

MCA Consultation Response from Glasgow City Council

Question 1:

A) To what extent do you agree with the principle that regulations be kept to the minimum necessary and that more advice be offered in guidance and kept updated?

a) Strongly Agree b) Agree c) **Neutral** d) Disagree e) Strongly Disagree

B) Please explain your view.

Tend to agree with this in principle. However, we have concerns that limited regulations may lead to potential delays later if ambiguity allows legal challenges during the making of the MCA process or after. Investors are motivated by certainty and while the lack of detail does offer autonomy for Planning Authorities to define the process as they see fit to respond to local circumstances, that lack of detail in the overarching rules of engagement has the potential to present a risk.

Associated to this point it would be helpful if draft guidance or an illustration of scope of guidance were produced simultaneously to the consultation as this informs the consultation responses and the absence of guidance has left a much uncertainty and what feels like significant gaps.

Question 2:

A) We are not proposing to regulate to exclude any form of development from having potential to be within a MCA. To what extent do you agree with this approach?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

It is anticipated from section 54B that in introducing an MCA a Planning Authority will have discretion as to what types of development it does and does not apply to. Therefore, retaining as broad an approach at national level seems to be a fair approach that reflects the Verity House agreement and allows different authorities to use MCA to be designed to fit local circumstances. That said, it is arguable that there may be merit in introducing controls around certain strategic energy of disamenity uses given the potential to generate controversy and thereby bringing into question the validity supporting a streamlined approach.

The expressed focus upon on self-build housing in the Act has the potential to unintentionally infer that there is a constraint in the scope of MCA's and the regulations should take the opportunity to reinforce that this is not the intention.

The element of the act regarding self-build housing (54C) raises some concerns given it appears to introduce criteria which the planning authority are unable to verify. The planning authority has no means or mechanism to 'force' someone to live in a resultant house. It is not clear how the Planning Authority (or whether the planning authority) is expected to police this criteria or how long the person has to live in the property before the requirement is discharged. Would a subsequent resident have to apply for planning permission? The function of the wording is that it will not be possible to include self-build housing in MCAs. While this is presumably not the intention it is a potential interpretation and we would suggest that clarifying this would be helpful.

It appears that the PA is required to notify the SG of certain proposals. It would be beneficial to include in the regulations the scope of the SGs examination of the scheme to understand whether, when and why schemes might not be allowed to proceed. What are SG allowed to consider? Can they refuse the PA's notification and prevent them from adopting?

Its not clear to me whether cross boundary MCAs are possible (like the Hillington SPZ). Would both PAs have to put forward schemes?

Question 3:

A) We are not proposing any changes to the designations listed in schedule 5A (paragraph 3(4)). To what extent do you agree with this approach?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view

The purpose of the MCA is to give LAs more freedom to respond to local circumstances, de-risk particular development sites. It is reasonable that these should not cross over recognised national considerations

Question 4:

A) To what extent do you agree that the matters above in relation to the statement be set out in guidance rather than regulations?

a) Strongly Agree b) Agree c) **Neutral** d) Disagree e) Strongly Disagree

B) Please explain your view.

A main purpose of the MCA is to give Planning Authorities more freedom to respond to local circumstances and de-risk particular development sites. An approach that is

not too prescriptive is consistent with this approach as well as recognising the Verity House Agreement.

The statement should perhaps include whether any sites were considered rather than assuming that at least one must be. There is no value in sending a statement to Key agencies or community councils as they will have no interest in a potential null response and would, in any case, be made aware of any proposals where their input would be of benefit to the furtherance of a scheme under the other consultation requirements. As presented there is a risk this is onerous upon planning authorities, more appropriate as advice as best practice?

Question 5:

A) Draft Regulation 3(4) specifies that planning authorities must consult with community councils before determining the content of any MCA proposals which may be publicised. To what extent do you agree with this?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

Early consultation with CC may help with buy-in from key local stakeholders and it would be undemocratic not to do so. As with other planning approvals this should not amount to an expectation that a CC would have greater weight in influencing an MCA. The process should be characterised as gathering strong intelligence of community aspirations and a responsibility to be accountable should an MCA deviate from these broad aspirations.

Should Local Place Plan groups also be formally sent copies of MCAs?

Question 6:

A) Draft Regulation 3 provides how consultation for possible proposals for a MCA scheme is to be undertaken, including notification and the requirement to undertake two public events, with opportunity to make comments to the planning authority. To what extent do you agree with this approach?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view

The level of consultation seems reasonable and in line with relevant consenting legislation. The fact that it's a familiar process makes sense. However, the emphasis should be upon designing a consultation process that is bespoke to the MCA and the range of potential stakeholders and as a minimum two events should be held. This

places the emphasis on achieving effective engagement rather than merely satisfying the statutory requirement.

Question 7:

A) To what extent do you agree that the regulations should require reasons for conditions to be set out in the MCA scheme?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

Stating reasons reduces opportunity for ambiguity later in the process but also provides a baseline rationale should a different approach be considered later on in the life of the MCA and this would offer an opportunity for change control.

Question 8:

Are there any further aspects you consider should be required to be included in a MCA scheme? Please specify and explain why.

Given the range of potential MCA contexts there is a potential risk in setting out further aspects without it unintentionally constraining opportunities. However, guidance will offer an opportunity to elaborate further. For example, the need to support the infrastructure first concept, perhaps there should be more emphasis and agreement on types of infrastructure required to be considered at an earlier stage of making a MCA if that is deemed appropriate given the nature and context of an MCA?

Related to the above, there seems to be no discussion of any potential relationship to developer contribution arrangements and whether those should be agreed and negotiated up front as part of making the MCA. It may be that this is a topic that can be scoped more effectively in guidance but there may be benefit in introducing an obligation to include a statement on developer contributions within the MCA which would ensure they have been considered and scoped.

Whilst the consultation sets out that team governance is something to be considered and arranged at local level and the intention of offering autonomy is welcome, there would be benefit in placing a strong emphasis on the identification of roles and responsibilities in guidance. The relatively low take up of SPZ's nationally reflects the scale of work involved in implementing these. It also reflects the limits in powers available to Planning Authorities to compel land owners to engage and deliver on the aspirations behind an MCA. This should serve as a reality check in terms of what might materialise through what is an involved process.

The diversion of the assessment of costs is a concern and would be better managed in tandem. The potential for loss of income to Planning Authorities is significant and level of preparatory work likely to generate a considerable resource pull.

Illustrative

Question 9:

A) Draft Regulation 4(3) and Schedule 1 of the draft MCA Regulations specify those who a planning authority must consult with before determining the content of any MCA proposals which may be publicised. To what extent do you agree with these groups?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

A private sector representative body? Chamber of Commerce, a constituted development forum or similar maybe? This could be covered by a statement of any other persons or bodies that the PA consider would be interested.

Question 10:

A) Draft Regulation 4(2) provides how consultation in relation to a MCA scheme is to be undertaken. To what extent do you agree with this approach?

a) Strongly Agree b) Agree c) **Neutral** d) Disagree e) Strongly Disagree

B) Please explain your view.

Need to be sure the regulations are clear that a map demonstrating the boundary must be included in consultation materials.

Publishing exclusively on the internet has the potential to exclude some stakeholders. Given the scale of a MCA it would be appropriate to offer a physical copy within a public place accessible to the proposal area.

Further to this, it may also be helpful to include images of key places/buildings or otherwise ensure clear legibility within the boundary to help illustrate for members of the public who are not so comfortable with map reading. May also be helpful for a requirement for materials to include, succinctly, the key reasons/justification why a MCA is being considered. (these points may be more appropriate in guidance rather than regulations).

Question 11:

A) Draft Regulation 4(5) sets a 30 day period for representations if they are to be treated as valid representations. To what extent do you agree with this period?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

This is a sufficiently long period.

Question 12:

A) To what extent do you agree with the required circumstances, i.e. that where the scheme would authorise a national development, that there be a requirement for a hearing, as set out within Draft Regulation 5(1)?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

This seems proportionate as it is very unlikely that any MCA would fall below the threshold of Major set out in the Hierarchies of Development.

Question 13:

A) To what extent do you agree with the proposals for those who must be given an opportunity to appear before and be heard by a committee of the planning authority at a hearing as set out within Draft Regulations 5(2) and (3)?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view

Provided the rationale for this is clear then it is a positive intervention. A hearing on an MCA has the potential to be extensive, therefore guidance should reflect PDH protocols which allow for thematic alignment of speakers to ensure it's an efficient process.

Question 14:

A) To what extent do you agree that a Notification Direction be issued requiring that in the above circumstances such MCA schemes be notified to the Scottish Ministers?

a) Strongly Agree b) Agree c) **Neutral** d) Disagree e) Strongly Disagree

B) Please explain your view.

Could the time period for the Notification Direction be defined within the regs?

Most of the circumstances are appropriate, however we would query historic battlefields, unless there is an avenue for the notification direction to be resolved timeously where it is not seen as necessary. A large portion of the southside of Glasgow is covered by the Battle of Langside designation. Whilst this is not a potential candidate for an MCA at the moment, it does illustrate what could be a potential obstacle that has limited merit give the built up urban nature of the "battlefield".

Question 15:

A) To what extent do you agree with the proposed requirements in relation to the publication of MCA schemes and the decision notice as set out in Draft Regulation 7?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

Question 16:

A) To what extent do you agree with the proposed requirements in relation to the planning register as set out in Draft Regulation 9?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

This sounds proportionate

Question 17:

A) To what extent do you agree with the proposals for the procedures for altering a MCA scheme, as set out in Draft Regulation 8?

a) Strongly Agree b) Agree c) **Neutral** d) Disagree e) Strongly Disagree

B) Please explain your view.

It would be helpful if this process and the rationale are fully elaborated on in Guidance as the regulation is not easy to understand and the explanatory

commentary does not clarify what is intended either. If the intention is that alteration procedures are to be essentially the same as those for making the MCA then this does raise questions over proportionality. Does this mean that there is scope for the entire MCA to be considered (i.e. why are certain elements not subject to alterations). This is potentially repetition where established decisions may be opened up to scrutiny once again.

Question 18:

A) To what extent do you agree with the approach not to prescribe forms of notices within the Draft Regulations?

a) Strongly Agree b) Agree c) **Neutral** d) Disagree e) Strongly Disagree

B) Please explain your view.

Templates for reports/notices can be helpful in terms of consistency for key stakeholders and members of the public. However, too much prescriptions can be off-putting and lead to information being missed.

Suggestions in future guidance may be helpful.

Question 19:

A) To what extent do you agree with the proposed process set out in the Draft Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024 contained within [Annex B](#)?

a) Strongly Agree b) **Agree** c) Neutral d) Disagree e) Strongly Disagree

B) Please explain your view.

Agree as EIA should inform approach from beginning of MCA process and as the Planning Authority will have lead responsibility it is important that this duty is responsibly carried out relative to EIA.

Question 20:

A) To what extent do you agree with our approach to the impact assessments?

a) Strongly Agree b) Agree c) **Neutral** d) Disagree e) Strongly Disagree

B) Please explain your view