

**Report To:** Environment and Regeneration Committee      **Date:** 2 March 2017

**Report By:** Corporate Director, Environment, Regeneration and Resources      **Report No:** E+R/17/03/10/SJ/NMcL

**Contact Officer:** Stuart Jamieson      **Contact No:** 01475 712402

**Subject:** Scottish Government Consultation on Places, People and Planning: A consultation on the future of the Scottish planning system

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## **1.0 PURPOSE**

- 1.1 The Scottish Government is committed to taking forward an ambitious programme of planning reform. This consultation includes proposals developed in response to the independent review of the planning system which was published in May 2016.
- 1.2 This consultation seeks views by 4 April 2017. The purpose of this report is to seek approval from the Committee to submit a response on behalf of the Council.

## **2.0 SUMMARY**

- 2.1 The Scottish Government considers that planning should be central to the delivery of great places and a force for positive change. It believes that Scotland's economy needs a planning system which is open for business, is innovative and is internationally respected; it should help to improve peoples' lives by making better places and supporting the delivery of good quality homes.
- 2.2 The Scottish Government believes that there should be 4 key areas of change: making plans for the future by simplifying and strengthening development planning; empowering people to have more influence on the future of their places by involving them in the planning process; building more homes and infrastructure; and reducing bureaucracy and improving resources so that the system can focus on creating great places.
- 2.3 The consultation makes 20 key proposals, with a supplementary list of optional detailed technical questions for each of the 4 areas of improvement. The proposals and questions are responded to in paragraphs 4.22, 4.47, 4.74 and 4.97.

## **3.0 RECOMMENDATION**

- 3.1 It is recommended that the Committee approves the consultation response.

**Scott Allan**  
Corporate Director, Environment, Regeneration and Resources

## **4.0 BACKGROUND**

4.1 The Scottish Government considers that planning should be central to the delivery of great places and a force for positive change. It believes that Scotland's economy needs a planning system which is open for business, is innovative and is internationally respected; it should help to improve peoples' lives by making better places and supporting the delivery of good quality homes.

4.2 The Scottish Government believes that there should be 4 key areas of change under the headings of Making Plans for the Future; People Make the System Work; Building more Homes and Delivering Infrastructure; and Stronger Leadership and Smarter Resourcing. The consultation makes 20 key proposals, with a supplementary list of optional detailed technical questions for each of the 4 areas of improvement.

## **4.3 MAKING PLANS FOR THE FUTURE**

4.4 Development plans should provide a clear vision of how a place can grow and flourish; where development will happen, giving confidence to communities and investors, and reflecting the needs of society. The Scottish Government considers that at present development plans are too complex, are focused on technical written policies and are restricted by procedures and can be difficult for people to understand. Many plans are out of date by the time they are adopted. The Scottish Government aims to simplify the development plan system to make sure that the focus is on delivering outcomes rather than lengthy and complicated procedures.

### 4.5 Proposal 1: Aligning community planning and spatial planning

4.6 The Scottish Government considers that a much wider range of stakeholders should share responsibility for preparing, promoting and delivering development plans to make sure that local authorities recognise the value of the development plan in realising corporate objectives. It proposes to introduce a statutory link between the development plan and community planning. Co-ordinating work with Community Planning Partnerships and including planners as key community planning partners is seen as essential.

### 4.7 Proposal 2: Regional Partnership Working

4.8 The Scottish Government recommends that strategic development plans be removed from the system, believing that planners can better respond to and be involved in wider regional partnership working. It is proposed that the National Planning Framework incorporate regional planning policies, meaning that the spatial strategy for Glasgow and the Clyde Valley will be prepared and adopted by the Scottish Ministers with input from the Scottish Parliament. There will be new duties or powers for local authorities to work together on defining regional priorities. This would require working together to develop a strategy and delivery programme to support housing delivery and co-ordinate infrastructure developments, acting as a 'bridge' between local and national levels by making sure that local development plans support the delivery of wider strategic priorities.

4.9 The Scottish Government recognises the joint working on the Glasgow and Clyde Valley City Region Deal is now established and moving forward. The Scottish Government proposes that existing strategic development planning authorities form part of, or are replaced with, partnerships whose membership extends beyond planning to include all those with a role in planning, prioritising and delivering regional economic development and investment in infrastructure.

#### 4.10 Proposal 3: Improving national spatial planning and policy

4.11 The Scottish Government wants to build on the awareness of National Planning Framework and support regional planning by producing a spatial strategy that is prepared following joint working and involvement.

4.12 The Scottish Government will consider spatial planning priorities as part of future reviews of the Infrastructure Investment Plan. Accordingly it will aim to ensure that the National Planning Framework brings together wider Scottish Government policies and strategies. It also advises that it will ensure that planning at this scale maintains its role as the spatial expression of Scotland's Economic Strategy.

4.13 In this respect, the Scottish Government proposes extending the National Planning Framework review cycle to 10 years (with a 30-year vision), whilst making provision for interim updates where necessary. The Scottish Government considers that many local development plans are still lengthy and include a great deal of policy content. It believes this needs to change and that the National Planning Framework and Scottish Planning Policy could better support the planning system by having a stronger statutory status. This could allow local development plans to focus on providing a clear spatial strategy. However, place-based planning must recognise and reflect the diversity of planning in different parts of Scotland, so local development plans could still include policies where they are required to identify departures from the Scottish Planning Policy

#### 4.14 Proposal 4: Stronger local development plans

4.15 The Scottish Government agrees with the independent panel that the 'main issues report' has not been an effective way of involving people. It proposes to remove the requirement for a main issues report, replacing this with a requirement for a draft plan to be published and fully consulted on before it is finalised and adopted; local development plans are to be reviewed every 10 years. 'Triggers' for updating a plan could be outlined nationally and agreed locally to provide some stability and make sure that plans are flexible but not in a constant review cycle. Supplementary guidance should be removed and to aid development management it is proposed to provide at national level a manual or set of advice that guides how planning applications would be determined. This would remove significant amounts of policy detail from the development plan.

4.16 The Scottish Government accepts the independent panel's view that local ownership and responsibility for the development plan is undermined by the current centrally administered examination of the plan; decisions on where development should happen should be made locally. However, this needs good evidence and input from professionals. Consequently the Scottish Government does not suggest removing examinations, but propose that plans should be 'gatechecked' by an independent reporter at an early stage. This would establish whether the technical evidence is sufficiently sound to prepare a deliverable spatial strategy. The 'gatechecks' would be chaired by independent reporters from the Directorate for Planning and Environmental Appeals, supported by relevant specialists and would include the views of a citizen's panel. Unresolved issues would still be dealt with by an examination.

#### 4.17 Proposal 5: Making plans that deliver

4.18 The Scottish Government considers that at present some practices undermine the role of development plans; it wants to give more certainty that allocation of a site in a development plan will happen. Local authorities and infrastructure providers should be clear that they have a shared responsibility to fulfil commitments set out in the plan. For developers and investors, an allocated housing site within a plan should bring certainty and confidence that development of the site will proceed in line with the delivery programme.

- 4.19 To achieve this, the Scottish Government proposes setting out the minimum level of information needed to support allocations within the development plan. Information on site assessment should be submitted by the site proposer and appraised before any site is allocated in the plan. This would include economic and market appraisal information.
- 4.20 The Scottish Government also wishes to encourage a broader, zoned approach to meeting short and longer-term housing needs rather than piecing together individual sites promoted by developers; priority sites should also be identified and enabled as far as possible. Sites which are allocated should be fully discussed with communities before they are confirmed and key agencies and other infrastructure providers should not be in a position of advising against the principle of development on the site later on. For sites where there has not been this involvement as part of the plan making process, developers will require to engage more with communities; it could also be argued that there should be less consultation on allocated sites.
- 4.21 The Scottish Government proposes replacing 'action programmes' with 'delivery programmes'. These would be a major part of the development plan and be detailed, practical and monitored. A focus on delivery could introduce extra demands on time and resources for local planning teams; the move towards a longer review period is also intended to enable a stronger focus on delivery. It is proposed to support additional training and guidance to improve the preparation and monitoring of local development plan delivery programmes.

4.22 **MAKING PLANS FOR THE FUTURE CONSULTATION QUESTIONS:**

**KEY QUESTION**

**Do you agree that our proposed package of reforms will improve development planning?**

*No. The new development planning system introduced under the 2006 Act is still 'bedding-in' with most authorities just moving on to preparing their second round of development plans under the process. Up-to-date Development Plan coverage is high and most authorities are delivering plans timeously. The rationale for changing the system at this stage is not clear.*

**OPTIONAL TECHNICAL QUESTIONS**

**1. Do you agree that local development plans should be required to take account of community planning?**

*Yes. However, it is often the case that community planning priorities do not have a direct land use implication e.g. anti-social behaviour, early years' attainment. The promotion of the use of the Place Standard as a community planning tool will help to address this.*

**2. Do you agree that strategic development plans should be replaced by improved regional partnership working?**

*Any enhancement to regional partnership working is welcomed, however it is considered that a statutory regional planning strategy should remain the basis of this. Glasgow and the Clyde Valley has benefitted from 60 years of regional planning. The strategy has remained generally consistent through this period, to the extent that it may be taken for granted even though it has significantly benefitted west central Scotland. A very different pattern of development may have emerged in the area had the regional strategy not been in place. If a*

*regional planning strategy for the Glasgow city-region did not exist, there would be calls to create one, so the requirement for it should not be dismissed.*

**2(a) How can planning add greatest value at a regional scale?**

*Through the provision of a statutory regional planning strategy and the commitment of all local authorities to deliver it.*

**2(b) Which activities should be carried out at the national and regional levels?**

*There is a tendency for the different levels of planning documents to repeat each other. National policies must be directed at strategic issues. Should national policy become part of the development plan, as suggested elsewhere, it should focus on national strategic matters only and the Government's planning resource should be channelled exclusively to this. Housing supply targets and land requirements should continue to be developed at the regional level.*

**2(c) Should regional activities take the form of duties or discretionary powers?**

*If the regional partnerships are established on a discretionary basis, their shelf-life may be limited. In times of tight local government finance, non-statutory partnerships can often be the first target of budget cuts.*

**2(d) What is your view on the scale and geography of regional partnerships?**

*The regional partnerships should be based around the city regions. The current geography of the Glasgow city-region works well. A sub-optimal solution would be to have local authorities part-in and part-out of regional partnership areas, or to have parts of authorities in for elements of the partnership e.g. transport but not for others e.g. planning.*

**2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?**

*Other than on a consultancy basis at the request of the partnership, none.*

**3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?**

*No – they are currently material considerations in the determination of planning applications and this is all the weight that is required.*

**3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?**

*The current 5-yearly review of the National Planning Framework may seem too frequent with, for instance, little change over that period in the delivery of long term national developments. However, it provides certainty in terms of the process itself and timelines for subservient plans to follow. A 10-year cycle of review would not be inappropriate for a national plan, but the need to have an option for review does suggest doubt and reduces certainty as to when updates would occur. Given this, it may be best to retain the 5-yearly review cycle.*

**4. Do you agree with our proposals to simplify the preparation of development plans?**

*It is not clear how a 'gatecheck' or moving straight to the publication of a draft plan will be any more effective than a main issues report in engaging with people. The main issues report offers an opportunity for a planning authority to genuinely 'float' different ideas and options ahead of reaching a settled view. Moving straight to a draft plan will not allow this and may reduce genuine early engagement in the plan process.*

**4(a) Should the plan review cycle be lengthened to 10 years?**

*No, this is considered to be too long a gap between plans and while many local authorities would use review procedures to prepare plans on a more regular basis, the approach would not be consistent across Scotland.*

*There could also be implications for the future of planning policy in Scotland. If introduced it is predicted that many local authorities would not maintain a planning policy team on the basis of a 2 years preparation process required every ten years. The suggestion of policy planners becoming deliverers of the Plan reflects a lack of understanding of how the planning system functions, and over a 10 year period it would be difficult to retain the staff who would offer the continuity and the local knowledge that is often the basis for good local plan making.*

**4(b) Should there be scope to review the plan between review cycles?**

*If there is to be a 10 year cycle, there obviously would need to be such scope.*

**4(c) Should we remove supplementary guidance?**

*There should not be two levels of guidance i.e. Supplementary Guidance as part of the Development Plan and non-statutory Planning Guidance. It has led to confusion as the Development Plan now consists of several documents. There should still be a place for non-statutory planning guidance.*

**5. Do you agree that local development plan examinations should be retained?**

*Yes.*

**5(a) Should an early gatecheck be added to the process?**

*The proposals as set out in the consultation paper are not sufficiently developed to allow this question to be answered.*

**5(b) Who should be involved?**

*This is not clear from the proposals as they stand. The key agencies would seem to be an obvious participant. It is not clear that the 'gatecheck' would be held at a time when there would be sufficient detail available to allow community councils/the local community to purposefully engage.*

**5(c) What matters should the gatecheck look at?**

*The 'gatecheck' proposals are confusing. The consultation paper lists a number of*

matters the 'gatecheck' should consider, but also says that the 'gatecheck' should occur ahead of Plan preparation. In reality many of the matters the 'gatecheck' is proposed to consider would only evolve as plan preparation takes place.

**5(d) What matters should be the final examination look at?**

*Issues of significant local interest.*

**5(e) Could professional mediation support the process of allocating land?**

*There would be circumstances where this would enable a community to more fully consider and understand the requirement for housing land, and the opportunities to meet it. This process could also be led by the planning authority if held early enough in the plan preparation process.*

**6. Do you agree that an allocated site in a local development plan should be afforded planning permission in principle?**

*The allocation of a site in a plan should allow a developer to move straight to a detailed application anyway. Affording it planning permission in principle is a nuance with little impact on timescales.*

**7. Do you agree that plans could be strengthened by the following measures:**

**7(a) Setting out the information required to accompany proposed allocations**

Yes

**7(b) Requiring information on the feasibility of the site to be provided**

Yes

**7(c) Increasing requirements for consultation for applications relating to non-allocated sites**

*For major development sites, in addition to neighbour notification developers have to publicise and hold a public consultation event.*

**7(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application**

Yes

**8. Do you agree that stronger delivery programmes could be used to drive delivery of development?**

*Action programmes have been impacted from the outset because of the requirement to have actions associated with every policy. This can reduce focus on delivering development on the ground.*

### **8(a) What should they include?**

*A corporate commitment to deliver the priority developments set out in the plan.*

#### **4.23 PEOPLE MAKE THE SYSTEM WORK**

##### **4.24 Proposal 6: Giving people an opportunity to plan their own place**

4.25 Planning can lead a full and open discussion on the location, scale, pace, and design of change and development but the Scottish Government considers that planners need to do much more than simply consult; it thinks that it is important to create a new right for communities to prepare plans for their own places. It proposes changes to legislation which allow communities to prepare local place plans that set out where development requirements, as defined by the broader local development plan, can be met; and which place a duty on planning authorities to adopt these plans as part of the statutory development plan.

4.26 It would be the community body's responsibility to prepare the plan and make sure that it is generally in line with local and national planning policies and other legislation; that they consult their community and get their approval; and that the plan plays a positive role in delivering development. A mechanism, like a local referendum, would be used to 'sign them off'. Local authorities would then have a duty to adopt the local place plan as part of the local development plan unless they think the plan opposes the wider aims of the local development plan.

4.27 The Scottish Government also believes that Community Planning can help to show where that investment can best be targeted. It recognises that communities vary and they may come up with a range of plans.

4.28 Community councils already have a statutory role in the planning system and the Scottish Government considers that there is value in providing more opportunities for community councils to be involved in preparing local development plans; it is proposed that there be a new duty to consult them in preparing plans. In this, the Scottish Government recognises that it needs to provide support, training and guidance to help make sure community councils realise their full potential to contribute to the planning process.

##### **4.29 Proposal 7: Getting more people involved in planning**

4.30 The Scottish Government is of the view that local authorities and organisations, including community councils, can do more to make sure that a broader cross-section of society becomes involved in planning.

4.31 The Scottish Government considers that plans which are put in place now will decide where and how today's children will live and work in the coming decades. The independent panel recommended that there should be a new right for young people to be consulted on the development plan and they had found little evidence of engagement with young people. The Scottish Government will therefore bring forward proposals that will require planning authorities to consult more widely, including by using methods that are likely to involve children and young people in preparing the development plan. It will encourage planning authorities to work with organisations such as YoungScot, Youth Scotland and the Children's Parliament to develop and expand the use of innovative methods for involving children and young people in planning.

4.32 The Scottish Government would also like to work with other organisations to support planning authorities to work with schools to educate and involve young people in planning. It states that it will show what can be achieved by specifically seeking to involve children and young people in preparing national planning



policies.

4.33 Proposal 8: Improving public trust

4.34 The Scottish Government believes planning authorities can go further to make sure they actively involve people. In preparing a development plan, there is already a requirement to set out how consultation will be undertaken and there is room for improvement.

4.35 Firstly, the Scottish Government propose that community councils and service providers are involved in the preparation of development plan schemes, which will also detail how and when children and young people are to be involved in the development plan process. To reflect the need for shared corporate 'ownership' of the development plan, the development plan scheme should also have the input and authorisation of the local authority convener and chief executive.

4.36 Developments where the existing community have been fully involved from the start can often have a smoother journey through the planning process; the Scottish Government considers that limiting consultation to the current statutory requirements can mean that communities remain frustrated, uninvolved and often disappointed that their views do not appear to have been heard. In turn, this can lead to conflict, undermine positive outcomes and eventually result in substantial costs and delays. It considers that involving people more fully at an early stage is essential. It also wants to look at how the statutory requirements can be improved to encourage everyone to get involved at the earliest stage possible.

4.37 The Scottish Government proposes to improve and clarify the statutory requirements for pre-application consultation for major and national developments, this may require developers to hold more than one public meeting and strengthen requirements for community involvement in the case of development sites which have not been allocated in the development plan.

4.38 The independent panel reported that repeat applications can cause concern and undermine trust that views are being listened to. The Scottish Government proposes to remove the applicant's right to submit a revised or repeat application at no cost if an application is refused, withdrawn, or an appeal is dismissed. Requiring a fee for all applications for planning permission is proposed to encourage a 'right first time' approach.

4.39 The Scottish Government will also substantially increase fees for retrospective planning permission, as it considers that people lose confidence in the system where unauthorised development is undertaken whilst the vast majority respect due process.

4.40 The integrity of the development management process depends on the ability of planning authorities to take effective enforcement action where necessary. Public trust can be undermined where unauthorised development, which is unacceptable in planning terms, is allowed to go ahead. The Scottish Government acknowledges that the overwhelming majority of enforcement cases are resolved informally and flexibly with much unrecorded in national data; it believes that there is scope to further improve how planning enforcement works and proposes to make it easier for planning authorities to recover costs associated with taking enforcement action and to substantially increase the financial penalties for breaches of planning control.

4.41 Proposal 9: Keeping decisions local – rights of appeal

4.42 There have been calls for planning reform to introduce a third party right of appeal. The Scottish Government believes that this would work against early, worthwhile and continuous engagement and will encourage people to intervene

only at the end of the process. The Scottish Government supports the view of the independent panel and does not propose a new right of appeal for third parties to challenge development decisions.

- 4.43 It is important that applicants have recourse to a review of a decision on a planning application. The Scottish Government believes there is scope to build on this move towards greater local responsibility by expanding the range of planning applications which are subject to local review, and making provision for a wider range of other consents to be delegated. This would allow decisions on applications to be reviewed by the local review body, rather than appealed to Scottish Ministers.
- 4.44 If fewer appeals are determined centrally, this would allow Ministers to make more decisions themselves, rather than delegating most decisions to reporters. The Scottish Government would welcome views on whether this would help to ensure there is democratic accountability at all levels. Indeed, the Scottish Government advises that it realises that the success of this change depends on the ability of the decision makers to make sound decisions and are therefore also proposing training for all local elected members who are involved in a planning committee or a local review body and would welcome views on whether they should be tested on completion of training.
- 4.45 The appeal process can add significant administrative cost and can involve all parties in further delay. The Scottish Government proposes to introduce a fee both for appeals to Ministers and for a review of a planning decision by the planning authority.
- 4.46 The Scottish Government recognises the distinctiveness of all communities. As part of this it is aware that a well-functioning planning system is vital for the business activities of Scotland's farmers and rural communities. It will be examining a number of planning issues, which could potentially contribute to the development of economic activity in rural Scotland. It will also be examining what measures need to be taken to increase the supply of affordable housing available for retiring tenant farmers.

4.47 **PEOPLE MAKE THE SYSTEM WORK CONSULTATION QUESTIONS:**

**KEY QUESTION**

***Do you agree that our proposed package of reforms will increase community involvement in planning?***

*No. The same interested groups and individuals will participate. People only tend to become involved if something directly affects them.*

**OPTIONAL TECHNICAL QUESTIONS**

***9. Should communities be given an opportunity to prepare their own local place plans?***

*There are considerable practical concerns; the process for ensuring that such plans have the support of the majority of the affected community needs careful consideration and ensuring communities are resourced and knowledgeable enough to prepare the plans is essential. Communities will need to be made aware of the implications of not having an up-to-date plan. There will also need to be procedures in place for situations when separate community bodies want to prepare a plan for the same area.*

***9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?***

Yes.

**9(b) Does Figure 1 cover all of the relevant considerations?**

*It sets out some early thoughts on this issue only. It would require much more consideration by community body representatives and local authorities before legislation and guidance could be finalised. The thinking on 'gatechecking' and the consistency of the local place plan and local development plan is not yet clear.*

**10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?**

Yes.

**10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?**

Yes.

**11. How can we ensure more people are involved?**

**11(a) Should planning authorities be required to use methods to support children and young people in planning?**

*Inverclyde Council welcomes contributions from all members of the community, and it should be acknowledged that personal interests change and evolve as impacts on lifestyles are recognised. The Council welcomes as many of these perspectives in the planning process, including children and young people.*

**12. Should requirements for pre-application consultation with communities be enhanced?**

*There is nothing to suggest that in Inverclyde the current PAC arrangements have not worked.*

**12(a) What would be the most effective means of improving this part of the process?**

N/A

**12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?**

None.

**12(c) Are the circumstances in which PAC is required still appropriate?**

*If an applicant wishes to ensure that a large scale development will succeed, then PAC, be it statutory or otherwise is essential. PAC has always been part of the planning application process.*

**12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?**

Yes.

**13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?**

*No. The current provision offers encouragement to applicants to withdraw applications which are inappropriate or need revision. This leaves the public in no*

doubt of the status of the application, and gives the applicant the chance to reconsider and improve proposals the second time around with a clear neighbour notification requirement. By withdrawing this option, authorities are more likely to be faced with more confusing applications as several amendments are made. This can be similarly confusing for the public. This may also lead to more refusals and appeals/decision reviews as there is nothing to be gained by withdrawing an application.

**14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?**

Yes. However there also needs to be improved liaison with procurators fiscal.

**15. Should current appeal and review arrangements be revised:**

**15(a) for more decisions to be made by local review bodies?**

Yes.

**15(b) to introduce fees for appeals and reviews?**

Yes. This should be acknowledged as a different process and it may encourage developers to be more flexible in development negotiation.

**15(c) for training of elected members involved in a planning committee or local review body to be mandatory?**

Yes.

**15(d) Do you agree that Ministers, rather than reporters, should make decisions more often?**

No. The current system at local authority level expects more delegation to officers and this should be replicated at Scottish Government level.

**16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?**

No comment.

**4.48 BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE**

4.49 The Scottish Government states that more must be done to support the delivery of the homes that people need; this is a high priority. Planning can assist by ensuring enough land is available for development and by actively enabling development.

**4.50 Proposal 10: Being clear about how much housing land is required**

4.51 The Scottish Government believes that there is a need to change the way housing is planned; there is too great a focus on debating precise numbers rather than delivering development and creating good quality places to live. It wants to introduce a more strategic and aspirational approach to establishing the number of homes required at a higher level and believes that by agreeing the amount of land required for housing much earlier in the plan preparation process, planning and housing authorities, developers and communities can move forward and focus on delivery.

- 4.52 The independent panel called for housing targets to be set nationally. To support this, the Scottish Government agrees that the National Planning Framework should be clear on aspirations for housing delivery, and for these to be used to guide and inform the way housing is planned for at the local level.
- 4.53 The independent panel recommended that the links between local authority housing strategies and local development plans are strengthened. The Scottish Government considers that several changes could be explored further: the Housing Need and Demand Assessment tool can be used to quickly derive housing estimates under a range of scenarios and these estimates could be produced on the basis of agreed policy assumptions so that the National Planning Framework provides a strategic steer on national and regional aspirations. The Scottish Government may also examine providing more support to local authorities and certainty to developers by 'signing off' the number of homes that are needed at an early stage in the production of local development plans. The Scottish Government also considers that there is scope for improving monitoring of housing land availability, including by making audit information more transparent through publication of a housing sites register online.
- 4.54 Proposal 11: Closing the gap between planning consent and delivery of homes
- 4.55 To further support housing delivery, the Scottish Government considers planning needs to play a different role in delivering good quality homes in the right locations; more attention needs to be given to delivery, including place making principles and planners should be pro-actively involved in securing development on the ground rather than reacting to proposals. Planning authorities should work with others to secure commitments to housing delivery from all relevant parties and need to be clear on infrastructure requirements, their cost and how they will be financed.
- 4.56 The Scottish Government considers that a stronger focus on the local development plan delivery programme can go some way towards improving the capacity of planning authorities to make informed decisions when allocating land for housing in the plan and granting permission. Land allocated in development plans needs to be supported by evidence that it can be developed. The Scottish Government proposes requiring that all major applications for housing are accompanied by information on the development viability.
- 4.57 The Scottish Government is of the view that if a site does not progress as predicted in the local development plan delivery programme or if there is insufficient evidence that an application is deliverable, a range of tools are already available to planning authorities so that they can manage the situation; it is suggested that by using existing land assembly powers, local authorities can enable development themselves, remove the allocation from the plan or bring forward alternative sites instead.
- 4.58 Rather than allocating land and waiting for development to commence, planning authorities should actively seek out new ways of delivering development where progress is slow. The Scottish Government is determined to see more land across Scotland in community ownership and has set a target of reaching one million acres by 2020. Overall it proposes legislation and policy which allows for the compulsory acquisition and purchase of legal interests in land and property for the public benefit.
- 4.59 The responsibility for delivery should be shared, not just by local authorities and agencies but also by those who have control of the land. Ministers are committed to consult on whether a development land tax approach could help to tackle the issues associated with sites being held in the hope of improved market conditions. Such an approach would require sites to be released or a tax paid.

4.60 Proposal 12: Releasing more 'development ready' land for housing

4.61 The Scottish Government believes that longer-term planning, supported by zoning for housing, could help to achieve this. It believes greater use of Simplified Planning Zones (rebranded as 'Ready Planned' or 'Consented Development' zones) for housing can be made, allowing development to go ahead without the need for an application for planning permission if in line with a clear and agreed scheme. An alternative approach could be for the local authority to put in place a general consent for key sites or areas they want to promote for development.

4.62 Proposal 13: Embedding an infrastructure first approach

4.63 The Scottish Government agrees with the independent panel that infrastructure is the most significant challenge for planning; an infrastructure first approach to development should ensure that existing infrastructure capacity is properly understood and can help to identify where additional investment should be prioritised to enable future development.

4.64 The independent panel proposed that a national infrastructure agency or working group be set up to better co-ordinate infrastructure delivery. The Scottish Government view is that this is not the right time to create a new, additional infrastructure agency at a national level; instead, to support its commitment to delivering 50,000 affordable homes this Parliamentary term and to address failings in the delivery of market housing, it proposes establishing a national infrastructure and development delivery group.

4.65 Strong co-ordination in infrastructure planning and investment at a regional scale is particularly relevant to planning and delivering development. The proposals to replace strategic development plans with regional partnership working is seen as empowering planners to advise on spatial priorities for infrastructure investment. At this scale, the infrastructure first approach would be supported where partnerships provide fuller and more reliable evidence for strategic decisions about investment. This could be achieved by a regional audit of infrastructure capacity which brings together, for example transport, schools, healthcare facilities, water, flooding, drainage, sewerage, energy, telecommunications, digital and green networks.

4.66 Proposal 14: Creating a fairer and more transparent approach to funding infrastructure

4.67 The Scottish Government agrees with the independent panel that existing arrangements focusing on the use of Section 75 planning obligations need to be altered; it will consider changes to clarify the scope of current provisions. Current legislation allows those who enter into planning obligations to apply to modify or discharge the agreement, regardless of how recently these have been entered into and how fundamental these have been to supporting development delivery. There is increasing uncertainty about whether commitments to providing infrastructure will come forward in the longer term. It is proposed to restrict the ability to modify and discharge terms so that commitments made when planning permission is granted are respected by those who entered into the obligation or who acquire the land.

4.68 Improvements to practice in Section 75 obligations will not fully close a gap in infrastructure funding which has emerged following the 2008 recession. In addition, it will not tackle challenges in securing collective contributions for strategic infrastructure. The Scottish Government has considered how a new charge mechanism could be developed which takes into account market differences across the country as this will affect the viability of securing or recouping infrastructure costs. It proposes that the charge be applied to most

development types and the income collected locally. The fund will not replace national level infrastructure investment and it will not replace site specific contributions which are needed to mitigate the impacts of individual developments not covered by the levy and secured through Section 75 planning obligations or other methods.

4.69 Proposal 15: Innovative infrastructure planning

4.70 The Scottish Government is exploring wider opportunities for innovative infrastructure planning.

4.71 An expert group has considered the issues around funding and delivering new schools. Transport Scotland has begun a review of the National Transport Strategy. The Scottish Government has confirmed that a review of the Strategic Transport Projects Review will be closely aligned with the review of National Planning Framework 3. Green infrastructure also provides economic benefits, for example estimates value the benefits of the Central Scotland Green Network national development at around £6 billion over the 35 years to 2050. This should continue to be a key placemaking priority within development planning. The forthcoming consultations on the draft Energy Strategy will raise opportunities to plan strategically in locating new low carbon energy infrastructure and to target a roll out of energy efficiency measures. These will need to be considered by planning in the context of an infrastructure first approach to development.

4.72 The Climate Change (Scotland) Act 2009 introduced a specific requirement for development plan policies to require new developments to install and operate low and zero-carbon generating technologies. An independent study recently found no evidence that there is any added value from this requirement – instead, building standards are driving down emissions. Whilst planning needs to be firmly committed to the principles of climate change the Scottish Government is seeking to streamline procedures that have not demonstrated added value.

4.73 The Scottish Government is also liaising with the Digital Directorate to ensure that any proposals for change support wider government ambitions on digital connectivity (broadband and mobile coverage). Opportunities include extending permitted development rights and continuing to provide strong planning policy support for the development of infrastructure networks.

4.74 **BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE CONSULTATION QUESTIONS**

**KEY QUESTION**

***Will these proposals help to deliver more homes and the infrastructure we need?***

***Please explain your answer.***

*Possibly not. While attempts to support the development of infrastructure as an aid to development are laudable and will, in some instances, succeed there is nothing to discourage the wider housing market from continuing to self-regulate the supply of building.*

**OPTIONAL TECHNICAL QUESTIONS**

***17. Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?***

*There will also be a debate between housebuilders and local authority planners regarding housing numbers irrespective of whether numbers are produced nationally, regionally or locally. Moving the debate closer to the beginning of the process would allow local development plans to focus on spatial issues and*

placemaking. It would not guarantee agreement and would distance communities from the housing numbers process which, although complex, they should not be excluded from.

**18. Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?**

Yes.

**19. Do you agree that planning can help to diversify the ways we deliver homes?**

**19(a) What practical tools can be used to achieve this?**

This paper has made several suggestions as to how this could be done; it is considered doubtful if they will make any significant difference.

**20. What are your views on greater use of zoning to support housing delivery?**

It is not clear that this would lead to speedier delivery; land identification in local development plans and masterplans have not necessarily done so, so why should zoning? For example, planning authorities could develop schemes for areas for which no proposals are subsequently brought forward, and it could simply move the debate from being about the application scheme to the SPZ scheme.

**20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?**

Any process for the introduction of an SPZ will be likely to require an assessment of infrastructure constraints, public consultation and the development of a range of conditions applicable to any development. This in reality is no different to how a planning application would be considered.

**20(b) What needs to be done to help resource them?**

On the basis of the response to question 20(a), a development fee in line with the planning application fee.

**21. Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?**

If linked with regional partnership working.

**22. Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?**

Yes.

**22(a) What actions or duties at this scale would help?**

A regional audit of infrastructure capacity which brings together transport, schools, healthcare facilities, water, flooding, drainage, sewerage, energy, telecommunications, digital and green networks.

**23. Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?**



Yes.

**24. Do you agree that future legislation should include new powers for an infrastructure levy?**

*Only as an alternative to Section 75 agreements.*

**If so,  
24(a) at what scale should it be applied?**

*As specified at a local level in Local Development Plans.*

**24(b) to what type of development should it apply?**

*As specified at a local level in Local Development Plans.*

**24(c) who should be responsible for administering it?**

*The Local Authority linking to the release of planning permission.*

**24(d) what type of infrastructure should it be used for?**

*Transport, schools, healthcare facilities, water, flooding, drainage, sewerage, energy, telecommunications, digital and green networks.*

**24(e) If not, please explain why.**

*n/a*

**25. Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?**

*Yes, this is a building standards matter.*

**4.75 STRONGER LEADERSHIP AND SMARTER RESOURCING**

4.76 The Scottish Government states that good quality development and efficient service need to be the norm. It wants planning to re-establish itself as a visionary profession, rather than the micro-management of the built environment. It is necessary to avoid planning activities that do not add value and focus on how cost effective the planning service is.

**4.77 Proposal 16: Developing skills to deliver outcomes**

4.78 The Scottish Government considers that planning can be recognised as a positive force for change. By gaining a wider, place-based perspective, the valuable role that planning plays in ensuring that the public good is considered in decisions about the future of our places will be better understood and valued. Planning can provide a long-term perspective, and is therefore particularly well placed to tackle important issues such as development delivery, health, inclusion, environmental quality and climate change. Planning needs to better articulate the value that it can contribute to society.

4.79 The capacity and resilience of the planning profession in Scotland as a whole needs to be considered in view of the recommendations set out. The Scottish Government considers that there may be a significant need for further training. The immediate priorities include: leadership; project management; mediation and brokerage; development finance and economics; viability; costing and funding solutions; working with communities; and creativity and innovation.

- 4.80 The emphasis is on efficiency. Not every authority can be expected to have skills in every area. There are some challenges – mainly resources, however the Scottish Government considers much can be done to help authorities to help one another.
- 4.81 The Scottish Government is of the view that it is also essential that the planning profession looks to other built environment professionals. The profession should continue to work with the Royal Town Planning Institute, Royal Institution of Chartered Surveyors, Royal Incorporation of Architects in Scotland, Institution of Civil Engineers, the Chartered Institute of Housing and others to lead collaborative approaches to improving places and delivering development.
- 4.82 Proposal 17: Investing in a better service
- 4.83 The Scottish Government has been cautious about increasing fees, conscious of the need to align resourcing with performance improvement; it is, however, aware that the maximum planning fee in Scotland is currently less than 10% of that in England, Wales and Northern Ireland and that the overall cost of processing planning applications in planning authorities is not currently covered by the application fee for most categories of development. This is not a sustainable approach to resourcing a system that needs to be focused on quality and efficiency.
- 4.84 Development management is currently subsidised by other local authority service areas. Other organisations, including agencies and the Government's planning functions, are not funded under current arrangements and the Scottish Government is of the view that it helps to support the effectiveness of the service. The Scottish Government considers that the system should be prepared to move towards full cost recovery that extends beyond the day-to-day business of processing applications in development management teams and into wider areas including pre-application discussion, statutory consultees, central government support from brokerage to ePlanning and subsequent approvals of matters such as planning conditions. The Scottish Government considers that this is not simply about increasing revenue as the performance of the planning system needs to be at the centre of any changes.
- 4.85 It will therefore bring forward further proposals for changes to current resourcing arrangements which are more flexible to more closely align the costs to applicants with the service provided. A consultation on how this will be done will include proposals for a revised maximum fee, higher fees for retrospective planning applications and for applications relating to sites not supported by the adopted local development plan, charging for appeals and reviews of decisions, agencies having the ability to charge for services, discretionary charging, including for pre-application discussions, discretionary charging for establishing Simplified Planning Zones, removing the developer's right to submit a revised or repeat application at no cost, removing provisions for recovering advertising costs and including these within a revised planning fee, arrangements for funding of relevant central government functions such as front line service delivery in the eDevelopment programme and other elements supporting operation of the planning service in Scotland provided by the Planning and Architecture Division, improving clarity and ensuring the fees structure is proportionate and reflects the types of development, and enhanced service standards or fast tracked applications where a higher fee is paid and accompanied by a processing agreement. The aim is to fully recover the costs of the development management process and those other parts of public services that directly support it.
- 4.86 In recognition of the diversity of the planning service across Scotland, the Scottish Government will look at the extent to which authorities can opt out of charging fees where they believe this will support wider objectives, such as regeneration and reversing depopulation.

4.87 Proposal 18: A new approach to improving performance

4.88 The Scottish Government considers that higher fees must be accompanied by what it describes as a much improved service. It informs that whilst planning authorities' performance has improved in recent years, it fully understands the concerns of the development industry that fee increases need to be accompanied by strong performance in every authority. The Scottish Government has a High Level Group to support improving performance and will continue to pursue delivery of an improved performance agenda, but it is the planning authorities' responsibility to improve their own performance.

4.89 The Scottish Government thinks the time is right to improve the Planning Performance Framework monitoring system and suggest that Heads of Planning Scotland lead further consideration of the following improvements: a stronger focus on customers' experience of the planning service within service improvement plans; '360 degree' feedback from service users for all authorities in Scotland, continued support from the Improvement Service, improved peer review, and a national performance co-ordinator who champions improvement across all planning authorities and leads the sharing of expertise and experience. The Scottish Government will also explore the scope for measuring performance on the basis of the quality of places and will commission research to explore the scope to develop a practical plan to achieve this.

4.90 The Scottish Government advises that proposals to increase resourcing must be accompanied by a stronger assurance that performance will improve to a high standard in every authority. Whilst it has no current plans to implement the penalty clause in the Regulatory Reform Act, it has no plans to remove it and believes it remains essential to have this option in place as an assurance that action can be taken where it is demonstrated that performance is consistently poor and actions are not being taken to improve.

4.91 Proposal 19: Making better use of resources: efficient decision making

4.92 The Scottish Government wants to simplify, streamline and clarify procedures so that planners can focus on activities that add most value. It considers that there is scope to increase permitted development rights by removing certain applications from the system: digital telecommunications infrastructure; development which helps to meet wider commitment to reducing emissions that cause climate change including different types of microgeneration equipment, installations supporting renewable heat networks, cycle networks, parking and storage, and facilities to support low carbon and electric vehicles; development which supports the farming sector including polytunnels and changes of use from agricultural buildings to housing; allotments and community growing schemes; changes to the use of premises within town centres to stimulate vitality; and elements of development within the aquaculture sector.

4.93 The Scottish Government considers that a more consistent approach to setting requirements for the validation of planning applications should help to overcome some of the delays and time spent on casework. In addition, it will strengthen planning advice to clarify the grounds upon which an application can be refused where the applicant has not provided the information required to reach a decision. It will also commission research on aligning consents procedures focusing on scope to bring together the handling of applications which are administered by local authorities.

4.94 The Scottish Government also believes there is scope to simplify and clarify procedures for approving the detail of proposals that are granted planning permission in principle. It would also like to hear views on whether there is scope to make requirements for pre-determination hearings and determination of applications by 'full council' more flexible.

4.95 Proposal 20: Innovation, designing for the future and the digital transformation of the planning service

4.96 The eDevelopment programme has led to the use of online applications and redesigning business practices around the user needs. The Scottish Government will continue to explore and promote new visualisation technology; it will appoint a digital task force to look at opportunities to develop and integrate new information technology solutions in support of the continued digital transformation and expects the task force will explore a range of opportunities including data sharing, mobile technology, the use of drones, and expanding online applications to wider development-related consenting regimes.

4.97 **STRONGER LEADERSHIP AND SMARTER RESOURCING CONSULTATION QUESTIONS:**

**KEY QUESTION**

**Do you agree the measures set out here will improve the way that the planning service is resourced?**

*Any proposal to increase investment and fine tune legislation to improve process has the potential to improve the overall resource picture.*

**OPTIONAL TECHNICAL QUESTIONS**

**26. What measures can we take to improve leadership of the Scottish planning profession?**

*No comment.*

**27. What are the priorities for developing skills in the planning profession?**

*The Royal Town Planning Institute requires all members to be fully competent and to comply with its Continuing Professional Development requirements. The planning profession has the full range of skills available and it is about fitting those planners with the appropriate skills into the appropriate roles.*

**28. Are there ways in which we can support stronger multidisciplinary working between built environment professions?**

*Planners in local authorities spend their career enabling – gathering together the views and issues demonstrated by the public and the range of service/infrastructure providers and balancing these against the expectations of developers, constantly seeking compromise and the maximum common ground to facilitate development in the wider public interest.*

**29. How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?**

*The role of the Government should be clear; provide a legislative framework that allows all participants to recognise its value, and for the Government itself to review the legislative framework when considering the performance of participants.*

**30. Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?**

*Yes. This is what local authority planners do on a daily basis; seeking to understand what works, what does not work, and how places should react to changing social demands.*

**30(a) Do you have any ideas on how this could be achieved?**

No.

**31. Do you have any comments on our early proposals for restructuring of planning fees?**

*Certain elements merit further consideration: a revised maximum fee, higher fees for retrospective planning applications and for applications relating to sites not supported by the adopted local development plan, charging for appeals and reviews of decisions, discretionary charging for establishing Simplified Planning Zones. Others are not welcomed: removing provisions for recovering advertising costs, agencies having the ability to charge for services, discretionary charging including for pre-application discussions.*

*Regarding cost recovery of the system, the vast majority of customers when submitting a planning application only engage with the local authority. Direct applicant contact with anyone other than the local authority is almost non-existent. It is inappropriate to increase fees to facilitate non-local authority planning functions. It is inappropriate to allocate a portion of fees paid by customers to the Planning and Architecture Division as it is most unlikely to contribute directly to the processing of their application.*

**32. What types of development would be suitable for extended permitted development rights?**

*Further independent research is required for an assessment of this.*

**33. What targeted improvements should be made to further simplify and clarify development management procedures?**

*The proposed changes are noted. Inverclyde Council does not support the removal of the requirement for planning permission in relation to digital telecommunications infrastructure, installations supporting renewable heat networks, cycle networks, parking and storage, polytunnels, changes of use from agricultural buildings to housing, and changes to the use of premises within town centres*

*Subject to consideration of detailed proposals, there is support for relaxations to control over allotments and community growing schemes, facilities to support low carbon and electric vehicles, and elements of development within the aquaculture sector.*

**33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?**

*No. In the interests of effective planning, permission should remain valid for a set period after which it lapses unless reapplied for.*

**33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?**

*It is not clear why the current procedures need to be changed.*

**33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?**

*None.*

**33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?**

**33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?**

*The current arrangements present no difficulties to Inverclyde Council.*

**34. What scope is there for digitally enabling the transformation of the planning service around the user need?**

*No comments.*

## **5.0 IMPLICATIONS**

### **Finance**

- 5.1 The detailed implications of the review shall be the subject of further detailed consultation. This will be the subject of a further report(s).

#### Financial Implications

##### One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
N/A	N/A	N/A	N/A	N/A	N/A

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With effect from	Annual Net Impact	Virement From	Other Comments
Development, Quality and Control	Income	1 April 2017	Nil	N/A	N/A
Planning Admin	Income	1 April 2017	Nil	N/A	N/A

### **Legal**

- 5.2 There are no direct legal implications arising from this report.

### **Human Resources**

- 5.3 The detailed implications of the review shall be the subject of further detailed consultation. This will be the subject of a further report(s).

## **Equalities**

- 5.4 There are no direct equalities implications arising from this report. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy.

## **Repopulation**

- 5.5 There are no direct repopulation implications arising from this report.

## **6.0 CONSULTATION**

- 6.1 Consultation has been carried out with the Chief Financial Officer, the Head of Legal and Property Services and the Head of Organisational Development, Human Resources and Communications. No adverse comments have been received.

## **7.0 LIST OF BACKGROUND PAPERS**

- 7.1 Scottish Government Consultation – Places, people and planning: A consultation on the future of the Scottish planning system.