Local Government and Communities Committee

Planning (Scotland) Bill

Supplementary Submission from the South West Communities Forum

Further to our letter of 1st February 2018 responding to the Planning (Scotland) Bill, we were invited to comment on three issues that were not included in the Bill as introduced. These were:

- Third-party right of appeal, also known as equal right of appeal
- The agent of change principle as it applies to live music and entertainment venues
- Short-term holiday lets.

We commented on Third Party Right of Appeal in our main submission. Regarding the other two items, we would respond as follows.

The agent of change principle. As we understand it, when nuisance issues arise from a long established use such as a music venue or church bells, currently a local authority can take steps to reduce or remove the offending nuisance, notwithstanding that the complaint may have come from a party only recently arrived in the area. We regard that to be unfair on the already established party. We consider that the ‘agent of change’ principle should be triggered automatically when a new planning application is made and that the person or business responsible for the change must also be responsible for managing the impact of the change. For example this would mean that it would be the responsibility of the developer of a new residential building near an existing music venue or to church bells to include appropriate noise attenuation measures. Conversely, where a new land use such as a music venue was to be established near an existing residential building, the ‘agent of change’, the music venue, would need to ensure it incorporated appropriate soundproofing measures to reduce or contain noise from the premises.

Short term holiday lets. We believe this issue has arisen as a consequence of a mismatch in the housing being built and housing need, and warrants investigation. We seem to be building more bigger houses than affordable units.

Current population figures are based on the 2011 census, re-estimated biannually by National Records of Scotland (NRS). These estimates will become less accurate till the 2021 census provides more reliable figures.

Several unusual events have taken place since 2011 - the collapse of the oil, banking and other industries and the Brexit vote are creating great uncertainties. Around 2010, the General Register Office for Scotland stated, “it should be noted that the [population] projections are not forecasts and are purely trend based. They assume that factors which influence demographic change remain stable and they do not take account of changes in local and national economic conditions nor strategic and local planning policies. The so called ‘credit crunch’ and downturn in the economy are not reflected in the projections. A severe reduction in lending for mortgages and investment in the house building industry has inevitably led to a
significant slowdown in new house building. This, along with the downturn in the economy and jobs market will lead to a reduction in inward migration in the short term.”

NRS estimate Scotland’s population at 5.4m adding that the majority of recent growth has been due to migration as natural change has not made a significant contribution. They say that the vote to leave the EU will have consequences not just for ourselves but for people deciding whether to come to, stay in or to leave Scotland. Over the next 25 years, the number of pensioners is expected to grow by 28% but the working age population will only increase by 1%. While household numbers have been increasing, the ageing population, more people separating or divorcing and lower fertility have resulted in smaller households. A lack of affordable houses has resulted in more people who would normally be living independently continuing to live at home. [Annual Report of the Registrar General of Births, Deaths and Marriages for Scotland 2016, published August 2017.]

Over the past decade, SESplan’s Housing Need and Demand Assessments have steadily raised their assessment of the need for affordable houses in Edinburgh, from 43% in 2009 to 64% in 2015 then reduced to 50% in 2016 (on the basis that this was what might be deliverable). But Government policies still limit the new-build affordable requirement to 25%, which is what developers are expected to build. They will build what sells, not what is needed. Consequently we suspect not enough affordable houses are being constructed that will remain truly affordable. We also suspect that large houses are being sold to ‘buy to let’ investors. Similarly, off-campus ‘student housing’ is being erected with rents reputed to be extraordinarily high. All this distorts the housing need picture. The ‘need’ is still there – and increasing – but over-priced rented accommodation is reducing the ability of first steppers and down-sizers to find a home of their own.

AirBnB introduced the concept of using a spare room for short term holiday lets but it is now suspected of having expanded to offer a cheap way of providing income while not meeting the more onerous legislation that would apply to rentable accommodation. The legislation needs to be tightened up to ensure that such ‘tourist accommodation’ is limited to no more than say three weeks in any one year, that the letting rate is no greater than that for a similar sized property let at an affordable rate and that the premises is regularly certified to ensure it meets the standards for rentable accommodation. The planning system could be developed to impose restrictions on the proportion of properties in a tenement block being available for short term let while ownership of more than two such properties would be seen as a taxable business.

We trust you find these observations useful.