

Archibald Simpson House
27-29 King Street
Aberdeen AB24 5AA

t. 01224 625524
f. 01224 626596
www.nestrans.org.uk

nestrans

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Our Ref: RD/ N15
Your Ref:

Planningreview@gov.scot

Planning and Architecture Division
The Scottish Government
2-H South
Victoria Quay
Edinburgh
EH6 6QQ

Dear Sir/Madam

Places, people and planning: Position Statement

Thank you for the opportunity to comment on your position statement regarding the Planning Review.

Please find attached a document containing Nestrans' comments in response to the 20 proposals contained in the consultation document. I am happy for you to publish our response.

If you require any further information, please contact Rab Dickson on the above number or by email at rdickson@nestrans.org.uk

Yours faithfully



Councillor Peter Argyle
Chair



PLACES, PEOPLE AND PLANNING – POSITION STATEMENT

This document contains Nestrans' comments in response to the 20 proposals contained in “**Places, People and Planning – A Consultation on the Future of the Scottish Planning System Position Statement**”. The Position Statement is available from:

https://consult.scotland.gov.uk/planning-architecture/places-people-and-planning-position-statement/user_uploads/sct0617488148-1_places_final--2-.pdf.

Nestrans' comments and responses in relation to the key emerging proposals are shown in italics.

1. Aligning community planning and spatial planning

Minded to propose a statutory link between development planning and community planning in Planning Bill.

Nestrans would be welcome a statutory link between development planning and community planning in principle, although greater clarity on how this would work is required. It should be noted that the Local Development Plan (LDP) process already involves communities and proposals elsewhere in the consultation paper provide enhanced opportunities for communities to be involved in planning for the future of their communities. It is important, however, that the LDP should retain statutory prevalence to provide consistency and confidence to the development industry, as well as to communities.

2. Regional partnership working

Expect to bring forward changes to remove current requirements for Strategic Development Plans to be prepared and replace them with more flexible, but clearly defined duties and powers at this scale.

Nestrans believes that regional spatial planning strategies are necessary for the city regions and that the strategy and any other outputs from regional partnerships require to have a statutory basis to give them both clout and momentum and to achieve a commitment to delivery.

If SDPs are to be removed, then it is important to allow the regions the freedom and flexibility to replace them with something equally strong and effective. Given the north east's excellent record on regional working, we are confident that we can make this happen here and should therefore be given the opportunity to shape our own strategic planning and partnership working.

There is a requirement for Aberdeen City and Shire Strategic Development Planning Authority to commence production of a new Plan now and the removal of Strategic

Development Plans at this time would give timescale difficulties to Aberdeen City and Shire (the other three Strategic Development Plan Authorities would be unaffected). A new Plan could be approved in 2018-2019, but could be replaced by a new National Planning Framework in 2020. There are currently no transitional arrangements suggested.

3. Improving national spatial planning and policy

An enhanced National Planning Framework (NPF) and Scottish Planning Policy (SPP), is promoted as it is considered together they would provide an effective strategic perspective for Scotland.

Nestrans accepts that an enhanced NPF can provide an effective strategic perspective to all of Scotland. However in its current form, the SPP is too detailed and whilst there are broad principles within it which could be described as 'strategic' (for instance the requirement to maintain a 5 year effective housing supply), the document also strays into much more detailed considerations which should be best addressed at a local level. We believe that a process of subsidiarity should apply to planning policies in general and this includes the SPP.

It is also unclear how the views of the regions and regional partnerships will be taken into account in preparing future NPFs and SPP. That is crucial to ensure that there is buy-in and a commitment to their implementation.

4. Stronger local development plans

A key element of the Scottish Government proposals is a shift towards a focus on delivery and implementation. The intention is to bring forward a number of changes, including the replacement of the Main Issues Report with a Draft Plan and the removal of supplementary guidance. Greater clarity on how a 10 year plan would work will be provided. Overall, the prime aim is to create greater confidence that sites allocated will be delivered and that planning authorities will focus more on plan implementation. A gatecheck is promoted to provide reassurance on the evidence base and approach early in the Plan process. This should ensure Local Development Plan Examinations will be more straight forward.

The proposed development plan preparation process, although removing one stage introduces a further stage in the gatecheck and yet expects the process to be completed in just 2-3 years. Nestrans is sceptical that this timescale for preparation is realistic. Whilst the gatecheck concept is welcomed in principle, more detail on the proposed new Local Development Plan system is required. That is particularly so in terms of ensuring that the gatecheck does not merely prolong the early stages of the process whilst not reducing timescales overall.

We are unconvinced by the proposal to move to a ten-year timescale. If a 10 year LDP lifespan is to be imposed, then flexibility needs to apply to ensure continuing alignment between LDPs, transport strategies, economic development strategies and other plans. It will also be important to ensure that there are mechanisms for both providing clarity in terms of what should trigger a review within the 10 year period, and for ensuring that a review is carried out under particular circumstances.

5. Making plans that deliver

There is strong support for the plan-led system and it is intended to strengthen Local Development Plan delivery programmes in the Planning Bill and through changes to secondary legislation.

The commitment to the plan-led system is welcomed, as is the need for more confidence that allocated sites will be developed. More detail on how that will be achieved, particularly in relation to the role of stakeholders is required.

6. Giving people an opportunity to plan their own place

The Scottish Government consider that Local Place Plans are used to promote appropriate development rather than prevent it. The Planning Bill will ensure Local Place Plans are consistent with the Local Development Plan and will be incorporated into the Local Development Plan through an update that will allow for public consultation and independent scrutiny.

Nestrans supports the light touch approach to community engagement being advocated. We would agree that, alongside community councils, wider community organisations should also be involved more in the planning process. The key is to encourage community engagement from bottom up and not to be prescriptive in terms of who and how people should be involved.

It is essential that Local Place Plans are consistent with the Local Development Plan, albeit that the LDP would take precedent. It should be remembered that not all communities will necessarily want to, or be able to, get involved with Local Place Plans and questions exist over what to do in situations like this. Potential for inconsistency of approach and coverage exist.

7. More people involved

It is intended to bring forward targeted changes to the existing regulations for engagement to ensure that children and young people are encouraged to get more involved in planning.

Nestrans supports the intention to involve more people in the planning process and is aware that the planning authorities in the north east have already actively taken steps to achieve that.

8. Improving trust

Changes to improve trust are promoted including amending the pre-application consultation process, removing the opportunity for 'free go' applications and, the need for wider community engagement training. The Scottish Government is to progress all of the proposed changes.

Nestrans is in broad agreement with these proposals. Improving trust between all parties is necessary and therefore these changes are welcomed. It is important, however, that all parties are trained in how to engage (including communities and

developers) and that they are able and willing to engage positively in the process. The use of steering groups to look at masterplan evolution and planning applications could be one opportunity for continuing community involvement over extended periods.

9. Keeping decisions local

It is considered that more can be done through consistency in local schemes of delegation and the Scottish Government does not intend for Ministers to take more decisions. There is also no intention to introduce fees for lodging either reviews or appeals. They will however, further explore the scope for mandatory training for Members who serve on a planning committee or Local Review Body. The Scottish Government remain unconvinced on the idea of third party rights of appeal.

Nestrans agree that Reporters should continue to take decisions on Appeals, retaining objectivity and professionalism in this important aspect of the planning process.

In relation to the mandatory training and testing for Members, the position paper notes that this is only being explored at present. If it is to be made mandatory, then training will require to be done via statute and to be consistent across planning authorities and all members.

10. Being clear about how much housing land is required

In view of the intention to enhance the role of the National Planning Framework and Scottish Planning Policy, the Scottish Government advise they will continue to work with housing professionals, planning authorities and developers to identify a solution which minimises the level of debate on how much land is required for housing (probably through the NPF and SPP).

More detail is required on the liaison arrangements between Local Authorities and the Scottish Government on the means of conflict resolution. The current model for agreeing housing needs in the north east of Scotland works well and should be continued. Scottish Government intervention should only be made with those planning authorities who fail to deliver in this respect. It is also not clear how Scottish Government intervention will actually reduce the debate, it merely moves it to another level.

11. Closing the gap between planning consent and delivery of homes

Scottish Government advise they will continue to work with others, to ensure that planning does all it can to enable the building of more high quality homes of a broader range of types. They further maintain fuller information on viability of sites and delivery should be part of the planning process.

Nestrans is generally in broad agreement with these proposals. However, the Government needs to be realistic in recognising that external issues affecting viability can change over time through, for instance, different market conditions and infrastructure requirements.

CPOs can be an effective way of unlocking difficult sites but it needs to be borne in mind that the local authorities take on a considerable amount of risk and additional costs in these circumstances. We would ask that consultation takes place on any proposed revisions to CPO guidance. There is also a need to address the issue of big infrastructure requirements being identified late in the development process.

12. Releasing more ‘development ready’ land for housing

Scottish Government still consider that a zoned approach has the potential to unlock significant areas for housing development including supporting alternative delivery models such as custom and self build. It is intended to bring forward proposals for legislative changes to refresh and rebrand simplified planning zones.

Nestrans is generally in broad agreement with these proposals. It should be noted however that the creation of Simplified Planning Zones can be resource intensive for local authorities and may not ultimately speed up the delivery of development on the ground.

13. Embedding an infrastructure first approach

Scottish Ministers remain of the view that a new agency is not needed to improve the links between planning and infrastructure. They are however, continuing to consider options for a national delivery group to support improved co-ordination of development and infrastructure. It is suggested that the proposal to move strategic development planning towards regional partnership working can also help to improve infrastructure governance and co-ordination. Scottish Government will also explore approaches to regional infrastructure audits as well as working with infrastructure providers to define how best to facilitate their involvement in the planning system.

Nestrans notes the decision not to establish a dedicated infrastructure delivery agency. However, as an issue that affects most of Scottish local authorities, we still believe that this issue should be given due priority, and local authorities should be given support to unlock development. We would welcome working with the Scottish Futures Trust on unblocking sites and would suggest that successful examples of such working from other parts of the UK should be looked at. This should not be simply looking at stalled sites in isolation. There may be issues that are potentially holding back whole settlements, cities and regions relating to transport, water, utilities and so on. Any new regional partnerships should be involved in identifying any infrastructure blockages and potential solutions. Generally more detail on the ideas proposed is required.

14. Creating a fairer and more transparent approach to funding infrastructure

Scottish Government advise they consider a levy or charge merits further consideration and will therefore finalise and publish a Stage 3 research report which identifies options that could be tested further. Work will also continue to explore assistance from the Scottish Futures Trust. Scottish Government are not currently minded to remove the provisions at Section 75A for modifying planning obligations.

Nestrans supports the principle of a charge to support the funding of necessary infrastructure and has been instrumental in developing the concept of a Strategic Transport Fund, albeit that this is currently in abeyance pending a Supreme Court ruling. More detail on the ideas proposed above is required. For example, no reason is given as to why the Scottish Government is not minded to remove the provisions at Section 75A for modifying planning obligations, other than citing strong opposition from the development sector.

If this is the case then changes should also be made to allow Local Authorities, as a co signatory, to have the ability to apply to modify or discharge obligations based on changing circumstances. This is particularly essential in places like Aberdeen and Aberdeenshire where there are a number of very large allocated sites that could take years or even decades to develop out.

15. Innovative infrastructure planning

Scottish Government has already taken forward enhanced permitted development rights for telecommunications infrastructure, and will continue to work on education infrastructure planning in the coming months. There has been a change of view regarding the removal of Section 3f of the Climate Change (Scotland) Act 2009, whereby it is now not the intention to progress this through the Planning Bill.

Nestrans is disappointed at this outcome in relation to the Climate Change Act, but this is primarily a matter for local authority planning and building standards services.

16. Developing skills to deliver outcomes.

The Scottish Government will continue to work with others on skills development as well as explore the scope for shared services.

Local authorities and other agencies in the north east of Scotland already share expertise and services including strategic environmental assessment and archaeology and Nestrans frequently contributes strategic transportation advice.

Upskilling is advantageous, but it is becoming increasingly evident in practice that there needs to be more emphasis on awareness of the opportunities arising out of new technology and educating the workforce, as well as communities, on how to embrace these.

17. Investing in a better service

As maximum planning fees have already been increased, there is no intention to consult on further charges until after the Planning Bill has been considered. The Planning Bill is likely to include additional enabling powers that provide scope to widen discretionary charging and to extend the range of services for which fees can be charged.

Nestrans supports the principle of introducing more appropriate opportunities for discretionary charging, although further detail on this matter is required. New or increased costs should be proportionate to the type and quality of service, and not

be excessively onerous to the applicant. Though discretionary, guidance should provide a certain level of expectation from planning authorities and other agencies involved in the planning process across the country.

18. A new approach to improving performance.

Scottish Government will continue to work with a High Level Group and others in pursuit of improved performance.

Nestrans supports a process of continuous improvement and we would welcome participation in any schemes arising from this.

19. Making better use of resources: efficient decision making

Scottish Government consider that broadening the scope for permitted development could play a significant role in making better use of resources in the planning system. They are also considering taking forward a range of improvements to development management procedures.

Nestrans agrees that resourcing could be aided by an increase in the scope of permitted development, however it is a complex topic requiring further detail.

20. Innovation, designing for the future and the digital transformation of the planning service

Scottish Government are moving forward with establishing a Digital Task Force.

Nestrans broadly supports this point. As per comment 16, upskilling and promotion of the technology available should be enhanced in order to help planning professionals and others required to input to the planning process to utilise these resources to successfully connect with people of all ages (including younger people), backgrounds and interests in their jobs. The use of new technologies is welcomed although nothing specific is proposed.