

## **Glasgow and the Clyde Valley Strategic Development Planning Authority**

**To: Glasgow and the Clyde Valley Strategic Development Planning Authority  
Joint Committee**

**On: 13<sup>th</sup> March 2017**

**Report by  
Stuart Tait, Manager**

### **Review of the Planning System in Scotland - Scottish Government Consultation Document**

#### **1. Summary**

- 1.1 The purpose of this report is for the Joint Committee to consider its response to the Scottish Government's consultation on the review of the planning system in Scotland.

#### **2. Recommendation**

- 2.1 It is recommended that the Joint Committee
- agree the report and proposed responses to the issues and questions raised; and,
  - delegate authority to SDP Manager and Steering Group to finalise the response to the Scottish Government consultation on the review of the planning system in Scotland.

#### **3. Context - Scottish Government Review of the Scottish Planning System**

- 3.1 The Scottish Government's consultation document on the review of the planning system in Scotland was published on 10th January 2017 and responses are to be submitted by 4th April 2017.
- 3.2 In September 2015, an independent panel was appointed by Scottish Ministers to review the Scottish planning system. The report of the panel, "Empowering Planning to Deliver Great Places" was published on 31st May 2016.
- 3.3 The panel's report and related recommendations have potentially significant implications for the Joint Committee.
- 3.4 The main recommendations included:
- Strategic Development Plans should be replaced with an enhanced National Planning Framework (Recommendation 2);
  - Strategic Development Planning Authorities should be repurposed with a statutory duty to co-operate with the Scottish Government in producing the National Planning Framework and to play a crucial role at the city region scale in the work of the national infrastructure agency or working group (Recommendation 2, Recommendation 17); and,

- Strategic Development Planning Authorities should pioneer a different way of working where planners proactively co-ordinate development with infrastructure at the city region scale to take forward commitments set out in a live action programme for the city region which would also support housing delivery and co-ordinate cross boundary thinking to inform local development plans (Recommendation 2).

### 'Future of the Planning System in Scotland' Consultation Document

3.5 Following the independent panel's report the Scottish Government has now published its consultation document on the future of the planning system in Scotland with the intention to publish a new Planning Bill in late 2017.

3.6 The document sets out 20 proposals which the Scottish Government consider will improve the planning system in Scotland. Four proposals have been set out which if implemented will have significant implications for the governance, finance, resources and skills of the Joint Committee namely:

1) Regional Partnership Working

The Scottish Government believe that strategic development plans should be removed from the system so that strategic planners can support more proactive regional partnership working.

2) Improving National Spatial Planning and Policy

The National Planning Framework can be developed further to better reflect regional priorities. In addition, national planning policies can be used to make local development planning simpler and more consistent.

3) Embedding an Infrastructure First Approach

The proposal to replace strategic development plans with regional partnership working would, it is considered, empower planners to advise on spatial priorities for infrastructure investment. At this scale the Scottish Government considers that an infrastructure first approach would be supported through partnerships providing fuller and more reliable evidence for strategic decisions about investment. This could be achieved by a regional audit of infrastructure capacity which brings together, for example transport, schools, healthcare facilities, water, flooding, drainage, sewerage, energy, telecommunications, digital and green networks (work on this is already underway within Clydeplan). The Strategic Transport Projects Review, carried out by Transport Scotland, should also work alongside spatial planning to form an essential part of strategic investment planning at both the regional and national scale.

4) Housing Delivery Role

At all levels of planning activity, planners are being asked to play a positive role in supporting and enabling housing delivery with regional partnerships co-ordinating the work of local authorities to support the aspirations for housing delivery as set out in the National Planning Framework.

3.7 The document covers many areas of the planning system however this report concentrates on those proposals which affect city region planning and related working arrangements.

## Regional Partnership Working

- 3.8 The Scottish Government propose to replace strategic development plans with “...new duties or powers for local authorities to work together on defining regional priorities”. In this context the Scottish Government considers the following actions would be beneficial:
- i) helping to develop a strategy and delivery programme to be adopted as part of the National Planning Framework. We would want to see regional partnerships working with the Scottish Government, agencies and local authorities to make sure there is evidence to support the National Planning Framework and then to implement their regional commitments through the delivery programme;
  - ii) co-ordinating the work of local authorities to support the aspirations for housing delivery, as set out in the National Planning Framework;
  - iii) bringing together infrastructure investment programmes to promote an infrastructure first approach, provide a co-ordinated audit of economic and social regional infrastructure, identify the need for strategic investment and support necessary cross-boundary working;
  - iv) co-ordinating funding of infrastructure projects, potentially including an infrastructure levy, and working with others, in both the public and private sectors, to develop regional funding and finance packages that support their strategies for growth;
  - v) acting as a ‘bridge’ between local and national levels by making sure that local development plans support the delivery of wider strategic priorities. Partnerships involving business representatives as well as the public sector could provide a forum where regionally significant matters and common goals can be discussed and used to inform local strategies and development planning” (Paragraph 1.13).
- 3.9 The Scottish Government propose that existing strategic development planning authorities form part of, or are replaced with, partnerships whose membership extends beyond that of planning to include all those with a role in planning, prioritising and delivering regional economic development and investment in infrastructure.
- 3.10 The proposition is to provide new duties or powers for local authorities to work together on defining regional priorities and to help develop a strategy, including regional priorities, which will be adopted as part of the National Planning Framework, along with a related delivery programme.

## **4. Observations**

- 4.1 The Glasgow city region is Scotland’s foremost city region accounting for more than a third of Scotland’s GVA and population it is therefore considered important that its Local Authorities are empowered to, both lead on and take ownership of the identification of the regional priorities for their area. Priorities should be derived at the city region scale by the regional partnership and reflected in the Scottish Government National Planning Framework.

- 4.2 The role and relationship between city region partnership's regional priorities and the Scottish Government National Planning Framework, should be clearly defined, and the governance arrangements of the regional partnerships established in a manner that delivers an appropriately empowered and effective role.
- 4.3 From Clydeplan's experience, collaborative regional partnerships require clarity around their purpose, roles and responsibilities, governance, accountability, and funding.
- 4.4 It is considered therefore, that given the wide range of potential partners, and to ensure its effectiveness in supporting strategy development and delivery both at a city region level and in support of an enhanced National Planning Framework, any form of regional partnership working will require to be established with the following requirements:
- a clear statutory duty placed upon local authorities to work together to consider matters they deem to be relevant in support of the Purpose of the Scottish Government;
  - a formal duty to co-operate on other public bodies in support of the work of the regional partnership;
  - a clearly defined geography;
  - a clear role and remit; and,
  - a single governance structure with associated supporting dedicated resources.
- 4.5 This regional partnership working approach in a Glasgow city region context could be developed around the emerging Glasgow City Region governance structures and processes namely the City Region Cabinet, Chief Executives Group and Portfolio Groups. This would in turn support the delivery of the City Region Cabinet's recently published Regional Economic Strategy and Action Plan.
- 4.6 Regional governance could be further enhanced to identify regional priorities through the development and alignment of a number of proposed city region wide strategies including:
- a land use spatial strategy in support of an enhanced National Planning Framework incorporating regional priorities including regeneration areas, Community Growth Areas, City Deal, green infrastructure, strategic centres, economic investment locations and the setting of housing targets for Local Housing Strategies and Development Plans;
  - Strategic Transport Plan;
  - Fair Work Strategy;
  - Climate Change Adaptation Strategy;
  - Tourism and Visitor Marketing Strategy;
  - Digital Connectivity Strategy;
  - Foreign Direct Investment Strategy; and,
  - Housing Strategy.

- 4.7 Under the above arrangements the Joint Committee's Core Team has relevant skills and expertise particularly in terms of joint working; strategy and policy development; technical assessment; data collation and analysis; and Action Plan development. All these skills can help support the emerging City Region activities including in support of any future City Region Information and Research Intelligence Hub, currently under consideration. Relevant in this regard, is that the Glasgow and Clyde Valley city region already has an existing land use spatial strategy, in the form of SDP2, which has been developed by the eight city region local authorities, working in partnership, and which could readily be utilised and adapted to meet the requirements of any new regional partnership.
- 4.8 Through the current statutory Strategic Development Plan process, the city region's local authorities have successfully managed cross boundary issues through effective joint working which includes a clearly defined system of governance and accountability, and it is important to ensure that any new system reinforces this role.
- 4.9 What remains unclear at this time is any consideration of transitional arrangements, the status of the SDP2 once it's approved later this year and the formal role, if any, of the Joint Committee under any new regional partnership working arrangements. It is considered important that in moving forward with the review, the Scottish Government clarify this situation as a matter of priority.

## **5. Conclusions**

- 5.1 As set out above, the consultation document has significant implications for the role and work of the Joint Committee, and its future.
- 5.2 Acknowledging that the Scottish Government have agreed with the independent panel that Strategic Development Plans should be removed, it is considered important that any future regional partnership working model be based upon a statutory duty on local authorities to work together within a clearly defined geography, with a clear role and remit, and set within a single governance structure with associated dedicated resources.
- 5.3 Responses to the consultation document technical questions as they relate to regional planning and regional partnerships are provided in the Appendix.
- 5.4 The responses provided recognise that the skills and joint working expertise jointly gained through the statutory Strategic Development Plan process since 1996, both by the local authorities and the Joint Committee's Core Team, can continue to add value to the delivery of wider City Region aspirations including the City Region's recently published Economic Strategy and Action Plan, whatever model of partnership working is established by the Scottish Government under the terms of a new Planning Act.
- 5.5 Given the potential significant implications of the review on work of the Joint Committee, the Joint Committee would welcome the opportunity to work with the Scottish Government as it progresses its thinking towards the publication of the new Planning Bill.



## Appendix

### Key Question A

Do you agree that our proposed package of reforms will improve development planning?

#### Response

The focus away from process onto delivery is welcomed however any new system requires to provide certainty for both communities and investors. The current system is relatively new (2009) and now a new system is being proposed which itself will take a number of years before it is fully embedded. This situation, along with all the various transitional arrangements required, adds to the current levels of uncertainty about how the new system will operate in practice. It is also considered important that local democratic accountability is supported and transparent within any new process.

### Regional Partnership Working

#### **2. Do you agree that strategic development plans should be replaced by improved regional partnership working?**

#### Response

The first preference of Clydeplan is that a form of spatial planning for city regions is retained and therefore we do not agree with this proposition. Through existing and enhanced SDP processes taking advantage of its established governance and joint working structures a greater focus on delivery could be developed.

The existing Strategic Development Plan has formed a credible and effective component of the Development Planning system since its introduction through the Planning etc. Act 2006. Strategic planning has been central to the regeneration and economic revitalisation of the Glasgow city region through the period of significant structural economic change. Clydeplan has been effective in its joint working processes in support of its regional planning role and has allowed for the effective deployment of skills and resources in support of the city regions eight local planning authorities. This model of working is increasingly important at a time of reducing budgets and increased expectation in terms of planning delivery.

It is agreed that the planning system requires to be refocussed and made more effective in relation to the support for delivery and infrastructure. This is important at all levels of the planning hierarchy - national, regional and local. For successful and effective regional partnerships their role and remit should be clearly defined, constituted and resourced and SDPAs are well positioned to contribute to a regional partnership.

To be effective regional partnership working requires a regional land use spatial strategy which should be corporately approved and aligned to wider regional scale service delivery.

#### **2(a) How can planning add greatest value at a regional scale?**

#### Response

Planning at a regional scale should have a clearly defined role and remit in support of the purpose of the Scottish Government to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Greater value can be added by regional planning in managing cross boundary



issues through effective joint working by setting out a spatial development strategy which supports sustainable economic growth whilst mitigating against adverse environmental impacts and ensuring the efficient use and development of infrastructure.

The range of activities that should be set out as specific to the regional role include:

- development of a regional land use strategy which sets out regional priorities by addressing strategic planning issues in respect of housing, transport, flood risk management, climate change, and biodiversity.
- ensuring alignment of regional strategies including economic, transport and land use strategies;
- supporting housing delivery;
- supporting economic growth;
- identifying strategic infrastructure interventions;
- preparing delivery plans;
- any other activities considered relevant to the planning of development in city regions.

The above activities should be delivery focussed, however, the extent to which the regional partnerships can have a direct influence on delivery will depend on their duties, powers and resources.

It should be noted in these examples, that the land use planning function is only one part of the governance structures remit. Whatever model is adopted to support regional planning activities, we would strongly urge Scottish Government to consider fully the implications of the proposition in relation to local government structures and not only in respect of planning activities. In Wales, a White Paper<sup>1</sup> has recently been published on Local Government which sets out a “rationale for regional working” and in England there are models to draw from including the Greater London Authority<sup>2</sup> and Greater Manchester Combined Authority<sup>3</sup>.

## **2(b) Which activities should be carried out at the national and regional levels?**

### Response

There should be a clear distinction between the roles of the Scottish Government and public agencies at the national and the regional level. A successful planning system which is both visionary and effective at delivering on the ground will depend on a clear legislative framework which defines these roles clearly, identifies and allocates responsibility for resourcing, and includes appropriate duties and powers to support delivery.

### National

Preparation of National Planning Framework (NPF) and enhanced Scottish Planning Policy (SPP); infrastructure delivery to support the Scottish Government’s National Infrastructure Investment Plan, Economic Strategy, National Transport Strategy, and Climate Change Plan, all aligned to allocated resources as part of the National

<sup>1</sup> <https://consultations.gov.wales/consultations/reforming-local-government-resilient-and-renewed>

<sup>2</sup> <https://www.london.gov.uk>

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/369858/Greater\\_Manchester\\_Agreement\\_i.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf)



Planning Framework 'delivery plan' and the Scottish Government's Programme For Scotland.

#### Regional

- Land use spatial strategy in support of an enhanced National Planning Framework incorporating regional priorities including housing targets; regeneration areas, Community Growth Areas, City Deal, green infrastructure, centres and economic investment locations;
- Strategic Transport Plan;
- Housing Strategy, including establishing regional housing targets;
- Climate Change Adaptation Strategy and Action Plan;
- Regional Marine Planning;
- Regional Economic Strategy incorporating other elements such as:
  - Digital Connectivity Strategy;
  - Foreign Direct Investment Strategy; and,
  - Tourism and Visitor Marketing Strategy;
  - Fair Work Strategy;
- Any other activities considered relevant to the planning of development in city regions.

#### Plan Sequencing and Alignment

The implications for the timing and sequencing of the NPF with regional strategies/priorities and with Local Development Plans (LDPs) will require careful consideration. In order to prepare a NPF to time would seem to require all defined regional partnerships to submit their regional priorities within the same time frame.

The manner in which the NPF then influences LDPs, and the timing of the LDPs, requires to be addressed particularly if it is the NPF that sets the "housing aspirations" that LDPs may be required to meet.

### **2(c) Should regional activities take the form of duties or discretionary powers?**

#### Response

Regional activities should take the form of statutory duties placed on the local authorities and the Key Agencies as this will secure not only buy in and ownership of the outputs but also require consideration of the processes required to deliver them. It will also give developers and investors more confidence in the status of the outputs delivered by the partnership.

Potential duties might include:

A duty on local authorities, to work with neighbouring authorities to consider and identify the need for regional partnership working having regard to cross boundary issues including:

- the promotion of sustainable development;
- the delivery of emissions targets in relation to climate change;
- the contribution to the achievement of the national outcomes determined by Scottish Ministers;
- the need to reduce inequality;
- functional housing market areas and housing need and demand;
- travel to work areas;
- strategic scale and cross boundary development issues;

- strategic infrastructure;
- river catchment areas;
- delivering on other policy objectives such as the green network and biodiversity; and,
- any other activities considered relevant to the planning of development in city regions.

This may be similar to the duty to co-operate in UK legislation (The Localism Act 2011) however experience has shown that this duty has significant issues in practical application. It may be that such measures therefore require to be strengthened in emerging Scottish legislation and it may be useful for the Scottish Government to consult with colleagues in England and Wales regarding the experience of the 'duty to co-operate' and emerging related reforms.

It is noted that the UK Parliament's White Paper on Housing (February 2017)<sup>4</sup>, is now proposing the introduction of a duty on local authorities to prepare a "*Statement of Common Ground*" setting out how they will work together to address cross boundary issues including meeting housing requirements.

An enhanced duty could take the form of:

- a duty to prepare a required statement (perhaps annually to accompany the Development Plan Scheme) stating how regional spatial planning matters, have been/ are being/ will be, addressed;
- a duty on local authorities to facilitate and resource any required regional partnership;

In order to ensure delivery of regional priorities, this may require introduction of a duty on local authorities such as:

- a duty to deliver any agreed strategy of any regional partnership/ align LDPs and other strategies/ align resources and delivery activities/ align capital programmes.

## **2(d) What is your view on the scale and geography of regional partnerships?**

### Response

Regional partnerships should decide their scale and geography taking into account, for example, the geography of existing regional partnerships. A fixed geography should be clearly defined in national policy to provide certainty.

Primary legislation could perhaps enable local authorities to make a proposal to government to establish a regional partnership, with secondary legislation utilised to enshrine the geography, duties and powers in statute.

A one-size-fits all approach may not be appropriate across Scotland, however, where regional partnerships are formed these should have statutory backing.

## **2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?**

### Response

The Scottish Government should:

- specify the role, remit and required governance arrangements of any regional partnership;

<sup>4</sup> <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

- identify regional partnership geographies perhaps within the National Planning Framework and require their establishment;
- consult with regional partnerships and reflect regional spatial planning and infrastructure priorities within the National Planning Framework;
- may have a role in supporting and potentially funding the regional partnerships in relation to how any infrastructure funding or levy is managed.

Public bodies could have a duty to co-operate with the regional partnership whilst private sector bodies could work under the terms of a memorandum of understanding.

The duties and responsibilities of the local authorities within partnerships, requires careful specification and some suggestions are provided under the response to Question 2(c).

### Regional Partnership Role

Under this question, feedback is also provided on the potential role and responsibilities of the regional partnerships.

The approach to regional working and indeed the planning bill in general, could be framed under a number of general duties and powers relevant to spatial planning including to:

- contribute to the achievement of the national outcomes determined by Scottish Ministers;
- contribute to sustainable development;
- address climate change duties and act in a manner that contributes to achievement of the carbon emissions targets set in statute;
- reduce inequality; and,
- advance well-being.

The consultation documents asks for views on a suggested range of specific activities that would form part of the role of local authorities working in regional partnerships at paragraph 1.13 and the following comments are offered in relation to those.

*i. Helping to develop a strategy and delivery programme to be adopted as part of the National Planning Framework (NPF). We would want to see regional partnerships working with the Scottish Government, agencies and local authorities to make sure there is evidence to support the National Planning Framework (NPF) and then to implement their regional commitments through the delivery programme.*

### Comment

The role of regional partnerships to work with Scottish Government, agencies and local authorities to help develop an evidence-based regional land use strategy and delivery programme to support NPF should be specified in statute to ensure commitment to the process.

Clydeplan SDPA has established joint working relations with its constituent councils and key agencies and is well placed to work in a regional partnership. It provides an evidence base for the SDP which can inform regional priorities in NPF. It is important that continuity in working practices is maintained throughout the transition period from SDPAs to regional partnerships to maintain momentum and prevent delay in implementing the new planning system.

It is considered important in terms of supporting the delivery focus of the planning review that those regional priorities reflected in the NPF have a commitment from the Scottish Ministers or government department to the payment of grant or amount or timing of such capital expenditure in support of their delivery as appropriate. Failure to provide such commitments will seriously undermine the relevance of the NPF.

*ii. Co-ordinating the work of local authorities to support the aspirations for housing delivery, as set out in the National Planning Framework (NPF).*

Comment

The preferred approach would be for regional partnerships to coordinate the evidence base relating to housing market areas and housing need and demand assessments, within the existing Housing Market Partnership, and to work with NPF to inform its national 'aspirations'. In that respect, the ministerial approval of NPF could provide the scrutiny role for housing 'aspirations' although the extent to which Ministers can influence delivery of different tenures should be considered. Consideration should be given to the geography and tenure of 'aspirations' in NPF as a different approach could be appropriate for different parts of the country. The NPF context could inform Local Housing Strategy (LHS) and LDPs. The timing and alignment between the documents, given their differing statutory consultation and adoption processes will require consideration. See also response to Q17.

In terms of housing delivery, the SDPA collects and monitors the housing land audit and housing completions, a role that regional partnerships can continue and develop in line with the NPF aspirations for housing delivery. This could include preparing housing delivery statements to monitor market conditions and identify appropriate policy and spatial responses to support housing delivery.

*iii. Bringing together infrastructure investment programmes to promote an infrastructure first approach, provide a co-ordinated audit of economic and social regional infrastructure, identify the need for strategic investment and support necessary cross-boundary working.*

Comment

This is a crucial role for any future regional partnership working and highlights the importance of Scottish Government, public agency and private sector collaboration in carrying out co-ordinated audits and improving alignment of programmes and resources to achieve the synergy needed to deliver regional priorities. A duty to co-operate proposed in 2 (c) above would support this process.

Building upon work already undertaken by the SDPA, regional partnerships could provide a co-ordinated audit of infrastructure to inform an infrastructure first approach across the city region identifying cross-boundary pinch points to unlock development potential.

The remit should be clearly prescribed for example Circular 6/2013, Development Planning specifies the monitoring of changes in the principal physical, economic, social and environmental characteristics of the area. Work on infrastructure mapping would be an important component of monitoring and audit preparation and Clydeplan has commenced work on this.

To ensure a positive impact on delivery the role of regional partnerships in respect of infrastructure and delivery, along with the required duties, powers and resources, must be clearly prescribed in order to establish an effective and empowered regional

partnership

- iv. Co-ordinating funding of infrastructure projects, potentially including an infrastructure levy, and working with others, in both the public and private sectors, to develop regional funding and finance packages that support their strategies for growth.

Comment

Repeating from the previous comments, the role of regional partnerships in respect of infrastructure and delivery, along with the required duties powers and resources, must be clearly prescribed in order to establish an effective and empowered regional partnership.

Relevant comments in respect of the infrastructure first approach and the levy are provided in response to Questions 22-24.

- v. Acting as a 'bridge' between local and national levels by making sure that local development plans support the delivery of wider strategic priorities. Partnerships involving business representatives as well as the public sector could provide a forum where regionally significant matters and common goals can be discussed and used to inform local strategies and development planning.

Comment

Regional partnerships can act as a 'bridge' between NPF and LDP if given the role and remit to do so.

Any scrutiny role of regional partnerships would require to be set out clearly and unambiguously. It may be that the local authorities would be required to demonstrate compliance with the regional partnership strategies and/or priorities where these exist. The nature of the intended relationship, would require careful and clear prescription.

The range of activities that this might apply to could go beyond planning activities. Whether a scrutiny role would apply to economic, land use and transport strategies, or regional priorities within NPF, or indeed any other regional strategy, again will require to be given careful consideration and appropriate duties and powers introduced.

Wider stakeholders should be involved in the development of regional strategies and priorities.

### **National Planning framework and Scottish Planning Policy**

#### **3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?**

Response

Greater alignment between the NPF and SPP is essential and given the proposal to remove the Strategic Development Plan from the development plan hierarchy greater weight is required to be given to the National Planning Framework and Scottish Planning Policy. In this context both documents will require to be prescriptive in order to ensure national outcomes are considered and interpreted on a consistent basis. However, careful consideration would have to be given to the amount of detail which might then be incorporated into NPF/SPP and how this detail - which would then play significant role in decision making at local level - can be the subject of meaningful consultation, scrutiny and approval.

In relation to development management and relative to Section 25 of the current



Planning Act, the respective roles of the priorities identified by any regional partnership, the National Planning Framework as well as the respective LDPs, will require to be clarified.

**3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?**

Response

The direction of travel in aligning NPF with wider government policy and resources for delivery, is supported.

The preparation and consultation arrangements proposed (at paragraph 1.24) seem appropriate albeit that there are widespread reservations that a 10 year plan preparation cycle may be too long.

Any future National Planning Framework should be clear on the following elements:

- identification of national priorities and the alignment of resources to deliver them in particular how budgets and programmes of the Scottish Government and its agencies are aligned to support their delivery;
- a clear statement on the requirement for and remit of regional partnerships;
- clearly defined relationships, roles and remits between any regional partnership, local development plans and the National Planning Framework.

**Delivery Programmes**

**8. Do you agree that stronger delivery programmes could be used to drive delivery of development?**

Response

Yes. The underlying premise of the review, to place planning in a more central, co-ordinating and proactive role is supported, as is the preparation of delivery programmes at a national, regional and local development planning scale.

As suggested in the foregoing, to bring more clarity to the role of regional partnerships, it may be useful to include a specific requirement to prepare housing and infrastructure delivery programmes.

However, delivery programmes are only effective if aligned to budgets and not overly focussed on process which has been the case to date. Authority, influence and control of budgets are key to successful delivery programmes and without these the preparation of delivery programmes will consume resources with limited impact.

Any new approach would require to clearly set out what is expected to be included in a delivery programme in the light of clarity around the duties, powers and resources available to deliver that role.

The approach to delivery programmes at the regional scale, will also relate to how any infrastructure levy is collected, managed and utilised (see Question 24).

**8(a) What should they include?**

Response

Strategic Delivery Programmes should clarify the ways in which regional objectives are to be delivered, the principles for delivery, how partnership and integrated working will add value and optimise delivery, and clarify roles and programming for the delivery of NPF, regional strategy and LDP proposals, including major infrastructure and housing projects.



Delivery programmes should include

- monitoring of changes in the principal physical, economic, social and environmental characteristics of the area;
- monitoring of delivery of housing and development;
- infrastructure audits including identified gaps, limitations and existing capacity opportunities;
- identification of required delivery activities including phasing and joint working;
- identification of policy requirements to support delivery;
- identification of key delivery partners.

And should monitor:

- changes in the principal physical, economic, social and environmental characteristics of the area;
- success in delivery of housing and development.



**Key Question B**

**Will these proposals help to deliver more homes and the infrastructure we need?**

Response

Reduced levels of housing delivery is a significant issue, however whilst planning has a role, it requires more powers to influence delivery.

One of the main drivers of the reforms proposed, is a focus on delivery particularly with regard to housing. This being the case, it is suggested that the proposed reforms could be clearer and potentially more prescriptive around tests of the development plan’s soundness relative to assessment of need and demand and housing land supply. The proposals now emerging from the UK Parliament within the White Paper, “Fixing Our Broken Housing Market”,<sup>5</sup> have some application in this regard.

Suggested elements of the UK Government’s approach that merit consideration include:

- Providing certainty in relation to assessed housing need and land supplies;
- Preparation of delivery statements to accompany annual monitoring;
- Incentivising delivery activities through a range of measures including:
  - the release of public sector land;
  - use of land assembly and Compulsory Purchase Order;
  - direct delivery by local authority and housing associations; and,
  - regeneration activities.

Within the approach to housing, authorities should be required to work within regional partnerships to inform the NPF and address cross boundary housing issues, including where housing demand and land supply, operates across functional housing market areas.

Housing
<p><b>17. Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?</b></p> <p><u>Response</u></p> <p>Clydeplan agrees with some of the proposed improvements to defining how much housing land should be allocated in the development plan. It agrees that the process of defining how much housing is required could be simpler and quicker, enabling an approach that is more focussed on places and delivery.</p> <p>Proposal 10 suggests providing national and regional housing aspirations in NPF with the input of regional partnerships which is welcomed; however, this needs to be balanced with a proper assessment of housing need and demand across housing market areas (HMAs). Clydeplan’s preferred method would be that the Regional Partnership/Housing Market Partnership (HMP) undertakes a housing need and demand assessment (HNDA) and feeds these findings into NPF. This would reflect the knowledge, skills and capacity built up in the HMP; ensure local housing needs are reflected; and ensure local ownership of the targets.</p> <p>Matters which require detailed consideration relating to both regional partnership working and the approach to defining how much housing is required are set out</p>

<sup>5</sup> [www.gov.uk/government/publications/fixing-our-broken-housing-market](http://www.gov.uk/government/publications/fixing-our-broken-housing-market)

in the sections below:

- A. National aspirations for housing delivery (paragraph 3.9)
- B. Potential approaches to setting housing aspirations/targets in NPF
- C. Maintaining and improving the HNDA approach (inc Annex 1 and 2)
- D. Transitional arrangements
- E. Additional points for consideration

Clydeplan's response is supported by the Glasgow and the Clyde Valley HMP, which brings together 16 planning and housing departments with Clydeplan to produce a joint HNDA.

#### **A. National aspirations for housing delivery (paragraph 3.9)**

At paragraph 3.9 three options are proposed and we offer the following comments:

- The HNDA Tool could be used to provide a steer on national and regional aspirations for housing, however, for the reasons set out in section (B) this is not considered the most appropriate approach;
- 'Signing off' the number of homes needed at an early stage through the gatecheck process could provide earlier certainty but may not reduce the time taken to reach agreement. Time is required to undertake the HNDA process to arrive at an informed assessment of housing need and demand and the earlier in the process the gatecheck happens the more out of date the evidence base will be;
- The housing land audit is undertaken annually and Clydeplan collates this information to produce an annual housing monitoring report. Recent technology advances mean it is easier to make this information available online in an accessible and interactive format. This is something Clydeplan is actively developing. The regional partnership/HMP can work to use this technology to ensure the information is available i.e. housing sites register online. The approach to housing land audits differ across the country, reflecting local circumstances, and within the Clydeplan area housing land audit guidance is used to ensure a consistent regional approach. In its experience Clydeplan considers that a national housing sites register would be difficult to achieve due to the variety of different approaches taken to housing land audits across the country and the time required to ensure consistency.

#### **B. Potential approaches to setting housing aspirations/targets in NPF**

Where the setting of housing aspirations/targets sits will determine the most appropriate approach.

A number of considerations are set out below regarding regional, national or local level approaches.

##### **1. Regional partnerships identify housing estimates for NPF - (preferred approach)**

- Regional partnerships coordinate and work with Local Authorities (LA) using the HNDA Tool within a HMP to derive HMA and LA housing estimates using local evidence to inform the choice of assumptions. Role of council's in HMP ensures ownership of estimates and local accountability.

HNDA submitted to Scottish Government's Centre for Housing Market Analysis (CHMA) for assessment as per current arrangements.

- Housing estimates could be fed into NPF (and potentially) aggregated to a national picture. A view could then be taken on any national housing 'aspiration'. Consultation on NPF enables feedback on the 'aspiration' and parliamentary scrutiny. Alternatively the national view on 'aspiration' could be set at the start of the process to inform the regional partnerships choice of scenarios and assumptions.
- NPF housing 'aspirations' implemented through housing supply targets and land requirement in LHSs and LDPs would be subject to local scrutiny through the gatecheck/adoption process.
- Consideration should be given to the geography and tenure of 'aspirations' in NPF as a different approach could be appropriate for different parts of Scotland. The 'aspiration' may only apply to certain areas e.g. city regions, and may not be appropriate for all tenures.

**Main benefits of this approach include:**

- Undertaking this work across HMAs is of critical importance to reflect the way that the housing market operates across LA boundaries in city regions.
- Evidence based scenarios and assumptions and 'robust and credible' assessment provide solid evidence for LHS and LDP and satisfies requirements of Housing (Scotland) Act (section 89) and local housing strategies.
- The HMP would have ownership of the targets and their implementation and have the ability of refresh as required for their LHS/LDP. If housing targets are set in NPF without input from LAs then they may not feel that they have ownership of the figures. Local analysis may then be required for LHS requirements and there may be a disconnect between the national and local figures which would need to be resolved for the LHS/LDP.
- There are significant benefits of maintaining the current HMP joint working approach between planning and housing (and the SDP/LDP and LHS) and the joint production of a city region HNDA and related housing targets. These benefits include:
  - cost savings (compared to producing eight council level HNDAs);
  - sharing skills and expertise (specialists on different topics in different councils and capacity building amongst members);
  - distribution of tasks (spreads the work load resulting in time efficiencies);
  - networking (sharing ideas and experience);
  - working collaboratively to understand and address housing need and demand within a local housing system that crosses LA boundaries within the functional housing market area framework; and,
  - identifying common issues across areas.

**2. NPF identifies regional housing aspirations/targets**

- NPF uses HNDA Tool to derive regional housing estimates and set the housing aspiration. In areas without regional partnerships this could be done at LA level.
- In a city region context the regional partnership/HMP agrees the approach

to disaggregate NPF estimates amongst its LAs. A disaggregation method would require to be developed; however, a methodology could be created using a version of the existing approach to defining HMAs. This would better reflect local circumstances than nationally defined LA targets.

- If a range of aspirations/scenarios are identified in NPF then an approach for regions/local authorities to evidence base which one is appropriate for their area is required.
- Identifying housing aspirations/targets at the national level without regional/local input is not recommended as set out below.

### 3. NPF identifies national housing aspirations/targets

It is considered that housing aspirations/targets should not be set in NPF without regional/local input to the HNDA process for the following reasons:

- a one size fits all HNDA can't capture differences or complexities across Scottish areas;
- although the HNDA Tool mainly uses national data sources, there are impracticalities of applying the HNDA Tool at a national level as assumptions will vary in different areas to reflect local circumstances;
- there are 15 assumptions to be set within the Tool requiring local area knowledge and evidence to inform the choice of assumptions;
- any use of the Tool nationally would have to aggregate assumptions for sub-areas to a regional/national level rather than using the same assumptions regionally or nationally for areas that are quite different;
- it is important that functional HMAs reflect patterns of where people are buying and selling houses and regional partnerships/local authorities should set their housing market areas. Geography is an important consideration if targets are identified in NPF;
- it is considered that local/regional HNDAs would still be required to inform the LHS and LDP processes. If an HNDA is also prepared nationally by the Scottish Government there could be two sets of targets using a different evidence base and these would have to be reconciled.

### 4. Local Authority identifies housing aspirations/targets

- LAs derive housing estimates in HNDA Tool.
- Government could set the level of 'aspiration' in NPF or LAs could submit to government to add level of 'aspiration'.
- If submitting to government for NPF there may be alignment and timing issues attempting to aggregate figures from 34 planning authorities (including National Parks) which mean it is not feasible.

### 5. 'Aspiration'

- If 'aspiration' means adding generosity in the language of SPP, then this could be a percentage set in NPF or set regionally/locally and may only apply to one tenure or be different for the affordable and private sectors.
- For the Scottish Government's affordable housing targets there is a direct link between targets and delivery because funding is attached to these commitments so it may be appropriate to only have an aspiration for this



sector.

### **C. Maintaining and improving the HNDA approach**

The current HNDA approach provides a robust evidence basis to support decisions about new housing supply and wider investment and housing-related service decisions. The HNDA and HMP approach introduced in 2008 created a strong connection between SDPs, LDPs and LHS and this should be harnessed to increase housing delivery.

Learning from the first experience of undertaking an HNDA with the HNDA Tool and guidance, the next iteration of HNDAs would be quicker and more proportionate.

The HNDA approach should be maintained through the new planning system to provide consistency, continuity and stability and to ensure data comparability over time. Using an established method would free time to enable efficient production of targets and to focus on housing delivery.

The Scottish Government's HNDA Tool introduced in 2014 should continue to be used to inform housing targets at a city region level. Benefits of this approach include:

- a streamlined HNDA reducing the time and cost of production to local authorities;
- gives a clear method for estimating housing need and demand across local authority boundaries;
- introduced consistency in the approach used across Scotland moving the debate away from the method used; and
- introduced a central team, the Centre for Housing Market Analysis, as one point of contact (who support and assess HNDA).

However, there are areas where the HNDA Tool and Government guidance could benefit from development and improvement to aid the process and these are set out in Annexes 1 and 2.

### **D. Transitional arrangements**

It is important that continuity in joint working practices is maintained throughout the transition period to maintain momentum and prevent delay in implementing the new approach to planning for housing.

The introduction of the new HNDA approach in SPP in June 2014 came before LHS Guidance (August 2014) and a fully functioning HNDA Tool with all its associated guidance (October 2014). The Glasgow and the Clyde Valley HMP submitted its HNDA to the CHMA in stages from November 2014 with a final submission in May 2015 receiving 'robust and credible' status in May 2015. The SDP Main Issues Report was published for consultation in January 2015.

This lack of clarity and guidance had an impact on the approach taken to the HNDA, delayed work of the HMP and had an impact on the content of the SDP Main Issues Report. It is important that transitional arrangements and guidance are prompt. This is particularly relevant given that the statutory SDP review cycle means commencing HNDA3 in Spring 2017 for submission to the CHMA by spring 2019 ahead of the SDP Main Issues Report publication in January 2020 and Proposed Plan submission in May 2021 (four years from anticipate approval

of SDP2 in May 2016 under the current system).

Alongside reviewing SPP (June 2014) the following documents are of particular relevance to planning for housing and will require revision: HNDA Refresh - A Manager's Guide; HNDA Refresh - A Practitioner's Guide; Local Housing Strategy Guidance; HNDA Tool Instructions; Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits; Draft Planning Delivery Advice: Housing and Infrastructure (2016).

## **E. Additional points for consideration**

There are a number of additional points for consideration:

- currently HSTs through the SDP/LDP and LHS processes are subject to local democratic processes and it is important that this input and accountability is maintained;
- regional approach may be appropriate for city regions, particularly where HMAs cross council area boundaries, but alternative approaches may be more suitable for areas with self-contained housing markets or more rural areas;
- HMAs should be defined by regional partnerships/HMP (and not nationally in NPF) because identifying HMAs requires knowledge of the operation of local housing markets - different approaches to defining city region HMAs could be addressed by a methodology working group being set up to produce up-to-date guidance; and
- National Records of Scotland currently provide population and household estimates and projections for council areas, health boards, and SDP areas. In defining any new regional partnership, estimates and projections should also be made available for these geographies.

## **ANNEX 1 - Improving the HNDA Tool**

Although supportive of using the HNDA Tool in assessing housing need and demand there are areas where its functionality could be developed and improved.

- 1) The tenure balance output from the HNDA Tool could be refined. The Tool estimates a much larger social rented sector than previous assessments. For example for HNDA2 the projected tenure balance of new households in Clydeplan was 57% Private and 43% Social rent and below market rent (SR&BMR) whilst the tenure balance of existing households was 71% Private, 29% SR&BMR, implying that the proportion of households in the private sector would be falling for the first time in decades. This is partly due to the data inputs covering the recessionary period, the underlying assumptions/thresholds set in the Tool; and that the Tool does not identify a potential 'intermediate sector' for assisted home ownership/rental products that could potentially contribute to 'affordable housing'. These factors should be explored further in the next iteration of the Tool.
- 2) It would be beneficial if the Tool could reflect that in city regions functional housing market areas (HMAs) are likely different for private and social markets; may overlap council boundaries; and can contain different tiers of sub-market area overlain by more mobile demand.
- 3) It could be beneficial if the Tool had the ability to capture local trends in fertility, mortality, migration and household formation for sub-council areas

which may have different trends to the wider council or housing market area. An ability to capture local differences could improve the projections and outcomes from the Tool. National Records of Scotland recently published experimental sub-council area projections to explore these issues which could be helpful

([www.nrscotland.gov.uk/files//statistics/scap/scap.pdf](http://www.nrscotland.gov.uk/files//statistics/scap/scap.pdf)).

- 4) It could be beneficial if the Tool offered an approach to alter levels of household growth in sub-areas where they may differ from the LA trend.
- 5) An estimation of household type and size could help in meeting needs of particular households and provide evidence for affordable housing policies although it is acknowledged that this may be difficult to achieve.
- 6) The GCV HMP is happy to assist CHMA in developing the Tool's functionality.

## **ANNEX 2 - Improving government guidance**

The approach to planning for housing could be supported and improved by changes to government guidance which will be required as a precursor to the introduction of any new approach to prevent uncertainty and delay. Additionally clarity is required with regard to:

- 1) a consistent definition of 'affordable housing' (definitions in SPP, PAN 2/2010; the HNDA Tool and the Affordable Housing Supply Programme differ);
- 2) the relationship between Housing Estimates, Housing Supply Target, generosity; Housing Land Requirement and 'aspirations' in the context of the review;
- 3) the approach to HMAs. Current guidance requires target setting at both HMA and LA level which is not consistent with a cross boundary HMA approach and has resulted in different approaches being adopted across Scotland's city regions.

### **New Infrastructure Agency**

**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?**

#### Response

Yes, the proposal to establish a "national infrastructure and development delivery group" is supported. The Group should bring together expertise and advice and will play a role in considering the approach to regional infrastructure audits and providing a "community of practice" enabling skills and expertise to be developed and pooled.

### **Regional Partnership Working**

**22. Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?**

#### Response

The extent to which it is intended for a regional partnership to assume a direct delivery role will require to be clarified. Although SDPAs work with infrastructure providers and the development industry in preparing and monitoring the SDP, SDPAs currently have no powers, duties or resources to ensure the delivery of

infrastructure or development. If it is intended to provide regional partnerships with a delivery role, appropriate powers, duties and associated funding are required.

Currently regional scale infrastructure delivery is taking place through the funding arrangements of the City Region/City Deals utilising existing powers within local authorities for land assembly and direct delivery. Regional partnerships can operate in this way, given similar power, or could be co-opted with the City Region/City Deal structure to have access to these powers to support better infrastructure planning and delivery.

In the Greater Manchester example<sup>6</sup>, the duties, powers and resources have been established through an agreement between the Treasury and the Combined Authority, with legislation to follow to elect the Mayor and establish further powers. This is a model that may have application for regional partnerships, but which goes beyond the remit of planning legislation.

Another example of how delivery was secured on a large scale, is the model provided by the New Town legislation and development corporations and this model merits consideration.

From paragraphs 3.36 in the consultation, the specifics of a role in respect of infrastructure indicate that planners should be empowered to advise on spatial priorities for infrastructure investment through the development of evidence via regional audits which it states could bring together, for example transport, schools, healthcare facilities, water, flooding, drainage, sewerage, energy, telecommunications, digital and green networks. This cross-cutting approach would likely enable better infrastructure planning and delivery, however, it is beyond the scope of just planning and should be supported in a clearly defined role for a regional partnership which may form part of a general monitoring role.

Additionally key here would be to ensure that delivery activities support the identified requirements of any monitoring or audit. Therefore infrastructure requirements should be identified within the delivery programmes of regional partnerships. The preference would be for this role to be defined in statute rather than guidance or advice.

Resourcing to meet any future identified skills gap, either through recruitment, secondment, skill sharing or training, would be required.

## **22(a) What actions or duties at this scale would help?**

### Response

See above but in summary:

- powers, duties and resources;
- land assembly powers;
- preparation of regional monitoring statements encompassing infrastructure audits;
- preparation of delivery programmes;
- duty to consult with key agencies and infrastructure providers;
- statutorily defined role.

## Infrastructure Levy

### 24. Do you agree that future legislation should include new powers for an infrastructure levy?

#### Response

Yes, however, direct funding of infrastructure is preferred as discussed in the following.

There are a number of potential options available to the Scottish Government on how to apply and manage any future infrastructure levy proposals:

- i. rather than introduce a levy that would be perceived as an additional tax on development, and be complex to collect and administer as well as being open to challenge, there is a case for direct funding of regional partnerships to implement the regional priorities where a case has been made to government. This is how the Greater Manchester Housing Fund<sup>7</sup> is resourced. Direct funding of a Housing Infrastructure Fund is now also being introduced by the UK Parliament.
- ii. introduce a levy on all development and hold funds centrally to be drawn down at a regional and/or local scale where a case is made.
- iii. a simple additional levy on all development.
- iv. a levy on development of a certain scale e.g. major developments.

Analysis of the volume of applications, along with a view of the funding required, would assist government in designing a satisfactory scheme.

However the infrastructure levy is administered, collection based on a centrally designed national model would provide clarity, consistency and remove the scope for legal challenge.

### 24(b) to what type of development should it apply?

#### Response

Regional priorities and large scale developments where viability is marginal.

### 24(c) who should be responsible for administering it?

#### Response

See above

### 24(d) what type of infrastructure should it be used for?

#### Response

This list of potential categories in paragraph 3.36 could be covered by the proposed infrastructure levy, where appropriate.

As documented in the consultation, a limitation here is the lack of direct authority and control over a range of privatised infrastructure bodies which have different corporate structures. Therefore careful consideration is required to be given to the infrastructure services over which regional partnerships would have control or influence.

The following however are specifics relevant within this geographical area and

<sup>7</sup> [www.greatermanchester-ca.gov.uk/info/20034/greater\\_manchester\\_housing\\_fund](http://www.greatermanchester-ca.gov.uk/info/20034/greater_manchester_housing_fund)

within which the regional partnerships could play a positive role:

- enabling funding for housing development to bridge viability gaps similar to the Greater Manchester Housing Fund<sup>8</sup>;
- land assembly;
- transport infrastructure including active travel;
- green infrastructure in support of the delivery of the Central Scotland Green Network.

## Climate Change

**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?**

### Response

Yes it should be removed as a recent independent study found no evidence that there is any added value from this requirement instead, building standards are seen as the most effective way of driving down emissions.

Regional partnerships should be encouraged to focus on where most benefit can be derived through collaborative working. In the Glasgow city region context the Climate Ready Clyde Partnership, if formally established, presents such an opportunity as it can, through a city region Climate Change Adaptation Strategy and Action Plan, address existing building stock and retrofit measures.

Building regulations can continue to drive down emissions.

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<sup>8</sup> [www.greatermanchester-ca.gov.uk/info/20034/greater\\_manchester\\_housing\\_fund](http://www.greatermanchester-ca.gov.uk/info/20034/greater_manchester_housing_fund)