

SCOTTISH PARLIAMENT LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE - CALL FOR EVIDENCE ON THE PLANNING SCOTLAND BILL

FEBRUARY 2018

PAS

PAS (www.pas.org.uk) is an independent organisation that helps people in Scotland have a voice in the future of 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. PAS provides impartial planning advice, training, education programmes for young people, charrettes, facilitation and mediation, and also works with community groups to produce community-led place plans. All our services are co-delivered with input from our network of over 400 volunteers, the majority of whom work in planning and related professions.

We welcome the opportunity to provide written evidence on the Planning Scotland Bill.

INTRODUCTION

PAS welcomes many of the provisions set out in the Planning Scotland Bill but does not consider that these go far enough. We call for the Bill to be **ambitious** and **aspirational** in seeking to achieve the original aims of the planning reform process.

In line with the aims of the Scottish Government's Socio-Economic Duty, it is imperative that Scotland's reformed planning system is **focused on addressing inequality and disadvantage**. Better public participation in the planning system will be a key route to achieving this.

PAS also believes that a **statement of the purpose of Scotland's planning system** must be set out in the Bill. This will act as a framework for positive and informed engagement by varied stakeholders with the system.

PAS calls for the following amendments to the Bill to be considered:

- a statutory definition of the purpose of the Scottish planning system
- a statutory requirement for the alignment of Spatial Planning (i.e. Local Development Plans & Local Place Plans) and Community Planning (i.e. Local Outcomes Improvement Plans and Locality Plans)
- a statutory requirement for a National Planning Commissioner for Scotland
- a statutory duty to involve young people in the planning system
- a statutory duty for planning authorities to consider the use of mediation

RESPONSES TO QUESTIONS

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

Many of the provisions in the Bill will promote stronger public involvement in planning and placemaking, leading to increased public awareness of opportunities which exist to have a voice in the future of local areas. PAS welcomes the Bill's focus on meaningfully engaging communities at the earliest opportunity in the planning process, rather than introducing potential areas for additional conflict.

With regard to the question of whether the Bill will afford appropriate protection of the built and natural environment, it is important to note the existing statutory duty set out in the Planning etc. (Scotland) Act 2006 for the development planning function of planning authorities to be carried out "with the objective of contributing to sustainable development". Likewise, planners working under the Royal Town Planning Institute's Code of Professional Conduct must make decisions "for the benefit of the public". Access to appropriate housing is a basic human right and a key factor in addressing inequality. Thus, the role of the planning system in delivery of appropriate housing, infrastructure and other necessary development should be recognised as a means of delivering public benefit.

As it stands, the Bill does not set out a defined purpose for the planning system. PAS strongly recommends this matter should be defined in the Bill. This is crucial in setting a framework which balances the regulatory and placemaking role of planning with a wide range of potentially competing interests (such as land ownership, financial viability and possible local opposition to development) – and with the requirement to make decisions in the overall public interest. A statutory definition of the role of the planning system would also be a useful benchmark for effective and informed stakeholder and public engagement. In defining the role of the planning system, links should be made to the United Nations Sustainable Development Goals and also to the Scottish Government's Socio-Economic Duty.

PAS also calls for the Bill to specify a requirement for a statutory alignment between spatial planning and community planning. Currently, the Bill stipulates only that Local Development Plans should "have regard" to Local Outcomes Improvement Plans. PAS does not believe this is strong enough. There must be a statutory link between the preparation of Local Development Plans (and inherently Local Place Plans) and the engagement processes also taking place within a community planning context to inform Local Outcomes Improvement Plans and Locality Plans.

PAS also calls for the Bill and associated guidance to renew its focus on the engagement of young people (as included in the report of the Independent Review panel). This would be in line with Articles 12 & 31 of the United Nations Convention on the Rights of the Child.

2. To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

The planning system – and the proposals in the Bill – cannot alone resolve the housing shortage and lack of variety which currently exists in Scotland.

However, PAS believes that aspects of the Bill, such as the proposed introduction of the "gatecheck" stage of the Local Development Plan preparation process, can help secure more certainty and stakeholder agreement over the number of new homes required. However, to ensure that all relevant stakeholders, including communities, are engaged at this stage, PAS considers that stakeholder engagement must be a statutory requirement of the preparation of the Local Development Plan Evidence Report during the gatecheck process. More detail is needed about engagement at this stage, especially regarding the involvement of community groups.

Setting housing targets through the National Planning Framework should give more certainty over the number of new homes required. Simplified Development Zones also offer strong potential for new homes to be delivered more quickly and efficiently, and potentially, for the delivery of affordable housing and more innovative housing models such as self-build and co-housing.

Local Place Plans will offer communities who wish take advantage of this provision the chance to engage positively in planning the future development of their area. The aspect of the Bill will provide an opportunity for communities to set out their vision for a defined local area, and also, if they choose, to suggest sites that could be developed with new homes.

Alongside the Bill, PAS would like to see clear guidance demonstrating how the Scottish planning system can bring forward more varied housing delivery and models e.g. custom and self build, co-housing and more off-site construction, to help to reduce Scotland's construction waste.

3. Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

PAS supports the removal of Strategic Development Plans with the proviso that a duty for appropriate co-operation between planning authorities is stipulated as a requirement in the Bill. A National Planning Commissioner could have a clear role in promoting regional co-operation. Opportunities for public engagement at a regional level will also need to be set out in secondary legislation or in guidance.

4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focused on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

PAS believes that the introduction of Local Development Plans with a ten-year timeframe, leading to more time for planning authorities to focus on delivery of new development, can set a strong basis for more efficient delivery of the range of new homes, infrastructure and other development. It is imperative, however, that there are structured opportunities for updates to happen as and when required.

PAS also supports the removal of Main Issues Reports. Asking stakeholders to comment on a Proposed Plan, which will be the researched and evidence-based view of the planning authority, will be more accessible and effective than the options-based approach of Main Issues Reports.

With regard to gatecheck phase of Local Development Plan preparation, more detail as to how this will work in practice is needed. The Bill should also state the this stage needs to check that adequate account has been taken of the Local Outcomes Improvement Plan. In particular, PAS calls for the Bill to indicate that a range of stakeholders will require to be involved in this process, and in particular how the community perspective will be represented.

PAS also believes that the gatecheck should be a two-stage process, with the first stage assessing and agreeing housing and infrastructure requirements and the second stage focused on verifying that the process has been carried out correctly and inclusively, including an assessment that community engagement is sufficient. Guidance could be produced on verifying that engagement has been carried out to an appropriate and agreed level (potentially using [SP=EED](#) – the PAS toolkit for effective engagement).

Mediation could be used as part of the gatecheck process (and certainly more widely in other areas of the Scottish planning system). PAS therefore calls for the Bill to be amended to include a duty for planning authorities to consider the use of mediation.

Removal of statutory supplementary guidance will certainly achieve more concise Local Development Plans. It may, however, be worth re-visiting the suggestion that certain categories of supplementary guidance be retained as part of the Local Development Plan.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

PAS believes that Simplified Development Zones will enable appropriate new development to be brought forward more quickly and, thus, can be a key means in addressing the shortage of new homes in Scotland. They could also be a key means of promoting more varied housing models, and of housing delivery by smaller and/or more local developers. In addition, they could be an effective means of regenerating struggling town centres. In terms of safeguarding community interests, PAS would expect appropriate engagement to take place before designation of these zones, potentially by including them in the Local Development Plan preparation process.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

PAS would like to see an integrated approach to place-based engagement across a range of local authority services, but most crucially, between spatial planning and community planning.

Local Place Plans

The introduction of a statutory right for communities to prepare Local Place Plans is a clear and new avenue for greater community involvement, and one which PAS has supported since the inception of the current planning reform process. The introduction of this positive and proactive opportunity for communities is a clear indication of the ambition of the Bill to involve communities more effectively and meaningfully at an early stage in the plan-making process where it can be most effective.

PAS believes that there must be strong links between the preparation of Local Place Plans and plans prepared via the community planning process (i.e. Local Outcomes Improvement Plans and Locality Plans). Community Planning Partnerships may be able to identify and promote the opportunity to prepare Local Place Plans to appropriate communities beyond those who might traditionally be expected to do so. PAS would also suggest that any Local Place Plan demonstrates links to reporting of community aspirations gathered during the preparation of Local Outcomes Improvement Plans and/or Locality Plans.

Effective implementation of the new Local Place Plan provisions will require a high level of support to be available to relevant community groups (financially and in terms of training, support and capacity-building). In addition, PAS would expect that the opportunity to produce Local Place Plans would be targeted towards areas experiencing inequality and socio-economic disadvantage. The current anticipated financial support for a Local Place Plan, as set out in the Financial Memorandum, is around £13K per plan. This is likely to be insufficient based on PAS's extensive experience of facilitating similar community-led plans.

PAS would suggest that Community Councils, as the only community group with a statutory role in planning, should be required to take a lead role in any Local Place Plan being prepared in their area, and in ensuring links are made to Local Outcomes Improvement Plans and other policy areas.

Local Place Plans are also a key opportunity – if engagement is creative and inclusive – to give young people and other seldom heard groups a voice in placemaking. PAS calls for a statutory requirement for any Local Place Plan to include an appropriate process of engagement with young people and other seldom heard groups.

Gatecheck

PAS views this new stage in Local Development Plan preparation as a key opportunity to ensure a sufficient breadth and scale of community involvement in the planning system, and, ideally, to achieve a feeling of community ownership of Local Development Plans. However, there is insufficient detail in the Bill regarding how this will work in practice. PAS also recommends that mediation should be used as part of the gatecheck stage as a means of achieving stakeholder consensus.

Pre-application Consultation

PAS supports the introduction of a requirement for a second statutory Pre-application Consultation event for national and major development proposals. The second event could be used to further explore ideas contributed by the local community and/or to feedback on the first event. PAS workshops with Community Councillors earlier in the planning reform process generally suggested support for a second public event.

Statutory duty for alignment of spatial planning and community planning

This is a key means of achieving an integrated and efficient approach to place-based engagement – see previous comments.

Statutory duty to involve young people

See statement in Q1.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

PAS supports an increase in enforcement fines and is aware that enforcement is a key measure by which people assess the effectiveness of the planning system.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

PAS supports exploring this measure, but further research is required into its effective application.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making?

PAS supports this provision, subject to guidance being provided to potential training providers on required content. From experience of delivering training to this audience, PAS is aware that is not currently possible for planning authorities to compel attendance, despite the fact that planning is one of the key areas that Councillors deal with.

PAS also recommends that training and support for Community Councillors is increased to ensure readiness for involvement in preparation of Local Place Plans.

10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

PAS would like to see monitoring processes that also focus on the quality of community engagement ([SP=EED](#) - PAS's toolkit for effective engagement, could be used to assess this), and on the quality of development (with a recognition that the latter cannot be measured quantitatively).

11. Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough

funding for local authority planning departments to deliver the high –performing planning system the Scottish Government wants? If not, what needs to change?

PAS supports increases in planning fees with the proviso that increased revenue is ring-fenced for resourcing planning departments, and that a defined community engagement budget is required to be set.

12. Are there any other comments you would like to make about the Bill?

PAS continues to call for a commitment to reviewing the crucial question of how rises in land value from the granting of planning permissions are captured. PAS believes that a more equitable means of achieving this for the public benefit is one of the key factors in restoring public trust in Scotland's planning system.

CONTACTS

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

For examples of PAS work in community engagement, please visit www.pas.org.uk



Petra Biberbach

PAS - Chief Executive

Tel: 0131 659 9771 Mob: 07812 103967

petra@pas.org.uk

www.pas.org.uk