



COMMUNITIES COMMITTEE – CALL FOR EVIDENCE

GENERAL PRINCIPLES OF THE PLANNING ETC. (SCOTLAND) BILL

RESPONSE BY SCOTTISH ESTATES BUSINESS GROUP

1. BACKGROUND

SEBG represents a group of progressive land-based estates with significant agricultural and rural business interests. It aims to promote a modern business approach in the management of Scotland's land resource in ways which deliver social, economic and environmental benefits. The Group seeks to secure a sustainable and prosperous future for rural areas.

Estates are proven business models that assist the development of smaller rural businesses, and landowners and estates have a vital role to play in the ongoing and future development and prosperity of Scotland. SEBG is committed to rural economies and its members work hard across Scotland to stimulate enterprise and economic development.

2. GENERAL PRINCIPLES OF PLANNING BILL

Rural businesses have an important role to play in Scotland's economic development as well as being the driving force behind the sustainability of rural communities. SEBG welcomes recognition that the current planning arrangements and moves to update the way in which it operates. Rather than anticipating and facilitating future sustainable development, the system seems to have become bogged down in minutiae which have served to slow down the process and act as a disincentive to initiative and innovation.

Overhaul of the planning system is overdue if Scotland's planning arrangements are to play their full part in helping to deliver a positive and constructive approach to appropriate development and be able to take account of environmental and social as well as economic impact.

SCOTTISH ESTATES BUSINESS GROUP

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The revised planning system should:

- take a strategic rather than arbitrary or ad hoc approach to development
- be transparent, with clarity of the hurdles to be addressed and likely timescales involved
- be simpler and more efficient, with the removal of petty and unnecessary regulation
- facilitate local involvement from its early stages, with local opinion taken into account in any proposals being put forward for decision
- be sufficiently flexible to allow for innovative solutions to emerging local issues – such as rural exception sites
- avoid unnecessary delays later on in the process
- be accountable, with decisions to be implemented once adjudicated

It is important that development is able to take place in the context of the long-term future, with greater efficiency in plan preparation and determination, with planning taking its rightful role in delivering sustainable development.

SEBG is concerned, however, that there may be contradiction between two of the stated aims of planning modernisation. On the one hand, it should be more inclusive, with local people more involved in the decisions that affect their community, whilst on the other, it should be better able to deliver sustainable growth and high quality outcomes with clarity and efficiency.

The Group firmly believes it is important for local people to be fully informed about and involved in helping to shape the future of their communities. It is right that development should not happen until the views of local people have been taken into account, so we welcome the Bill's enshrinement of pre-application consultation and publication of advice on best practice about involving local people in the planning process. However, it is equally important that any revision of planning procedure should not allow it to be used by those opposed to development to obstruct progress in those cases where the relevant authority has, after thorough examination and adjudication, decided in favour of an application.

To try to limit any potential conflict between the two main aims of modernisation, the necessity of local input at Local Development Plan creation stage must be emphasised and promoted. This would ensure that local pressure groups would be able to have a full say before the Plan was finally approved by the local authority – thereby doing away with any need for a Third Party Right of Appeal - and limit their potential for delaying any subsequent applications for planning consent which met the parameters of an agreed Local Plan. It would also offer some comfort to potential developers that local opinion had already been taken into account when Plans were being drawn up and approved, thereby lessening the potential impact on proposed developments of any subsequent later local challenge where they accorded with the Local Development Plan.

Public awareness programmes about how and when local interests can be actively involved in the preparation and agreement of local development plans will be central to an effective role for local groups and interests in the local planning process.

Early determination of appeals that are not well-founded should also act as a safeguard, as should measures to limit the right to introduce new evidence to support an appeal. These measures should be applied rigorously. There must be a sense of balance, with decisions able to be implemented once all necessary stages in the planning procedure, from early consultation through to adjudication, have been completed and decisions taken in the light of all relevant issues. Only in that way can confidence be built in the effectiveness of the system, and sustainable development encouraged.

The findings of a review study carried out last year for the Scottish Executive by Tribal HCH on *Business Development and the Planning System* are particularly relevant in this context. The report, published in August 2005, highlighted extreme concern by rural business interests about the impact of the planning system on rural areas, with particular referenced to housing. Among its many recommendations, the report stated:

- There should be recognition in the Planning Act of the role which the planning system plays in the economic life of the country.
- The views of single-issue statutory consultees and third parties such as local residents must be balanced with the needs of the economy, which include the need for good quality affordable housing in locations which support the needs of business and enterprise.

3. PLANNING BILL AND RURAL EXCEPTION SITES

In discussing rural problems and issues, the Report quoted concerns about restrictions on the supply of affordable housing impacting adversely on rural labour markets and the rural economy generally, and the need for flexible planning policies towards housing in the countryside. SEBG had proposed various mechanisms to Tribal HCH which might be considered, including the explicit use in Scotland of “rural exception sites”, a policy successfully being pursued in England.

Rural exception sites are sites which aren’t allocated for development in a local housing plan but which could be considered for housing if they have the support of the local community. Since 1989, rural exception sites in England have enabled more than 12,000 new homes to be provided in small villages for local people unable to find affordable housing. The schemes that have been built are usually small, with fewer than 10 houses in most cases. Because the land could not attract planning permission for any other type of housing, the sites are made available at substantially below conventional market prices. Houses for rent and for shared ownership have been provided mainly by housing associations and the legal agreements attached to the planning permission ensure that the houses remain available under these terms in perpetuity.

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The planning system is complicated and often tortuous. Too often landowners are wrongly accused of failing to release land for development when in fact there is no prospect of the land in question being given planning approval. Exception sites are a clearly defined way of helping to break the deadlock. If local authorities were explicitly required to develop a rural exception site policy, it would do so much to encourage innovative developments which may not have been foreseen when the local housing plan was drawn up. There are also measures available to ensure that affordable housing remains truly affordable and does not fall into the hands of the spiraling second-home market.

With rural exception sites lying within the scope of planning legislation, the Tribal HCH Report recommended:

- Rural exceptions sites and rural burdens should be used to create a much larger pool of rural housing which is affordable in perpetuity, with housebuilders and landowners playing their part in increasing supply.

SEBG commends the Reports recommendations and urges the Committee to include within the Planning etc. (Scotland) Bill a requirement for each local authority to develop an explicit rural exception site policy and to identify those areas and gap sites which might be suitable for development as rural exception sites with a view to the provision of affordable housing.

SEBG would be happy to discuss these issues in more depth with the Committee, should it be of assistance as the general principles of the Planning etc. (Scotland) Bill are considered.

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