

# EDINBURGH ASSOCIATION OF COMMUNITY COUNCILS

## Making plans for the future - consultation questions:

### Key question

**A: Do you agree that our proposed package of reforms will improve development planning? Please explain your answer.** No. See responses to questions below.

Much of what is proposed is aspirational and non-specific and in development planning it is the detail which matters surely.

In particular, there is nothing stated really to strengthen LDPs and avoid the current system of "planning by appeal", which has contributed to disengagement by people from the planning system. Para 1.6 is alarming in proposing developers be involved in preparing, promoting and delivering LDPs. They will promote sites in which they have an interest to the detriment of the wider community and other possibly more suitable sites. This proposal is not acceptable.

### Optional technical questions

1. Do you agree that local development plans should be required to take account of community planning? Yes, but how does this fit with para 1.4 – simplification? Paras 1.1-1.3 supported in principle but LDPs have to be site and land use specific and not just aspirational which many community plans seem to be. Community Planning therefore needs to be defined

2. Do you agree that strategic development plans should be replaced by improved regional partnership working? Agreed that SDPs not working at present, but what is proposed is vague and seems like more centralisation of decision-making and therefore is not supported. A one-size fits all approach to regional working should be avoided, so where there are city regions such as Edinburgh and other cities, these should carry out the SDP function. This may require some adjustment of city region boundaries.

2(a) How can planning add greatest value at a regional scale?

2(b) Which activities should be carried out at the national and regional levels?

2(c) Should regional activities take the form of duties or discretionary powers? Duties

2(d) What is your view on the scale and geography of regional partnerships? See above

2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working? This needs further explanation.

3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making? Decision making at what level? This seems like more centralisation, getting further away from communities.

3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?

4. Do you agree with our proposals to simplify the preparation of development plans?

4(a) Should the plan review cycle be lengthened to 10 years? No. The rate of change is likely to increase due to international factors as well as national and local impacts, so it would be retrograde to extend the plan cycle.

4(b) Should there be scope to review the plan between review cycles? No, this would

lead to the destruction of an effective LDP with constant battles over designations and the present unsatisfactory situation of planning by appeal would continue.

4(c) Should we remove supplementary guidance? Yes, it should all be in the LDP.

5. Do you agree that local development plan examinations should be retained? Yes

5(a) Should an early gatecheck be added to the process? Yes, if the MIR is to be removed.

5(b) Who should be involved?

5(c) What matters should the gatecheck look at? It should include the evidence base supporting broader LDP principles, which the MIR has previously included, otherwise the gatecheck would be of limited value.

5(d) What matters should be the final examination look at?

5(e) Could professional mediation support the process of allocating land? No. This introduces another undemocratic body with executive powers (ie those involved would have to agree in advance to accept the mediation outcome possibly leading to further public disengagement) Developers and landowners will be able to deploy resources in the mediation process not available to local communities. One possibility might be for the planning authority as a democratic body to be statutorily required to be the mediator and resourced accordingly. However this function would have to be at arms length from any previous pre-allocation or pre-application discussions where the authority might be an interested party.

6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle? Yes

7. Do you agree that plans could be strengthened by the following measures:

7(a) Setting out the information required to accompany proposed allocations Yes

7(b) Requiring information on the feasibility of the site to be provided Yes

7(c) Increasing requirements for consultation for applications relating to non-allocated sites Yes, application fees should be much higher to discourage "testing the water" and be subject to an equal right of appeal to redress the imbalance that communities suffer from – developers and landowners have such rights, so should communities.

7(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application Not acceptable, as developers can subtly change a development so that what was included in the LDP becomes different when it becomes an actual proposal. PPP or a detailed application must be able to test this.

8. Do you agree that stronger delivery programmes could be used to drive delivery of development? Yes, if they can be made to work, but no one can force a developer to undertake a development at a particular time if the market changes. This seems

aspirational, but not practical.

8(a) What should they include?

## People make the system work - consultation questions

### Key question

**B: Do you agree that our proposed package of reforms will increase community involvement in planning? Please explain your answer.** Yes, it could do, but see the responses to the questions below. Communities want to be involved in the principle and type of development, whether it should happen at all, and not just asked about which field should be built on after the real decision has been taken.

### Optional technical questions

9. Should communities be given an opportunity to prepare their own local place plans?

Yes

9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan? If the former this implies that they precede the LDP, possibly differing from it, which would introduce contradictions so the LDP must come first.

9(b) Does Figure 1 cover all of the relevant considerations? Yes

10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan? Yes, CCs may require additional expert resources to be made available to be able to fulfil this duty. Para 2.16 is inadequate in the respect – CC Liaison is not currently equipped to do this.

10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme? Yes, most already so how is it to be enhanced?

11. How can we ensure more people are involved? By creating a climate in which people can see that their participation is worthwhile and can make a difference. The present situation in which people are consulted and then their contributions ignored has led to disengagement.

11(a) Should planning authorities be required to use methods to support children and young people in planning? Greater awareness in schools of the role of planning may be helpful, but without professional support and understanding it is difficult to see how this can be effective with constrained budgets.

12. Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s). More public meetings across a wider area where there are wider impacts such as on infrastructure, traffic open spaces and the environment

12(a) What would be the most effective means of improving this part of the process?

See above

12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified? Where what is proposed differs materially from the PAC, then the PAC process should start again.

12(c) Are the circumstances in which PAC is required still appropriate? A Local Development (for instance up to 49 dwellings or 1.9Ha site or a business development of 9000sq m.) can have a great impact on a local community, yet there is no PAC requirement, so Planning Authorities should have the power to require PAC where there a Local Development may have a significant impact on a local community.

12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit? Yes. 1 year

13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed? Yes. A refusal is for valid planning reasons and any new application must therefore be materially different. Multiple applications for similar developments just slightly changed must also be prevented, as this is a significant occurrence, causing CCs to waste effort needlessly.

14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action? Yes, substantially and the income used to resource enforcement adequately, a "Cinderella" service of planning authorities. People become disillusioned when they see breaches of consents, conditions or agreements either not enforced at all or not timeously.

15. Should current appeal and review arrangements be revised: Yes, to strengthen LDPs and avoid the current system of planning by appeal.

15(a) for more decisions to be made by local review bodies? Only if LRB Members are provided with adequate professional support in decision-making and CCs or other local bodies are also resourced to counter applicants' deeper pockets. This proposal could be seen as a device to shift costs from central to local government.

15(b) to introduce fees for appeals and reviews? Yes, this could help to finance what is set out in the response to 15a.

15(c) for training of elected members involved in a planning committee or local review body to be mandatory? Yes

15(d) Do you agree that Ministers, rather than reporters, should make decisions more often? Would this make any difference to a situation where reporters are increasingly perceived as reflecting central government policy?

16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

**Building more homes and delivering infrastructure - consultation questions**

## Key question

### C: Will these proposals help to deliver more homes and the infrastructure we need?

**Please explain your answer.** There are good aspects to some of the proposals. However, this document in concentrating so much on housing sites and their delivery risks being unbalanced. Of equal importance is the creation of employment land, food production and security, accessible open spaces for people to enjoy, sustainable tourism, continued protection for wild areas from intrusive and unsuitable development, environmental protection and good place-making. As well as urban areas encouragement is needed to promote sustainable rural and remote communities which are needed to support many of these aims. All this needs good connectivity also across the whole spectrum.

## Optional technical questions

**17.** Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan? **No.** Paras 3.6-3.8 not supported. Setting housing targets centrally is just more centralisation of decision-making and local people must be involved in this determination. Reliance on a centrally determined and "robust" HNDA may have attractions in being consistently applied across the country, but there must be room for local discretion and input. However sophisticated HNDA is just a useful statistical tool.

**18.** Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application? **Yes**

**19.** Do you agree that planning can help to diversify the ways we deliver homes?

19(a) What practical tools can be used to achieve this?

**20.** What are your views on greater use of zoning to support housing delivery?

Re paras 3.23 & 1.43 the use of Simplified Planning Zones for areas zoned for housing is not acceptable. Each proposed development must be the subject of a planning application to allow public debate on the details of housing development and allow adjacent residents to have issues of concern addressed. It is not clear how using Simplified Planning Zones "could be a simpler way of strengthening the development plan or establishing the need for development at an early stage". The need for housing must be identified first in relation to other forms of development and where sites should be should be via strategic (or City Region) and local development planning with full public debate.

20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland? **See above**

20(b) What needs to be done to help resource them?

**21.** Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective? **Yes**

**22.** Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery? **These are too vague for meaningful comment.**

22(a) What actions or duties at this scale would help?

**23.** Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted? **Yes. Within reasonable limitations of commercial confidentiality it should be possible to have wider public scrutiny of Section 75 Agreements and modifications thereto, which often have a considerable public impact.**

**24.** Do you agree that future legislation should include new powers for an infrastructure levy? If so, **In principle : "yes" but it should be specifically related to the proposed development and its infrastructure impacts**

24(a) at what scale should it be applied?

24(b) to what type of development should it apply? **All types where the development imposes an additional infrastructure demand.**

24(c) who should be responsible for administering it?

24(d) what type of infrastructure should it be used for?

24(e) If not, please explain why.

**25.** Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

## Stronger leadership and smarter resourcing - Consultation questions:

### Key question

**D: Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.**

### Optional technical questions

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| <p><b>26.</b> What measures can we take to improve leadership of the Scottish planning profession?</p>   |
| <p><b>27.</b> What are the priorities for developing skills in the planning profession?</p>  |
| <p><b>28.</b> Are there ways in which we can support stronger multidisciplinary working between built environment professions?</p>   |
| <p><b>29.</b> How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?</p>  |
| <p><b>30.</b> Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)? <b>Not sure what this means, except hand wringing after the horse has bolted.</b></p> <p>30(a) Do you have any ideas on how this could be achieved?</p>  |
| <p><b>31.</b> Do you have any comments on our early proposals for restructuring of planning fees?</p>  |
| <p><b>32.</b> What types of development would be suitable for extended permitted development rights? <b>Generally only domestic housing where there is no neighbour impact, not flats &amp; apartments or tenements and not Listed Buildings or in Conservation Areas.</b></p>   |
| <p><b>33.</b> What targeted improvements should be made to further simplify and clarify development management procedures?</p> <p>33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified? <b>No, this would encourage land banking.</b></p> <p>33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved? <b>The practice would be discouraged if each application to vary conditions attracted additional fees. By applying to vary conditions planning permission can be continued beyond the current 3 years, which can lead to planning blight. This practice should be discouraged as it extends the period of uncertainty for adjacent communities and facilitates land banking</b></p> <p>33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle? <b>There should be mandatory public consultation where approval of detail has an external visual, noise or other environmental impact as these details can</b></p> |

significantly affect or change an original consent.

33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?

34. What scope is there for digitally enabling the transformation of the planning service around the user need?

#### Next steps - consultation questions

#### Optional technical questions

35. Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be? **Neutral**

36. What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals? **Costs could be shifted from central to local government and additional costs arise from the extra resources required by CCs or other community organisations.**

37. Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?

38. Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.