a reasoned objective decision as to whether or not the Local Development Plan (LDP) will be fit for purpose in terms of setting out the appropriate housing land requirement and aligning with the National Planning Framework (NPF). To help further increase house building adequate powers must be provided to the
DPEA at the examination stage to require a Local Authority to revise an LDP if it is found that the LDP will not deliver its Housing Land Requirement during the period of the LDP. Too often LDPs in Scotland (e.g. Edinburgh, Fife, West Lothian) are being adopted when the Reporters’ Report has concluded a significant shortfall in the housing land requirement, which is not the intention of the current SPP and will not create a plan led system. Adopted LDPs under the new system, especially given the Gatecheck process, should not result in plans that are proven to fail to deliver from the day of adoption.

LDPs spanning 10 years to allow more planning resource to focus on delivery is also welcomed. However, given the longer time horizon, certain elements are key to further increasing housebuilding:

- **Getting Gatecheck right.** To ensure delivery over a 10 year plan calculation of the housing requirement must be agreed;
- **The LDP must be truly visionary.** There must be local and political buy in to a scale of development required to deliver over a longer time period at the outset of the plan or they will simply fail in their spatial strategy;
- **Triggers for an early review of the LDP.** As a safety check to the above, it must be allowed that if during the course of the plan, the housing land supply drops below a certain trigger then the policies that relate to that function and the spatial direction of the plan could be reviewed; and
- **Funding planning departments.** Fees for planning applications and S.75 negotiations require to be ringfenced for those functions to ensure that increased fees are linked to increased performance.

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?

For regional infrastructure planning to be successful it requires effective and visionary spatial planning from the NPF and LDPs that will allow regional partnership working to emerge to deliver on that vision. It will also require adequate resourcing to ensure that this important function is strengthened and not diminished.

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?

See answers to Q.2, 3 and 6.

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?
Wallace supports community consultation, we do this throughout the UK prior to submitting planning applications to ensure that we take on board comments that derive from local knowledge to better our planning applications and tailor our proposed improvements to local infrastructure or amenities.

We welcome genuine opportunities for communities to become involved in planning in a positive way. We agree with the Scottish Government’s Position Statement of June 2017 that “there is a need to ensure that local place plans are used to promote appropriate development rather than as a vehicle to prevent it.” We also agree that the “relationship with the wider development plan is crucial.”

With this in mind, we agree with the wording of the Bill for amendment of LDPs to have ‘regard’ to any Local Place Plan and that no stronger wording than ‘regard’ is used in the Bill. However, one must consider the interplay with Local Place Plans, the LDPs and the NPF.

If Local Place Plans are to be created at any time, then clear guidance on the weight to be applied to each part of the statutory development plan is required to ensure consistency of decision making for planning applications and appeals.

From our experience of Neighbourhood Planning in England we would suggest that Local Place Plans will create a resource burden for Local Authorities and the Government. Funding will be required to assist local communities to create their own plan and time will be required from planning professionals to help produce a plan. If a Local Place Plan is involved in spatial planning prior to the adoption of a LDP this must be evidence led and prior to the adoption of a Local Place Plan, a Scottish Government Reporter should examine it to ensure that it does not prejudice the delivery of the LDP’s emerging Spatial Strategy or national developments of the NPF. This is important to ensure that Local Place Plans are not used as a vehicle to prevent development where it is not justified to do so.

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 provision for the enabling powers for an infrastructure leve in Scotland should be removed from the Planning Bill due to the lack of detail on the proposal to date. More consultation is required with key stakeholders to contemplate a detailed proposal from Scottish Government before this is taken any further.

Any introduction of an infrastructure leve in Scotland must be carefully considered at the local level as further taxation could lead to a reduction of land available on the market for development, which would lead to fewer house completions and thus a reduction in delivery across Scotland. Also, marginal market areas and brownfield sites that are earmarked for regeneration could be mothballed by the introduction of further taxation on sites that are already struggling to deliver, so development viability
must remain the most important consideration when assessing whether or not a development can withstand a leve on top of existing taxation and S.75 contributions.

Also, the changes to broadening the scope of what a planning obligation can comprise and the reframing of the S.75 is very concerning. A proposed development should mitigate its proportional impact on infrastructure. However, to propose that a development could be restricted or regulated when there may not be a linkage between a development’s impact on infrastructure and the financial contribution being paid, unless carefully managed, could lead to extortion by the authority who would withhold consent or bribery by the developer who wishes to gain consent. Therefore, tests of reasonableness must be required to ensure that any financial payments relate to direct, measurable and proportional impacts of a development on infrastructure.

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?

Yes we support the requirement, but ideally decisions should be made by planning professionals on planning merit against the development plan and material considerations.

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

Yes. The DPEA should have adequate resources to deal with the new Gatecheck process, potential Local Place Plan reviews, LDP Examinations and planning appeals.

In the case of planning appeals in response to a housing land supply shortfall, these appeals should be expedited. Delays in the appointment of reporters to cases and slow uptake of further procedures to examine a case should not occur in such circumstances, as this further exacerbates a housing delivery issue if appeals are taking over a year to conclude. To speed up the appeal process and progress towards housing delivery, the S.75 should be negotiated and agreed during the appeal procedures. This would allow for the intentions notice procedure to be deleted and reporters instead would be able to just issue decision notices. For example, during the period of time between an intentions and decision notice being issued, a local authority may use this time, not to negotiate the S.75, but instead use it to issue further new evidence to the Reporter as an attempt to delay or de-rail the decision notice. This leads to further delay in the appeal process and is not in the spirit of enabling development when a reporter has made an intention. Therefore, the appeals intentions notice procedure should be deleted to speed up the appeal decision making process and the delivery of much needed housing.