

11<sup>th</sup> April 2019

Dear MSP,

## **STAGE 3 OF THE PLANNING (SCOTLAND) BILL - HOPS POSITION**

Heads of Planning Scotland (HOPS) represents all 32 Scottish planning authorities, the 2 National Parks and the 4 Strategic Development Planning Authorities and the resource impacts of the Bill will be experienced by all our members who will be responsible for its successful implementation.

In the last 3 years we have been fully involved in the Scottish Government's planning review consultation processes and we have consistently promoted our views on the need for a simplified and streamlined planning system, which is adequately resourced and repositions planning as an enabler and facilitator, rather than a regulator and a bureaucrat.

Stage 2 of the Planning Bill was completed in November 2018 and as we approach Stage 3 HOPS remains concerned that there has been a drift away from the original objectives of the Independent Planning Review Panel and the current version of the Bill envisages 66 additional duties being imposed on local planning authorities and 25 on the Scottish Government. The Financial Memorandum has just been published and it indicates significant levels of additional spending by councils, ranging from £18m to £74m over the next 10 years.

HOPS has also identified areas where there is still a lack of detail or certainty which need to be pursued with the MSPs, and HOPS continues to work jointly with the RTPI, COSLA and Scottish Government to ensure that our concerns are known and appropriate remedial actions are agreed prior to and during the Stage 3 considerations.

Our key concerns are listed below but we hope that the final version of the Planning Bill will refocus on the strengths of the planning system to deliver quality places and provide economic, transportation, housing and infrastructure investments across Scotland which will revitalise the Scottish economy for all of Scotland's residents.

### **1. The Purpose of Planning**

Rather confusingly the Bill currently contains two definitions of the purpose of planning. HOPS support the RTPI Amendment and is opposed to the other Amendment which refers to the United Nations Sustainable Development Goals and the National Performance Framework. This is too complicated and will result in legal challenges. This version also applies to development plans only, rather than the entire planning system.

### **2. Performance**

HOPS has strongly advocated the need for managing planning performance effectively across the entire planning system, and performance not just to be seen as a measure relevant to local planning authorities. Equally, HOPS has reiterated the need

to look at performance and resourcing issues together to ensure that quality outcomes can be achieved when adequate resources are provided to the planning services in Scotland. We support an enhanced planning performance culture based on the current, successful HOPS Planning Performance Framework enhanced to include planning outcomes and achievements.

### **3. Resourcing the planning system**

HOPS remain concerned about the resourcing of planning authorities and the capacity of existing services to absorb the proposed scale of additional responsibilities. HOPS recent studies into the Costs of the Planning Service, Planning Skills and the impact of the recent major fee increase reinforces these concerns and provides the SG with up to date data to be incorporated in their work on planning fees and resources.

### **4. Third Party Rights of Appeal (TPRA)**

Despite lots of discussions by the Local Government and Communities Committee, and evidence being heard, no amendments to change the planning appeals system were successful at stage 2.

It is more than likely that this issue will resurface at Stage 3. HOPS, RTPI COSLA and many others have strongly opposed the introduction of TPRA. HOPS believe that the existing system, with the new proposals for community engagement and local involvement, such as Local Place Plans, front loaded engagement, gatecheck procedures etc. is fair and balanced and these new proposals deserve to be promoted more effectively.

### **5. Strategic Planning**

The Bill retains Strategic Development Plans as provisions for removing Strategic Development Plans contained in the original Bill were voted down. However, there have been indications that MSPs are open to discussion on new arrangements that could be put in place which retained statutory strategic planning.

This means we have SDPs in place with a 5-year cycle while LDPs and the now statutory NPF will be on a 10-year cycle. Measures have also been included for local authorities outwith SDPAs to include strategic planning statements in the evidence reports that support LDP preparation.

HOPS supports moves towards the idea of Regional Spatial Strategies (RSS) being produced which are focused on outcomes and not be overly process orientated in preparation and would like to see a statutory link between the RSS and the National Planning Framework (NPF), with the RSS being part of the NPF. This would intentionally allow for synchronicity between RSSs and NPF4, with the RSSs feeding into the NPF4. HOPS also feels that Geographical coverage of Regional Spatial Strategies (RSS) can be left deliberately flexible to open new opportunities for regional planning in areas outside of the city regions.

HOPS believes that the future of regional, spatial planning is crucial and it must be delivered in such a way as to enable the city regions, particularly Glasgow and Edinburgh to plan a co-ordinate economic investment and infrastructure in a structured manner.

## **6. Infrastructure Levy and Land Value Capture**

There is provision for land allocated in 'Masterplan Consent Areas' to be compulsory purchased at a value prescribed in the legislation. Concerns have been raised about the workability and competency of this. The infrastructure Levy provisions have been retained in the Bill though it contains a sunset clause and the Scottish Government do not anticipate it being implemented until 2021 at the earliest.

HOPS support the introduction of an Infrastructure Levy, subject to detailed consideration and option appraisals. Land value capture is also supported in principle subject to the finalisation of existing research streams and a wide consultation exercise to identify clear, workable proposals.

## **7. Culturally Significant Zones (CSZs)**

Provisions for Culturally Significant Zones have been introduced in the Bill which state that within 100 m there is a presumption against residential development if it would place unreasonable adjustments on the operation of existing cultural venues, facilities and uses.

HOPS recognises the value and cultural importance of music venues but remains concerned that CSZs could have a major impact on planning opportunities, delivering residential infill and creating diverse communities, in our city and town centres. Ensuring the continued delivery of mixed-use development, including residential, are key to creating vibrant town centres.

## **8. Greenfield/Brownfield**

HOPS is concerned about the implications of this provision in the Bill which places a duty on applications on greenbelt to be refused unless an explanation is provided as to why development cannot be achieved on brownfield land, or if application would have adverse effect on intrinsic natural/cultural greenbelt land. This is likely to have significant resource implications for applicants and planning authorities.

Previously developed brownfield land in built-up areas must continue to play a vital role for a range of purposes including housing. However, planners must however ensure all developments, be they on brownfield, greenfield or green belt are in the right place, at the right scale with the right infrastructure.

More detail is needed with the amendment, for example with information requirements set out. The scope of the amendment could be refined to make it less onerous by stipulating specific conditions for triggering the test, for example only applying it to major greenbelt sites as identified in the LDP.

## **Conclusion**

HOPS is aware of the recent comments in the press from the Scottish Property Federation and also the Independent Review Panel raising concerns about the progress on the Planning Bill and the need to refocus on the original “game changing” proposals for a streamlined and simplified planning system.

The Stage 3 review provides a final opportunity to simplify and strengthen the planning system, to empower all parties to deliver positive change and to re-establish the profession as a leader, an innovator and, above all, a strong and effective advocate for the public interest. The Independent Review, and the subsequent Scottish Government reports, concluded that the planning system was not broken. But there is a real risk that, without significant changes to the current version of the Planning Bill, it will be.

HOPS would be happy to respond to any specific comments or queries you may have about the HOPS position as set out here or to meet up with any individuals or groups prior to Stage 3 if that would be helpful. Please contact me or Jim Birrell, the HOPS Manager directly if you wish to discuss these matters further.

Yours sincerely,

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