



2 April 2008

Mr Liam Bullingham
Development Management Consultation
Planning Directorate
Scottish Government
2H, Victoria Quay
Edinburgh
EH6 6QQ

Dear Mr Bullingham

RE: Development Management Consultation Paper

Background

Grosvenor Ltd has been well established in Scotland for over 30 years. Our projects tend to be large, complex and long-term, with multiple phases of development. They currently include Springside in Edinburgh City Centre, and Edinburgh Technopole in Midlothian. Grosvenor is also the fund manager of the Eastgate Centre in Inverness.

Through all of our projects we will be investing £300m and creating 10,000 jobs in Scotland over the coming years.

In addition to our Scottish developments, our office in Scotland also oversees our developments in Ireland such as the Liffey Valley Shopping Centre, which gives us significant expertise and knowledge of both planning systems.

Internationally, Grosvenor currently manages a portfolio of some £5.4 billion (\$ US 8.6 billion) and has interests in 16 countries. Our comments, therefore, are from the perspective of a large international developer who has to justify our continued investment in Scotland versus opportunities in other countries.

We welcome the opportunity to comment on this consultation paper and commend the Scottish Government for bringing these proposals forward. We have restricted our comments to proposals on which we have a specific view.

Specific comments

Pre-application consultation

We are generally supportive of this process and indeed, already ensure that we undertake consultation programmes as a matter of course. However, we believe that

statutory pre-application consultation will only work effectively when the planning authority and the applicant both know what is expected from each other early on in the process. More specifically, we believe that any substantial points of principle relating to a proposed application should be expressed by the planning authority at the earliest opportunity during pre-application discussions. This will aid the applicant in fully understanding the scope, level of detail and methods of consultation required.

In addition, we have several questions regarding the practical elements of pre-application consultation. For example, to what extent would developers be able to speak to planners pre-application? It would appear to be more important to have access to the planning officers and consultees to ensure the scheme is appropriate before the project is submitted to rigorous scrutiny. What is the definition of a public meeting? Would developers simply be required to hold a public meeting or are there criteria for the substance of information and the dissemination of that information? Are local councillors and MSPs defined as "members of the community"? We view the role of local councillors as facilitators of communication between their constituents, but they are not mentioned in this context. We therefore seek greater clarity on the roles of different consultee groups, and would expect direction and guidance from planning authorities on best practice.

The definition of size within the hierarchy is also concerning as 5 flats in one block in the city centre would not have a substantial impact on the area however, five large houses in another area perhaps would have. In the same way an EIA can be required in very different situations. It would seem unnecessary to treat such developments the same way in terms of consultation.

We also notice that in the thresholds in Schedule 1 of the DMR on pre-application consultation all development on greenbelt would be subject to this measure. Would existing outline planning consents still apply in this situation or would new detailed applications have to be fully consulted on?

We understand that community consultation starts with the formation of policy and the local development plan, a process which communities have not tended to feed their views into in the past. We feel that a major effort is required by planning authorities to fully consult and engage openly with local communities at this stage. If not, communities will feel disengaged later on in the process.

This element of the Development Management Order will inevitably incur considerable cost from the planning authority. We hope that measures will be put in place to ensure they are fully resourced, and consider any increased cost to the private sector necessary investment in planning facilitation.

Screening for pre-application scrutiny

We are unsure of the reasons for the screening process as we consider the thresholds in Schedule 1 of the DMR on pre-application consultation sufficient to

establish if developments are subject to this measure. In this way further screening could be time consuming and unnecessarily bureaucratic. If the principle of screening remains, an applicant should be entitled to short circuit the process and notify an intention to carry out a pre-application consultation.

Pre-application Consultation Reports

We have noted the level of pre-application consultation carried out in relation to our planning applications. We feel that much more detail is needed from the Scottish Government on the exact requirements - such as format, level of detail, and types of supporting evidence - which pre-application consultation reports will demand. We note that further guidance is being prepared and would welcome early publication of such advice for comment.

Pre-determination Hearings

We very much welcome this proposal. It would be more useful to be able to give a short presentation of development proposals, and provide visual aids, to local authority planning committee members. This would be useful to aid understanding of the impact and nature of the development at an early stage of the process. We would also welcome a consistent approach to this proposal across all planning authorities. This will inevitably aid transparency, encourage dialogue and promote understanding.

Processing Agreements

These agreements would be very useful as it is important to know who the lead officer with decision making capability in the planning office is, relevant to each development. The proposed timetable would also help us to plan accordingly. However, it is essential that the timescales are adhered to.

We also think this is an important way to draw statutory consultees into the process in a timely fashion and will ensure they are fully involved in the planning process.

We would point out that there are already prescribed statutory timetables, so we wonder how useful these will be without the necessary culture change to ensure that the quickest decision possible is taken, rather than the statutorily defined timescale. We also wonder about the binding nature of these agreements, and have concerns that planning authority staff may become busier attempting to hit targets rather than processing applications.

Planning Permission in Principle (PPP)

We are extremely concerned that those issues that are reserved by the Council would require additional planning applications at a later stage. This will add significant time to development timetables, and is not an improvement on the current

process. This proposal is likely to discourage investment in the necessary due diligence investigations which we would normally have undertaken at an outline planning application stage. We agree that drawing a red line round a site to secure a use is too broad brush. We would, therefore, prefer that more detail is approved at the PPP stage, but that the approval of conditions continues to be delegated for buildings designed in compliance with a PPP.

Design and Access Statements

We recognise that these statements are necessary in some situations. However, developments are already covered by Disability Discrimination Act requirements and building regulations. We would rather see a flexible approach to these statements, with limits on the scope of developments to which these requirements should apply.

Neighbour Notification

We are very concerned about the transfer of this responsibility to the planning authority. We recognise it is in our interest to ensure that neighbours receive adequate notification and the same interest cannot be applied to planning authorities. We also consider three letters rather than one to be more appropriate. This method ensures that absentee owners are informed as well as tenants, as each have a very different interest in the development the surrounding area. The decision to send only one letter to a neighbouring property appears to run against the overarching aim of engaging more effectively with the entire local community.

We consider the definition of neighbouring land in the consultation document to be appropriate.

Time Periods for Decisions

We agree that the new provision of 4 months for determination of national and major developments is appropriate, and agree with the view that it is unlikely planning authorities will have sufficient time to determine such applications within the previously proposed 2 month timeframe.

Bad Neighbour Developments

On the issue of bad neighbour developments, we feel that the term is unduly negative from the outset, and carries unhelpful connotations. We are concerned that nightclub and public house are being added to the list, and would seek clarification on exact definitions from a planning perspective. We feel fair consideration for such establishments is required when they may only form a small part of a much larger mixed-use development.

Conclusion

Grosvenor is supportive of the general economic focus and priority given in this consultation paper. We are also pleased to see the emphasis shift from planning control to planning facilitation. We recognise that a planning system that facilitates progress and development is essential to Scotland's overall competitiveness and dynamism.

The most important element of the planning system for an organisation such as ours is that there is clarity of procedure and timescale. This, in turn, gives us certainty of outcome which reduces risk and increases confidence, leading us to increased investment. Speed is helpful, but certainty of timescale is more important.

We welcome the emphasis on consultation prior to the development of the Local Development Plans. However, we feel that this will only be effective if communities are encouraged to participate in this process and planning authorities are strictly held to the five year timescale. It is also essential that processes are consistent across all planning authorities. It is time consuming and confusing for planning authorities to operate in contradictory manners.

A major theme of our response to this consultation paper is our emphasis on the importance of implementation. In order for the planning system to focus on facilitation, individuals must have the necessary training and encouragement. This requires leadership from the Scottish Government and all planning authorities. We would welcome reassurances that the Scottish Government has a strategy in place to ensure all officials have the required level of training to implement these changes and that the transition process itself will be adequately managed.

We would also like to emphasise consistency of approach from all planning authorities, so that we can look forward to a renewed interest and engagement from council members and staff.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DSivewright', written in a cursive style.

David Sivewright
Projects Director

