Local Government and Communities Committee

Planning (Scotland) Bill – Community event in Skye

Monday 5 February

Summary note of discussions

This note summarises the discussions of the community event held in Skye with community councils and groups to discuss their views of the Planning (Scotland) Bill. Following a welcome from Andy Wightman MSP, Member of the Local Government and Communities Committee and an overview of the Bill provided by Alan Rehfisch (Scottish Parliament Information Centre) the group discussed the Bill in three key areas:

Development Planning and Local Place Plans

In considering the Bill some key questions arose as to:
- what constituted a community area?
- what might a local place plan look like?
- what resources would be available to support communities in drafting a local place plan?
- what happens to those communities who do not have a local place plan (would communities be at a disadvantage if there they didn’t have an LPP)?

It was felt that communities would need expert advice and assistance to develop a local place plan. It was also highlighted that Community Councils are voluntary organisations with very limited resources, one attendee highlighted that their Community Council had an annual budget of £800 a year to support their work, which only covered basic functions like room hire. It was felt that communities and community councils have insufficient capacity, time, expertise or resources to develop a local place plan. Some said it felt like Government was passing the buck for development planning down to the lowest level of democracy, without the resources to support it.

Some felt that LPPs could be a useful addition to the planning system, but greater clarity is required about how it would influence the content of statutory development plans and what funding and assistance would be provided to communities for this new function (would it be for communities to spend time trying to source funding?)

It was suggested that identifying an organisation (such as Highland and Islands Enterprise) to proactively support Communities and Community Councils would be beneficial in delivering good LPPs.
It was hoped that LPPs would offer rural communities the opportunity to get developments suited to their needs (such as in relation to removing street lighting) departing from the current one size fits all approach.

There was concern that many people would not be interested in helping to develop local place plans, putting an additional burden on a small group of active citizens. Ensuring that LPPs had a positive focus on matters of interest, e.g. housing, transport and local amenities, would give more people a reason to become involved. It was felt that key to the success of LPPs was that they had an impact on the content of Local Development Plans – there was concern that they would not be successful if they then sat on council shelves. It was stressed that communities needed to have “hope” that the plans would have a clear impact on the future development of their area for there to be effective community involvement in their drafting and implementation.

It was stressed that the process of creating and completing LPPs must be truly inclusive – that is not only are the venues etc used to seek views accessible to all but that the process itself ensures that the views of all can be included.

It was suggested that the definition of a community should not be limited by current community council or organisational boundaries. An LPP could involve several community councils and/or organisations working together – it was questioned whether Skye could be considered as a single community? It was also questioned what would happen where more than one community group or council wanted to produce an LPP for the same area?

It was stressed (based on previous experience) that any constraints on the LPP must be made clear at the start. An example was provided where a community and interested stakeholders had agreed to take forward a housing project only for it to fall after a statutory consultee objected at a late stage, by which time it was too late for the community to respond.

The importance of communication between communities, council officials and politicians was also highlighted as key to developing and implementing local place plans, with officials able to take a flexible approach to community desires, e.g. decisions on street lighting should be able to reflect the rural nature of some areas – rather than rigidly sticking to standards developed for dense urban areas.

The role of statutory consultees in creating and agreeing the LPP was highlighted. Early engagement with these agencies was considered vital to avoid later disputes about the content of a local place plan.
Simplified Development Zones (SDZ)

It was explained that growing tourist numbers mean that Skye’s population, and associated pressure on facilities, varies widely across the year and that as a national approach to simplified development zones may not be helpful.

Some felt that SDZs will benefit speculative developers and questioned whether they were appropriate for rural areas.

It was stressed that SDZs must adhere to the equality duty and that upfront permissions might result in developers delivering the minimum possible accessibility measures – there could be less focus on ensuring accessible buildings and services were designed into such developments as opposed to developments which need to secure individual permissions.

Some felt SDZ provided an opportunity to address current challenges such as lack of parking, if they relaxed regulations to enable such development to take place where it was needed. One positive example mentioned was that housing for older people could be proactively built by social landlords rather than developers choosing minimal accessibility standards and then having to identify suitable tenants. Key to SDZ was ensuring that what was actually delivered met the needs that led to the designation of an area as a SDZ in the first place.

A number of participants explained that the challenge for rural areas was that SDZ may be designed in an area but the desired development wouldn’t be built as land was not available. As a result there was a risk that SDZ designation could end up reflecting where land was being made available by the landowner and not where the development is actually needed. It was questioned whether the whole of Skye could be considered a SDZ (is there a limit to the size and nature of SDZs).

It was questioned whether SDZ were not already achievable under the existing planning regime, whereby outline planning permission means that if developers comply with the conditions they will secure detailed planning permission.

Some highlighted the impact on unprecedented levels of tourists coming to Skye and that there needs to be a way to be nimbler at responding to these demands. In that regard it is a 21st Century problem which is being responded to in a 19th Century mindset. There was an issue with short term responses alleviating the problem but then communities being faced with the issue again – there needs to be a more strategic approach to resolve issues such as car parking that looks at the longer term.
Development Management Process

Concerns were expressed that planners are overworked and that more needed to be done to support them if the process is to be streamlined.

Some supported the proposals to devolve additional categories of development to planning officials, as they felt they are professionals and more likely to adhere to the development plan than Councillors. It was felt that Councillors are more likely to support developments in their area, as they are close to the developers and, as a result, decisions are driven through which may be contrary to LDP policies.

Most supported the provisions of training to councillors (albeit there was as risk Councillors may then think that they are planners). Training suggested included equality and accessibility training as well as providing them with a better understanding of what makes a community and what impacts on communities. Training must focus on the different requirements of urban and rural locations.

There was a discussion about the challenges of designating land for crofting and farming. It was suggested greater flexibility in such designations to enable a better response to emerging issues (such as environmental damage from increased number of people on paths).

It was proposed that access panels should be made statutory consultees, so that disabled people’s views can consistently be given on access requirements. One participant explained that there is a gap between the award of planning permission and actions taken by service providers occupying the development – it was questioned whether there should be a continuing obligation attached to an award of planning permission requiring subsequent services to meet equality and accessibility requirements.

It was suggested that, in order to provide for affordable housing, Councils should be able to buy land at pre planning permission prices.

While welcoming the strengthening of Completion Notices, some people queried whether there should also be a requirement for land to be returned to its original state if the development wasn’t completed in time.

There was a discussion about whether third party or equal right of appeal should be included in the Bill – some felt it was important to have it in some circumstances, such as when the Planning Authority departed from its Local Development Plan, whilst others felt that it might extend or delay much needed developments.
Three key issues for the dialogue app

1. **Resourcing Local Place Plans:** Community Councils or Groups wanting to develop local place plans should receive support to advice, guidance and support from planning professionals. An LPP template populated with information relevant to the area would be a useful tool, as would information on any development constraints (e.g. land subject to statutory designations in the Local Development Plan and advice from statutory consultees like SEPA or Scottish Natural Heritage). The Bill should require Planning Authorities to give greater weight to LPPs than the Bill’s current text of ‘have regard to’. Providing greater resources to help Community Councils and Groups will enable them to develop more robust plans, involve more people and deliver plans that better meet the needs of their communities. By requiring Local Authorities to have more than regard to LPPs, communities will not then go to a lot of time (which is all voluntary) and expense drawing up a plan which can then be easily ignored by the Planning Authority.

2. **Development Management - Future Proofed Inclusive design:** The Planning process and applications should ensure that, in future, developments take into account the needs of all those in communities. This should include designs and plans which look to support future developments in accessibility. This will ensure that buildings and developments are fit for purpose now and can accessed and used by all in the future, e.g. taking account of changes in wheelchair technology.

3. **Greater adherence to Local Development Plans:** If the Bill’s purpose is to encourage communities to have a greater say in the planning process at the start through local place plans, then once the Local Development Plan is agreed there should be greater adherence to it. This change to the Bill should be made otherwise communities will feel there is little point in being involved at an early stage if the agreed Local Development Plan is then ignored by the Planning Authority.

**Attendees:**

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<th>Kilmuir and District Community Council</th>
<th>Lochalsh Community Council</th>
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<td>Camuscross and Duisdale Initiative</td>
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<td>Skye and Lochalsh Young Carers</td>
<td>Skye and Lochalsh Access Panel</td>
<td>Portree and Braes Community Council</td>
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<td>Broadford and Strath Community Company</td>
<td>Skye Connect</td>
<td>Urras Baile Fhîdòigaearraidh (Flodigarry Township Trust)</td>
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