

## **Planning Bill Island Proofing**

### **Joint Statement by the Scottish Government and members of the Strategic Islands Group.**

#### **DRAFT STATEMENT**

##### Introduction

The forthcoming Planning Bill is part of a wider programme of planning reform which has been supported by wide collaboration with planning authorities and other stakeholders throughout Scotland.

Earlier in 2017, the Scottish Government made a commitment to island proofing the Planning Bill, in recognition of the particular challenges and opportunities for planning arising from the special circumstances of island communities. Following ongoing engagement throughout the course of the planning review, an intensive island proofing exercise was undertaken through a collaborative workshop, held on Friday 29 September 2017.

The main theme that emerged through all the discussions was the need to allow flexibility for the islands - acknowledging that their needs were very different to that of towns and cities.

##### Issues and recommendations

The following statement sets out the challenges and opportunities arising from each of the 20 proposals for change which were outlined in the earlier consultation *Places, People and Planning* (January 2017) and the subsequent Scottish Government Position Statement (June 2017). Recommendations will be considered further by the Scottish Government as part of the preparation of future legislation, policy and guidance.

#### **Proposal 1 Aligning community and spatial planning**

It was agreed that an ideal scenario for some would be merging of the two processes to create one plan. Synchronised consultations would also be beneficial. In an island setting, it was envisaged that stronger linkages could be easier to achieve, given the smaller scale of authorities. The stronger weight given to a Single Outcome Agreement or Local Outcome Improvement Plan as compared to the development plan was noted. It was also recognised community planning may cover wider issues and care would be required to avoid diluting the local development plan.

##### *Recommendation:*

- *As these issues were considered to apply across all authorities, no island-specific recommendation was made.*

#### **Proposal 2 Regional partnership working**

Islands are not a geographically contiguous region so this proposal may not be applicable – for example for identifying regional housing targets or shared issues. Infrastructure delivery does not tend to be shared, unlike the situation across city regions.

*Recommendation:*

- *It was proposed that any duty or powers should be worded flexibly to allow for regional collaboration only where relevant, rather than being universally required. Examples for join-up included aquaculture planning.*

### **Proposal 3 Improving national spatial planning policy**

Views on the opportunities this could provide for streamlining development planning were mixed. Some felt that a national policy to help streamline local development plans would be welcome, allowing authorities to focus on ‘local’ issues. However others felt that having strong local policies within their development plan was preferred.

It was agreed that authorities should be given the chance to justify why they may not be following national policy. There should be flexibility to step away from the Scottish Planning Policy for some policy areas in particular. Examples included any requirement to demonstrate viability of proposals, given the different challenges of delivery in an island context. Consideration could be given to including a separate section on the islands in the National Planning Framework (NPF) / Scottish Planning Policy (SPP).

*Recommendation:*

- *It was recommended that the NPF should be island proofed.*
- *Consideration should be given to the scale of impacts of a project when identifying national developments, rather than just the scale of the development itself. NPF should go further to support regionally important priorities as well as national projects.*

### **Proposal 4 Stronger Local Development Plans**

The move to a 10 year review cycle for local development plans was felt to be sensible. However, the aspiration for a two year plan preparation period was considered to be unrealistic, given the logistics of site visits and small size of island authority planning teams.

The role of the gatecheck in justifying and agreeing departures from national policy was agreed to be important. It was also considered beneficial to design the gatecheck so that it could have a different approach that was tailored to island specific issues. A report to the gatecheck could outline the specific island circumstances involved.

There were mixed views on whether or not supplementary guidance should be retained or abolished. The case was made for retaining it for some technical subjects (e.g. aquaculture or wind energy). Better integration of terrestrial and marine plans would also be helpful.

*Recommendation:*

- *Further consideration of the gatecheck in an island context would be useful – it will be important to ensure that an independent reporter understands the special*

*circumstances of island authorities when considering departures from national policy.*

- *It would be useful for island authorities to define their own triggers for plan updates, to allow them to respond to local issues and pressures.*
- *Further consideration to be given to the links between marine and terrestrial planning, to identify any scope for simplification / reducing the number of plans.*

### **Proposal 5 Making plans that deliver**

The viability of a housing site in the islands should not be subject to an appraisal if it is to be allocated in the local development plan – the situation is very different with no building by volume housebuilders and a significant share of applicants being single farmers or private individuals. Proposals must be realistic about expectations and delivery. Making it onerous to get a site allocated in the plan would reduce interest in the development plan and increase the reliance on windfall sites further.

*Recommendation:*

- *The very different housing markets in island authority areas should be recognised and any requirements for additional information on viability at the plan allocation stage should not apply. There may be scope to strengthen requirements at the application stage and build into validation of applications.*

### **Proposal 6 Giving people the opportunity to plan their own place/LPPS**

There were mixed views on the proposal for local place plans. Whilst the principle was understood, the group shared some concerns about delivery. Questions were raised about the need for further plans when this is already done through community planning or by local development trusts. The latter could be a good model for a local place plan. The relationship with masterplanning was also discussed.

Challenges included resourcing to support communities who want to bring forward plans, putting pressure on small teams. It was expected that many communities on the islands would be interested but that expectations would need to be managed in light of resourcing constraints.

*Recommendation:*

- *Flexibility would be helpful, and any powers should avoid being prescriptive / introducing a new system of plans, to allow wider plans (e.g. locality plans) to become local place plans.*

### **Proposal 7 Getting more people involved in planning**

There was agreement with the principle, but concern about the practicalities, including capacity and the volume of information that community councils already have to deal with. The resources available to engage with people was also a concern. Many island communities are already very engaged, but it can still be difficult to involve people at the development

plan stage (as opposed to applications). Greater efforts to involve children and young people could relate well to wider demographic objectives that aim to ensure more people stay on the islands. Community trusts could be particularly well placed to provide a long term view.

*Recommendation:*

- *There is an opportunity to build on experience in using digital communications and the place standard in Argyll and Bute and Shetland.*
- *There was support for ensuring planning forms part of the Curriculum for Excellence.*

### **Proposal 8 Improving public trust**

Repeat applications do not tend to arise in the islands. There was agreement that greater structure for pre-application consultations would be helpful, to allow for feedback. This could benefit from stronger guidance, although it was also acknowledged that this is not an island-specific issue. It was noted that enforcement brings particular logistical challenges for island authorities.

*Recommendation:*

- *No island-specific recommendations were made.*

### **Proposal 9 – Keeping decisions local**

Given the relatively small number of cases considered by Local Review Bodies (LRBs) in the islands, it was noted that there can be a need for extra support in some of the authorities. In other authorities the LRB is also the planning committee so skills issues do not arise.

*Recommendation:*

- *No island-specific recommendations were made.*

### **Proposal 10 Housing land**

There were mixed views on the role of the Housing Needs and Demands Assessment. There were some views that it is too complex and not relevant to an island context, but it was also noted that the process has improved significantly. It was recognised that this can be an onerous process for small teams although it did assist the process at examination.

There was some concern that if the NPF set housing numbers for some areas, but not others, then it might create a two tier planning system with infrastructure investment being directed to those areas with the highest numbers.

*Recommendation*

- *The NPF could set targets for specific parts of the country where there was demand and argument, but allow other areas (islands and other rural authorities) to set at a local level. In doing so, however, consideration must be given to infrastructure needs across Scotland as a whole.*

### **Proposal 11 Closing the gap between planning and delivery of homes**

It was noted that alternative housing delivery models, such as self build, are already well established in the islands. The Argyll and Bute Standard House Project was noted as a good example of innovation.

*Recommendation:*

- *No island-specific recommendations were made.*

### **Proposal 12 Simplified Planning Zones**

Consideration was given to whether an island, as a whole or in part, could be designated as a Simplified Planning Zone. This could turn the development plan on its head by allowing for any development that was in line with the scheme, a pro-development approach. Questions were raised about resourcing and whether fees could be raised to cover planning authority upfront work. It was also noted that it could take several years for delivery to come to fruition.

*Recommendation:*

- *No island-specific recommendations were made.*

### **Proposals 13, 14 and 15 Infrastructure, funding and innovation**

The group felt that for infrastructure provision to align with planning there needs to be a statutory duty within the Bill. It was emphasised that any infrastructure levy will need to be flexibility to optionally apply. In an island context, there would be benefit from a levy being chargeable only in the case of a small number of high value projects, rather than to all development. Key areas for infrastructure investment identified by the group included digital connectivity / broadband, as well as transport, water and grid connections.

*Recommendation:*

- *Scope for flexibility in the design of an infrastructure levy should be considered further.*
- *The benefit of supporting infrastructure through statutory duties should be considered further.*

### **Proposal 16 Skills**

The island authorities have some experience in sharing skills on an ad hoc basis (e.g. WOSAS, conservation expertise used to be shared between Orkney and Western Isles, and exploration of aquaculture skills being shared by Highland and Argyll and Bute,). It was agreed that this was beneficial and had worked well where it has been put into practice. Other examples raised included building warrant work undertaken for other authorities, and validation processing.

There may be further opportunities for collaborative resourcing. This would require further communication and a fuller understanding of available skills. A more planned approach could support this.

*Recommendation:*

- *Island authorities to consider sharing of resources further, through their continuing liaison.*

### **Proposal 17 Investing in a better service**

It was noted that the recent increase to the maximum fee was not impacting on the resourcing of island authorities given the small number of major developments encountered. An example of where in-house expertise has been offered to applicants and charged was raised.

*Recommendation:*

- *No island-specific recommendations were made.*

### **Proposal 18 Performance**

There were few issues arising from these proposals, although it was noted that performance reporting can have a significant impact on resourcing where there are small teams involved. The authorities asked that the performance reporting system is as simple as possible and that any further complexity should be avoided.

*Recommendation:*

- *No island-specific recommendations were made.*

### **Proposal 19 Efficient decision making.**

The proportion of householder applications in some of the islands was reported to be relatively low, and so expanding permitted development rights to include more small scale householder applications would have less benefit. It was also noted that recently introduced permitted development rights have generated increased workloads due to requirements for prior notification and the wide scope of some of developments affected (e.g. provisions for hill tracks affecting small lanes for crofters). Section 42 was also discussed and it was reported that interpretations can vary widely.

*Recommendation:*

- *There should be further discussion on these matters and the authorities will be invited to be involved in planned work on permitted development rights.*

### **Proposal 20 Digital**

The authorities called for newspaper advertising requirements to be removed given the significant costs they generate. A requirement to submit all applications online would be beneficial in terms of resourcing and service delivery. Establishing common systems, where

hardware and software can work together, would support sharing of services and collaboration in the future. Improved broadband to support digital improvements is essential and this will also open up opportunities for homeworking / repopulation of the islands.

*Recommendation:*

- *Comments to be fed back to digital task force to allow for special island circumstances to be taken into account in wider recommendations.*

This statement will be updated and finalised following the conclusion of Parliament's scrutiny of the Planning Bill.

**Planning and Architecture Division, November 2017**