

PLACES, PEOPLE AND PLANNING: A CONSULTATION ON THE FUTURE OF THE SCOTTISH PLANNING SYSTEM

Response by Chartered Institution of Highways & Transportation, Scottish Policy Forum

The Chartered Institution of Highways and Transportation (“CIHT”) is a membership organisation representing over 14,000 people who work in the highways and transportation sector. CIHT members plan, design, build, operate and maintain best-in-class transport systems and infrastructure, whilst respecting the imperatives improving safety, ensuring economic competitiveness and minimising environmental impact.

CIHT Scotland embraces both public and private sectors across the whole geography of the nation and welcomes the opportunity to comment on the consultation on the future of the Scottish planning system. CIHT supports the need to review the strategic processes associated with the planning system that has not seen significant change for over a decade. While the importance of understanding the integrated nature of development, environment and transport is generally accepted, we believe it is critical that transport organisations are part of this discussion.

The consultation proposes changes in four key areas. While the infrastructure topic is of most obvious relevance to our members, we do have an interest in all of the areas listed and we offer proportionate comments on each of the Key Questions below.

Making Plans for the Future

Do you agree that that our proposed package of reforms will improve development planning?

As set out in our response to the Independent Review of the Scottish Planning System, the development planning process should be underpinned by the concept of a ‘place making’ framework, providing the means of delivering communities that are sustainable in the longer-term. The inherent inter-relationship of planning and transport (of goods and people) offers an important opportunity for development planning to minimise adverse impacts of congestion, safety and poor air quality through good design and site selection processes.

The objectives of simplifying and strengthening development planning are welcomed. Plans are still too long, focusing on development management policies and numbers of houses rather than the delivery of quality places. However, the addition of further layers to development planning, such as taking account of community planning and the inclusion of local place plans, has the potential to undermine the aim of simplifying development planning. Furthermore, community planning, focusing on service delivery, has a very different focus to that of a spatial plan.

Also, the removal of strategic development plans without an alternative arrangement with clear, robust governance arrangements and budgetary control could compromise the objective of strengthening development planning. It is at the regional level where the long-term, strategic view can be taken and regional priorities delivered. Since the changes to funding of Regional Transport Partnerships there has been a reduction in the focus on regional transport priorities which is only now starting to be addressed to some extent by the emerging City Region Deals.

However, these “deals” do not cover all parts of Scotland (neither do SDPs) and points to the country’s diversity requiring an adaptable system. If regional priorities are to be identified through the National Planning Framework (“NPF”) on the basis of evidence provided by regional partnerships, then a clear structure for these regional partnerships is required to simplify and strengthen the development planning process. To ensure delivery of the priorities identified, appropriate bodies will need to be identified or established, with funding and control of budget to ensure that delivery can be achieved.

Positive changes can also be made without legislation. Often, significant time is wasted during the development planning system discussing matters such as methodology of assessments (e.g. housing need and demand assessments) which could be mitigated by providing guidance setting out a consistent methodology which could be used in the preparation of all development plans.

People Make the System Work

Do you agree that our proposed package of reforms will increase community involvement in planning?

The objective of empowering people to decide the future of their places is supported. There is a strong case for more effective consultation rather than additional consultation. Sadly, there is much consultation undertaken which is weak and ineffective. There are also common practices which can erode public faith in the planning system generally, such as speculative applications ahead of finalising development plans and developers seeking to obtain planning permission through a process of attrition by lodging repeat applications. Measures to discourage these practices would be welcome.

The consultation paper highlights that developers could do more to improve pre-application consultation and states that training of the development sector in community involvement is a further priority. Whilst it is accepted that developers could often do more, there are also many occasions when communities are unwilling to engage constructively with developers. Clearer guidelines on what is expected from all parties in the pre-application consultation process would be beneficial to ensure that parties are not left disappointed by the process. In many areas, it remains unclear how representative of the area community councils are and there is likely to be scepticism about giving them greater powers in the planning process unless there is evidence that outcomes are improved.

The principle of keeping decisions local is supported. However, there will be occasions where it is most appropriate for a final decision to be made by a professional Reporter, or the Scottish Ministers. There is still a concern among many involved in development that, particularly at a local level, too many decisions are being made for short-term political reasons. One example of an application where the right of appeal should be to a national level, is one where there are impacts across local authority boundaries.

Building More Homes and Delivering Infrastructure

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

There is an almost universal acceptance that more housing (both public and private) needs to be delivered and if the situation is not remedied, it will remain a brake on economic development. However, the process needs to be based on more than just an increase in numbers of houses, ensuring that sites are capable of providing effective sustainable transport. Incorporating good transport planning into the assessment of the suitability of sites can help to reduce contention at the development management stage and improve the deliverability of sites.

Our members have had positive experience of the effectiveness of masterplans in delivering development. Masterplans enable the focus to be on place-making and provide a good opportunity to integrate transport and other important matters into decisions on the future shape of communities. CIHT therefore welcome the intention to effectively find “a way of consenting masterplans” and will be interested in the outcome of the pilot Simplified Planning Zones.

There is also a need for improved understanding of the implications of amending the design and layout of housing proposals. For example, changes to housing density can make a significant difference to transport systems and demonstrates the importance of multi-disciplinary input on an ongoing basis in the planning process.

An “infrastructure first” approach is endorsed by CIHT. Currently, national infrastructure provision is well served through proposals being identified in the NPF and various agencies having responsibility for delivery. However, whilst strategic, regional priorities are often identified there are significant challenges in delivery. This is largely due to funding constraints, which remains the biggest hurdle to delivering infrastructure. There is a need for more innovative funding solutions, particularly in respect of strategic infrastructure, which can be developed to suit the particular circumstances of an area. This will require input from economic experts and the involvement of Scottish Futures Trust should be a positive move.

The principle of establishing an infrastructure levy is welcomed. It will not fully replace the need for section 75 agreements, which can often cause delays due to protracted negotiations, but it could make a valuable contribution to streamlining the process and minimising the time between the resolution to grant planning permission and the release of a final decision notice. It is recognised in the consultation paper, and acknowledged by CIHT, that designing the detail of an infrastructure levy charging mechanism will not be easy. Any levy will have to strike a balance between certainty and simplicity on the one hand, and flexibility to adapt to particular circumstances and not be too rigid on the other. Consideration should be given to the ‘lessons learned’ from the review of the Community Infrastructure Levy undertaken for the Department for Communities and Local Government. The review team prepared a report containing several recommendations and which was published in February 2017; “A New Approach to Developer Contributions: A Report by the CIL Review Team”.

Stronger Leadership and Smarter Resourcing

Do you agree the measures set out here will improve the way that the planning service is resourced?

Local authority planning departments are operating under significant pressure and are not assisted by a system which is overly focused on process rather than place-making. Increases in planning fees need to be reinvested into resourcing the system and staffing planning teams

within local authorities. An element of ring-fencing will be important to ensure that users of the planning system see the benefits of increased planning fees. An increase in fees without a corresponding improvement in service will only contribute to an erosion of trust in the system.

In relation to the suggestions on improving and monitoring performance, it is agreed that there is a need to explore the scope for measuring performance on the basis of the quality of places. Too often the focus is on process and procedure instead of facilitating development, and measuring performance on the basis of process measures (e.g. determination timescales) will only serve to exacerbate that problem. If planning authorities are to have the confidence to facilitate development and be proactive then the system will need more innovative ways of measuring performance.

Reference is made in the consultation paper to the need for enhanced skills and applying technology to improve the planning service. Tools such as GIS and innovative data sets beginning to emerge from Big Data (ref. Glasgow University Urban Big Data Centre) will inevitably play a bigger role in providing core data to assist spatial planning and assessments and should be embraced to bring improved efficiency and effectiveness.