



Planning (Scotland) Bill

Stage 1 Debate Briefing for MSPs

May 2018

Our vision and ambition for the Bill

Planning is the spatial representation of all the policies that impact on our lives, from the big picture issues about our environment, infrastructure and housing, to the everyday activities that impact on our health such as walking and cycling and ensuring we create socially connected places that help reduce isolation and inequalities in our communities. The quality of our places is crucial to our physical, mental and social wellbeing. We believe that with each action, the planning system can help achieve multiple benefits for communities and for Scotland as a whole.

The Scottish Alliance for People and Places has a vision for a planning system that is inclusive, respected, ambitious and holistic. We believe in a system that inspires and empowers civic participation, recognises the positive force that quality development can play in creating a more equal society and that is based on constructive, early and meaningful engagement.

We want to move away from a system where engagement is often based on objection rather than on the opportunity for people to plan what they would like to see for the future of their community. We welcome a number of the Local Government and Communities Committee's statements and recommendations to support more early and meaningful engagement.

On the following pages we set out where we would like to see further changes, to help transform the system into a new way of public and democratic engagement.

The Scottish Alliance for People and Places is a collection of organisations working across the place-making and planning sector.

We have come together for the first time in recognition of the unique opportunity to build a more inclusive, respected, efficient, and ambitious system of planning that puts people at the heart of their places. Our goal is to ensure that the Planning (Scotland) Bill meets the social, environmental and economic needs of our communities and of Scotland as a whole.

Who we are

The members of the Scottish Alliance for People and Places are:

- Rt Hon Henry McLeish (Chair)
- PAS (Secretariat)
- Royal Town Planning Institute Scotland
- Royal Institution of Chartered Surveyors
- Institution of Civil Engineers Scotland
- Paths for All
- NHS Health Scotland
- Scottish Federation of Housing Associations
- Royal Society for the encouragement of Arts, Manufactures and Commerce
- Scotland's Towns Partnership
- Scottish Mediation
- Sustrans Scotland
- Scottish Allotments and Gardens Society
- Play Scotland
- Children In Scotland

Our response to the Stage 1 Report on the Planning (Scotland) Bill

Purpose of Planning

This was one of the recommendations we put forward in our original evidence to the Committee. We therefore support the Committee's recommendation that a new section of the Bill be introduced to set out the purpose of the planning system.

Part 1 Development Planning

National Planning Framework

We support the Committee's recommendations to strengthen the scrutiny of the National Planning Framework, including that Scottish Ministers make a statement to the Scottish Parliament on the relevance of the National Planning Framework periodically throughout its lifetime.

Recommendation 1

Housing targets should be set in the National Planning Framework as well as at the regional level (see 'Removal of Strategic Development Plans' below).

The Independent Review of the Scottish Planning System that reported in May 2016 called for significant action on housing both in terms of innovation and delivery, indeed this is the context in which the current Bill was conceived. National priorities, such as delivering 50,000 affordable homes, should be reflected in the National Planning Framework (and the Regional Spatial Strategies that we propose, below).

Removal of Strategic Development Plans

We recognise the Committee's concerns about the removal of Strategic Development Plans and the potential impact this may have on planning at the regional level.

Recommendation 2

The duty for local authorities to cooperate at the regional level should be strengthened to require local authorities to develop Regional Spatial Strategies as a tangible output.

This would enable housing and other key infrastructure decisions to be coordinated at the regional level. A Regional Spatial Strategy in its essence would be a map or series of maps indicating areas for strategic development at the regional level. We envisage that Regional Spatial Strategies could inform the National Planning Framework.

This could satisfy both the Scottish Government's desire for a streamlined and flexible planning system at the regional level, as well as the Committee's desire for a more robust mechanism than what is currently proposed in the Bill.

Recommendation 3

Housing targets should be set in the above proposed Regional Spatial Strategies, as well as in the National Planning Framework.

Housing need should be established at the regional level and articulated through Regional Spatial Strategies.

Local Development Plans

Recommendation 4	<p>Engagement with the community and a wide range of stakeholders should be a part of the 'gatecheck' process on the face of the Bill.</p> <p>The gatecheck has the potential to play an important role in raising both the quantity and quality of engagement at an early stage in the process and we agree with the Committee that it should be strengthened within the Bill, as part of a suite of measures to promote earlier and more meaningful engagement in the planning system.</p> <p>We would be pleased to offer further evidence as to what a good engagement looks like to help inform future stages of the Bill or the following regulations and guidance.</p>
Recommendation 5	<p>Engagement should be inclusive, in particular requiring the views of children and young people to be taken into account through the planning process.</p> <p>Children and young people will live longest with the decisions made today. The UK is a signatory to the UN Convention on the Rights of the Child, which entered into force in the UK in 1992. Article 12, the right to form a view and to be heard in matters that affect them, and Article 31, the right to play and participate freely in cultural life, underpin our obligation to enable children and young people to participate in the decision-making processes that will affect all of us.</p> <p>We believe that children and young people's voices and their participation must be given meaningful weighting. Currently, they are at the bottom of the pecking order when it comes to use of the public realm.</p> <p>We would be pleased to offer further evidence as to what a good engagement with children and young people looks like to help inform future stages of the Bill or the following regulations and guidance.</p>
Recommendation 6	<p>There should be a duty to consider a mediated process during the gatecheck.</p> <p>We think there is an important role for a mediated process during the gatecheck and we propose introducing the duty to consider using mediation in the preparation of the evidence report. We believe this would strengthen the collaboration between planning authorities, communities and developers, resulting in a more open and transparent process.</p> <p>Also see Recommendation 13 which proposes an additional role for mediation.</p>
Recommendation 7	<p>Local authorities should undertake an annual/regular review of the continued relevance of the Local Development Plan as part of the performance monitoring process.</p> <p>Whilst we recognise the Committee's concern about the cost implications of Local Development Plan (and National Planning Framework) reviews, given the move to a ten year cycle of Local Development Plans, we believe regular reviews are important in ensuring that Local Development Plans remain up-to-date and responsive.</p> <p>We note the Committee's concerns about the removal of statutory supplementary guidance and suggest that regular reviews of plans within their ten year cycle would enable locally specific guidance to be incorporated into the Local Development Plans at regular intervals, should it be required.</p>

Recommendation 8	<p>There should be a Chief Planning Officer in each local authority to oversee the link between community planning and spatial planning at the local level.</p> <p>The Committee welcomed the proposals to provide for greater connections between Local Development Plans and Local Outcome Improvement Plans. However without clear mechanisms by which to create greater alignment, it is unclear how this will happen. We propose a new role within each authority to drive this forward.</p>
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Local Place Plans

Recommendation 9	<p>Appropriate resources must be in place to ensure Local Place Plans are meaningful and that all communities can benefit from them.</p> <p>We welcome that the Committee “firmly believes that communities should be supported to help develop plans for their areas” but also note the Committee’s concerns around resourcing and disproportionately benefiting the communities with the capacity, time and resources to create Local Place Plans.</p> <p>Local Place Plans are part of a range of measures across the Bill to increase early and meaningful engagement, which we welcome. However to be effective, Local Place Plans are one of the key areas of the Bill that we believe will require dedicated investment and a commitment to resourcing.</p> <p>In order to help reduce, not widen, inequalities, some communities will require greater support than others. Provision must be made to prioritise investment and support where it is most needed.</p> <p>Issues such as children’s right to play are an issue of social justice. Recent research shows that access to play is not equally distributed in Scotland. We believe the planning system has an important role to play in reducing that inequality of opportunity in our communities.</p>
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Recommendation 10	<p>Local Place Plans should be considered as part of the Local Development Plan process, considering their content during the first stage of the gatecheck.</p> <p>We agree that Local Place Plans should be aligned with the Local Development Plan process, but do not agree with the suggestion, as we understand it, that the primary mechanism for Local Place Plans to be created would be for local authorities to issue a call at the start of the Local Development Plan process, with Place Plans to be completed within the timescale of the evidence report. This could seriously delay the beginning of work on updating Local Development Plans, making it very difficult for local authorities to ensure they have an up to date plan in place.</p> <p>We believe the Local Development Plan should take Local Place Plans into account, and indeed where Local Place Plans exist at the time of undertaking a new Local Development Plan, they should be part of the evidence report. However it is likely that they will come forward during the lifetime of a Local Development Plan and should be considered by any relevant reviews of the Local Development Plan.</p>
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Recommendation 11

Once a Local Place Plan has been submitted to a local authority, there should be a duty on the local authority to provide timely feedback and enter into discussion with the community around the Local Place Plan.

We see Local Place Plans as an opportunity to begin a dialogue and as the starting point for a conversation about planning at the very local level. We welcome that the Scottish Government has committed to amend the Bill so that local authorities must 'take account of' Local Place Plans. We also note the Committee's concern around what 'take account of' will mean in practice.

We propose a duty on authorities to respond and enter into dialogue with the community within a prescribed period of time following the submission of a Local Place Plan.

This duty would be an opportunity for local authorities to establish which elements of Local Place Plans could be taken forward, and which it may not be possible to take forward, through the Local Development Plan.

This process should include children and young people living in that community. We would also recommend that accessible easy read versions of Local Place Plans are produced and made available to all stakeholders.

In the Committee's online survey, 58% of the young people who responded said that they will be likely or very likely to become involved in Local Place Plans, with 78% indicating that there should be a duty on communities who draft Local Place Plans to consult with young people.

Third Party Right of Appeal

We believe the Bill has the potential to transform democratic engagement in planning by proposing mechanisms for early and meaningful engagement not just in one area but across the planning system. We have set out in this briefing where we believe the Bill can be further strengthened to support early and meaningful engagement, through Local Development Plans, Local Place Plans, Development Management and through proposals such as a duty to consider a mediated process both in Development Planning and Development Management.

We continue to support the Scottish Government's position not to introduce Third Party Right of Appeal.

We believe such a move would:

- undermine the role of early engagement in a plan-led system.
- further widen inequality in our communities by disproportionately favouring those with the capacity, time and resources to pursue such a route.
- exacerbate divisions, potentially pitting one part of a community against another, particularly where the community itself is the applicant.

Part 2 Simplified Development Zones

Recommendation 12	<p>Simplified Development Zones should be included in the Local Development Plan, and where they are introduced in its lifetime, the Plan should be formally amended to include it.</p> <p>This would enable greater transparency and would ensure that the Local Development Plan, through regular reviews, is up to date.</p> <p>See also Recommendation 7 regarding regular reviews of Local Development Plans.</p>
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Part 3 Development Management

Recommendation 13	<p>There should be a duty to consider a mediated process at the pre-application consultation stage.</p> <p>Further to Recommendation 6 where we propose the duty to consider a mediated process at the gatecheck stage of the Local Development Plan process, we propose a duty to consider using mediation at the pre-application consultation stage of Development Management. We believe this could support greater engagement, dialogue and transparency at this stage.</p>
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Part 4 Other Matters

Performance of planning authorities

Some of the Committee's concerns about the specific drafting of this section of the Bill could be addressed at Stage 2. We nonetheless believe that it would be a missed opportunity not to consider performance, skills and culture change further in the Bill.

Recommendation 14	<p>There should be a Planning Commissioner / Champion, either appointed by Parliament or through the public appointments process, supported by an office to monitor planning performance, to support skills and capacity building across the sector, and improve the quality of community engagement.</p> <p>An independent Commissioner or similar individual would drive up performance by capturing and sharing good practice across all the local authorities in Scotland, particularly around engagement. The introduction of Local Place Plans, as an entirely new mechanism in the system, is a prime opportunity to capture emerging practice, share best practice and change the culture of the planning system through skills development.</p> <p>We believe that the role of a Commissioner or similar figure would also link to the purpose of planning and help reinforce the links to wider social, economic and health outcomes and help improve outcomes in those areas through the planning system.</p> <p>We would envisage part of the work of their role to specifically ensure that the needs and views of those who are seldom heard are included, such as children and young people. One example might be to monitor and protect the informal play and recreation spaces in our communities, which currently have no protection.</p> <p>It would also help give further attention to housing, as identified as one of the key issues in the Independent Review of the Scottish Planning System. The Scotland Performs framework already sets out national strategic objectives and could be linked to the work of such a Commissioner.</p>
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Recommendation 15	<p>The quality of community engagement should be introduced as a performance metric as part of the annual performance monitoring process.</p> <p>As part of a suite of measures across the Bill to improve early and meaningful engagement in the planning system, we believe this recommendation would further reinforce engagement as one of the key pillars of the planning system.</p>
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Training for taking planning decisions

Recommendation 16	<p>In undertaking their functions on a Planning Committee, training for Councillors should be mandatory.</p> <p>We agree with the Committee that Councillors should be supported in their role within the planning system and should be clear about the matters upon which they should base their decisions.</p> <p>However we believe mandatory training would be the most effective way to ensure that all Councillors taking planning decisions are supported. Where training is optional, the risk is that only those who feel they need it will participate in it. We believe that training for all Councillors taking planning decisions would be an effective way to ensure consistency within the Councillors in an authority but also consistency across all local authorities in Scotland.</p> <p>Due to the quasi-judicial nature of the planning system, the issue of risk is important for an authority to consider. We believe training for all involved would be an effective tool to manage the risk to a local authority of decisions being challenged.</p>
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