

BEFS MSP Briefing in relation to the debate on The Planning (Scotland) Bill – scheduled for Tuesday 29th May 2018

The purpose of planning

BEFS welcomes the Committee's recommendation that a *purpose of planning* reflects the ambition to create high quality places, to protect and enhance the environment, to meet human rights to housing, health and livelihoods, to create economic prosperity and to meet Scotland's climate change goals and international obligations. BEFS would encourage that the purpose align to both the National Performance Framework and UN Sustainable Development Goals.

Part 1: Development Planning

Removal of Strategic Development Plans

BEFS supports the Committee's recommendation that regional planning remains a statutory requirement. The removal of the statutory requirement for strategic regional plans would have funding and resource implications. Local authorities may see this as an opportunity for cost saving, resulting in a reduction of the funding available to planning departments – if local authority funding is stretched why would authorities fund a non-statutory activity?

Non-statutory regional planning can also be seen as reflecting a drift towards the, critically reviewed, model of City Deals, focused more on individual projects than spatial strategy. BEFS acknowledges the development of the Regional Economic Partnerships, and whilst this might represent a future structure for city region planning, a statutory outcome or mutually agreed purpose would be necessary.

Since the 2014 Review of Strategic Development Plans and the subsequent recommendations, BEFS would query if the suggested actions have been implemented, and if subsequent outcomes had been independently evaluated. Strategic Development Plans have only been operational for eight years and substantive evidence for the need to abandon them is lacking.

Local Development Plans

BEFS shares the Committee's concerns about the removal of statutory Supplementary Guidance, BEFS would wish to retain statutory supplementary guidance. There is currently a high degree of inconsistency across planning authorities as to what they present as supplementary guidance, removal of this mechanism may have further unintended consequences.

It is important that detailed local guidance on the protection and care of conservation areas, listed buildings, battlefields, gardens & designed landscapes are not diminished in the removal of Supplementary Guidance. The ongoing loss of specialist officer roles relating to archaeology, conservation, landscape expertise within local authorities heightens the need for statutory supplementary guidance.

Local Place Plans

Local Place Plans are superficially attractive but BEFS agrees with the Committee that they potentially privilege already empowered communities thus deepening inequality. BEFS agrees with the Committee that as the proposal stands, LPPs run the risk of being disregarded or ineffective.

The financial memorandum suggests LPP costs of £13K. Information from those conducting recent charrettes have stated that the cost is usually £30-40K, with the ongoing Leith charrette style activities currently costing £81K (Place Plan plus Leith Blueprint). Additionally, if communities, particularly those in areas of deprivation, are not provided with the resources to equip themselves with the necessary skills, they may have to rely upon costly consultants. Community Councils could be required to play a role in LPP preparation to enhance a community mechanism that already exists.

Part 2: Simplified Development plans

While doubtful of the benefits of Simplified Development Zones BEFS welcomes the Committee's proposal to make sure they are part of either the National Planning Framework or Local Development Plan, and that only planning authorities and Scottish Ministers should have the power to propose them. BEFS continues to recommend that land subject to environmental designations - such as conservation areas, listed buildings, designed landscapes and battlefields – are omitted from SDZs.

If the Zones had been named Place Development Zones (PDZs), designed to deliver places of quality, which meet the needs of communities, and safeguard and enhance heritage assets that are valued locally, BEFS may have

been more supportive; albeit the question of who resources the preparatory work for a proposed Zone still requires an answer.

Potentially linking such zones to specific land value capture mechanisms could help to deliver higher quality affordable housing, while also promoting social well-being, BEFS sees this as worthy of further examination.

Part 4: Other matters

Performance of planning authorities

Is *performance*, in the sense of speed and percentage of approvals, the correct standard? The *quality* of places for all our citizens, with: appropriate infrastructure; sustainable economic growth; high environmental standards; affordability across housing tenures; and high-quality, shared, build standards; would be a more fitting measure. It is also unclear how the multiple changes within the Bill, and lack of increased resource, enable planning authorities to improve on their performance as it is currently understood.

Enforcement

The Committee are correct to identify insufficient planning authority resource as a barrier to effective enforcement. The Bill acknowledges that the current enforcement powers are not being utilised. If a planning authority does not, or cannot, resource an adequate enforcement team, the level of the fine is immaterial.

Training for taking planning decisions

Training would be beneficial, not just for those sitting on a planning committee, but for elected members in general, especially given the Bill's provision that the LDP needs approval from the full Council rather than a delegated committee. Likewise, if the National Planning Framework will be subject to parliamentary scrutiny as is recommended, all MSPs would benefit from training in planning.

Part 5: Infrastructure levy

BEFS notes the Committee's response that if introduced the Levy will likely be more effective in some circumstances, and in some places, than others. BEFS also agrees with the evidence presented to the Committee that greater clarity is required as to how the Infrastructure Levy will work.

BEFS reiterates that, particularly in light of the concerns [reported](#) within an English context relating to: cost of implementation, varying views as to effectiveness, low impact on housing numbers, increase in exemptions over time, and disparity between areas of economic difference; that the Infrastructure Levy proposal has not been set out in a sufficiently clear and comprehensive manner so as to allow respondents to judge if it has the potential to be the 'best way' to secure investment, or impact upon levels of development.

As it stands, there is additional confusion over how the Infrastructure Levy and retained Section 75 would coexist. In considering the funding of infrastructure, the Scottish Government needs to avoid tying the system to a mechanism where infrastructure funding is increasingly dependent upon development, or into a system that fuels a land or housing market that is assumed to be continually rising.

Land Value Capture

BEFS supports the Committee's comments that note that the Scottish Government has not yet consulted on other approaches in relation to Land Value Capture, and BEFS supports the Committee's recommendation that this work is progressed quickly. BEFS also supports the Committee's request for clarification from the Minister on the timetable and key milestones for completing this process.

BEFS would reiterate that when considering Simplified Development Zones, that if the intention is that schemes should be resourced to deliver places of quality, which meet the needs of communities and safeguard and enhance heritage assets that are valued locally, then it may be more appropriate to call them Place Development Zones (PDZs). Linking such zones to specific Land Value Capture mechanisms may help to deliver higher quality affordable housing, while also promoting social well-being.

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