Planning Skills – The Value of Early Engagement webinar , 17 June 2020

Collated questions and comments for participants

This note contains anonymised comments made by participants during the webinar and in the closing survey. Comments are transcribed verbatim. They are divided into three sections:

1. Comments and questions about the **research findings**. (Page 1)
2. Comments and questions about **future action to improve early engagement** as recommended in the report. (Page 6)
3. **Actions that participants are considering** as a result of the webinar. (page 9)

Where appropriate, the presenting team's responses and pointers to other resources are indented ➢ in blue. Responses often refer to a group of preceding comments. Please note that responses are not official advice or comments from the Scottish Land Commission.

1 RESEARCH FINDINGS

1.1 ONLINE/DIGITAL ENGAGEMENT

I agree… regarding online engagement, or virtual engagement, as being more inclusive. How can we get this digital format out to more people in communities?

How do you deal with ill-informed opinions put across in online surveys? Often the immediate response on the day one to one pacifies the objector. But with the digital format this may mean a longer period of stewing before the Engagement team have had a chance to get back to them!

➢ Providing advice on engagement is beyond the scope of the research, although the full report (e.g. section 4.1.9) does contain examples from developers of how they maximise digital engagement, and chapter 3 and appendix 5 contain a roadmap of currently available guidance and advice on engagement with weblinks.

➢ The Scottish Government's Transforming Planning website has useful information – check out the Digital Engagement pages.

➢ From the research interviews with developers, two suggestions in response to the question about ill-informed opinions:
1. Inform people by getting as much information out as possible about the proposals and their fit with public policy (and design the survey so that this information is available to users before they complete the survey).
2. Maximise the reach of the survey so that the aggregated responses are as representatives as they can be.

Social media, and spread of misinformation by vested objectors (neighbours) is a derailer to proper engagement.

➢ This fear was expressed by a number of developers in the research (see section 4.1.9 of the full report).

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PAC has changed recently, due to COVID, with applicants being asked to undertake web-based alternatives. Do you think this changes the value? And do you think this change might become more permanent in nature, introducing a digital edge to PAC?

Lots of food for thought there. Just wondering if there were any thoughts on what might be taken from current changes to Pre App Consultation in light of COVID-19?

Might a shift to greater digital consultation help better engagement with LDP process and enable communities to engage earlier, particularly the silent majority?

- The Scottish Government's Transforming Planning website has useful examples of recent web-based engagement, for development proposals and planning policy – check out the Digital Engagement pages.

- Our personal experience is that online engagement is nothing new, and has been part of community engagement in planning for a number of years. It can be a very good way of getting information out about development proposals and their fit with public policy (and to engage on planning policy), as well as to reach a broader demographic – as explained in the full report. But it does need careful and responsible design (especially social media), and it must be remembered that not everyone has access to digital media – so it is not enough on its own.

- Chapter 3 and appendix 5 of our full report contain a roadmap of currently available guidance and advice on engagement, including weblinks.

1.2 SITES NOT ALREADY ALLOCATED IN PLANNING POLICY

Is there good advice for schemes not in accordance with the LDP? Contrary schemes almost always create a sense of mistrust / deaf ears irrespective of the facts.

Comment on non LPD allocated sites - they don't all end up in the LPD so it's a separate issue ...

Collaborative approach. Concern expressed that LPA was promoting the development before it had gone through the Statutory process.

Applicants don't purchase then progress consultation. We purchase when planning has been obtained. There is a confusion amongst SLC about the development process.

- Unfortunately it was beyond this research to produce guidance and advice on how to engage (such as on schemes not in accordance with the LDP); the research focus was on the benefits of engagement. However, chapter 3 and appendix 5 of the full report contain a roadmap of currently available guidance and advice on engagement, including weblinks.

- One of the recommendations was that a new system and better guidance for early engagement is needed, and this should refer to proposals not in accordance with the LDP. One of the conclusions in chapter 7 of the full report is that Pre-Application Consultation should be recast to start at a much earlier stage for **all** significant proposals, so that engagement informs which sites become allocated in the LDP.

- This new system would of course require that early engagement to be undertaken collaboratively (developers and local authorities working together, but with local authorities being careful not to promote particular sites) and would require resourcing (such as through exploring mechanisms such as land value capture). Chapters 7 and 8 of the full report contain more information on these points.

1.3 QUESTIONS ON OTHER SPECIFIC ENGAGEMENT SITUATIONS

During repeated community engagement it can be common that folk with loud voices and strong opinions drown out the quieter but equally (and more?) valid views of others. What engagement methods enable those quieter views to be heard equally?

- Unfortunately it was beyond this research to produce guidance and advice on how to engage; the focus was on the benefits of engagement. However, chapter 3 and appendix 5 of the full report contain a roadmap of currently available guidance and advice on engagement, including weblinks.

- The Land Commission has created a dedicated webpage and has a Good Practice programme that provides case studies and resources. It has a practice guide for developing engagement plans for advice on how to reach beyond the 'loud voices', examples of engagement methods and links to other good practice tools.

How do you balance the different scales of response a scheme might generate e.g. new housing projects which would be important and well-received at a national or regional scale but which may be perceived negatively by the communities/residents directly impacted. Which takes precedence?

Maybe I am not fully understanding this research, but as a Development Management officer, community engagement and resulting letters of representations (objections or support) are only one material consideration in assessing a proposal. Consequently, no matter the number of representations, they have limited material weight in determining a proposal. Can you clarify are you proposing that representations/community feedback have greater weight?

- The Scottish planning system works on the basis that decisions should be taken in accordance with the development plan unless 'material considerations' indicate otherwise – which might include matters raised by communities. So, the simple answer is that proposals which are in line with planning policy should be approved unless there are 'material considerations' which suggest otherwise. It is up to those determining the planning application to make that judgement. So it's impossible to give a simple answer to the question of "which takes precedence?".

- Unfortunately it was beyond this research to produce guidance and advice on how to engage; the research focus was on the benefits of engagement. However, chapter 3 and appendix 5 of the full report contain a roadmap of currently available guidance and advice on engagement, including weblinks.

1.4 COUNCILLOR ROLES

How do we best balance engagement with Elected Members as representatives AND Decision Makers i.e. dealing with the concern that a Councillor cannot make a decision on an application if they have been involved in the process.

- Unfortunately this was beyond the scope of the research. The programme of Councillor training that will follow the 2019 Planning Act is an opportunity to give clarity to Councillors about how they navigate the requirements of their Code of Conduct and also play an active part in setting planning policy for their area. We know that some Councillor training sessions in individual local authorities already cover this issue.

1.5 COMMUNITY COUNCILS

Community Councils tend NOT to respond to the 12 week consultation to the applicant. Why should they hold back their comments until the application is lodged, at which time the applicant cannot respond or amend the proposals?

How do we solve the problem of communities who start from the position of saying 'no', as opposed objective consideration? We ran an event only for the Community Council to sit outside in a tent, handing out leaflets on reasons to object and encouraging visitors to fill out the applicant's PAN questionnaire.

I'm a community councillor and part of community groups. Sometimes Community Councils are asked to comment on planning applications with little notice (we meet monthly, 10 times a year), and without much information or recognition of what matters to some communities - heritage, etc. A "tick box exercise" is sometimes how it feels, and that's not a good way to encourage trust and engagement. Equally, there are some people (community councillors) who don't like change, and that's a shame.

I think more work is needed on the role of Community Councils going forward as the Planning Act places significant emphasis on their role.

Engagement with Community Councils from a different perspective as local authority led initiatives can often be dismissed as just political and not of benefit to communities per se.

- Research participants made a number of interesting comments about Community Councils – please refer to section 4.1.8 of the full report.

- Some of the case studies in section 5 of the full report, such as Countesswells and Dargavel Village, also refer to positive examples of collaborative working involving Community Councils.

- The new "National Standards for Community Engagement in Planning" recommended in section 7.3 of the full report should include advice, guidance and best practice examples for Community Councils and those working with them.

1.6 DEVELOPERS

Did any of the developers say specifically what would help them and what would bring them to the table?

- Points made by developers and landowners included:
  - An overhaul of PAC so it is less of a tick-box process and more focussed on encouraging good engagement (taking section 7.3 of the full report as a starting point).
  - More active participation of local authority elected members and officers in engagement, e.g. to inform about their LDP and to lead and promote sites which are allocated in their LDP (see the full report sections 4.1.11 and 4.1.12).
  - More objectivity and consistency amongst Community Councils (see section 4.1.8 of the full report).
  - Funding for early engagement – mixed views on whether this is necessary (see the full report section 6.3).

1.7 TRANSPORT

There is a strong support from Central (Scottish) Government for developing 'mobility' solutions which have a lower impact on infrastructure & resources, and have a significant effect in containing and reducing carbon footprint. There does seem to be a lack of connection with local transport operators. I have in mind a major site redevelopment on the West flank of a Central Belt town, just 8-10 minutes by bike from the railway & bus stations & town centre, with a cycle route passing close by, and bus stops on the road forming one of the site boundaries, and a local park & ride site that could be connected offering a frequent bus service which could be connected via a 5 minute walk. Yet the proposals describe provision for staff bus services (more expensive when a private contract) and substantial car parking provision (a possible liability when WPL arrives) How can we insure & future-proof developments and engage with PT operators? - especially stations, where some have high passenger use 1.8m-1.9m boardings per year, but no proper station buildings, and commercial use opportunities for linked spaces.

There is also a sea change in car 'ownership' - moving from this to car sharing reduces the land required for car storage (the average car spends 95% of its life standing still parked) - moving private and corporate car users towards PAYG is predicted to reduce the demand for parking & the car parc by 90% releasing the

land/floor area for more profitable uses - a car-light development can mean delivery of 3 flats on the land which would otherwise be required for 2 flats with 2 car spaces and access (you make more money from 3 flats than 2 flats with parking spaces?)

- Unfortunately transport and mobility were beyond the scope of the research. The focus was on the benefits of early engagement from developers' and landowners' perspectives.

2 FUTURE ACTION TO IMPROVE EARLY ENGAGEMENT

2.1 RE-THINKING THE PRE-APPLICATION CONSULTATION PROCESS

This is really interesting and useful research. I wondered if there was an appetite from developers, communities or local authorities to move away from ad hoc 'set piece' engagement to more dialogue based approaches where the range of players communicate with one another over a longer period of time?

- Yes, definitely. The developers who emphasised the benefits of building trust to the planning process made very clear that this process takes time and should not be seen as a box-ticking process (see the full report, particularly section 4.1.4 entitled "Doing the statutory minimum isn't enough" and section 4.2.3 entitled "Take your time").

- The public interest led development approach advocates a long-term and collaborative approach to development of land, something the Land Commission is keen to see more of across Scotland. More in the report by Archie Rintoul and Steven Tolson (2018), The Delivery of Public Interest Led Development in Scotland.

Is there merit in focussing different types of 'engagement' at different stages – i.e. principle of type and scale of development being for the local development plan and the detail for the planning application stages?

- Yes, definitely. This is referred to in our recommendations - see chapter 7 of the full report, particularly sections 7.2 to 7.4.

You mention that communities start from a negative position. To start from a neutral position do you think perhaps it would be helpful to have no presumption in favour of development? With a 94% approval rate, there is a high likelihood that applications will get planning permission. Many factors create an imbalanced system, which surely inevitably means communities are placed in a position where they are most likely to object, because the whole system favours development. If the system was set up as a presumption against development, then that would enable a much more positive approach for communities perhaps?

- We didn't ask this question in the research interviews, so unfortunately we can't comment from a research point of view.

- It's worth bearing in mind also that this work can also relate to wider land use changes, as the Glentress case study shows. I think we need to move away from being for or against development and make sure it's in the right development in the right place- resulting in a win-win situation. Early engagement before land is allocated for a particular use can help with that.

The PAN process certainly could do with an overhaul to avoid it being just a tick box exercise. Will look forward to reading the report in more depth.

Should the PAC process be completely re-thought or does it set a valid framework at planning application stage?

It would be excellent to find a way to enable LA Planning Authorities to facilitate more and more meaningful early engagement at call for sites/LDP stage. Changes to PAC would be great.

V interested in the need for engagement, pre-acquisition. How often does this happen? As purchase price may set the level of development required for viability but is more than community are prepared to accept.

- Radically overhauling the PAC process emerged clearly from the research interviews – see the full report, particularly section 4.1.4 and sections 7.2 to 7.4.

- A point made frequently by research participants was that the current PAC system tends to encourage box-ticking rather than incentivise good engagement. Of course some engagement is needed at the pre-application stage, but it should start much earlier, at the point of site allocation – as explained in section 7.2 of the full report.

- Creating that new system will need collaboration, guidance/advice and resourcing – which are covered in section 7.3 to 7.7 of the full report.

- Unfortunately the research did not specifically address the question of how often pre-acquisition engagement happens. We have no information on that.

Currently no status is given to the PAN Report. I have rarely seen a planner consider the detail, instead deferring to the public comments lodged to the authority once the application is lodged. If we are serious about engagement, then let's give greater relevance to the content of the PAN report content.

- This is something that could be tackled as part of an overhaul to the PAC system. For public engagement to be credible, people need to have confidence that their views will be listened to.

I think it is important to realise that PAC community engagement has no bearing on planning applications. A lot of the public think because they object to the PAC that it means they object to the planning application. Ideally this should be addressed.

2.2 EXAMPLES AND GUIDANCE

Examples of best practice, engagement toolkits and resources that can be modified/used for individual sites, guidance on how to engage marginalised/under represented communities.

Good examples would be brilliant to encourage our clients to adopt this approach.

The research and guidance produced will help support our community engagement and allow us to direct groups to documents to assist them.

Engage with the development industry to encourage best practice.

Website looks like it has some good resources on it, which will refer to.

Real examples and places where things work.

Information on what community engagement there is currently, how this is successful and areas for improvement.

'Good practice' work could usefully include examples of CoSLA/RTPI/HoPS/SOLACE/EDAS supported cross-local authority service collaborative approaches to LDP preparation including highlighting benefits of realigning organisational structures to effect this. The role of local authorities in delivering on wider objectives of addressing climate change, making the best use of land as a resource, and maximising existing infrastructure investment makes this vital - a challenge without a 'planner' mindset near the top!

- The new "National Standards for Community Engagement in Planning" recommended in section 7.3 of the full report should include examples, best practice and guidance as suggested.

- The Land Commission has created a dedicated webpage and has a Good Practice programme that provides case studies and resources.

2.3 INVOLVEMENT OF KEY AGENCIES

The Key Agencies have a wealth of skills that they could bring to a collaborative approach and add value to the process. Have they been considered as part of this research?

The Key Agencies Group are suggesting an offer of early support to Local Authorities (often with land owners/developers). This collaborative approach in in line with the Place Principle and should help embrace the complexity!

- The Key Agencies can play an important role to provide data and assessments on land to improve decision-making. Essentially, the earlier we have these conversations and collect evidence, we increase certainty and can inform decisions about land- leading to better placemaking outcomes!

2.4 MONITORING

Devise a monitoring framework and survey questions (for developers, for communities) and we could pilot it here in […] To be able to monitor, we'd need to be clear about the purpose of developers engaging with communities in planning – i.e. to inform, to develop understanding, to hear views, to improve designs, to fulfil or respond to public and community interests but without revisiting policy decisions etc.

Is there any value in making good community engagement a performance indicator for local authorities so as to embed collaborative working?

Difficult to measure impacts.

- The new "National Standards for Community Engagement in Planning" recommended in section 7.3 of the full report could include a monitoring and performance framework to measure impacts.

- The Land Commission will undertake another community engagement survey to measure progress and uptake of the available protocols and guidance. The new National Planning Performance Framework could be an opportunity for inclusion of an indicator measuring effective community engagement.

3 ACTIONS THAT PARTICIPANTS ARE CONSIDERING AS A RESULT OF THE WEBINAR

- The presenters are heartened to see so many good examples from webinar participants of how the research findings can be put to beneficial use.

1. *I have found this very useful and it will help me collaborate in future when inputting to LPP / LDP / CC etc.*
2. *Setting objectives for an engagement activity rather than just doing it! and setting out the national context before diving ito the detail.*
3. *Possibly use McDonald's for LDP consultation process.*
4. *Review good practice expectations.*
5. *Early engagement to larger planning which means earlier than Pre App Consultation was a key point to address.*

6. *Targeting social media audiences... getting younger people involved is a real challenge as most public engagement attracts a majority of objectors who are well past the benefit of new housing - 'not in my backyard' dominates a lot of communities.*
7. *Continue to improve and engage early in LDP process, in Local Place Plans, encourage developers to engage communities early and also potentially review PAN requirements for Council.*
8. *Apply understanding of potential division of 'them' and 'us' leading up to planning, and consciously change conversation to focus on 'we'.*
9. *Consider use of short videos to reach wider (and younger) audience, especially through social media.*
10. *Encourage communities to lead on 'meanwhile uses' for a site, especially if 'final' development likely to take long period of time, e.g. more than 1 year.*
11. *Once an application has been validated, ask agent/proposer if they intend any engagement beyond statutory.*
12. *Persistence.*
13. *Think about potential engagement opportunities as early as LDP promotion stage. Think about how to reach a wider range of the community. Increase the use of technology - move away from standard presentation boards and paper questionnaires.*
14. *Ideally make efforts from now to build awareness and interest across the local authority to set a collaborative LDP preparation process on a strong footing.*
15. *Encourage developers to follow best practice in the study findings.*
16. *Acting for developers, it is easy to sometimes become a bit disillusioned about early engagement, with a couple of recent experiences where, despite best efforts, there was little response to early engagement, but then lots of objections to the application - so important to be reminded of the benefits, and to be encouraged to look at alternative means of engaging that might be more effective.*
17. *Suggest that we take a more collaborative approach with engagement to explain LDP priorities. Think about how good practice can be improved by considering if we can replicate aspects within local authorities.*
18. *Consider the timing of engagement and its use outwith the formal process. Look at the greater use of technology and reconsider the form of engagement that is 'fit for purpose'.*
19. *I will use the research to inform/update our clients (who are mainly private sector developers) and explain how our activity addresses the problems identified.*
20. *Look at broader range of techniques, perhaps trust online a little more.*
21. *Inquire on how policy can be developed to better encourage early community engagement.*
22. *Start earlier and give more resources to engagement.*
23. *Reaffirmed need for extensive consultation with communities prior to publication of Draft LDP and to involve developers in this process.*

24. *Great incentive to keep making the case for objective, evidenced-based, whole-place frameworks. They do all the things Kathy in particular, highlighted in the commentary. These are advocated by the former CABE in that a competent masterplan can't be developed without a competent framework. And as the framework/trellis is already within the local place - it makes much sense to reveal that in collaboration with local people as well as specialist experts, objectively and not prejudiced by a developer's programme.*
25. *Will look into new ideas for the collaborative design work that we do. I liked the diagram that was used so I am going to look into that and see what we can take from it.*
26. *Engagement needs to happen before PAC.*
27. *Improved engagement and working relationship with community councils. Consideration of the role of Local Place Plans to help build trust and early engagement. Consideration of how to build capacity of community councils and communities to enable them to engage effectively - more training and skills needed.*
28. *I'd like to monitor and record quality of developer-led community engagement locally to a) identify what's being done b) promote good practice c) identify where tips and guidance (or requirements) on early engagement could be improved. We'd possibly need to also survey developers, communities (voluntary groups?) to do this meaningfully, and ensure the right questions are being asked. This relates to value/need for guidance on engagement in planning, so we have something to monitor against.*
29. *Strong message today we are doing engagement wrong or at wrong time - charrettes probably not addressed this as they have shied away from contentious development sites generally and focused on town centre improvements in small (pretty) settlements. Has made me think SG need a big change of approach to achieve collaboration.*