Planning (Scotland) Bill

Notes from Stonehaven meeting

Monday 5 February 2018

Groups in Attendance:

<table>
<thead>
<tr>
<th>Dalriada Lodges</th>
<th>PAMIS</th>
<th>Stonehaven Community Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mearns Community Council</td>
<td>Old Aberdeen Community Council</td>
<td>Newtonhill, Muchalls &amp; Cammachmore Community Council</td>
</tr>
<tr>
<td>Portlethen &amp; District Community Council</td>
<td>Laurencekirk Development Trust</td>
<td>Stonehaven Heritage Society</td>
</tr>
<tr>
<td>North East Mountain Trust</td>
<td>North Kincardine Community Council</td>
<td></td>
</tr>
</tbody>
</table>

Local Government and Communities Committee Members in Attendance:

Bob Doris MSP (Convener)

Also in Attendance:

Scottish Parliament officials
Scottish Government Bill Team officials

Highlights from Scottish Government presentation

- There is strong support for a plan-led planning system;
- The Bill will improve resources of planning departments and connections with communities;
- Highlight good practice aspects – i.e. guidance working alongside primary and secondary legislation;
- Introduce early gate check for development plans;
- Local Place Plans (LPP) – deliberately not outlining procedure around this to allow flexibility and increased community engagement;
- Infrastructure-levy – this will act as a financial contribution from multiple developments. Further details of this will be brought forward in secondary legislation;
- Bill addresses the duration of planning permissions before they lapse;
- Bill proposes future fees regime to allow resourcing planning authorities.

Q&A Discussion

Local Place Plans and Local Development Plans

1. It was asked how the Bill could ensure the quality of Local Development Plans (LDPs) community engagement events, as respondents felt that at the moment
they were frequently poorly advertised and poorly managed. Scottish Government officials pointed out that community events minimums were being raised from one to two but respondents wanted more assurances that they didn’t become a tick-box exercise.

2. Respondents felt, that the current system or evident in the Bill, there was nothing obliging developers to listen or act on any feedback they received from these engagement events.

3. There were questions whether the Bill could introduce statutory consultees for LDPs?

4. One respondent asked how Local Place Plans (LPPs) would interface with community planning processes. How could we ensure the engagement is robust without causing consultation fatigue? [See related under Community Engagement]. It was also asked what systems will be put in place to ensure it’s robust? 10 years instead of 5 years was the response. Concerns were raised that unless views are received and implemented at the beginning, stuck with it for 10 years. Bob Doris MSP asked Scottish Government officials about this – in response it was stated that there was nothing stopping communities revisiting local plan – the 10 year vision is what it ‘should’ look like, but there could be tweaking taking place throughout the 10 year period.

5. Respondents highlighted that not all areas are necessarily covered by Community Councils that can prepare LPPs, therefore you could have gaps to inform LDPs.

6. Respondents asked how can the Bill could resource/support communities to develop a LPP? There are currently limits on capacity-building; with most people engaging being volunteers and feeling there are not getting much for the fruit of their labour.

7. How do we resolve if LPPs that are conflicting? For example, if more than one community draws up an LPP? [See related under Community Engagement].

8. Respondents wondered how LDP decisions can be made more accountable and transparent and how planning authorities can demonstrate or evidence the percentage of an LPP they’ve taken on board or the reason why they haven’t.

9. Respondents were concerns that LDPs do not adequately demonstrate local knowledge and that local inputs needs to be protected. One respondent gave an example from Stonehaven, where a recycling centre was proposed in an LDP “on the edge of town” but the community were not consulted and the recycling centre was finally located on a green space that was very important to the community. Will what local communities feed into LDP be reflected in Plan? It was suggested that some local authorities use LDPs to block planning and concern was raised that community voices not being listened to.

10. The discussion then turned to improving dispute resolutions. It was proposed that having more of a dialogue might reassure volunteers and communities that
engagement is going somewhere and avoid people losing interest in the long run.

11. Bob Doris MSP queried whether a system where individuals are allowed to sit in and observe proceedings and decisions could be replicated?

12. Respondents felt it was unclear when planning authorities legitimately use reference to the LDPs to block inappropriate developments and when they approve inappropriate developments in spite of the LDP. Respondents agreed there needs to be more transparency and consistency in good practice of using LDPs.

13. There was a question about if an LPP is incorporated into an LDP and the LPP is then challenged in court by a developer whose responsibility is it to defend it? Scottish Government representatives confirmed that if a planning authority adopts an LPP into their LDP, it is then their responsibility to defend it in court.

14. One respondent felt that LDPs are too big to encompass all the varied aspects and characteristics of different wards. One shoe doesn’t fit all sizes; there’s a need for flexibility Individual villages are being consulted but don’t feel they are being heard and instead feel ignored. This respondent had a very specific point on this matter and was asked by Bob Doris MSP to email the Committee on this specific matter.

Community Engagement

15. Respondents would like to see something on the face of the Bill to ensure engagement from communities and individuals in the planning development process from the onset.

16. Respondents identified the issue of defining a community and who in the community takes responsibility for LPPs or engagement, and would they be representative enough? It was recognised that whilst Community Councils represent their communities, their membership, sometimes is not representative of the community.

17. An example given, of the pitfall of community representation of LPPs, where they put the LPP out to consultation but no-one under 25 years old responded and predominately 50 year old women replied, therefore skewing the LPP.

18. There was discussion about how you can’t force people to come to a meeting or consultation but if people choose not to come, they can’t complain they haven’t been represented. Bob Doris MSP stressed we need to find better ways to reach those who don’t come.

19. In regards to consultation fatigue, it was also noted that in many communities, it is always the same people replying to consultations and it is still not delivering the best results. It was asked how this can be changed?
20. There was discussion about the merits and options of different ways of consulting over and above a physical meeting. More online discussions, more school engagement or more creative solutions were mooted.

Simplified Development Zones

21. Regarding Simplified Development Zones (SDZ), respondents felt community engagement events were stripped out of the process because if conditions of the SDZ were met, developers don’t need to do any community engagement. Respondents felt it was a watering down of community engagement.

22. Scottish Government officials explained that SDZs put planning authorities in the lead rather than a speculative developers and that no corners would be cut as a vote of councillors, community engagement and environmental assessments were still required for SDZs.

10-year plan

23. There were concerns about the pitfalls of a 10-year plan. Some respondents queried what was the point of voting for a 10-year plan that may or may not happen? Others were concerned about how 10-year plans don’t allow for much flexibility to respond to change; danger of “casting things in stone”.

24. Scottish Government officials confirmed that LDPs can be changed and revised within the 10-year period. With this new Bill, the idea was that LDPs present a ‘big bang’ approach to set down a vision and then allowing incremental tweaks, therefore building in more flexibility.

25. Bob Doris MSP confirmed this concern would be followed up by the Committee.

Third Party Right of Appeal

26. Some respondents felt that the Bill did not demonstrate empowerment for communities as it had no third party right of appeal.

Planning Authorities and Planning Officers

27. Some respondents were unhappy about the fact that decisions were being taken by Planning Officers who were viewed as “unelected” and therefore made the process “undemocratic”.

28. Respondents highlighted communities want to see the detail in a planning application. Example given was from Aberdeen where a large number of houses were approved but none were allocated as social housing.

29. Respondents felt the Bill didn’t address the perception that developers are allowed to build whatever they want.

30. One respondent remarked that a local authority planning responsibilities are a duty not a power.
Section 75

31. Respondents were concerned about Section 75 transparency.

32. Respondents were keen that money should be ear-marked for the communities impacted by the development. Bob Doris MSP gave an example from his constituency where a development was proposed in an old industrial area and the application was granted on provisions that trees would be planted, but in the end these trees were planted in a completely different area and did not benefit the original community.

33. There were concerns about planning applications being agreed but then drastically change but no new consultation was conducted, and the reason given was it was already covered by Section 75. There was nothing in the Bill that addressed this.

Infrastructure levy

34. There were concerns about the infrastructure levy. Scottish Water charges were given as an example of increased costs.

35. Scottish Government representatives explained it was not being introduced to thwart development and that it would be an opportunity to pool resources not duplicate contributions as happens under current Section 75.

36. The provision creates the power to create the infrastructure levy but not necessarily implement it right away, as the Scottish Government are still carrying out research about what would be the best model and would be brought forward in secondary legislation. Respondents asked about Enabling provisions – there is nothing in the Bill and it was also queried why are there levy charges.

Miscellaneous

37. One respondent queried whether conservation areas were being abused by planners and felt that the Bill as currently drafted will weaken environmental protections.

38. Respondents wanted more clarification on transition period between current LDPs being drawn-up for 2022-27 and the enactment of the Bill. Scottish Government officials confirmed there would be transitional arrangements and they estimate the Bill’s provisions would come into effect by 2020. Bob Doris MSP confirmed that this was something the Committee could seek formal assurance from the Cabinet Secretary.

39. One respondent felt that the majority of the Bill was urban driven and questioned whether a lot of the Bill was actually relevant to rural areas?

40. One respondent asked whether there was anything in the Bill that would stop developers buying up large areas of land and then “sitting on it” – they used the
example of promising to build houses but years later nothing has been done and the land is unavailable to anyone else.

41. One respondent felt the Bill had lots of aspiration but no solutions or money to back up the aspirations. They commented the Bill simply looks like a restructuring of things.

**Top Themes for Dialogue**

1. **Transparency and Community Involvement**  – more transparency over various aspects of the planning system will give more confidence to communities. Communities should also be encouraged and empowered to develop their own local place plans in a meaningful way, as well as in a way which reflects the wider community. Communities should also be able to shape local development plans more than they currently do.

2. **Measures of efficiencies**  – Performance indicators should be included for developers, to address the misuse of the system by them. Simplified Development Zones should not just be about making it easier for developers but how the community gets input into what the priorities are and so help shape such zones.

3. **Build Houses, Build Communities**  – Protecting family homes in the community will in turn lead to those communities contributing to local businesses to help them thrive which will ensure generations staying on in their area.