Local Government and Communities Committee

Conference on the Planning (Scotland) Bill

Monday 26 February, Forth Valley College

Session 1: Parts 1 and 2

MSPs: Kenneth Gibson MSP and Alexander Stewart MSP

Part 1: Development Planning and Local Place Plans

Delegates noted that it is important that communities are involved in shaping plans. It was also noted that not all communities are the same but it should be an aspiration for all parts of a community to be involved, and to participate in, the various layers of planning. The National Planning Framework (NPF) should be directional and it was noted that communities don’t participate in local development plans therefore this part of the process could be improved and then how the place people live in will evolve.

There is an opportunity for people to develop their own plans. Local place plans will echo community place plans in England – these tend to be in smaller locations so it was asked how, for example, an urban area in Scotland, will be divided to identify where new homes should be built. It was noted that local people were not getting involved in this part of the process. It was also queried how communities can make viable decisions for a particular site (as communities don’t have all the information at hand they might need to take an informed decision) and that communities can be reluctant to get involved until an application has gone through.

Delegates noted that there can be competing priorities within communities over the development of land and where communities want homes to be built is not necessarily where developers want homes to be built. Delegates went on to stress the positive aspects of development: creating jobs, supporting the economy and supporting competitiveness.

Delegates were keen to ensure that everyone involved in the process has a voice but noted that some community campaigns are fuelled by misinformation. It was suggested that early in the process the needs of particular local developments should be identified in a development plan with more engagement from local authorities and agencies.

It was suggested that local authorities should be better resourced to enable them to let communities know the particular demands of an area and that a development plan application should come with a package of information about that development.
It should also be better outlined how long a development will take to build and that developments should be a mixture of places where people can live and work. This should be part of the NPF.

Delegates suggested that the type of houses that are built in a community is important and that a good development plan should provide for this.

It was noted that fees have gone up four-fold – one delegate suggested that nobody in the industry is objecting to that but at the moment people are waiting to see whether it will provide sufficient resources to improve the performance on planning authorities.

It was highlighted that there is a lack of consistency in planning decisions within local authorities and between planning officers. A development plan should be produced in consultation with the likes of developers and umbrella bodies to identify particular housing needs.

One delegate suggested there should be targets for specific demographics, for example older people and disabled people. It was then noted that if older people relocate into more appropriate housing for their needs then this can free up housing for others.

Those who object to developments can be the most vocal and, given this, it is a challenge to get a balance of community views including those who may be supportive or neutral about particular proposals.

It was suggested that Simplified Development Zones (SDZs) could be a catalyst for economic development and that infrastructure investment can follow from that. It was then noted that infrastructure is key to the success of the Bill.

It was asked whether planning authorities can feed into NPF as a middle layer of the process between the NPF and local development plans.

MSPs asked delegates what should be included in the Bill, removed from the Bill and changed about the Bill:

- Delegates expressed support for a gatecheck process and that getting people involved commenting that collaborating in the process is key. There was also support for the process to be front-loaded and that the hierarchy of planning developments (National, Major and Local) needs to be correct – the Bill as worded would risk the proper hierarchy.
- Delegates noted that the importance placed on NPF is huge and this will be central to the success of the Bill. As Scottish Planning Policy is being absorbed by NPF it was noted that local development plans around Scotland
are different therefore there is no consistency of approach among local authority areas.

- Delegates suggested that in order for the whole process to work and to get involvement from as many people as possible there should be no appeals process at the end. It was suggested that an equal right of appeal would add uncertainty to the process and could add a risk premium to investors in Scotland.

MSPs asked if there were gaps in the planning process:

- Delegates noted there is a change in how people access information therefore how can planning applications be communicated to people effectively – a particular suggestion was using neighbour notifications.
- Again, it was stressed that front-loading the process is critical with communities involved at the early stage of design.
- It was also suggested that young people should be more involved in the process with the use of social media helping to engage them.
Session 2: Parts 3, 4 and 5

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Note that this discussion was held with a different group to that of Parts 1 and 2.

Part 3 – Changes to the development management process

There was broad agreement within the group that this part of the Bill was to be welcomed as it will create greater requirements for aspects of development which haven’t went through the planning process.

Whilst the process needed to involve local authorities; members of staff should not be at risk from violence and there needed to be an education that this is a process of engagement.

Pre-application consultation:

Broad support was voiced for pre-application consultation as housing can be perceived as bad in Scotland and improving pre-application consultation may improve this perception but won’t eliminate it all together.

A good consultation event should be developer led and run by a facilitator or by a local authority and there should be a minimum of 1 event. Perhaps there should be a recommendation on how robust the level of engagement should be made.

Some felt that this issue raises the greater question of planning in general – how do you use community empowerment agenda – this is quite a complex issue which can't be dealt with by this particular reform.

Engagement should at LDP stage.

Whilst being very supportive of this aspect of change some felt that a counter balance should be made – in that engagement of the developer sector is also important and should be addressed in the Bill as well.

Some discussion around the question of how you get people involved and interested rather than just telling them that this is what is happening – some attempt should be made to make it more user friendly.

Schemes of delegation & Local Review Bodies

There were some concerns in relation to the schemes of delegation and basic human rights including that right to a fair hearing. In addition, there were concerns
expressed about the extension of Local Review Bodies to cover certificates of lawfulness. Instead it was suggested that you get rid of Local Review Bodies but certainly shouldn’t expand them without proper research on this issue.

Some stated that this change could be that the council is now seen as “acting as judge and jury”; suggestion that instead there should be an independent chair with no link to the council but with experience in architecture/planning.

**Part 4 – range of other matters**

**Fees**

Most welcomed the recovery of fees by local authorities but perhaps this doesn’t go far enough, is this simply a first step? Whilst there would always be an issue with resources in planning, attendees felt there needed to be care taken with the fee issue.

Concern voiced that the pursuit of full cost recovery may discourage people from submitting applications to a certain degree, from a developer’s point of view this could put Scotland at a disadvantage. Some attendees felt that whilst more development was needed a hefty up-front fee may actually discourage development. From an energy point of view, fees could add cost onto a consumer’s bill.

Discussion around why there were higher fees in England – it was felt that because fees are ring-fenced in England developers know that any fees will go back into the system – this is undoubtedly having an impact on the sector.

Some felt that fees would led to more money going into the system used more expeditiously particularly if you are getting an improved efficient service people may not mind paying higher fees in that case.

Some felt that fees can be related to the mind-set of particular local authorities – it can be a lottery yet the number of applications for housing keeps going down. There can be a lack of objectivity; based on opinion even within local authorities it can vary from place to place. Differences around the country were also highlighted e.g. London development is not the same as in parts of Scotland.

Some attendees were concerned about the danger of planners “nitpicking” over those applications when faced with a declining number of applications.

Some attendees were keen that full cost recovery was done on a phased basis over a period of time; fees being reduced or waived in certain circumstances was also discussed.
Third party rights of appeal

Discussion focused on the concern that these appeals may bring everything to a halt; that investment may decline as a result; attendees suggested that the system should be front loaded instead of last minute actions like these which are essentially about conflict.

Perception would be that Scotland would be “closed for business”.

Discussion also centred around the need for a vision/purpose for the planning system to be agreed – at the minute the purpose of the planning system isn’t really understood.

Attendees also discussed the right to a hearing which is now part of the appeal process, again the importance of getting people involved early; in actual decisions e.g. about how we get the location right for housing; there should be more support for “front loading the process”.

The issue of public engagement was discussed further in this context – there was broad support for the government to “front load” the system e.g. well resources exhibition type consultation events.

Some suggested that the decision in relation to third party right of appeal is pushed back and examined further e.g. by looking at the Irish experience.

Attendees were also keen that the Committee would hear from the practitioner side of the argument.

Training

Attendees voiced general support for training. It was suggested that training in planning matters should be similar to the Licensing Committee training i.e. a period of study then an exam.

There was a discussion about people not attending training events therefore there could be an argument for making it compulsory. It was also felt that training should concentrate on key concepts of planning as well as an understanding specific Local Authority guidance and their policies.

Attendees also discussed refresher type training which will give councillors confidence and authority in planning matters continuously.
Timing of training was also discussed – whilst there was a suggestion that this training should be within 4 weeks of election this was discounted as impractical, it was felt that this would be ideal within the first 3-6 months of councillors being elected.

Whilst it would be ideal to have a Planning Committee with a quorum of qualified members, it was acknowledged that this could be hard to achieve as on occasions there could be a lot of new members.

Council Officers must have confidence to challenge decisions as well. It was also felt by attendees that it was important to be trained outside of one’s own authority – by both external and internal bodies.

General agreement that there should be some sort of process to give both councillors the ability and people the confidence in decision makers ability.

Training in procedures was thought to be important but more important is the context in which planning operates.

**Part 5 Infrastructure Levy**

Attendees felt that there was not enough detail on this levy within the legislation to be able to discuss this but that there appeared to be a perception that the government can charge what it likes; that developers will be impacted unfairly.

Nature of the levy – very conceptual at the minute, it is uncertain and could cost a lot of money but seen essentially as a “land tax”. Attendees indicated that an analysis of the cumulative impact of the payment of charges may be helpful.

Attendees discussed the English experience – it was felt that this is a very bureaucratic process and can take time for the money to filter through although this could be sorted through statutory instruments.

There was an acknowledgement that there was a need for infrastructure to be delivered but the government needed to consider if this would be enough to solve the problem. It was suggested that it should be phased in rather than at a certain stage in the process.

**Conclusion: Provisions that the Group would: Remove, Change and Include?**

**Include:**

- Importance of procedures in the new Bill but also need the purpose of planning outlined;
- Need to have robust transitional plans so things don’t come to a halt in the interim;
- Proposal to make the role of a Statutory Chief Planning Officer; and
- Statutory consultation undertaken.

**Remove:**

Review bodies.