



# Linlithgow & Linlithgow Bridge Community Council

## Response to the consultation Places, People and Planning

We have a number of general comments:

- a. The timescales for the plans are more practical and should get away from the current continuous processing. We endeavoured to explain the changes in a before and after diagram, reproduced on page 14 of this document. It would be helpful if simple flowcharts were incorporated into future explanatory documents.
- b. Community planning is welcomed. However, a system of facilitated assistance should be available to communities without provable ability. It has to be accepted that not all communities will perform at the same level initially. Facilitation should be community to community not a service provided by the Local Authority.
- c. The cost of community planning/consultation should be acknowledged. It costs us about £400 to run a public exhibition/survey. (room hire, exhibition material, leaflets and advertising). Currently we would not be able to meet the cost of any professional planning advice or mediation.
- d. Periodic updates of the NPF and LDP's should be reflective of significant and identifiable changes in circumstances and the intention to make a periodic update should be approved by Ministers. This to prevent a rolling programme of small changes.
- e. We believe that the local authority planning department should never be in a position where it is funding development management. Development management should be entirely funded from fees. Local development planning however should be fully funded by either Scottish Government or the local authority.

Answers to the specific questions:

<b>Making Plans for the Future</b>	
<b>Questions</b>	<b>Responses</b>
A: Do you agree that our proposed package of reforms will improve development planning? Please explain your answer.	Yes. It will incorporate an input from the community via a 'community plan' which will more readily identify local people's needs and aspirations. It will more easily be understood and cover a more realistic time scale and will encourage local ownership.
1. Do you agree that local development plans should be required to take account of community planning?	Yes, so that they include local input and encourage ownership by the community. It should be noted that currently many regard this, in the official sense of Community Planning Partnerships (CPP) as neither

	<p>'community' or 'planning'. It is a little-known bureaucratic organisation meant to coordinate the activities of councils and other organisations such as Police and the Health Board. We believe that all the programmed activities/proposals of CPP partners, where relevant, should already be in local development plans!!</p>
<p>2. Do you agree that strategic development plans should be replaced by improved regional partnership working?</p>	<p>Yes, if the regional partnership attains its' aims of realising plan implementation by establishing agreed goals.</p>
<p>2(a) How can planning add greatest value at a regional scale?</p>	<p>By coordinating development with regional policies on development and infrastructure within an attainable funding programme and time scale.</p>
<p>2(b) Which activities should be carried out at the national and regional levels?</p>	<p>Transport (as opposed to access), power, water supply, specialist health provision, university education and food supply.</p>
<p>2(c) Should regional activities take the form of duties or discretionary powers?</p>	<p>Duties, otherwise there is a risk of inconsistency throughout the country and lack of finance.</p>
<p>2(d) What is your view on the scale and geography of regional partnerships?</p>	<p>They should have boundaries which cover similar land use characteristics and populations so that planning knowledge and expertise is gained over time. They should not be too large i.e. not the whole central belt of Scotland.</p>
<p>2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?</p>	<p>The Scottish Government level should be general policy and national goals. Other agencies, partners and stakeholders should have an identifiable responsibility for delivery which is especially appropriate to their individual functions.</p>
<p>3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?</p>	<p>Neither should be given more weight but their range of influence should be more relevant to their function.</p>
<p>3(a) Do you agree with our proposals to update the way in which the National Planning Framework, (NPF) is prepared?</p>	<p>Yes, because it will involve more local input and greater ownership and therefore a greater chance of implementation within a reasonable timescale.</p>

4. Do you agree with our proposals to simplify the preparation of development plans?	Yes, provided that all communities are enabled to produce an input. It will be important to tailor the method to the community and the 'planners' will have to adopt different approaches in different areas with some communities helping others.
4(a) Should the plan review cycle be lengthened to 10 years?	Yes, this will make implementation much more likely.
4(b) Should there be scope to review the plan between review cycles?	Yes, but only to enable the plan to be adapted to changing circumstances.
4(c) Should we remove supplementary guidance?	Yes, but there should be the facility to refer to this guidance by those that require it and the plan should refer to the circumstances when guidelines need to be followed and where it can be obtained.
5. Do you agree that local development plan examinations should be retained?	Yes, there should be provision for independent consideration of objections.
5(a) Should an early gatecheck be added to the process?	Yes, the earlier objections are dealt with the more easily they will be resolved and the greater will be the ownership of the plan.
5(b) Who should be involved?	All members of the public and potential developers through public exhibitions.
5(c) What matters should the gatecheck look at?	Those matters which are unresolved and/or of major public concern and those which should meet the national and regional requirements.
5(d) What matters should be the final examination look at?	Those which have not been resolved at the gatecheck stage or which are of national plan framework concern.
5(e) Could professional mediation support the process of allocating land?	Yes, providing that it is independent. In some cases, it will be necessary and finance should be available to enable local communities to hire professional expertise.
6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?	It should only 'not be afforded permission in principle' if it is required to attach conditions at that stage.

<p>7. Do you agree that plans could be strengthened by the following measures: 7(a) Setting out the information required to accompany proposed allocations,</p>	<p>Yes, this is likely to ensure compliance by incorporating development costs in the land purchase process.</p>
<p>7(b) Requiring information on the feasibility of the site to be provided,</p>	<p>Yes, the sooner this information is available the more likely that account can be taken of any associated costs and the plans implemented.</p>
<p>7(c) Increasing requirements for consultation for applications relating to non-allocated sites,</p>	<p>Yes, the requirement should be that all sites whether allocated or not should have the same level of information. If this requires more consultation for non-allocated sites, then this should be done.</p>
<p>7(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application,</p>	<p>Yes, the earlier an agreement can be reached the more likely that an application in principle will be approved timeously and the more likely that the plan will be implemented.</p>
<p>8. Do you agree that stronger delivery programmes could be used to drive delivery of development?</p>	<p>Yes, open ended plans tend never to be implemented. However, there should be a facility in the delivery programme to react to and correct any bona fide delays.</p>
<p>8(a) What should they include?</p>	<p>The process should include a time scale of key events especially those which are interdependent.</p>
<p><b>People Make the System Work</b></p>	
<p>B: Do you agree that our proposed package of reforms will increase community involvement in planning?</p>	<p>Yes. We strongly support the idea of 'local place plans' as a means of involving local residents in the statutory planning system. From our own experience, there is scepticism that the local planning authority understands the needs of our own community and this is reflected in its tendency to ignore all local input. Having a legal requirement for local place plans to be seriously considered with a view to adoption as part of the statutory local development plan would be a great step forward. Better consultation with community councils would also be beneficial as would provisions to increase youth involvement in planning and tighten up the pre-application consultation process (should it continue).</p>

<p>9. Should communities be given an opportunity to prepare their own local place plans?</p>	<p>Yes – the residents of local communities have better knowledge of the needs of individual places and a more direct concern for, and interest in, their future.</p>
<p>9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?</p>	<p>There should be a bit of both. The local place plans should take due cognisance of the provisions of existing Development Plans (such as countryside designations, the extent of conservation areas, committed developments, overall need for housing, etc) and build on these – the completed local place plan should then form the basis of the relevant part of the statutory development plan.</p>
<p>9(b) Does Figure 1 cover all of the relevant considerations?</p>	<p>The mechanism to ‘sign off’ local place plans could indeed be a referendum but the cost of running these could, as mentioned, be prohibitive. The use of information technology can be discriminatory but perhaps a better method would be a local exhibition of proposals where participants are invited to attend to give a view for/against each of the plan’s proposals on a simple comments sheet. This method was used very successfully in relation to the Linlithgow ‘Plan for the Future’. The means of publicity for such an event (or events) would have to be prescribed but the aim should be that all local people with a likely interest be made aware.</p> <p>The reference to digital mapping should be deleted and replaced with a duty on the local planning authority to make available to the community body a reasonable supply of paper and digital mapping as may be necessary to produce a local place plan.</p> <p>Charrettes could be mentioned in relation to either the local-place-plan making process or the design of the places to be created as a result of the process, or both.</p>
<p>10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?</p>	<p>Definitely yes – supposedly community councils are already ‘consulted’ on planning applications although in practice this would appear to equate to the planning authority making available (on the internet) its weekly list of planning applications. To improve on this in relation to the preparation of the statutory development plan, legislation should specify the form which the consultation should take – through the post or via email to each active community council. There should be similar measures in relation to planning applications.</p>

<p>10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?</p>	<p>Yes, this would be useful. Also, this question is assumed to also relate to the method by which local development plans cover the relevant area, either through the one single plan or a matrix of plans each covering a smaller area. It may well be that there is scope in certain areas for local place plans themselves (or at least their contents) to form the statutory local development plan. If that possibility exists, then local authorities should consult accordingly.</p>
<p>11. How can we ensure more people are involved?</p>	<p>Consultation should be more meaningful – not a minimal box-ticking exercise but a proper one in which people are given the chance to make detailed comments through the use of targeted questions. There should be provision for the submission of written comments at all consultation events, as well as via the internet. Clear concise feedback should be provided and where a community supported proposal is refused the reason for that refusal should be given.</p>
<p>11(a) Should planning authorities be required to use methods to support children and young people in planning?</p>	<p>Yes, but this could be expensive to achieve in terms of resources. Schools are an obvious means of doing so but it is difficult to arrange due to constant changes in staffing and, of course, pupils as they grow up and move on. One possible method might be a requirement that the events suggested above in 9(b) should actively encourage engagement with young people, perhaps by taking the exhibition to the cluster secondary school.</p>
<p>12. Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s).</p>	<p>There is little that can be done to improve this sort of ‘consultation’ in its current form; effectively it is a form of PR exercise for the prospective applicant with rarely any intention or commitment to make any material change to the proposals, regardless of any comments made by members of the public. Feedback on comments submitted is rare.</p>
<p>12(a) What would be the most effective means of improving this part of the process?</p>	<p>Perhaps there could be some requirement for the prospective applicants to seek the views of the public in a certain way (eg set questions to be answered by those attending) and present the outcome in a particular format when the application is submitted. Such a format would highlight the extent to which alterations had been made to proposals in response to views expressed. Public meetings (as mentioned) are a wholly ineffective means of assessing local views since</p>

	they may be dominated by those with the loudest voices; manned exhibition events are usually a more effective method of garnering opinions. A second event, as suggested, may be difficult to justify in circumstances where either (a) the public is fully behind the proposal or (b) the applicant has no intention of altering its plans.
12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?	The requirements for applicants to report on community views, and the response thereto, should be made more explicit (see above).
12(c) Are the circumstances in which PAC is required still appropriate?	Yes – the scale of developments requiring one is about right – if it is considered that it is worth continuing with pre-application consultations, given that their purpose and effectiveness is questionable in their current form.
12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?	Yes – six months – where the application is in line with the statutory development plan. Where the proposal is significantly contrary to the development plan, there need be no requirement (or expectation) for an application ever to be submitted.
13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?	Yes, except in cases where the first application has had to be replaced by a second which more fully satisfies the policies and requirements of the local planning authority and which is subject to the same round of consultations as the first. Where the proposals are contrary to the local development plan and are likely to remain so, there can be no justification for the fee being waived on repeated planning applications.
14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?	Yes – this is a subject of much frustration to planners and by those affected by the breach. Increased penalties may help with early compliance. We also support measures for planning authorities to recover costs associated with enforcement proceedings.
15. Should current appeal and review arrangements be revised: 15(a) for more decisions to be made by local review bodies?	No. The problem with the local review bodies is that they are part of the same organisation that has made the original decision. Appeals to central government, whether dealt with by reporters or ministers, provide a necessary ‘third party’, potentially independent, means of determining contentious planning applications.

15(b) to introduce fees for appeals and reviews?	Yes and no. Fees should be introduced for the <i>submission</i> of appeals and reviews. However, if the decision is to approve the application, such fees should be refunded because successful applicants should only need to pay one set of application fees – they should not have to pay for a difference of opinion within the same planning system.
15(c) for training of elected members involved in a planning committee or local review body to be mandatory?	Yes. It is understood that many elected members have a far from complete understanding of the planning system and their expertise in the matter cannot be compared with that of reporters or of planners working for the Scottish Government. Furthermore, elected members may on certain occasions vote on party lines which of course is not a determination of whether or not a planning application accords with the statutory development plan or any other policies.
15(d) Do you agree that Ministers, rather than reporters, should make decisions more often?	As both methods involve professional planning staff, either is acceptable.
16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?	We have no view on this.
<b>Building More Homes and Delivering Infrastructure</b>	
C: Will these proposals help to deliver more homes and the infrastructure we need? Please explain your answer.	Yes: Trying to assess numbers in detailed is at too low a level. Planning needs to look at the overall requirement, locations, appropriate mix of homes, quality and infrastructure to support
17. Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?	In practice yes. However, this must follow from a good understanding of why communities are where they are, where new communities need to be established and existing ones deprecated; a synergy needs to be arrived at between communities and places of work / business. This should be a starting point of this whole planning consideration which appears to be taken as a given for this Consultation.
18. Should there be a requirement to provide evidence on the viability of major housing	Definitely: Providing housing is an expensive resource which should not be squandered on major developments for which there is no evidence based

developments as part of information required to validate a planning application?	requirement. Viability should include sums required for national infrastructure and local access and local infrastructure.
19. Do you agree that planning can help to diversify the ways we deliver homes?	Yes: Surely that is the purpose of planning. Without planning houses would 'just happen' without any coherence. And to later points planning is necessary to ensure that appropriate infrastructure is in place to support.
19(a) What practical tools can be used to achieve this?	Undertaking a charrette which embraces all stake holders who will be included in the delivered outcome. Place Making Tools may be used to complement charrettes
20. What are your views on greater use of zoning to support housing delivery?	We have some nervousness regarding simplified planning zones but provided that zones are of a settlement boundary such as Linlithgow there may be some advantages. For us to comment on a zone that corresponds to the Local Development Plan for West Lothian would leave us no better off than at present. The key point here is that an SPZ such be coterminous with a local community as suggested in Fig 2 where a community can participate in a charrette for their town.
20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?	This question cannot be answered satisfactorily until the success of the Hillington Park Simplified Planning Zone is analysed and the findings published.
20(b) What needs to be done to help resource them?	Staff can be co-opted from Local Authority Planning Depts as they will no longer be needed for full time Local Development Plan determination.
21. Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?	This looks sensible: providing an infrastructure agency will lead to a further level of disconnect from the planning face
22. Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?	We agree that the regional partnership working described in Proposal 2 - 1.13, would be a practical approach.

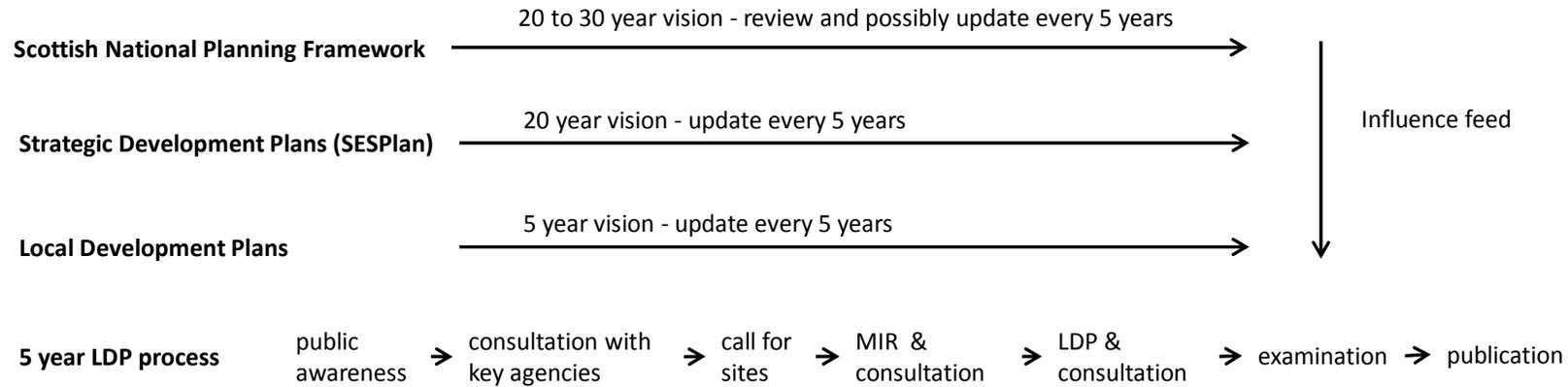
22(a) What actions or duties at this scale would help?	As described in proposal 2 - we have nothing to add.
23. Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?	The point surely here is to ensure that Section 75 obligations are met by the developers and the monies paid over are allocated for infrastructures they were identified for. Any change in Section 75 obligations should reflect an unforeseen change in circumstances and should not disadvantage the local community. For example, the developer seeking to change the section 75 obligations for commercial advantage (e.g. staving off bankruptcy) may be required to transfer ordinary or preference shares to a Local Community Development Trust.
24. Do you agree that future legislation should include new powers for an infrastructure levy?	Yes
24(a) at what scale should it be applied?	For major projects at a national and local scale for smaller projects at a local scale.
24(b) to what type of development should it apply?	Infrastructure is integral to any development and therefore applies to all types of development. Development in Linlithgow is currently constrained by Secondary Education places within the Linlithgow Academy catchment.
24(c) who should be responsible for administering it?	While the current Governmental structure remains, primary responsibility will continue to rest with the Local Authority though delegated to SPZ management where such zones are in place within the region
24(d) what type of infrastructure should it be used for?	The whole gamut of utilities, tele communications, sewage, refuse collection, roads, transport, education, health and care, recreation, etc etc
24(e) If not, please explain why.	
25. Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?	We are not sufficiently knowledgeable to answer this.

<b>Stronger Leadership and Smarter Resourcing</b>	
D: Do you agree the measures set out here will improve the way that the planning service is resourced?	It is assumed that questions 26 to 30 relate to proposal 16: developing skills to deliver outcomes by working with the planning profession's institutes and influencing education at primary and secondary and tertiary levels.
26. What measures can we take to improve leadership of the Scottish planning profession?	The first step is to identify those factors which militate against the Scottish planning profession as a whole being in control of strategic planning and development management. Areas to investigate could include the almost discretionary approach on the part of those responsible for delivery of the national and local strategic plans. This will continue whilst the strategic planning remains detached from the means of financing projects. Another area to investigate is the reactive approach taken by development management at local authority level. Development management should be more proactive, leaving developers in no doubt as to the boundaries of acceptable development solutions.
27. What are the priorities for developing skills in the planning profession?	We agree with proposal 16
28. Are there ways in which we can support stronger multidisciplinary working between built environment professions?	Build delivery focused multidisciplinary teams to undertake a series of projects. The Scottish Futures Trust leans in this direction and is a good example but need to build profile and integrate more effectively with strategic planning.
29. How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?	Investigate and address the reasons for low morale where it exists. Within reason local authorities should fund strategic planning but should not be in the position where they are funding development management.
30. Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?	Yes
30(a) Do you have any ideas on	We agree with proposal 18 specifically a positive

how this could be achieved?	supportive approach rather than the application of sanctions.
31. Do you have any comments on our early proposals for restructuring of planning fees?	We agree with all aspects of proposals 17. The local authority budget should not be burdened with development management costs. All costs should be met by fees particularly appeals and reviews of decisions.
32. What types of development would be suitable for extended permitted development rights?	We are nervous of "consented development" zones and simplified planning zones. We understand the principles of proposal 12 but community involvement has to be assured with some method of community sign off.
33. What targeted improvements should be made to further simplify and clarify development management procedures?	From an operational point of view a flow chart of procedure in a form understood by a member of the general public would be useful. Otherwise development management procedures appear logical.
33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?	We agree that planning permission in principle should be given more weight in the process. Care should be taken in and removing the need for planning consent from a wider range of developments. Currently Network Rail have inflicted hideous structures on communities with the knowledge that there is nothing that can be done by those communities to influence the mitigation of their aesthetic impact. A similar argument can be made for utility substations etc.
33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?	There should be a facility for a mandatory consultation with the local authority planner on major developments with the developer paying a fee for the consultation.
33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?	We would like to see arrangements for public consultation of applications for approvals of detail. This would encourage a complete first application. If the developer was confident of success then the developer would be more willing to meet the cost of a complete first application.

<p>33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?</p>	<p>The system for predetermination hearings and determination of applications appears to work reasonably well accepting that there is no opportunity of rebuttal when the planning officer criticises points made by contributors in the predetermination hearing prior to the determination. The content of the predetermination hearings should be minuted and available as a public record.</p>
<p>34. What scope is there for digitally enabling the transformation of the planning service around the user need?</p>	<p>Digital transmission of information is always to be encouraged. However they need to be a code of practice regarding the form and nature of information specifically digitally reduced drawings. We believe that there is something of an obsession with the 'digital transformation' of the planning service. Both development management and statutory development plans are already digitised and readily available on the internet. What is needed is a common sense approach to the use of resources – if paper copies of drawings are needed for the determination of planning applications (which they surely are), they should be requested along with the digital files (instead of planning offices routinely printing out copies of drawings, some previously scanned-in from submitted paper plans which have been thrown out!). Drawings should be of a sensible size and scale. A folio of A3 drawings is to be preferred to a single A0 drawing.</p>

### Scottish Planning Framework - existing



### Scottish Planning Framework - proposed

