

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 19 JANUARY 2016

REPORT ON SCOTTISH PLANNING REVIEW 2015 : ANGUS COUNCIL

1. BACKGROUND

In September 2015, the Scottish Government announced that it had appointed an independent panel to undertake a review of the planning system in Scotland. The aims of the review were to achieve a quicker, more accessible and efficient planning process in order to build investor and community confidence in the system.

2. CURRENT POSITION

The Scottish Government invited written evidence from interested parties, the timetable for the responses being tight commencing on 19 October and ending on 1 December 2015 with publication of the review being anticipated by early May 2016.

3. CONCLUSION

The enclosed report has been submitted to the Scottish Government as Angus Council's response in respect of the review.

4. REPORT AUTHOR

This report has been compiled by Iain Mitchell, Service Manager Planning who can be contacted by e-mailing CommunitiesBusinessSupport@angus.gov.uk

SCOTTISH PLANNING REVIEW 2015 : ANGUS COUNCIL

Introduction:

Angus Council welcome the Scottish Planning Review. As the public purse is under relentless and increasing pressure, the ability to have a planning system that provides a sustainable and consistent framework, but allows for local flexibility and the application of levers to encourage growth and innovation is essential, now more than ever.

The planning system must not be seen only in pure planning terms as a land use process but must be seen in the widest context of visioning, shaping, developing and maintaining place in the widest sense. The need to ensure that all community planning partners, and communities, are engaged actively is essential for the planning and targeting of resources to manage the entire system in the round.

Linking the provision of health, social care, education, infrastructure and leisure facilities and outcomes at the planning and resource allocation system is a priority if we are to ensure that land use and effective community cohesion. The review of planning needs to set a framework for that wider engagement and join up of resource planning and land use planning to deliver key priorities.

Development Planning:

Development Plans are an essential component of the planning system in Scotland which guide, control and promote development across the area. They provide certainty for both the development industry and communities on the scale and location of future development and are the corner stone in a plan led approach to delivering sustainable development by guiding investment to sustainable locations and promoting high quality development which minimises adverse impacts on the environment of Angus. Planning is viewed as an appropriate mechanism to respond to the localism agenda and address socio-economic inequalities. It has a key role in the direction of infrastructure and land use to deliver economic strategy improving outcomes for our community and positively shape place.

The current two tier development plan system of Strategic Development Plans and Local Development Plans was introduced in 2009 and a full round of SDPs and LDPs has yet to be completed. In the circumstances it is too early to undertake a full review of development plan system, and planning in general particularly given that the impact of the Community Empowerment Bill and Initiatives such as the National Review of Town Centres are as yet unknown.

The two tier development plan system offers distinct benefits, with strategic cross boundary issues being considered at SDP level. This strategic overview results in a consistent approach across partner authorities LDPs while allowing local decision making to determine site specific allocations and interpret the SDP strategy as it applies to Angus. Although in the TAYplan SDP area the relationship between TAYplan and the LDP works effectively as the constituent local authorities are full partners there are significant issues emerging regarding the alignment of LDP and SDP timescales with TAYplan 2 Proposed Plan already beyond the consultation stage before the first round of LDPs have been adopted. The statutory requirement for SDPs to undertake a full review every 5 years has resulted in commencement of the review of a 20 year strategy in year 2 following the date of approval.

Part of Angus is located within the Cairngorms National Park and the continuation of partner relationship is important in the context of the LDP and planning arrangements in general.

There are a number of policy areas common across Development Plans which do not appear to require local interpretation. There would be some benefit to the plan preparation process if such policies were agreed and set at a national level and were not then subject to local variation and subsequent challenge or comment through the SDP / LDP process.

To provide greater focus on delivery of development Local Development Plans could be required to consider and detail infrastructure requirements and investment plans as part of plan preparation and action programming. This will require increased partnership working with infrastructure providers to influence infrastructure investment to support delivery of housing and employment development.

Housing Delivery:

The planning system is not the primary factor for the lack of housing delivery in recent years. Many factors have contributed to a reduction in housing delivery, in particular, the impacts of the economic recession, continued restriction on development finance and in some cases, the reluctance of developers to release land and to landbank it instead.

The primacy of the development plan is central to the planning response to addressing future housing delivery and economic growth. The development plan continues to be best placed to:-

- establish the housing land supply requirements based on the Local Housing Strategies;
- identify effective and viable sites to deliver these land supply requirements.

Housing Needs and Demands Assessments have an important role to play in delivering housing through the Development Plan and Local Housing Strategy. The standard model approach which has been adopted across Scotland to support Development Plans has been useful as the methodology is not challengeable through the Local Development Plans and Strategic Development Plan processes.

This has considerable benefits in terms of producing quicker more effective development plans and should result in less time consuming examinations. Locally established housing land requirements provide certainty to the development industry, local communities and local decision makers in a manner which delivers appropriate place making. Centralisation of this process would remove local democracy and the ability for housing numbers to reflect the local requirements and characteristics of the individual local authority area.

However better alignment between the Housing Needs and Demands Assessments, Development Plans and Local Housing Strategies is required. It is also critical for financial planning purposes that there is better alignment of the Development Plan and Local Housing Strategy processes, however to achieve this it is essential that the localism element of the planning system is not lost. This is essential to enable the detailed understanding of local markets and in areas like Angus that localism is critical to maintain a flow of housing supply at all levels.

Consistent guidance, a standard approach to undertaking annual Housing Local Audits and the establishment of a national housing land audit forum across Scotland would be beneficial for local authorities and the development industry when monitoring and auditing housing land. More critical is the revision of the definitions within Scottish Planning Policy in relation to “effective land” and PAN2/2010 in relation to the effectiveness criteria, particularly the issue of “marketability”. The development industry often considers that as the site is not immediately “marketable” then it is non-effective. However, the guidance in PAN2/2010 clearly establishes that a site should be capable of becoming effective within a five-year period from the date of the Housing Land Audit. As indicated by Nathaniel Litchfield and Partners (Supporting Scotland’s Growth Housing: Location as a Barrier to Housing Delivery) proposals such as those in regeneration areas or with challenging infrastructure hurdles will often be appropriate long term allocations. Further guidance on the future de-allocation of sites from the Development Plan would be beneficial.

Infrastructure:

Planning plays a key role in making best use of resources and guiding development to locations where infrastructure exists or is proposed. This provides certainty for developments in considering development viability and helps reduce development costs.

The Planning for Infrastructure Research Project undertaken by Rydens and its general recommendations are welcomed and should be actioned. In particular it is considered that there is scope for greater consideration of infrastructure implications and site viability early in the Local Development Plan process by seeking detailed information in relation to infrastructure capacity, costs, and deliverability from all parties (including owners / developers as well as Council services and agencies).

Such an approach would have resource implications for those involved however front loading the system with more effective engagement and detailed evidence at the Plan making stage could reduce

the need for detailed studies at planning application stage (e.g. DIA, Transport Assessment). It would also help inform Infrastructure Investment Plans for local authorities and infrastructure providers allowing better alignment to support delivery of land allocations included in the Local Development Plan. Building upon this, the Local Development Plan could be supported by detailed Action Programmes with greater focus on timing and delivery. A greater responsibility requires to be borne by potential developers to confirm at an early stage in the planning process that their site is deliverable within a specific timescale.

Capturing any increase in land value to fund infrastructure could prove difficult to calculate and / or put into practice, especially given the time that may evolve from when the site was purchased to when the uplift is calculated and payment is triggered.

Section 75 Agreements should be retained as there will always be a need to mitigate the direct impacts of a site. There should, however, be provision for a local authority to combine such payments to consider cumulative impacts of development more comprehensively both within and across local authority boundaries. Local authorities should be encouraged to look at standards clauses to enable prompt conclusion of agreements. It should also be recognised however, that some delays in the conclusion of agreements are as a consequence of reluctance on the part of a developer to progress.

It is considered that there is a need to look at a dedicated infrastructure fund, potentially on regional but also cross boundary rather than a national basis. This could allow upfront funding of infrastructure necessary to unlock sites, which could be recouped / paid back at an appropriate time during a site or sites development. Any change in this area must however, not be to the detriment of local planning and local flexibility within democratic boundaries.

Development Management:

Making good decisions quickly is important for our economy but also provides public confidence in the planning process. Speed of decision and certainty for developers and communities is also dependent upon the development planning process. Increased front loading of the plan making process and the provision of detailed studies and assessments before sites are allocated for development could reduce the need for the provision and consideration of such information during the determination of planning applications. This would require developers, key agencies and planning authorities to direct greater resources to the plan making process but should speed up the delivery of allocated sites in the development management process.

The value of allowing an application for planning permission in principle where it proposes development on land allocated for the purpose proposed in an up-to-date LDP is questioned. The principle of development has been established through the plan making process but the submission of an application for PPP raises community expectation that the principle of development can be revisited.

The value of requiring pre-application consultation with communities for PPP applications in the circumstances described above is also questioned as the principle of development has already been subject of public consultation through the plan making process.

Good quality planning applications that are accompanied by all necessary supporting information allow communities and key agencies to engage effectively in the process and can help planning authorities make well informed and timeous decisions. There is opportunity to increase certainty and reduce delays by introducing statutory standards for validation of applications. These should identify the level of information and studies / assessments required before an application can be registered as valid. Poor quality planning applications that do not provide necessary information, even where identified at pre-application stage, remain an issue and delay determination of applications, whilst the drip feed of information makes it more difficult for communities to engage effectively in the process.

Penalties for breaching planning control are generally not fit for purpose and should be increased.

Resources:

Recent consultations on fees for planning applications and resourcing a high quality planning system recognise the gap between planning fees and true service costs.

An increase in planning fees that closed the gap would assist in the provision of resources and could contribute to the delivery of a better quality services and improve performance. A system where the developer pays a fee at the full cost recovery of a planning application would be a fairer approach than currently is the case.

In respect of pre-application enquiries free pre-application advice encourages dialogue and improves application submissions and this service should remain available to all potential applicants. However, there is perhaps scope for an alternative formalised procedure whereby a fee is charged that could be refunded if an application is submitted in respect of the proposal that was subject of the pre-application advice.

If the planning system is to be front loaded to help ensure deliverability then there will be resource issues across a range of local authority services if timeous outcomes are to be delivered.

Community Engagement:

Community engagement has been an issue for planning and there have been many attempts to address it since the Skeffington Report. Community engagement requires to be the start of the process and not the end. Angus Council has brought together Community Planning and Statutory Land Use Planning (as well as Strategic Housing) under the "Planning and Place" Service. This service looks to benefit from combining the Council's community engagement processes within the planning system including the utilisation of a programme of charrettes. The charrette programme can help better communication and understanding of the statutory planning processes. However to help achieve community and corporate buy in to the planning process then perhaps there should be a legislative requirement to align Planning and Community Planning in order that the LDP is the land use expression of the Community Plan.

The mediation role of local authorities is vital in ensuring understanding and positive interactions between national policy and local visions and aspirations. Such mediation can only be successful where there is clear and robust communication.

Planning decisions should be taken as close to communities as possible and the form of local government has to be right for the people and places it serves.

Conclusion:

Angus Council has made significant efforts to ensure the Strategic and Local Planning processes are joined up not just of land use but for the delivery of long term structural changes in our local area. We are seeing significant connections in terms of education, infrastructure developments, section 75 agreements and community benefits. It would be a retrograde step if the review made blunt local tools that provide flexibility and offer levers for entrepreneurship within our county.