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International Property Advisers

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Dear Sir/Madam

DEVELOPMENT MANAGEMENT: CONSULTATION PAPER

Please see below a response from GVA Grimley Ltd in respect of the above ongoing consultation exercise. This response should be read in alongside GVA Grimley's response to the draft regulations on the planning hierarchy consultation paper.

GVA Grimley is a multi-disciplinary property advisor with 12 offices across the UK offering a range of consultancy and transactional property services. GVA Grimley is one of Scotland's largest commercial planning consultancies, with a Planning, Development and Regeneration team extending to nineteen planning professionals and four support staff across offices in Edinburgh and Glasgow.

GVA Grimley welcomes the opportunity for continued engagement in the preparation of Scotland's reformed planning system. The following response considers the issues in order as raised by the consultation paper.

Pre-Application Consultation

GVA Grimley welcomes the introduction of statutory consultation requirement, which should contribute towards producing more mutually acceptable development proposals and ultimately shorten the planning application determination process. GVA Grimley has already engaged in a number of community consultation events and believe that these have ultimately been beneficial to all parties involved. We have also responded to your working group on the Masterplanning PAN, due out soon. It is considered that the publication of PAN81: Community Engagement has generally been positively received by the development industry and the proposed introduction of a statutory consultation requirement will go some way towards formalising the role of the document in the planning process.

Notwithstanding, GVA Grimley has a number of comments to make with regards the specific elements of the pre-application consultation process referred to in the draft Regulations:

Paragraph 2.13 of the consultation paper refers to issuing Proposal of Application Notices "at least 12 weeks prior to the submission of an application" (it is noted that Annex B: The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2007 do not make reference to a specific time period). The effect is a lead-in period of at least 12-weeks for any application meeting the criteria. This seems excessive for all but the most significant of developments. Such timescales will have significant impacts upon land deals. It

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is acknowledged that time is required for local planning authorities to assess the extent of pre-application consultation required, but in the majority of cases, the whole process will not require more than 4-6 weeks.

GVA recommendation – *Further consideration of timescales and the implications of imposing a minimum 12-week requirement. Examine the possibility of amending the timescales involved to require 6 weeks for non-‘major’ development (as defined by Planning Hierarchy Regulations) and for ‘major’ development, 12 weeks unless otherwise agreed in the processing agreement.*

Clarification is requested on the types of applications that this requirement will apply to. For example, will resubmissions of withdrawn applications require the 12-week consultation period? Will slightly amended applications require full consultation, even if they follow a very similar application for which detailed pre-application consultation has been undertaken? The danger exists with these examples that local communities will become fatigued by consultation and events will not be as well attended as might otherwise be the case.

GVA recommendation – *Further consideration be had to the types of application that require pre-application, particularly where the application site has recently been the subject of similar development proposals.*

Schedule 1 sets out criteria for development that will require pre-application consultation. GVA Grimley welcomes the qualitative and quantitative approaches taking in assessing the requirement. However, clarification is requested in relation to specific quantitative elements, particularly the relationship between 5 residential units and 2,500 sqm of retail/leisure floorspace. These are the prescribed thresholds in terms of residential and retail/leisure development, with the former threshold appearing significantly lower than the latter. Given the need for additional housing across Scotland, the opposite approach would appear the more logical one.

GVA recommendation – *Further consideration of floorspace/unit thresholds in schedule 1.*

It is understood that further guidance is to come with regards the specifics of what these programmes of pre-application consultation might entail. GVA Grimley looks forward to reviewing this further guidance and reserves its right to make further comment at the appropriate juncture.

Pre-determination hearing

GVA Grimley supports the principle of the introduction of a new platform for parties who have submitted representations to a planning application to have their voices heard by the determining body.

However, Section 37(1)(b) of the Annex B refers to development that is ‘significantly contrary’ to the local development plan as requiring a pre-determination hearing. GVA Grimley requests review of the terminology used, particularly ‘significantly contrary’ which will be open to interpretation and will not provide the necessary clarity that developers require.

A key aspect of this area of reform relates to Full Council’s now being required to ratify the decisions of their Planning Committee. Sufficient training must be provided to ensure that all Committee Members are competent in the planning process.

GVA recommendation – Review the wording of Section 37(1)(b) in order to provide clarity to developers. Ensure sufficient training for non-Planning Committee members of the Full Council.

Processing Agreements

GVA Grimley welcomes the principle and looks forward to reviewing further details in relation to the scope of tools available in dealing with non-compliance. We have piloted pre-application processing agreements in recent cases and would be pleased to discuss these further.

Planning Permission in Principle

The proposed amendment sees the removal of applications for the approval of reserved matters. This is potentially a significant change to planning in Scotland and requires more detail than that provided in paragraphs 4.1-4.4. For example, no guidance is given on the implications of the proposals in relation to the existing practice of phased development pursuant to a single outline planning permission. This is a much-used practice which offers flexibility to developers and is a significantly contributory factor when developers appraise the viability of development proposals.

The practice should remain, but in order to do so, revisions are required to Circular 4/1998: Model Planning Conditions. Such revisions should be made prior to, and published alongside, the new Development Management Regulations.

We also draw attention to the common practice in recent years of submitting the 'hybrid' application, with selected detailed matters included and other detailed matters reserved. This can be of mutual benefit to both the developer (budget savings on full design at early stage) and planning authority (sufficient full detail to enable EIA scoping, etc.)

GVA recommendation – Further guidance required with regards the future of reserved matters. Circular 4/1998 should be updated and reissued. Fresh consideration of Planning Permission in Principle being guided more along the lines of a base "planning application", but the critical definition being under the level of "detailed matters included" and "detailed matters reserved".

Content of Applications and Validation

GVA Grimley welcomes the retained flexibility and the Scottish Government's stance that more detailed information than is strictly required to determine an application should not be requested. The increased role of processing agreements will go some way towards ensuring all necessary information is submitted at an early stage in the planning process.

However, regard should be had to the above response in relation to planning permission in principle/reserved matters.

Design and Access Statements

Over recent years, GVA Grimley has gathered experience in relation to the preparation and submission of Design and Access Statements in England. GVA Grimley welcomes the introduction of such documents into Scotland's planning system, although it is keen that difficulties made in England are not repeated.

In GVA Grimley's experience, these difficulties relate primarily to the types of development proposals for which Design and Access Statements will be required. Accordingly, GVA Grimley welcomes option 2 as set out in the consultation paper: that Design and Access Statements will only be required in relation to national and major developments, as well as

those relating to particularly sensitive sites. Pursuing this option means that more minor applications, such as amendments to conditions, changes of use etc, are not required to be accompanied by such Statements. These are required for such applications in England and from GVA Grimley's experience, the requirement is excessive and Statements rarely contribute anything to applications.

GVA recommendation – *Option 2 be pursued.*

Neighbour Notification

GVA Grimley is unaware of any sentiment within the development industry suggesting that the responsibility for neighbour notification be transferred to local authorities. The reforms set out in the Development Management Regulations and other consultation papers place a range of additional burdens on already under-staffed local authorities. Requiring them to also undertake neighbour notification, particularly in light of the more liberal definition of 'neighbouring land', will stretch resources even further. As part of the pre-application process, the onus will be on applicant's to write to neighbours and given that the same definitions are used, it is suggested that it is more appropriate for applicants to continue to carry the responsibility for neighbour notification.

Furthermore, existing arrangements whereby the applicant is responsible for notifying neighbours of development proposals allow for scrutiny by the local planning authority at the time of submission/validation. Under the proposed system, no such backup exists and increased potential exists for mistakes to be made and not subsequently highlighted.

GVA recommendation – *Existing arrangements whereby applicants are responsible for neighbour notification should be retained.*

Lists of applications

GVA Grimley supports the principle, but highlight the additional workload placed upon local planning authorities as a result.

Statutory consultees

GVA Grimley supports review of the Scottish planning system as set out in Section 9. However, further consideration should be had to the role and obligations of statutory consultees, particularly in relation to processing agreements. If processing agreements are to be entered into, the role of statutory consultees becomes even more important, particularly if local planning authorities are to be held accountable for delays.

GVA recommendation – *The Scottish Government should further consider timescales for responses by statutory consultees. The ongoing reform represents an opportunity tighten target response rates and contribute towards a more streamlined planning process.*

Time periods for decisions

GVA Grimley welcomes additional time for the determination of 'major' planning applications.

Decision Notices

At the heart of the Scottish planning system is Section 25 of the 1997 Act and paragraph 46 of SPP1: The Planning System and its presumption that development proposal will be approved if they accord with the development plan, unless material considerations indicate otherwise. Paragraph 11.2 of the consultation paper suggests that local planning authorities will now be required to justify approvals of planning applications. This appears contrary to the spirit of Scotland's planning system.

GVA recommendation – Remove reference to the need local planning authorities to provide reasons for granting planning permission.

Bad Neighbour Development

No comment

Miscellaneous Issues

No comment

Mezzanine Floorspace

Control over mezzanine development is not considered appropriate to uses other than retail. GVA Grimley looks forward to further details of the transitional arrangements regarding mezzanine floorspace.

Transitional Arrangements

These are key to the successful implementation of Scotland's planning reforms. GVA Grimley would welcome the opportunity to discuss these transitional arrangements in greater detail and to engage in future consultations exercises relative to the issue.

General Comments

The proposed reforms to the Development Management process are welcomed in that various measures are in place to engage with local communities, which should contribute towards more mutually acceptable developments. However, the increased scrutiny and engagement comes, to an extent, at a price, in this case the increased burden upon local planning authorities. This comes in a variety of guises, ranging from the need to prepare processing agreements and assess pre-application consultation proposals, to the need to assess more supporting information than is currently the case, to the issuing of more detailed decision notices to a range of parties.

The ability of local planning authorities to cope with these additional requirements is obviously fundamental to the overall success of the new planning system. It is essential that adequate funding be secured, from the 'grass roots' level of planning schools upward, in order to ensure public sector planning bodies are adequately resourced to meet the needs of both the property industry and the wider community.

The theme of the draft Regulations clearly relates to enhanced scrutiny and transparency. GVA Grimley welcomes this approach, but is keen to emphasise the necessity that the system not be overcomplicated. For example, the vast majority of applications do not require pre-application consultation processes exceeding 12 weeks. The approach advocated in the consultation paper will have major implications to the development industry across Scotland, which could in turn significantly effect the country's overall sustainability and economic growth. Further consideration is required to ensure that such stringent requirements are only introduced where absolutely necessary.

Whilst considering a wide-range of issues, the consultation paper does leave a number of questions unanswered. Although many of these will be dealt with under the impending consultation relating to transitional arrangements, it is understood that many will not be subject to further consultation. Where this is the case, as highlighted throughout the response, further guidance is required and GVA Grimley reserve the right to provide additional comments following the publication of additional information.

GVA Grimley welcomes the opportunity to engage in the review of Scotland's planning system and we have arranged an opportunity to discuss the issues raised above in further

detail. Should you have any queries or require any additional information, please do not hesitate to contact Richard Slipper on 0131 469 6005, Paul Scott on 0131 469 6006, or Gary Mappin on 0141 305 6329.

Yours faithfully



GVA GRIMLEY LTD

Enc: Questionnaire