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## **RESPONSE TO SCOTTISH EXECUTIVE CONSULTATION**

### Planning Advice Note

### Community Engagement "Planning with People": Consultation Draft

Homes for Scotland is the representative body for the private home building industry in Scotland. Homes for Scotland represents the interests of about one hundred companies who provide 95% of all housing built in Scotland and we have a rapidly expanding membership of professional and other service businesses engaged in our industry. Against that background Homes for Scotland is pleased to have the opportunity to comment on the draft PAN "Community Engagement - Planning with People".

In general terms, our member companies are supportive of the proposals contained within the draft PAN. Homes for Scotland has actively promoted the introduction of "front loaded" consultation both in respect of the preparation of Development Plans and for planning applications. We have consistently taken the view that consultation during the preparation of proposals can and will be far more inclusive than the use of a third party right of appeal which will inevitably be confrontational and adversarial.

Homes for Scotland fully supports the Scottish Executive's underlying objectives and the following comments should be read in that context.

Homes for Scotland believes that the PAN would benefit from greater detail in some key areas. Our member companies feel that the value of the guidance could be threatened by a failure to give more specific advice.

In addition it is imperative that approaches to community engagement should be consistent across Scotland.

#### The definition of 'community' (section 7)

The definition of 'community' in the draft PAN requires to be strengthened.

Based on the experience of our member companies, Homes for Scotland recognises that 'community' can be defined both in terms of geography and areas of common interest.

When housing developments are being proposed it is important not only to engage with the local community defined in terms of geography but also with those groups who are likely to purchase the houses such as first time buyers, young families or the elderly. In addition, given the diverse nature of supporting facilities which many housing developments have to procure it is equally important to engage with specific interest groups such as sports and cultural organisations, parent teacher groups, transport

providers etc. If the PAN does not define more inclusively the groups to be consulted it is possible to envisage a situation where some groups may seek to have others excluded from the process because Executive Advice does not recognise the legitimacy of particular consultees.

In addition to the expansion of section 7, it would be helpful if the Scottish Executive's meaning of 'community' is explained at the glossary at the back of the PAN. This would provide clarity to all stakeholders and in turn help to define 'adequate' consultation for the housebuilding industry.

#### Culture change (section 9)

The PAN's recognition of the need for organisational and cultural change is to be welcomed and we acknowledge that the house building industry has a role to play. Our member companies hope that the positive culture change reflected in the Planning Bill is embraced by Planning Authorities, by both Elected Members and Officials. The PAN could assist this by giving specific advice on practical matters. For example, community involvement in the process can and will be stifled if planning authorities do not recognise the need to meet with community groups outwith normal working hours at evenings and weekends.

#### Neighbour Notifications (Planning Authority Checklist and section 27)

The PAN refers to the new statutory requirements for a Planning Authority to serve Neighbour Notifications. Our member companies are supportive of this change and accept the reasoning behind it. Our members would however stress the importance of introducing guidelines for Planning Authorities to ensure that this change will not result in delays in the registration of planning applications. We urge the Scottish Executive to consider the introduction of targets for Planning Authorities to ensure this change does not slow down the planning process.

#### Scenario A (section 24)

Our member companies feel that the use of scenarios is a useful way to illustrate how processes can work under the new regime. It is important that the scenarios are realistic. For example our members have noted a flaw in Scenario A as it is unlikely that the Planning Authority would state a density without checking traffic analysis. It would be helpful if the scenario explained how the developer would have submitted evidence detailing infrastructure works that could be undertaken to offset any traffic impact thereby alleviating concerns of residents.

#### E-planning

The draft PAN states that where Planning Authorities have the capability to do so the weekly list of applications will be made available on-line. Our members are supportive of the progress that e-planning has made to date but take the view that additional advice should be given to Planning Authorities to ensure that on-line systems adopt a consistent approach, in terms of content and layout.

### Planning Authorities power to refuse (section 28)

Great concern was raised by our member companies with regard to the Planning Authority's new power to refuse a planning application if they feel the community was not adequately consulted.

It is imperative that Planning authorities set out, in advance, the standards by which community engagement will be judged as "adequate". It would be entirely unacceptable for an applicant for planning consent to undertake an elaborate consultation exercise only to be told in retrospect that it was flawed when judged against unpublished criteria. Detailed guidance would ensure consistent practice between Planning Authorities across Scotland.

### Pre-determination Hearings (section 29)

The draft PAN provides the opportunity for objectors to attend a pre-determination hearing to ensure that their views are known prior to the determination of the application. Our members support this in principle but seek clarity on the procedures for the hearing. The PAN should define who will be invited to attend the hearings and, in particular, clarify whether attendance will be limited to those who objected within the statutory period. Homes for Scotland takes the view that applicants should be invited to attend as they are best able to clarify development intentions in respect of concerns which might be raised. Clarity is also sought on whether the hearings are intended solely to provide information or whether there is an expectation that decisions will be reached. It is imperative that the processes and procedures used at Pre-determination Hearings are consistent throughout Scotland and our members would urge the Executive to expand this section to provide clear and practical guidelines to Planning Authorities.

### Good Neighbour Agreements (section 40)

Our members support this provision in principle. However, our members seek greater clarity on the means of obtaining closure on the process of negotiating the agreements. In terms of housing development, good neighbour agreements will only relate to the construction phase of any project. Scotland wide advice on the matters to be covered by agreements would be helpful.

### Monitoring and Evaluation (section 54)

Our members acknowledge the importance of evaluation but seek clarity on whose responsibility this would be.

### Transitional Arrangements

The new statutory obligation to consult on major applications will place additional burdens, in terms of time and resources, on the development industry. As some applications can take a long time to be determined our members seek clarity on the transitional arrangements. Our member companies must be confident that applications submitted, for example 12 months ago will not now be expected to produce a consultation report.

### Good Examples of Community Engagement (Annex)

Our members are delighted that the PAN acknowledges some of the good practice that currently exists in the housebuilding industry. As the PAN is to be a live document Homes for Scotland will continue to encourage member companies to submit examples for inclusion in the PAN.

### Concluding Remarks

Homes for Scotland is committed to developing good practice in respect of Community Engagement and we will continue to work in partnership with the Scottish Executive and Planning Aid Scotland in order to provide practical advice and guidance to our members. One issue which requires further consideration is the way in which communities are resourced to take part in community consultations and in particular have access to independent advice. We have noted that the PAN makes specific reference to Planning Aid Scotland and we would encourage the Scottish Executive to ensure that the organisation is adequately resourced to provide independent advice on Community Engagement.