

Scottish Rural and Islands Housing Conference
31 October 2019

The Planning Act Opportunities for Rural Housing



David McAllister
Communications Manager, PAS

PAS: Who We Are

We are a charity and social enterprise. For the last 25 years, we have been helping individuals and community groups to get involved in the planning system.

Charity & social enterprise

Volunteer-led

Impartial & independent

**In the last 12 months, our
400 volunteers have given
3 years' worth of time,
skills and experience**



PAS: How We Help

Advice

- Free, impartial and confidential planning advice: visit our website to submit your enquiry

Skills training

- Training on the planning system for Community Councils, elected members and community groups
- Community engagement skills training for planners and community groups

Inclusive

- Making decision-making processes more open and inclusive
- Involving young people and other seldom-heard groups



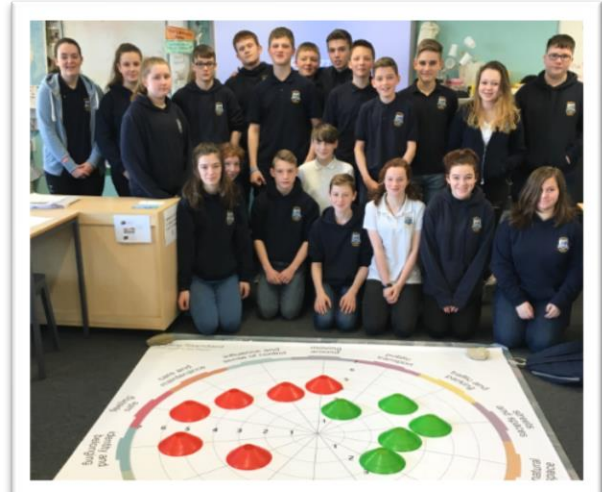
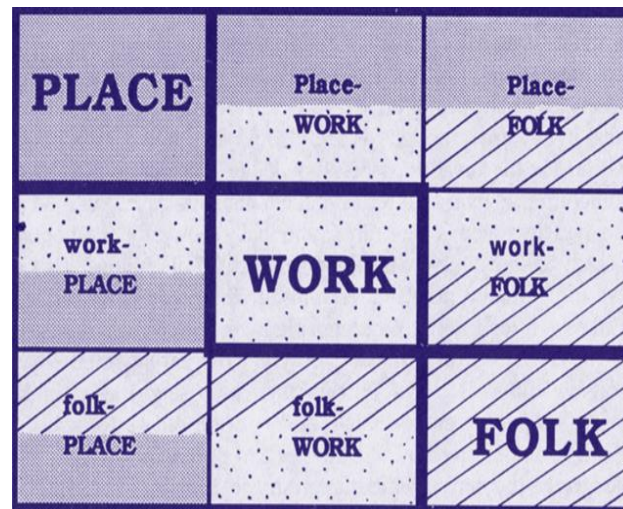
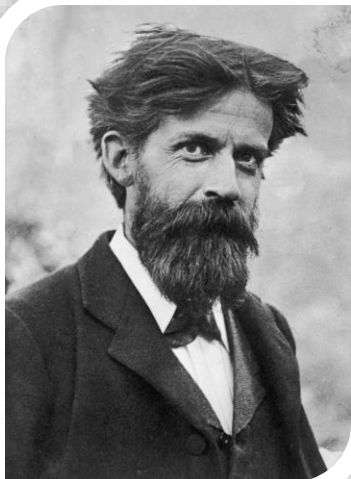
Supporting Local Place Plans

- Working with communities to articulate their vision and develop local place plans
- Supporting local authorities and public agencies to improve public participation in decision-making

Participatory Placemaking

"Town Planning is not mere place-planning, nor even work planning. If it is to be successful it must be folk planning."

Sir Patrick Geddes



Think Global, Act Local

Aligning international, national and local agendas for a more inclusive, participatory, holistic approach to placemaking



Place Principle

The principle requests that:

- All those responsible for providing services and looking after assets in a place need to work and plan together, and with local communities, to improve the lives of people, support inclusive growth and create more successful places.



Scottish Government
Riaghaltas na h-Alba
gov.scot

United Nations



Convention on the
Rights of the Child

National Performance Framework
Our Purpose, Values and National Outcomes



Placemaking
as a connector
between public
services and
citizens



Planning Reform



- Review announced in September 2015 by Cabinet Secretary for Social Justice, Communities & Pensioners' Rights
- Independent panel appointed
- Review focused on 6 key themes
- 48 recommendations

1. Strong and flexible development plans	4. Efficient &transparent development management
2. Delivery of more, high quality homes	5. Stronger leadership, smarter resourcing & skill sharing
3. Infrastructure first approach to planning and development	6. Collaboration rather than conflict – inclusion and empowerment

Planning (Scotland) Act 2019: Opportunities



Planning (Scotland) Act 2019

2019 asp 13

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 20th June 2019 and received Royal Assent on 25th July 2019

An Act of the Scottish Parliament to make provision about how land is developed and used.

- **Most amended Bill in Scottish Parliament**
- **Passed by Scottish Parliament in June 2019**
- **Gained Royal Assent in July 2019**

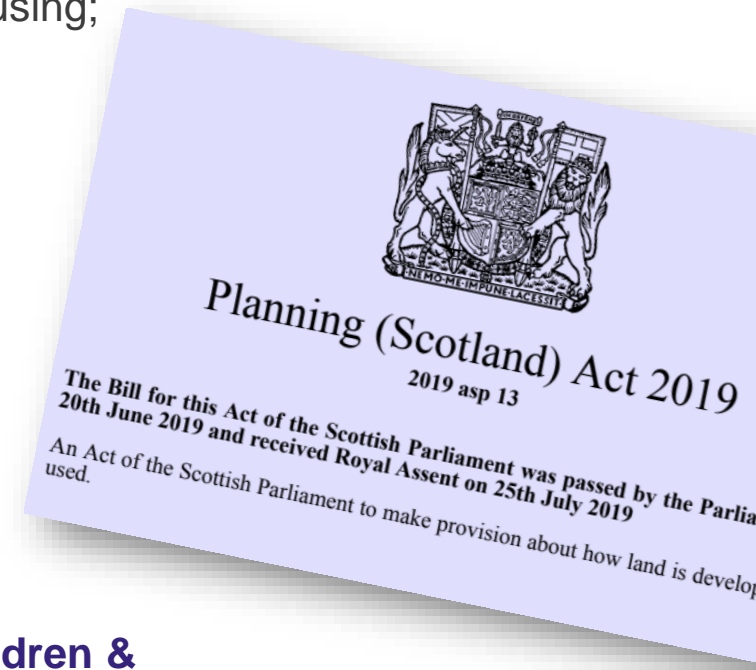
Planning (Scotland) Act 2019: Opportunities

Some key changes introduced:

- **National Planning Framework:** new format; housing; climate change; parliamentary approval
- **Local Development Plan:** new process and timeframe
- **Regional Spatial Strategies**
- **Short-term Let Control Areas**

In particular, we welcome:

- Introduction of a **purpose for planning**
- Introduction of **Local Place Plans**
- New guidance on **community participation**
- Introduction of **mediation** as a tool
- New duties to involve **Gypsy/Travellers** and **children & young people**
- Introduction of **play sufficiency assessments**
- Introduction of **self-build housing / masterplan consent areas**
- Mandatory training for **elected members**



Planning (Scotland) Act 2019: Opportunities

GENERAL OBSERVATIONS

The 2006 Act made wide-ranging changes to process. The 2019 Act is less radical. The plan-led system remains intact, but with some significant changes to development planning.

The key provisions are mentioned here along with the implications for planning authorities, developers and communities.



KEY PROVISIONS

This is our 'at a glance' guide (not exhaustive) to the Act:

PLAN MAKING

- **Development plans** – LDPs and NPF to be reviewed every 10 years, rather than five years
- **Purpose for planning** – linked to the exercise of development plan functions, with references to sustainable development and achieving national outcomes
- **NPF** – housing targets to be included; and new outcomes, including improving health and well-being of people, increasing rural population, improving equality and eliminating discrimination, meeting greenhouse gas reduction targets, and securing positive effects for biodiversity
- **LDP** – participation of children and young people, evidence report and gatecheck examination by reporter

- **Supplementary guidance** – no longer has 'development plan' status
- **Local place plans** – prepared by community bodies
- **Open space strategy, and forest and woodland strategy** – to be published by planning authorities
- **Strategic development plans abolished** – and replaced by Regional Spatial Strategies.

MASTERPLAN CONSENT AREAS

- **Masterplan consent area scheme** – acts as grant of authorisation for development, so planning application not required
- **Authorisation** – can include consent for roads, works to listed buildings, and to buildings in conservation areas
- **Self-build housing** – can be authorised
- **Exclusions** – include land within a National Scenic Area.

Planning (Scotland) Act 2019: Opportunities

DEVELOPMENT MANAGEMENT

- **Short-term let control area** – planning authorities can opt-in to requirement for planning permission for short term holiday lets
- **Health effects** – of national or major developments to be considered
- **Repeat applications** – the two year lockout period is increased to five years
- **Notice of major developments** – to be given to each local councillor, MSP and MP
- **Agent of change** – noise-sensitive developments to include consideration of measures to mitigate the effect of noise from existing cultural venues or facilities
- **Toilet facilities** – planning permission for certain large developments can include a condition that the development include at least one accessible public toilet facility
- **Section 43A schemes of delegation** – scope extended to include approvals required under development orders (eg. agricultural development), certificates of lawfulness, and advertisement consent.
- **Duration of planning permission** – time limit to be imposed by deemed or express condition, not by direction (reinstating the pre-2006 Act position).

OTHER MATTERS

- **Section 75 obligations** – more flexibility to decide section 75A discharge / modification applications
- **Mediation** – Ministers empowered to issue guidance on use of mediation in planning
- **Enforcement** – amendments in relation to fines and recovery of expenses for enforcement activity
- **Training** – to be compulsory for councillors

- **Performance** – annual report by planning authorities on performance; Ministers to have power to appoint a national planning improvement coordinator
- **Chief planning officer** – must be appointed by each planning authority.

NOT INCLUDED IN ACT

- Over-arching statutory purpose for all planning functions
- Culturally sensitive zones
- Equal right of appeal
- Green belt development – requirement for assessment of brownfield alternatives
- Land value capture
- Private tracks – removal of permitted development rights.



Planning (Scotland) Act 2019: Opportunities

National Planning Framework 4



Planning (Scotland) Act 2019: Opportunities

Local Place Plans

Local Place Plans are a new type of plan

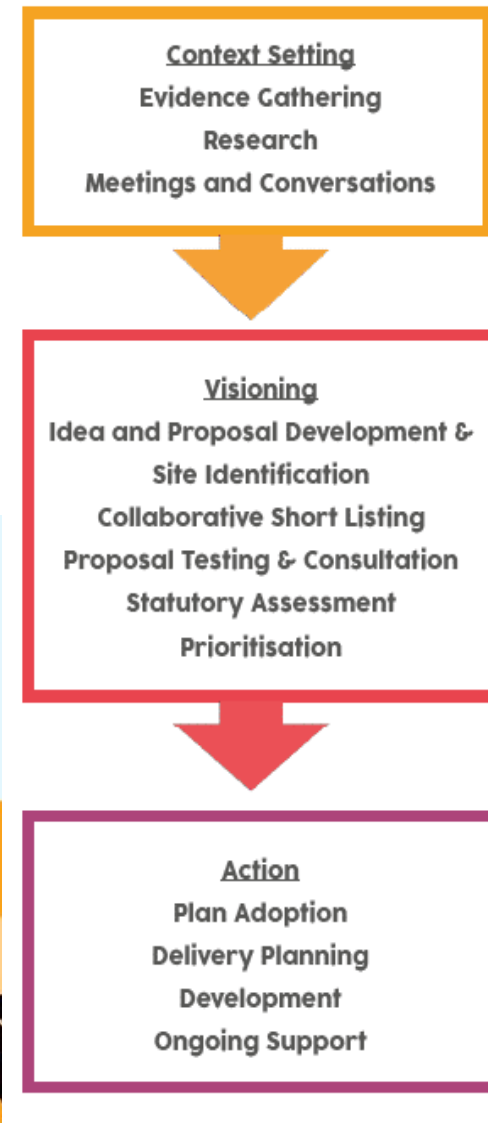
- The Planning (Scotland) Act 2019:
 - *“A local place plan is a proposal as to the development or use of land. It may also identify land and buildings that the community body considers to be of particular significance to the local area.”*
- Local Place Plans must have regard to
 - Local Development Plan (and set out reasons why an LDP should be amended)
 - National Planning Framework
 - Views of the wider community
 - Views of local councillors
- Opportunity for communities... but also for landowners, housing providers and local authorities to work with communities



Planning (Scotland) Act 2019: Opportunities

Local Place Plans

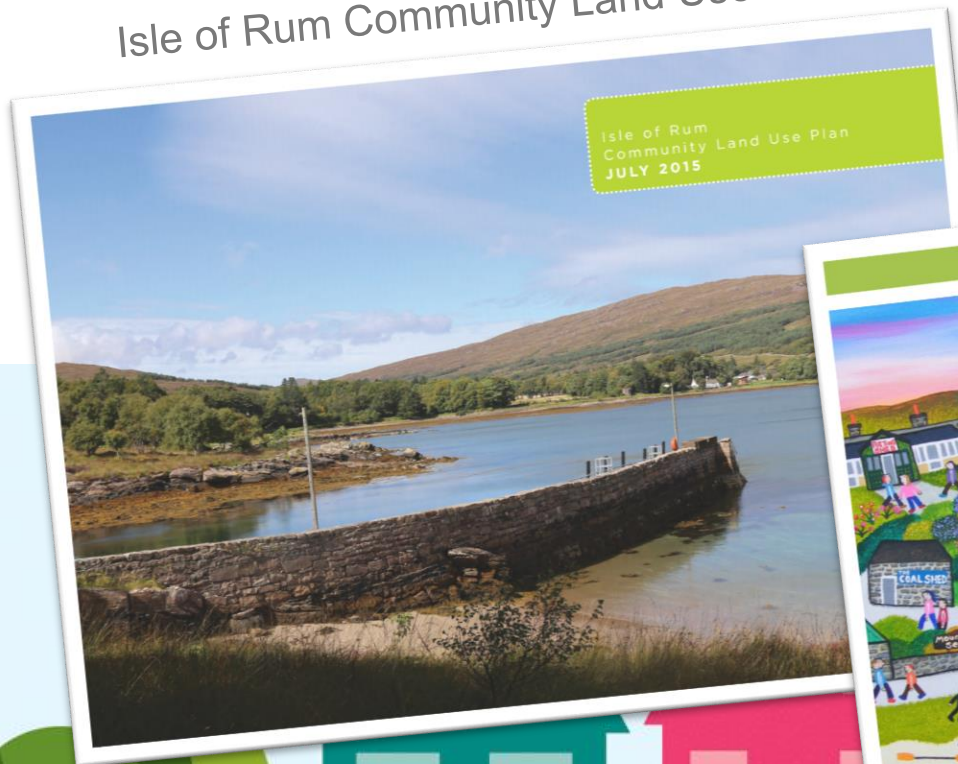
- Any community body can prepare and submit a Local Place Plan to their local planning authority.
- The Act defines a community body as either:
 - A community-controlled body, as defined by the Community Empowerment (Scotland) Act 2015.
 - A Community Council
- Importantly the plan should be co-produced, with different groups, individuals and age groups getting involved in plan production.



Planning (Scotland) Act 2019: Opportunities

Local Place Plans

Isle of Rum Community Land Use Plan



Applecross Community Land Use Plan



Planning (Scotland) Act 2019: Opportunities

Opportunities for Rural Housing

What We Need

- Affordable housing
- Housing choices for all ages
- Better planning for an actively aging population: the over 65 age group is growing four times faster than the general population

How To Get There

- Assessing housing need
- Community-led housing
- Reuse of existing (empty) housing, not just new build
- Co-housing initiatives
- Modular construction / eco-homes / reduce fuel poverty

Rabbit hutch homes have a human cost
Penny Anderson

The UK has the smallest new-build houses in Europe - removing minimum space standards will worsen the crisis



Planning (Scotland) Act 2019: Opportunities

Local Place Plans

Isle of Rum Community Land Use Plan



- Community-led Plan now adopted by Highland Council as supplementary guidance to the Local Development Plan
- Raised community awareness of the opportunity to be involved in the island's future
- Promoted a sense of community ownership
- Strengthened partnership between the Isle of Rum Community Trust and The Highland Council
- Created greater certainty about the viability of future development on Rum

Planning (Scotland) Act 2019: Opportunities

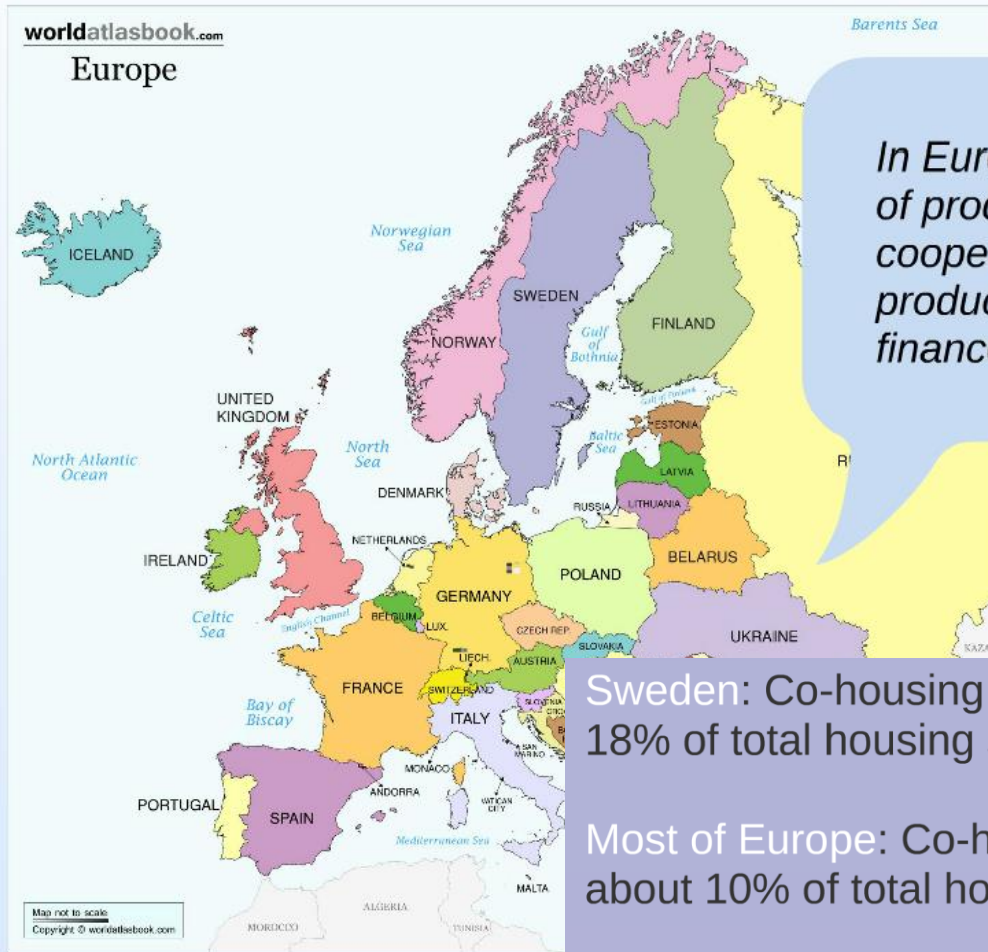
Local Place Plans

Applecross Community Land Use Plan



New Approaches to Housing

Co-housing and community-led housing



In Europe, self-build is 50% of production and housing cooperatives are 10% of production, funded by mutual finance.

Sweden: Co-housing represents about 18% of total housing stock

Most of Europe: Co-housing represents about 10% of total housing stock

UK: Co-housing represents less than 0.5% of total housing stock

Bringing Back Empty Homes

In 2017, a household was made homeless every 18 minutes with 34,972 homelessness applications.

Empty homes:

- **105,000 (National Records of Scotland)**
- **1% of all dwellings = second homes (25,000)**
- **3% of all dwellings = vacant properties (79,000)**
- **39,000 properties had been empty for six months or more**
- **Of those 24,471 had been empty for 12 months or more**

**Scottish Empty Homes Partnership:
over 3,200 brought back into use since 2010**



Gypsy/Travellers



Gypsy/Travellers and the Scottish Planning System
A Guide for Gypsy/Travellers
#1 in a series of 5



Gypsy/Travellers and the Scottish Planning System
A Guide for Elected Members
#3 in a series of 5



Gypsy/Travellers and the Scottish Planning System
A Guide for Community Councillors
#4 in a series of 5



Gypsy/Travellers and the Scottish Planning System
A Briefing for the Media
#5 in a series of 5



Gypsy/Travellers and the Scottish Planning System
A Guide for Local Authorities
#2 in a series of 5

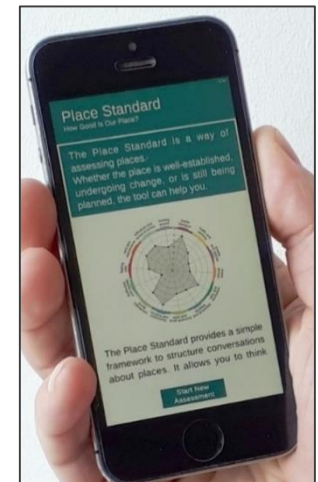
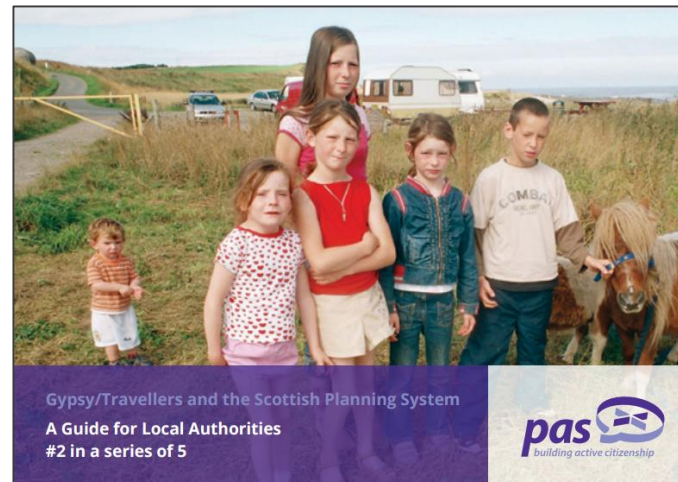
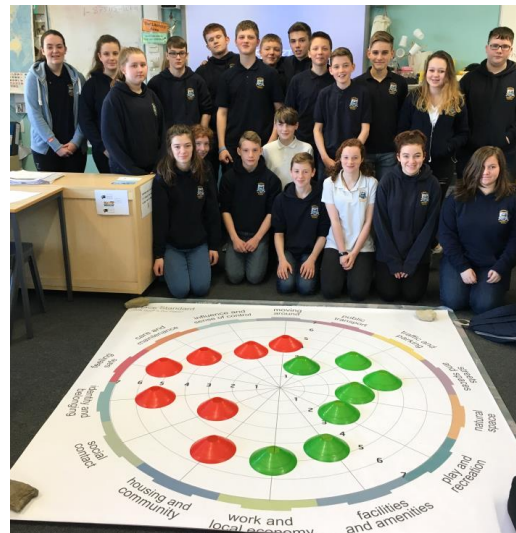


Children & Young People



How We Can Help

Improve Place through active Participation



How We Can Help

Improve Place through active Participation

- Free, impartial and confidential advice on planning matters – contact our Advice Service
- Information and support on how to take forward Local Place Plans
- Training for community councils, community groups, elected members on the planning system
- Time, knowledge and expertise of our network of specialist volunteers who deliver services to communities across Scotland





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