



Scottish Parliament Local Government and Communities Committee Call for Evidence on Planning (Scotland) Bill – SPT response

Committee Strategy and Programmes

Date of meeting 2 February 2018

Date of report 8 January 2018

Report by Senior Director

1. Object of report

The object of this report is to recommend the Committee approve the key principles of SPT’s proposed draft response to the Scottish Parliament Local Government and Communities Committee Call for Evidence on the Planning (Scotland) Bill. These key principles will inform SPT’s full response which will be submitted within the deadline of 2 February 2018.

2. Background

2.1 Further to earlier reports¹, the Scottish Government introduced the Planning (Scotland) Bill into the Scottish Parliament on 4 December 2017². The Scottish Parliament’s Local Government and Communities Committee is leading on scrutiny of the Bill and to that end is undertaking a Call for Evidence to garner views on the Bill³.

2.2 The Scottish Government’s Policy Memorandum accompanying the Bill⁴, summarises the Bill’s provisions as follows:

“Part 1 [of the Bill] strengthens and reaffirms the role of the development plan, and of the plan-led system, in setting a clear and deliverable vision of where and how areas will develop. This Part enhances the status of the National Planning Framework, incorporating the Scottish Planning Policy and bringing it within the statutory development plan. It also removes the requirement to produce strategic development plans, and restructures the processes for production of local development plans to support greater emphasis on delivery of development. It includes a new right for communities to produce their own plans for their places.

Part 2 makes provision for simplified development zones, which will frontload scrutiny of potential development sites, delivering consents through zoning of land.

¹ http://www.spt.co.uk/documents/sp08092017_agenda9.pdf

² The Planning (Scotland) Bill as introduced - <http://www.parliament.scot/parliamentarybusiness/Bills/106768.aspx>

³ Call for evidence on the Planning Scotland Bill <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/107221.aspx>

⁴ Summary text from Planning (Scotland) Bill Policy Memorandum - [http://www.parliament.scot/Planning%20\(Scotland\)%20Bill/SPBill23PMS052017.pdf](http://www.parliament.scot/Planning%20(Scotland)%20Bill/SPBill23PMS052017.pdf)

Part 3 makes a number of changes to development management processes. This Part amends current provisions for considering and deciding planning applications to support improved efficiency, appropriate local consultation and more local decision-making.

Part 4 deals with changes required to support effective performance across a range of planning functions. This Part strengthens planning authorities ability to effectively use their powers to ensure appropriate enforcement of unauthorised development. It also widens the scope for charging of fees in relation to planning functions and takes a more structured approach to performance improvement across planning services. This Part also introduces a new requirement for members of planning authorities to undertake training in planning.

Part 5 makes provision for the introduction of an infrastructure levy payable to local authorities, linked to development, which can be used to fund or contribute to infrastructure projects that can incentivise delivery of development.”

2.3 SPT has sought to be fully involved in the Scottish Government's Independent Review of Planning, and the development of the Planning Bill, including providing responses at various stages in both processes, including:

- The Independent Review of the Scottish Planning System – Call for Evidence⁵;
- “Places, People and Planning – A Consultation on the Future of the Scottish Planning System”⁶; and
- “Places, People and Planning” - Position Statement⁷.

2.4 Officers have also given evidence in person to the Independent Review of Planning Panel⁸ and participated in Scottish Government workshops on planning and infrastructure.

3. Outline of proposals

3.1 The draft key principles of SPT's proposed response are as follows:

- SPT welcomes the Scottish Government's commitment to a plan-led, 'front-loaded', more streamlined planning system, with greater community involvement, more emphasis on certainty for developers, encouraging 'development ready' land, and a stronger focus on delivery.
- However, the Bill as proposed presents something of a missed opportunity, as its provisions raise various causes for concern and have the potential to create a range of negative consequences.
- Removing statutory Strategic Development Plans from the planning process is a retrograde step which goes against best practice and does not reflect the unique qualities of each of Scotland's regions, and indeed, has the potential to place the future sustainable economic growth of the west of Scotland in

⁵ SPT response - http://www.spt.co.uk/documents/rtp111215_agenda9.pdf

⁶ SPT response - <http://www.spt.co.uk/documents/rtp310317agenda8.pdf>

⁷ SPT response - http://www.spt.co.uk/documents/sp08092017_agenda9.pdf

⁸ <http://www.gov.scot/Resource/0050/00500949.pdf>

jeopardy. It is worth highlighting that in their flowchart explaining the Bill⁹, the Scottish Government give significant weight to the importance of “Regional Partnerships” in the future structure of development planning in Scotland. What is not made clear is that these partnerships are not referred to anywhere in the proposed Bill, would therefore be voluntary, and would have no statutory footing.

- Furthermore, this is in contrast to not only established ‘regional’ approaches in other sectors such as transport (RTPs like SPT), but also emerging Scottish Government practice such as the outcomes of the Enterprise and Skills Review (proposed ‘Regional Economic Partnerships’), and the emerging National Transport Strategy is moving towards being supportive of a more ‘regional’ approach. The proposed Bill also appears to ignore the emerging ‘city region’ agenda which is developing in areas across Scotland.
- The Bill appears to present a very much centralised planning system, where despite significant work being undertaken by local authorities and other partners at the local and regional level, the Scottish Government has the ultimate final decision over nearly all aspects of development planning: from the National Planning Framework, to Simplified Planning Zones, through to Local Development Plans.
- There is very little reference to transport within the Bill, as was to be expected, as the new National Transport Strategy and forthcoming Transport Bills will cover that. However, the timing of the NTS and these Bills has unfortunately created a situation where any legislative change required to improve the integration of transport and land-use planning will require the transport sector to ‘play catch-up’ with planning; for example, how will the lack of a statutory regional focus within the Planning Bill affect the outcomes of the NTS and the forthcoming Transport Bills? It is therefore essential that the Planning Bill makes provision for future changes such as these, in order that they can be taken into account in legislation.
- SPT welcomes greater integration of Community Planning and greater community engagement in the planning system, with the introduction of Local Place Plans and the inter-relationship with Local Outcome Improvement Plans as part of the Local Development Plan.
- We are concerned that there will be a widened gap between ‘local’ and ‘national’ planning levels through the provisions of the new Bill. While the Local Place Plans will have a welcome focus on community involvement and accountability, the National Planning Framework will become a far more prescriptive and detailed statement of Scottish Ministers’ policies and proposals for the development and use of land across all council areas in Scotland. It is worth remembering that the NPF will also form part of the statutory Development Plan for an area, alongside the Local Development Plan.
- SPT welcomes the principles behind the proposed infrastructure levy, but highlight that greater appreciation of the impact on services (such as transport) should be given, and the role RTPs can play in that. Furthermore, there is no provision for infrastructure levy funding to go to regional bodies such as SPT, despite the levy being intended for strategic/regional infrastructure, and that route often being the most appropriate and deliverable way of utilising such funding.

- In addition there are number of areas that the Bill fails to address including: recognition of the role of statutory 'key agencies' (including RTPs) in the development plan process; strengthening of the role of key stakeholders, including RTP's in the development management process (for example, transport assessments at present are not as effective as they could be and RTPs could play a key role in that area in future); limited flexibility for city-regions to reflect area specific circumstances; and last but not least, recognition of the role of transport as a catalyst for development, and the mutually dependant relationship between transport and land use planning, including the relationship between the new Planning Bill, the forthcoming Transport Bill and emerging National Transport Strategy.

4. Conclusions

The Planning (Scotland) Bill will fundamentally alter the planning system in Scotland and it is therefore essential that SPT continues to make representations that endeavour to best serve the people and communities of the west of Scotland and their transport network. In responding to this Call for Evidence, officers will seek the opportunity to appear before the Scottish Parliament's Committee, and continue to liaise with the Scottish Government and other stakeholders regarding the Bill. Officers will update the Committee on progress as appropriate in future.

5. Committee action

The Committee is recommended to approve the draft key principles of SPT's proposed draft response outlined in section 3 above.

6. Consequences

Policy consequences	<i>The Planning Bill has the potential to significantly influence land-use and transport policy in the west of Scotland.</i>
Legal consequences	<i>None at present.</i>
Financial consequences	<i>None at present</i>
Personnel consequences	<i>None at present.</i>
Equalities consequences	<i>The new Bill could have significant impacts on equalities groups.</i>
Risk consequences	<i>There is the potential that the new Planning Bill could create significant risks for transport and land-use planning in the west of Scotland.</i>

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