



THE PLANNING (SCOTLAND) BILL

MSP BRIEFING ON STAGE 1 DEBATE

Scotland's long-term public interest can only be served by a planning system that:

- is collaborative and coherent
- performs well for both business and society
- enables Scotland's home builders to deliver more homes

OUR PURPOSE AND PERSPECTIVE

Homes for Scotland (HFS) is a membership organisation. We exist to support Scotland's home building industry to deliver the new homes that are needed in the long-term public interest.

New homes must pass through the planning system before they are built and a family moves in. Planning is by no means the only barrier to increased home building but it is a frequently cited one. This Bill provides a rare and important opportunity to address that.

As discussed in committee during Stage 1, and reflected in the Stage 1 report, this is not an overtly pro-home building Bill. The planning review began the aim of delivering more homes but nothing within the Bill guarantees the rate of home building will increase. It does, however, seek to produce a more coherent and collaborative planning system.

Achieving that goal is essential to reducing conflict between public sector plan producers and decision-makers, and private sector deliverers of homes and other development. It would also engender better public trust in the planning system, those who operate it and the companies that work in its context.

IMPROVING THE BILL

HFS has identified several improvements to the Bill that could deliver more homes for Scotland through a collaborative and coherent system. These group around the following themes:

1. Development Planning

- To ensure the development plan is coherent, functional and clear, Local Development Plans must be consistent with the National Planning Framework. There should be no provision for incompatibility. The development plan must work as a cohesive whole – not a plan with internal policy conflicts.
- To fulfil its development plan role, the National Planning Framework must contain regional strategies and housing targets. These should be developed with regional partnerships of authorities and stakeholders.
- The National Planning Framework, and Local Development Plans, must be informed by evidence on housing need and demand.
- Early collaboration in plan-making is the key to better delivery and public trust. The Bill must be clear that the Evidence Report should be a product of collaboration, and requires the support of Full Council.
- 10 years plans may allow more time to support delivery but they must be updated if a shortfall of effective housing land arises. Scotland's good track-record on up-to-date development plans must not be allowed to slip.

2. Regional Working

- The Bill must refer to and recognise the existence of the Regional Partnerships which will be central to informed and supported regional strategies. It must provide powers to guide their format and role, in-case the need arises (to ensure, for example, that delivery partners are engaged).

3. Infrastructure Levy / Planning Obligations

- The government's research shows an infrastructure levy has little potential to address the infrastructure funding gap. There are no measures in the Bill (or elsewhere) on infrastructure delivery. There is a clash in purpose between the levy and the (very nebulous) work of the Scottish Land Commission on Land Value Capture.

- The Bill should not provide a hook for unrefined infrastructure levy policy which is not fully developed, impact assessed or consulted upon. We agree with the Delegated Powers Committee on this.
- The proposed change to s75 planning obligations would sweep away the safeguards that ensure planning permissions cannot be bought or sold.
- The infrastructure levy and s75 changes should be deleted from the Bill completely. As a minimum, the powers should be revised to ensure levy payments cannot be demanded before permission is granted and that the government cannot redistribute levy income to other parts of Scotland.

4. Planning Fees and Planning Performance

- Unlike England, Scotland's rising planning fees are not balanced by meaningful legislative incentives for good planning performance (such as the English provision on return of fees for applications which take over 26 weeks to determine). The Bill should rectify this.
- The performance co-ordinator's role is unclear. The Bill doesn't offer applicants better service, redress for poor service or a role in performance monitoring.
- Planning authorities should not be able to set their own fees without clear provisions on providing efficient and effective services.

OUR POSITION ON OTHER KEY TOPICS

We support the status quo of **planning appeals**, for the reasons set out in our supplementary written evidence to the Local Government and Communities Committee. In short, introducing new rights of appeal for communities / individuals and/or removing or reducing applicant rights of appeal would have a damaging effect on Scotland's ability to attract investment and, in turn, on its ability to deliver the new homes and other development that the country needs to thrive. [Please do read the linked paper](#) for our full thoughts on appeals.

Local Place Plans provide a positive offer for communities and will be capable of being material consideration in planning decisions and so will have a meaningful role in planning. The Bill could acknowledge that.

It would be premature to provide a Land Value Capture power in this Bill. The Delegated Powers Committee rightly criticised this Bill's introduction of "framework powers where significant policy matters have not been developed and further consultation is necessary" as this "undermines the parliament's ability to scrutinize policy". We agree. The same principle would arise if this Bill introduced a broad hook from which to hang as-yet undefined proposals on Land Value Capture.

We are following discussions on a **Purpose of Planning**. A simple and widely agreed purpose may help improve public understanding of the role of the planning system but it should not be so elaborate as to change the decision-maker's ability to apportion weight to and balance different considerations. Nor should it undermine the role of national policy in identifying the priority issues of the day.

WHAT NEXT?

We are on the cusp of a more collaborative planning system but we are moving there from a period of intense frustration and conflict. Planning authorities have an increasingly complex task and reduced resources, local communities expect the pattern of development on the ground to better reflect development plans but development plans are not rooted in the realities of the conditions that have to be in place to deliver homes through the market. Home builders (and home building) are too often talked about in a negative context and marginalised in evidence, policy development and planning performance monitoring.

It is vital that the planning system, planners and politicians recognise and champion the positive role of Scotland's home building industry in the country's future. HFS is at the forefront of calls for a collaborative planning system. This should be enshrined in and ensured through legislation, not left to chance.

HFS calls on the Scottish Parliament to collaborate across party lines to deliver a Bill and a planning system that is rooted in the long-term public interest and which will support a home building industry that can build more homes for Scotland.

We are developing detailed amendment proposals to address the issues listed above and would welcome discussions with any MSPs interested in helping us deliver the above-listed improvements to the Bill.

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