

PURPOSE OF PLANNING

115, 115A – both agreed

BEFS is supportive that Amendments 115 *with* amendment 115A have been agreed – and would suggest further additions, namely the following clauses:

- (a) *safeguarding and enhancing natural and cultural resources,*
- (b) *ensuring public participation, through the active and systematic dissemination of relevant information to the public, adequate notification and consultation procedures, and that due account is taken of the outcome of the public participation*

Chief planning officer

158 – agreed

BEFS supports the role of Chief Planning Officers for each Planning Authority however, due to the nature of the role, how they would be resourced or supported is not clear. As with previous comments around Enforcement – without the resources to make the position of chief planning officer possible, its viability may be compromised.

NPF

It is BEFS understanding that this section may need revisiting by the committee as currently many amendments to amendment 116 have been agreed, but amendment 116 was not agreed creating a legislative void for some elements.

BEFS is aware there are multiple amendments to the Bill which references equalities. BEFS would support – *throughout the NPF, SDP, LDP, and LPP* – all people, inclusive of age, gender, ethnicity, ability, and all other protected characteristic being fully supported and enabled to actively engage throughout the planning process.

National Planning Framework: information to assist

71 ADDITION OF CULTURAL into MATTERS for CONSIDERATION IN NPF *agreed*

72 ADDITION OF BUILT HERITAGE into MATTERS for CONSIDERATION IN NPF *agreed*

116K PA TO INCL CULTURAL FACTORS IN INFO FOR NPF FORMATION *agreed*

116Z BUILT HERITAGE PRINCIPLE MATTER OF REF IN NPF *agreed*

BEFS is glad the above amendments were agreed. The addition of these supports the role of planning as integral to the cultural heritage of our places and our lives. However BEFS notes further briefing may be necessary for future committee discussions related to the NPF.

BEFS also notes multiple additional requirements for Planning Authorities to provide reports on a wide number of issues. Each request may seem logical and perhaps even necessary; however, the issue of how these cumulative requests are resourced by Planning Authorities, remains unaddressed.

National Planning Framework: parliamentary scrutiny and reporting

116Y YEARLY REPORT ON NPF PROGRESS - *disagreed*

BEFS considered a yearly report on the progress of the NPF (Amendment 116Y) to be time-consuming and unnecessarily burdensome, and notes this amendment was not agreed at committee.

Open space strategy

171 NEW OPEN SPACE STRATEGY AS PART OF SUSTAINABLE DEVELOPMENT – agreed

BEFS is generally supportive of Open Space as part of a well-balanced environment which provides benefits for the long-term physical, social, environmental and health aspects of the lives of those living and working within any given area.

SDP

42, 46, 47, 48, 49, 50 SUPPORT MAINTAINING SDP

Removal of Strategic Development Plans

BEFS strongly supported Amendments 42 - agreed (and 46-50 – all agreed) – which would maintain the Strategic Development Plan as a pillar of the Scottish Planning system.

BEFS supported the Committee's prior 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.

LDP

Local development plan: form and content

34 BROWNFIELD SITE USE- not moved

173 LDP INCLUDE STATEMENT ON WHICH USES LISTED BUILDINGS CAN BE PUT TO – not moved

73 ADDITION OF BUILT HERITAGE into MATTERS for CONSIDERATION IN LDP – agreed

82 ADDITION OF CULTURAL into MATTERS for CONSIDERATION IN LDP – agreed

75 LOCALLY SIGNIFICANT BUILDINGS TO BE PUT ON A LIST, CANNOT DEMOLISH (DETAIL IN 81 - disagreed) – disagreed

BEFS supported Amendment 34 – Brownfield Site use, this was not moved in Committee.

BEFS supported 173, with caution, the amendment currently reads as potentially restrictive of the uses to which a listed building can be put - although we understand this not the intent. There would be an advantage in requiring planning authorities to have a statement of policies and proposals specific to buildings on a risk register, and finding sustainable uses for them. 5% of Scotland's listed buildings are on the Buildings at Risk Register, some causing blight to our villages, towns and cities. Requiring planning authorities to work constructively with owners, or as owners in some instances, would be a positive step.

BEFS supported Amendments 73 and 82– the addition of 'Culture' and 'Built Heritage' as matters for consideration in the NPF. The addition of these supports the role of planning as integral to the cultural heritage of our places and our lives.

BEFS urge caution in relation to Amendment 75. As it stands, the related Amendment 81 would provide more protection for Locally Significant Buildings than currently exists for buildings listed under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. *BEFS posits the removal of Permitted Development Rights for locally significant buildings would perhaps be a solution.* (BEFS was quoted within the Committee meeting on this Amendment – Official Report had not been released at the time of writing.)

Local development plan: consultation and participation

74 DETAIL as to HOW PLANNING AUTHORITY WILL CONSULT WITH GENERAL PUBLIC – withdrawn

112 PA ARE TO PUBLISH AND PROMOTE LDP IN A MANNER THAT ASSURES IT IS BROUGHT TO ATTENTION OF RESIDENTS – disagreed

194 LDP FORMATION TO INCL CHILDREN AND YOUNG PEOPLE – agreed
118A LDP EVIDENCE REPORT VIEWS OF CHILDREN, YOUNG PEOPLE ETC – agreed
198 DRAFT EVIDENCE REPORT TO BE PUBLISHED IN EASY READ FORM, WIDELY CONSULTED -agreed
201 GUIDANCE FOR PA ON EFFECTIVE COMMUNITY ENGAGEMENT FOR LDP -agreed
202 LDP FORMATION CONSULTATION TO INCL COMMUNITY COUNCILS AND ACCESS PANELS FOR AREA -agreed

BEFS is supportive of public participation in planning.

Local development plan: main issues report/evidence report

193 MAINTAIN PUBLICATION OF MIR –disagreed
8 FORM OF LDP VIABILITY OF HOUSING SITES –not moved
227 PA TO ASSESS SUFFICIENCY OF PLAY OPPORTUNITIES IN ITS AREA - agreed

BEFS is disappointed to see Amendment 193 disagreed as the continued publication of the Main Issues Report provides a great deal of detail across a range of issues.

BEFS would like further clarity around Amendment 8, a clear definition of the type of ‘viability’ meant would be useful. Viability – of land, of economic potential, ecological placement? Viability assessments in England have been challenging. There can be huge variations, some of which had ultimately reduced the numbers of affordable houses.

BEFS supported Amendment 227 – play opportunities add to the potential of creating healthy, well designed places for people.

SUPPLEMENTARY GUIDANCE

Supplementary guidance and the development plan

All below WOULD PREVENT SUPPLEMENTARY GUIDANCE BEING REPEALED

66 - withdrawn

67 - agreed – **BEFS requires more clarity as to the effectiveness of this single amendment in maintaining Supplementary Guidance for a Development Plan.**

68 - not moved

69 -not moved

70 – not moved

BEFS shares the Committee’s stated concerns about the removal of statutory Supplementary Guidance, **BEFS would wish to retain statutory supplementary guidance and as such supported Amendments 66-70.**

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.

The retention of Supplementary Guidance becomes additionally important when the Committee is to consider the proposal that LDPs are only to be updated every 10 years. Within that time-frame reference to high-quality Supplementary Guidance will be essential.

AMENDMENT OF NPF AND LDP

Amending the local development plan

2 AMENDING LDP – CULTURAL SIGNIFICANT ZONES - agreed

BEFS supported Amendment 2, with caution. Culturally Significant Zones may provide additional protection which could enhance and protect our cultural-heritage. However, BEFS would wish any future decisions made under this remit to be mindful of not forming cultural ghettos, and remaining

mindful of the opportunities which may arise for the sustainable development of culture-heritage assets out-with designated areas. (ie Redundant places of worship.)

LOCAL PLACE PLANS

129 REQUIREMENT FOR LDP AMENDMENTS TO HAVE REGARD FOR LPP REMOVED - agreed

139 REGISTER OF LPPs – VALID LPPs – agreed

87 REMOVE LPP – disagreed

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

BEFS notes that currently no amendments relate to providing community skills or resources, and the requirement suggested in amendment 139 puts additional burdens on communities to form LPPs that would be fitting for a 'register'. The Government amendment is a technocratic amendment, and no further information has been published on the substantive benefits of Local Place Plans as defined within this Bill.

As amendments suggest no tangible improvement to what should be an inclusive community process BEFS supported Amendment 87, to remove LPPs – this could provide the driver to form a better, more inclusive, community led process.

SIMPLIFIED DEVELOPMENT ZONES

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. BEFS has previously supported that only planning authorities and Scottish Ministers having the power to propose them and as such **BEFS supports Amendment 14 (agreed)** in this regard. BEFS also appreciates that Amendments 93 (withdrawn), 94 (agreed), 95 (agreed), 96 (not moved), 97 (not moved) have the potential to increase local agency.

If SDZs are seen as mechanisms for renewal/creation of communities, it should be noted that the New Town Act is still relevant –the SDZ is a time consuming, costly, and potentially unnecessary mechanism.

Simplified development zones: renaming

Agreed (via multiple amendments)

BEFS would reiterate: if the intention is that SDZ 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) rather than the current amendment suggestions to rename SDZs and Masterplan Consent Areas. Place Development Zones reflects the commitment to place-making contained within the Policy Memorandum in the provisions of the Bill.

Simplified development zones: land value capture

12 – agreed LVC related to compulsory purchase

BEFS supports the Committee's previous comments that note that the Scottish Government has not yet consulted on other approaches in relation to Land Value Capture. Whilst linking SDZs specifically to specific Land Value Capture mechanisms may help to deliver higher quality affordable housing, while also promoting social well-being.

However, research from the [Scottish Land Commission](#) finds:

- That past attempts have often failed due to a lack of political consensus. Key principles need full agreement before such an initiative is established.

- The resourcing of such schemes can also prove contentious and under-resourcing leads to failure of effectiveness.
- Compulsory purchase has underpinned previous more successful attempts, but may be problematic particularly for Local Authorities unless they get to purchase at existing use value. (Clarification around ECHR may be necessary to further this issue.)
- The benefits need to be visible locally – and centralisation of this issue was not recommended.

SLC were keen to reiterate that there may not be one answer – the solutions may be far more complex and demand different thinking for different areas and schemes.

BEFS supports further exploration of Land Value Capture but feels solutions may be developed through further research – and the building of political consensus around key principles. The scope of this Bill may not afford the appropriate time and attention to this specific issue.

Simplified development zones: land which may or may not be included

BEFS supports Amendment 250 (defining areas that cannot be part of SDZ/MCA) – agreed, and Amendment 242 – agreed and would suggest the addition of Listed Buildings to land/areas which may not be included in a SDZ, and suggests *Battlefields* and *Gardens & Designed Landscapes* were also considered as areas where SDZ exclusions apply.

Meaning of “development” / change of use amendments

BEFS supports 140 – prevention of development on flood risk areas (not moved) as a positive part of long-term planning with the best outcomes for people and place.

Applications for planning permission and consideration of impact

228 (withdrawn) – BEFS sees the inclusion of infrastructure needs assessment into major/national developments as an extremely positive step.

Determination of applications and conditional grant of permission

208 is supported – agreed, the greenbelt forms an essential part of our places and should be protected.

230 is supported (not moved) – space as important as built structures to form high-quality well designed ‘places’.

331 is supported (not moved) – it is key to consider the full life-cycle greenhouse gas emissions of a development – this forms part of the nation’s work towards meeting far lower emission targets.

NB: Rights of Appeal – not agreed to – BEFS gave no Briefing due to disparate member views, but we appreciate this is an area of note for many members.

Fees for planning applications etc.

There are multiple amendments where fees can be waived or reduced (many were agreed). The effect on planning authorities to fund their work, and demonstrate their effectiveness is not mentioned.

Material considerations: meaning to be prescribed – agreed

BEFS supported amendment 88 as a means of adding clarity to the process. If material considerations were to be defined more clearly, this could enhance the ability of Planning Authorities to make well-

informed decisions. It will also provide greater clarity to stakeholders, particularly the public. **This may need further briefing for Stage 3.**

IPCC – BEFS included the following information in related Briefings.

With the recent issue of the latest [IPCC report](#) it becomes clear that there is an essential environmental role to be played by the Planning (Scotland) Bill for the future of the nation, its visitors and those who live here.

Planning plays an intrinsic part in producing places that support, promote and enable a high quality of life through environmentally progressive means. How we design these places, the infrastructure surrounding and connecting them; and provide for the lifelong needs of all should be guided by ecologically sound principles. BEFS supports innovative and considered aspects of planning which help to deliver places which are healthy for people, sustainable in themselves, and do least lasting damage to the environment.

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. BEFS notes no amendments seek to remedy a lack of enforcement.

Training and performance of planning authorities

BEFS is disappointed to see **Amendment 23 approved** – this removes the suggested training suggestions without any replacements being brought forward. BEFS sees training as 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.

BEFS reiterates that no suggestions for performance relate to quality of place.

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.

Designations of land

19 agreed - BEFS supported the strengthening of protection for NSAs through this amendment.

Listed building consent

Amendment 152 - agreed - Closing the anomaly of Listed Building consent not requiring neighbour notification would be a positive step in ensuring transparency of process although, we acknowledge that the majority of listed building applications are accompanied by planning applications which do require neighbour notification.

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 briefed 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.

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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.

These amendments below were debated in the final Committee Session and the Official Report, when available should shed a little more light on the details of the debate – and the outcomes in relation to the localisation (or not) of the potential levy monies.

Amendment 25 – disagreed

Amendment 26 –disagreed

Amendment 27 – agreed

Amendments 99, 100, 183 – remove infrastructure levy – Disagreed

Amendments 270, 271, 272, 273, 274, 277, 290 – agreed