



Draft Advice on Net Economic Benefit and Planning

Response to Consultation

GENERAL

Burness Paull is one of Scotland's leading commercial law firms, with a Tier 1 planning team operating throughout Scotland. We welcome the opportunity to engage in the consultation on the Draft Advice on Net Economic Benefit and Planning. At the same time, as we have done with the previous consultation on Planning Delivery Advice: Housing and Infrastructure, we would question the reasoning behind publishing such a consultation document only a few weeks before the Planning Review Panel is due to report its conclusions.

Whilst it is helpful to provide clarification on how net economic benefit should be applied and calculated, by singling it out from other equally important material planning considerations it appears to give it a status and weight above those other considerations. It may have been better to produce a single advice note covering net economic benefit along with the principles of sustainability, good place making and other material considerations.

The focus of the Advice is on the use of net economic benefit in determining planning applications, however, in a plan led system consideration of economic benefit should form one of the foundations of the development plan with sites allocated and policies formulated having taken account of such benefit, along with other sustainability considerations. As we have submitted in response to previous consultations, it is then important that, in order to retain a meaningful plan led system in rapidly changing economic and social circumstances, there is scope for amendments to be made to allocations or policies in development plans between full reviews.

In terms of the detail of the Advice we would offer the following comments:

- The type of jobs being created may be as important as the number of jobs, if, for example, they contribute to diversification, or will generate high wage employment opportunities. Given that net economic benefit from construction activity is generally short term, it should not necessarily be accorded the same weight as jobs arising from the operation of a new development, although there may be certain circumstances (as set out below) where there are longer term construction benefits.
- Housing developments can be significant in terms of economic impact if they provide essential key worker housing or housing to support particular economic activities. In addition, large scale housing allocations can provide construction jobs over a number of years. Consideration should therefore be given to the requirement for impact assessments for such developments, as well as mixed use sites.
- Resource implications for both planning authorities and developers should be recognised. The requirement for net economic benefit assessments will inevitably add to costs in the preparation and submission of applications, as well as requiring additional resources and expertise within planning authorities to properly analyse such assessments. It is therefore important that such requests and the level of detail required are proportionate to the development.

- In terms of “deadweight effects”, the planning authority is obliged to consider the application it has before it. Although other sites may be available, and potentially more desirable, an application should not be refused only on those grounds. It is also possible that other unallocated sites are more appropriate than the application site.
- Consistency of approach and application will be important for both developers and planning authorities and more detailed guidance on the form and content of net economic impact assessments may be beneficial in securing such consistency.