



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Local Government, Housing and Planning Committee

Tuesday 3 June 2025

Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE
18th Meeting 2025, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

COMMITTEE MEMBERS

*Meghan Gallacher (Central Scotland) (Con)

*Mark Griffin (Central Scotland) (Lab)

Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Emma Roddick (Highlands and Islands) (SNP)

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

*attended

THE FOLLOWING ALSO PARTICIPATED:

Esme Clelland (Scottish Environment LINK)

Hazel Johnson (Built Environment Forum Scotland)

Kevin Murphy (Homes for Scotland)

Shirley-Anne Somerville (Cabinet Secretary for Social Justice)

Collette Stevenson (East Kilbride) (SNP) (Committee Substitute)

CLERK TO THE COMMITTEE

Jenny Mouncer

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 3 June 2025

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Ariane Burgess): Good morning, and welcome to the 18th meeting in 2025 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent.

I have received apologies from Fulton MacGregor; Collette Stevenson joins us online as a substitute. I advise members and those present that I will be leaving the meeting ahead of item 3, as I have lodged stage 2 amendments to the Land Reform (Scotland) Bill, which I must move, and that the deputy convener will convene the meeting from that point.

The first item on our agenda is to decide whether to take item 5 in private. Do members agree to do so?

Members indicated agreement.

Housing (Scotland) Bill: Stage 2

09:01

The Convener: The second item on our agenda is day 7 of our consideration of the Housing (Scotland) Bill at stage 2. I welcome the Cabinet Secretary for Social Justice and her officials.

Members who wish to speak should indicate that by catching my or the clerk's attention. Voting will be done by a show of hands, and it is important that members keep their hands clearly raised until the clerk has recorded their names.

After section 51

The Convener: Amendment 445, in my name, is grouped with amendments 554, 447 and 562. I will speak to and move amendment 445, as well as speaking to the other amendments in the group.

Amendment 445 is on co-housing guidance. As well as making homes more accessible to more people, we are committed—through national planning framework 4—to creating space for placemaking. Co-housing is a housing and placemaking model that is well suited to supporting us in that endeavour. It offers communities and local authorities the opportunity to come together, not only to meet housing needs but to provide a neighbourly place where people can engage with and support one another and create a space that meets everyone's requirements.

That approach to housing, which is mainstreamed in local housing provision in Denmark, is gathering interest in Scotland. Amendment 445 and its consequential amendment 447 seek to support that enthusiasm and positive potential by creating a basis from which co-housing can be scaled up.

Co-housing has a lot to offer. For example, it has been shown to prevent social isolation and the poor health outcomes that go with it. If we can nurture and grow that model, we can move to a happier, healthier society in which people's housing needs are met, people have a real stake in the places they live in and neighbourhoods become vibrant, all of which can reduce the strain on public services.

When we have spoken about co-housing, the Minister for Housing has been enthusiastic about the possibilities that the model offers. There was Scottish Government-led work on co-housing in previous parliamentary sessions but, unfortunately, it was not prioritised. My amendment, which is backed by Cohousing Scotland, aims to ensure that that work is taken

forward. It would require ministers to consult on and produce guidance for co-housing, which would allow the sector to grow.

I am keen to hear what assurances the cabinet secretary can provide to ensure that stakeholders will be supported by the Government to do the work that is necessary to develop a Scottish co-housing model, so that a co-housing sector can emerge in Scotland in the next few years.

Amendment 554 and its consequential amendment 562 would create a housing co-operative advisory function. Along with the financial barriers of land and buildings transaction tax and the additional dwelling supplement, which I spoke about at a previous stage 2 meeting, another barrier that housing co-operatives in Scotland face is a lack of access to official advice. I have been working on that with the Edinburgh Student Housing Co-Operative, which supports students to access affordable, quality accommodation in a location that has become unaffordable for many. When it has sought support on tax and governance issues, it has been passed around various public bodies and organisations without getting the answers that it needs in order to thrive.

What I propose in amendment 554 and its consequential amendment 562 is the establishment of an advisory function within an existing housing or land-related body. That function would be staffed by one or two full-time individuals and would support existing co-ops with tax and governance issues, as well as helping those who want to set up a housing co-op.

Co-operatives should be a flourishing housing model in Scotland. They bring a wide range of benefits and, where they serve communities of the elderly, they can help councils to save money on social care, while those that provide student accommodation can ensure that people from all economic backgrounds can access higher education in places where accommodation is difficult to find and often unaffordable. Making it easier for such co-ops to be established and to function will help to reduce the financial burden on Government budgets.

During our pre-stage 2 discussions, it was good to hear from the cabinet secretary about her involvement with and appreciation of the co-operative movement. I therefore know that she is sympathetic to the aims of my amendment, which is why I am keen to hear what assurances she can give that the Government will provide more support to housing co-ops before I decide whether to press amendment 445 and to move my other amendments in the group.

I move amendment 445.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Good morning again, convener. Amendments 445 and 447 would require the Scottish ministers to publish guidance on co-housing within 24 months of the bill receiving royal assent. The Scottish ministers would require to define co-housing via regulations and to consult on the preparation of the guidance.

There is no need for a statutory obligation to publish guidance to be put on the Scottish ministers. They could publish guidance on the issue without having a statutory duty to do so, and I commit to doing so. I therefore ask the convener not to press amendment 445 and to work with me with a view to producing Scottish Government guidance on co-housing.

Amendments 554 and 562 would give the Scottish ministers the power to designate a public body to carry out a range of functions that would support those who want to progress a co-operative housing approach. Housing co-operatives are already a valued part of the social housing sector in Scotland, alongside other community-based social landlords and local authority landlords.

Although I understand the desire to support the development of the housing co-operative model as part of the creation of a diverse housing sector in Scotland, I have concerns about the way in which the amendments are set out. It would not be appropriate to oblige a public body to provide financial, tax or litigation advice, and a housing co-operative that acted on the advice of the designated body could seek redress against that body if the advice caused the co-operative to suffer a loss.

In addition, acting as a guarantor against demutualisation could open up the designating body to significant financial and legal risks. It is not clear how the designated body could—or, indeed, whether it should be able to—prevent demutualisation if the co-operative members vote for it.

On promoting co-operative housing, the co-operative model itself, along with—

The Convener: Will the cabinet secretary take an intervention?

Shirley-Anne Somerville: Certainly.

The Convener: If amendment 554 is not appropriate because it would designate a public body to give tax and governance advice, what could we do to support housing co-operatives?

Shirley-Anne Somerville: I recognise your point that certain co-operatives struggle to receive advice or support, whether from public agencies or elsewhere. There is a discussion to be had, of the kind that I have had with you and, indeed, with

Paul Sweeney, about the importance of housing co-operatives and the need to encourage them.

I would therefore be more than happy to discuss what else could be done to ensure that we not only protect, support and encourage existing housing co-operatives, but encourage further development of the housing co-operative model. However, I am afraid that I will still ask members not to vote for the amendments in this group.

The Convener: On the Scottish co-housing model, I welcome the fact that the cabinet secretary has committed to producing guidance for co-housing in Scotland. Something that has come through clearly from talking to stakeholders is their desire to be facilitated in that process. Rather than the Government leading on the process and going away and doing it, it should be co-designed collaboratively so that Cohousing Scotland members and other stakeholders are very much involved.

On amendment 554, which is about designating an advisory body for co-operatives, it has been interesting to hear the cabinet secretary's concerns about obliging public bodies to give such advice. I welcome the cabinet secretary's offer to have a discussion about what we can do to support the housing co-operative movement in Scotland and look forward to taking up that opportunity as soon as possible.

Amendment 445, by agreement, withdrawn.

Amendment 477 not moved.

Amendment 515 moved—[Ariane Burgess].

The Convener: The question is, that amendment 515 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 515 disagreed to.

Amendments 490 and 516 not moved.

Amendment 550 moved—[Ariane Burgess].

The Convener: The question is, that amendment 550 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 550 disagreed to.

Amendment 552 moved—[Meghan Gallacher].

The Convener: The question is, that amendment 552 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 552 disagreed to.

09:15

Amendments 553, 554, 271, 272, 470 to 473, 551, 474, 475, 548 and 549 not moved.

Amendment 226 moved—[Alexander Stewart].

The Convener: The question is, that amendment 226 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 226 agreed to.

Amendment 256 not moved.

Section 52—Regulations

Amendment 555 not moved.

Amendment 441 moved—[Meghan Gallacher].

The Convener: The question is, that amendment 441 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 441 disagreed to.

Amendments 393 and 394 moved—[Shirley-Anne Somerville]—and agreed to.

Amendments 75, 185, 426, 76, 195, 556, 446, 557, 558, 23, 517, 518 and 478 not moved.

Amendment 277 moved—[Mark Griffin].

The Convener: The question is, that amendment 277 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 277 agreed to.

Amendments 447, 479, 562, 561, 559 and 560 not moved.

Section 52, as amended, agreed to.

Sections 53, 54 and 55 agreed to.

Before schedule

Amendment 199 moved—[Ariane Burgess].

The Convener: The question is, that amendment 199 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 199 disagreed to.

Amendment 200 moved—[Ariane Burgess].

The Convener: The question is, that amendment 200 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
Griffin, Mark (Central Scotland) (Lab)

Against

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 200 disagreed to.

Schedule

Amendment 395 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 563 not moved.

Amendments 396 to 401 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 266 not moved.

Amendment 402 moved—[Shirley-Anne Somerville].

The Convener: The question is, that amendment 402 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Griffin, Mark (Central Scotland) (Lab)
Roddick, Emma (Highlands and Islands) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendments 402 agreed to.

Amendments 410, 77, 227, 228 and 267 not moved.

Amendments 403 and 404 moved—[Shirley-Anne Somerville]—and agreed to.

Amendments 564, 50 and 78 to 80 not moved.

Amendment 405 moved—[Shirley-Anne Somerville]—and agreed to.

Amendment 406 moved—[Shirley-Anne Somerville].

The Convener: The question is, that amendment 406 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Gallacher, Meghan (Central Scotland) (Con)

Griffin, Mark (Central Scotland) (Lab)

Roddick, Emma (Highlands and Islands) (SNP)

Stevenson, Collette (East Kilbride) (SNP)

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

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)

The Convener: The result of the division is: For 6, Against 0, Abstentions 1.

Amendment 406 agreed to.

Schedule, as amended, agreed to.

Section 56—Commencement

Amendments 196 to 198 not moved.

09:30

The Convener: The next group is on homelessness prevention: commencement. Amendment 230, in the name of Bob Doris, is the only amendment in the group. I believe that Emma Roddick is going to speak to and move the amendment.

Emma Roddick (Highlands and Islands) (SNP): Yes—thank you, convener.

Bob Doris has been encouraged by the strength of support from stakeholders and members of the Social Justice and Social Security Committee for the homelessness preventions in part 5 of the bill, which will significantly improve our ability to prevent people from reaching that point in a housing crisis. I recognise that Bob Doris's work and the work of that committee so far have already

had a hugely positive impact on the bill and those it seeks to help. The timing of the introduction of new prevention measures is important, especially when homelessness services are stretched. The Christie report challenged us more than a decade ago to shift towards prevention and longer-term outcomes. However, unless we get better at preventing households from becoming homeless, it will be challenging to resolve the current housing emergency.

Amendment 230, on the commencement of part 5 of the bill, is informed by discussions with experts in the homelessness sector, particularly Crisis. Officers at Crisis have shared their recognition that duty bearers need adequate time to prepare for the new legislation, but they wish to ensure that implementation remains a priority for the Government. Amendment 230 recognises both those points and provides a three-year backstop for the commencement of the homelessness prevention provisions in part 5. The amendment would ensure that, if any of those provisions has not been commenced within three years, it will come into force. The inclusion of that backstop will help to reassure stakeholders that steps will be taken to implement the provisions within that period, allowing us to build on the good will from stakeholders in moving to more proactive homelessness prevention.

Amendment 230 allows time to work closely with stakeholders, including named relevant bodies, to ensure that any new regulations on the operation of ask and act—regulations that are supported by members of the Social Justice and Social Security Committee—are fit for purpose. It also provides scope to work with stakeholders on the guidance required and to identify training needs.

I know that effective prevention work is already happening. That includes the homelessness prevention pilot, which is supported by Scottish Government funding and which I understand will begin very shortly. It will help us to understand how ask and act will work in practice.

There is cross-party consensus that making homelessness prevention everybody's business is the right thing to do, and we do not want to lose that positive momentum.

I therefore move amendment 230, in the name of Bob Doris, and urge members to support it.

Meghan Gallacher (Central Scotland) (Con): I highlight the concerns that were raised in the Social Justice and Social Security Committee on amendment 230. We were considering Bob Doris's amendment as part of a series of other amendments lodged by other colleagues on that committee, and we had to wait for the Local Government, Housing and Planning Committee

before we were able to hear the debate surrounding it.

I fully support the amendment, but I have to question the process, given that it was not considered as part of the homelessness prevention work that was undertaken by the Social Justice and Social Security Committee. That is more of a reflective comment than anything else, but I am glad that we are here now and are able to discuss it—although it has been a very long time coming, and the direction that the Parliament has taken has not been good for stakeholders' morale, as they have had to wait for so long before we have been able to discuss the amendment today.

Shirley-Anne Somerville: I support amendment 230 in the name of Bob Doris. It provides a three-year backstop for the commencement of the homelessness prevention provisions in part 5 of the bill. The amendment allows us to maintain progress towards those important new duties while allowing time to develop the appropriate regulations, guidance and training, in partnership with stakeholders and people with lived experience, so as to support successful implementation. Crucially, the amendment also allows us to implement the learning from the Scottish Government's homelessness prevention pilots, as welcomed by Crisis, Homeless Network Scotland and other stakeholders. Our £4 million investment in the pilots will demonstrate how the bill's new ask and act duties will work in reality.

I have been clear that we do not need to wait for the new duties to be formally commenced before we have improved co-operation and earlier intervention to prevent homelessness, but I am happy to support amendment 230.

The Convener: I call Emma Roddick to wind up and to press or withdraw amendment 230.

Emma Roddick: I think that I have covered everything that we needed to say, so I am happy simply to press the amendment.

Amendment 230 agreed to.

Section 56, as amended, agreed to.

Section 57 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the Housing (Scotland) Bill. I thank members, the cabinet secretary and her officials.

09:35

Meeting suspended.

09:43

On resuming—

National Planning Framework 4: Annual Review

The Deputy Convener (Willie Coffey): Welcome back. The next item on the agenda is an evidence session as part of our annual review of the operation of national planning framework 4. We are joined in the room by Esme Clelland, senior conservation planner at RSPB Scotland and convener of Scottish Environment LINK's planning group, and by Kevin Murphy, head of planning at Homes for Scotland, and we are joined online by Hazel Johnson, director of the Built Environment Forum Scotland and by our colleague Collette Stevenson MSP. I warmly welcome our witnesses.

We have about 90 minutes for our discussion. We have a number of questions, so we will see how far we get on this really important subject. I will kick off with two or three questions.

Is there any evidence that NPF4 is helping to deliver developments that support the six key spatial priorities, principally compact urban growth and rural revitalisation? Can you give us a flavour of your views?

Kevin Murphy (Homes for Scotland): NPF4 came out two years ago, in February 2023, which was later than initially planned, so there is now a bit of a lag in the delivery of local development plans across the country. There are 32 local authorities and 20 local development plans are now out of date. Land allocations are lagging behind, which has an effect on land supply.

NPF4 sets a context in which all decisions

“must be made in accordance with the development plan, unless material considerations indicate otherwise.”

However, the challenge is that a lot of the relevant land is brownfield land in town centres and city centres and, due to flooding policies, a lot of that land has now been purified, because the Scottish Environment Protection Agency's flooding guidance has changed, so a lot of sites are underwater, which makes delivery more challenging. The sector is being challenged by the policy.

09:45

Esme Clelland (Scottish Environment LINK): It has been two years since NPF4 was introduced, so it is still a case of having to wait and see. Although it has been in place for a while, it takes time for planning applications to go through. It is correct that there is starting to be a wave of new local development plans, and there is certainly an

expectation that a lot of them will come through the first gate-check process quite soon. Once that is in place, we will see how NPF4 is being translated into local development plans. Decisions are certainly coming through the system.

The way in which all the policies are being balanced is an on-going issue, and our members still have concerns about that balance. It is a question of whether the key elements in NPF4 on addressing the climate and nature crises are being given the weight that they should be in policy 1, and whether they thread through the whole plan.

The Deputy Convener: Thank you—we will come to that in a moment.

Hazel Johnson, do you have an initial view on whether NPF4 is helping us to deliver developments?

Hazel Johnson (Built Environment Forum Scotland): We have also seen from our members that, although the primary concern is the practical ability of underresourced planning authorities to support delivery, the clarity and consistency of guidance that is linked to NPF4 could also be addressed. There are so many supporting documents, but there is a lack of cohesion and clarity in how they interact, and guidance has been slow to materialise. There is not much to say on the point about evidence, but our members have made points about delivery and there being some conflicting hierarchies.

The Deputy Convener: There is a particular focus in NPF4 on tackling the climate and nature emergencies, which Esme Clelland mentioned. Is there enough evidence that consideration of those emergencies is driving development proposals, or is there still a lack of progress in that regard?

Esme Clelland: Yes, it would be fair to say that there is a lack of progress. That relates to the points about resourcing and lack of guidance. At the last review, which was a year ago, the Scottish Government's biodiversity guidance was in draft form, and it is still in draft form. It is important that that gets updated, because decisions are being made with less weight being placed on the guidance due to it still being in draft form. It is important that the guidance is finalised in order to give certainty to everyone—communities and developers. That is the guidance that would apply to environmental impact assessments for major national developments and really big schemes, so it is important that that guidance provides clarity.

The issue of resourcing has been raised previously in relation to the number of planners. Crucially, those planners also need support from ecologists and other specialists. On whether there has been movement in that regard, there have been changes to planning fees and proposals on appeal fees. The increase in planning fees is great

and will help with resourcing. The work that has been done on future planners and supporting planners is also great. I cannot overstate the importance of seeing planning as a positive driver that can help to address the climate and nature crises, and we hope that the Scottish Government continues with that approach.

With regard to applying policy 3 and the requirement for biodiversity enhancement, we are seeing patchy results and inconsistency across the country. Our members feel that there is perhaps a slight move away from that requirement and a slight shift in rhetoric. We need leadership and guidance to say, "This is what 'significant' means—you need to deliver significant enhancement, and these are the expectations." It would benefit everyone—developers and communities—to know what the expectations are, so that there is a level playing field and we see stuff delivered on the ground.

The Deputy Convener: What do you mean when you say that you have picked up a "shift in rhetoric"?

Esme Clelland: When NPF4 came out, it seemed clear to us that policy 3 meant that all developments needed to deliver biodiversity enhancement. However, as the biodiversity guidance has not been finalised, it feels like that has not been prioritised as it should be. We have also seen a couple of the chief planner's letters that seem to suggest that biodiversity enhancement should be delivered where it is relevant and do not set out clearly that that is an expectation for all developments. Our members are a bit concerned about that, whether it is intentional or not.

There are obviously a lot of other on-going issues in planning, but there was some optimism when NPF4 came out, as we thought that it would result in a real step change and that the requirement could make a real difference. However, there is a feeling that that aspect is no longer really considered as much.

One thing that has changed since last year is that the Scottish biodiversity strategy has been put in place, along with the delivery planning framework documents. It is important that planning supports that. Obviously, planning alone will not deliver on all the ambitions of the Scottish biodiversity strategy, but it has to play its part. With regard to the targets to halt biodiversity loss by 2030, we are getting really close to that, and there are developments in the system now that will impact on it. It is therefore important that planning supports those wider goals and that we do not slack off on that commitment.

The Deputy Convener: Kevin Murphy and Hazel Johnson, what are your views on the

subject, particularly on the impact of the lack of guidance? Is it slowing down the process of development proposals coming forward?

Kevin Murphy: As Esme Clelland said, it adds confusion and there is a lack of clarity. As has been touched on, we are now two years on. NatureScot has not yet brought out a consultation on biodiversity net gain, and it is not anticipated that that will begin until about this time next year. Some interim guidance or a position statement is due to come out in the summer, but we have not seen anything yet—I do not know whether Esme Clelland has.

Biodiversity is a key pillar of NPF4, and house builders certainly recognise that—they undertake ecology assessments and put forward proposals in planning applications. However, as Esme Clelland touched on, the requirements are different up and down the country. One local authority might require one type of assessment, and another might require a different one, and the applications are then viewed differently. If there was more clarity at national level, that would benefit everyone.

Hazel Johnson: I absolutely agree with the points that Esme Clelland and Kevin Murphy have made. BEFS noted the existence of unclear hierarchies and

“tensions and contradictions between key policy areas such as ... biodiversity”

and

“protecting historic assets”.

We also noted the heavy lifting that NPF4 and planning have to do. We highlighted the NPF4 principle that

“Scotland’s rich heritage, culture and outstanding environment are national assets which support ... economy, identity, health and wellbeing”.

We noted the tensions within that, and stated that the current situation of

“difficult economic realities for all sectors at present exacerbates some of these tensions”,

making it harder for

“holistic choices”

to be made.

For example, to elaborate on what has been said, I note that the commitment to improving biodiversity has been highlighted by BEFS members as

“clashing with the commitment to protect historic environment assets.”

In our submission, we state:

“A common challenge with substantial repair and maintenance works for historic buildings is the obligation to

arrange for ecological surveys of bats during breeding season in spring. The time window and shortage in specialist skills can bring about delays of a year or more, during which time the fabric of the building may suffer severe damage and further deteriorate.”

There is a desire to see streamlined processes

“that can mutually deliver for both biodiversity goals and the planning process”

across the piece with regard to historic and existing buildings. The issue of weighting—which policies are given adequate weight—also came up.

We noted one outcome of some of the delays. Our submission states that

“some BEFS members with assets in significant disrepair have explored the risks, uncertainties and costs involved in obtaining permissions under NPF4, and decided against taking remedial action”

on their properties.

Mark Griffin (Central Scotland) (Lab): What impact has the establishment of the minimum all-tenure housing land requirement in NPF4 had on the identification and availability of land for housing that is ready to develop on?

Kevin Murphy: As part of NPF4, the Government produced a minimum all-tenure housing land requirement that put a requirement across each local authority. Through their evidence gathering, local authorities are now targeting a local housing land requirement. As touched on, they are all generally behind or slipping in relation to timetables for producing new local development plans.

Local development plans will create a new land supply for the country in each local authority area. The minimum all-tenure housing land requirement has been recognised by the centre for housing market analysis as the very minimum requirement. Homes for Scotland research that came out at the beginning of 2024 suggested that the gross figure on housing need could be much higher across the country, with potentially about 28 per cent of the population in some sort of housing need. In discussions with the Scottish Government and various stakeholders, the need was identified as somewhere in between, but there is no analysis yet. That is what local authorities are undertaking just now.

Some local authorities, such as Midlothian Council, have just proposed MATHLR plus 1 as their housing land requirement, whereas Aberdeenshire Council has been much more ambitious. NPF4 said that councils should be ambitious in relation to the housing requirement for their area, because we have a national housing emergency, and 13 local emergencies have been declared. There is a need to be ambitious on the figures, particularly at a time when Scotland, by

comparison to England, is not being quite as ambitious in its proposals for development.

Mark Griffin: When local authorities are researching their individual MATHLR figures, they are doing their housing needs and demand assessments locally. Do you have a view as to how comprehensive those assessments are when it comes to reaching the figure that they then propose?

Kevin Murphy: Each one is different, given their local pressures, whether that be homelessness or identified needs. We are trying to work with as many councils as possible to encourage and support them to have a higher figure in relation to identifying need and demand among the population that need homes. A lot of work is going into that just now.

Mark Griffin: Does anyone else want to talk about the impact of the MATHLR figures?

Esme Clelland: I do not have anything in particular to add. Clare Symonds from Planning Democracy will be appearing at the session on 17 June. She will have a lot more information about the details of MATHLR and will, I hope, be able to answer those questions.

Hazel Johnson: I have nothing specific to add on MATHLR. However, I note that we have also picked up a timing challenge in relation to local development plans. The ability of those to help implement and resource local living requirements, and access to amenities in lower-density places, continues to be an open question for BEFS members. Although some LDPs are in development, we understand that many planning authorities are awaiting guidance and are not expecting to adopt new iterations until 2028 to 2030. Most administrative regions are operating, in the current 2023-2028 period, under a new NPF and an old LDP, which can create further confusion around land and building reuse plans and priorities.

10:00

Mark Griffin: My second question is more general and is on housing delivery. I go back to Kevin Murphy again. Will it be possible to deliver more housing under NPF4 than would have been possible under the previous regime?

Kevin Murphy: At the moment—as was touched on earlier—decisions are to be made in accordance with the development plan unless material considerations state otherwise. As Esme Clelland touched on, there is a bit of confusion around the policy hierarchy. The chief planner produced a letter last year that said that all policies were equal. However, the balance still appears to

be a bit more towards climate change and biodiversity.

The release clause in policy 16 on housing was tested through the Mossend decision last year, which has reduced the opportunity for sites to be brought forward that are not allocated in the local development plan. With 20 local development plans out of date, the land supply that was allocated in those is being eaten up and developed. There are very few new or easy sites left to develop—it is those with contamination or other challenging issues that are left.

As Hazel Johnson mentioned, some local development plans might not be replaced until 2030. The Angus plan is one of those—it dates from 2016. Those areas are going to suffer in terms of land supply. Five local development plans are already more than five years old. For five areas, the target for a new local development plan is after 2028, and for 11 areas, the target is in the three-month period before that. Given the recent slippage, however, I suspect that they may well slip beyond that, and there is no incentive or penalty with regard to reaching or not reaching the May 2028 target for a new LDP.

Mark Griffin: Given the slippage in local development plans coming forward, do you think that it is important to reintroduce the presumption in favour of sustainable development in policy 16(f)? Would you call for that?

Kevin Murphy: We have suggested to the Scottish Government that it considers some sort of policy intervention. As has been touched on, we have a housing emergency, so there is a need for some sort of release clause, even if it is only temporary. We have suggested that the presumption in favour of sustainable development could be brought back into play, perhaps just until a new LDP is published, or the housing emergency is addressed, in a council area.

There could be criteria for that as well, with greater weight or support if the MATHLR figures were not being reached on an annual basis. That would also be an incentive for councils to produce their local development plan sooner so that they could remove the policy requirement.

Esme Clelland: We certainly do not think that there is a need to go back to that system and the uncertainty around allowing unallocated sites. There is still provision for that in NPF4, but the presumption is that only allocated sites should be used. That is important, especially for communities. They engage in a local development plan process that is long and complicated, and in order for people to have faith in that and to believe in the process and the plan-led system that we have, it is important that policy 16 continues to

work in that way. The decision at Mossend is important, and supports that.

There are certainly challenges, but dealing with the housing emergency is about more than just building on easily developable land. The policy in NPF4 to do with development of brownfield and vacant and derelict land is quite supportive of that. Scottish Government statistics show that there are more than 9,000 hectares of vacant and derelict land in Scotland, and there might be ways to further incentivise the development of that land. The emergency is also to do with the affordability of housing, and not just the building of units. The problem is complex, but it is crucial that we have a plan-led system.

When it comes to having a hierarchy or weighing policies against one another, any planning decision, whether it is based on a local development plan or NPF4, is always about balancing different policies. NPF4 is to be read as a whole, but policy 1 states:

“When considering all development proposals significant weight will be given to the global climate and nature crises.”

So, arguably, there is a hierarchy. I am not sure that “hierarchy” is the right word, but the point is that significant weight is to be given to those issues in all decisions. That is important.

Mark Griffin: Hazel, would you like to comment?

Hazel Johnson: This is a more general point. It is not so much about allocation of land and more about the role that existing building stock has to play through continued use, reuse and maintenance of the fabric. The first approach in addressing the housing emergency is to recognise that the importance of the assets as a resource cannot be overstated. Appropriate adaptations of empty and vacant buildings are an important part of that.

We have previously noted that existing buildings and housing have been recognised as part of the existing infrastructure, so account has been taken of the role that existing buildings have to play in tackling the housing emergency.

The Deputy Convener: Meghan Gallacher has some questions.

Meghan Gallacher: I will pick up on what Esme Clelland said in her exchange with my colleague Mark Griffin.

It was interesting that Esme mentioned that point 1 of NPF4 is about the nature and biodiversity crises. No one is going to argue against that, but NPF4 was developed before a housing emergency was declared. She also mentioned that “hierarchy” is not the right word to use. We want to manage nature and biodiversity

while ensuring that people have safe, secure and affordable homes. We need to look at the issues in that context. That is an important consideration when it comes to how we look at NPF4.

My first question relates to the adoption of NPF4. A lot of associated advice and guidance has been produced—some of which has been implemented, but some of it has not—and we have had working groups. What impact has that had on the ability of communities to engage meaningfully with the planning system?

I will start with you, Esme, because I picked up on the point that you made. Is NPF4 helping or hindering the development of local place plans?

Esme Clelland: I certainly do not think that NPF4 is hindering that process, but I think that NPF4 is a document that needs wider support. Communities face huge difficulties in engaging, and some communities are being affected by big, complex developments. Plans for some developments come back again and again. People have to engage with those and get their heads around them. There is a huge amount of documentation. People have valuable knowledge about their area and want to engage, but it is difficult for them to do so.

It is not entirely clear how the local place plans fit into local development plans or how they will fit into decision making. If the amount of resources that goes into them does not result in a positive change for communities, people will find that really difficult. There are seemingly never-ending requests for consultation, not only on individual applications but on legislation, policy and everything else.

Despite the fact that there are huge pressures on communities, there is a massive willingness on the part of communities to share the knowledge and expertise that they have about their areas. We certainly do not want any move away from engagement with communities, but we must recognise that we are asking a lot of people over a long period. People will be willing to engage if they have faith in the system and see it working for them.

Meghan Gallacher: There is an issue about community understanding of what NPF4 is. We have discussed a lot the idea of engaging with communities directly so that they know that they can advocate. At the same time, they know their areas, as you rightly said. However, there is still a lack of understanding of what NPF4 means and how people can get involved in that process.

Kevin, from a developer point of view—we have communities, but we also have developers—when it comes to local place plans, is the guidance creating a confused landscape?

Kevin Murphy: It is, a little. Most people's initial interaction with the planning system is when somebody submits a planning application, whether that be a neighbour applying for an extension or an application for a housing development in the local area. A lot of people probably do not know what NPF4 is and how it fits into the bigger development plan—nor, equally, what the local allocations are in their area—so, for lots of communities, local place plans will be a challenge to prepare.

There is no national database to show what people are planning to do or are doing so that other people can learn from that, and not all local authorities have made funding available, so perhaps only certain communities can afford to prepare a local place plan in the first place. If there was some sort of database and an opportunity for developers to engage with the public in communities, there might be an opportunity to work together to identify and take forward housing proposals and perhaps to help to fund the wider work that is being done to prepare plans in the first place, given how those will fit into local development plans.

Meghan Gallacher: Hazel, will you touch on local place plans in the round?

Hazel Johnson: I agree with the points that have been made. There is further work to be done in better engaging communities through access to information and guidance for NPF4, local development plans and local place plans. Clearly, policies recognise the role of communities in shaping their places.

I agree that a more accessible digital platform would enhance practical implementation. There have been suggestions for an easy-to-use and interactive living resource that could, potentially, provide significant improvements in access and understanding for all players across the piece—from citizens and community groups to asset owners, developers and planning professionals.

The complex landscape of the relationships between NPF4, building standards, local place plans, the place principle and the forthcoming heat in buildings bill is unclear to a broad range of players in the built environment sector. That goes back to the question of hierarchy and a complex policy landscape that can be difficult to navigate for communities and decision makers alike.

Meghan Gallacher: I move on to the interpretation of NPF4—specifically, the never-ending debate on 20-minute neighbourhoods and the stifling impact that those can have on potential development in remote and rural areas. Are 20-minute neighbourhoods achievable? Why is development being stifled, and how might that be overcome?

Kevin Murphy: It is horses for courses. A town such as Pitlochry might have the facilities to serve the local community but, in more rural areas, it is more about local living, because people are perhaps more used to travelling to the doctor, dentist or school. Twenty-minute neighbourhoods will not be possible in all scenarios.

Housing has a role to play when it comes to integrating with existing settlements. In some cases, it might support existing services because, generally speaking, housing occupancy is lessening—it is about 2.14 people per household. In urban areas, housing could potentially fill gaps in what could be a 20-minute neighbourhood; if the development is large enough, that could involve a retail unit, a travel hub or something similar. There are opportunities for housing to support and help deliver that.

To go back to the local development plan, we cannot always address all policies. In some scenarios, you may have to accept that, to encourage development and address other concerns, you might have to put some things to the side or, for want of a better term, settle for what you have been offered or got or agreed on.

Meghan Gallacher: Hazel or Esme, does either of you have any comments on 20-minute neighbourhoods?

Esme Clelland: I reiterate that it is a matter of looking at things in the round and making decisions based on the actual place. We will perhaps see more about how that is translated locally when local development plans come out.

10:15

Hazel Johnson: I would agree: a flexible and holistic approach is supported. Some of our members have reported concerns that an overcautious, risk-averse and unduly rigid approach to interpretation and application of policy has emerged, which has led to situations where some development and refurbishment plans might be refused.

A more flexible approach might have led to finding more mutually agreeable solutions in line with NPF4 principles and, in some cases, solutions that could better enable the use and reuse of empty and vacant historic buildings and homes with a view to maximising and leveraging assets within communities—and that relates to 20-minute neighbourhoods as well.

Meghan Gallacher: I was intrigued to learn that Homes for Scotland has asked for a minimum target to be established of 25,000 new homes to be built each year. Could you expand a little on that minimum target, Kevin? What would it mean in the context of the housing emergency, which we

have been speaking about this morning? What about the practical side of things? How could that target be achieved?

Kevin Murphy: Before the recession, we were up around the level of 25,000 new homes, and we were exceeding that in some years. In terms of delivery, the Scottish Government was talking about a 35,000 target per annum at the time. Taking the 25,000 target, however, since the recession we gradually built back up. Unfortunately, Covid hit, and numbers fell again. There has been a shortfall, as we have not achieved the 25,000 target. Well over 100,000 homes have not been delivered. The thing that will have the biggest impact in addressing the housing emergency is more homes. Yes, we can fill voids and so on, which is the right thing to do, but new homes are what we need, whether they be one bed, two beds or five beds—depending on local need and circumstances. That is what we are advocating; it shows the ambition.

In the English system, the handbrake has been taken off down south, and an ambitious target has been set. Whether or not it can be achieved is another matter. In Scotland, we showed that, even during Covid, when building sites were shut for around six months, we could still deliver numbers. We still achieved about 16,000 completions that year, despite sites being shut for six months. There is a need to start training the next generation of apprentices, but that is a challenge for the house builders. If there is demand, they can make things happen.

The Deputy Convener: We have a supplementary question on those issues from Emma Roddick.

Emma Roddick: I want to pick up on the responses from Kevin Murphy and Hazel Johnson on 20-minute neighbourhoods. If we think about how they can be applied in rural areas, surely the policy is not just to build homes within a 20-minute radius of where things already exist; it is a matter of getting people thinking about what services and facilities are not in an area and about how to use planning to change that. Do we need to encourage local authorities to think differently? When there is a good place for housing in a rural area where there is a need for housing and people waiting for housing, instead of thinking, “There’s nothing within 20 minutes, so we can’t build,” should local authorities consider how to ensure that there are work opportunities and leisure facilities within 20 minutes?

Kevin Murphy: A lot of it comes down to the critical mass of people. If there are not enough people in an area, they might not be able to support the services—be that the corner shop or a school. There will be a need for a number of homes in some rural communities to sustain some

local services, whether that is the school or the shop. There could be more homes, but where are the potential jobs for those people? Yes, more people are working from home, but there is often still a need to go into the office. We then think about people probably having to drive, because there might not be train or bus links from those communities. As I say, it is about having a critical mass to support some services, which is why people will still need to travel.

Emma Roddick: Do you have any reflections on that, Hazel?

Hazel Johnson: I do not have a huge amount to add. The point about the issue being a holistic one and not being specifically about buildings was well made. Meaningful investment in 20-minute neighbourhoods would require a culture shift, starting with looking at what is there already and what the community looks like. That would be specific to individual communities and areas.

It is also important to look at the skills and employment opportunities that exist in those areas. BEFS has been actively looking at construction skills, although not the purely traditional ones. I have also talked about leveraging existing building stock assets, which is a way of creating employment through the repair and maintenance agenda, but we would say that that is specific to each location.

The Deputy Convener: Our colleague Alexander Stewart will put a few questions to the witnesses. Local development plans were raised earlier and I am sure that he will be keen to develop that discussion.

Alexander Stewart (Mid Scotland and Fife) (Con): When local development plans were proposed, people felt enthusiastic about them. They thought that that was the right way forward, and they were quite involved in and elated by the whole process. As we have progressed, concerns have been raised about the slow progress in producing many of those plans. When taking evidence, we have had reports that many plans are rejected when they get to the gate check that was put in place as an attempt to manage the plans.

How can we ensure that the adoption of those new plans is accelerated? There was enthusiasm about putting them together, but it seems that there are some issues when the plans get as far as the gate check and they do not necessarily progress. People then wonder what the point was and ask where they should go from there. How can we try to ensure that there is better acceleration of the process?

Kevin Murphy: As you suggested, around half of the evidence reports that have gone up to the gate check have been returned as being insufficient. In some cases, the planning authority

has, unfortunately, not managed to set out the evidence or to justify it sufficiently. Various groups, such as Heads of Planning Scotland, and the Scottish Government meet to discuss and learn from those gate checks, so that the process can be accelerated and councils can get their plans through first time. Having a plan returned can mean losing six months. Fife has lost the best part of a year because of that—its plan was first up, so it had to deal with the challenge of being the guinea pig.

Collaboration is important. We have certainly been working hard with as many local authorities as possible to have open discussions about local housing land requirements and housing requirements. Policies in the national planning framework have an effect on about 60 or 70 per cent of local development plans, so we try to give constructive criticism and feedback. We take on the role of critical friend for as many local authorities as possible to help them to get through the process first time round. It is in our interest for them to get through.

Alexander Stewart: That suggests that there might have been a misinterpretation of what was planned or what was expected from the execution of those plans. What support and training do you give? You said that there are things that might well happen in the future, but it is important to give the planning authorities confidence to start with. When something is rejected, people have not achieved their goal or ambition within the timescale, which can knock them back. Fife might well have been, as you said, the guinea pig in that process, but its overall experience might not have been an exciting one, given that it did not work for it; others have since felt the same. There is a need for some support to give planning authorities the aspiration to achieve. They want to get their plans together—they need those plans—but if they cannot do that within the timescale, that can sour the whole process.

Kevin Murphy: I agree. The Scottish Government has introduced the planning hub. We understand that the hub has written to local authorities to ask what they need help with, which might be an opportunity for it to provide support for local development plans.

Alexander Stewart: Esme Clelland, do you want to add anything?

Esme Clelland: It is certainly a whole new process, because it is the first time that local planning authorities have produced such plans. It is perhaps inevitable that there would be some challenges, especially at the beginning. I understand that there can be quite a quick turnaround. I think that Glasgow was one authority that resubmitted its plan after it had been sent back.

I hope that learning from the other cases and working with other stakeholders will be helpful. Any support that the Scottish Government or the Improvement Service can give to planning authorities would certainly be useful in trying to meet those targets. I hope that the process will become less painful as it goes on.

Hazel Johnson: I, too, agree that we should wait to see how things play out. In the current context, planning authorities have been obliged to deal with a triple threat: a significant decline in resource; a rise in additional duties and reporting obligations; and, as we have already mentioned, a complex policy landscape to navigate. We have noted that a linked problem is the reality that many experienced planners have left the sector in the past 10 years. We have also noted the investment in planning and the work of the Improvement Service.

In general, the system is relying on smaller planning teams that, in some cases, have less experienced staff. The posts are not necessarily being backfilled, which has exacerbated delays and is not insignificant in relation to LDPs.

Alexander Stewart: You have all touched on the issue of resourcing in relation to the size of some planning authorities and their recruitment and retention issues. Resourcing of planning departments has been a major concern, which we have heard from nearly everyone who has given us written views and evidence. What can be done to tackle the issue? Do any of you have views about the potential ring fencing of planning fee income? The idea has been mooted that that could support, assist or strengthen some of that work.

It would be good to get a flavour of where you stand on that proposal, because resourcing is a problem. There is a need to maintain and retain staff, and there is a need to ensure that authorities have the calibre of staff who are able to do what is expected of them in the required timescale. As I said, everyone who has given us views has expressed concern about that, so it is obviously a major problem for the sector and for the industry.

Kevin Murphy: It is a challenge up and down the country. We deal with the majority of the mainland authorities. For example, the planning policy teams of Inverclyde and West Dunbartonshire comprise one person each, although West Dunbartonshire has just recruited someone. When you compare them with a larger authority such as Edinburgh or Glasgow, they are already on the back foot when it comes to the resources that they have for preparing a local development plan.

There is the potential for digital technology to be interventionist. Digital technology could be used

for validation processes or artificial intelligence could be used to free up planners' time. We could redirect some of the resource in local authorities to support the policy teams. Some local authorities have drafted in people from the housing sections or departments. Those are ways of potentially supporting the policy teams at this challenging time.

We have been advocating the ring fencing of planning fee income, which the Verity house agreement allows for in certain circumstances. This is such a circumstance. Heads of Planning Scotland's research in 2019, which was carried out after the planning fees were previously increased, found that only a third of the planning fee increases went back into the planning service.

You mentioned resources. The planning numbers are the lowest that they have been for the past five years, and I think that the budgets are down by around 28 per cent on 2010. The belt is repeatedly getting tightened. That HOPS research shows that the money that was raised went into other departments, such as education. Given the challenge that we face in planning, there is a need for the ring fencing of planning fee income to support the delivery of the service. There is no other way that we will be able to address the housing emergency or provide all the other benefits from planning.

10:30

Alexander Stewart: As you identify, if planning takes longer to achieve, the applicant has to progress that, which can be costly. It now takes much longer for an application to progress than it did in the past. If there is only a handful or a minimum number of people in a planning department, it is virtually impossible to deal with all the applications—depending on the amount—in a regular timescale.

Esme Clelland, do you have anything to add?

Esme Clelland: Resourcing is an issue. Even if the fees were to provide cost recovery for planning applications, that would not cover the policy side. There is a wider issue regarding how planning departments are supported, because they have such a critical role. It is correct to say that there can be delays and an impact on the quality of outcomes if they are not resourced properly. It is likely to be less possible to have the time to hold quality discussions with stakeholders and applicants and to resolve issues, whether that is pre-application or during the application, if they do not have resources and are really up against it. Resourcing is important for getting the applications through and also in relation to the quality of outcomes.

We need to make use of digital resources and keep on with the programme of sharing best practice and expertise where possible. In some ways, there is a role for developers in relation to the data that is available. For instance, a massive amount of information is collected by developers through the work that they do on their EIAs; there is also a huge amount of data on energy consents. Assessing the cumulative impacts can be really difficult.

There was a commitment in the onshore wind sector deal to have a data centre or repository to make information available to help with decisions. We would certainly encourage things like that to be taken forward to prevent reinventing the wheel and to share knowledge and information. Anything that can allow for quicker and better decisions would be great.

Hazel Johnson: I agree with the point on access to knowledge, shared skills and resources. At present, we have noticed that many local authorities are unable to fund career development training and do not employ qualified planners at all levels of service. Investment in that area could see relevant bodies providing learning for staff, which would improve their confidence and ability in making decisions.

It is probably also worth saying that the resourcing of planning cannot be separated from the reduction in training that is available through tertiary education. There is an increasing level of specialism that is needed in order to reduce the requirement for handing inquiries over to consultants, which, as we have discussed, also creates delays. It is about having specialist knowledge in the right areas at the right time.

In relation to skills gaps and accessing the relevant specialist knowledge, we have noted that there is not necessarily a conservation specialist in planning teams. That is compounded by a similar reduction in personnel skill sets and experience in related areas such as transport, archaeology, architecture and ecology. We have talked about delays—all that exacerbates delays and limits the scope for enhancement across themes and local government departments, which is where you would want to see a holistic approach.

Alexander Stewart: Thank you.

Emma Roddick: Esme Clelland, I want to ask you about concerns that have been raised regarding an overreliance on planning conditions to deliver biodiversity goals. You have argued that conditions are often not complied with and that enforcement seems to be relatively rare. Planning Democracy has also agreed with that point in evidence to the committee. Are conditions often flouted?

Esme Clelland: The research that Planning Democracy is doing, and the research that Dr Kiera Chapman and Professor Malcolm Tait have done in England, show that a lot of the commitments that are made at the time of a decision are not followed through on. Their research found that, in a lot of cases, the commitments to landscaping, tree planting and such things had not been complied with. That is certainly the case in the work that Planning Democracy has done as well—in a lot of cases, the commitments are not being followed through on.

The conditions that are applied can be effective. In part, that comes back to resourcing, because whichever level a decision is made at, it comes back to local authorities to enforce conditions. It can be very difficult for a local authority to resource enforcement properly if it is under pressure. A lot can potentially be put as conditions, which have to be carefully worded in order to be effective. However, in order to be certain that whatever is being promised by the conditions can be delivered, you need enough available information at the time of a decision. Pushing information back to a later stage would certainly be a concern.

In a lot of cases, it is absolutely appropriate to leave to a later stage the detail of a habitat management plan or, for example, the detail on the exact species of tree that you will plant as part of a development. However, there needs to be enough information about where that plan will go. Is it realistic—is it certain—that that could be developed? Might there be issues with control over land that would make what is proposed difficult?

Unfortunately, the research does not show that a certain way of delivering the development is taken into account at the point of decision. That is really important, because developers might say what will have an impact and then set out what they will do to mitigate that to make the development acceptable and as proposed. If such things are not happening, that is a really big issue, including for communities, which often see the impact of conditions being flouted when the developments come along.

It is appropriate to use conditions, and we hope that responsible developers are complying with them, but, unfortunately, the evidence that we have seen is that that is not happening in a lot of cases. We need to ensure that conditions are effective at the time of decision and that we have in place enforcement and monitoring processes.

The work that has been done has been by Planning Democracy and universities. As far as we know, there has not been work at a Scottish Government level to monitor how effective enforcement is. We need to think really carefully

about that, because if conditions are not working, we need to consider the reasons for that, address them and think about alternatives, instead of continuing in the same ineffective way.

Emma Roddick: You used the word “monitoring” a few times, which takes me to my next question. Is a lot of enforcement not happening because there is no automatic scrutiny point at which officers and local councillors can ask whether something has been carried out and whether the conditions on which they agreed the application have come to fruition?

Esme Clelland: Absolutely. Resourcing is really difficult because, quite often, it takes the community to highlight issues or make a complaint. Meeting some conditions requires a planning monitoring officer, so some assistance in monitoring the conditions could perhaps help meet local authorities’ resourcing needs as well.

When it comes to the pressure of getting applications in, there are perhaps cases in which a decision has been made and they move on to the next decision or application, but no timescale has been set for enforcement. The point at which the various enforcement stages take place depends on when the development has come through, so it is complex.

Quite often, the conditions that enforcement or planning officers are being asked to discharge are themselves quite complex. At the post-consent condition stage, they might be asked to consider a whole habitat management plan, especially if everything is pushed back due to one condition, and that potentially requires the involvement of other specialists. Similarly, it is sometimes quite complex and time consuming to have enforcement officers go out on site and see whether someone has complied with a condition. Some sites are not easy to get to, which depends on the local authority area. Getting to the site itself could require a lot of time, never mind the details of its condition.

It is a huge area. It is definitely important to think carefully about the impact of having to monitor and enforce conditions at the decision stage.

Emma Roddick: When a complaint or some other trigger encourages officers to say, “Right. It’s maybe time to look at enforcement here,” do local authorities have enough tools at their disposal to force conditions to be complied with?

Esme Clelland: Things can certainly be done. Heads of Planning Scotland would probably be better placed to speak about enforcement and whether more tools are needed. However, as far as I know, the research that has been done has not identified that as a particular issue. The conclusions have been more about resourcing, and about the wording and precision of the

conditions and how realistic they are. From what I have seen, the issue is more about resourcing and addressing the complexity of enforcement issues. There are things that enforcement officers can do, but the wording of the conditions is as important at the time of decision making as anything else.

Emma Roddick: Thank you. Does anyone else have comments or reflections on how to increase compliance or whether there is a need for a clearer point of action for checking whether conditions are being met?

Kevin Murphy: Each local authority takes a different approach to how it monitors and manages conditions. A lot of them produce a matrix, which involves setting out pre-start conditions and then further conditions in the planning application process. In some respects, the issue is that there is no monitoring or publication of performance figures for conditions sign-off. Quite often, the process can take a bit of time, because particularly in under-resourced planning services, the case officer, is dealing with planning applications that range from the installation of satellite dishes and replacement windows in conservation areas to the construction of a couple of hundred houses and so on, which is a challenge.

Ultimately, most developers do not want the bad publicity of being in breach of planning conditions when they build their houses. Local authorities have powers to take action, such as giving stop notices, should they need to, but the hope is that it does not get to that stage. To an extent, local policing on the part of people in the community is required, but their aspirations are sometimes very different from what is possible on the site or reasonable when it comes to meeting the policy criteria.

Hazel Johnson: I will make a general point on public image and public responsibility, which is that, because the information that is provided at the point of application depends on capacity and resource, the quality of planning applications that are received can be variable. Considerable time can be spent assessing an application and then requesting information at the validation stage and beyond. That could be assisted by investment in guidance and information for applicants. It is reasonable for applicants to look for guidance that is available on what should be included, so that there is as much detail as possible. That would avoid conditions being imposed that generate additional work and the duplication of work at a future stage. Again, that goes back to the accessibility and quality of guidance.

10:45

The Deputy Convener: Collette Stevenson, who joins us online, has some questions.

Collette Stevenson (East Kilbride) (SNP): Good morning. The Royal Incorporation of Architects in Scotland has called for a significant roll-out of masterplan consent areas across Scotland. At the heart of it, the proposal is about reducing the administrative burden on planning authorities and speeding up decision making. Does each of you support that? If so, why?

Hazel Johnson: I have some brief comments. I highlight the interconnected nature and dependencies of masterplan consent areas within the planning system, and the questions around the wider resourcing of the proposals. We would say that there are questions around efficacy that are yet to be answered.

Collette Stevenson: Thanks, Hazel. Do any other witnesses have comments on that?

Esme Clelland: My understanding is that masterplan consent areas still require quite a lot of up-front resourcing and up-front input from local authorities, so there is the question of whether that will be an issue and whether local authorities will want to take them forward.

We would have concerns if there was a move to reduce scrutiny at the planning stage. There is perhaps a lack of clarity just now and a concern that masterplan consent areas might reduce the amount of scrutiny and the engagement of communities and other stakeholders in the development proposals at that stage. It might be difficult to engage at that stage, before applications are on the ground. There is a need to ensure that there is still scrutiny and a high quality of development.

Kevin Murphy: We support the principle of masterplan consent areas. There is scope for potential EIA requirements, and there is a requirement for engagement with the local community. That is led by the council, but national planning framework 4 brought in 49 new actions for local authorities at a time when they are underresourced. The councils that we have spoken to said that they are not interested generally in taking forward masterplan consent areas. I am aware of only three that are looking seriously at that, for residential purposes. One of those councils is Highland Council, which wants to address the pressures up there around the green freeport.

I do not think that many councils will take masterplan consent areas forward at a time when they have reduced physical resource—that is, fewer planners—as well as less money, because they have to fund the reports and so on up front.

Although I believe that there is a seed fund from the Scottish Government to support that, the councils just do not have the time or resource. It might well take two or three years to see houses or other developments popping out of the ground.

Collette Stevenson: How best can this committee focus NPF4 scrutiny to ensure that it targets areas that are of particular concern to communities and stakeholders?

To contextualise that, when I was a councillor and a member of the council's planning committee, I noted that one of the big issues concerned developer contributions under section 75 of the Town and Country Planning (Scotland) Act 1997. I will also mention the community growth area in East Kilbride, which is probably one of the biggest community-growth areas in the whole of central Scotland. A lot of good work has come out of it, including a new primary school and work to enhance one of the other primary schools. How can we look more closely at the issue of section 75 money, the scrutiny of which has always been a bit of a conundrum for local authorities. Do our witnesses have any comments on that?

Kevin Murphy: As you touched on, section 75 agreements can be controversial. The tests for planning conditions and section 75 agreements are all written into policy 18 of NPF4.

On the size of the development, as has been mentioned, East Kilbride is a huge community growth area, so it can support a number of new services—including, in this case, a primary school. When a school or any other contribution, for example a transport contribution, is sought, the council will look to get a price for that. In some instances, the developers will deliver directly, potentially through a planning condition or under section 75. In others, they will make a contribution. Generally, there is a split equally between all those who will benefit. In some cases, the council will take a share, for example because it has existing pupils for a school. In other circumstances, a pupil product is calculated for the number of houses built and, depending on how many houses are built, the developers will pay a certain contribution.

There are different approaches throughout the country. Some councils, such as North Ayrshire Council, do not have a policy on section 75 agreements and, instead, negotiate on a case-by-case basis if an intervention is appropriate, while other councils—perhaps those that have more pressure on services—have one.

There is often a bit of debate, shall we say, about the scale of the contribution or what exactly is required—for example, whether an extension to a school is necessary or whether it could be reconfigured. There is no quick fix, but the Scottish

Government, along with stakeholders such as ourselves, councils and so on, are looking at the process in relation to planning circular 3/2012. I believe that Heads of Planning Scotland is considering a section 75 template that, hopefully, contains standard clauses. It can take a minimum of three to six months to agree a section 75 agreement after an application has been to committee. We hope that, if we can streamline that aspect of the proposal, decisions will be made more quickly and projects will be on the ground sooner.

Esme Clelland: I do not have anything else to add.

Hazel Johnson: Nor do I.

Collette Stevenson: Thank you. I have no further questions.

Emma Roddick: The Royal Town Planning Institute has asked that NPF4 be made a dynamic document that would reflect and reference new advice and guidance. Do witnesses support that suggestion, and do they have any suggestions about how that could work in practice, particularly given that amendments to NPF4 are subject to parliamentary scrutiny and procedure?

Esme Clelland: There needs to be that process for any amendments to NPF4, but in the meantime there is a big role for guidance to play. As everyone who was involved in NPF4's creation will know, it is a big process, and a lot of time and resource went into creating the document in the first place. It would be good if guidance could be used to clarify matters. There could be a bit of consultation fatigue if there were lots of amendments to NPF4, but there is a process in place for doing that. The key thing is that there is an opportunity for public consultation and input into that process if it happens. Certainly, there is a lot that guidance could do in the meantime, but there is a need for balance, so that the process clarifies the intention of NPF4 rather than changing it.

Hazel Johnson: BEFS would absolutely support any measures that were proposed to make engagement in the planning system easier and more accessible, while recognising the obligations around any amendments. As was previously mooted, it should be something that is easy to use, interactive and updated regularly. A living resource could be one of the ways to do that, with the recognition, of course, that we are not seeking to place undue burdens on already stretched local authority resources. We would be interested to explore where that sits.

Engagement with the planning system often comes at a point of conflict and is reactive rather than proactive, so any measures to fully integrate

communities into decision making around their local area would be welcome.

Kevin Murphy: In general, there needs to be recognition across all policy areas of how policies interact, so that there are no unintended consequences around their implementation, whether they are in housing or environment. We need to make sure that they align and adapt to change.

The Deputy Convener: We are a bit ahead of time, so I invite members of the committee to raise any issues that have come out of the discussion, and I invite witnesses to contribute on any issues that we perhaps have not covered.

Kevin Murphy, you just mentioned unintended consequences. Are you picking up any evidence that the new flood risk assessments that you talked about earlier are having an impact not only on development proposals that may come forward but on housing developments on the ground? I have one or two examples in my constituency of local people saying that the houses that they live in are now subject to increased flood risk assessment, which is giving them great cause for concern. Could that be described as an unintended consequence of those assessments, and have you come across that anywhere else in Scotland?

Kevin Murphy: Yes, is the short answer. The Scottish Environment Protection Agency changed its flood guidance last year. I am aware of an area in Perth where a site had planning permission in principle, and houses had been built for one part of the site but, when the houses in the other part of the site came in for an approval of matters specified in conditions, the developer was told that that part of the site is, in essence, underwater. That is an issue up and down the country.

ClimateXChange undertook some work, which was published earlier this year, that suggested that we need to take a more pragmatic approach to flood risk. It says that there is a degree of certainty over what flood risk could be over the next 40 years, given a 2 per cent temperature rise, but after that, we are not sure. SEPA bases flood risk on the year 2100, 75 years from now, and takes a much firmer line in terms of risk. As you say, it has produced flood maps, and many houses are now classed as likely to be underwater that were not previously.

Across the country, in towns, cities and villages, previously developable or allocated housing sites are now deemed to be likely to be underwater and are therefore challenging to develop, and SEPA is objecting to developments in those areas. The situation is particularly challenging for developers that are small and medium-sized enterprises. We have lost about two-thirds of SMEs since 2008.

They predominantly build on brownfield sites, which tend to be in towns and villages with watercourses going through them, because they have been formed around watercourses. The situation is going to become more and more challenging, unless there is a relaxation.

The national flood resilience strategy that has been produced talks about retreating from areas where there is flood risk. To take Dumbarton as an example, SEPA wants all development to move up the hill, away from the River Leven, which is impractical, because it would blight residential and commercial areas of the town centre. Unless a more pragmatic approach is taken, we could harm a number of communities indefinitely.

The Deputy Convener: I think that we will be coming back to that issue. Do Esme or Hazel have comments on that point?

Esme Clelland: I would add only that the issue emphasises the climate change challenges that we face.

The Deputy Convener: Do members have any other comments?

11:00

Meghan Gallacher: A community council has raised an issue with me, which goes back to my point about the local place plans. Community councils are becoming hugely frustrated with the lack of progress in getting local place plans approved. A lot has been said about the delay in the timescales and how long it could take to get local place plans in place and local development plans ready and approved. How do we solve that problem? How do we tackle the issue on a council by council basis to create a streamlined approach so that communities feel empowered and developers are aware of land that is suitable for development? How do we get things moving? I feel as though we are hitting another period of stagnation, where we are doing nothing.

Kevin Murphy: As you touched on, it might be worth having some sort of national database, so that developers and local communities can have a conversation. As you say, community councils will be getting frustrated because some local authorities have given financial resource to help with the production of local place plans and assigned community liaison officers who are engaging with communities to take place plans forward and others have not. A lot of what needs to be done has to be driven by local communities but, if they do not feel that they are getting support, they will become disillusioned not only with local place plans but with the planning process in general.

If developers have the opportunity to speak to community councils, that could perhaps help. There are deadlines for producing local place plans. If those deadlines are missed, the local place plan will not be in the local development plan, and that risks damaging community engagement.

Hazel Johnson: Some BEFS members are working with communities to develop local place plans. Planning Aid Scotland is very active in that area, for example. One organisation, however, cannot do all of the heavy lifting.

We have previously flagged the importance of data. To go back to the point that was previously made, the more data that is available about what buildings are available and what is in local communities and local areas, the more it will be possible to make holistic and smart decisions.

Meghan Gallacher: Perhaps that is a question that we should take to the minister.

The Deputy Convener: As members have no more questions, I thank our witnesses for giving their evidence this morning.

I will now suspend our meeting briefly to allow the witnesses to leave the room before our next item of business.

11:02

Meeting suspended.

11:08

On resuming—

Scottish Public Services Ombudsman: Statement of Principles for Complaints Handling Procedures

The Convener: Welcome back, colleagues. Item 4 on our agenda is consideration of the Scottish Public Services Ombudsman draft revised statement of principles for complaints handling procedures. The committee has to consider the draft statement and report to Parliament on any views that we have. I invite members to make any comments that they wish to on the draft revised statement.

Meghan Gallacher: My comments relate to a wider issue; they are on the letter that we received from Mary McIntosh. She is from my area, and she was present during the evidence sessions regarding this matter. If we approve the revised statement today, does that mean that we will have to send her a response? My concern is that she has a bee in her bonnet about this issue.

The Deputy Convener: We were not going to consider Ms McIntosh's submission to the committee at this point, because we are considering only the general principles of the statement, but we will consider that at a future meeting. Is that okay?

Meghan Gallacher: Yes, because it is right that we consider the letter in relation to what we are doing here.

The Deputy Convener: Okay.

I was particularly happy to see that the whistleblowing principles and the child-friendly principles have been added to the statement, and I note that there have been wording changes in relation to how to describe a document of this type to the public, which I also welcome.

Taking on board Meghan Gallacher's comments, do we agree that we approve the revised statement and that we will give that notification to the Parliament?

Members indicated agreement.

The Deputy Convener: Are members content that we delegate that responsibility to handle those matters to the convener, when she comes back?

Members indicated agreement.

The Deputy Convener: As previously agreed, we will take our next item in private, so that concludes the public part of today's meeting.

11:11

Meeting continued in private until 11:26.

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