

Independent Review of Planning

Perth & Kinross Council Submission

Perth & Kinross Council welcomes this opportunity to make a contribution to the discussion and debate on the role of planning in delivering a more inclusive, internationally competitive, and innovative Scotland.

1. Development Planning

Perth & Kinross Council (PKC) is strongly supportive of the development plan system and the primacy of the development plan. This position is endorsed by our communities, which support the development plan system and would like to see more detail and certainty around proposals. In this respect, Planning Permission in Principle should not be required where proposals are in accordance with the land use allocation in the Local Development Plan (LDP). The LDP itself should set out clear requirements for site development thereby providing some certainty to applicants. Conversely, site promoters must ensure sufficient information is submitted in advance to allow an assessment of effectiveness; failing which the Planning Authority would have the option to ignore the proposal rather than submit an unresolved issue for examination. Community Councils should also be required to participate in the plan making process.

The LDP should also have a greater focus on place making and be framed within the context of Community Planning. This shift would require all interested parties to engage properly during the plan making stages, and in the case of Community Planning partners and key agencies, consideration should be given to making this a statutory requirement.

The Main Issues Report (MIR) is not sufficiently well understood by the public, and whilst the rationale for engagement around potential issues is robust, the terminology of Draft Plan may be more helpful and, following Adoption, subsequent Monitoring to establish whether Alteration(s) is all that is required to deal with change. This would enable the LDP to be much more flexible and responsive.

The Strategic Development Plan (SPP) is not particularly well understood - particularly where it covers areas where there is little significant land use change. Consideration, therefore, could be given to whether SPPs should only cover defined *strategic growth areas*, where the coordinated planning of land and infrastructure to support housing and economic development is essential. This approach would help align the priorities and expenditure of key agencies to support growth where, again, their participation in the plan making process is mandatory. The SPPs themselves should require much less frequent review, and should be aligned spatially with Regional Transport Strategies (not so in the case of TAYplan and TACTRAN).

2. Housing Delivery

Housing delivery is complex and requires landowners, developers, key agencies and planning authorities (strategic and local) to share the same objective and work to the same timescale. PKC believes that the starting point of assessing housing need and demand must continue to be done on a regional basis in order to plan for infrastructure. However, agreeing the number of housing units does not, in itself, deliver more houses. Nor does it

ensure the quality of the places being created. As a consequence, site allocation must be supported by a robust feasibility assessment, and a delivery strategy that clearly sets out the responsibilities of the public and private sectors. Such a front loaded action programme would help provide more certainty.

Sufficient flexibility must be allowed within LDPs to switch around allocation sites where, for whatever, reason their development is not progressing. Where it is clear that landowners or developers are stalling, the planning authority must be enabled and supported to take forward other mechanisms such as compulsory purchase which itself must be made a more simple process to be effective. Potentially this would allow new infrastructure funding mechanisms to be explored to plan properly for, and deliver, housing. The CPO mechanism is preferable to the establishment of a Land Assembly Agency (akin to the former New Town Development Corporations) because it works on the principle of public intervention being a last resort and, if needed, it ensures local accountability remains in place.

3. Planning for Infrastructure

The current circular on the use of s75 obligations is too restrictive in the current and likely future, economic climate. As in Perth and Kinross, stronger partnerships between developers and planning authorities to share risk and return need to be encouraged. In this respect the recently published review of infrastructure planning is helpful. However, the financial support of key agencies is also required within the context of their statutory participation in the plan making process. There are too many examples of developments potentially stalling because infrastructure providers such as Transport Scotland, SEPA or Scottish Water are not sufficiently supportive. The primary focus of Transport Scotland in relation to new development must switch from ensuring no detriment to the strategic road network to providing infrastructure proactively to support sustainable economic growth.

PKC supports COSLA's view that outcomes are best where macro-fiscal and economic policies and mechanisms combine with localised flexible and democratically accountable solutions to infrastructure provision. For example, in agreed *strategic growth areas* a mechanism such as the Community Infrastructure Levy or other devolved taxation powers may be appropriate.

4. Development Management

PKC is one of the largest and best performing planning authorities however too much planning officer time is taken up chasing applicants for required information. The requirement for application validation needs to be standardised, and all required information should be submitted concurrently prior to validation. At the other end of the process a statutory period for the conclusion of legal agreements should be considered, leading to deemed withdrawal of the application where there is no activity on the part of the applicant to conclude.

The development management system is overburdened with procedures that do very little to deliver quality development on the ground. Our principal suggestions for the panel to consider are:

- ensuring supporting information requests are proportionate and, where possible, front loaded at the LDP stage which is where the cumulative impact of multiple proposals is best considered
- the introduction of a combined consent for planning, conservation area and listed buildings
- the alignment of planning and road construction consents so they can run concurrently
- (as noted above) the removal of Permission in Principle for proposed developments that comply with the LDP
- online notification of proposed developments only, perhaps with the introduction of an App given the near universal penetration of smart phone use
- further increase in Permitted Development Rights for minor developments not affecting listed buildings to allow planning officers to focus on more significant proposals
- objections relating to land uses supported by the LDP should be discounted (objections relating to detail would still be valid) because individuals/organisations would have had the opportunity to participate at the MIR/Proposed Plan stage
- reduction of the 12 week Proposal of Application Notification (PAN) period to 6 weeks where clear evidence of community consultation is provided
- revised statutory definition of commencement of development to mitigate against perpetuation of planning consent where development is not meaningfully commenced
- in a specific Perth and Kinross context PKC supports the Cairngorms National Park Authority to deliver a better service to communities and developers by becoming a full planning authority in relation to development management.

5. Leadership, Resourcing and Skills

The role of the planner has become increasingly more complicated over the past 10 years with the introduction of significant pieces of legislation particular around environmental assessment and habitat protection. Time also needs to be freed up so planners can both provide a creative input to the delivery of better places whilst ensuring development is delivered more quickly. This balance cannot be achieved without a significant investment in people resource. Therefore, PKC supports Heads of Planning Scotland (HOPS), COSLA and elements of the development industry in a desire to see full cost recovery through increased planning fees. In this regard the Council notes that the 2012 Audit Scotland report stated the current approach is financially unsustainable.

It is also important to highlight to panel members that a significant performance improvement has already been achieved and that good progress is being made on the necessary cultural and behavioural change to support this. HOPS is committed to continuing this journey. In this context of continuous improvement, PKC remains opposed to the introduction of the penalty clause as set out in the Regulatory Reform Act.

6. Community Engagement

Planning is for people, and yet so many individuals and communities feel disengaged. Planning plays a key role in facilitating sustainable economic growth and PKC believes this is best achieved by allowing locally elected councillors to make decisions and be held accountable to communities. To do this most effectively, decisions about land use

allocation need to be taken locally and not, as is often the case, by an appointed Reporter. To ensure that these local decisions are robust, engagement needs to be front loaded so that elected members can draw on a broad spectrum of opinion in reaching their decisions. This may require statutory participation in the LDP process by Community Councils.

At the development management stage, when the principle of development should not be challengeable, developers must provide better information. The current PAN minimum requirement for public consultation on major applications is not sufficient.

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