



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 14 March 2018

Session 5



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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE
9th Meeting 2018, Session 5

CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

DEPUTY CONVENER

*Monica Lennon (Central Scotland) (Lab)

COMMITTEE MEMBERS

*Kenneth Gibson (Cunninghame North) (SNP)

*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)

*Graham Simpson (Central Scotland) (Con)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ailsa Anderson (Scottish Young Planners Network)

Robert Gray (Heads of Planning Scotland)

Diarmid Hearn (National Trust for Scotland)

Councillor Steven Heddle (Convention of Scottish Local Authorities)

Kate Hopper (City of Edinburgh Council)

David Leslie (City of Edinburgh Council)

Aileen MacKenzie (Scottish Water)

Gavin Miles (Cairngorms National Park Authority)

Graeme Purves (Built Environment Forum Scotland)

Aedán Smith (Scottish Environment LINK)

CLERK TO THE COMMITTEE

Jane Williams

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Local Government and Communities Committee

Wednesday 14 March 2018

[The Convener opened the meeting at 09:02]

Planning (Scotland) Bill: Stage 1

The Convener (Bob Doris): Good morning, everyone, and welcome to the ninth meeting in 2018 of the Local Government and Communities Committee. I remind everyone present to turn off mobile phones. As meeting papers are provided in digital format, tablets may be used by some members during the meeting.

We have received no apologies—we have a full house of MSPs today, I am delighted to say. Agenda item 1 is on the Planning (Scotland) Bill. The committee will take evidence on the bill at stage 1 from two panels.

I welcome our initial panel this morning—Graeme Purves, chair of the Built Environment Forum Scotland; Diarmid Hearn, head of policy, National Trust for Scotland; Aileen MacKenzie, planning manager, Scottish Water; and Aedán Smith, convener of the planning group at Scottish Environment LINK. I thank all of you for coming along to aid us in our scrutiny of the bill at stage 1. Andy Wightman will start the questioning.

Andy Wightman (Lothian) (Green): I have some questions on the national planning framework and strategic development plans. The bill makes quite important changes to the status of those. It makes the NPF part of the development plan and there are amendments to the scrutiny of that. The bill also abolishes strategic development plans, which are to be replaced by a more flexible duty to co-operate. What are panel members' views on those changes and whether they will help to deliver better places?

Graeme Purves (Built Environment Forum Scotland): I am happy to kick off on that. I will just give some background—I was a professional planner in local government and central Government for some 29 years. Latterly, I was an assistant chief planner with the Scottish Government and I led the teams that prepared the first and second national planning frameworks.

I am concerned that the proposals relating to the NPF could result in an overcentralised system and that, rather than enhancing the status of the NPF, we risk overburdening it and loading too much on to it. The bill seems to envisage loading Scottish

planning policy, which is non-spatial policy, in with the NPF.

There also seems to be an intention to place a regional dimension of strategic planning in the national planning framework. There is a risk that that will make the document overloaded and unwieldy. There is a further risk that the process will be overcentralised, that we will lose the strength of regional agency that we have had in Scotland for a long time and that the national planning framework will lose its cutting edge and become a general repository for planning policy rather than a document that is clearly focused on setting out a long-term spatial strategy for Scotland.

Aedán Smith (Scottish Environment LINK): Scottish Environment LINK is supportive of having a national planning framework. We think that it is important to have a national spatial strategy to help to decide where the big things are going to go across Scotland and to have a long-term vision about how to make Scotland a more sustainable place. However, some of the changes are a little concerning. Although it is good to have a national planning framework that takes a long-term view of where Scotland wants to go, shifting to a 10-year cycle is a bit of a worry, as things can change a lot in 10 years. What was happening 10 years ago in the planning world? Donald Trump was getting planning consent for his golf course in Aberdeenshire. It is hard to imagine that happening now—things have moved on quite a lot. I am not sure that shifting to a 10-year cycle is necessarily a good thing, although I believe that a long-term vision should be set out in the national planning framework.

We think that including Scottish planning policy in the national planning framework risks overloading it. At the moment, Scottish planning policy sets out different sorts of specific criteria-based policies, whereas the national planning framework is much more spatial, as Graeme Purves described. There is a risk of making the document quite heavy and burdensome.

The other disadvantage of including Scottish planning policy in the national planning framework is that it would mean that it is likely that there would be only one consultation on SPP and the NPF together, whereas, at the moment, they are consulted on separately, which gives communities and others an opportunity to get involved in thinking about what the criteria policies mean, separate from what the spatial strategy means. There is also, at the moment, an opportunity for an environmental assessment of those.

Likewise, we are a bit worried about the implications of including strategic planning in the national planning framework. We are pretty neutral on where strategic planning sits, but we think that

there is an essential role for strategic planning at a regional level—that is, a sub-national but greater than local level. As they stand at the moment, the proposals are a bit unclear about how that would be safeguarded.

Although we are neutral on the question of whether regional planning and strategic development plans sit within the national planning framework or sit with local authorities, as they do at the moment, they definitely need to be dealt with somehow.

There are other issues where we think that there might be opportunities in relation to the national planning framework. There should be clear links across to other sectors of spatial planning in Scotland, particularly marine planning and agriculture, forestry and other areas of land use, through the land use strategy. Taken together, the land use strategy, the national marine plan and the national planning framework create a holistic mission for Scotland, so they need to be thought about in a consistent way.

Even more important, the national planning framework sets out a long-term vision for how we might want to make Scotland a better place in future, yet it sits quite separate from the budgeting process at the moment. The last two national planning frameworks have both been introduced with a phrase that ministers have included, which states that the national planning framework is a spatial expression of the Government's economic strategy. It makes sense to have a link between the Government's economic strategy and the spatial vision for the sort of place that we want Scotland to be. However, to have the long-term vision being the spatial expression of a shorter-term budget-setting strategy seems to be the wrong way round. We think that it would be much more sensible if the budgeting process were to follow the long-term vision for a future Scotland that is set out in the national planning framework. Therefore, we are keen to see that link between shorter-term budget setting and the longer-term vision for how we are making Scotland a sustainable place, which can be set out in the national planning framework.

Aileen MacKenzie (Scottish Water): With regard to regional planning, we have concerns that some of the experience that we have built up in recent years and the relationships that we have with some of the strategic development planning authorities might be lost. We have worked quite closely with them, as we have done with other key agencies, to ensure that they have been informed and have had direction.

We need to ensure that those relationships are maintained and that we do not lose them as we go forward. We use some of those outputs to give us a guide to where we will invest in the longer term.

Although they do not give us the numbers that the local development plans give, they give us an idea of where areas might expand in the future, so they can help us with our longer-term investment planning.

We also want delivery plans linked more closely with the city deals. At the moment, there are city deals in similar regions, but they are not necessarily joined up. There are some places where the developments link in, but linking city deals with delivery plans would be a useful way of progressing.

We support having some Scottish planning policies decided at a higher level. There are different policies, for example on flooding and drainage, in every local development plan. Some elements of those policies could be taken at a higher level, to allow local development plans to focus on more specific issues within an area. We want surface water management to be considered much earlier in the process. Again, it could help if that was part of the national planning framework and Scottish planning policy.

Diarmid Hearn (National Trust for Scotland): I echo what has been said, but I have some concerns about transparency. At the moment, there is an opportunity to consult in the regional plan. If we moved to a more laissez-faire arrangement, there is no indication that the public would definitely have an opportunity to have a view. Similarly, public awareness of the NPF is very low. We measured that 11 per cent of the public had heard of it. National developments all happen in local places, so it is a concern if people are not aware that the developments will impact on them.

It is important that Parliament scrutinises a higher number of developments. In that regard, it might be worth looking at the Welsh experience. From the beginning, its national plan had developments baked into it. Under the statutory requirements, the Welsh Government has to consider, and give a response to, each of the recommendations of the National Assembly for Wales. When it first started life, our NPF was more visionary, and it has now evolved into something more deliberate. Scrutiny needs to go alongside that.

Aedán Smith: Diarmid Hearn has reminded me of one extra point. The proposals would make the NPF more powerful than it is at the moment. The proposals in the bill to extend parliamentary scrutiny from 60 days to 90 days are welcome, but we think that Parliament needs to be involved much more than just through those extra days of scrutiny. In fact, there should be an approval process in Parliament so that the national planning framework is owned and approved by Parliament, rather than it just being a vehicle of Government. It

should be a document for all of Scotland, rather than just for the Government.

Graeme Purves: I would like to come back briefly on the important point that Aedán Smith made about the link between the national planning framework and national budgeting. There is a narrative around the need to enhance the status of the national planning framework. My feeling is that the national planning framework has not lacked status in the planning system; it is generally accepted as being an important policy document in planning decision making, certainly at local government level. However, the national planning framework has perhaps lacked status in the Government and in national budgeting. If we want to enhance the status of the document, we should focus on that area.

Andy Wightman: The policy memorandum to the bill says:

“national developments are accorded the same status as the development plan in planning decisions.”

However, my understanding is that planning authorities have to take account of the national planning framework only in drafting their development plan. I do not want to have a seminar on what the national planning framework is but, clearly, the Government views this as a technical change. It sees the national planning framework as having the same status, if the bill is passed as drafted, as it does at the moment. Aedán Smith talked about enhanced parliamentary scrutiny, but my understanding is that the Planning etc (Scotland) Act 2006 says that Parliament can merely look at the national planning framework, scrutinise it, debate it and pass a motion on Parliament's response to it—but that is not a law. Is there a danger, in making the national planning framework part of the development plan, that it would sit uncomfortably with local development plans, which have much more democratic input? Am I overworrying?

09:15

Aedán Smith: I am happy to provide a quick comment on that. Making the NPF part of the development plan would certainly give it an enhanced status over what it has at the moment, albeit that it already has quite a strong status in planning decision making. Making it part of the development plan would make it the first port of call, if you like, when planning decisions are being made, because planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. At the moment, the NPF is perhaps a second-tier thing to be looked at in planning decisions, although development plans are still required to have quite a lot of regard for it.

That change is just one of the areas where the proposals make the national planning framework quite a bit more powerful and possibly shift a little bit of the balance of decision making towards the Scottish Government and away from local levels. That is why we think that it is critical that the national planning framework gets the sign-off and approval of Parliament. That would not give the national planning framework in itself the same status as a law, but it would put in law a requirement for it to be approved by Parliament before it could progress. It would at least give Parliament that democratic oversight of the framework as a whole. At the moment, the Government has to lay it before Parliament and have regard to Parliament's views, but it does not necessarily have to have regard to all of them—to a certain extent, it can pick and choose which of the Parliament's comments to take up.

Graeme Purves: I watched the committee's evidence session last week and I saw Mr Wightman refer to this matter then. On the process of parliamentary scrutiny, there is an important provision in the existing legislation that ministers are required to report back to Parliament on how they have taken account of the national planning framework, and that is not a perfunctory process. I know that because I drafted the report to Parliament on behalf of ministers. Significant changes were made to the second national planning framework in the light of the Parliament's views. Two new national developments were added and a couple of others were adjusted.

In that context, the process of scrutiny is carried out diligently, and the evidence is that ministers have listened carefully to what Parliament has said and taken significant elements of that on board. That might be instructive when we discuss how the bill might give some local force to local place plans. Perhaps we will come to that later.

The Convener: I assure you that we will definitely come to that later.

I have a question to mop up before we move to the next line of questioning. Is there a general consensus among the witnesses that there should be greater parliamentary scrutiny of the national planning framework? The ultimate option would be that it had to be approved by Parliament, but Mr Purves seemed to suggest that there could be a variance to that, or a more meaningful role for Parliament without the NPF going to it for approval. I want to understand whether there are any other options. Is the choice between the current system and approval by Parliament, or is there something in between that could be done? If so, will you put that on the record so that we know what it would be?

Graeme Purves: I did not intend to suggest that there was something in between. I think that Mr

Wightman is entirely correct. At the moment, ministers have the final say on the national planning framework, but there are provisions on scrutiny and a requirement on ministers to report back to Parliament on how they have taken account of the plan. I am relaxed about whether the national planning framework should be approved by Parliament, but ministers may be less relaxed about that.

The Convener: It is for them to give their opinions when they come to the committee. I just wondered whether there was a third option, if you like.

Is your question specifically on this point, Mr Simpson?

Graham Simpson (Central Scotland) (Con): Yes. A third option could be for the national planning framework to come to, say, this committee. We could do line-by-line scrutiny of it and then report on it to ministers and to Parliament. I wonder what you think of that.

The Convener: I suspect that the session—

Graham Simpson: I wonder whether the witnesses might express a view.

Graeme Purves: In the past, the scrutiny process has involved up to three committees. Committee scrutiny has been part of the process up to now.

The Convener: I was just thinking that the Finance and Constitution Committee's deliberations last night and this morning might look like nothing compared with line-by-line scrutiny of the NPF, but there could certainly be more committee involvement.

Aedán Smith: I will comment quickly to support what Graeme Purves has said. The last two times the NPF has come through Parliament, there has been quite a bit of scrutiny but, each time, it has been notable that we have been stretched for time to look at it, so the extension to 90 days is welcome. However, we would question whether 90 days is adequate for something like this, particularly if we are planning to move to a 10-year cycle for the NPF. If we stick with the current model, additional time would be useful, especially to allow committees to scrutinise the detail. Our view is that there should be sign-off from Parliament as a whole. Given the importance of the NPF and given what happens with the budget process at the moment, that seems to be the way to go.

The Convener: Before we move to Alexander Stewart's question, I want to check one final point. There was talk of alignment between the NPF and the budgets in this place, but I was unclear on whether the suggestion was that one should direct the other. What should the connectivity be

between the NPF and budgets in Parliament? My understanding is that the NPF has a whole range of projects that are essential or desirable, and short term, medium term or long term, and that there will not necessarily be cash for all of them. Is it wishful thinking that one will dictate the other, because there might never be enough money for that to happen? I ask our witnesses for brief comments on what the relationship should be between budgets in the Parliament and the NPF. What everyone was saying sounded good, but I am not sure how it would work in practice.

Diarmid Hearn: An example that I would give is the commitment to the national ecological network, which we, as a community, are very keen on. The idea that we map the areas with the highest biodiversity rates in Scotland and make sure that they are protected and connected up has never been progressed. That is primarily about resource, which relates to the land use strategy—which is also a spatial strategy for Scotland—and to which planning makes reference in passing but with which it does not quite integrate. Therefore it may be that money is the missing element of those two things that brings them all together. If there were a commitment in the NPF that there is budget to go with it and deliver it, that would make sense and might scale down the NPF, limiting it to things that could come forward.

The Convener: I will bring in the other witnesses in a moment, but are you suggesting that only things for which there is a budget should appear in the NPF?

Diarmid Hearn: If they are Government ambitions, it would make sense for them to go into the budgetary cycle. The national ecological network is an example of something that has not gone forward because there is no resource for it. Therefore it just sits there as a political commitment, if we might call it that.

The Convener: If it is desirable and strategically important, surely it should still be in the NPF whether there is money for it or not.

Graeme Purves: I would argue that. My perspective is that the NPF is a long-term spatial perspective. It should play a bigger part in informing budgetary decisions than it has done until now. Yet if, having considered the matter in the budgetary process, Parliament or the Government concludes that there just is not the money to do something that is in the NPF, it will have to make decisions on that basis and conclude either that something may have to be dropped in the long term or that its delivery may have to be postponed.

The Convener: That is much more nuanced.

Aedán Smith: The NPF sets out a long-term vision of where we want to get to in future, at a

point perhaps 20 to 30 years hence, whereas a budgetary process is much more short term and immediate than that. We envisage that, when the budget is being introduced and approved, there would be a statement of alignment with that long-term vision, so that the shorter-term economic levers head us broadly in the right direction. That does not necessarily mean that every single thing that is set out in the NPF to be delivered over a period of 20 to 30 years needs to be covered in that year's budget. However, generally speaking, we should be heading in the right direction—otherwise, we might ask what the point is.

The Convener: That is very helpful and has helped me to understand the issue.

Alexander Stewart (Mid Scotland and Fife) (Con): I want to expand the discussion and get the panel's thoughts in examining the relationship between the local place plan and the statutory development plan and how that should be managed. There has been talk about formalising the process, whether material consideration should be given to it or whether regard should be had to it. It would be good to have your views on what relationship should take place.

Aileen MacKenzie: From our perspective, we would like to see the engagement of communities with planning earlier rather than in a separate plan. A concern for us, and probably for the other agencies, is about where we provide information that informs the local plan and where we provide information that informs local place plans. There is a danger when there are two plans that we end up having to provide information more than once. Also, how that information is interpreted could change over time if those plans are not together.

Our perspective is that communities should be involved much earlier in the planning process through the development of the local development plan. That would mean that everybody is working with the same information and understanding as we go through the process. There should also be clear delivery plans for the local development plans, which would help communities understand what is going to be done to address any concerns that might have come up, such as those to do with infrastructure—that way there will be clarity. Those delivery plans should be updated regularly as we progress with what we have to do or when developers have to do something, so that communities can see that any concerns are being addressed as we progress through those plans.

The Convener: Are there other thoughts on that question?

Diarmid Hearn: The idea of a local place plan is definitely a positive. The issues with it are to do with resources, as other witnesses have identified, and its status in relation to the local development

plan. For it to have value, it would have to be comprehensive—all communities would have to have it—and it should come within the local development plan.

I think that the local place plan has potential for expansion. A lot of the issues around quality of place are about how places are managed—about neglect and dereliction. A local place plan could be a way of capturing what the community wants to see in terms of management as well as physical assets. It could also be a boost to community councils. A lot of people are sceptical about community councils, but it is a chicken-and-egg situation. If community councils do not have any powers, people do not take an interest. Perhaps the local place plan could be a way of devolving power to community councils so that they have a stronger local voice. Our research is finding that people feel very disconnected from the local planning system; the local place plan could be a way back into it for them.

Graeme Purves: In relation to local place plans, BEFS shares what is quite a widespread concern about resourcing. Local place plans could have a valuable role in ensuring that community aspirations are given due weight in the local development plan process, but in the current climate we are concerned that they simply might not be adequately resourced to allow them to function successfully.

On whether a requirement to “have regard to” the local place plan is sufficient, our view is that it is not. It comes back to my point about the requirement on the Scottish ministers to report back on the national planning framework, to Parliament in that case. As the convener and, I think, Sarah Boyack said last week, it might be appropriate to place a requirement on the local authority to report back, perhaps at the examination stage, on how it has had regard to the local place plan. Even that would not be a fail-safe mechanism though; a sufficiently brazen authority could say that it had had regard to it, was not impressed by it and did not intend to take anything on board. What happens in that situation?

Aedán Smith: The idea behind local place plans has some merit, but the way in which they are formulated in the bill does not make it clear how they would be resourced, from either a community perspective or a local authority perspective. The fact that they are not part of the local development plan means that they are likely to be given pretty limited weight, and we think that there is a risk that, as formulated, they could end up being quite a distraction from engagement in the local development plan. We are not keen on them as they are currently being progressed. We would much rather see a concentration on getting

better engagement in the local development plan process.

Alexander Stewart: You have identified community engagement in the community bodies that are out there. You have touched on community councils, but they are not always representative of a community, although they may be a snapshot of a community. The issue is trying to ensure that a community feels that it is engaging. What support should community bodies have to ensure that they feel they are part of that process?

Diarmid Hearn: It would be primarily financial support to buy in contracts to do the plans or to develop the skills to do it themselves. The financial memorandum does a good job of identifying the minimum costs, and we agree that that would be the bare minimum needed. To do it on a comprehensive basis would be quite expensive up front.

Aileen MacKenzie: Part of it is also about awareness. Quite often communities are not really aware of the earlier stages of local development plans. It is often not until they see the planning application coming through that they become interested. I am not sure what the answer is, but it might be trying to get them engaged earlier, perhaps by working with schools and things like that to help get the message out there. We need to get different parts of the community engaged by raising awareness of the local plan and getting their input on it then, rather than just when they see the planning application come out, further down the process.

09:30

Graeme Purves: An important part of resourcing would be building the capacity of community councils or the community more generally to engage in the process. In previous evidence sessions, people have made the point that some communities are probably better resourced than others and have easier access to the sort of professional resources that they might need to undertake the task. Capacity building is an important issue. If local place plans are to be effective, they will have to be supported by the sort of resources that would allow that capacity building.

Aedán Smith: To reiterate what Graeme Purves has said, financial resourcing is required, but so is expertise, and some communities have more ready access to that than others.

Alexander Stewart: Some councils have brought in community capacity workers in specific areas to try to resource that. They carry out case studies in the community and bring individuals and organisations together so that they can start to see

exactly what is happening. Aileen MacKenzie talked about trying to do that earlier in the process so that the engagement is not just when something happens. That is resource intensive, but it might get the result. Is that a way forward?

The Convener: Are there any takers on that? No one is making eye contact.

Graeme Purves: I think that I said earlier that local place plans have the potential to articulate community aspirations if they are sufficiently resourced, but our members are anxious as to whether that will happen in practice.

Diarmid Hearn: As a caveat to that, anecdotally, we have evidence from charrettes, which are intensive planning sessions, that, when a community is asked what its vision is for the future and that vision is not taken forward, that is almost worse than if the community is not asked in the first place. That builds expectations and disappoints communities, which is an even greater negative outcome.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I want to revisit some of the issues that Alexander Stewart highlighted, particularly the notion of having regard to the content of local place plans. The bill is not very robust in that respect. Graeme Purves alluded to that in response to my colleague, but what are the other panel members' views on the wording that authorities would need to "have regard to" the local place plans? I presume that the authority or whoever makes the decisions could decide that they have had regard to the local place plan but then completely ignore it. Do the other panel members have that concern? If so, do we need to revisit that wording?

The Convener: I see nodding heads. Who would like to come in and put something on the record?

Aedán Smith: I agree that the wording is not strong enough as it stands. As Diarmid Hearn suggested, there is a risk that communities could have their expectations raised and then not delivered, which will result in greater frustration with the planning system than we have already, which would not be helpful. When we take that with some of the other changes that are being proposed to other bits of the development planning system, that is a bit of a worry. For instance—we may get on to this later—we are losing a key consultation stage in the development plan preparation process through the loss of the main issues report stage, which is a key stage in that it allows communities to get involved and find out what the development plan does. In effect, there is also the loss of supplementary planning guidance, which is a key specialist area of planning for local areas. To an extent, the local

place plans are a bit of a distraction from sorting out the development plans.

Graeme Purves: I broadly agree with that. I do not know whether I am allowed to refer to the supporting document that the Government issued along with the bill and the memorandum that is headed “Future Process”, which outlines how the local development plan process might work. It is probably among the documents.

The Convener: If it is in the public domain, there is nothing to preclude you from mentioning it.

Graeme Purves: The concerning thing about that is that it presents the local place plans as coming in after the assessment of evidence. From the diagram, the assessment of evidence seems to be a fairly technocratic exercise that would be concerned primarily with things such as housing numbers and their delivery. If the local community agenda is brought in after that, the community will be starting at a disadvantage. There would be a risk, particularly if the local authority has to do nothing more than “have regard to” the local place plan, that it could be brought in after the evidence assessment and then ejected at examination stage, which would leave communities feeling fairly disgruntled.

Jenny Gilruth: On Aileen MacKenzie’s point about the city deals, the committee has previously looked at the city deals and the Government’s aspiration to drive inclusive growth. Do you think that there is something missing from the bill on tackling inequalities and on how poorer areas could be supported to engage in the local place planning process? Alexander Stewart alluded to community councils and the issue of who engages at a local level. There is a concern that certain communities will have capacity but others will not. Is there a danger that, if we do not make a direct connection between inclusive growth and what we think the planning process should be about, we could be missing a trick?

Aileen MacKenzie: It is a question of making sure that these things are joined up so that they flow through and people have sight of what is happening. The issue with city deals might be more about the funding, the infrastructure and so on. Everybody needs to be included in the process so that they are aware of the bigger picture.

Aedán Smith: I have an additional point on city deals, which we have found a bit frustrating, partly because they have been delivered almost outwith the planning process, when the planning process would have been the logical place to identify priorities for some of that spending. The fact that that has not happened is extremely unfortunate.

The Convener: I am glad that you put that on the record.

Graham Simpson: The National Trust for Scotland did some research that found that 60 per cent of Scots felt that they had no influence over planning decisions affecting their local area. You say that the proposals in the bill do not address that dissatisfaction; in fact, several proposals appear to increase the role of central Government and the distance between decision makers and those who are affected. All the panellists have touched on that area, and we discussed local place plans.

How do you think that the bill could close the gap between communities and the system? How could communities become more involved so that, at the end of the process, we do not get a demand for rights of appeal? We will discuss rights of appeal later on. If we get the system right at the start, those demands might be diminished.

The Convener: As we will come on to that later, it is up to the witnesses what they want to put on the record at this point. Given that we are trying to scrutinise local place plans and local development plans, comments in that context would be helpful.

Graeme Purves: I reiterate what Aileen MacKenzie said about that. If we are concerned about the effectiveness of introducing local place plans, it might be better to focus on ensuring that the local community input is right at the front of the local development plan process and plays a central part in that. Effort should be focused on ensuring that the local community has input at the heart of the planning process right at the start.

The Convener: I see nodding heads.

Diarmid Hearn: We have touched on the role of local place plans in encouraging better local engagement. A deep philosophical point has been raised, in the sense that, as a country—along with England, Ireland and Wales—we are fairly unique in having a discretionary planning system in which the plan is quite indicative. In other countries, the plan has a more regulatory role—in other words, the plan says what will happen. If we went in that direction, that would give greater certainty to developers and communities on what might or might not happen.

That might be one of the answers to Graham Simpson’s question. If people are consulted up front and we specify what will happen, people will have greater confidence in the process, but if we have limited engagement and the system still does not bind what comes forward, we will have the same, or even greater, levels of dissatisfaction. Some elements will be left to secondary legislation, but in some parts of the bill an opportunity is being lost for people to have a voice.

Aedán Smith: I reiterate what other panel members have said. Our big worry is that local

place plans, as they are currently formulated, could exacerbate the existing problems rather than help to address them. We need to get some of the good elements of enabling communities to get involved in planning their local places built properly into the development plan in a meaningful way, instead of suggesting that communities can have an influence, only for that to be blocked at the last moment after they have made a lot of effort, which is what might happen.

We will probably get on to some of the underlying issues such as appeal rights and so on.

The Convener: We will move on to those issues later. I am trying to lead the discussion in a structured fashion. Mr Wightman has a supplementary question on local place plans and development plans.

Andy Wightman: It is fair to say that we have not encountered a great deal of enthusiasm for local place plans as they are framed in the bill. We have spoken to communities in Linlithgow and Skye, and we have been sent a local place plan from Harris that shows that there is the capacity, enthusiasm and willingness for local people to engage in planning their own places—indeed, I think that area plans were part of the Town and Country Planning (Scotland) Act 1997.

We need to recommend to Parliament what to do about local place plans, so I ask the witnesses to be quite frank. You seem to be pretty sceptical about the plans as they are. Should we recommend to Parliament that we drop them? Should we recommend to Parliament that we significantly enhance them? The Scottish alliance for people and places says that they should be part of the local development plans. Should we do something else? We need to know what recommendation we should make to Parliament.

Aileen MacKenzie: Trying to get the local place plans more into local development plans seems the most logical thing to do. We need the best route for the resources. Everybody who puts in should put in to one place. Having everything in one plan rather than in two types of plan would probably reduce the potential for conflicting messages.

Diarmid Hearn: I agree that local place plans should be built into local development plans. A lot of the preamble to the bill has been very much about housing, but our research found that green space, public facilities and transport are all very important to people. The plan process will provide the chance to include those other things that are perhaps not thought about by private developers. The process will provide the chance for the public to say what public assets they want.

Graeme Purves: I agree with the other witnesses about the need to improve the

development plan. Mr Simpson alluded to the research that the National Trust for Scotland undertook on how people felt about the planning system. The Scottish Government commissioned research on engagement in the planning system, which Nick Wright and John Lord undertook last year. BEFS hosted an event about that research, and it was clear that there is widespread dissatisfaction with the level of engagement in the planning system. We need to focus on how we can improve that in local development plans. There are well-trying mechanisms, such as charrettes, for engagement that could be deployed much more effectively to ensure that community aspirations and perspectives are fully integrated in the process.

Aedán Smith: Some of the changes that are proposed in the bill are quite complicated and far reaching, so thinking on the matter is still evolving to a large extent. Our view on local place plans, as they are currently proposed, is that they could frustrate, and increase disillusionment with, the system if they are not able to deliver. They definitely need to be part of the development plan.

I was quite interested in Graeme Purves's comments about perhaps there being a role for local place plans earlier in the process, when we are looking at the diagram that ministers have set out. That warrants additional thought. Perhaps we could come back to the committee on that issue once members have considered it. As they are currently constituted in the bill, we are worried about local place plans progressing and raising false expectations. They need to be more formally part of the development plan.

Monica Lennon (Central Scotland) (Lab): I want to follow on from Aedán Smith's point and think about the lifespan of the development plan. We will shift to a 10-year plan. In Motherwell, at one of the committee's engagement events, John McNairney, the chief planner, said that if a number of local place plans were coming forward perhaps at a mid-point in the life of the development plan, that could indicate that the development plan needed a refresh. That might be healthy but, if local place plans survive in the bill, should there be limits on when they can be initiated? Likewise, if local place plans were brought forward towards the very end of a local development plan's shelf life, could they collide with the next phase of development planning and quickly become superseded? Should any limits be placed on the time in the process when local place plans can be brought forward?

09:45

Diarmid Hearn: It depends on what for. The local place plan might be a good vehicle to bring in the community on a lot of different issues. Perhaps

it could be a living document that the community adds to and adapts as it goes along and as issues arise. Those might not just be planning issues; they might be about neglect, dereliction or things that the community wants to be progressed.

Many of the local authority issues just now concern budgeting—what is being upgraded and what is being taken away—so perhaps it is a good thing to have a repository for views about local place. The elements that relate to planning can be brought to the local development plan. However, there is a chicken-and-egg problem in that community councils are a natural level for that but are not very representative. People are not interested in them because they do not have many powers. Perhaps that is a way of breaking the log jam.

Monica Lennon: Is there a danger that what you have described could simply become an expensive wish list?

Diarmid Hearn: It could do, but we are moving towards more participatory budgeting, which involves communities identifying what resources they have. There have been complaints about nimbyism—communities blocking development—but if people can better relate to the benefit that development brings to the community, perhaps they would be more pro developments. Unless we ask, we will not find out.

The Convener: You have stimulated interest among all the witnesses now.

Aedán Smith: That illustrates the question of whether moving to a 10-year cycle is even appropriate for local plans. In some ways, 10 years is not a long time in planning, which takes a long-term view, but, in other ways, it can be quite a long time. If we have stuck with a five-year cycle, we should certainly incorporate local place plans into that.

Shifting to a 10-year cycle is an interesting proposal because, when we talked about the Planning etc (Scotland) Bill 12 or so years ago, there was a feeling that 10 years was too long for a plan cycle and that we needed them to be a bit shorter, so it was decided that we would go with five years. I am not sure that things have changed so much over the past 10 or 12 years that it is now definitely okay to go for 10 years. Therefore, there are questions about whether shifting to the 10-year cycle is appropriate. If communities feel the need to produce a place plan to update the development plan, perhaps we should focus on changing the development plan sooner.

Aileen MacKenzie: There is a question about how we get from the plan to the development on site. We have spent the past few years focusing a lot on engaging and consulting on plans but perhaps not so much on the delivery of the sites.

There is a bit of work to do with the community on that.

Some sites take 10 years to build out, so how do we keep the conversation going? It is not just about how we keep it going when the plan is out for consultation but about how we keep the communities engaged all the way through the process and ensure that everything is updated. We need the plans to give communities certainty. As an infrastructure provider, we also need them to give us certainty about where development will happen. However, things change, so there is a need to continue to engage and keep the plans up to date as we go through development rather than just focusing on making the plan.

Graeme Purves: Aedán Smith's point about the time periods—whether we go for a five-year or 10-year cycle—is interesting. There might have been an argument for sticking with a five-year cycle in local development plans and, rather than doing away with the strategic development plans, moving them on to a 10-year cycle. One of the reasons that strategic development plans fell out of favour was that, on their second or third iteration, the strategic development plan teams, which had previously been structure plan teams, had got those regional strategies more or less right and not a lot of tinkering needed to be done. However, the statutory provisions forced them back on to the review treadmill when they would have been better focusing on delivery.

I have not given a lot of thought to whether the bill should be prescriptive about when a local place plan can be introduced, but I would be cautious about it being too directive on that. It might be better to leave it to the judgment of local actors as to when it would be best to introduce such a plan. In doing that, I am sure that they would have an eye to the development plan cycle.

The Convener: The direction of travel that seems to be emerging is that however a local place plan is formulated, it should dovetail with the local development plan, be that over five years or 10 years. If it has to dovetail, should there be robust criteria about how to create a local place plan, such as a place standard tool or a checklist? If both documents have to talk to each other, they must align with each other in order for that to be meaningful. At the same time as having flexibility, do we need to consider the structure of local place plans? If communities do their own thing—I would encourage that—it could be meaningless if it does not articulate with the development plan. Do we need more guidance or detail on that?

Diarmid Hearn: I think so. Resource is always going to be limited, but it will need more resources than is indicated. The question is whether to go deep and narrow or comprehensive and shallow. We have to lean towards being more

comprehensive and accepting that the local place plans might not be quite as deep, because if we can cover the main issues for every community, that would be better than just having a few communities doing it in depth.

Graeme Purves: I suspect that Aileen MacKenzie has already touched on this, but my observation would be that if we are creating two plans, we have to have a convincing mechanism for reconciling or resolving any tensions that emerge between them. If we do not have that, it will create a difficult situation.

The Convener: That is very helpful and saves me from asking my next question.

Aedán Smith: I agree. We need to have a bit more guidance on how the two would link together. When it comes to development plans, it is notable that local place plans are mentioned but are fairly vaguely expressed and there is a lot of uncertainty about how they might work in practice. However, the bill makes a clear decision to get rid of main issues reports. We know how those work, although there has been some variety in how they have been produced. On the one hand, the bill gets rid of something that we know how it works; on the other hand, it proposes something else that would need a lot more work in order for us to have a better understanding of how it would link to the development plan.

The Convener: Your comments suggest that the requirement for development plans to have regard to local place plans is not strong enough. Should local place plans have regard to development plans? If development plans move to a 10-year cycle, when communities start on their local place plans, should they be informed and take cognisance of development plans before they start, or should they start with a blank sheet of paper?

I want to pin down that two-way process. If local place plans are refreshed every five years and the development plan is refreshed every 10 years, the two documents could talk to and help inform each other. Should local place plans have regard to the development plan at the start of the process or does that not give communities the flexibility that they need?

Graeme Purves: I will take a stab at that, although I am not sure how far I will get. Smart local place planning would have regard to the local development plan. If a community set out to develop a plan that took no heed whatsoever of what was in place, it would face a rockier road than if it had regard to what was already in the development plan and what was likely to emerge from it. That does not mean that the community could not develop its own strong perspective, but it

would be wise for it to have regard to the development plan.

The Convener: My clerking team, who always know more about the bill than I do, have just shown me that the bill already says that the local place plan must do that.

Let us save time and move on. I want to explore the infrastructure levy. The bill provides an enabling power, rather than introducing the levy, but to what extent will the proposed levy help to fund the infrastructure that will be necessary to unlock additional development sites? That is what the infrastructure levy would be there to do.

Aileen MacKenzie: There is a lack of clarity about how that would work and whether it would address some of the infrastructure issues. For example, we have our own infrastructure charge and we provide a reasonable costs contribution to any infrastructure that has to be provided. A lot of the challenges tend to be around education and other areas but, from the discussions that I have been involved in, I am not sure that the issues that are there at the moment are being unlocked. Issues around new funding are not really part of that.

We need to understand more about the issues, but I do not see the challenges being addressed at the moment.

The Convener: How would Scottish Water prioritise infrastructure investment, and what role could an infrastructure levy play in that? Currently, you have to source funding and finance to deliver infrastructure. What are the challenges around that? How are you getting on with that? What impact would the proposal for the levy have on Scottish Water?

Aileen MacKenzie: Our infrastructure is split into a number of parts. Scottish Water is funded to provide additional capacity at water treatment works and waste-water treatment works, which we class as part 4. If the development is in the local development plan, there are various other criteria. There are challenges associated with that around timing and so on. We are working on those at the moment.

Part 2 and part 3 concern local network infrastructure and strategic network infrastructure. We have a duty to expand our network at a reasonable cost. The duty is on the developers to put in that infrastructure, but we will refund them after construction, up to a reasonable cost. That reflects the income that we will get from the customers who will be in those developments. In most cases, the money that the developers receive will cover all the infrastructure, although there can be times when it does not.

We also have an infrastructure charge. Every house that is connected to the network pays about £340 for water and waste water. That goes into a fund that can be used to provide infrastructure in areas where networks have to be upgraded and we know that there will be future development, although a developer has not yet been identified. For example, if a developer had to upsize a water main for a development and we knew that there was going to be additional development in that area, we could use that funding to provide additional capacity in that area for that future development.

Challenges could arise when the funding of infrastructure goes beyond a reasonable cost. In such situations, we must work with developers and others to enable the infrastructure to be provided.

The Convener: Is that connection charge of £340 per unit a flat rate across the country, or is the figure relevant only to a specific site?

Aileen MacKenzie: It is a flat rate. Whether the development is a single house or a large site, everybody pays that for infrastructure relating to water and waste water; they pay a connection fee, too. Part 1 of the four parts of infrastructure that I mentioned concerns the connection to the house, and the developer fully funds that.

The Convener: How does Scottish Water use that £340?

Aileen MacKenzie: It is used to fund infrastructure that is needed but which goes beyond what is required for that site. For example, as I said, if a developer has identified that a water main or a sewer must be upgraded for its site but we know that there will be additional development in that area, or if there are issues around more strategic infrastructure such as a service reservoir, we use that money to put in place the necessary extra infrastructure. It is future-proofing work, basically, so that we do not have to upgrade the same part of the network multiple times for future developments.

The Convener: That seems like a form of infrastructure levy in itself, so what we are talking about today is a sort of nationally consistent roll-out, whether it involves Scottish Water or not. Do you recognise what you describe as being an infrastructure levy?

Aileen MacKenzie: Yes. That is certainly what it is with regard to our infrastructure.

The Convener: Does anyone else have any thoughts on infrastructure levies?

Aedán Smith: What is proposed in the bill looks useful to an extent, although it is not completely revolutionary. From our point of view, it is critically important that it extends to cover green infrastructure—places for wildlife, green spaces for

recreation and other infrastructure that contributes to high-quality places. The bill does not seem to do that just now, which was a bit surprising to us, because we know that the consultants' report that was commissioned by the Scottish Government to inform thinking around the matter said that green infrastructure should be covered.

Graeme Purves: I have a similar perspective. BEFS's members see the infrastructure levy as being potentially helpful, but there is quite widespread scepticism about whether the levy will be enough in itself and quite a strong feeling that we should look for a mechanism to capture the uplift in land values to fund the infrastructure that we require to support new development.

10:00

The Convener: Mr Purves, it is almost as though you guessed what my next question was, and I suspect that Mr Wightman wanted to ask a question along similar lines. Whether or not the infrastructure levy goes ahead, what other mechanisms out there would help to raise finance? Mr Purves was starting to explore that, but would anyone else like to comment?

Diarmid Hearn: The experience has been quite interesting in England, which has a community infrastructure levy. The levy has collected a lot less money than was expected, is seen as being quite partial and inconsistent and perhaps disadvantages smaller developers. There are quite a few useful lessons to draw from that levy.

The point has been made about how local place plans connect to development plans. Local place plans can help to flesh out the impacts of developments. Obviously, there is the hard infrastructure relating to water, gas and so on, but there is also the impact on public services, cultural facilities and green spaces. Local place plans might help local people to articulate better their understanding of the impact of developments and the support that a levy could offer.

There is also a big question about whether the levy would help to direct development to areas that were infrastructure ready or whether it would be a way of compensating in areas that were not to be funded for development. That should be thought through.

The Convener: Mr Wightman has a question about other mechanisms for raising funds for infrastructure—for example, land value capture.

Andy Wightman: It has been drawn to my attention by a few witnesses, including City of Edinburgh Council, which will be here later, that the levy would generate £75 million. I think that that figure is from the Scottish Government's

study. City of Edinburgh Council says that the infrastructure bill for delivering the development that is provided for in the Edinburgh local development plan alone is £450 million, and I think that it has been calculated that the infrastructure levy would raise a maximum of 1 per cent of the required infrastructure costs throughout Scotland.

Is it even worth bothering with the levy? We have had evidence from England that the levy is a bit complex and that there are issues about how it would interact with section 75 of the Town and Country Planning (Scotland) Act 1997. There is a paper out this morning from the Scottish Land Commission—"The Delivery of Public Interest Led Development in Scotland"—that is much more focused on having a development model in which the public lead, which would capture the value that could then fund the infrastructure, than on having a potentially complex levy on the private sector that would not raise much money. Is it worth considering rejecting the whole notion, given how little it would raise?

Graeme Purves: That is a legitimate point, although it is not a position that BEFS has taken formally. I would say that meeting housing need and creating places of quality are public objectives and that the public sector really needs to lead on those issues. We talk rather glibly about having a plan-led system in Scotland but, in many ways, it is a developer-led system in which we try to extract public benefit and public good from private developers, which is not entirely fair on them. We should look for a mechanism with which to capture the uplift in land value to fund the public goods that we are looking for out of the planning system.

Aedán Smith: On whether the levy is more hassle than it is worth, we would be worried that, if we were to lose the levy, there would be nothing else there, so it is probably worth trying to progress it and get something out of it. However, a wider discussion is needed about how we get some of our critical infrastructure funded and how we cover the costs.

Graham Simpson: Green infrastructure has been mentioned, but I note that the bill contains no references to green spaces, the environment or heritage. Given that a number of you have highlighted the issue in your submissions, I wonder whether you can address that general point about the lack of reference to the environment and heritage, after which we will talk about simplified development zones.

Diarmid Hearn: It comes back to what the purpose of planning is. As other witnesses and committee members have identified, what we are trying to achieve in the round has not been set out. For our research, we asked people what issues they would like the planning system to address, and the answers that we got were quite varied. It

was not just housing, which is what the preamble to the bill has been very much about—it is important to remember that most of the houses that we have are already built, and the number of additional housing units is about 16,000 a year, which is less than 1 per cent of the current housing stock. Having really good-quality places is about a lot more than housing, so it would be good if there were recognition of green spaces, cultural facilities and so on.

That also brings us back to the issue of planning protections. Our research looked at people's satisfaction with the way in which green spaces and places of local historical character are being protected, and we found that fewer than half of them were satisfied in that respect. There is more work to be done on the protections for what we have, and we are concerned that they might get watered down by some elements of the bill.

Aedán Smith: We, too, have picked up on that issue. We would like to see some overarching purpose that would set the context for the planning system, particularly if it was along the lines of its seeking to achieve sustainable development.

On the specific issue of green networks, Scottish Environment LINK would be keen to see some form of mitigation hierarchy embedded in the planning system to ensure that any impacts on the natural environment were, in effect, offset elsewhere. There is a requirement to avoid such impacts in the first instance, but, where they can be justified, there should be some mechanism in place to offset them and, if there are any negatives, to add some positives back on to what you might call the green balance sheet. In short, we would like to see in the bill some mechanism for putting back anything that might be taken away from the natural environment.

Graeme Purves: I am not sure whether the bill needs to refer specifically to green infrastructure, but I agree with other panel members about the need for a clear purpose for planning. As a number of organisations that have given evidence have suggested, such a purpose might be based on the United Nations sustainable development goals.

However, it is clear that people in Scotland generally—and specifically this Parliament—regard green infrastructure as an important issue. I have already mentioned the changes that were made to the second national planning framework following parliamentary scrutiny, one of which was the elevation of the central Scotland green network to the status of a national development as a result of strong cross-party support in the Parliament with regard to the importance of green infrastructure and the need for that kind of commitment.

Graham Simpson: That final point is interesting, because I have previously suggested that the central Scotland green network should be a statutory consultee, which it is not at the moment. It should probably also get more money, but that is a more controversial view.

As drafted, the bill allows simplified development zones to be set up pretty much anywhere. At the moment, simplified planning zones cannot be set up in certain areas such as the green belt, conservation areas and national scenic areas, but those protections do not exist in the bill at the moment. The obvious question is whether those protections should be in there.

The Convener: The witnesses are nodding their heads.

Aedán Smith: We are a bit worried about those protections being removed. We think that they should be retained, and we were a bit surprised by what is in the bill. In the run-up to the bill, some work on simplified development zones was carried out by consultants that were commissioned by the Scottish Government, and their assumption was that protected areas—particularly wildlife sites—would be excluded from this provision. That those protections seem to have been removed in the bill is a bit of a surprise and a worry, and we would like them to be reinstated.

On a more strategic level, we think that it would be much better to bring forward the simplified development zones specifically through the development plan. To a certain extent, the development plan process could be undermined because of the flexibility that is given to creating simplified development zones at the moment if they do not have the wider context that could be provided by the development plan.

Graeme Purves: BEFS members share the concern about simplified development zones including protected or designated areas. We are not in favour of that. One of my concerns is the clinging on to the word “simplified”, which takes us all the way back to the 1980s and the original simplified planning zones in the year of Nicholas Ridley, which was a long time ago now. In fact, they might not be terribly simple but it may be worth taking them forward.

There is rhetoric in the policy memorandum about planning being about place making and about place making being important, but there is relatively little follow-through in terms of the provisions of the bill directly relating to place making. If we are repurposing simplified planning zones or simplified development zones, it might be better—if we are clear about what our purpose is—to call them place development plans and to focus on place making, whether that is place

making on a greenfield site or renewing an existing place. That might be worth considering.

Aileen MacKenzie: We need a bit more clarity about what would need to be done in setting up the simplified development zones. A number of studies would need to be undertaken to enable us and other infrastructure providers to understand the impact of development in an area. Sometimes, those studies can be done at the right time but, if there is a big time lag between those studies and other development coming forward or something changing in an area, what needs to be done with that area can change.

We need a bit more clarity around some of that and around what the zones would be allowing, so that we can make sure that we can support them. However, we cannot, for example, reserve capacity for development or for anybody. We need to be able to understand the process a little bit more as it develops.

Aedán Smith: I will follow up Graeme Purves’s well-made point that simplified development zones might not be all that simple. Simplified development zones would, in effect, grant planning permission for areas in quite general terms, and detailed environmental assessment work would need to be done when they were created. The burden of that might fall on local planning authorities. At the moment, the burden falls to developers, but it might well fall on local planning authorities, and the amount of work that might be required could be significant. There could be pressure to reduce the scrutiny that is given to those areas, which would be a real concern for us. There are question marks about whether the zones would be any simpler; in fact, there is a risk that they might complicate matters.

Diarmid Hearn: I echo those comments. It is about front loading rather than simplifying, and we are concerned about the loss, on the face of it, of the existing protections. The policy memorandum talks about having procedures that closely mirror existing procedures, which sounds like a downgrade. I want the same application procedures to be in place, whether or not the process is simplified.

There will also be a challenge in applying the process to urban areas, which I think is part of the intention. It is basically about trying to guess what the future use might be. In Renfrew, for example, what we have had is quite limited; it is basically in three streets and involves shop frontages and change of use in two or three categories. I am not sure that the process has the capacity to work on a complex urban site. That is probably more about masterplanning than it is about an SDZ.

Graeme Purves: Can I return to the question of the relationship between simplified development

zones and the development plan? That is where I lost my thread earlier. The relationship is important. A number of organisations that have submitted evidence have said that it is important that the zones are embedded in the development plan process or come out of the local plan, and that is correct, to an extent. However, I see them coming out of the development process or strategic development planning at the regional level, so that they would often be instruments of regional rather than local planning. I have concerns about the idea that they could just emerge from anywhere—and potentially from left field. They should come out of the strategic planning process.

10:15

The Convener: Do you want to follow up any of that, Mr Simpson?

Graham Simpson: I have a question on the point about zones emerging from anywhere. They could emerge from the Government, because, as it stands, the bill would confer that power. Is that right? Should the Government be able to set up such zones wherever it feels like it?

Diarmid Hearn: I would have thought that it should be the local authority.

Graham Simpson: Should it come from a council or a region?

Graeme Purves: Local authorities or partnerships of local authorities would be sufficient. I am not keen on the idea of the Government being able to advance SDZs.

The Convener: I see some nodding heads.

I have a brief follow-up question on that. If it is thought that development or planning zones—or whatever they would be called—would sit best in local development plans, would it be useful if, as part of its process for delivering local development plans, each planning authority were to think about places in its area that could be appropriate for simplified development zones? Would that be a first step?

The evidence that we have been hearing is that what is proposed sounds just like enhanced masterplanning. However, if local authorities were to identify where such simplified development zones might be and that was subject to enhanced masterplanning with community buy-in at the earliest stage, we could perhaps have permitted development rights. Nevertheless, simplified development zones should not exist at the expense of high-quality masterplanning and place making in the first place. Should local development plans try to identify where such zones could be, and should that then lead to an enhanced masterplanning process?

Graeme Purves: I see that as being pretty much how the process should work. I have often indicated that such a zone should come out of a strategic regional planning partnership process and then go into the local development plan in that way. I see it as being a mechanism for delivering quality masterplanning, perhaps supported by land value capture.

Aedán Smith: I agree that that is how the process should work. The scale of a simplified development zone might determine the level of plan that it could go in. For instance, there may be a role for introducing some simplified development zones through the NPF. To an extent, that happens already with national developments and then regionally significant areas being brought through strategic development plans and more local areas through the local development plans. However, they should certainly be brought through the strategic planning process rather than in an ad hoc way and in isolation from the development plan and the national spatial framework.

The Convener: I suppose that my question was not very focused. I am trying to get at whether, if the Parliament agrees to introduce simplified development zones—or whatever they might be called by the time that we get to the end of stage 3—and there are criteria around them, should there be a duty on local authorities to identify potential sites for such zones or should that be done at a regional level? That would be a fix. Rather than have the national Government identify areas, should a duty be placed on local authorities to consider where, in their areas, there could be such zones?

Aedán Smith: I suggest that it should be the other way round—that simplified development zones should be created only if they had been identified in the relevant plan. Local planning authorities should not necessarily be required to consider whether they wanted them; however, if they did want them, they would have to come forward with the hook of having been in the plan in the first place.

The Convener: Can I push you on that a little bit more? This is a national Parliament. If we decide that there should, for national strategic reasons, be a national policy to have development at local level driven forward, could we not at least put on planning authorities a requirement to give consideration to identifying areas that might be appropriate for designation as simplified development zones? They may then say that they had explored everywhere but nowhere was suitable, and so they would not do it.

Aedán Smith: I cannot see any problems with that but, from Scottish Environment LINK's perspective, it would be more important that when zones are designated, the wider context of what is

happening elsewhere is taken into account, rather than designation being done in isolation. That is the advantage of zones being tied to the development plan process.

The Convener: So, it would be okay for that to be a national planning priority and for a duty to be placed on planning authorities to give serious consideration to which areas could become simplified development zones. That would not mean that planning authorities must identify appropriate areas; it would be a reasonable duty to place on them.

Aedán Smith: There are some parallels with national developments, which are decided at national level and then have, to an extent, to be delivered locally by planning authorities. National developments that are brought through the national planning framework—which tend to be point-specific things, for example power stations, and often cover big geographic areas—have to be developed in more detail at the local level, either through planning applications or similar applications for consent being made or incorporated in the local development plan.

The Convener: I do not want to push the issue much further, but you have not said whether there should be a duty on planning authorities. Would you be relaxed with there being a national strategy that says that every planning authority should give cognisance to simplified development zones and should audit their areas to see which parts might be appropriate for such a zone? At the end of that process, a planning authority might decide that nothing in its area is appropriate. Should there be a duty on planning authorities to carry out that process?

Aedán Smith: To be honest, Scottish Environment LINK would be neutral on that question, which is probably not very helpful.

The Convener: That is fine.

Graeme Purves: I would be against that requirement. It would represent too much direction, and I am not persuaded that it is necessary. I see the mechanism of a simplified development zone as being a discretionary tool in the toolbox: authorities may use it if they think that it is appropriate. Authorities, or partnerships of authorities, will have a fairly good idea of whether an SDZ is appropriate in their situations without having to go away and consider the matter. It would be rather top-down for Government to insist that authorities look at the issue if they do not think that they need such a zone.

The Convener: Right. How will they know that they do not need it if they do not consider that?

Graeme Purves: Authorities will generally be concerned about long-term development in their

areas and will be aware that the mechanism is available under the legislation. It will be up to them to consider whether a simplified development zone is appropriate to their circumstances and would help to deliver the agenda that they are pursuing.

The Convener: So, would authorities look at the matter?

Graeme Purves: Yes—but my point is that I am confident that authorities will consider the matter whether or not the Government requires them to do so through statutory provision.

The Convener: Okay. That was helpful.

Diarmid Hearn: We can split the difference. If there is a call for sites, as happens in a main issues report at the moment, owners might come forward. For example, Hillington Park is a big industrial estate with a single owner. The owner can probably predict fairly well what kind of development it wants over the next 10 years. Universities might come forward with campus proposals and town centre businesses might have proposals. Groups might come forward with clear ideas of what they would like to do, and they can front load the planning effort. That would be the grass-roots bottom-up response.

Monica Lennon: This is an interesting line of inquiry. The SDZs have a focus on projects and showing that an area is open for development and for business. Over many years of planning, there have been plans in which sites have been allocated and have consent, then nothing happens. We talked earlier about a focus on delivery. Is there anything in the bill that would incentivise or encourage a focus on delivery on sites where there is a need for it and there may already be consent, but because of constraints to do with economic viability or local infrastructure, nothing is happening? Is there a danger that, if we shift the focus to SDZs, we will take our gaze away from the sites where something needs to happen but things are not being pushed in that direction?

I hear tumbleweed.

The Convener: I will let that silence linger, because someone will want to bite. I see that the ever-reliable Mr Smith wants to come in.

Aedán Smith: I am always happy to comment on planning matters. I do not think that there is anything in the bill that would address that. The issue may be beyond the scope of what planning can deliver, and be tied more to land-value issues. It would wrongly raise expectations to suggest that the bill could address such problems, because it will not be able to do that.

The Convener: Before we move on to the next line of questioning, on which our deputy convener will lead, I want to take you back to resourcing. I

do not know how I feel about simplified development zones, but I am trying to test the evidence and see where the balance sits.

Earlier, I suggested that SDZs seem to be about enhanced master planning and getting the community on board at an early stage. I can think of sites in my constituency where that would be possible. However, enhanced masterplanning costs money. Where should the financial burden sit if we take a really in-depth, detailed and granular approach to place setting in the context of a simplified development zone, or whatever they are called? Should that tab be picked up by national Government, local government or developers, or should it be shared among them? Is there recognition that if good-quality enhanced master planning were to drive simplified development zones in a way that might be acceptable to communities, it will need to be resourced? Do you have any thoughts on that?

Diarmid Hearn: It is quite hard to extrapolate from the cases that are before us. The Hillington Park example does not include residents, so that element of planning—how it affects people—is missing. The Renfrew simplified development zone cost £15,000, but it was very minimalist—it was just shop fronts and changes of use. We do not have an evidence base to say what it might cost to deliver.

The idea is almost that the public sector should lead the market and try to plan on the basis of guesses as to potential future uses. That might be a stretch, at this point in time.

The Convener: It might be that I am asking questions about things for which there is not enough information, so you cannot answer them.

Aileen MacKenzie: Scottish Water's perspective is that we need a bit more information about simplified development zones, to inform us.

Graeme Purves: It might be possible to link simplified planning zones with some mechanism for capturing the uplift in land value. Various mechanisms are available. That is something that the Scottish Land Commission is exploring at the moment.

Aedán Smith: If the burden of doing some of the up-front assessment work falls to the public sector—local planning authorities or central Government—and it has already done environmental assessments, for example, and identified the most appropriate sites for development, that might incentivise development in more appropriate places and, in effect, de-risk sites because problems would be less likely to crop up. However, it would depend on the circumstances and the type of development.

Monica Lennon: I want to explore whether a clear statutory purpose and vision for planning should be included in the bill. Graham Simpson touched on that briefly, and we heard views from Graeme Purves and Aedán Smith.

BEFS's written evidence says:

"The decision to amend the already amended Town and Country Planning (Scotland) Act 1997 is a missed opportunity to create new planning legislation that has vision and clarity of purpose."

The National Trust for Scotland submission says:

"The current bill primarily amends existing legislation, rather than delivers a new approach to planning."

There has been a lot of talk about the potential for the bill to be transformative in that we could promote and elevate place making and take a different approach. Based on the comments that I have picked out from submissions, how confident are you that the bill will be transformative?

Graeme Purves: I have not abandoned hope that the bill could be transformative, but it still needs quite a bit of work. As I have said, BEFS's members feel that there should be a clear statutory purpose for planning, which could be based on the UN's sustainable development goals.

Diarmid Hearn: I agree. The policy memorandum has some excellent words, but the text in the explanatory notes to the bill is quite slim and the biggest chunk of it is on simplified development zones. The elements that are missing are a vision and a purpose for planning. They could probably be built in with sustainable development goals.

In our submission, we raise the point that sustainable development goals come with targets, one of which is coming up in 2020. There is a commitment to embed ecosystem services and biodiversity values in local and national planning. Denmark has done that. It has a green map for the whole country, to which the local plans can make reference. The Scottish Government has committed to the sustainable development goals, and the bill is probably the best—and perhaps the only—chance to meet the 2020 target.

10:30

Aedán Smith: I agree with and support that. Scottish Environment LINK thinks that there should be an overarching purpose of achieving sustainable development, so having that overarching purpose tied to the sustainable development goals appears to be the obvious next step forward from the Planning etc (Scotland) Act 2006.

Monica Lennon: In its submission, Scottish Environment LINK says that

“the bill is ... light on measures to deal with climate change”.

Could the bill be changed to support the Government's emissions reduction targets better? If so, how should it be changed?

Aedán Smith: The bill is light on such measures, which is a missed opportunity because there is a big spatial element to climate change. How we plan our future places can have big implications for climate change. At the development plan and national planning framework levels, there could be a requirement to think actively about how the development strategies could reduce emissions. A requirement to seek to reduce emissions in the plans' setting out of what our future places will look like would be the most obvious way of doing that.

Monica Lennon: I go back to the point that I made at the beginning about the approach of amending the Town and Country Planning (Scotland) Act 1997. Is that approach being taken partly because of the scope of the independent review? Are we tinkering with legislation rather than taking a comprehensive look at the whole planning system? Is there anything that we have not included in the bill that should be included?

Diarmid Hearn: I agree that the bill will amend rather than transform the system. However, quite a number of things are in play already. The national ecological network has been mentioned. The land use strategy, which came out of the Climate Change (Scotland) Act 2009, was meant to inform spatial development, but it has stalled because of lack of resources; there have been two good pilots, but it has not been rolled out across the country.

There is also the marine plan and quite a number of other spatial plans that have visions for Scotland and which relate to wider uses, but they have not been brought within the scope of the bill, so it feels as though we are missing a chance to bring things together and integrate them a bit better.

Aedán Smith: Scottish Environment LINK is probably neutral on the pros and cons of having an amending bill rather than a brand-new complete bill, although it is a bit of a nuisance having to tack back to previous legislation to work out the implications. That perhaps indicates that the bill is a bit of a tinkering exercise rather than a comprehensive review of planning.

There is an issue as regards the purpose of planning. We think that introducing a statutory overarching purpose that would set out what planning is for would help to embed the idea of planning being about sustainable development and making places better for as many people as possible, while reconciling competing interests.

Basically, it is about making the future Scotland a better place. The fact that the bill has been presented as a set of amendments to historical acts suggests that it is a case of tinkering around the edges rather than the comprehensive review that is required.

The Convener: I have noted that Mr Simpson and Mr Wightman want to ask supplementaries, but the deputy convener is exploring a line of questioning. I ask members to be patient—I will bring them in.

Mr Purves—do you have comments to add?

Graeme Purves: I do not know how much rein the deputy convener would be prepared to give me in answering the second part of her question, which was about whether there are things that we should be considering that we have not looked at.

Monica Lennon: I am very generous, Mr Purves.

Graeme Purves: That is very good of you.

The Convener: We will be generous, as long as your answer does not extend beyond two minutes.

Graeme Purves: I will try to keep to two minutes.

A concern that has not been prominent in the evidence so far concerns the relationship that the bill envisages between land use planning and community planning. It has been suggested that the local development plan might take its lead from community planning or local community improvement plans. My concern is that the version of community planning that we have in Scotland is very corporate and very top down. Too often, it is something that is done to communities rather than with or by them. If we accept that one-way relationship between community and land use planning, there is a danger that we could entrench the sort of practice that does not succeed in empowering communities, so that needs to be carefully looked at.

Monica Lennon: I was going to come on to equal right of appeal—I do not know whether Andy Wightman's or Graham Simpson's questions are on those points.

The Convener: That is helpful. If members' points are on equal right of appeal, please wait until our deputy convener explores that issue, then come in.

Graham Simpson: I have a really quick question, which is directed at BEFS. In your written submission, you say that

“legislation without a clearly defined purpose”

could be open “to judicial review”. Why did you say that?

Graeme Purves: To be honest, I am not sure why we said that. [*Laughter.*] I suppose that if you are not clear about your purpose, you leave yourself more open to such challenges. However, I was not the author of that specific sentence.

Graham Simpson: I see. We will leave it there.

Monica Lennon: Collective responsibility!

Andy Wightman: I want to follow up on Monica Lennon's question about what is not in the bill. Members of the panel have talked about greater alignment with other bits of Government policy, such as the land use strategy. Is there merit in considering bringing agriculture, hunting and forestry—land uses that have never been in the town and country planning system—into the system in order, for example, to create direct protection forests for vulnerable transport routes or to guide the extent to which whole farms can be converted to forests and other purposes?

Diarmid Hearn: I would definitely say yes. In a way, we have done that to a degree already with green belts, which are partly about containing urban sprawl, partly about providing amenity and partly about conserving high-grade farm land. There was recognition back in 1947 that the green belt is a national resource and is about sustainable development. We have moved away from that: green belt is now seen as being a bit of a constraint on development. We are losing sight of the irreplaceable nature of some natural assets.

There is definitely an argument for the land use strategy to be brought forward and done comprehensively, and for it to be part of the planning system. That will be the foundation of all thinking, whether for communities or developers.

Aedán Smith: To a certain extent, built development being dealt with through the planning system, and agriculture, forestry and marine issues being dealt with separately, is an artificial distinction, because they are all interrelated, so the lack of overlap has been a missed opportunity. In particular, we would be keen, at the higher levels, for the national planning framework and development plans to link more closely with their equivalents. The national planning framework should link with the national marine plan and land use strategy, and there should be greater compatibility than there is.

At the more local level, Diarmid Hearn mentioned green belts which, it is true, overlap with wider land management issues, but there are other areas in which agriculture and forestry stray into planning. For instance, Scottish Environment LINK has been doing a lot of work on hill tracks, which have been a contentious issue because hill tracks can contribute to significant land use change. Planning has a bit of an in there. When we start getting down to such a detailed level,

perhaps it is more of a matter for secondary legislation but, in principle, it is important that there is a relationship between planning, agriculture and forestry so that there is influence across the different sectors.

Monica Lennon: You have had a bit of time to think about what I was going to ask about. As you know, equal right of appeal is not in the bill, which would mean that the status quo would prevail. Developers will be able to appeal to the Scottish Government and challenge a decision when a planning application is refused, but communities or third parties—as some refer to them—will not have that right. I know that there is a range of views across the panel on that point.

One of the reasons why an equal right of appeal was not brought in by the 2006 act was the hope that front loading the process—which involves getting things right through early engagement, getting communities around the table early on and communities having a stake in the process—would negate the need to have an appeal at the end of it. However, here we are 12 years on trying to tinker with or transform planning. Has front loading worked for communities, and is it only fair that we now consider equalising appeal rights?

The Convener: Who would like to go first?

Diarmid Hearn: I do not mind doing so, convener.

We are neutral with regard to any solutions, but as part of our research, we asked the straightforward question whether local communities should have the same rights of appeal as developers, and 90 per cent of respondents thought that they should. That is a clear steer from communities that they think that the current system of checks and balances is not working for them. Having equal rights of appeal is kind of an end-of-pipe solution, and if front loading worked, you might not need it.

Anecdotally, I was reading Argyll and Bute Council's main issues report, in which it pointed out that the majority of housing that had been built in one planning period had been built in areas that had not been zoned for housing in the previous planning period. Front loading does not really seem to be steering development where it is expected to appear, and it is being left to quite a late stage for these things to come forward and, potentially, to be fought.

With regard to issues that have been raised about delays in the planning system, research in England that has focused on housing developments has highlighted three causes of delay, the second-biggest of which was appeals by developers who wanted to get their development through. If the system was more binding on everyone, there might be less of a need

for the end-of-pipe solution, but certainly the view at the moment is that there are imbalances in the system.

Aedán Smith: In some ways, this takes us to the root of the purpose of planning and the question of what—and who—the planning system is for. The current system of appeals is heavily weighted in favour of applicants for planning permission. For the avoidance of doubt, no one really wants to get involved with appeals if they can help it. Appeals are really an indicator that something failed earlier in the process.

I welcome the efforts that have gone into increasing front loading. However, although that is all very well, the whole system is actually underpinned by the appeals end of the process. The research that Diarmid Hearn has alluded to has been very interesting in showing the level of disillusionment with the current system, and a lot of that stems from the issue of appeal rights.

As I have said, the current system is weighted in favour of applicants for planning permission. There is effectively a presumption in favour of development; when a developer puts an application into the system, there is already a heavy assumption that the development is going to go ahead. In fact, more than 90 per cent of applications are approved. Even if an application is refused, the applicant can appeal to another organisation—or another part of the council, if it is a local application—and get another shot. Indeed, it is a really easy second shot, because there is no fee associated with it. In short, not only is their first shot heavily weighted in their favour, but they get another shot in which their application is looked at afresh and is again heavily weighted in their favour.

On the other hand, other bodies do not have any equivalent right of challenge, and Scottish Environment LINK feels that a limited but fair and equal right of appeal should be available in certain circumstances, particularly with developments that are contrary to the development plan or are of such significance that they require an environmental impact assessment.

What has been disappointing not only in the bill process but in the planning reform process is the way in which the Scottish Government has been a bit dismissive of what is clearly a problem. We are not saying that there does not need to be any thinking about what might be the most acceptable solution, but we find it really frustrating that the issue has not been explored at all in detail. Introducing this new mechanism—an equal right of appeal—might have additional resource implications, but it is quite telling that those who argue strongly against a right of appeal for communities and others, highlighting the increased bureaucracy and centralisation of

decision making that it might result in and the potential to undermine the plan-led system, are actually making quite a good argument against the existing appeals system for applicants for planning permission.

Scottish Environment LINK is not suggesting that we get rid of the current appeals system for applicants. Instead, we would much rather see the introduction of an equal right of appeal for other parties in limited circumstances. However, not to explore or address the issue at all will undermine the reforms and ensure, unfortunately, that people continue to be disillusioned with the system.

It is something that absolutely has to be addressed as part of this bill. If it is ignored we will have a continuation of what, for a lot of community groups and communities of interest, has effectively been a running sore for a few decades now. It is going to keep recurring until we deal with it and improve the current situation.

10:45

Aileen MacKenzie: Our position is that we would rather see more engagement early on in the planning process, whether that is on the local development plan or with planning applications. When we are delivering capital projects we try to engage communities as early as we can, and take on board their views as much as we can. We see focusing on that as the way forward, rather than the equal right of appeal. Earlier, I mentioned things such as the delivery plans and how those can be used to give communities the confidence that some of the concerns that they raise are being addressed as developments progress.

Monica Lennon: Aileen, with your Scottish Water developer's hat on, can you give any examples of community projects in which there has, in your opinion, been effective community engagement? Did that influence the proposal? What sort of changes were made as a result of the community's involvement?

Aileen MacKenzie: I do not personally have any examples. I am more involved as a consultee, but I will speak to my colleagues who are involved in that aspect and provide some examples to you in writing.

Monica Lennon: Are you of the opinion that, since 2006, front loading has been working? If it is not working well enough, what do you think the barriers are?

Aileen MacKenzie: There has been more of an attempt to engage with communities earlier on. As I said previously, when it comes to engagement with the local development plans I think it is a matter of people being unaware of how they can

engage in that process. We need to try to get them involved early in that process.

Monica Lennon: What about communities that engage early on and remain engaged throughout the process, but find that, at the end, a decision is taken that is contrary to the development plan? That should be the end of it for them, but the developer comes along with an appeal and the decision is overturned. What should happen in relation to people who have engaged in good faith and have fully participated, but did not get what they wanted? Could the appeal at the end be undermining a plan-led system?

Aileen MacKenzie: Not having been involved in those aspects, I am not sure about that.

Monica Lennon: Is it okay to have an appeal that could contravene the development plan, as long as people have been invited along to public meetings and so on?

Aileen MacKenzie: It depends on what the issue is and whether people's views have been taken on board as part of that, and on whether they are things that can be addressed.

The Convener: Mr Purves, do you want to comment on this?

Graeme Purves: I have not volunteered to. You may have noticed that BEFS did not submit specific evidence on appeals.

The Convener: Do not feel any pressure to comment.

Graeme Purves: I am very happy to explain why that was. The forum is a broad church. Our members' views on the matter are quite varied, so we have not submitted evidence on it. Some members are strongly in favour of a change to rights of appeal, some are strongly against it and some, such as the National Trust for Scotland, are fairly neutral. However, I think that the deputy convener's point about front loading was well made.

The Convener: Monica, do you want to follow up on any of that before I let Mr Smith back in?

Monica Lennon: Yes. Earlier in the session, Graeme Purves said that we have a developer-led system rather than a plan-led system. Perhaps that characterisation is due to the fact that most applications are approved—it is more than 96 per cent, I think.

Last week, we had a panel from industry, and the witness from Scottish Renewables talked about the cost of appeals for big projects ranging from tens of thousands of pounds to hundreds of thousands of pounds, and referred to that as planning by appeal. It is almost as though developers at the high end are factoring in appeals—it is another risk that they are prepared

to take. With that in mind, is there a level playing field? Do communities stand a chance against organisations and developers who have that kind of resource and professional expertise at their backs?

Diarmid Hearn: It is not just communities but local authorities. Yesterday, we had the final decision on a housing development on the battlefield at Culloden, which was opposed not only by the local community but the council, and which went against local planning. The development has gone through on appeal, so it is not just communities that can find themselves powerless; it can also be our elected representatives.

Aedán Smith: There are a few points there. We think that renewables, particularly big onshore wind farms, should be put forward through a spatially planned approach. If they are in the development plan, there can be a proper debate about where they should go, because of their scale.

Regardless of whether it is renewables or other big developments, there is certainly an inequality of arms. Developers are often much better resourced than not only local communities but local authorities. In the current system, when a local authority is dealing with an application, there is always the concern that, if it is refused, it will be taken out of the local authority's hands and sent to someone else—often the inquiry reporters unit—to be dealt with. I recall that from my local authority days. If that happens, the local authority has no further scope significantly to influence the application, whereas if it decides to approve it, it at least has a chance to put some conditions on it. There is a weight of pressure on the decision maker at a local planning authority level, because they know that there could be an appeal but that it will only be from the applicant's side. The pressure comes only from one side. The decision maker knows that there is no possibility of an appeal from a local community group. There is the vague possibility that a community group might take them to court, but because there is a huge cost associated with that, it is highly unlikely, whereas the applicant for planning permission can, for free, have a shot at having second go—that applies to any scale of development—and then the decision will be taken away from the local authority.

Front loading is really useful and can be helpful in resolving a lot of issues. When it works, it is great and developments can be non-contentious; when it does not work, the developer gets a second shot anyway and can apply through appeal to have another go at getting their application through. Furthermore, if it does not work, other parties or bodies—whether they are local communities or communities of interest,

which may have a significant interest in the outcome of the decision—have got no further opportunity for significant engagement in challenging the decision.

The Convener: I have a bit of housekeeping. We are coming to the end of our evidence session. The deputy convener wants to follow up on something in relation to this line of questioning and there are bids for supplementary questions. I know that this is an important issue, but brevity would be welcome in order to allow other members to ask their questions.

Monica Lennon: If you want to hear more from us on planning and appeals, I will lead a members' business debate on the subject at 5 o'clock, in which a few colleagues will be speaking. We will look at what happens when local authorities' decisions are overturned.

The Convention of Scottish Local Authorities and Heads of Planning Scotland are coming in for the next evidence session. Appeals are quite resource intensive for local authorities, and there is always the threat hanging over them that costs could be awarded against them. We have heard about scenarios in which repeat applications are made. An application might be withdrawn and come back in a slightly diluted format, and the local authority will have to do a calculation about a non-determination appeal. A non-determination appeal, which can be made when it is taking too long to get a decision, is another route by which a council can be bypassed, and an application can go to ministers.

If there are no measures in the bill to give communities more rights or to curtail developers' rights to appeal, are there other measures that we could look at to deal with the issue of repeat applications? What about non-determination, where the clock is ticking, which might reduce a council's ability to impose conditions and so on?

Aedán Smith: There is a range of options. Repeat applications are a bit of a symptom of the weighting that the current system gives to applicants for planning permission. Other than the fee for a new application, an applicant does not have much to lose by appealing or putting in a repeat application, whereas communities have limited opportunities to get their voices heard and so can feel that they are under real pressure.

The primary way of changing the system would be to introduce an equal right of appeal. There is talk about removing a developer's right of appeal, which would certainly equalise things. At the moment, there is no right of appeal for parties other than developers. There might be scope to restrict developers' rights of appeal, whereby developers might be able to appeal only in certain

circumstances, such as when a decision is made that is contrary to the development plan.

The fact that, at the moment, there is no fee associated with an appeal is quite an anomaly. There is a fee associated with a planning application, so why is no fee associated with an appeal? If there were such a fee, that might reduce some of the work in that area.

There is a range of options. Scottish Environment LINK's view is that the process should be equalised through the introduction of an equal right of appeal for other parties, but a range of other measures could be used to improve the balance in the current system, including in relation to repeat applications, which are a particular problem in some areas.

The Convener: Does anyone else want to add anything? I am keen to get what you have to say on the record, but I ask you to be brief.

Diarmid Hearn: The proposal is a potential remedy, but the starting point is a recognition that there is an issue. The fact that there is an issue came through in the independent review, although it did not really delve into that. You should either make things tighter up front, loosen things at the end by giving people more rights of appeal or tighten the existing rights of appeal, but something must be done about it.

Alexander Stewart: You have expanded on the idea of what the right of appeal could be. Obviously, there are major concerns among certain members of the community—we have seen evidence of that. We talk about the right being limited and applying only to certain categories. One category that we have talked about involves cases in which a decision goes against a plan or is a departure from it. Should there be other categories involved in that process?

Aedán Smith: Scottish Environment LINK's view is that there are two main categories in relation to which there should be scope for other parties to have an opportunity to appeal. One is where a decision is contrary to the development plan; and the other is where an environmental impact assessment is required because there are potentially significant environmental effects. That sort of judgment could be made by professional planning staff—they make such judgments multiple times every day, so I do not think that asking them to perform a quick sense check to establish whether something qualifies under one of those categories would be overly onerous.

The Convener: I have a couple of mopping-up questions. We have heard contradictory and contrasting evidence on an equal right of appeal. Some witnesses have been fundamentally against it, believing that it will slow down development, put house-building targets and the like at risk and

damage the economy; and we have heard passionately expressed directly opposing views from people who say that it is important to equalise the right of appeal and give communities more of a say. The committee will have to take a balanced view on the issue before the vote takes place in Parliament, and, at that point, what happens will happen.

Given that the position of the Scottish Government is that the bill front loads the process to a much greater extent than is the case at the moment—Monica Lennon made the point that the 2006 act did not include an equal right of appeal, for very similar reasons—what would successful front loading look like? If an equal right of appeal is not included in the bill and there are no changes in that regard, what kinds of things should our successor committee be looking at in five years' time to determine whether the front-loading measures have gone well?

Diarmid Hearn: You could approach the issue by working backwards. A study that was done in England in, I think, 2010 on causes of delay in housing development found that the leading cause of delay was lack of capacity within—I stress that that is within, not between—local authorities. Similar developments had different processing times simply because there were not enough staff. The second-biggest cause of delay was found to be appeals by developers—they themselves were causing delays in the system by appealing decisions. The third-biggest cause of delay was the size of developments, because big developments take longer to process.

In five years' time, your successor committee could ask whether local authorities have enough capacity and skills to do the processing, whether developers have moved away from the use of appeals to get developments through and whether we have a wider mix of developments that includes smaller developments as well as big developments.

The Convener: I have perhaps not been very focused when I have asked my questions this morning. I was trying to ask whether you could say what success would look like in relation to the bill as it stands. How will we be able to tell whether front loading has been successful? If the bill is not changed along the lines that Monica Lennon suggested, should there be a monitoring framework that a future committee of the Parliament could look at to see whether the approach had been successful? What Mr Hearn has said was helpful in that regard. Does anyone have any other thoughts?

11:00

Graeme Purves: Only last year, the Scottish Government commissioned consultants to consider levels of satisfaction with public engagement with the planning system, and the findings were quite stark. We have a baseline, but it is quite a troubling one. You could revisit the sort of questions that were asked in that exercise and see whether there had been any improvement.

The Convener: That is helpful, because it gives us somewhere to go.

Aedán Smith: There is a lot of narrative about the bill aiming to front load the process, but the discussion that we have had today has questioned whether its provisions would amount to front loading in practice.

The issue of what the committee might want to examine in five years' time concerns outcomes. Five years is a short length of time in terms of building stuff, so those outcomes will only really concern satisfaction, as Graeme Purves suggests—issues such as what the public think about engagement in the process, whether they are content and whether they feel that they are influencing what their places are going to be like in the future.

The Convener: I picked five years because it was a handy number; it could be 10 years, which is the timeframe for the national planning framework or the proposed local development plans.

That leads me nicely to our final question. The national planning framework has a 10-year lifespan. There will be consultation on it and, as we have mentioned today, perhaps parliamentary approval of it. National planning frameworks are not quite set in stone, nor are local development plans. They can change, even though there would be 10-year cycles. If they change within those 10 years, what should be the level of consultation at that point? Do you have any thoughts about parliamentary scrutiny or approval in that regard?

Aedán Smith: We would say that the national planning framework has to be approved by Parliament, and that any changes to it should also be approved by Parliament. Those proposals should go through the same procedures in relation to strategic environmental assessment that they would have to the moment. There should be an environmental assessment of the likely significant environmental effects of those changes, and there should be public consultation on the changes.

Diarmid Hearn: I echo that. Public awareness of the national planning framework is low at the moment, so it would be good for that to be raised and for people to be given a voice. In Wales, there

is a 12-week period for public comment on developments.

Graeme Purves: I agree with Aedán Smith and Diarmid Hearn.

The Convener: That is my favourite answer of the session.

I thank our witnesses for their time this morning and for helping us to scrutinise the bill, and I invite them to follow the committee's further work in that regard.

11:02

Meeting suspended.

11:09

On resuming—

The Convener: Welcome back, everyone. We are still on agenda item 1, under which we are looking at the Planning (Scotland) Bill as presented by the Scottish Government to the Parliament.

I welcome our second panel of witnesses. Councillor Steven Heddle is environment and economy spokesperson for COSLA; Robert Gray is chair of Heads of Planning Scotland; Gavin Miles is head of planning and communities for the Cairngorms National Park Authority; David Leslie is chief planning officer for the City of Edinburgh Council; Kate Hopper is senior planning officer for the City of Edinburgh Council; and Ailsa Anderson is a member of the Scottish young planners network steering group.

Obviously, the panel is quite sizeable. We have sought to be as accommodating as possible. If there is largely agreement on an issue, it would help us to get through the issues if people were brief in reinforcing comments that they have heard. Please do not feel as if you need to speak about everything. There is a management issue with such a large panel, and the witnesses' co-operation would be very welcome.

Graham Simpson: That is good advice for all of us, convener.

I will follow a line of questioning that is different from the one that I pursued with the first panel because the witnesses largely represent the local government sector, and bits of the bill directly affect councils.

Let us consider the idea of a national planning performance co-ordinator and the requirement on councils to issue performance reports that can be scrutinised by the Government. If the Government decided that a council was not performing well enough, it could send in the planning performance co-ordinator. What do you think about that aspect

of the bill? Is it right that councils should be judged by the Government? How do you define "performance"? It is not defined in the bill. There is a whole load of questions in there.

Councillor Steven Heddle (Convention of Scottish Local Authorities): The issue of performance assessment has caused COSLA some disquiet, because we hoped that it could have been discussed and advanced more through the high-level group, so that we could develop a greater understanding of how it might be implemented. There is vagueness about that, so we have concerns.

Our understanding from discussions with the high-level group was that the co-ordinator's roles and responsibilities could include overseeing performance monitoring, supporting the stakeholder feedback process, identifying skills gaps, and assisting with solutions with regard to training, shared services and good practice. Generally, there would be a positive and supportive role in the co-ordinator's relationship with local government.

On the assessment proposals, we have concerns about annual reporting, the undefined role of the national planning co-ordinator and how the planning authority's performance would be assessed, because we think that the proposals are being advanced against a backdrop of high performance and improving performance in planning. The suggestion that, essentially, an audit of the planning authority would be carried out seems disproportionate. We also think that the suggestion that planning officers could end up in court as a result of non-compliance within three days of requests from the assessment body is disproportionate and would be detrimental to encouraging people to enter the profession.

The Convener: I suspect that Mr Gray might have comments on that.

Robert Gray (Heads of Planning Scotland): Yes. Heads of Planning Scotland has not opposed the principle. Currently, if we do not improve year on year—we submit information on that to the Scottish Government through the planning performance framework—we risk being fined. We saw the proposals as meaning that there would be steps towards being fined, so people could see something coming and have an opportunity to change. Therefore, we thought that the principle was reasonable, but we had great concerns about the approach being proportionate. That was the main downside.

We acknowledge the need for improved performance levels across all stakeholder groups, and we would like to see the planning system—not necessarily just the councils—measured. Key stakeholders and many others input into the

planning system, and we would really like to have their performance measured and everyone to improve so that the whole system improves.

The Convener: Are there other comments on that? I am not necessarily going along the panel from left to right, and you should not all feel obliged to answer, but if you want to add to what has been said, feel free to do so.

11:15

Ailsa Anderson (Scottish Young Planners Network): I agree with Robert Gray that we should not just focus on the performance of local authorities. There are lots of stakeholders in the system.

Gavin Miles (Cairngorms National Park Authority): I add that there are two planning authorities that are not local authorities but national park authorities. I suppose that we have a particularly strange set-up in that we call in planning applications, so we deal with only a very small number of the applications that are made in the national parks. We do not think that it is a fair reflection of the entire quality of the planning system for performance to be assessed only by speed.

The Convener: Okay. Does the City of Edinburgh Council have a view, Mr Leslie?

David Leslie (City of Edinburgh Council): Yes. We recognise that there is a difference between measuring the performance of the system as a whole and measuring the performance of the individual authority. We have tried to use the planning performance framework creatively to look at the quality of outcomes at a local level.

From the council's perspective, ensuring that we continue to focus performance on the quality of outcomes is really important in terms of local accountability. If measures are brought in at the national level to co-ordinate or to scrutinise, we will look for that to be a co-operative or collaborative approach that involves working with individual authorities to learn from the experience of others and improve performance locally.

The Convener: Thank you. Mr Simpson, do you want to follow up on that?

Graham Simpson: On the principle, is it right that the national Government should be able to assess a local council's performance and then direct it to do certain things? Is that right from the point of view of local accountability?

Councillor Heddle: It is difficult to say that that should not happen, because we are subject to the rigour of the Accounts Commission and Audit Scotland. The entire planning process is defined in

law, and the local authorities are clearly not above that.

We are keen to pursue a collaborative and co-operative approach wherever possible. We already face a big stick in the form of the penalty clause, and we do not welcome the idea of having to face another.

The Convener: I have a brief supplementary question. I was slightly worried when I heard Councillor Heddle's initial answer as it could have sounded a little bit defensive. I know that it was not, because he has now nuanced it, but I think that Mr Gray gave a bit more light and shade on the subject.

The Care Inspectorate goes into local authority care homes to look at their performance and, if there are systemic issues, it will deal with the local authority in relation to those issues. Education Scotland does the same in relation to schools. When those bodies go in at the local authority level, they seek to be supportive and constructive, and they seek to capacity build and to help develop the local authority.

Do you agree that, in principle, it is more about tone and proportionality? I want to be clear about what you think. In principle, is the proposal the right thing to do? It is about making sure that we take a proportionate approach that is positive, constructive and collegiate. Do you have any thoughts on that? Councillor Heddle, I namechecked you, so I should give you an opportunity to come back in.

Councillor Heddle: It is certainly about tone. I am not in a position to endorse the proposal because I was specifically asked by COSLA leaders to write saying that we do not support it, so I am not going to sit in this committee meeting and say that it is something that we support.

In the interests of being productive, we are certainly keen to discuss what the annual assessment should be, how it might work, whether it should be an evolution of the excellent process that was devised by HOPS and what the role of the co-ordinator post should be. I hope that we are approaching the matter in an entirely constructive fashion.

The Convener: You say that you are approaching it in a constructive fashion, but you are against it in principle.

Councillor Heddle: We do not know the fine detail, so it is difficult to sign up to it.

The Convener: But COSLA is open to persuasion.

Councillor Heddle: I think that we are always open to persuasion.

The Convener: That is excellent.

Mr Gray, do you think that my reflection that this is, in principle, a reasonable thing, as long as the tone and proportionality are captured adequately, was itself reasonable?

Robert Gray: Yes. We have always had some form of scrutiny, but the issue is one of proportionality and tone. Over the six years of planning performance frameworks, there has been a really dramatic improvement in planning in Scotland, but we have not flagged it up very well. It is based on a red, amber and green system; six years ago, the number of reds was probably in three figures, and it is now down to single figures. The scrutiny and the fact that everyone has worked together in that context have worked and proved to be successful, and we do not want or need something that is disproportionate. I think that the differences between us are quite subtle, but we agree on the need for a proportionate response.

I very much agree with David Leslie. What tends to be measured is speed and how quickly you can turn something round, but the fact is that if we create places that are inadequate in some way or other, we have failed. We would rather be measured on a balance of outcomes and speed. We understand the need for streamlining and speed, but it is not the entire story—the outcome is actually far more important.

The Convener: It was really helpful to get that on the record.

Alexander Stewart: The expressions of disquiet and concern about this are understandable, because it is not the case that one size fits all local authorities. There will be not only different workloads and different types of performance, but resource implications as a result of these processes, and how you manage all that in order to ensure continuous improvement must be part of the equation. Do you have any views on that?

Robert Gray: I am happy to start off, but, of course, I do not want to dominate the discussion.

For a number of years now, Heads of Planning Scotland has been pushing for full cost recovery, at least with regard to development management, to ensure that the fee covers the cost of an application. That said, councils everywhere are doing what they can to drive down the costs of processing applications, with some success. It is a two-sided thing: we are trying to drive down costs, but we also want to be able to recover those costs. In that respect, we are not reliant on already hard-pressed council budgets. Because the developer benefits from the development, it is quite reasonable to expect the developer to pay the costs in question.

The situation might not be the same with regard to the local development plan. I do not want to stray into the area of local place plans, simplified development zones and other issues that might have resource implications and which might actually be more to do with the community, but those sorts of issues might well be covered by central public budgeting. In any case, we would like to see full cost recovery in everything that we do, but there are stages towards that aim that we could look at.

The Convener: We will look at the issue of resources in more detail later. Does anyone else have any comments?

David Leslie: We in Edinburgh have consistently supported the relationship between resources and performance. That brings me back to my point about how we report on performance. If we as an individual authority decide to devote resources to one particular part of the planning process in the city, we should be reporting on how we have used those resources effectively in our annual report on performance and justifying our position in that respect.

I very much support the view that one size does not fit all here. What is appropriate for Edinburgh might not be appropriate for other planning authorities, and we should have the flexibility to adjust resources locally to reflect local planning situations. For instance, in one particular year, we might be dealing with an exceptional amount of new growth, and we might therefore want to devote more resources to pre-application advice. We can report on how effective we have been in doing that.

Councillor Heddle: We generally support the comments that have been made, but perhaps I can provide a bit of context. All local authorities are keen for more resources to go into the planning system, because it is important that we have a good, functioning system. Over the past year, every local authority in Scotland has been sitting down to write its strategic plan for the forthcoming term; they have all been talking about economic development and housing, and a successful planning system and planning authority are essential for those things to happen. We are incentivised in our own right to have a planning system that performs well, and we are keen for it to be resourced.

The Convener: Given that that was your line of questioning, Mr Simpson, is there anything else that you want to explore before I let in other members?

Graham Simpson: I want to go off in a slightly different direction, although it is still related to councils and councillors in particular. It is proposed that councillors undergo mandatory

training on planning and must pass an exam before being allowed to sit on committees and take decisions on planning matters. Is that the right approach? Is it also right that the minister would not have to undergo that training? When I put that question to him at another committee, he did not consider that he should have to do that.

The Convener: I confirm that, with the possible exception of the deputy convener, none of us has sat an exam on planning. Who wants to answer those questions?

Councillor Heddle: It is fair to say that there is a spectrum of opinion across COSLA about the proposal that councillors must sit an exam before they are able to sit on a planning committee. Some authorities would say that that approach already happens with licensing and that they do not see why the approach to planning should be any different, so there is an expectation that it should happen. Clearly, training is essential before someone sits on a planning committee, and simply making sure that that happens would be a good thing. Other authorities consider that there should be parity of esteem. However, although councillors would be required to do the training, ministers who consider appeals or call-ins might not be.

At the high-level group meeting, I posed that same question to the minister, who said that he would not be upset if ministers had to receive training, too, which was generous of him.

Graham Simpson: He has changed his tune.

Councillor Heddle: Our fear is about the suggestion that the planning function should be taken from a local authority if it does not have enough members to form a planning committee. Again, that would be a disproportionate move. At present, we do not have mandatory training, but the planning function works well, it is well regulated and there are rights of appeal. The proposed mandatory training would be a step too far; it would be welcome if we could find something that fell short of that.

The Convener: Are there any other views on training and assessment?

David Leslie: It may be useful to share Edinburgh's experience with the committee. My emphasis would not be on training members, but on training and supporting members continuously. Under our programme, which we have used for more than three administrations, planning committee members agree in advance the training and support programme for the year ahead that they will pursue. The programme is extended to other members of the council. For example, a range of workshops on particular planning issues is open to ward councillors. In addition, we have a committee structure that engages other committees in the planning process, so we are

looking to have more joint workshops between committees.

My point is that what has been of benefit to us is not a one-off training exercise, but a continuous process.

Robert Gray: Planning inevitably deals with conflict—someone wants to do something and someone else wants to stop them. Elected members are the decision makers in the system, and training helps to protect them and to give them confidence, so we are supportive of the proposal.

Graham Simpson: I would be interested to know how many councils offer training like that provided by Edinburgh. Would you be able to come back to us with that information, Councillor Heddle?

The Convener: That is a helpful suggestion from Mr Simpson.

Councillor Heddle: I think that we could do that.

Monica Lennon: I return to the issues that we have been exploring on performance. Robert Gray and Ailsa Anderson talked about other stakeholders beyond planning authorities and planning officers who have an influence on how quickly the process happens. Will the witnesses reflect on the role of processing agreements, their uptake, what value they add to the process and whether there is evidence that they are driving up performance?

11:30

Robert Gray: Yes, they drive up performance. When something is put on a processing agreement, it comes off the statistics. I can give numerous examples of a developer not wanting to develop straight away. He wants to be in the system but does not want us to deal with his application quickly because, on the day he gets planning permission, he will probably have to spend money to buy land and make investments and he might not have that money lined up. With a processing agreement, we can work with those applicants. We give them dates; they give us dates. We work together with two project plans. Everyone knows what is happening. There is no sense of failure because it is a slower process. People actually get what they want out of the system, and it is right that they disappear from the statistics.

It is helpful to know that an applicant has not provided enough information. When a planning application is validated, that is done on the basis of certain specified information, but that might not actually be enough information to allow a decision to be issued. For example, a bat survey might be

needed, which takes several months to obtain because it has to be done during certain periods in the year. If that is put into a processing agreement, everyone knows what is happening and when everything is expected. A committee date is set way in advance, and everyone sticks to it.

Speaking for my own council, I do not think that we have ever changed a processing agreement unless the applicant has asked for it to be changed. We take it as an absolute commitment as a project plan.

Monica Lennon: Okay. I remember from—

The Convener: I apologise, Monica, but Ailsa Anderson wants to come in.

Monica Lennon: I will probably forget what I was going to say, which was directly relevant to Mr Gray's point, but carry on.

Ailsa Anderson: Processing agreements are a valuable tool that is available to officers in the process, particularly for holding people accountable when, for example, a deadline has not been reached for any reason and by any of the stakeholders involved in progressing a decision. In terms of accountability and transparency, they are a valuable tool.

Monica Lennon: Does the data that is collected show a pattern in the circumstances where the clock is stopped? Is it lack of information? Is it bat surveys being needed and it not being the right season? Is it just the cycle of committees? Are planning authorities learning anything from the processing agreement process?

I might be wrong, but I thought that the uptake of processing agreements was quite low. Do others have a view or information on uptake?

David Leslie: The City of Edinburgh Council was one of the pioneers in using processing agreements. I think that we did so before they were on the statute book and as part of a methodology of project managing planning applications. When speaking to applicants, I keep going back to the point that we firmly believe that it is in the interest of all stakeholders, including the community, to have a clearly set out processing agreement, so that everybody knows which part of the process they are engaging in and has clear expectations of timescale.

I agree with your point about declining use. I do not have specific figures, but overall the number of processing agreements that are signed by developers for applications in Edinburgh is lower than it has been in recent years. We are trying to understand the reasons for that. I believe that some of it rests on the preparation of supporting information and uncertainty on the part of applicants about information that they have to

provide or on which they are dependent, such as information that comes from external agencies.

Going back to the principle of why we have processing agreements, it is about having a form of collective agreement for everyone who is involved in the process. There is no doubt that it is a good thing. It is also a good tool for measuring performance. If all parties meet the outcome that they set out to achieve within the timescale that they set out, that is a measure of performance.

Monica Lennon: I want to return to Robert Gray for a Heads of Planning perspective. From my memory of discussions on the previous planning bill, which led to the 2006 act, we were told that the way to improve outcomes and drive performance was to work collaboratively, which required a change in culture, and processing agreements were just one small part of that. Are you seeing that change in culture? Whether it is from Transport Scotland, Scottish Water or another of the players round the table, has any evidence been gathered in the past 12 years to show that there is greater collaboration?

Robert Gray: The culture change, which is a big issue in the 2006 act, has been slow and patchy. That is just a truism.

I can think of some successful processing agreements, although I do not know whether they are in the majority. The ones that I am thinking of involve onshore works for major offshore installations in the North Sea. We became part of the engineer's project plan and the works were approved within the four months for a major development, but we still used a processing agreement because that was our agreement with the applicant and everyone stuck to it. It was like our project plan with the applicant and we all worked to the same outcome.

Processing agreements can work in that way, but I think that the issue that you are alluding to in some of your questioning is whether they are just used to mask figures that would otherwise be bad. That is definitely a risk. Heads of Planning has discussed that at great length and we have tried to get consistency across the authorities on how they are used. Some authorities pick them up. We encourage that, because we consider it to be good project planning. Other authorities see them as using time that could be spent more productively elsewhere. Those authorities will use measures such as just stopping the clock so that, if a piece of information that they need is missing, they do not measure that time. All those approaches can work if they are consistent. As long as, at the end, we can give the Scottish Government consistent figures about how planning performs, they all work.

There is a lot of room for culture change. We are using more pre-application discussions in which we have everyone round the table, including bodies such as Scottish Water, to try to draw them into the same timescale so that we have certainty. Again, that is patchy. In the past, we have discussed whether it might be easier if we charged for that. Some authorities have tried that. I have had developers asking whether my authority would charge, because they think that a neighbouring authority gives a better service because it charges. That authority gives a bound book at the end that includes the timescales and everything that the developer has to do, which seems like a good service and a good way forward. That is starting to drive some culture change. I am sorry for mentioning Scottish Water—it could be any of a number of stakeholders.

There is also the culture on the development side. The planning system gets on well with large engineering projects, because they very much have a project management culture. Through Homes for Scotland and the Scottish Council for Development and Industry, we are working extensively with house builders to try to merge our culture with theirs. I am not saying that one is right or wrong but house building alone seems to be the area in which there are delays and frustrations that we still need to do some work on. I am not blaming anyone for that, but there is a piece of work to be done that might not be legislative work. It might involve people picking that up and working together for the desired outcome.

Monica Lennon: As you have mentioned pre-application discussions, I will ask a tiny question about those. The committee had a one-day conference in Stirling—some of the witnesses might have been there—at which we had round-table discussions with committee members as facilitators. In one of my sessions, the point came up that some planning authorities do not do pre-application discussions. Is Heads of Planning aware of that?

Robert Gray: Yes. We are all trying different things. I like pre-application discussions. I like not charging for them, because I do not want anyone to be put off. If we can raise everything up front on day 1 and know what the problems are, we have much longer to solve those problems before we get to a determination.

Pre-application discussions should be done. We find that some authorities go much more into full cost recovery. If we are going to do something, it has a cost and we have to know where that will be paid from. In my authority at the moment, the cost for pre-application discussions comes from the public purse. Everyone benefits, but the developer benefits more. There is a discussion still to be had about the charging, what the real value of the pre-

application discussion is and what it would be worth to the developer to put money into the system to make it much more efficient.

The Convener: Mr Miles can answer and then we will have to move on to a new line of questioning.

Gavin Miles: We have been a proponent of process agreements and we offer them on all the applications that we call in. When we started doing that, it worked exceptionally well for the first year or so, because applicants took it on seriously and provided the information at the times that we needed it. Since then, we have found that, in general, deadlines are being missed by applicants, rather than by consultees in the process. We extend the timescales and keep going with that process agreement, because in general we think that there is a good development in there but more information is needed to get it determined. However, that drags things out. We are looking at how to encourage people to keep to the deadlines and not have the application sitting there.

We share pre-application advice with five local authorities, but people either take it or they do not. It is exceptionally frustrating when applications are put into the system and the pre-application advice has been more or less ignored. That leads to delays later on, because we say, “Hold on, we told you months ago that you needed X, Y and Z with your application, but it is not there.”

There are two sides: what planning authorities can do and what the development industry can do. As Robert Gray says, the project-managed projects, which begin by looking at the planning process as something to get through effectively, work their way through the system swiftly and efficiently, but the ones that are not managed that way tend to float around.

Monica Lennon: Perhaps we need to grade the performance of applicants, too.

Andy Wightman: I want to talk about the national planning framework and strategic development plans. Changes have been mooted, such as merging the planning framework with Scottish planning policy and making it part of all development plans, which raises questions about how the NPF should be developed, scrutinised and adopted by the Scottish Parliament and ministers. It is fair to say that there is cross-party consensus that the national planning framework is a good thing and none of the written evidence seriously questions whether we should have it—it is in law, so we have to have it—but are the changes proposed in the bill appropriate?

From reading the submissions from South Lanarkshire Council, Aberdeenshire Council and the City of Edinburgh Council, it is clear that councils do not want greater centralisation of the

planning system or the national planning framework to become part of the statutory development plan. What are your views about the proposed changes to the national planning framework?

Councillor Heddle: COSLA's comments on the withdrawal of strategic development plans were slightly ambivalent—

Andy Wightman: Sorry to interrupt, but I was going to ask about strategic development plans separately. I notice that COSLA does not say much about the national planning framework except in relation to strategic development plans.

Councillor Heddle: I will keep my comments to the national planning framework.

Andy Wightman: Thank you.

Councillor Heddle: With regard to the national planning framework, Robert Gray made the point that it is important that the planning process is kept under local democratic control. Given the move towards incorporating the regional aspirations within the national planning framework, sitting alongside the local aspirations in the local development plan, there is a risk that it could lead to more direction from above and so the withdrawal of local democratic control.

COSLA feels that the planning process and the modifications to that process that are proposed in the bill should have an end point, where decisions are taken locally wherever possible. We would resist an erosion, through the action of ministerial direction, of the powers of local authorities to determine plans. However, we are equally circumspect about the way in which local place plans play into the process. I am sure that there will be questions on that, so I will not say any more on that now.

We have concerns about the proposals for how the national planning framework will play out and we are keen to work with the Government to discover how locally elected members can have the best possible say in the development and adoption of the regional aspects.

The Convener: Are there any other comments? I see that Mr Gray would like to speak. I will bring you in later, but I am trying to encourage everyone to speak.

11:45

David Leslie: The relationship between the national planning framework and whatever arrangement that we have at regional level is really important. The input of the cities and regions to the national planning framework might well be determined through that arrangement, so we will come back and look at that in more detail.

Edinburgh, by its nature as the capital city, has a number of national interests in its development. The way in which we manage those developments should be left to the area's planning authority to deal with in detail. It is important that the local experience is recognised when the national planning framework is prepared. It is a matter of how we input to that process.

The Convener: Would you like to add anything, Mr Gray?

Robert Gray: No. David Leslie has made the point.

Andy Wightman: I will move on to strategic development plans in a moment.

The policy memorandum, under "National Planning Framework", states:

"national developments are accorded the same status as the development plan in planning decisions."

Will the proposed changes in the bill make any difference whatsoever to the status of the national planning framework and the regard that local authorities pay to it when they draft their local development plans and make planning determinations?

The Convener: There is not a stampede to answer that question. It would be helpful if you could answer, Mr Gray.

Robert Gray: I am trying to hold back.

We take into account the national planning framework in everything that we do. Under the proposed legislation, it looks more like a national development plan. It replaces a strategic development plan with which we need to be consistent. My potential issue with the national planning framework is about the way in which engagement with the stakeholders will work. Subsidiarity is a political issue that I will leave to Councillor Heddle. However, there needs to be some way in which we are all brought into the national planning framework, so that it is everyone's plan. How that would happen is not spelled out in the bill.

Right at the beginning of this process, one of the asks of HOPS was for the repositioning of planning. Planning is a unique activity in that it brings together not just developers and infrastructure providers but communities. We really want to be positioned centrally. We like the idea of an important and powerful national planning framework. Someone told the committee previously that the Irish national planning framework was so important that it was launched by the Taoiseach and 17 Cabinet ministers. It was the plan for the country. We like the idea of the national planning framework being that important, as long as we all have an input to it, by having a

hearing and a say. That is our aspiration for the national planning framework.

Gavin Miles: I am not sure whether the national planning framework necessarily makes much difference to the way in which decisions are made. The process of getting to the national planning framework is what everyone is a bit concerned about.

Ailsa Anderson: We have to be careful about the point at which we consider the national planning framework, particularly if it can be amended at any stage. Decisions made at that point might lead to a local development plan being incompatible with the national planning framework, given that whatever document is decided on will be the prevailing document. Consultation, particularly on the national planning framework, is important to ensure that there is a robust engagement process and that all opportunities for people to participate are taken.

Andy Wightman: That is helpful. Robert Gray said that there needs to be proper engagement. I do not think that anyone doubts that, and previous iterations have attempted to do that. However, the national planning framework is the Government's plan; Parliament does not vote on or adopt the plan. Is there a danger that, if we elevate the national planning framework to part of the development plan, a minority Administration could push through developments that Parliament or the public might not want but with which you would need to comply?

Councillor Heddle: I suppose that there is the potential that that could be the case, but I am struggling to think of how examples of what you are suggesting might come through the process.

I go back to my fallback position, which is that we are keen that the local dimension and local democracy are maintained to as great an extent as possible. I would need to think through the implications of what you are suggesting and what impact it would have before I could have a more reasoned and nuanced discussion.

The issue is one on which we have not explicitly taken a position in our submissions thus far. If amendments were to be lodged along those lines, we would need to go back to our board to get an all-COSLA position, if that was possible.

Andy Wightman: I will move on to strategic development plans. It is fair to say that, in its policy memorandum, the Government tells us that the consultation that was done on the planning review threw up mixed views on strategic development plans. We received strong evidence from organisations such as Clydeplan that the process works well and they want it to continue. In principle, there is nothing in the bill that will stop the continuation of the development plan process,

but local authorities will be encouraged to produce development plans merely on a voluntary rather than a statutory basis.

Do panel members have any strong views on the future of strategic development plans?

Robert Gray: What is being said everywhere, including by COSLA, is that one size does not fit all. There are four strategic development planning authorities, which are to be replaced or repurposed. The Aberdeen city and shire strategic development planning authority seems to be carrying on, at least for the moment. Tayplan will merge into a bigger group. I think that more guidance is needed for the strategic development planning authorities for Glasgow and Edinburgh, because their plans are particularly large and complex.

I do not see how an accurate national planning framework can be put together without the sort of information that is collected through the strategic development plans. A new national planning framework will have a housing supply target, which will be based on a lot of data that is collected across the whole of Scotland. At the moment, that data is collected in a number of ways. We are trying—Clydeplan is leading on this—to simplify that and to have one way of collecting data. That will assist with what the bill aspires to do, which is to provide a national planning framework that will largely replace strategic development plans.

The conclusion that we have reached is that one size does not fit all. Different areas will do different things. When the strategic development planning authorities were set up, I recall there being a lot of debate about whether Inverness should have a strategic development planning authority. The answer was no, because it falls within one local authority, so there is no point in having another layer.

The regional partnerships are based on local geography and putting things together in such a way that we can input to national documents. That is happening already, so we are relatively comfortable, but when it comes to Glasgow and Edinburgh, more guidance needs to follow. There needs to be more guidance on what the duty to co-operate means and how it will be introduced. I am not sure what will happen in the central belt if authorities cannot reach agreement among themselves on things that we think of as regional.

The Convener: Do members of the panel have any other views on strategic planning?

David Leslie: The City of Edinburgh Council recognises the benefits that the city has gained from regional planning arrangements. Through the strategic development plan, we have been able to work with neighbouring authorities to address the

wider needs that the city cannot meet within its administrative boundaries. We have worked with other authorities to deliver cross-boundary solutions, for example in relation to implications for infrastructure. The question in our mind is whether the future arrangements will allow us to work in a similar way with the partners that we need to work with at regional level.

We recognise that some form of regional spatial planning is required to underpin the regional partnership delivery of things such as the city region deal. There is no doubt that a spatial plan is an important foundation for that. The question is really about the tone that the bill sets for it. Is it a tone that will encourage the partners to work together in the way that they do at the moment, or will it allow partners to weaken their engagement? Weakening engagement could mean a weakening of the resources that are devoted to spatial planning at a regional level.

Linking that back to previous questions about the national planning framework, we will have a duty to feed into that. At the regional level, do we have the strength to define our vision and objectives so that they can be clearly articulated and feed into it?

Councillor Heddle: Mr Leslie made some of the points that I was going to make. Following on from what Mr Wightman said, there is nothing in the bill that would prevent regional working taking place on an informal basis, at least. However, the context in which we work is that there is other legislation coming through that encourages regional working, we are expected to collaborate across local authorities to develop regional plans in respect of the enterprise and skills review, and there is cross-council working on education.

Councils will always work together when there is an opportunity to improve services and service delivery. The problem of working together comes when we come up with a plan that in some way conflicts with the regional dimension of the national planning framework as placed alongside the local development plan. That needs to be unpicked.

The Convener: Okay. We have had a good cut at that.

Jenny Gilruth: I want to revisit some of Andy Wightman's line of questioning. In his written submission, Robert Gray points to the three strategic objectives that have been identified by Heads of Planning Scotland. The first is:

"Planning needs to be repositioned as a strategic enabler, as well as a statutory, regulatory function."

We heard contributions from the previous panel of witnesses on city deals and on the disconnect between the aspiration for city deals to drive

inclusive growth and the aspirations for the Planning (Scotland) Bill in its current context. Is there an opportunity to join up what we do in Government with regard to the economy and planning, and to drive investment to tackle inequalities?

Robert Gray: The straightforward answer is yes. It is part of repositioning. City region deals did not come within the normal defined system that we had been working to, and they had to be dealt with quickly, as they are important. It was about how we provide the infrastructure that we need, which was not particularly unified in a set of plans.

Every activity that we do involves the use of land, so planning should be central to all that, and the way in which we set things up should work with the infrastructure. The plans are the place where we line up where the infrastructure works with the development.

My answer is yes, there is an opportunity for Government to do what you suggest, but—this is a bit like a stuck record—we are the people who bring in the community, which deals with the equality issue of whether planning is being done fairly. Yes, we have the capacity through the plan-making system, and that is the bit that perhaps has not been as valued as it should have been, because everybody is interested in the development management system and the issue of the day. Through plan making, we can deal with the use of land and the way in which infrastructure is provided, including in the city deal models.

Community aspirations should not be lost in that and this is the place where we resolve such conflicts. We should be making great places and if we are not, we are not succeeding. That is what we want to be judged on at the end of this. I am sorry—that was a very long way of saying yes, I agree with what you said.

The Convener: Would any other members of the panel like to say yes in relation to that before Jenny Gilruth follows up? I think that the panel might be in agreement.

Jenny Gilruth: In its current form, the legislation says that a planning authority must "have regard to" a local place plan when preparing a local development plan. We have heard numerous criticisms of the wording "have regard to" not being robust enough, and of communities perhaps being ignored. What is the panel's view on that?

In their written submission, Miss Hopper and Mr Leslie say:

"there are concerns that Local Place Plans could raise expectations".

Does the rest of the panel agree with that assertion?

The Convener: Mr Leslie, perhaps you could start off on that and give the rest of the panel a chance to gather their thoughts on those issues.

12:00

David Leslie: From the council's perspective, a local place plan is of interest in encouraging greater community engagement in the planning process. We might ask whether it will achieve that. The question of raising expectations is about when in the process a local place plan could be used. At the moment, our view is that there should be some flexibility on that, because we can see benefit in a local place plan helping to articulate community objectives at the stage of preparing a local development plan. We can also see it helping to articulate community outcomes once key development proposals are defined in a local development plan, so it could be prepared after the adoption of such a plan.

Managing expectations is about clarity in what the relationship is. I come back to my point about one size not fitting all. There could be an opportunity for local place plans to be used by community groups in a number of scenarios, but they need to be clear on what they can expect to be an outcome from that and when in the process the plan might be most effective. Clearly, some form of guidance from Government to manage consistency and expectations will be important.

The Convener: Are there any other comments on local place plans?

Gavin Miles: We would agree with that. Unless there is an equal resource from the public sector to support them, there is a real risk that inequality will be enhanced and that richer areas will do better, because they have more people with more free time and skills to devote to something that they want to see, whereas in poorer areas—or in those where there are more people who are just working and busier—that will not happen. How such a plan ties into the development plan system is a big issue, because we do not want communities investing a lot of time and energy in something that is then not ignored but perhaps not taken into account in the way that they want it to be. That is where we need to have more clarity about exactly how such a plan will fit in.

Ailsa Anderson: There is certainly a place for local place plans if they are used in the right way. We need to ensure that they are deliverable and not just aspirational when it comes to progressing proposals in development plans. We need to be able to have something tangible in them to take forward.

There are questions about what we do at local level when a local place plan contradicts the NPF, which might be, for example, in a desire to see no

more housing in an area in which we have identified that there is an acute need. Another issue that we need to address is how such plans fit into the context of other documents that are available, particularly to community councils, to progress their aspirations, and how they sit alongside community action plans and locality plans coming through the Community Empowerment (Scotland) Act 2015. Therefore, as far as progressing local place plans is concerned, a lot of clarity is still required and a lot of guidance will be required, particularly on how they will be delivered by community councils, how they will be prepared consistently and the resourcing that is required by both spatial planners and community planning to take them forward.

Councillor Heddle: In COSLA's submission, we were not wholly supportive of local place planning but we are not against it. We are entirely supportive of the principle of involving communities in their plans, and particularly community councils in community planning.

When it comes to local place plans as described, other panellists have made the point that there is a potential equality issue in that less well-resourced communities may struggle to produce such plans and will lose out to those who can do so. To get away from that, we could resource support, which brings us to the expectations question. Expectations will be raised where there is not a realistic understanding of what is possible or, indeed, likely. That suggests that there needs to be a close relationship between the people developing the local place plan and the planning authority, to support those people, so a resourcing question is inherent in that.

The final thing that I want to say on local place plans is on the "have regard to" question. As framed, that phrase is appropriate. We would be more supportive of local place planning if it were framed in that way, because it would leave decision making with elected representatives. It would also allow elected representatives to wrestle with problems that might come from a local place plan potentially being in conflict with other things in the framework. We can write down a number of things already. There might be conflict with the national planning framework, the local development plan, simplified planning zones, the "agent of change" principle, the fairer Scotland duty and locality planning. A fully informed local place plan might have to consider all those things, and that is an entire industry in itself. Flexibility in allowing elected members to wrestle with problems is appropriate, and we would be content with the phrase "have regard to".

The Convener: Alexander Stewart was exploring something along those lines earlier. Does he want to explore it further now?

Alexander Stewart: Yes, if I may. To follow on from Jenny Gilruth's comments, resources for implementing how things will happen in communities have been talked about. Some communities have community councils, but some do not; rather, they have other organisations that try to assist. How do you ensure that they are engaged at the early stage in order to ensure that expectations are met and that they are not led in a certain direction only for something not to happen or to fail? How do you square that circle?

The Convener: No one is making eye contact with me. Come on, witnesses.

Gavin Miles: I was going to add to the previous discussion that we are probably sounding more negative than we really are, as we all invest an awful lot of time and money in trying to engage communities very well throughout the process.

Different authorities will have different ways of doing that. We have done that through trying to have people out speaking to communities and through community action plans. Historically, such plans have not focused on land use planning elements but, over time, we have tried to get them to do that. Through such plans, people create a plan for their community. We try to ensure that as many people across the community as possible are spoken to before there is a plan for the community. I am not sure that local place plans would necessarily have to involve that. There is a worry that a place plan could come from one part of the community rather than the whole community.

It is inevitable that the public sector tries to get as many people involved as possible, but that takes time and money. As a national park authority, we have maybe devoted more to doing that. We have a smaller population to cover than big urban authorities or authorities that cover a wide area have, but that works, and it feeds into the development plan. I do not see how there can be resourcing evenly across bigger areas. We do that over years; it is phased. We have a five-year rotation in the plans for communities.

Alexander Stewart: It is about identifying the stakeholders in the community and ensuring that there can be a good rapport with them on what they want and how they feel they are being treated. Lip service should not be paid to their being part of the process.

On people trying to manage that in much larger urban areas, Edinburgh will have a massive issue with trying to deal with it in a specific area compared with smaller council areas or locations that have a real community spirit and which will

not be advised in other areas. It is about capturing that process. However, without the resources, it is virtually impossible to achieve that. Without dealing with the financial part, is there any other way of achieving that?

Gavin Miles: We have tried to address that point in the national park. We have tried to tackle individual communities, and we probably started with the ones that had more ability in the first place. We worked with them first and then went round to the others.

Maybe the tricky part is that there is a learning process for whoever is doing that and for the community. More people get involved in the process the second time because they see the value in it. It is unlikely to be done properly the first time; people get better the second time. It is iterative. People improve over time. However, that will be a challenge.

The Convener: I want to check something. It is interesting that communities can self-define. There can be a community of interest or a geographical community, but that could create problems once lines are drawn on a map. Someone mentioned that a community might not want any additional housing. However, if a line on a map is drawn a little bit to the east or to the west, it might suddenly be found that there is a wider community that sees a need for housing.

Do we need clearer guidance in the first place on what we mean by "communities" and how local authorities should interact with them? I would like to think of the local place plans as being positive in terms of place making and development instead of being restrictive and stopping the development and place making that are needed in a wider community. What are your thoughts?

Gavin Miles: As I have been saying, having a local place plan would make a lot of sense if it enhanced the development plan, and it would provide quite a clear context for a community to take things forward. If all it does is add detail to something that is already in the development plan or compete with the plan itself, you have the potential for unhappy communities.

Ailsa Anderson: On the question of defining communities, it is also important to define the phrase "local place" when we consider local place plans. A community council area could cover many settlements and communities, but would each community or part of a community require its own local place plan? If so, it would be a very big task to deliver all that in local development planning. There might be communities in community council areas that are particularly involved in these things and have a good sense of place and community, but there might be other settlements or communities that are not as

engaged in the process. The issue is how flexible the local place plan can be to accommodate everyone's aspirations and desires with regard to the outcomes from these documents.

The Convener: That is why I am wondering whether we need a lot more guidance and structure in that respect. As you have suggested, there could be six or seven communities within the boundaries of a community council area, and they could all disagree with each other on what the local place plan should look like. Indeed, they might not identify with the community council area in which they have been placed. If we want a planning authority to at least "have regard to" the local place plan—and I say to Councillor Heddle that some of us would say that the bill should go further than that—there must be some structural alignment with the local development plan in the first place to allow that to happen.

Councillor Heddle: The kind of structure and guidance that you have suggested would definitely be useful, but they need to be accompanied by flexibility. After all, we live in a large and diverse country, and the issues that pertain in my local authority area of Orkney, with its 21 inhabited islands and population of 20,000, will be different from those in Edinburgh, where you will have that number of people in a small subcommunity that contributes to a larger community and where you might find communities set against each other for the reasons—the nimby issue, for want of a better word—that you have described. It would be useful if there were pilot local place plans that we could consider and which would allow us to develop best practice in that respect.

That was not the main point that I was going to make, but it is the one that I have ended up making. *[Laughter.]*

The Convener: We will go with that, then, unless you want to add anything else.

If members have no other supplementaries on local place plans, we should—if we are to do our job properly—ask a couple of mop-up questions on local development plans. First, it is suggested that there be a minimum consultation requirement in producing an evidence report. If no one has any views on the matter, we will move on, but does anyone wish to comment?

Ailsa Anderson: I am aware that there is a proposal to remove the requirement for a main issues report. As part of developing the evidence report, it is essential that the options be considered and presented for public scrutiny. In order to prepare that document, it may be worth while to still have the main issues process in order to have public scrutiny and link into the strategic environmental assessment. I do not know whether the committee is willing to consider that, rather

than removing the process from the system. It would also allow for the gate check to consider whether all the options have been considered and for the favourable option to be presented as part of the gate check, which would then feed into the preparation of the draft proposed plan.

12:15

The Convener: I cannot speak for committee members, but I suspect that they are open minded on the subject. At the moment, we are just looking at the weight of evidence and listening to suggestions.

It is helpful that Ailsa Anderson mentioned the gate check. When planning authorities get to the gate-check stage, should there be a requirement for further engagement and consultation with stakeholders to make sure that the process has been handled correctly? If so, who should those stakeholders be? Again, you do not have to comment on that. We are just trying to tick off the various elements of the bill as we go through it.

Robert Gray: We quite like the gate-check procedure because, if you get through it, it means that you will not fall down on those aspects at a later stage. Otherwise, you could lose two years. We see the gate check as a positive thing.

At HOPS, we have never discussed whether other stakeholders should be part of the gate check, but there is no reason why they should not be. I think that we are quite open minded about that.

David Leslie: In the analysis of the process that we went through for our current local development plan, stakeholders who were involved in the process gave strong evidence about the importance of early and continual engagement. I think that that answers both questions. Whatever the process is, we have to ensure that we gain ownership and understanding early in the process and that we retain that as the development plan evolves. There is an opportunity to use gate checks—in the plural rather than the singular—throughout the process to build that understanding.

The Convener: Okay. As a housekeeping note to fellow committee members, I note that the witnesses will hear a heck of a lot from me if no one else makes a bid to ask questions.

Oh. Mr Wightman has a question. Excellent.

Andy Wightman: My question is on a new topic. Is that okay?

The Convener: Absolutely.

Andy Wightman: We love new topics.

We have not explored very much the bill's proposal that statutory supplementary guidance be abolished. Are there any views on that, given that, for some authorities and some communities, it is deemed to be a valuable way of framing local planning policy?

Ailsa Anderson: I work in Aberdeenshire, where most of our supplementary guidance is map based. If it was to form part of the plan, the plan would be bulked out significantly.

There is a place for supplementary guidance in providing the additional information. Going with the current status, where there needs to be a policy hook, would be a good way to go, because we at least have the context, which has been scrutinised, and then we have the map-based evidence sitting separately.

Andy Wightman: Are you saying that we should not abolish statutory supplementary guidance?

Ailsa Anderson: We should not necessarily abolish it. I think that there is a place for it.

Kate Hopper (City of Edinburgh Council): I agree that there is a role for statutory supplementary guidance. The City of Edinburgh Council is keen on using its statutory guidance to deliver infrastructure. We are introducing supplementary guidance for that, because it allows us to address the changing nature of growth within Edinburgh much more quickly and transparently.

We would still support some role for guidance that allows us to introduce a changing infrastructure plan, for example, within the 10-year process of a local development plan, but we do not have a view at present on whether that should be statutory or non-statutory guidance.

Gavin Miles: I suppose the point is that one size does not fit all. There are authorities that have used supplementary guidance effectively and for which it is vital, and there are others that have got less out of it. It probably depends on what the authority is like and its approach to planning in general.

Andy Wightman: However, if the provision is abolished, no one will be able to use statutory supplementary guidance at all.

Gavin Miles: Yes.

Andy Wightman: This might be a bit random, but I noticed that, in Heads of Planning Scotland's submission, all the "yes" responses to the committee's questions are marked in bold—you are the most enthusiastic cheerleader for the bill. It is fair to say that, across most of our written evidence, our engagement with communities and the oral evidence to the committee, most people consider that the bill is okay as far as it goes but

want more—they want it to be a bit bolder and clearer. The act that we will get at the end of this process is not the bill that we have at the moment, so why does Heads of Planning Scotland appear to be the sole cheerleader for the minister?

The Convener: Do not let Mr Wightman temper your enthusiasm, Mr Gray.

Andy Wightman: I am genuinely curious.

Robert Gray: I am speechless.

The Convener: I do not believe that.

Robert Gray: The submission was put together largely by the executive on behalf of a number of authorities. There were lots of different authors, but we made the submission look as though there was only one.

On the route to get here, we put a number of asks, because we wanted game changers in the bill. I will temper my enthusiasm by saying that we did not get our game changers. Nevertheless, we got things that, technically, we can work with. There are controversial proposals such as place plans and simplified planning zones, but those are tools in the box that you do not have to pick up and use if they are not for you. That said, perhaps place plans are a bit different in that regard.

If a council wants to pick up, for example, a simplified planning zone because it considers that it will help regeneration and inward investment and that it is the right thing for it to do, that is fine. If another local authority considers that that is the wrong approach for it, because there is too much exclusion of elected members and communities, and that it is not going to use it, that is also okay. Some of our enthusiasm is because the bill recognises that no one size fits all. The bill will help councils to pick up and use the bits that are useful for them; so, overall, we are supportive of it.

The first game changer that we wanted was central repositioning. Does the bill do that? Is there something in the bill that says what planning is, what it is for and how important it is? No—we did not get that.

The second aspect that we wanted to be addressed is the resourcing of planning, but primary legislation is probably not the right place to deal with that.

The third leg of what we called for is the continued simplifying and streamlining of what we do, but that does not particularly affect us either way.

On the three things that we were measuring the bill against, it did not do the first one particularly well; we will wait and see on the second one, because that does not necessarily need legislation; and the third one does not prevent our continuing to simplify and streamline, perhaps with

assistance through the proposed national planning performance co-ordinator role.

Our response to the bill is measured, but our answer to the questions that we were asked was “yes”.

The Convener: I saw your enthusiasm seeping away as you answered that question.

Andy Wightman: That response is helpful. Part of the reason for Heads of Planning Scotland’s response might be—I am speculating—that, over the past two years, it has been very involved in the independent review and in working groups inside the Government, so the bill is the last stage for it whereas it is the first stage for a lot of other people, because they have not been as heavily engaged.

There is broad support for your point about the purposes of planning, so you can take some comfort in knowing that there will almost certainly be movement in that direction.

I do not know whether Mr Heddle wants to respond.

Councillor Heddle: I would not dream of speaking on behalf of Heads of Planning Scotland.

With your indulgence, I will briefly return to your question on supplementary guidance. Supplementary guidance is another useful tool in the toolbox, because it is a means of taking out of the larger plan issues that might be subject to change when the plan is being put together. As we move to local development plans on a longer timescale, the risk is that something could go into those plans that rapidly became redundant and was at odds with authorities’ planning aspirations.

The Convener: Simplified development zones were mentioned, so we should explore that issue, given that it is in the bill. The committee has heard a lot of evidence about simplified development zones. A lot of folk do not like the name and want to see the balance between getting the development zone right and doing place making properly. What is the purpose of simplified development zones? What is good about them? In what areas would you want clearer safeguards or definitions?

Ailsa Anderson: In principle, simplified development zones are a useful tool that could be made available to planning authorities to use where they deem that it would be appropriate. They should perhaps sit under development plans in order to avoid undermining the plan-led system. That would mean that there would be public scrutiny and, as part of the evidence report, the gate check could confirm that a simplified development zone was appropriate for an area and was not being imposed by a third party, for example.

Such zones should be applied only in areas where there is a need, because avoidance of planning has been seen as a blockage in the system. They should not be used just as a matter of course; there needs to be a purpose in implementing such zones in a particular area.

David Leslie: I support the comments that have just been made in that City of Edinburgh Council sees the potential for simplified development zones to be a delivery mechanism for the local development plan. We support them but firmly in the context of a plan-led system. You could perhaps explore the potential for a simplified development zone while the local development plan was in preparation. In that way, you could begin to build community engagement with the concept and identify the issues that would need to be resolved before a simplified development zone was established.

We firmly support the idea of masterplanning and the use of design frameworks and so on being set out in advance to bring transparency to the use of the simplified development zone—if it were to advance delivery of the local development plan.

The Convener: That is helpful. I suggested to the previous panel that each local authority should consider whether it had suitable areas that might benefit from a simplified development zone. I was not suggesting that local authorities must choose an area but that they should identify whether there were appropriate areas in their authority. If the zones become a national objective, would that be a reasonable duty or burden to place on planning authorities?

David Leslie: The simple answer is yes.

Gavin Miles: Yes.

The Convener: Does COSLA have any resistance to a duty being placed on local authorities to consider creating simplified development zones and giving a rationale for why they have chosen certain areas or why they have decided against it?

Councillor Heddle: Our preference would be for that to be discretionary. The landscape—both geographically and in terms of economic development—will vary from area to area, particularly in terms of what opportunities the council is looking for and what it already has. There is a cost to planning for simplified development zones, and that might not ultimately be recognised to be a good spend.

The Convener: If the bill is passed and the rolling out of simplified development zones becomes a national priority because they are beneficial, with certain caveats, the national Government might approach a planning authority and ask why, given that there is not a lot of

development in its area, it has not created a simplified development zone. If every planning authority had had to consider the zones as a tool in its box, that authority would at least have a rationale for choosing not to use that tool, which would create a dynamic between central direction and local democracy. Should councils consider creating SDZs as a matter of course?

Councillor Heddle: That question could be asked under any circumstances, and it would be up to the individual local authority to justify its decisions. I do not see a duty on local authorities to identify simplified development zones as being helpful, and we would prefer to have discretion.

Graham Simpson: I want to take that a stage further. The bill will give ministers the power to set up simplified development zones—they could do it in Edinburgh, Mr Leslie, or even in Orkney. Is that right, or should ministers not have that power?

12:30

David Leslie: I will answer that question, as Edinburgh has been mentioned. I return to my previous answer about embedding SDZs within a plan-led process to ensure local accountability. If the planning authority in Edinburgh has considered the issue as part of the preparation of the development plan and has decided that the simplified development zones approach is not an appropriate tool for taking forward development in one of the city's growth areas, it will be in a strong position to discuss with ministers why it does not consider the approach to be appropriate. If the approach is imposed, we will be entering another area of discussion.

The Convener: Okay. It is good to have that on the record.

Councillor Heddle: I concur with my colleague. There are issues of local democracy and subsidiarity at work here. If the approach is imposed on local authorities, that can only be described as a power grab.

Graham Simpson: Indeed, but that approach is in the bill, Councillor Heddle.

The Convener: We will wait and see what the minister says about that in a few weeks' time.

We should explore the infrastructure levy, because there is provision for that in the bill. The levy is an enabling power—it is one way of raising finances for infrastructure and promoting development. Do witnesses have any thoughts on that? Is there a missed trick? Could we do other things to raise those finances?

Robert Gray: Our experience in the north-east has been quite difficult. We had a strategic transport fund that was, in effect, an experimental

form of infrastructure fund. It failed at the Supreme Court because there was too great a distance between the intervention—which was a junction or railway station—and the development that was contributing towards it. We could not line them up well enough.

The bill would probably enable us to go ahead with that now, but it would lead to other difficulties around reasonableness, proportionality and trying to get developers to buy into it. We found that developers liked the transport fund. They would probably like an infrastructure fund, because it would give them some certainty about how much they would be asked for. The landowners very much did not like the fund. It was interesting that it was challenged by the landowners, as it is the value of the land that reduces, ultimately.

The transport fund was an interesting experiment, and I wish people well with the infrastructure fund, although I am disappointed with the level of funding that the Government says is likely to be raised by it. It has put a figure of £75 million against it nationally. Each council needs that sort of money for the infrastructure that it is short of and for the type of development that is needed, and we were looking for something more like £80 million for the interventions. Fife Council thinks along the same lines, and other large authorities will need that amount of money for things such as road and rail improvements and stations if they are to incur no net detriment for new development—although I know that that is almost impossible. In some parts of the country, our infrastructure is pretty creaky.

The discussion around the infrastructure levy goes beyond things that we normally think of as essential for development to take place. There is a debate around the country about whether broadband is now needed and whether we should not be developing where there is no broadband, because it has become such a normal part of people's lives in the same way that they need a road to their house. There is a debate about whether that kind of improvement should be chargeable under an infrastructure levy.

To sound a bit like a stuck record, it is another tool in the box and it is useful to have it, although we expect to have another two rounds of research before we start to think about using it again. I hope that it works, but it has a long way to go yet.

The Convener: Okay. Are there any other thoughts about the infrastructure levy?

Kate Hopper: City of Edinburgh Council has concerns about the use of a levy, because we do not have the evidence to show that it is the best solution for Edinburgh or for the country. We would support it if it could be used locally to replace section 75 of the Town and Country

Planning (Scotland) Act 1997. At the moment, there is concern that a levy could be used purely for strategic, cross-boundary infrastructure, whereas that is really due to historical growth in Edinburgh and not to future growth allocated through our local development plans.

The cost of delivering Edinburgh's local development plan, which was referred to this morning, has been estimated as being in the region of £450 million to £480 million. What was not mentioned this morning is that there is an infrastructure gap of around £200 million due to the current issues with section 75. There is concern that, if we were able to deliver only £75 million through a national levy, that would not come close to what Edinburgh requires to deliver its own local development plan.

Our concern is whether such a levy will go far enough. Could it be used locally to replace section 75? Could we use a delivery programme or an action programme to set out an infrastructure strategy for the city that would set out the infrastructure that is required, using a levy or a tariff to generate that infrastructure? Edinburgh's proposed approach would be such a levy.

The Convener: That is helpful, because you are suggesting other mechanisms to do what is at the heart of the question. It seems that the infrastructure levy might be okay but that it is only a small part of a much larger solution, so we need to think of other ways of raising cash. Are there any other solutions? Does there have to be a magic wand to make it all better? Are there any other helpful interventions that you wish to put on the record?

Robert Gray: It goes back to the point that one size does not fit all. The Borders railway required a specific act of Parliament. It was very like the north-east strategic transport fund, and it was successful because, when it was challenged, the individual challenger did not have to pay his money but the scheme did not collapse. There was an acceptance that all developers along the railway line would have some benefit and they would all pay into it. The infrastructure levy will probably allow other authorities to pick it up if it is the right thing for them.

The Convener: Thank you—that is helpful. We will move on to a new line of questioning.

Monica Lennon: I am going to move on to equal rights of appeal. Before I do, I will read from one of the submissions that we have received:

"Delays in the system are caused by severe cuts to planning budgets and staff shortages. It is resources they need not reorganisation.

Planners tell us that they are overwhelmed by the volume and complexity of their workloads. They are also extremely stressed ... Good planning doesn't require yet

another reform programme. Improvement will come through adequate funding and staffing levels and empowering staff and giving them the time to do their work, reflect, learn and implement change."

That is the view of Unison Scotland, the largest trade union in Scottish public services, and it tells us that it

"represents the full range of staff in planning teams".

We have some people here who are on the front line. Is any of that relatable? Would Kate Hopper or Ailsa Anderson like to comment?

The Convener: Would anyone like to comment?

Robert Gray: Planners are very hard worked, but this is about good management and we have, in the past, not been very good at collecting the statistics that we need. Some authorities, with the use of consultants, have come up with some figures for how many planning applications an individual planner should have in a year and how many they should have at any one time. A planning authority can then work out how many planners it needs and, at that point, the resource can go up and down at the discretion of its chief executive. There should be formulas for how many planners are needed. We are very bad at increasing the number of planners when there is an upturn. It is difficult to balance the peaks and troughs—it is about managing the resource.

We have a skills shortage and difficulty in attracting people into the profession. We have a shortage of courses, I believe, and the future of some of them is a bit uncertain. It is a problem that HOPS is addressing in a number of ways. HOPS will be working on what the true cost of a planning application is and what staffing is needed to deal with it.

Monica Lennon: I am interested in planners' ability to do their jobs and in good morale. Unison Scotland's comments are pretty brutal. I did not see anything like them in the HOPS response, so maybe the planning bosses are not so close to the situation. I do not want to put people on the spot on their personal experience, but I imagine that Kate Hopper and Ailsa Anderson are very much on the front line day to day—more so than the management tier. I was chair of the Scottish young planners network many years ago. What is it like for young planners right now?

Ailsa Anderson: Working within constraints has an effect on the Scottish young planners network. However, we do as well as we can with the resources that are available to us. From talking to people in the network who work across a wide range of sectors, I know that everyone—whether they are in the private sector, the public sector or an agency—is feeling the constraints. We work with what we have.

As for moving forward, certainty on the procedures that we, as officers, must abide by and on what is expected of us when we are in the front line and when we engage with key stakeholders, and ensuring that the system is robust and fit for purpose will help everybody to get on with their day-to-day jobs.

Monica Lennon: I turn to Councillor Heddle to get COSLA's take. I note that the Royal Town Planning Institute—I should probably remind the committee that I am still a member of the RTPI—analysed the planning performance framework and found that, between 2009 and 2015, there was a 23 per cent reduction in the number of people doing planning jobs in planning authorities. Is that situation sustainable?

Councillor Heddle: The answer is probably no, but the same thing could be said across the entire spectrum of local government finance. All aspects of local government finance have been subject to efficiencies and cuts, and that is just a further embodiment of that.

Monica Lennon: Someone earlier—I think that it was Graeme Purves—mentioned the climate that we are working in. Perhaps that was an allusion to austerity. What staff and financial resources will planning authorities require to deliver a higher-quality service? Does the bill address any of that? If not, what is missing in it, and what needs to be changed?

Councillor Heddle: There is a degree of uncertainty, because the bill assumes that it will lead to savings for planning authorities that can be reinvested in the service. I believe that that will happen, but I think that the bill has the potential to place a greater burden on planning authorities. We have already talked about the potential impact of local place plans if the expectation is that local authorities have to support them. Equally, the issue of assessment and performance reporting goes through the bill like letters through a stick of rock, and that will undoubtedly place additional burdens on local authorities. Because of the trade-offs inherent in the bill with regard to resourcing requirements and resources for local authorities, it is difficult to say whether the bill itself will help with resources.

Monica Lennon: Before I move on to equal rights of appeal, I want to raise a connected issue. The committee has talked a lot about the aspirations behind the previous planning bill, with its big emphasis on front loading, early engagement and collaborative working. However, as we have heard, that legislation has not really been that successful. Is that entirely down to resources, or are resources only part of the story?

Robert Gray: Resources are part of it. For the past six years at least, we have spoken to the

different ministers about increasing resources for planning by increasing the fees. The ministerial view has always been that, if performance improves, fees will be increased, but no one has ever defined the level of improvement that is required or the level of fee increase. We are still discussing the matter, and the agenda is still the same: if we keep improving, there will be an improvement in resources. We have to work out the true cost of planning and where those resources will come from, and then resource it properly. I certainly recognise the stress that you mentioned earlier.

Monica Lennon: If one of the aspirations of good place making is to put people at the heart of decision making, can you find any room in your hearts at all for an equal right of appeal in certain circumstances? I am going for the heartstrings here—if anyone has a heart. Can we pick a volunteer?

The Convener: Basically, what are your views on an equal right of appeal? I call Mr Leslie.

David Leslie: I am bound to respond by saying that all planners have a heart.

The Convener: They share it between them.

David Leslie: Since the planning process started, a right of community engagement in one form or another has been built into it. Most planning authorities, including that in Edinburgh, are looking at ways of having meaningful community engagement. Our council commitment to looking at a community right of appeal—we have had discussions with the Government about Edinburgh's experience and why we have reached that position—is very much in recognition of our experience of front loading the system and the fact that that has not been enough to generate community trust and confidence in the planning process. We are asking ourselves what more could be required to do that. Some of that could come from place plans and other tools of community engagement, which we have discussed. However, at the end of the process, there still seems to be a lack of opportunity in certain circumstances for community members to feel that they can question the way in which a decision has been made.

12:45

We have set out certain circumstances in which defined community bodies—we would use the same terminology that is used in the bill and in the Community Empowerment (Scotland) Act 2015—could be given some form of equality of right of appeal.

Monica Lennon: It seems that, compared with other planning authorities, Edinburgh is taking

quite an unusual position, and arguably quite a progressive one. Can the representatives of Heads of Planning Scotland or COSLA say whether any other authorities are considering equalising appeal rights, even in a limited way?

Robert Gray: They are not. As heads of planning, we have spent many years dealing with streamlining and making delivery faster. A third-party right of appeal will not make delivery faster; it will make it slower. That takes us to the issue of whether it is fair.

Looking at the history of planning, in 1947 the development value of everyone's land was nationalised and no one could just build what they wanted; they had to ask for permission. If the decision was unfair, they had a right of appeal. At that point, third parties did not have much to do with it. Have we now moved on so far that the situation is inequitable? There is the question of whether developers should still have a right of appeal beyond local democracy. I prefer that question to one concerning third-party rights of appeal, because I think that if we keep front loading the process with things such as place plans and engaging people in the up-front planning process through plan making, we will have something that involves people and is equitable, and we would then need a very good reason to depart from the plan. Of course, the departures come through local democracy as well—from elected people, generally.

More than any of the other activities that we have in local government, planning already involves the communities. I do not think that yet another right of appeal would be beneficial. I think that we would regret it if we saw it in action.

Monica Lennon: Other colleagues might want to ask about tapering the appeal rights that are available. As an observation, the language that we use in the planning system is important, and there has been a shift in language from talking about third parties to talking about equal partners. Is there a sense among heads of planning that communities are a third party and are somehow not on an equal platform? From the evidence that we have heard, I think that that antagonises communities and local people, including local businesses and makes them feel that they are not on the same wavelength and that they do not have the same status. Do you accept that if planners are using phrases such as "third parties", that in itself could be a barrier to good community engagement?

Robert Gray: Yes, people outside the system do not understand the term "third party"—I think that that is just a fact.

There are also cross-boundary issues. When one authority approves something even though

the town immediately across the boundary is full of objectors, is that fair? The people in that town have no right of appeal. If there were to be some movement on the issue of others being allowed into the system to debate whether development should happen, that would enable us to would look to such criteria. In such a case, there is a built-in unfairness with regard to people who live in the wrong authority area, as it is not their elected members who have made a decision that has affected them.

There are quite a few cases involving boundary issues, and there might be some mileage in looking at that issue but, if you live in an authority area and your elected representative has done something that you do not like, at some point a decision has to be made and the recourse is to not to elect them again—sorry, Councillor Heddle.

The Convener: I do not think that that was meant for Councillor Heddle personally—just all councillors. Councillor Heddle, you have been very patient and I know that you want to come in.

Councillor Heddle: COSLA has not supported a third-party right of appeal, due to the impact that it might have on development and local economies through the time that it could take to determine applications and the external forces that might act against local interests.

I could pick on my local authority area, Orkney, as one that many people would like to be turned into a nature reserve, but the elected members reasonably take the view that it is a place where people should be allowed to live and work as well. They have to be circumspect about things like that.

The bill includes measures to involve communities, such as the local place plans. There is also the work that already happens on pre-application procedures. The increased planning performance demonstrates that that is good for performance as well. The infrastructure levy is another potential way to involve communities because it creates a direct linkage between development and positive developments for the community if it can be determined locally and the benefits can be reaped locally.

COSLA will have to consider that aspect before stage 2 of the bill, not least because the discussion is widening to an equal right of appeal rather than a third-party right of appeal. An equal right of appeal could mean many things. It could mean that nobody has any right to appeal. I do not know whether that is what you intend at this point, but there is a spectrum of approaches that we need to consider. I noticed that, in a previous meeting, Dr Inch made some interesting points about an equal right of appeal under strict

circumstances—a limited equal right of appeal. That is also something that we have to consider.

The Convener: We have 10 minutes maximum left of this evidence-taking session and then we really have to close. I am keen to let members back in. I apologise, but brevity would be very helpful.

Gavin Miles: The reason that we did not support the right of appeal is that we often have the same group of people objecting to every development that our planning committee considers. Sometimes, they have well-set-out, considered reasons; sometimes it is simply because they do not want development in a national park. If every one of those decisions was appealed, the process could grind to a halt. For many planning authorities, the fear is that the right of appeal could be misused in some cases.

Graham Simpson: I am really interested in what the witnesses from the City of Edinburgh Council said. I have never heard a council talk like that and say that it does not think that it is getting things right and that we should consider some sort of right of appeal. That is refreshing because councils are normally defensive. They think that they are getting everything right. They all think that they have hearts, of course, as you do, Mr Leslie.

I was looking frantically through your written submission and could not see anything in there about a right of appeal. The City of Edinburgh Council has obviously considered it. Will you give us some more details about the kind of scheme that the council is thinking of and whether Edinburgh could be used as a trial area for it? If MSPs and the Government were not sure about how it would work, perhaps it could be tried somewhere.

David Leslie: It is an interesting idea to pilot the right of appeal in one area.

The limited amount of work that we have done on the matter is, I emphasise, focused on communities. We are not using the term “third party”. In the Edinburgh planning concordat, we already have a basis for a tripartite approach to dealing with major developments, which involves the developer, the planning authority and the relevant affected community. The commitment to a right of appeal has grown from that basis. It is also a recognition that many developments in the city do not fall into the category of a major development but are significant local developments, in relation to which there is no statutory provision for pre-application engagement with the community at the moment. We recognise that that definition needs to be considered.

We are very much considering the idea in the round, not in isolation. The right of appeal would work only in certain circumstances. I certainly

concur with the comments that other colleagues have made that it would not be in the council's interest to hold back development. An appeals process would have to be done in a way that allowed the community to feel greater confidence in planning decision making without delaying the process unnecessarily.

Graham Simpson: Has the idea gone through any committee of the council?

David Leslie: It is a council commitment. As it is one of the administration's commitments, it was agreed by the full council.

The Convener: It would be helpful if you could tell us specifically what the commitment is.

David Leslie: I can read it out to you. Council commitment 10 is to

“Work with the Scottish Government to review planning policy and overhaul the planning appeal system to make it shorter, more independent and give communities the right to appeal”.

Graham Simpson: Beyond that, what are the details?

David Leslie: Those have been articulated only in discussion with the Government.

Graham Simpson: So you have had discussions with the Government about the matter.

David Leslie: We have approached the Government to express our views.

The Convener: We can follow up on that when the minister appears before us.

Graham Simpson: Is there anything that you could send us in writing? It would be useful to receive such documentation, because the bill does not include such a right of appeal. If a major council—the council that covers the capital city—has discussed the issue with the Government, we need to know about it. We will have to come up with suggestions for the bill, so we would be grateful to receive anything that you can share with us.

David Leslie: I would be happy to follow up on that.

The Convener: That would be very helpful. We are working to a timescale on the bill. It would be helpful to find out what that community right of appeal would look like, when the City of Edinburgh Council thinks that it could be implemented and whether the work on it will fall within our timescale.

Andy Wightman: Earlier, Robert Gray said that the question that he would prefer to be asked was that of whether the applicant's right of appeal should persist. I wonder whether Mr Gray has an answer to that question. It is worth noting that, as has been said, the applicant's right of appeal has

always been part of the system, but when it was introduced, it was intended to be temporary. In most other European countries, applicants do not have appeal rights, because there is a plan, which is stuck to. We have a more discretionary system.

In light of the fact that Robert Gray and others have said that a third-party right of appeal would clog up the system and lead to delays, would getting rid of the applicant's right of appeal get rid of delays and strengthen democracy?

Robert Gray: We have a local review body within councils for things that do not have to go to the Government for appeal. I am speaking for me rather than HOPS here; the HOPS view is written down. I do not have any particular difficulty with the applicant's right of appeal being to another council body and being part of local democracy. I do not think that the applicant's right of appeal has to be a right of appeal to the minister.

I know that, on some things, the minister has a much wider view than a local authority. There is a subsidiarity issue in there. However, there are many more things that I think are of local significance that could be dealt with locally—I might be straying into Councillor Heddle's territory by making a political statement rather than a technical statement. Technically, that could work—some of the appeals that go to Government could go to a local review body that was run by the council.

Andy Wightman: Technically, anything could work. My question is whether you think that there should continue to be a merits-based appeal on decisions that have been based firmly on a highly comprehensive and well-supported local development plan, that are widely supported in the community and that are upheld even when the case goes to a reporter, only for a minister to overturn them. Do you think that that is an acceptable way of strengthening the planning system?

Robert Gray: I am sorry—I missed a bit of your question. In making a determination, a planner looks at the policy background, which is the development plan, and other material considerations. The weight that they give to those material considerations is a matter for the decision maker. In general, when a case goes to a reporter or a minister, he gives a different weight to those considerations. I am not sure why the reporter's decision on the weight that is given to those is any more valid than the decision of local elected representatives who live locally.

I am happy for there to be a system of appeal, but it should be local and dealt with through the elected member system that we already have for some things.

13:00

The Convener: Feel free to give us supplementary evidence on that in writing if you want.

Before I close this evidence session, I will ask the same question on equal right of appeal that I asked the previous panel. The bill will go through. It may or may not be amended in that area, but stage 3 will come and go and planning legislation will be on the books. If there is no equal right of appeal and the counter to that is that there is front loading of the planning process, how should we gauge the success of that front loading? In five or 10 years, when a successor committee asks how well the planning act did without the equal right of appeal and whether it did what it said on the tin, what would that committee look at to demonstrate that?

David Leslie: Quite simply, you would look at quality of outcomes. If one of the key outcomes that we are seeking to achieve is good places, we need to find ways of measuring whether stakeholders consider that place making has been delivered. If we are sitting here again in five or 10 years, we will need to have developed measures on quality outcomes that we can report locally.

The Convener: That is helpful. Our deputy convener has rightly spoken about the ambitions in 2006 in relation to front loading the system. The realisation of those ambitions has been patchy at best—that is the diplomatic thing to say. We have another planning bill before us that talks about further front loading of the system. For whoever is looking at the system again in 10 years—it almost certainly will not be us—what monitoring framework should be in place to allow them to see whether the act did what it said on the tin? Are there any other thoughts on that before I close this evidence session?

Ailsa Anderson: I agree that it is at the point of delivery when we can see whether there is tangible change. The good thing about the planning system is that, when a decision is made and the development is delivered, we can see the tangible difference that it makes to a business, a community or individuals, depending on the level that we go to.

In thinking about the young planners of the future, it is important that they have access to good education and continuing professional development and that there is continued enthusiasm from the professional and community sides of planning.

The Convener: I am thankful that you took time to put that on the record before we close this evidence session.

Councillor Heddle: To return to the earlier point, the measure of success could be that no councillors are kicked out at the elections because of planning decisions.

The Convener: That will be virtually impossible, Councillor Heddle. On that not so positive note, I thank the witnesses for what has been a long and worthwhile evidence session. Please follow the course of the bill and provide any supplementary evidence that you would like to send. I know that you are constrained by our questions and by the time that is available, so please stay in contact with us. Thank you for attending to help us with our scrutiny of the bill.

We now move to agenda item 2, which we previously agreed to take in private.

13:03

Meeting continued in private until 13:30.

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