



CONSULTATION RESPONSE

PEOPLE, PLACES AND PLANNING – A CONSULTATION ON THE FUTURE OF THE SCOTTISH PLANNING SYSTEM

APRIL 2017

PAS

PAS (www.pas.org.uk) is an independent organisation that helps people in Scotland engage with the places around them. Community engagement is a key aspect of enhancing local democracy and empowering communities to ensure that Scotland is a fairer and more equal place in which to live. PAS provides impartial planning advice, training, education programmes, facilitation, mediation and community visioning, to ensure everyone has a voice in planning and placemaking. PAS is a volunteer-led organisation delivering its services through a network of over 400 specialist volunteers, the majority of whom are professional planners.

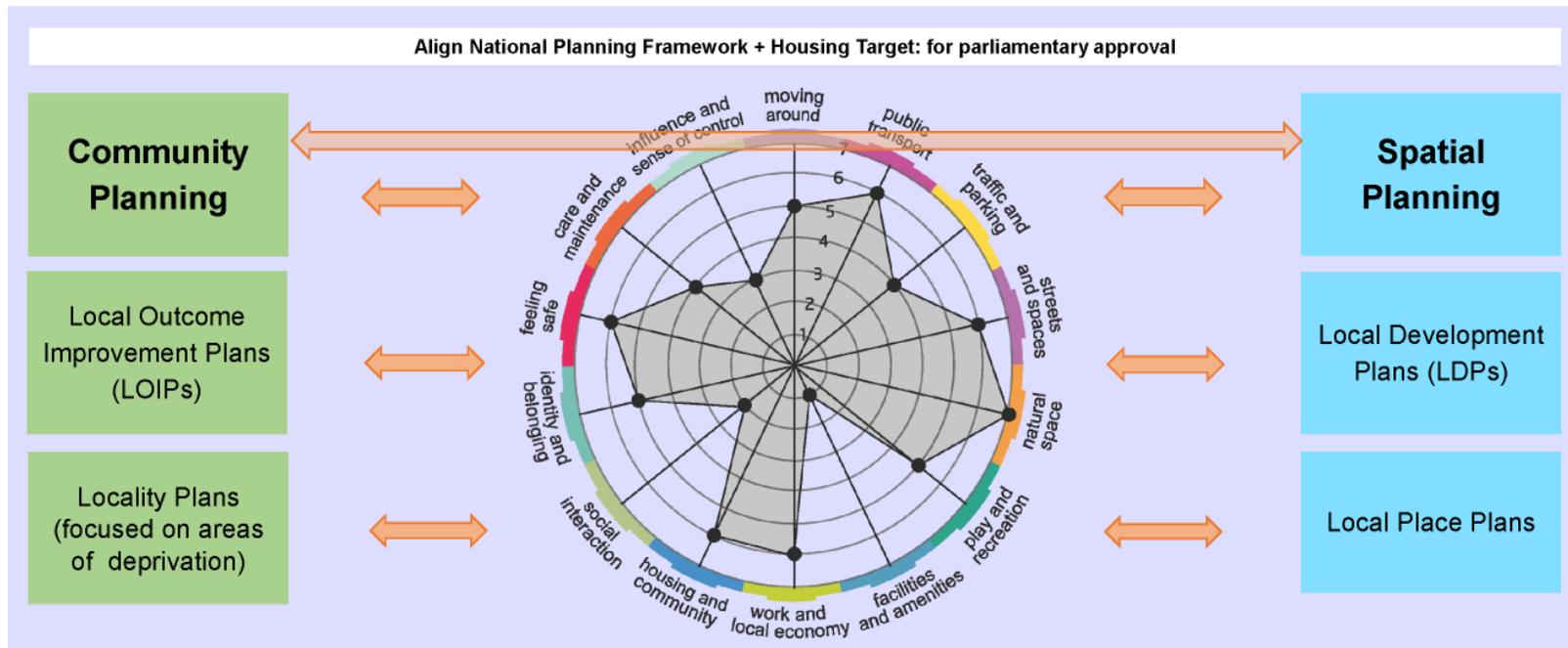
INTRODUCTION

PAS welcomes the opportunity to respond to this wide-ranging consultation and notes the collaborative approach which has been taken by the Scottish Government.

The diagram below illustrates how key matters of interest to PAS arising from the consultation proposals would integrate in a reformed planning system – all based on the expectation of greater meaningful engagement with planning.

Since the 2006 Planning Act, there has been significant debate around how Scotland's planning system can regain its focus on health, wellbeing and placemaking. It is positive that this is strongly reflected in the report of the independent review and in this current consultation. Engagement is already enshrined as a key principle of the Scottish planning system and it is imperative that the frontloaded early engagement approach is realised as a means of a more collaborative approach to delivering sustainable development.

Linking Community Planning and Spatial Planning



THE PLACE STANDARD IS KEY to engagement in both Community Planning and Spatial Planning and integration between both.

LDP Preparation Process – 10 year timeframe with a focus on delivery after adoption



Section 1: Making Plans for the Future

Key Question A: Do you believe that our proposed package for reforms will improve development planning?

Yes. PAS believes that the proposed reforms will enhance the frontloading of development planning through an emphasis on earlier community engagement and consensus building at the start of the plan-making process, and can help contribute to the delivery of development in a less adversarial manner.

Question 1: Do you agree that local development plans should be required to take account of community planning?

Yes. Proposal 1 lies at the heart of the planning reform process, and, indeed, of PAS's aims of facilitating the achievement of active citizenship and the empowerment of communities. This proposal also links intrinsically to the realisation of the aims of Proposals 4, 6, 7 and 8, and thus to the overall aims of the planning reform process of achieving a more frontloaded and collaborative planning system focused on engagement and delivery.

Rather than only "ensuring" that local development plans take account of community planning, PAS believes that a two-way alignment backed up by effective partnership and collaboration between spatial planning and community planning is required. Ultimately, plans produced by spatial planning and community planning should support each other's aims.

A practical and structured approach to achieving this alignment is required, and the Place Standard Tool has been shown to be a successful means of engagement in both community planning and spatial planning. Whilst community planning and spatial planning operate in different legislative regimes and timescales, both are rooted in improving health, wellbeing and equity, and present opportunities all for communities be involved in plan preparation. Where possible, their plan preparation timeframes and engagement processes should therefore be aligned.

Requirements for community planning partnerships to engage universally with their communities and produce both local outcome improvement plans and locality plans provide key opportunities for joint working and direct sharing of the outcomes of community engagement undertaken with spatial planning. Use of the Place Standard can be the key factor in aligning engagement across both processes and allowing communities to have a conversation about their place. From this conversation, relevant outcomes can be conveyed to both community and spatial planning teams. This needs to be a two-way conversation possibly backed up by experience-based training to promote mutual understanding of both roles.

Proposal 6 offers community bodies a further opportunity of preparing community-led local place plans. These are likely to have a spatial emphasis, but their content will depend on their geographic area. What is essential is that their preparation is informed by relevant information from both spatial planning and community planning. Local place plans will offer communities who choose to take advantage of this provision further opportunities for engagement and empowerment, but considerable support will be required in the preparation process. This is discussed further under our response to Proposal 6.

Question 2: Do you agree that strategic development plans should be replaced by improved regional partnership working?

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Strategic planning at regional level is clearly vital to a successful planning system and planners have a vital role to play in facilitating regional partnership working and ensuring delivery of development. In response to this question and from a perspective of community engagement, PAS would raise the question of how communities will have opportunities to engage at regional level – albeit in recognition of recognised challenges of achieving widespread engagement. It may be that this engagement can be achieved through early engagement with the National Planning Framework and at the local development plan gatecheck stage.

Question 3: Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?

Yes. PAS believes that joint preparation of National Planning Framework and Scottish Planning Policy will make it easier for community groups who wish to engage with the process. It will also present a one-shop stop for tailored engagement with all stakeholders, young people and other seldom heard groups.

Question 3a: Do you agree with our proposals to update the way in which the National Planning Framework is prepared?

Yes. PAS believes it is important for the NPF – and SPP also – to have a stronger status. Ideally, these and other relevant documents should be combined into a National Spatial Plan for Scotland with housing targets/numbers set at a national level, and which would undergo parliamentary scrutiny.

Question 4: Do you agree with proposals to simplify preparation of development plans?

Yes. If effective engagement has taken place at plan inception stage and the gatecheck process carried out effectively, the draft local development plan should clearly reflect the outcomes of the engagement and provide a sense of ownership by all stakeholders.

Question 4b: Should there be scope to review the plan between review cycles?

Yes. This will be essential to allow local development plans to react to local, national and global circumstances and retain the confidence of all stakeholders that they are still relevant.

Question 4c: Should we remove supplementary guidance?

No. Supplementary guidance is a useful resource for all stakeholders and provides a more useful local level perspective on planning and carries weight in decision making – it is also useful guidance for applicants to consider when preparing planning applications. To limit the level of supplementary guidance available, firmer guidance should be produced on what matters are appropriate for it to cover.

Question 5: Do you agree that local development plan examinations should be retained?

No – not in their current form. Development Plan Examinations are time-consuming, expensive, do not feel inclusive to community groups, and promote extensive debate around housing requirements at the very end of the process. Under planning reform proposals, there should not be a requirement for development plan examinations. The pre-adoption process needs to be re-imagined as a circulatory process back to partners who agreed matters at the gatecheck, and to ensure that these are expressed in the plan. To achieve ownership and agreement this would need to involve all the original stakeholders involved at the gatecheck stage and be signed off by them.

Question 5a: Should an early gatecheck be added to the process?

Yes. PAS strongly supports this proposal as a statutory requirement in terms of efficiency and the frontloading of the planning system for all stakeholders. Currently, new housing is

often regarded as “bad” development – the gatecheck process may lead to a more robust debate about housing needs and help to identify suitable sites and more innovative approaches to housing type. This process will ensure greater acceptance by all parties of each other’s views. The gatecheck process would also be a key factor in ensuring that information from community planning and local place plans has been incorporated.

Question 5b: Who should be involved?

DPEA representatives, the planning authority, developers/landowners/agents, agencies, community councils, community groups, especially those preparing local place plans, and young people’s representatives. Community councils are key as they are the most local layer of local democracy; however, as a prerequisite for effective input, they require adequate resourcing.

Question 5c: What matters should the gatecheck look at?

The gatecheck must achieve agreement on housing (and other key development) requirements, locations and associated infrastructure provision. It will have to confirm sufficient and appropriate engagement has taken place in line with the development plan scheme including involvement of young people, also that the engagement process has been aligned with community planning and how this has influenced that plan. Mediation should be used where the DPEA feels this is needed.

Question 5d: What matters could the final examination look at?

See comments under question 5).

Question 5e: Could professional mediation support the process of allocating land?

Yes. Mediation should be used at the gatecheck stage where considered useful and appropriate with the aim of achieving more effective consensus between and amongst communities. There may be scope for use of civic mediation principles from the earliest stage of local development plan engagement. Planning policy and guidance should promote the use of mediation within the planning system. If the Scottish Government has a commitment to using mediation in planning, PAS would expect to see this referenced in the forthcoming planning bill.

7. Do you agree that plans could be strengthened by the following measures?

Yes

Question 7a: Setting out the information required to accompany proposed allocations?

Question 7b: Requiring information on the feasibility of the site to be provided?

Question 7d: Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of the application.

Regarding the above 3 questions: Provision of up-front information is likely to be valued by communities and provide more certainty. It will also promote front-loading of the planning system.

Question 7c: Increasing requirements for consultation for applications relating to non-allocated sites?

Yes. This is a reasonable proposal on the basis of promoting a frontloaded system. Feedback from PAS community council workshops also suggested that community councillors would like to see as much development as possible being promoted through the local development plan, but nonetheless, there should be a requirement to consult and involve relevant community council(s) in planning the PAC.

8. Do you agree that stronger delivery programmes could be used to drive delivery of development?

Clear, accessible and regularly updated information will be useful to communities and other stakeholders to inform their engagement with spatial planning and community planning. This may also be useful to communities preparing local place plans.

Section 2: People Make the System Work

Key question B: Do you agree that our package of reforms will increase community involvement in planning?

Yes. The realisation of proposal 1 – better alignment between spatial planning and community planning - will open up positive opportunities for increased engagement. The local place plan proposal – the “right for communities to prepare plans for their own places” - is a significant change to the current planning system, and requires careful consideration of many factors, in particular equity of opportunity for all communities. A dedicated package of resources must be developed to support communities in this process.

Question 9: Should communities be given an opportunity to prepare their own local place plans?

Yes – subject to our qualified comments below. PAS believes that a significant opportunity for wide-ranging and inclusive place-based engagement and empowerment exists through a community planning process appropriately aligned with spatial planning and through the use of the Place Standard. Community Empowerment as expressed through the 2015 Act is rooted in devolving power to communities, and thus, community-led local place plans – subject to equity of opportunity – also fit within this empowerment process.

There needs to be recognition that spatial planning has to balance a range of interests and act in the **public good**. Professional planning input and support in the preparation of local place plans is therefore essential to ensure that they are deliverable, achievable and developed in line with national planning policy.

Under the reform proposals, dual inter-connected routes by which communities can become empowered through involvement in plan-making will exist on a complementary basis: locality plans prepared through community planning but required to work closely with spatial planning; and local place plans where communities wish to prepare a plan for future development of their area. Both types of plan must be prepared in collaboration with community planning and spatial planning.

The process must be specifically designed to avoid a scenario where only affluent communities with capacity and resources develop local place plans. This could be resolved by permitting planning authorities to prioritise resources towards communities identified in areas of deprivation or where significant new housing or other development is expected. Equally, if communities have put time and resources into preparing their own plan, there must be a focus on ensuring plans are deliverable.

Either way, communities preparing local place plans must have direct access to training, support and access to contacts supported through a national fund, all with the aim of developing community capacity to engage with - and confidence in - the planning system.

Question 9a: Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?

Proposal 6 (Figure 1) sets out a requirement that local place plans are “generally in line with local and national planning policies”. With a duty for planning authorities to incorporate local place plans into local development plans it is important that they should be fully in line with national and local planning policy – however plans should also express the community vision for the future of their area. A central resource should be prepared to support communities groups preparing local place plans which could include a summary statement of national and local policy considerations as well as other appropriate guidance.

Question 9b: Does Figure 1 cover all the relevant considerations?

No. Further matters require consideration to develop a new approach to fit with Scotland’s existing spatial planning and community planning frameworks, and community empowerment and land reform agendas

- should local authorities be able to determine which community bodies receive support and when, e.g. on the basis on deprivation or development pressure?
- should a community body have to demonstrate its right to prepare a LPP based on previous engagement and its representativeness?
- should there be a requirement to involve community councils and other local community groups?
- could planning authorities refuse a request to prepare a local place plan?
- should a community body have to demonstrate how they will engage the wider community, including seldom heard and young people, and make links with local schools?
- what is the procedure for incorporating a local place plan prepared after the gatecheck process has been completed into the local development plan?
- “signing-off mechanisms” as set out are very vague and need further development.

Question 10: Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?

Yes. A key and long-standing PAS premise is to encourage community councils to be involved in development plan preparation. This proposal will give a strong message to community councils of support for their input into the planning system. The details of how this new statutory role will work on the ground require further exploration.

Question 10a: Should local authorities be required to consult community councils in preparation of the Development Plan scheme?

Yes. The development plan scheme should also make clear links between spatial planning and community planning and set out opportunities for all stakeholders to be involved in both. Community councils should have a say in the participation statement and planning engagement.

Question 11: How can we ensure more people are involved?

Proposal 1 has potential to achieve more joined-up engagement and greater participation. The Place Standard is a positive tool for having a structured conversation with communities about place. The crux of this question, however, lies in generally improving local democracy, starting with teaching citizenship in schools and achieving stronger and more representational community councils.

Question 11a: Should planning authorities be required to use methods to support children and young people in planning?

Yes. A key driver of PAS’s work is promoting the need for planning and citizenship to form part of the school curriculum and be introduced using age-appropriate techniques. The

workshops that PAS ran for community councils suggested that they see engaging with young people as highly desirable. One option to explore is a requirement for a certain percentage of local schools to be involved in the local development plan.

Question 12: Should requirements for pre-application (PAC) consultation with communities be enhanced?

Yes. PAS supports increased PAC requirements as set out in the consultation document.

Question 12a: What would be the most effective means of improving this part of the process?

PAS supports the proposal for (at the very least) a second public event. Depending on the engagement scenario a series of events may be appropriate. Attendees at PAS community council workshops, while expressing frustration with the current PAC process, did not believe that it should be removed and strongly supported the proposal for a second public event. Guidance on how to carry out the public events - potentially based on the PAS SP=EED® model - would enhance and add value to the process. Further options to strengthen trust in the process could include a requirement to involve community councils in the planning of PAC; increasing publicity requirements, e.g. a neighbour notification process; and the requirement for an agreed report of PAC signed off by relevant the community council(s) to be submitted with the planning application. Community councils also emphasised to PAS that there must be a better post-PAC mechanism to ensure that PAC participants understand the opportunity and need to comment on planning applications when submitted.

Question 12b: Are there procedural aspects relating to PAC that should be clarified?

Yes, see above.

Question 12c: Are the circumstances in which PAC is required still appropriate?

PAS believes there is potential to re-think current arrangements. PAS understands that for major applications, planning authorities have the right to ask developers to undertake more than the minimum consultation required. However, it does not appear this is used, and it may be useful for this to be clarified in guidance. Developers are likely to appreciate a dialogue with the planning authority about an appropriate approach to engagement. A further option could be to allow planning authorities to require PAC on non-major applications that they believe will be contentious.

The question of whether PAC is more appropriate at planning permission in principle stage, at application for matters specified in conditions - or both, needs to be carefully considered.

Question 15a: Should current appeal and review arrangements be revised – for more decisions to be made by local review bodies?

If more decisions are to be made by local review bodies, greater in-depth training will be required for elected members involved.

Section 3: Building More Homes and Delivering Infrastructure

PAS strongly supports the focus of the consultation on infrastructure and delivery of the new homes that Scotland needs. We do not wish to comment in detail on this section, however we believe that the measures set out in sections 1 and 2 will lead to the more efficient delivery of development in a more infrastructure-focused and less adversarial manner. PAS notes that the consultation does not fully address the question of capturing land value – for the public interest - gained from development of land.

Question 18: Should there be a requirement to provide evidence on the viability of major housing developments as part of the information required to validate a planning application?

Yes. This would be welcomed by members of the public, however it is important that the local authority has the skills to understand it and translate it for the public and explain decisions made.

Question 19: Do you agree that planning can help diversify the way that we deliver homes?

Yes. The planning system in Scotland must embrace a new approach to the delivery of housing in terms of tenure and type – both to meet the needs of an aging population, and a younger population in terms of ability to buy a property or have a secure rental experience. There are many innovative approaches that will facilitate these requirements and must include an increase in off-site construction to assist with the reduction of construction waste and greater energy efficiency, more self-build and co-housing. These could be backed up by dedicated development plan policies, e.g. to promote co-housing, and ensuring up to date land registers. At the PAS community council workshops there was considerable discussion of the desirability of the planning system being better able to deliver more innovative housing models, tenures and designs, and of information about housing type being provided up-front.

Question 19(a): What practical tools can be used to achieve this?

Subject to the outcomes of the current Scottish Government research project for using simplified planning zones (better re-named as investment ready districts) with regard to new housing, this approach could be applied to promote self-build or co-housing. A further new and innovative approach would be for a specific housing type such as community self-build and co-housing to be promoted for smaller urban brownfield sites of the type which may not appeal to traditional developers. Planning authorities could keep a register of these sites. PAS understands that in England planning authorities have to keep a register of people who are interested in undertaking self-build, and this could be a beneficial approach in Scotland too. Examples of innovative housing delivery need to be show-cased to provide a climate of encouragement and confidence.

Section 4: Stronger Leadership and Resourcing

Key question D: Do you agree that the measures set out here will improve the way that the planning service is resourced?

PAS responded previously in support of raising planning fees on the basis of helping to better resource the planning system overall. PAS especially believes significant resources need to be invested in community engagement and a digital transformation of the planning system. The proposals to simplify the system will – if implemented – ideally allow further resources for this transformation.

Question 26: What measures can we take to improve leadership of the Scottish planning profession?

PAS believes that planning must have a prominent status and leadership role within local authorities. Its role and requirement to operate for the public good in the provision of housing and other essential infrastructure - **must** be understood by all stakeholders including members of the public. Engaging in planning is also a means of achieving empowered communities as envisaged by the Scottish Government – with more positive front-loaded engagement, planning will be better able to fulfil its leadership role in placemaking.

Question 27: What are the priorities for developing skills in the planning profession?

PAS uniquely promotes and facilitates the ethos of volunteering within the planning profession. We believe that the skills and new perspectives which planners can absorb through volunteering with PAS contribute towards a stronger profession. As well as technical planning knowledge, softer skills such as listening, facilitation, empathy and dialogue are key skills for planners, all of which can be developed through volunteering with PAS. Mediation has a role to play within the planning system and should be covered on planning courses. Elected members often have to take decisions on more contentious planning proposals and it is essential that they receive appropriate training to allow them to make strong decisions based on valid planning grounds. Community bodies preparing local place plans will also have a leadership role in planning and they will require appropriate resources and support.

Question 33: What targeted improvements should be made to further simplify and clarify development management procedures?

The consultation document discussed the opportunity to align different consents and of standardising procedures for the validation of planning applications. As well as making the development management process more efficient, PAS believes that these changes would make the system more accessible to members of the public. Better use of 3D has great potential to simplify engagement in planning for members of the public.

Question 34: What scope is there for digitally enabling the transformation of the planning service around the user need?

There is a huge potential. PAS fully supports a strong and continued focus on transforming the Scottish planning system based on the use of current and future digital technology. Planning is fundamentally about people and placemaking. However, this is often not how planning is perceived by those who engage with the process – this needs to change. The presentation of many planning documents and correspondence can feel outdated and overly complex to non-planners engaging in the system.

A beneficial addition would be a “national planning portal” linking to central and regional planning resources. This would assist communities preparing local place plans or engaging with community planning. It could also provide better links between community planning, and spatial planning, and encompass related legislation (and associated opportunities) from the Community Empowerment and Land Reform Acts.

Use of digital technology is also a key means of engaging with young people.

Note - This response is based on PAS’s experience of helping communities and individuals with planning and related matters, as well as the views of PAS volunteers. PAS organised two community council discussion forums to hear their views and help them to respond.

CONTACTS

PAS would be pleased to respond to any queries with regard to this response.



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