

## SCOTTISH GOVERNMENT INDEPENDENT REVIEW OF PLANNING

### RESPONSE FROM LOCH LOMOND AND THE TROSSACHS NATIONAL PARK AUTHORITY

NOVEMBER 2015

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#### Introduction

1. We are pleased to contribute to this review of Scotland's planning system. We have not responded to each question, instead we offer comments where relevant to our own experience. Where we are making a suggestion for consideration, this is underlined.

#### Review Questions

##### *Development Planning - Purpose and format*

2. Development plans are needed and the planning system should be plan led to give direction, certainty and influence investment. Development plans should have primacy and focus on the development to be delivered over the plan period and the steps needed to secure this.
3. Development plans need to be clearer in regards to their purpose, scope and focus. The majority of policy content, justification and associated guidance could be removed from Local Development Plans and could sit entirely as [Supplementary Guidance](#). This has been our aim in our [Proposed Local Development Plan](#) for the National Park, which contains far less text and is a much more concise, spatially focused Plan.
4. Partnership working is vital in order to secure delivery and the Action Programme remains the key vehicle for this. A range of stakeholders need to be involved in preparing and implementing this, similar to the way in which [National Park Plans](#) are prepared. The focus must be on the process and public sector infrastructure, services and utilities investment programmes should be closely aligned with Local Development Plans and Action Programmes.

##### *Planning policy for Rural Areas*

5. Development plans tend to focus on settlements, and often offer little by way of guidance for rural areas, relying on criteria based policies instead. This does little to stimulate or guide development and often leaves rural communities unsure over future development plans and results in objections to planning applications which appear to come 'out of the blue'.
6. Different planning approaches for urban and rural areas are needed, as is already supported in Scottish Planning Policy, but it might be appropriate for more planning authorities to prepare spatial planning guidance for defined rural areas. We have trialled this approach recently as part of our LIVE Park Local Development Plan, for two rural

areas on east and west Loch Lomondside (see [Buchanan South Rural Development Framework Area and West Loch Lomondside Rural Development Framework Area](#)).

#### *Process to prepare Local Development Plan*

7. The process to prepare a local development plan could be further streamlined. This could include a greater focus on informal engagement and allowing more flexibility on the five year review cycle. The key community engagement phase (involving charrette style working/linking in with community planning/hosting spatial map based workshops with communities and including all relevant stakeholders) could effectively replace the Main Issues Report stage. Consideration could also be given to the role of Community Councils during the plan preparation process and whether these should have a similar statutory role as they current have as consultee's to planning applications.
8. There should be requirement for a more regular review - perhaps as part of an annual monitoring programme - but it should allow a more iterative update to the Plan as needed. This would be more responsive to change, understandable to communities and facilitate ongoing dialogue and relationships with communities.

#### **Development Management**

*What are the barriers to timely decision making within the development management service and how can they be overcome?*

9. The application process should be more front loaded, i.e. for applications of a particular scale require a "pre-application information request" where the planning authority advises what information will be required i.e. flood risk assessment, Transport Statement. Where this information is not submitted, the application could be considered invalid i.e. amend the minimum statutory requirements for a valid application.
10. The pre-application service is very helpful to developers. Consideration could be given to either a reduction in fees or reduction in determination time if applications are submitted with all necessary information, acting as an incentive scheme to encourage a higher standard of submission.
11. Where further information is sought and not submitted within the deadlines given (preferably as set out within a processing agreement) the Planning Authority could have powers to 'dispose' of an application – this would allow for the application to be 'returned' without the need for the officer to prepare a report for refusal. This will require legislative change but will hugely benefit the targeting of long standing 'legacy' cases.

*Is there scope for processing agreements to be used to better effect? Could a standard template be created that could include the relevant timescales?*

12. Yes. We have worked effectively with simple Informal Processing agreements on Local applications.

13. Relative to this, model Section 75 templates could be created. Section 75's could be processed more efficiently in tandem with the application, rather than towards the end of the application.

*Which aspects of the development management process need to change?*

14. A comprehensive review of fees – addressing particular anomalies now recognised as 'loopholes', i.e. the use of Section 42 applications in order to renew consents and avoid paying the full fee. This could be addressed by genuine 'renewal' applications having a half fee.
15. The requirement to advertise in local paper – other methods for publicising applications are less costly and are more accessible to the public, i.e. social media, alongside the website. Advertising in local press and Gazette costs us £30,000 per annum. The Edinburgh Gazette advertising is an outdated concept. A worthwhile saving could be achieved with negligible loss to public engagement.

*Should we extend permitted development rights further? If so, what for?*

16. There is a lack of clarity in public understanding of Prior Approval mechanisms and we don't propose this is rolled out as a substitute for planning applications, as it is not an effective management mechanism.
17. A genuine 'root and branch' review should take the opportunity to update out of date areas of primary and secondary legislation – most notably the 1960 Caravan Act and the 1980's Advertisement Regulations.

*Is there scope to strengthen development plans to streamline decision making?*

18. Yes, allocated sites in the local development plan could have the same status to PPP consent. When the detailed application is then submitted it could be treated as a 'Matters Specified in Conditions' application.

*How well is the development hierarchy working? Can / should it be taken further?*

19. The pre-application consultation process with communities is helpful. Sometimes there are issues with major applications where information sought at pre-application stage is not submitted. There is also often confusion between 'formal' pre-application consultation and pre-application discussion with the planning authority.
20. Within rural areas there are very limited 'Major' category developments yet some local developments are significant for small communities. Another category or different criteria for the rural area, such as 'locally significant' could be introduced.

*Should we revisit notification and call-in arrangements?*

21. Yes, as many applications requiring notification as a result of an objection by a government agency are relatively minor and not in the national interest. This is currently particularly relevant to objections from the Scottish Environmental Protection Agency.

### **Leadership, resourcing and skills**

22. The resource required to determine, often complex, planning applications is not reflected in current fees. These could be increased to better resource the planning system and help front load the process via pre-application advice. Fees should reflect the full life cycle of an application.
23. For planning to create great places there needs to be an increased focus on design and project delivery via multi agency teams, bringing together different skill sets and working collaboratively to drive change and development. The Place Standard and Charrette approaches are examples of successful techniques.

### **Community engagement**

24. Front loading community engagement is working and should be continued, although the process needs to be streamlined. As part of the community planning agenda, communities should prepare their own plans. All communities in the National Park have been supported to prepare their own local community action plans, identifying a vision and priorities for investment and action. There is scope for greater collaboration in their preparation with the agencies and organisations that serve them. These could also contain an annotated spatial plan for each settlement. Local Development Plans could be informed by these and engagement could be focussed around discussion on points of variance, using planners to help facilitate and mediate.
25. Young people definitely need to be involved in planning. Decisions made now will affect their future and time invested in working with young people now will hopefully encourage them to engage in planning at a later stage in life, as part of the norm. We have worked with both primary schools (bespoke exercises involving lego, mapping and drawing work) and secondary schools (bespoke workshops based around the local development plan) as part of our plan preparation and are liaising with the local secondary schools to try and build planning into their curriculum for the coming years.