



WRITTEN EVIDENCE TO LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE ON THE PLANNING (SCOTLAND) BILL

Alcohol Focus Scotland (AFS) is the national charity working to prevent and reduce alcohol harm. We aim to reduce the impact of alcohol in Scotland through the implementation of effective alcohol control policies and legislation. AFS welcomes the opportunity to respond to this call for evidence. Our comments build upon our response to the Scottish Government consultation on the review of the Scottish planning system in April 2017, and focus on those aspects of the Bill which we believe have the greatest relevance to alcohol.

Summary

Alcohol misuse continues to be a major health, economic and social challenge for Scotland, damaging families and communities across the country.¹ To benefit everyone, it will be essential that planning reflects the needs of communities and encourages growth and development in the right ways and places.

We support efforts to front-load the planning system and lead future development through meaningful engagement, collaboration and clear evidence. Introducing a statutory link between Local Development Plans (LDPs) and community planning has the potential to bring wide ranging opportunities and benefits, especially due to the common concern of spatial and community planning for creating better places where people can live healthy lives. The co-ordination of relevant local policies and partners, including local licensing polices and boards, will be essential if the need to enable development is to be balanced with community interests.

We welcome that the Bill specifically introduces a right for communities to produce local place plans (LPPs), with scope for these to become a part of the development plan. However, taken as a whole, the Bill appears more heavily weighted towards securing development than ensuring that places are built around the needs and views of communities. The extent to which communities will come to shape their places will depend on a range of factors, not least the levels of resource made available to develop, support and equip communities to meaningfully participate.

Specific Comments

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

AFS supports the Bill's intention to front-load the system and lead future development through meaningful engagement, collaboration and clear evidence. This is certainly preferable to an approach that focuses more on debate at the end of the planning process when options are more limited. However, taken as a whole, the Bill appears more heavily weighted towards securing development than ensuring that places are built around the needs and views of communities. If the planning system is truly to "create better places where we can live healthy lives",² community needs must be placed firmly at the heart of the system.

2. To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

No comment.

3. Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

No comment.

4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

AFS is fully supportive of proposals to introduce a statutory link between Local Development Plans (LDPs) and community planning, including by ensuring that development plans account for the work of Community Planning Partnerships (CPPs). As such, we welcome that Section 3 of the Bill adds a new requirement for the LDP to take into account the Local Outcomes Improvement Plan for the area. This could help to promote a more consistent prioritisation of council and partner policy objectives. Better aligning community planning with spatial planning has the potential to bring wide ranging opportunities and benefits, especially due to their common concern for creating better places where people can live healthy lives.

As noted in our response to the foregoing consultation on the Scottish planning system, there is currently an inherent tension between plans and strategies aimed at reducing alcohol availability and harm and those which identify the licensed retail environment as an area for future growth. For example, while several Community Planning Partnerships have identified alcohol as a priority issue and have committed to reducing alcohol harm within their Local Outcomes Improvement Plans (LOIPs),³ food and drink is one of seven key sectors identified as an area for focus within Scotland's *Economic Strategy*,⁴ and *Scotland's Third National Planning Framework* highlights the food and drink sector as having particularly good prospects for growth.⁵ Similar tensions can be seen to exist between other areas of policy. As such, it would be highly beneficial to ensure that the strategies and activities of licensing boards, local authorities, development and community planning partners, health and other stakeholders, are all better aligned. AFS believes that requiring Local Development Plans to take account of community planning would be a welcome step towards achieving this goal.

The policy memorandum highlights that the development plan provisions contain a number of requirements to involve key agencies, and to place duties on key agencies to participate, in the preparation and consideration of the development plan. These key agencies are defined in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, but at present the range of agencies covered are extremely limited – for example, bodies such as local licensing boards are not included. AFS therefore welcomes that Section 5 of the Bill adds further scope to widen the definition of key agencies for these purposes through regulations.

Further comments in relation to creating plans that meet the needs of communities are provided below.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

It is stated that Simplified Development Zones are intended to support more effective delivery of development through zoning of land, frontloading of scrutiny and aligning of consents. While it appears that the primary intention for enabling the creation of such zones is to unlock significant areas for housing development, it is also stated that they could support wider objectives including business development and town centre renewal. As such, AFS would stress the importance that the creation of Simplified Development Zones does not come to undermine or subvert the aims of other local partners and policies, such as local licensing boards.

The alcohol licensing regime provides a locally led system for regulating the sale of alcohol and licensing boards decide all applications for licences to sell alcohol in their area. The Licensing (Scotland) Act 2005 introduced a duty on licensing boards to publish a statement of licensing policy setting out how they will promote the five licensing objectives in their area (i.e. preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and protecting children from harm). This means that individual licensing decisions should be guided by evidence-based policy and extends the scope of licensing boards to take action to manage and restrict the supply of alcohol in the public interest.

The 2005 Act also places a duty on licensing boards to assess overprovision of licensed premises in their area and refuse premises licence applications where it considers granting the licence would result in, or add to, overprovision. A licensing board must refuse applications for new premises licences or extensions in capacity in areas where it judges that the granting of an additional licence or extended capacity could result in overprovision of licensed premises. The inclusion of a duty to assess overprovision recognises that the total number, capacity, licensed hours and type of licensed premises, can exacerbate alcohol-related problems.

Unless licensing boards and policies are taken into account when Simplified Development Zones are being created, it is conceivable that large commercial developments could unknowingly be envisioned for within overprovision areas, with intention of speeding up and attracting applications for licensed premises such as supermarkets and bars. However, in such a situation, it is highly unlikely that licences to sell alcohol from properties in that area (premises licences) would be granted. This risks creating conflicts of interest, and a confusing and complex landscape for stakeholders to navigate.

In addition, when someone wants to apply for a premises licence any application must be accompanied by a planning certificate; this is to show that planning permission has been obtained for any development of the subject premises in connection with its use as licensed premises, or that no such planning permission is required. While the planning and licensing regimes are separate, some licensing boards have referred to “a presumption of a common approach in the reasoning behind planning and licensing decisions, and conditions attached to planning permissions may relate to one or more of the five licensing objectives.”⁶ With no explicit health objective currently within the planning system, the fact that planning permission must be granted prior to alcohol licence applications may risk creating expectations for, and place pressure on, licensing boards to grant applications.

These examples demonstrate the complex links between areas such as community/development planning and licensing, and the potential implications for policy and practice. The co-ordination of local relevant strategies will be essential if the need to enable development is to be balanced with community and environmental interests.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

AFS welcomes that the Bill specifically introduces a right for communities to produce local place plans (LPPs), with scope for these to become a part of the development plan. This has the potential to enhance engagement in planning by empowering communities to play a proactive role in defining the future of their place. For example, LPPs could provide a means for communities to set out their aspirations, priorities for development, and the ways in which wider community needs could be addressed through spatial planning.

The policy memorandum states that there is a significant opportunity to link LPPs with wider locality plans. AFS would welcome an approach that encouraged both the community and key public agencies to work together to identify priorities for change, such as pursuing the development of health promoting places. The key role played by physical environment on our health and wellbeing has long been recognised by the Scottish Government, who have stated that there is a “need to create positive physical environments which nurture better health and wellbeing” and that “creating safe and positive environments for health requires us to think, plan and deliver in new and more effective ways.”⁷ To support this approach, communities and planning authorities will require guidance on how the LDP and LPPs might relate to issues such as health or tackling inequality.

However, although local authorities will need to have regard to LPPs when preparing Local Development Plans (LDPs), the extent to they will actually enable communities to shape their places is unclear. The Bill does not allow for LPPs to alter LDPs nor does it not contain any provisions that will ensure that they will influence the development of LDPs. It will be important that both communities and local authorities understand how LPPs can be delivered, including through communities exercising their own rights, as established by the Community Empowerment (Scotland) Act 2015 and other legislation, and through the work of the Planning Authority.

In addition, the extent to which communities will come to shape their places will depend on a range of factors, not least the levels of resource made available to develop, support and equip communities to meaningfully participate. Ultimately, it is the responsibility of local authorities, and other public sector partners, to make those resources available and accessible, and this should be made absolutely clear in the guidance. There is also a need for effective capacity building amongst senior public sector staff to ensure that they understand how to best engage with communities. At present, resource-holders and decision-makers are not always accessible from community level.

Finally, it appears that proposals to introduce a duty on local authorities to consult Community Councils when preparing plans have not been taken forward in the Bill. AFS would seek clarification on this point and whether it is intended that this will be taken forward through subsequent regulations.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

No comment.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

No comment.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

Yes, it is wholly appropriate that local government councillors be trained in planning matters prior to becoming involved in planning decision making. A similar approach is already taken in licensing.

Under the Licensing (Scotland) Act 2005 licensing board members must attain a statutory qualification covering key areas of knowledge to support their role in aid of the Act. Licensing board members (who are also elected councillors) must complete accredited training within 3 months of being elected to the licensing board, and they cannot sit on the licensing board until they have passed an exam to demonstrate the required level of knowledge.

The Licensing Board Member's Training qualification was developed by Alcohol Focus Scotland to meet the requirements of the Licensing (Scotland) Act 2005 and the training specification set by the Scottish Government. Licensing board members are issued with pre-course reading material in advance of training, followed by a one day training programme which is assessed by a multiple-choice exam. Following board members' training in 2017, 91% of learners reported having a good or very good understanding of the role and responsibilities of licensing boards, compared to just under half (48%) prior to training. There was also a considerable increase in practitioners' understanding of licensing and associated legislation with 85% indicating a good or very good understanding following the training (increasing from 40% prior to training).

10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

No comment.

11. Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high –performing planning system the Scottish Government wants? If not, what needs to change?

No comment.

12. Are there any other comments you would like to make about the Bill?

No comment.

¹ York Health Economics Consortium, University of York (2010). *The Societal Cost of Alcohol Misuse in Scotland for 2007*. Edinburgh: Scottish Government Social Research; Hope, A., Curran, J., Bell, G. & Platts, A. (2013). *Unrecognised and under-reported: the impact of alcohol on people other than the drinker in Scotland*. Glasgow: Alcohol Focus Scotland.

² Scottish Government (2017). *Places, People and Planning: A consultation on the future of the Scottish planning system*. Edinburgh: Scottish Government, p.3

³ E.g. a priority of Shetland's Local Outcomes Improvement Plan is to reduce the harm caused by alcohol http://www.shetland.gov.uk/communityplanning/documents/SOA2016-20draftstructure_FINAL_240616_incpartnerscontributing.pdf ; and Aberdeenshire's Local Outcomes Improvement Plan prioritises reducing alcohol consumption <http://www.ouraberdeenshire.org.uk/our-priorities/local-outcomes-improvement-plan/> <https://www.glasgowcpp.org.uk/CHttpHandler.ashx?id=15989&p=0>

⁴ Scottish Government (2015). *Economic Strategy*. Edinburgh: The Scottish Government <http://www.gov.scot/Resource/0047/00472389.pdf>

⁵ Scottish Government (2014). *Scotland's Third National Planning Framework*. Edinburgh: The Scottish Government. <http://www.gov.scot/Resource/0045/00453683.pdf>

⁶ Aberdeen City Licensing Board (2013). *Licensing (Scotland) Act 2005 Statement of Licensing Policy November 2013- November 2016*. Aberdeen: Aberdeen City Licensing Board. <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=56156&sID=6126>

⁷ Scottish Government (2008). *Good Places, Better Health a New Approach to Environment and Health in Scotland Implementation Plan*. Edinburgh: Scottish Government p.1 <http://www.gov.scot/Resource/Doc/254447/0075343.pdf>