

Planning (Scotland) Bill – **CNPA Response to Local Government and Communities** **Committee Call for Evidence**

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

Yes, although we have concerns about some of the detailed proposals. Our responses to the questions below provide more detail on our specific concerns.

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 enhanced status of the Delivery Programme should enable planning authorities to place greater emphasis on co-ordinating and delivering the infrastructure improvements required to support housing growth. The proposed infrastructure levy may also help in this regard, though we are not convinced that it will be sufficient to overcome infrastructure constraints, particularly in rural areas where costs remain high for smaller developments.

However, it must be recognised that many complex factors influence the scale and rate of housing delivery. The planning system is only one of these. Other drivers such as economic conditions, fiscal policy, market behaviour, access to finance, and labour availability in the development industry all have a significant impact on the level of house building. In our experience in the Cairngorms National Park, the most effective stimulus to get housing development on the ground and to open up housing sites has been public investment in affordable housing. This helps private development cash flow and provides an incentive to open a site.

Whilst the proposals in the Bill are likely to go some way towards increasing housing delivery, other measures will be needed if higher levels of new house building are to be achieved on the ground. Such measures could include enhanced funding support to local authorities and housing associations, funding and other practical support for communities that want to pursue housing development themselves, and support and training to enable planning authorities to make greater use of land assembly powers.

3. Do the proposals in the 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?

The CNPA does not wish to make any specific comment on the proposals to remove Strategic Development Plans. However, any arrangements to maintain planning at a regional level following the ending of Strategic Development Plans will need to be flexible enough to accommodate needs and reflect existing arrangements in different parts of Scotland.

National Parks already have National Park Plans and multi-agency partnerships that support their delivery. National Park Plans set the strategic context for development planning within the National Parks, as outlined in para. 86 of current Scottish Planning Policy. We consider this current model of regional planning to be effective and appropriate for National Parks.

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 focussed 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?

The CNPA supports the proposal to extend the lifetime of LDPs to 10 years and to increase the focus on delivery via the Delivery Programme.

The CNPA also broadly supports the introduction of the proposed ‘gatecheck’ during early stages of LDP production. However, we remain of the view that any gatecheck must draw conclusions on key matters and remove the need for these to be reconsidered during the final examination of the LDP – e.g. signing off housing land supply targets / housing land requirements. Otherwise it could add time and cost to the process for limited additional value. We note that much of the detail on what matters are to be assessed at the gatecheck will follow in regulations, but we are pleased that the Policy Memorandum indicates agreement on housing land requirements is likely to be included.

We have some concerns about the process to be followed if the gatecheck concludes that insufficient information has been submitted to allow the planning authority to prepare the LDP. The procedure outlined in section 16A (6) – (8) means that the entire gatecheck process would have to be repeated (potentially on more than one occasion) in this event. This is likely to have significant time and cost implications, and is unlikely to support timeous delivery of the plan. The CNPA considers that a more streamlined process for assessing additional/supplementary evidence might be more appropriate in these circumstances.

The CNPA is pleased to see that the Bill includes provision for LDPs to be amended between full reviews. This is essential to ensure that plans continue to meet the needs of communities and developers if circumstances change during the plan period. The requirements for procedural steps, publicity and consultation on LDP amendments remain unclear, and it is noted that these will follow in regulations. The CNPA considers that any such provisions should, as far as possible, enable partial amendments to be undertaken in a streamlined way without needing to follow all of the procedures associated with a full update.

We have some concerns with the statement in the Policy Memorandum that LDP amendments will be permissible in only limited circumstances. Care must be taken to ensure that the circumstances where amendments could be triggered are not defined too narrowly at the national level. One size does not fit all, and a change in circumstances that might be relatively insignificant within a large urban area could have a much greater impact on the overall LDP strategy in a more rural context. Sufficient local flexibility to trigger an LDP amendment will be essential if the plan is to remain responsive to the needs of communities throughout its 10 year lifetime.

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

The CNPA would be interested in exploring the potential for Simplified Development Zones, and we welcome the Bill’s proposals to enable such schemes to be progressed in a wider range of circumstances than is currently allowed. In the context of the Cairngorms National Park, where around 50% of the total land area is designated under the Natura

network, we would expect that a significant amount of up-front work would be required in order to introduce any Simplified Development Zone.

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?

The CNPA fully supports community engagement at the local level and, along with partner organisations, already commits significant resources to help communities play a greater role in shaping their places.

We welcome the Bill's proposals to ensure that Local Place Plans must have regard to the LDP, as this addresses our previous concerns that such plans could be seen by some as a mechanism to frustrate rather than enable development. We also welcome the clarification on the process by which Local Place Plans could be incorporated within the LDP via the amendment provisions.

However, we remain concerned about the potential for different community bodies to produce 'competing' Local Place Plans for the same area. It is unclear what implications this could have for Local Development Plans. We also remain concerned about the risk of disproportionate Local Place Plan take-up, with more affluent and well-resourced communities being more likely to take the opportunity to produce such a plan than less affluent ones. As far as we can see, the Bill does not provide any assurance that financial or technical support will be available to community bodies wishing to develop Local Place Plans. Consideration will need to be given to how this will be provided and to the role that planning authorities, and/or organisations such as Planning Aid Scotland, would be expected to play in providing any such support. The ultimate response to these issues will carry resource implications that will need to be considered and addressed.

The CNPA also wishes to reiterate our previous concerns about the proposal to remove Main Issues Reports from the LDP process, as in our experience they have increased public awareness of and involvement in the development of plans.

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 could these provisions be improved?

Yes. The CNPA strongly supports the Bill's strengthened enforcement provisions.

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?

The CNPA supports the Bill's infrastructure levy proposals in principle. A mechanism to enable collective/pooled contributions towards strategic infrastructure requirements is likely to enhance delivery in many areas. However, account will need to be taken of the development economics of rural areas, where market conditions may not easily support such a levy. It should not be mandatory to introduce a levy in any given area. Section 75

agreements should be retained to mitigate and address the impacts of individual developments where these are not covered by any levy.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

Yes, in principle. The CNPA supports member training and already has an extensive training programme for planning committee members.

Nevertheless, we have some concerns about the practicalities of the proposed requirements. The requirement for members to complete training courses and examinations through accredited providers will require scrutiny. Significant peaks in demand for training can be expected at certain times, particularly following elections, and it will be necessary to ensure that training is proportionate and can be provided timeously to allow continuity of decision making across Scotland. This is a particularly important issue for the CNPA, as we have no scope for planning applications to be delegated to officers and all planning applications are therefore determined by planning committee.

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

Yes, the proposals to make annual performance reports a statutory requirement and to enable the appointment of a national performance co-ordinator should help to drive continued performance improvements.

It is noted that the required form and content of annual performance reports will be prescribed through future regulations. The CNPA would request that any national performance indicators defined through regulations should have regard for the unique circumstances of the Cairngorms National Park Authority as a call-in planning authority for development management, meaning we call in and determine less than 10% of the planning applications made in the Cairngorms National Park. These tend to be the more complex and time consuming applications, which means our overall decision making timescales are not easily comparable with national averages.

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?

The CNPA supports the Bill's proposals in relation to fee flexibility. We particularly welcome the changes which enable a higher fee to be set for retrospective planning applications. CNPA considers that the ultimate objective of any further amendments to fee regulations should be to continue the move towards full cost recovery for development management services.

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

The CNPA would draw attention to the status of the two National Park Authorities in Scotland. These are not local authorities but are planning authorities, or act as planning authorities. These terms are often used interchangeably and this can cause confusion and uncertainty in a National Park context. Care should therefore be taken to ensure that the

terms 'local authority/authorities' and 'planning authority/authorities' are used correctly throughout the Bill and within any associated regulations and policy guidance.