

**Places, People and Planning Consultation:
A Consultation on the future of the Scottish Planning System**

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A PARTIAL SUMMARY

Planning and Architecture Division - The Scottish Government

‘Places, People and Planning: a consultation on the future of the Scottish Planning System’

Page 4/02 Foreword

Scotland needs a great planning system.

Planning has a key role to play in delivering Scotland's Economic Strategy.

Planning should not be bureaucratic and dull...it should be dynamic, focused on outcomes, inherently efficient and effective.

Much can be done within the existing planning system through culture change and improvements to existing practices. We can also make some targeted changes to our planning legislation.

The independent panel who reviewed the system ..set out clear recommendations for change... in May 2016. Kevin Stewart MSP

****Comment – nothing about the relationship between the built and natural environments – towns and country.**

****Is this just aspirational spin or is there any real substance?**

Page 5/03 Our proposals for change

Our people need a planning system that helps to improve their lives by making better places and supporting the delivery of good quality homes. Our proposals have been developed in response to the independent review of the planning system which was published in May 2016. We believe that there should be four key areas of change:

- **Making plans for the future.** SG wants Scotland's planning system to lead and inspire change by making clear plans for the future. To achieve this, SG can simplify and strengthen development planning. ****Agree with simplification and strengthening development planning.**
- **People make the system work.** SG wants Scotland's planning system to empower people to have more influence on the future of their places. To achieve this, SG can improve the way it involves people in the planning process. ****How? We need a system that levels the playing field, takes proper account of the views of communities, and includes an inexpensive Equal Right of Appeal.**
- **Building more homes and delivering infrastructure.** SG want Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest. To achieve this, planning can actively enable and co-ordinate development. ****It is the function of planning to co-ordinate all different community needs in an integrated manner.**
- **Stronger leadership and smarter resourcing.** SG want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. To achieve this, SG can remove processes that do not add value, and strengthen leadership, resources and skills. ****Reducing the number of suitably qualified planning officers removes an essential resource, leads to weak leadership and does not represent 'smart resourcing'.**

Page 6/04 Key Changes

- 1 **Aligning community planning and spatial planning.** Development plans could take account of wider community planning and could be supported through future guidance.
****There is no definition of what Community Planning is.**
- 2 **Regional partnership working.** Remove strategic development plans from the system so that strategic planners can support more proactive regional partnership working.
****This looks like taking planning control to a higher more centralised level – i.e., farther away from communities.**
- 3 **Improving national spatial planning and policy.** The National Planning Framework (NPF) could be developed to reflect regional priorities more. National planning policies could be used to make local development planning simpler and more consistent.
****This appears to confirm an intention to centralise planning decisions.**
- 4 **Stronger local development plans.** The plan period should be extended to 10 years, and 'main issues reports' and supplementary guidance should be removed to make plans more accessible for people. A new 'gatecheck' would help to improve plan examinations by dealing with significant issues at an earlier stage.

*****No objection to 10-year plans. If removal of MIRs and Supplementary Guidance simplifies access to development plans, that would be welcome. The 'gatecheck' proposal (involving the DPEA at an early stage) would have to allow communities as much access to proposed plans as would be allowed to interested parties – governmental and developers. This may simply shift the heavy burden of plan appraisal to the front end without any noticeable difference in the amount of work involved.***

5 **Making plans that deliver.** SG could strengthen the commitment that comes from allocating development land in the plan, and improve the use of delivery programmes to help ensure that planned development happens on the ground.

*****This might reduce land banking but there would also be a need to prevent profiteering from the disposal of land that has acquired planning permission at inflated prices.***

People Make the System Work – Power to the People

6 **Giving people an opportunity to plan their own place.** Communities should be given a new right to come together and prepare local place plans. These plans should form part of the statutory local development plan.

*****Sounds great – but where is the expertise going to come from to deal with this? Better that communities work with the expertise that exists in Local Authority planning departments to create local place plans. This could be a massive load on communities that don't really know what they want – and who takes responsibility and pays for all the work/consultants that will be needed?***

7 **Getting more people involved in planning.** A wider range of people should be encouraged and inspired to get involved in planning. In particular, SG would like to introduce measures that enable children and young people to have a stronger voice in decisions about the future of their places.

*****There can be no objection to 'children and young people' being made aware of planning matters at school level. But as planning and architecture qualifications take years to acquire after school days are over, it is not clear what this proposal could achieve. It is doubtful if children and young people would have sufficient knowledge and expertise to offer a meaningful contribution though there could be a place for them at community council level. Would they have voting rights? Would this mean that there would be less need for qualified planners?!***

8 **Improving public trust.** Pre-application consultation could be improved, and there should be greater community involvement where proposals are not supported in the development plan. SG also propose to discourage repeat applications and improving planning enforcement.

*****Currently pre-application consultation information (PANS) available online is inadequate and the details provided when they are displayed seem designed to acquire public comments that are used simply to show that the proposal has been advertised – though not necessarily where people want to see them or can see them. PANs tend to be confusing as people see them as planning applications, which they are not, and once they have written their comments, they may not submit comments relating to the actual planning application when it later appears. Perhaps PAN comments should be taken as support/objection for the subsequent planning application and submitted to the LA. Alternatively, it may be preferable to revert to Outline Planning Consent that may represent a first stage in applying for Full Planning Permission but in itself would not be accepted as tacit approval of the scheme. That way, much more detail could be seen at an earlier stage.***

*****I agree that a repeat application, or an application that was substantially similar to one previously submitted (within say a period of not less than 5 years, not taking account of a change in the Local Plan) should not be permitted.***

9 **Keeping decisions local – rights of appeal.** Scottish Government believes that more review decisions should be made by local authorities rather than centrally. SG also want to ensure that the system is sufficiently flexible to reflect the distinctive challenges and opportunities in different parts of Scotland.

*****It appears the SG is afraid of the consequences of allowing an Equal Right of Appeal. The evidence from Southern Ireland is that it can be made to work relatively inexpensively and produces a more acceptable response than the DPEA system. The DPEA system, while improved by being less formal than a full blown Inquiry, still involves a great deal of work for inexperienced parties. I do not believe Local authorities are the appropriate parties to make local decisions as many of them will have had some involvement with the promoter of a scheme – but a tripartite arrangement where a DPEA reporter makes the decision in consultation with a local councillor and a knowledgeable person drawn from the community would be a better arrangement than we presently have where a reporter makes a decision that can fly in the face of what local people want. This would help even out decisions that seem to the affected communities to have been biased against strongly felt local opinion. It would also help to***

reduce the scope for a reporter to go off piste and alienate a large number of people by the application of legal rules that bear no relationship to how people actually feel.

Page 7/05 Building More Homes and Delivering Infrastructure

SG proposes -

10 **Being clear about how much housing land is required.** Planning should take a more strategic view of the land required for housing development. Clearer national and regional aspirations for new homes are proposed to support this.

*****This is a step in the right direction but it should also take account the amount of usable land required to provide for food security and flood control systems. There is also a tendency for housing land to be assessed on 25/30 houses/hectare instead of recognising that houses can be stacked vertically as well.***

11 **Closing the gap between planning consent and delivery of homes.** SG wants planning authorities to take more steps to actively help deliver development. Land reform could help to achieve this.

*****It's not planning authorities that are the problem – the problem lies with developers/landowners who having obtained permission and sit on the land while its value rises. It's not clear how land reform could help achieve the objective unless LAs are given powers of compulsory purchase – for example, if a developer fails to commence work within 3 years and complete within 10.***

12 **Releasing more 'development ready' land.** Plans should take a more strategic and flexible approach to identifying land for housing. Consents could be put in place for zoned housing land through greater use of Simplified Planning Zones.

*****Too much bias towards provision of land for housing will result in a lack of land in the right places to reduce travel distances between homes, workplaces, shopping and recreation areas. Local Authorities could do much to promote 'development ready' brownfield sites that will already have an existing infrastructure – roads, services, schools, shopping, public transport arrangements. I am not convinced that Simplified Planning Zones are a good concept as they imply that the necessary checks and balances may not been applied.***

13 **Embedding an infrastructure first approach.** There is a need for better co-ordination of infrastructure planning at a national and regional level. This will require a stronger commitment to delivering development from all infrastructure providers.

*****Agreed – the Scottish Government should fund this.***

14 **A more transparent approach to funding infrastructure.** SG believes that introducing powers for a new local levy to raise additional finance for infrastructure would be fairer and more effective. Improvements can also be made to Section 75 obligations.

*****As infrastructure eventually has to be paid for by the end user (through purchase cost or taxes), a local levy seems an inappropriate mechanism that could lead to some areas being better provided for than others. Taxation should generally be universal, not localised. SG/LA should provide the infrastructure to the extremity of a site from which point the developer would pay.***

15 **Innovative infrastructure planning.** Infrastructure planning needs to look ahead so that it can deliver low carbon solutions, new digital technologies and the facilities that communities need.

*****Agreed – but development has to be integrated to minimise the need for travel.***

Stronger Leadership and Smarter Resourcing

SG want to reduce bureaucracy and improve resources.

*****Agreed as desirable – but how can this be achieved while ensuring quality responses?***

16 **Developing skills to deliver outcomes.** SG will work with the profession to improve and broaden skills.

*****Explanation needed as more than one profession will be involved.***

17 **Investing in a better service.** There is a need to increase planning fees to ensure the planning service is better resourced.

*****Agreed – this could be used to deal with applications that are withdrawn after they have been commented on by the public only to be resubmitted in much the same form. It could also be used to discourage resubmissions of substantially the same proposals within a five year period. Time sheets should be kept to show how much time is spent on major applications with additional fees being sought should dealing with an application exceed a certain number of hours. Time sheets should also be kept for applications that have gone to appeal having been refused by the LA so that if rejected by DPEA, then the LA knows what expenses it can recover from the proposer. Currently the community pays these costs – they should be paid for by the proposer beyond a trigger point.***

18 **A new approach to improving performance.** SG will continue work to strengthen the way in which performance is monitored, reported and improved.

*****Not clear what this means but it should not be target setting to enable applications that have not included full details to be passed.***

19 **Making better use of resources – efficient decision making.** SG would remove the need for planning consent from a wider range of developments. Targeted changes to development management will help to ensure decisions are made more quickly and more transparently.

*****Clarification needed on the scope of this proposal. For example, large road signs and street furniture for telephone masts and associated equipment have a habit of being approved without consideration of the impact on the environment. Is it proposed to extend this undesirable practice?***

20 **Innovation, designing for the future and the digital transformation of the planning service.** There are many opportunities to make planning work better through the use of information technology. The planning service should continue to pioneer the digital transformation of public services.

*****Digital technology has its place but it is not accessible to all members of the public and experience shows that it can be inaccessible for protracted periods. Access to hard copy must always be available.***

01 Making Plans For The Future

[Proposal 1](#)

Aligning community planning and spatial planning

[Proposal 2](#)

Regional partnership working

[Proposal 3](#)

Improving national spatial planning and policy

[Proposal 4](#)

Stronger local development plans

[Proposal 5](#)

Making plans that deliver

1.1 **Development plans should provide a clear vision of how a place can grow and flourish.**

They should be of interest to everyone and inspire the confidence of communities and investors alike.

1.2 **Plans should show where development will happen, and how our places may change.**

They should help us to design and deliver places where people can move around easily and access the homes, services, facilities, education and employment they need. They should set out a vision for places which are low carbon and resilient to the future impacts of climate change.

*****No issues with this statement. To achieve this effectively, the links between the activities need to be short.***

1.3 **At present development plans are often complex, focused on technical written policies and restricted by procedures,** rather than being inspirational and creating confidence. It can be

difficult for people to understand what change is proposed, why it is needed, and where, how and when it will happen. Developers and investors also need to have confidence in a plan. While there are examples of good practice around the country, there is also often frustration with the process required to prepare them. At present, many plans are considered to be out of date by the time they are adopted – we need plans that can keep pace with the way that society works today.

*****No issues with the general description. The out-of-date argument tends to be promoted more by developers than by communities. There is often very little that is inspirational in converting a field into a housing estate. Plans need to cover all uses, not just provide more houses.***

1.4 **Our proposals aim to simplify the existing system of development plans** to make sure that planning authorities, and those they work with, focus on delivering outcomes rather than following lengthy and complicated procedures.

*****Delivering Outcomes is too vague – just building more houses could be an outcome but doesn't create a living, working, integrated, thriving community.***

Proposal 1: Aligning community planning and spatial planning

1.5 **The SG wants plans that allow planners to lead and innovate,** delivering priorities that have been agreed through an open and evidence-led process.

*****The plans need to ensure that their component parts cover all aspects of living, and not one segment. This should also include those parts of the environment to be retained unbuilt – farmland, open space, etc..***

1.6 Given the range of interests involved in planning, there should be an open and inclusive approach to understanding issues, considering options, defining priorities and agreeing proposals. People are at the heart of the system and our proposals seek to build more effective opportunities for people to influence their places. **A much wider range of stakeholders, including all relevant local authority services, communities and developers, should share ownership and responsibility for preparing, promoting and delivering development plans.** One of the keys to this is making sure that local authorities recognise the value of the development plan in realising their corporate objectives.

*****This should be normal practice for master plans. Is SG implying that the LAs are falling down on the job?***

1.7 **SG propose introducing a statutory link between the development plan and community planning.** This link could be achieved by ensuring that development plans take account of the work of Community Planning Partnerships. SG will support this as it brings forward guidance on both community planning and spatial planning. Co-ordinated working and including planners as key community planning partners will be essential.

*****Community Planning needs to be properly defined. Development plans are produced by paid professionals. Will people involved in community planning be paid professionals – and how much legal/financial responsibility will they carry for their decisions? This looks like being a complicated issue unless communities are provided with funding to employ professional advisers. Note that if CCs are part of Community Planning Partnerships, their members stand down every 3/4 years at election time – continuity will be an issue without the existence of some form of executive arm. The legal consequences need to be worked out carefully so as not to***

discourage members of the community from participating. This also looks as though it could be time consuming for people who volunteer to serve their communities. But see the East Ayrshire example below – Community Planning may not be all that it seems....

EXAMPLE - Aligning Community Planning and Spatial Planning – East Ayrshire

*****The example shows governmental organisations working together as ‘community planning partners’. There is no sign that spatial planners (the planning department) or affected communities were actually involved. That seems to be the antithesis of what the SG is proposing.***

Proposal 2: Regional partnership working

1.8 **The Planning etc. (Scotland) Act 2006 reflected a two-tiered system of development plans**, with strategic development plans covering our largest city regions (Glasgow, Edinburgh, Perth and Dundee, and Aberdeen) and local development plans for each local authority and the two national parks.

1.9 **At present, strategic development planning authorities are tasked with preparing a plan** which is approved by Scottish Ministers after a comprehensive examination process. The procedures for preparing strategic development plans mean that there is little time to actively work on delivering them. Strategic development planning authorities have no duties or powers to make sure their plans have a strong influence, either nationally or locally.

*****An admission the system is flawed and doesn’t work in practice? It is also a reflection that the system is so big and cumbersome that it becomes an unstoppable machine that requires to be re-engineered - broken down into more manageable components where it is possible to effect changes more responsively and quickly.***

1.10 **Strategic planning is important to the planning system.** Changes should support cross-boundary collaboration, and improve the co-ordination of strategic development and infrastructure priorities.

*****This appears to describe more centralisation and less community involvement. Useful where a road or hospital serves more than one region but care must be taken not to use it for things that are better dealt with as districts. For example, the SESplan housing proposals paid little attention to the actual needs of communities, the assumption being that people were content to travel long distances daily to their work places in the Central Belt. That is not good planning and does nothing to help communities thrive.***

1.11 **Planners working at a regional scale should play an active role in partnership working.**

Strategic planners could help shape future spatial priorities for investment and providing timely evidence to support stronger joint decision making. Planning should contribute to wider regional activities, including economic and social infrastructure delivery, as well as supporting a clear dialogue between national and local tiers of government. Working together at a regional level would also allow local authorities to combine resources and share potential risks.

*****This re-emphasises the centralisation of the planning function. This is about procedures and finance rather than places and people.***

1.12 **Strategic development plans should be removed from the system** to enable planners to be involved in wider regional partnership working. The National Planning Framework (NPF) should set out regional planning priorities. By incorporating regional strategies at a national scale we would remove the procedural requirements associated with preparing and adopting four stand-alone strategic development plans. This would give more weight to the spatial strategies for the regions as the National Planning Framework (NPF) is prepared and adopted by Scottish Ministers with input from the Scottish Parliament.

*****This appears to represent both centralisation of planning and reducing planning costs but is this a ‘one-size-fits-all’ proposal? Would this remove regional individuality and allow Scottish Ministers to dictate what regions must accept?***

Regional working

1.13 **Strategic Development Plans would be replaced by new duties/powers for local authorities to work together on defining regional priorities.** Views on what needs to be done at this scale are invited, SG suggests that the following actions would be beneficial:

- Helping to develop a strategy and delivery programme to be adopted as part of the National Planning Framework (NPF). SG wants to see regional partnerships working with the Scottish Government, agencies and local authorities to make sure there is evidence to support the National Planning Framework (NPF) and then to implement their regional commitments through the delivery programme.

*****There doesn’t appear to be a description of the make-up of a ‘Regional Partnership’. Could this comprise pressure groups and vested interests?***

- Co-ordinating the work of local authorities to support the aspirations for housing delivery, as set out in the National Planning Framework (NPF).

*****This looks like SESplan which has proved to be problematic for the different needs of the SESplan authorities.***

- Bringing together infrastructure investment programmes to promote an infrastructure first approach, provide a co-ordinated audit of economic and social regional infrastructure, identify the need for strategic investment and support necessary cross-boundary working.

*****Infrastructure investment first makes sense. Unclear what a 'co-ordinated audit of economic and social regional infrastructure' means.***

- Co-ordinating funding of infrastructure projects, potentially including an infrastructure levy, and working with others, in both the public and private sectors, to develop regional funding and finance packages that support their strategies for growth.

*****Not convinced an infrastructure levy is a good idea – in the end we pay for this through higher prices so government should pay the infrastructure costs to the edge of sites.***

- Acting as a 'bridge' between local and national levels by making sure that local development plans support the delivery of wider strategic priorities. Partnerships involving business representatives as well as the public sector could provide a forum where regionally significant matters and common goals can be discussed and used to inform local strategies and development planning.

*****If business representatives are to be involved, then affected communities must be given an equally strong voice.***

1.14 SG seeks views on the above actions. **SG believes the above could form the basis of new duties for planning authorities to be involved in regional partnership working** – either by statutory or under discretionary powers. SG says it is *'keen to avoid creating new partnerships where tasks can be achieved through existing arrangements'*.

1.15 **Review of the National Transport Strategy and Regional Partnership working.** SG would welcome views on the potential to reconsider the roles, responsibilities and areas of influence of regional transport partnerships in relation to land use planning and associated transport appraisals, prioritisation and delivery.

*****Not sure what this is intended to mean.***

Regional geography

1.16 The way in which local authorities and their partners are currently working together at a regional scale is dynamic, and this is relevant to the future of strategic spatial planning in Scotland.

****Dynamic means...?**

1.17 The emerging **Tay Cities Deal** (Perth and Dundee, together with Angus and the North of Fife) is bringing together economic development, planning and transport programmes to provide a joined up and branded approach to supporting future investment. In **South East Scotland**, regional planning and transport functions are increasingly aligning and linking with economic development and proposals for a **[Edinburgh?]** city region deal. The three **Ayrshire authorities** are working together to prepare their own 'growth deal'. Joint working on the **Glasgow and Clyde Valley City Region Deal**, driven by economic development, is now established and moving forward. **Aberdeen City and Shire** have a long tradition of co-operation to provide a North East perspective on growth and development and their city deal supports taking this forward with strong private sector representation.

1.18 **There is also wider work across all seven cities, supported by the Scottish Cities Alliance.** Regional land use partnerships, to help deliver the aims of the Land Use Strategy, will be explored further. Regional Marine Partnerships are being established to undertake marine planning. SG's commitment to addressing climate change is also driving wider partnership working, for example in the Climate Ready Clyde Project. The ongoing enterprise and skills review has been exploring the regional geography of economic development and includes proposals that combine stronger national oversight with additional regional coverage for the South of Scotland and developing regional partnerships across Scotland. This could also connect with emerging work on the development of a Scottish Rural Infrastructure Plan.

1.19 All of these arrangements are potentially relevant to the future of strategic planning. **SG needs planning to respond to changing regional priorities and groups, rather than focusing on fixed boundaries. SG propose 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.

****More centralisation and less community involvement?**

1.20 **SG invites views on the following options for the scale and coverage of regional partnership working:**

- Rather than defining or fixing the boundaries of partnerships which may or may not reflect changing regional partnerships that emerge over time, local authorities could define the geography of their involvement in regional partnerships locally. This would allow, for example, strategic planning to better align with emerging city and growth deals.

****definition of 'geography'? More centralisation?**

- SG could link strategic planning with the ongoing **Enterprise and Skills Review** and its proposals for regional working covering the Highlands and Islands, South of Scotland and regional partnership network.

****It appears the Enterprise and Skills Review relates to needs resulting from regional partnership working.**

- SG could use the National Planning Framework (NPF) to identify priority areas where future regional partnership working should take place.

****More centralisation?**

EXAMPLE - The Tay Cities Region – Partnership for Growth

Leaders and chief executives of 4 LAs across the region are working together as a strategic partnership and are collaborating with their Community Planning Partners **[governmental bodies?]**, the private sector and voluntary organisations **[undefined]** to develop and deliver on an agreed vision. This would include supporting key growth sectors and fostering innovation and skills development, dealing with social and economic inequalities and supporting transport and digital infrastructure investment.

****But whether this includes living, working communities is not clear.**

Proposal 3: Improving national spatial planning and policy

1.21 **SG wants to build on the growing awareness of National Planning Framework (NPF)**, and support its proposals for stronger co-ordination of regional planning by producing a spatial strategy that is prepared following more joint working and involvement.

Alignment with wider policy

1.22 **SG has already announced that the next Strategic Transport Projects Review (STPR)** will align with the NPF. SG recognises that it should consider spatial planning priorities in relation to the Infrastructure Investment Plan.

1.23 SG continues to ensure that the National Planning Framework brings together wider Scottish Government policies and strategies across all sectors, e.g. Scottish Planning Policy (SPP), Energy

Strategy, Climate Change Plan, Scottish Climate Change Adaptation Programme, Land Use Strategy, Digital Strategy, National Marine Plan and its national policy on architecture, Creating Places. It will ensure that planning at this scale maintains its role as the spatial expression of Scotland's Economic Strategy.

*****Does this mean that economics is the driver? This should be extended to cover Food Security.***

1.24 SG propose building on the provisions for the National Planning Framework by:

- Extending the review cycle to 10 years (with a 30-year vision), whilst making provision for interim updates to be made where necessary.

***** Sounds more sensible than the present arrangement as the vision will inevitably change.***

- Extending the existing period of 60 days of Parliamentary consideration to 90 days to allow for enhanced transparency and national democratic engagement.

*****Not clear why this is necessary – looks like prolonging the process when reducing it would be more responsive and involve less bureaucracy.***

- Giving the National Planning Framework together with the Scottish Planning Policy (SPP) stronger status. Consistency of local development plans with the National Planning Framework should also be independently tested and confirmed.

*****With the DPEA carrying out the 'independent testing'.***

- Working closely with infrastructure providers to contribute to the delivery of the National Planning Framework. A delivery programme for the National Planning Framework should be developed in close collaboration with regional partnerships and there should be a strong sense of shared ownership of the actions it contains.

*****Presumably no change from what already happens?***

Streamlining planning policy

1.25 Despite the aims of previous reforms for local development plans to be map-based, many are still lengthy and include a great deal of policy content. SG 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 be achieved by either making them part of the statutory development plan, or by ensuring that both are given due weight in decision making through their local implementation.

*****So NPF and SPP become the expression of Policies – is that not generalising too much when site specifics may require a different and more detailed approach?***

1.26 Depending on the changes that are taken forward, SG would consider whether the Scottish Planning Policy preparation process also needs to be updated. For example, if it is given statutory weight, the Scottish Planning Policy could be prepared alongside the National Planning Framework and given the same level of consultation and consideration by Parliament.

*****Not clear what the implications of this may be.***

1.27 Either option could allow local development plans to focus on providing a clear and engaging spatial strategy, rather than acting as a rule book for decision making with very detailed and repetitive policies. However, place-based planning must recognise and reflect the diversity of planning in different parts of the country. Local development plans could still include policies where they are required to identify departures from the Scottish Planning Policy that are justified on the basis of distinctive local circumstances.

*****Agreed.***

Proposal 4: Stronger local development plans

1.28 SG agrees that the 'main issues report' has not been an effective way of involving people. For consultation to be more effective, planning authorities should produce draft plans which are easy to access and understand, and set out clear proposals for people to comment on. SG agrees that the lifespan of plans should be longer, and the time it takes to prepare them should be reduced.

*****Agreed.***

1.29 SG propose the following changes to local development plans:

- **Removing the requirement for a main issues report** to be prepared and consulted on. SG would replace this with a requirement for a draft plan to be published and fully consulted on, before it is finalised and adopted.

*****Agreed.***

- **Requiring local development plans to be reviewed every 10 years.** There should be a shorter plan preparation period to allow more time to focus on delivering the plan. However, we believe this could be better supported through guidance and training rather than by setting a fixed period.

*****Agree the 10 year period is preferable. Guidance (documents?) could be extensive – back to Planning Advice Notes? Training would have to be a continuous process – and for whom?***

- **Making provision for plans to be updated within the 10-year review cycle.** This would allow plans to be more responsive to change, but care will be required to avoid confusion. SG thinks that the

'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.

****More clarity needed on the trigger points and whether plans would be revised during their 10-year lives.**

• **Removing the provisions for statutory supplementary guidance** to form part of the development plan so that people can find out everything they need to know about the future of their area in one place. This will mean that important content is included in the main body of the plan and therefore subjected to full consultation and scrutiny through the examination process.

****This makes sense though it could mean voluminous support documentation as 'supplementary' guidance.**

1.30 SG proposes working with local authorities to better define the relationship between development plans and development management, and the role of non-statutory supplementary guidance in informing decision making. At both the national and local level, there would be benefit in streamlining planning guidance on specific types of development, to provide a manual or set of advice that guides how applications for planning consents are considered. This would help to remove significant amounts of policy detail from the development plan.

****It is questionable whether having a National Manual would in fact remove area-specific detail from development plans. The National Manual would attempt to be broad brush but local conditions will require local adjustments or a lot of footnotes. We're back where we started, but with more centralisation.**

Examinations

1.31 SG accepts that local ownership and responsibility for the development plan is undermined by current arrangements for a centrally administered examination of the plan, which is undertaken at the end of the preparation process **[by DPEA]**. The protracted process makes it very difficult to address any significant issues that are outstanding at this stage.

****Agreed – and circumstances change during the process – e.g. Brexit didn't feature in the SESplan process whose final version is based on data collected up to c6 years ago.**

1.32 Decisions on the future of a place, including where development should happen, should be made locally. But this needs good evidence and input from professionals.

****Agreed.**

1.33 Many people value the credibility that comes with a rigorous and independent process of scrutiny provided by examinations. Some planning issues can be very challenging

****You said it...!**

1.34 SG considers that earlier scrutiny in the plan preparation process would be helpful. SG propose that plans should be '**gatechecked**' by an independent reporter at an early stage before the draft plan is prepared. Planning authorities would need to pass this stage before they can go ahead with developing and consulting on their draft plan. The gatecheck would establish whether the technical evidence is sufficiently sound to prepare a deliverable spatial strategy. SG believes the following could usefully be assessed at this stage:

- That the development plan scheme sets out how the local community will be involved in developing proposals for change and has been framed in consultation with the relevant community councils.
- That the plan takes account of community planning.

****This may not be the same thing as involving community councils.**

- That the key outcomes required from the plan have been clearly defined.
- That the amount of land needed for housing over the plan period has been agreed.

****What about land for infrastructure – roads, schools, shops, workplaces, plus brownfield, etc.?**

- That the required environmental assessment work, including a flood risk appraisal, is carried out.
- That there has been an audit of existing infrastructure levels and necessary interventions have been prioritised, including the plan's transport appraisal and other types of infrastructure

1.35 SG propose that gatechecks are chaired DPEA reporters, supported by relevant specialists. Including the views of a citizen's panel at this stage would also support our broader aim of empowering communities. If necessary and appropriate, consideration could be given to using **professional mediation** to further resolve any issues arising at this stage.

****What is meant by 'citizen's panel' – note this is in the singular! How much 'empowerment' will communities have?**

1.36 SG recognises that an examination **[by DPEA]** towards the end of the process may still be needed. A relatively short examination may then be needed.

1.37 SG is looking to streamline the process. Research into the Strategic Environmental Assessment (SEA) of development plans is underway, with a report due to be published later in 2017. SG has made proposals on planning for housing in section 3 which aim to simplify requirements for defining housing figures within development plans.

****Brownfield is not mentioned there and nor is there mention of land being left to provide food security.**

1.38 The whole local development plan process must be accompanied by strong project management and this should be a priority for further planning skills development.

****Who provides this – SG or LAs?**

EXAMPLE - South Ayrshire Local Development Plan (LDP)

The South Ayrshire Local Development Story Map is an online, interactive LDP, designed to be in a user-friendly and non-technical format. Layers of information, reflective of the local area, and building on a solid approach to mapping, have led to transformational change across the authority.

****Try this link:** <http://gis.south-ayrshire.gov.uk/ldp/>

Initial impression - Looks good but there are readability problems as layers do not seem to be able to be switched on and off.

Proposal 5: Making plans that deliver

1.39 Decisions on planning applications should be made in accordance with a development plan that has been ... prepared with the involvement of local people.

****Agreed.**

1.40 Where a plan is prepared with the local community and developers, it should be accepted that other proposals, which could undermine the plan's aims, will only be supported following additional scrutiny. Local authorities and infrastructure providers should be clear that they have shared responsibility to fulfil the commitments set out in the plan.

****Agreed.**

1.41 **Proposed housing developments should be fully supported by the development plan.**

For developers and investors, an allocated housing site within a plan should bring certainty and confidence in the principle that development of the site will proceed in line with the delivery programme, providing more detailed considerations are addressed. Infrastructure providers also need to be convinced that allocated sites will be taken forward as programmed. Greater confidence in the deliverability of allocated sites should also mean there is greater confidence that other areas will be protected.

****Agreed.**

Planning permission in principle for allocated sites

1.42 **SG commissioned research to consider whether planning permission in principle should be attached to allocated sites within the development plan.** Responses were mixed.

1.43 SG is concerned that it may provide limited benefits. SG would like to gather views on whether this change would be either necessary or helpful. SG believes that a more strategic, zoning approach to housing allocations, such as improving the use of Simplified Planning Zones, could be a simpler way of strengthening the development plan and establishing the need for development at an early stage (see section 3).

****It would help if this were clarified with an example. Given the uncertainty, more work would need to be done to explain the proposals before they could be supported.**

A stronger commitment to delivery

1.44 **There are other ways in which plans can provide more certainty.** SG proposes:

- Setting out the minimum level of information needed to support allocations within the development plan. This will ensure consistent information is available and that there is enough detail to allow the planning authority to make an informed appraisal. It will also increase confidence that if a site is included in a plan, it can be delivered.

****What is meant by 'minimum level of information? What is 'enough detail'? Total site capacity, minimum 50% affordable provision, the site is contaminated, the site is brownfield, there are flood risks, views are to be preserved, there is no bus service, the site is in a conservation area? Clarification required otherwise this looks as though design quality will be ignored.**

- Information on site assessment to be submitted by the site proposer and appraised before any site is allocated in the plan. This would include economic and market appraisal information to provide greater confidence about the effectiveness of sites and when they can be delivered. This could also allow for closer monitoring of performance. SG recognises that this could have implications for resources – SG would consider the practicalities of this in more detail if it is agreed that it should be taken forward.

****Is this not likely to encourage those who are accustomed to building large expensive houses to prove they cannot build affordable units?**

- Encouraging a broader, zoned approach to meeting short and longer-term housing needs. Rather than piecing together individual sites promoted by developers, SG wants planners to have the confidence to guide how an area should grow over the long term. Priority sites should also be identified and enabled as far as possible.

****Agreed – the planners should lead with an holistic design – a master plan.**

- **Stronger measures for public involvement for sites that have not been included in the plan.**

There must be good involvement in the development plan, so that sites which are allocated are fully discussed with communities before they are confirmed as allocations. For sites where there has not been this involvement as part of the plan making process, SG thinks it is reasonable to expect developers to engage more with communities. SG's proposals for fees (section 4) and increased community involvement (section 2) support this. It could also be argued that there should be less consultation on allocated sites, for example by reducing or removing requirements for consultation before the application is made. SG would welcome views on this.

*****While involvement of communities in formulating generalised development plans is welcome, the reality is that it is only when a proposal has reached planning application stage that the community can really begin to understand what is being proposed. While there is doubt about the merits of the PAN process (and how many developers actually have changed their proposals in the light of pre-application consultations?) it is essential that the public retains the right to influence decision making when a planning application is lodged.***

- Working with the statutory key agencies to make sure that their engagement at the development plan allocation stage is meaningful. If they have agreed to a site being allocated in a plan, the key agencies and other infrastructure providers should not be in a position of advising against the principle of development on the site later on, unless there has been a clear and significant change in circumstances. Further front loading of engagement and evidence gathering in this way could have resource implications that will need to be considered further.

*****Key agencies (Water, drainage, electricity and gas suppliers, transport, education and roads departments?) should all be involved at an early stage in the development plan process.***

*****There is another issue here: planning permission once granted is currently valid in perpetuity. That raises the question whether the infrastructure for an approval granted for 100 houses today and not taken up within say 10 years, will still be available 10 years down the line. This also raises the need to ensure that planning permission should have a limited life – say 10 years for a completed development, with such parts not being complete within that timescale having to be subject to a new planning application so that there is not an over- or under-supply of key elements by the various agencies.***

Programming delivery

1.45 Plans must lead to development on the ground. While planning can set out what should happen in the future, achieving this depends on partnership with and buy-in from a wide range of public and private sector bodies.

1.46 SG propose replacing 'action programmes' which support development plans with stronger 'delivery programmes' which have a clearer purpose. Delivery programmes would be a more major part of the development plan and SG would want to see a stronger requirement for local authority-wide involvement in them, as well as other stakeholders with an interest in their delivery. SG would expect delivery programmes to be detailed and practical. SG would also expect planning authorities to monitor the programmes to identify whether commitments to deliver are being met. There may be scope for wider improvements to how information is managed to support delivery programmes. This will be considered further by the digital task force (section 4).

*****Planning permission in perpetuity must be reviewed so that permissions automatically expire after 10 years, whether completed or not.***

1.47 A sharper 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 to emerge. Wider expertise may be required to address matters such as development economics, programming and costing of infrastructure. However, this would be a worthwhile investment if it leads to a far more thorough assessment of how the plan performs and stronger evidence for action. It would also help to reduce the level of work required at the development management stage.

*****This seems OK.***

1.48 SG will work with partners to support additional training and guidance to improve the preparation and monitoring of local development plan delivery programmes. SG recognises that there are different delivery challenges in different parts of the country and will use pilot work to explore this further in collaboration with the Scottish Futures Trust. This will help to build skills and provide insights into how they can become more purposeful delivery programmes in the future system.

*****The Scottish Futures Trust is a public corporation of the Scottish government. The last sentence is unnecessarily obscure.***

02 People Make the System Work

We want Scotland's planning system to empower people to decide the future of their places.

[Proposal 6](#)

Giving people an opportunity to plan their own place

[Proposal 7](#)

Getting more people involved in planning

[Proposal 8](#)

Improving public trust

[Repeat and retrospective applications](#)

[Proposal 9](#)

Keeping decisions local – rights of appeal

[Figure 1 – Key considerations for local place plans](#)

2.1 People are at the heart of the SG's proposals for reform.. People care about the places where they live, work and play, but many find the planning system complicated and uninspiring.

*****Understatement!***

2.2 We need a planning system that reaches out to people and encourages them to welcome and influence change. Previous reforms and legislation aimed to achieve this by giving people better opportunities to be informed and consulted early in the planning process. However, since then, a movement of community empowerment has grown across Scotland and public service reform has required service providers to respond to the principles of prevention, partnership, people and performance.

*****The 'Ps' look like spin – how often have people been able to influence outcomes? Not all change should be welcomed – especially where they have a deleterious effect on the community.***

2.3 People rightly expect to have a stronger say in the decisions that affect them and their communities. Future changes to the planning system offer a valuable opportunity to achieve this. Moving from just informing or consulting people to involving them will take time and effort, but will improve confidence and trust in planning and lead to better outcomes.

*****Involvement takes time and a great deal of free effort – can we be sure that SG and LAs will change their attitudes because a good deal of the problems communities have is the failure of governments and LAs to act on community advice.***

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

2.4 SG wants to give people a stronger say in the future of their own place. New opportunities can arise where local people actively design, rather than comment on plans for the future. Local people know how their places work now, and are well placed to be involved in deciding how they can be improved in the future. Within any community there are many different views and priorities. However, where there are good opportunities for these to be fully discussed, people can reach a shared understanding on how future change and development can improve, rather than undermine, quality of life.

*****Involving people in design means that they have to have suitable resources – money and expertise. Is this going to be provided or are communities expected to continue to provide this 'free service'? SG needs to be clear on what it is going to provide.***

2.5 Planning can lead a full and open discussion on the location, scale, pace, and design of change and development in our communities. To make that happen, planners need to do much more than simply consult communities on proposals from their local authorities or developers. People, and the relationships between them, are the key to successful planning. Community trust in the system can only grow if everyone is given a meaningful opportunity to get involved.

*****Agreed.***

2.6 SG thinks that it is important to create a new right for communities to prepare plans for their own places. This could be achieved by giving communities the powers to create their own 'local place plans' and for these plans to be used as a framework for development within local development plans.

*****So are communities going to be provided with the resources – people, paid consultants, etc. to achieve this?***

2.7 SG does not want to promote unreasonable protectionism. SG believes that local place plans should help to deliver development, so that the choices that one community makes do not unfairly put pressure on others to take on a greater share of development. SG wants to see plans

where communities say what they themselves will do to help deliver change in a sustainable way. Some communities have been doing this already, and SG wants others to get involved.

*****So communities are going to be obliged to 'deliver change'? What if they are content with small changes rather than wholesale development? Communities should be able to say 'No' to things they do not want. If communities don't want something, is the SG going to force them to accept it?***

2.8 In England 'neighbourhood plans' brought forward under the Localism Act (2011) give people the opportunity to influence the future of the place where they live or work. SG wants to consider similar opportunities for communities in Scotland. Whilst there is an existing space for community-led plans, there is no statutory link between such plans and the local development plan. SG thinks that community-led plans should have a clear connection with the statutory development plan. SG recognises that it is unlikely that all communities will have their own plans for some time. Building a culture of empowerment in planning so that people feel willing and able to bring forward their own plans will take time and an investment of resources.

*****The creation of 'empowerment in planning' sounds interesting, but would it actually work? CCs come and go and so do their abilities to handle complex issues – planning is not simple – it requires an integrated approach looking at all the elements that contribute to a community – houses, workplaces, schools, recreation, commerce, transport and social activity. That requires a planning authority with resources – relying on the community to do the leg work is unrealistic and will just result in more power being centralised when the grand idea falls flat. And what resources is SG going to provide communities to achieve this?***

2.9 SG has set out some possible key ingredients of local place planning in Figure 1. SG 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

*****I doubt whether there are many communities capable of producing 'local place plans' (LPPs) that would be meaningful. This is a very woolly concept and nowhere are 'local place plans' defined. This also looks as though SG is obliging Communities to make/accept decisions made under the development plan – e.g., "you must accept 50 houses – where will you put them?"***

- Place a duty on planning authorities to adopt these plans as part of the statutory development plan if the above requirement is met.

*****This means the LA can decide whether or not to accept LPPs. Are they likely to?***

2.10 SG would support this with policy and guidance which makes sure that these plans begin to emerge as early as possible in the local development plan making process. To help inform this, SG will commission further research to explore options for local place plans in more detail.

Figure 1: Key considerations for local place plans

Pre-plan preparation

- Community bodies should be able to register their interest with a local authority if they want to prepare a local place plan. Community bodies could include existing groups (for example community councils) or any group of a certain size/location. Definitions of a range of community bodies can be found in land reform and community empowerment legislation and SG would consider this further.

*****A description of what constitutes a community body should be provided here – what is this legislation? The Community Empowerment (Scotland) Act 2015?***

[http://www.legislation.gov.uk/asp/2015/6/pdfs/asp_20150006_en.pdf]

[See also 2.13.]

- Local authorities would have a duty to consider applications from community bodies to prepare a local place plan and will need to monitor activity in its area. Where available this could be supported by the use of digital mapping.

*****This implies that CCs (and other community bodies) would have to have access to computer expertise, the www and planning consultants.***

- Community bodies should give some indication of:

- The boundary of the area the local place plan will cover. In many cases communities could define their own areas, but in others the local development plan or locality plans could highlight where they would add most value.

*****CCs will require resources to do this. Who pays for it?***

- Who they have (and intend to) involve and how, whether there is wider community interest in a local place plan, and the issues it would cover.

*****This implies consultants, and will need to be resourced to cover payment and insurance cover.***

- If a community body is endorsed by the local authority, it would be this body the local authority empowers to prepare a local place plan.

*****Note that a community body need not necessarily be a community council.***

- Where another body wants to make proposals under community empowerment or land reform legislation, these proposals could help to shape both the local place plan and local development plan. SG would encourage communities to work together and with others.

*****This would involve quite a bit of organisation. Will the SG provide that, including premises, insurances and finance?***

Plan preparation

- It is the community body's responsibility to prepare the plan. They must make sure that the plan 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.

*****How can this be done by CCs with their existing level of funding?***

- Local place plans need a mechanism to 'sign them off'. In England, a referendum is held and if more than 50% of the vote is in favour of the plan it is approved. While SG agrees with this in principle, it can introduce further costs and so SG will look at using information technology to make this part of the process affordable in the event that this proposal is supported.

*****What has the SG in mind? And is 50% of those voting adequate?***

- Local authorities would 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. The issues above can be assessed at the proposed development plan gatecheck.

*****LAs possess resources (paid for by communities) that communities do not. Are some of the LA's resources going to be provided to communities? Could that be done by simply decentralising parts of Local Government – e.g., creating regional and district councils?***

- Arrangements for local place plan proposals to be rolled forward into replacement plans would need to be included in legislation or guidance but could be partly addressed by new powers to update plans.

*****Procedural comment.***

- If the local authority does not adopt the local place plan as part of the development plan, the community body could appeal to Scottish Ministers.

*****At what cost – and to whom? Is this a form of Equal Right of Appeal?***

Building local community capacity

2.11 SG will continue to support innovation and the use of new techniques for involving communities in development planning and decision making.

*****It is difficult not to see this as a means of cutting costs.***

2.12 Through SG's design-led 'charrette' programme SG has supported communities to take part in planning. Whilst there are many excellent examples of communities being proactively involved, SG believes that action needs to be prioritised in and around communities where change is needed most. By refocusing and adding to SG's funding programme to support involvement, including

charrettes, in the coming years SG will help communities with the greatest levels of need to develop plans for their area as a priority. Community Planning can help to show where that investment can best be targeted.

*****Where change is needed most, could this be because the community doesn't have a representative body or the necessary expertise or resources – time and money? Do charrettes not involve a developer (as in the case of Murray's Garden City) which would therefore mean that a community might find itself under the unwelcome influence of a vested interest? Are charrettes really a good idea? Can they be operated without a developer in tow?***

2.13 SG recognises that communities vary and they may come up with a range of plans. SG's proposals would not try to fully control the form that local place plans might take. For example locality plans which emerge as part of wider community planning could also be used in development planning where land use is relevant. SG would welcome views on how communities might be identified and defined in the legislation and your ideas on the process that communities could follow when preparing local place plans, as set out in Figure 1.

2.14 Section 1 sets out SG's proposals to improve development plans. It is vital that communities play an active role in preparing local development plans for their areas. Community councils already have a statutory role in the planning system and could play a key part in empowering people to get involved in planning. There are also many other organisations which could contribute to local place planning, and we expect that growing empowerment will add to this in the future. Current legislation says that community councils must be told when a development plan main issues report has been published. While SG recognises that this is the legal minimum and that many planning authorities will do much more, SG consider that there is value in providing more opportunities for community councils to be involved in preparing local development plans.

*****I doubt whether the SG realises how much time CCs can afford to spend on LDPs. If the working year for those in full-time paid employment is 1,690 hours, then a person in paid employment is likely only to have the odd day away plus evenings and some hours at the weekend – say 225 hrs/pa for a diligent planning convenor.***

2.15 SG proposes giving community councils a stronger role in planning by introducing a new duty to consult them in preparing plans. While in many cases, community councils will already be actively engaged in development planning, SG believes that wider changes to the way in which plans are prepared (as set out in section 1) could include a stronger role for communities at key stages of decision making.

*****This will involve CCs in more work – have they the capacity to increase their engagement? And will the LA and the SG actually listen to CCs and do what they request?***

EXAMPLE - Isle of Rum – Community Land Use Plan

In 2015 the Isle of Rum Community Trust were assisted by PAS to produce a community land use plan. The community worked in partnership with organisations including The Highland Council and Scottish Natural Heritage to explore how its aims of increasing Rum's population to a more sustainable level, offer a better range of housing and improve tourism could be achieved. The plan needed to carefully balance these aims with protection of the unique natural and built heritage of the island. The collaboration produced a plan which was effectively 'owned' by the community. The plan was subsequently adopted by The Highland Council as supplementary guidance, which in turn forms part of the statutory local development plan.

*****How much practical help did PAS provide? How much time were local people involved in this exercise? How many of the people involved were in full time employment and how many were retired? How much did it cost the community?***

*****This shows that the Community Land Use Plan went well beyond housing so what are CCs expected to do?***

2.16 SG 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. SG offers support to community councils by working with the Improvement Service, Edinburgh Napier University and the Community Council Liaison Officers to encourage networking and the sharing of good practice. This has included launching a community council website (www.communitycouncils.org.uk); funding a series of digital engagement workshops for community councillors; hosting networking events for Community Council Liaison Officers (CCLO) twice a year; and setting up a CCLO knowledge hub to support improvement and development.

*****Are CCs aware of these organisations and how they can help? Are they any use?***

2.17 As these organisations are voluntary and therefore limited in what they can achieve, SG will continue to encourage them to engage earlier in the process to help them actively shape proposals rather than just react to them. SG does not believe that existing arrangements for community councils to be consulted on planning applications should be removed.

*****SG has identified a problem – by their very nature, voluntary organisations are not likely to have the resources of a paid consultancy – and SG is suggesting that these are the resources to go to for help! If SG will not provide funding to organisations it considers useful, how much more funding is it going to give to CCs and similar Community Groups?***

Design-led Charrettes and the 2016-2017 Activating Ideas Fund

The Scottish Government provides funding to help community groups, local authorities and third sector organisations design the future of their areas. Charrettes can bring together views about how an area should change and use these views to form proposals which are explored and tested in a collaborative way over a focused timeframe. The approach is design-led – it allows options for change to be clearly visualised, and in turn this has helped to inspire a much wider range of people to get involved in planning. This year, the programme has been accompanied by an opportunity to access further funds which can be used to help deliver the outputs from charrettes.

*****How much funding and for what purposes?***

But don't charrettes involve a developer with an idea and the funding? So this would not truly be a community deciding its own future for its area.

Proposal 7: Getting more people involved in planning

2.18 Local authorities and organisations, including community councils, can do more to make sure that a broader cross-section of society takes on the challenge of active citizenship and gets involved in planning.

Children and young people

2.19 Children and young people have a significant and particularly relevant contribution to make to deciding the future of our places. The United Nations Convention on the Rights of the Child states that the best interests of the child must be a top priority in all decisions and actions that affect children. This underlines the role that planning should play in creating good quality places that provide opportunities for leisure, play and culture, and support the children's right to have the best possible health. Plans which are put in place now will decide where and how today's children will live and work in the coming decades. For example, decisions affecting climate change are relevant not only to people now, but also to future generations.

*****Surely this is the responsibility of knowledgeable adults to implement? Do adults not have 'rights' too?!***

2.20 The independent panel recommended that there should be a new right for young people to be consulted on the development plan. Set within the framework of public bodies duties under both equalities legislation and arising from Article 12 (~~the right to an opinion and for it to be listened to and taken seriously~~) of the Convention, SG is already aware that planning authorities are working to involve children and young people in their development plans. ...

*****By all means consult – but are the views of the adult communities to be given more or less weight? There is nothing at present to prevent a young person from contributing to the consultation process so why make this such a big issue?***

2.21 It could therefore be suggested that planning authorities already have the scope to involve children and young people in their development plans. Recent draft guidance on Children's Service Plans noted a wide range of existing structures to support the engagement of children and young people e.g. local youth councils, pupil councils, young people's organisations, young people's committees and other formal and informal structures.

*****They are already free to lodge their views – how many already do?***

2.22 The independent panel reported that they had found little evidence of engagement with young people. SG agrees that more can be done to actively promote these examples rather than introduce a statutory requirement prioritising enhanced engagement for one set of people over another.

*****Agreed. Young people may already be invited to attend and participate at CC meetings, though personal experience is that those that can manage to attend CC meetings can only contribute to a limited degree, given that they are in the midst of an education process.***

2.23 SG will 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 the process. SG will do this as a priority through secondary legislation using existing powers and recommend that the early examination gatecheck includes a test of the steps taken by the planning authority to engage children and young people in preparing the development plan. In addition, SG will encourage planning authorities to work with organisations such as YoungScot, Youth Scotland, the Children's Parliament and PAS to develop and expand the use of innovative methods for involving children and young people in planning.

*****This looks like a distraction that will only attract attention from a small number of children/young people who are in any case only going to be able to commit a couple of years or so to community involvement before moving on. It would be better to introduce some basic planning information into the education curriculum (Secondary School years 2/3?) so that all***

children can acquire some general knowledge on the subject and if they so desire, they can develop this interest in their spare time. [See para.2.24 below.] And will this be an examination subject?

2.24 SG would like to work with other organisations to support planning authorities to work with schools to educate and involve young people across Scotland in planning. SG will also show what can be achieved by specifically seeking to involve children and young people in preparing national planning policies. The Place Standard, a simple tool that is available for anyone to use, provides an excellent opportunity to involve people of all ages and have conversations about the quality and future of our many different places. The RTPI has also been working to inspire young people who may be interested in a career in planning, and Scotland benefits from an active network of young planners.

*****Children producing national planning policies!! Good luck to them – the adults struggle. See para. Example following para. 4.9 for RTPI ambassadors.***

Barriers to engagement

2.25 SG commissioned research to identify the factors that limit involvement in the planning system. SG will consider the findings and take appropriate steps to ensure that the barriers to involvement for all groups within society are tackled.

*****A system that ignores the views of respondents should come high on the list. SWCF hasn't been invited to comment!***

EXAMPLE - Greening Dunfermline Town Centre – A Placemaking Approach Led by Young People

The Scottish Government supported Greenspace Scotland to work with Youth Scotland, Youth First and the Fife Youth Advisory Group on a pilot placemaking project to improve the town centre in Dunfermline. The project trained and empowered young people to develop their role in helping to lead changes to their places. It used innovative, interactive ways of engaging people in planning and delivering town centre improvements. The young people used tools (the Place Standard and the Town Centre Toolkit) and this led to working with the local community to find opportunities for urban greening and increasing the connections between local greenspaces and the town centre, and making it a more attractive and enjoyable place. You can find out more details about the project at:

http://www.scotlandstowns.org/greening_dunfermline_town_centre

*****And what did it achieve in material terms? And how many people of what ages were involved? Was this anything more than just a gimmick dreamed up by some absent-minded academic?***

Proposal 8: Improving public trust

2.26 Planning authorities can go further to make sure they actively involve people. ... People are contributing their own time when they get involved in planning, and we must use that time effectively.

*****Agreed.***

Development Plan Schemes

2.27 Development Plan Schemes define how and when people will be involved in preparing development plans. There is currently no requirement to consult on the content of development plan schemes. SG propose requiring that community councils are involved in their preparation and will also extend this to the key agencies and other infrastructure providers. Measures to involve children and young people should be set out within the Development Plan Scheme. 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 convenor and chief executive.

*****Development Plan Schemes are just timetables.***

2.28 While additional involvement at this stage may add a little time to the plan preparation process, this will help to ensure that people are able to shape how, when and why they get involved at each stage in the development planning process. SG also propose that the new early stage independent examination of development plans allows for the approach to community engagement to be agreed alongside key components of the plan's evidence base.

Engagement in development management

2.29 Involvement in planning is not just a matter for the public sector. Developments where the existing community have been fully involved from the start can often have a smoother journey through the planning process. At present, many developers consult local people on their plans for major developments but the effectiveness of current arrangements varies. While there are examples of good practice, 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 is highly questionable whether 'developments where the existing community have been fully involved from the start can often have a smoother journey through the planning process'***

relates to reality. This has not been my experience. Many will recognise that despite their close and active involvement in the process they remain frustrated, uninvolved and disappointed that their views appear to have been ignored.

2.30 **Developers can benefit where they take communities with them**, rather than meeting local resistance to change at every stage. Communities also have much to gain from helping to shape change, rather than reacting to it. Planning must be done with, rather than to, communities.

****Agree with the last sentence.**

2.31 **Involving people more fully at an early stage is essential.** Whilst SG can achieve much through training and good practice, SG wants to look at how the statutory requirements can be improved to encourage everyone to get involved at the earliest stage possible. Planning authorities are already able to require further involvement beyond the statutory minimum. SG proposes:

- To improve and clarify the statutory requirements for pre-application consultation (PAC) for major and national developments, for example to require developers to hold more than one public meeting. SG will consider how any second meeting or event can focus on giving more active feedback to communities. This will make sure that communities hear how their views have been taken into account before any formal planning application is submitted. SG recognise that the quality of the conversations which are held is fundamentally important, and that procedures will need to be supported by training and improved practice to make sure that people are listened to properly. SG would welcome views on whether this can be accommodated within the current 12 week statutory timescale.

****The practice of developers to submit a PAN that is limited to an application form and a location plan is unhelpful. Much more detail should be provided at this stage and not left to an exhibition that may show no more than examples of similar developments elsewhere and are not site specific. As feedback goes to the developer (with no obligation to simultaneously copy in the LA) people become confused. This all makes the PAN system pointless – people will wait for the planning application to be lodged or think that their input in the PAN process has already been referred to the LA as a comment, when it hasn't. If the developer produced proposals similar to the RIBA Concept Design Stage to meet the PAN stage, the 12-week timescale could be easily met should the developer decide to proceed.**

- To strengthen requirements for community involvement in the case of development sites which have not been allocated in the development plan. As noted in section 1, SG believe developers should have to undertake fuller and more meaningful engagement as the site will not have been discussed with the community while the plan was being prepared. SG propose requiring that both the local authority and relevant community council should agree the approach to be taken for these cases and the cost should be met by the site promoter.

****Agreed.**

2.32 Alongside this, **SG want to see high quality and innovative training of the development sector in community involvement** as a further priority. Much can be achieved from SG's continued work to mainstream the use of the Place Standard tool in informing plans and decisions.

****SG promoting its own tools?**

Repeat and retrospective applications

2.33 **Repeat applications can cause communities concern by contributing to a sense of frustration and undermining their trust that views are being listened to.** Some applicants may also be reluctant to withdraw inactive or so-called 'legacy cases' from the system in order to keep their right to submit a further application for no additional fee.

****This is a real concern.**

2.34 SG propose:

- Removing 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, to help to address community concerns and reflect the cost of processing repeat applications.

****Agreed.**

- Substantially increasing fees in cases requiring retrospective planning consent.

****I have not experienced this issue.**

2.35 SG's wider proposals on planning fees (section 4) aim to encourage fuller involvement in the planning process and deter practices which undermine community trust in the planning system.

Enforcement

2.36 It is important that development receives appropriate consent and that **unauthorised development** is minimised. People lose confidence in the system where unauthorised development is undertaken whilst the vast majority respect due process.

****It is not always clear when unauthorised development may have taken place as 'permitted development' creates a grey area.**

2.37 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 without intervention. ... the overwhelming majority of enforcement cases are resolved informally and flexibly. As a result, much of the enforcement activity carried out by authorities may go unrecorded in national data. Nevertheless, appropriate powers must be available to deal with those breaches which cannot be resolved like this or in cases which merit formal action.

2.38 The Planning etc. (Scotland) Act 2006 introduced stronger powers for planning authorities to take formal action to deal with cases where there has been a breach of control.

SG believes that there is scope to further improve how planning enforcement works. As well as proposals to increase fees for retrospective applications, SG propose the following:

- To make it easier for planning authorities to recover costs associated with taking enforcement action. If, for example, planning authorities incur costs through taking direct action against a landowner who has not complied with the requirements of enforcement notices, the landowner could be required to pay these costs. Introducing charging orders similar to those available in building standards legislation could help to ensure that planning authorities can recover their costs from the person responsible.

*****In order to charge costs, the LA would have to be able to produce time sheets for the staff involved in the process, just as would any commercial undertaking.***

- To substantially increase the financial penalties for breaches of planning control.

2.39 SG will continue to work with Heads of Planning Scotland (HoPS) and planning enforcement officers to develop good practice and consistent approaches to planning enforcement across Scotland.

Proposal 9: Keeping decisions local – rights of appeal

2.40 There have been calls for planning reform to introduce a third party right of appeal, also referred to as an 'equal' or 'balanced' right of appeal. SG believe that this would work against early, worthwhile and continuous engagement that empowers communities by encouraging people to intervene only at the end of the process rather than the beginning where most value can be added. This would also ignore the important role of elected members in representing communities in planning decisions and community involvement in the development plan process, whilst delaying and undermining much needed development. Nationally, it would be a disincentive to investment in Scotland, compared to other administrations and, moreover, mean that more decisions are made by central government, without such a right necessarily being representative of the wider community. SG do not propose a new right of appeal for third parties to challenge development decisions.

*****SG provides developers the right to appeal therefore it stands to reason that people, the electorate, who may be seriously affected by a proposal, should have an affordable equal right of appeal. It has been shown that an equal right of appeal does work in other administrations and it is unclear why the Scottish government is so reluctant to level up the playing field. Is it because 'economics' is the driver or unwillingness to look for a workable solution? This is not a fair conclusion and it is safe to say that this issue will continue to arise until SG changes its position. Why should the electorate be denied a proper say when developers can successfully press their proposals in spite of vehement local opposition?***

2.41 SG recognises that there are opportunities to look at how it can improve communities' trust in the planning system in a more positive way, and so SG are now asking for views on the degree to which more decisions should be considered locally.

*****This appears to be a step towards accepting the need for an appeal system acceptable to local people. As many decisions of concern to local people are a consequence of a recommendation by a reporter, one avenue to explore is whether contentious applications should be decided by a triumvirate comprising a reporter (as chairman), a representative of/for the relevant CC and a local councillor.***

2.42 It is important that applicants have recourse to a review of a decision on a planning application. Local review bodies were established by the Planning etc. (Scotland) Act 2006 to review decisions on certain 'local developments' where that decision was taken by a planning officer, rather than by elected members. SG 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. SG will review the hierarchy of developments to explore the extent to which reviews of decisions can be handled locally.

*****This may have merit.***

- For major developments which accord with the development plan, SG think there could be scope for decisions granting permission to be determined under delegated powers and reviewed by the local review body rather than appealed to Scottish Ministers.

*****This might reduce the costs and formality of a public inquiry. More detail would be required as to the kind of evidence that would be needed and who would be allowed to represent the various parties. It would be important to ensure the presiding chairman was not affiliated to a political party or to one side or the other. In practice, the only difference might be that instead of reporting to the Ministers, the report would go to the town council.***

- 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.

*****Examples?***

2.43 Apart from the cases that are currently handled by local review bodies, all other appeals are submitted to Ministers and most are decided by an independent reporter. If fewer appeals are determined centrally, this would allow Ministers to make more decisions themselves, rather than delegating most decisions to reporters. SG would welcome views on whether this would help to ensure there is democratic accountability at all levels. In all cases, a professional planning view would still be needed, and that view would need to be taken into account when making decisions.

*****Not clear – would ministers be circumventing the appeals process? This doesn't seem to fit in with democratic process and represents politicians getting involved in what has hitherto been dealt with by 'independent' reporters. Will there be a higher authority one could appeal to should a minister be regarded as acting unfairly?***

2.44 SG realise that the success of this change depends on the ability of the decision makers to make sound decisions that are rooted firmly in clear planning principles and policies. SG is 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.

*****Elected members are only in post – and representing a political point of view – for the period between elections. Local elected members cannot possibly grasp planning principles and policies from the start of their election. They will depend heavily on the planners in their administration or other advisers. It would be better that the elected members continue to take advice from qualified officials (who after all have gone through a lengthy training process) than have to sit an exam at the end of their training.***

2.45 The appeal process can add significant administrative cost and, where decisions are not made swiftly, this can involve all parties in further delay. SG therefore propose to introduce a fee both for appeals to Ministers and for a review of a planning decision by the planning authority. These measures, together with those in section 4, are intended to move decision-making to the appropriate level of government whilst recognising the need to fund the planning system more effectively.

*****This seems reasonable for applicants. But LAs should keep timesheets of their costs in assessing individual appeals so that they can be accurately charged to unsuccessful appellants and not fall as a burden on the public purse.***

2.46 In all these decisions, SG say that those making the decisions should clearly summarise in their decision notice how community views have been taken into account. SG will address this through guidance and practice.

*****No issue there.***

Recognising the distinctiveness of all our communities

2.47 SG recognises that planning in our island communities presents a different set of issues to many other parts of Scotland. Whilst Scotland's inhabited islands are diverse, they share particular challenges, including added development and infrastructure costs. Development in an island setting tends to be more gradual and finely grained and so changes to the planning system which focus on larger scale development are less likely to be relevant. Island communities can be particularly vulnerable to the impacts of **climate change**, including increased severe weather events and coastal erosion. More immediately, running a planning service in these circumstances can bring logistical challenges.

*****Scotland is an island! Why should changes elsewhere in the country not be gradual and finely grained?***

2.48 There are also island-specific opportunities, including a more readily identifiable community, strong local relationships extending to a tradition of self-sufficiency in many places, and a resource-rich high quality environment that supports good quality of life.

*****Is that not possible and desirable elsewhere?***

2.49 An improved planning system should respond to the unique circumstances of all our communities and this principle underpins many of the wider proposals set out here. For example, some scope to depart from national policy within the local development plan will benefit island communities where their circumstances demand a more tailored approach. Island communities could also lead the way in putting many of the proposed changes in place, including by preparing local place plans. The proposals to broaden the scope for regional working could help the authorities to share skills to help address resourcing challenges.

*****Are island communities so different from the rest of the country?***

2.50 Alongside SG's work to develop more detailed proposals for the Planning Bill and accompanying non-legislative changes, SG will continue to work with the six local authorities who are represented on the Islands Strategic Group, to ensure any proposals for change are sufficiently flexible to respond to their unique but varied local circumstances. SG will also look at opportunities for innovation, including using digital technology to overcome travel and distance barriers.

2.51 SG has also considered that the powers of the Cairngorms National Park Authority should be reviewed. Whilst the arrangements for planning in the Cairngorms vary from those in the Loch Lomond and The Trossachs National Park, SG recognise that the character, capacity and sensitivities of each park are also quite distinctive. As a result, SG is not proposing to debate or change these arrangements as part of the wider review of the system as a whole.

2.52 SG is aware that a well-functioning planning system is vital for the business activities of Scotland's farmers and rural communities. SG will be examining a number of planning issues, such as permitted development rights, which could potentially contribute to the development of economic activity in rural Scotland. SG will also be examining what measures need to be taken to increase the supply of affordable housing available for retiring tenant farmers.

***** This should include determining which parts of the environment must be retained unbuilt – farmland, open space, etc. to ensure food security. That is not a subject mentioned in this consultation.***

03 Building More Homes and Delivering Infrastructure

We want Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest.

[Proposal 10](#)

Being clear about how much housing land is required

[Proposal 11](#)

Closing the gap between planning consent and delivery of homes

[Proposal 12](#)

Releasing more 'development ready' land for housing

[Proposal 13](#)

Embedding an infrastructure first approach

[Proposal 14](#)

A more transparent approach to funding infrastructure

[Proposal 15](#)

Innovative infrastructure planning

3.1 More must be done to support the delivery of the homes that people need. This is a high priority. While many factors are currently limiting the number of homes being built across Scotland some of the solutions need to come from the planning system. Planning can assist by ensuring enough land is available for development, but can go further by actively enabling development. Infrastructure has a critical role to play in supporting housing delivery.

*****Agreed that infrastructure is critically necessary as is finance for the SG. But release of yet more land will only be needed where building up is not possible. That option is not considered enough by planners who appear to allocate new greenfield land for housing at 20-30 houses per hectare rather than much more densely on brownfield sites. For example, New Town and Marchmont sites are high density and much sought after. Are such options not being considered because we rely heavily on speculative developers producing most of our housing needs?***

3.2 The benefits of housing development go beyond making sure that everyone has somewhere to call home. Health and improved quality of life is supported by well designed, functional places. Housing in the right places can help to sustain community facilities, contribute to the economy and support jobs in the construction sector. The need to deliver more homes is in all our interests.

*****Agreed – this means that housing must be built around facilities, not remote from them and therefore dependent on long travel distances that requires costly infrastructure needing constant maintenance.***

3.3 SG says that planning must move away from debating overly complicated housing figures and focus much more on enabling development. We must all adapt to different market circumstances if the development sector is to contribute to the wider outcomes communities need. Existing communities have a critical role to play in accepting that further development is necessary if we are to ensure that everyone has a home. Developers also need to work effectively with planning authorities and communities to achieve this.

*****Does SG understand what the figures mean? In a plan-led society, you need to understand the numbers. Maybe further development is not necessary or desirable in communities remote from workplaces.***

[Proposal 10: Being clear about how much housing land is required](#)

3.4 SG believes that there is a need to change the way we plan for housing. SG says that there is too great a focus on debating precise numbers rather than delivering development and creating good quality places to live.

3.5 SG needs to act now to resolve ongoing challenges in housing delivery. Changes in practice could have a more immediate impact than statutory amendments. SG wants to introduce a more strategic and aspirational approach to establishing the number of homes required at a higher level. 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.

*****Does 'aspirational' mean more expensive houses? Where does 'brownfield' fit into this?***

[National aspirations for housing development](#)

3.6 The independent panel called for housing targets to be set nationally. SG is also aware that planning and housing authorities will need to continue to collaborate and engage with stakeholders locally, to make sure there is proper consideration of local circumstances and commitment to delivering on the targets which are agreed. National or regional targets within the National Planning Framework (NPF) could provide some clarity, but would have little practical effect if it is not consistent with local and developer priorities and commitments to investment.

*****Developer priorities?***

EXAMPLE - Glasgow Commonwealth Games Athletes' Village – Low Carbon Infrastructure

The Athletes' Village is a 35-hectare residential community now established in the East End of Glasgow. The 700 homes and 120-bed care home, as well as the adjacent Emirates Arena, are powered by a district heating system comprising a combined heat and power energy centre and 28km of pre-insulated pipes supplying heat and constant hot water. The system is approximately 30%–40% more efficient than conventional heating schemes, providing residents with substantial cost benefits. This system, alongside a Fabric First Approach to housing design as well as the use of solar PV panels, contributed to a 95% carbon reduction on 2007 levels. To ensure the site remains sustainable for years to come, the energy centre has been future-proofed to include capacity for an additional combined heat and power engine, boiler and thermal store. This will accommodate connection to further phases of housing development planned for the site. When fully operational it will also generate and export electricity to the national grid.

*****This required a carefully worked-out masterplan involving several providers – but it was carried out at a national level with above average resources.***

3.7 SG want to improve the focus on delivery and quality of place-making but also provide greater clarity and confidence on planning for all those involved. To support this, the National Planning Framework (NPF) should be clear on our national and regional aspirations for housing delivery, and for these aspirations to be used to guide and inform the way we plan for housing at the local level. The estimated range of homes required over a 10-year period could provide a clear picture of what SG is working towards, but also be sufficiently flexible to allow for changing market circumstances.

*****More information is needed on the range of homes [related to different income and occupation levels] and the percentage of 'affordable' units and what type they are. Para. 3.11 gives some details on this.***

3.8 SG has undertaken some initial work to explore how this could be achieved. The independent panel recommended that SG strengthen the links between local authority housing strategies and local development plans. SG has already made progress in reducing the debate around housing figures, by ensuring that the **Housing Need and Demand Assessment (HNDA)**, which provides the evidence base for land use planning and housing policy, is submitted to our Centre for Housing Market Analysis for appraisal as 'robust and credible'. This, together with the development of the HNDA Tool, is helping to reduce the cost and complexity of HNDAs, and limits the debate on numbers to an extent.

*****While agreeing that some kind of methodology is needed, the HNDA tool produces subjective results depending on how it is programmed and who is using it. It will be interesting to see whether SESplan has taken account of the SWCF's comments on reanalysing the figures post-Brexit. At present, there is little evidence that the SESplan figures can be regarded as 'robust and credible' especially when some of the data used goes back beyond 2009 (when the TRIBAL 'SESplan Housing Need and Demand Study' was published).***

3.9 Several changes could be explored further:

- The HNDA tool can be used to quickly derive housing estimates under a range of scenarios. These estimates could be produced on the basis of agreed policy assumptions so that the National Planning Framework (NPF) provides a strategic steer on national and regional aspirations for housing.

*****Agreed.***

- 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. This could be done either centrally, or through the early gatecheck that is proposed to form part of the examination process.

- Improving monitoring of housing land availability, including by making audit information more transparent through publication of a housing sites register online.

*****And what about ensuring that the population figures are themselves realistic – the suspicion is that post-Brexit, they will need regular adjustment. (See comment on 3.8 above.)***

3.10 Views on these options would be welcome. On the basis of the responses to the consultation, SG will revisit policy and guidance on effective housing land and related guidance to housing managers.

Proposal 11: Closing the gap between planning consent and delivery of homes

3.11 SG is already taking steps to support housing delivery. Its **More Homes Scotland** approach supports an increase in the supply of homes across all tenures, and a commitment to deliver 50,000 affordable homes over the current parliamentary term. The approach includes more investment for housing, from support for the affordable housing target to a Rural Housing Fund and Housing Infrastructure Fund.

*****Looks promising – the definition of “affordable” though needs clarification. Will SG fund these 50,000 homes?***

3.12 **To further support housing delivery, 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. Planners should be pro-actively involved in securing development on the ground rather than reacting to proposals for housing. Planning authorities should work with others to define where development should take place in an agreed plan, and secure commitments to its delivery from all relevant parties. They need to be clear on infrastructure requirements, its cost and how it will be financed.

*****Agreed.***

3.13 The development of housing can be complex, involving developer, market and financial confidence. The gap between the numbers of planning consents which are granted each year and the number of homes which are built needs to be closed.

Actively enabling development

3.14 **Sites which are not being progressed are not only lost opportunities, but undermine the purpose of the local development plan by adding to the pressure for land to be released elsewhere.** A stronger focus on the local development plan delivery programme can go some way towards improving our understanding of what makes a development happen or not happen. In turn this can improve the capacity of planning authorities to make informed decisions when allocating land for housing in the plan and granting consent.

*****Agreed.***

3.15 **Land allocated in development plans needs to be supported by appropriate evidence that it can be developed.** More can also be achieved by having a sharper focus on delivery of development proposals at the application stage. SG propose ..that all major applications for housing are accompanied by appropriate information on the development viability. This will help planning authorities to identify and address any delivery blockages. ..To ensure clarity and to avoid delay at validation stage, further guidance on this would be needed.

3.16 **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. Using existing land assembly powers, local authorities can enable development themselves, remove the allocation from the plan or bring forward alternative sites instead. SG want to see more planning authorities and their partners intervening to unblock developments using these and other tools.

*****Sounds OK but some sites that have been given planning permission are not seen as viable by developers – if not substantially developed within 10 years, the planning permission should be revoked on undeveloped portions.***

3.17 **It is currently unusual for a planning authority to take such steps. A change in direction is needed** so that we can unlock housing sites for development, make sites available at a range of scales, and ensure that rates of house building increase. Rather than simply allocating land and waiting for development to commence, planning authorities should actively seek out new ways of delivering development where progress is slow. There is a need to increase choice in the housing market, and to support progressive local authorities who want to shape their area and drive development. This will complement delivery by the private sector and reduce over-reliance on others to find solutions.

*****Agreed. Who are the ‘others’ – the SG or developers?***

3.18 **In moving to a more active delivery role, we have a significant opportunity to diversify housing provision to support the expansion of new and alternative delivery models** so that we can deliver a greater choice and range of housing. This can include models such as **custom** and **self-build** (which already makes a significant contribution in rural and island areas), **Build to Rent**, **Private Rented Sector (PRS)**, and **specialist provision such as supported homes for the elderly.** Alternative models and the promotion of a broader range of sites through the development plan could be considered, together with more targeted use of publicly-owned land. Expanding how we deliver homes would also support small and medium-sized developers and expand capacity within the development industry if we can achieve greater rates of construction.

*****Some useful proposals.***

Planning and land reform

3.19 Proposals that emerged from earlier work on land reform could be instrumental in helping planning to fulfil this role. SG is determined to see more land across Scotland in community ownership and have set an ambitious target of reaching one million acres by 2020. SG will continue to support and encourage local communities to take advantage of opportunities that are open to them in this area, including through the Scottish Land Fund which makes £10 million per year available for developing plans and buying the land itself. In some cases, communities themselves may choose to exercise their right to buy land to help deliver development. SG is currently consulting on a Land Rights and Responsibility Statement. The vision states that 'A fair system of land rights and responsibilities should deliver greater public benefits and promote economic, social and cultural rights.'

****Are community councils (and others) going to have to devote more resources to enact this? Do they have access to free legal advice?**

3.20 SG wants to see a clear, accessible, effective and efficient system of legislation and policy which allows for the compulsory acquisition and purchase of legal interests in land and property for the public benefit. SG will support interim measures, such as amendments to guidance, ahead of changes to legislation. Although they will not form part of the Planning Bill, SG will investigate proposals which give local authorities more confidence and tools to acquire land which is not being used as allocated within the development plan. SG will also explore how best the intended Compulsory Sale Orders legislation could complement existing tools to tackle the problem of abandoned buildings and land, and support wider measures that aim to secure the productive use of vacant and derelict land.

****Sounds promising.**

3.21 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 with stakeholders 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.

****Sounds promising.**

3.22 Collectively, these proposals will play a critical role in helping to deliver more homes and tackling market failures. They will also help the planning system to enable development and achieve place making objectives.

EXAMPLE- Self-build – Maryhill, Glasgow

Glasgow City Council is bringing forward serviced plots for self-build as part of its housing strategy. The project will test the local appetite for self-build homes and offer an alternative option for those who want to stay living in the city. The small site, accommodating six plots, forms part of a wider regeneration area where a contemporary urban village is planned. If a design passport and code is followed, there is no need for self-builders to go through the formal planning process.

****There needs to be a check that anything built is in keeping with planning rules – surely the 'formal planning process' must apply to avoid undesirable developments?**

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

3.23 SG's proposals for development planning aim to make plans more flexible but also stronger and more certain. SG believes that longer-term planning, supported by zoning for housing, could help to achieve this. SG is currently piloting the use of **Simplified Planning Zones (SPZs)** for housing development. Within these areas, development can go ahead without the need for an application for planning consent, as long as it is in line with a clear and agreed scheme which sets out development parameters, design guidelines and other criteria, and environmental assessment requirements have been met.

****Not clear what difference this will make – might work for small schemes of say 10 units where there is a consistency of development. What size are the zones? This looks like a way to cut down administrative costs and to prevent people from having a say.**

3.24 SG believes greater use can be made of this type of approach (effectively a way of **consenting masterplans**) to support development. To encourage their use SG want to broaden the use and scope of a zoned approach to housing by updating provisions for Simplified Planning Zones. The independent panel recommended SPZs be rebranded. SG would like to invite views on this idea of creating these as 'Ready Planned' or 'Consented Development' zones. Where potential locations for these zones are identified in the development plan, community involvement could form an integral part of the process. An alternative approach for this could be for the local authority to put in place a general consent for key sites or areas they want to promote for development.

****Same thing – different name.**

3.25 SG propose using the outcomes from the ongoing pilot work to identify how the statutory requirements and procedures can be made more flexible, to allow them to be introduced

in a wider range of circumstances, to consider linkages with development planning, and to look at ways to speed up the preparation process. Figure 2 sets out the relevant procedures that could be updated.

*****This continues to look like reducing planning controls.***

3.26 SG recognise that preparing SPZs requires time and potentially financial support from planning authorities, with no planning application fee to follow. SG want the development sector to be willing to frontload their investment and contribute to scheme preparation work, including masterplanning and assessments. As SPZs provide certainty about the concept of development earlier on in the process without going through the planning application process, they can offer an uplift in the value of the land and possibly an earlier return on investment.

*****This is admitting that planning permission will automatically raise the value of land. This is not likely to work for small developments but will encourage large developers.***

3.27 SPZs are often put in place through partnership involving the planning authority and developer. To strengthen this, SG will consider how it can resource the procedures for delivering SPZs on a wider scale. SG is aware some planning authorities have had reservations about SPZs due to concerns that without a planning consent to provide a framework for discussions it would be harder to access developer contributions. SG will look at the use of conditions or unilateral obligations to secure greater certainty on delivery. SG will also look at how the proposed new finance and funding mechanisms for an infrastructure first approach could support the use of SPZs.

*****If SG is resourcing procedures, is it doing anything of a practical nature like installing the infrastructure? This looks like a legal approach to ensure the developer pays.***

3.28 To continue to build momentum and experience in the meantime, SG will continue to provide financial support to encourage additional SPZs for housing in the coming months.

*****What financial support will SG provide?***

Figure 2: Better use of zoning to support the long-term planning of housing

Preparation of SPZ schemes has parallels with preparing local development plans, with opportunities for engagement, a draft placed on deposit for representations and opportunities for modification and a Public Local Inquiry at the end of the process. However, the current legislative requirements predate the last planning reform, and SG want to ensure the process is brought in line with this wider review. SG propose:

- Encouraging the preparation of SPZs as an integral part of preparing the development plan, as recommended in the existing guidance.
- Promoting more inclusive community engagement such as charrettes informing SPZs.

*****How much enthusiasm is there for that and does this not imply that big developers will have more power than the electorate?***

- Removing the requirement for a Public Local Inquiry to be held at the end of the process of preparing a SPZ.

*****Is this fair?***

- Removing the blanket restriction for SPZs in conservation areas.

*****Why? This could destroy conservation areas by a one-size-fits-all approach.***

- Accompanying SPZs by a commitment to ensure that other consents supporting development will be managed by the planning authority drawing on the success of the planning protocol supporting Enterprise Areas.

*****What does this mean?***

- Including SPZs in the plan delivery programme.
- Examining the interface between plan and project level environmental assessment requirements, and scope for technical guidance to ensure a robust but proportionate approach is taken.

*****What does this mean?***

EXAMPLE – The Hillington Park Simplified Planning Zone

This SPZ Scheme was prepared in a partnership between Renfrewshire Council and Glasgow City Council, and MEPC Hillington Park, who owns and manages the majority of the site. Initiated by the landowner, preliminary studies and a risk assessment were prepared by consultants instructed by the landowner to shape and inform the SPZ scheme. The scheme deals with the planning issues 'up front' and confirms what type of development, and how much, is allowed, providing greater certainty for developers and stakeholders. It removes the need for repetitive planning applications, covering the same range of planning issues, which will save time and cost for the existing organisations and new businesses looking to invest in the park. It also benefits the planning authorities by reducing the resources needed to manage development in this dynamic area.

*****Big business will manipulate development with local people having little say in the outcome.***

Proposal 13: Embedding an infrastructure first approach

3.29 Good quality places have to function properly, and infrastructure plays a critical role in supporting this. Infrastructure can have a significant effect on the quality of a place, with new construction offering wider opportunities for improvements. SG want infrastructure to help it build places that function properly so people have choices about how they move around, can access the facilities they need, and can live sustainable and healthy lives. Infrastructure planning, like housing development, should be recognised as key part of place making.

3.30 SG says that infrastructure is the most significant challenge for planning at this time. An infrastructure first approach to development should ensure that existing infrastructure capacity is properly understood, can help to identify where additional investment should be prioritised to enable future development, and can be achieved where delivery is co-ordinated. Better infrastructure planning can help to achieve efficiencies, build in long-term resilience and support innovation. We need to ensure that we understand and make best use of our existing capacity and make improvements to meet the needs of future generations.

National level co-ordination

3.31 The independent panel proposed that a national infrastructure agency or working group be set up to better co-ordinate infrastructure delivery. An enhanced National Planning Framework (NPF), which informs and is informed by, the Infrastructure Investment Plan, could play a key role in helping to prioritise future infrastructure spend.

3.32 SG's view is that this is not the right time to create a new, additional infrastructure agency at a national level. This would take time to establish, would need significant extra resourcing and, rather than bringing them closer together, may further distance infrastructure planning from spatial planning. SG recognise, however, that all infrastructure providers should be behind SG's shared commitment to sustainable growth and development.

3.33 Instead, to support SG's commitment to delivering 50,000 affordable homes this Parliamentary term and to address failings in the delivery of market housing, SG propose establishing a national infrastructure and development delivery group, comprising appropriate representation from the Scottish Government and its agencies, public and private sector infrastructure providers and the Scottish Futures Trust. The group would:

- Ensure that knowledge about the key areas for growth and future development, as set out in the National Planning Framework and local development plans, is used to help prioritise our future infrastructure spending as reflected in the Infrastructure Investment Plan.
- Work with local government and the development industry to broker solutions and support delivery at key housing sites across Scotland.
- In the first instance, contribute to developing more detailed proposals for an infrastructure levy.

****SG is not going to pay for infrastructure?**

- Consider how developer contributions could work with wider funding and finance solutions, including city deals, to secure investment that fully supports regional priorities for growth.
- Encourage better co-ordination of development plan strategies and infrastructure capital investment plans and programmes. It is also essential that development plans better understand and reflect on infrastructure investment priorities in order to achieve an infrastructure first approach. The group could oversee and consider regional infrastructure audits, prepared by regional partnerships.

3.34 This group would not need additional legislation to become established or deliver on the duties set out above.

Regional partnerships

3.35 Stronger co-ordination in infrastructure planning and investment at a regional scale is particularly relevant to planning and delivering development. SG consider that co-ordination should be significantly improved at this level. As set out in section 1, SG's proposals aim to ensure that planning is better placed to respond to the partnerships at the regional level that are already, and will continue to, emerge and develop.

****Someone didn't check this gobbledegook.**

3.36 SG's proposals to replace strategic development plans with regional partnership working would empower 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. The Strategic Transport Projects Review, carried out by Transport Scotland, should also work alongside spatial planning to form an essential part of strategic investment planning at both the regional and national scale.

*****What is the benefit of changing from a pony to a horse, from Strategic Development Plans to Regional Partnerships?***

3.37 SG has considered the independent panel's recommendation that **infrastructure providers are given duties to support proposals set out in the development plan**. While SG agrees with this in principle, SG recognises that different corporate structures exist across the various infrastructure providers. A general duty could be introduced, but it would have little value if it cannot be clearly defined or if compliance with the duty is difficult to demonstrate or enforce. In addition, scope for such a duty to be imposed on some infrastructure providers will be limited by matters reserved to the UK Government.

*****If infrastructure providers cannot provide, then the development plan has to take this into account.***

3.38 Improved communication and co-ordination is needed to strengthen awareness of, and commitment to, development plan delivery. In return, development plans must provide the clarity and certainty that is needed to support the case for investment in infrastructure. SG will work with the key agencies and wider infrastructure providers, including those relating to digital and telecommunications and the energy networks, to see how it can achieve a greater level of commitment to development plans.

EXAMPLE - Dundee Waterfront – Regeneration – Infrastructure and Placemaking

This £1 billion transformation over 30 years comprises 240 hectares split into five focused zones, and aims to enhance physical, economic and cultural assets. Led by infrastructure, the Central Waterfront zone has created ready-made development sites. Dated infrastructure and buildings have been removed to make way for a newly formed grid iron street pattern mixed-use extension to the city centre, which provides plots ready for development. These sites have been promoted in brochures showing the plot sizes and dates for site availability, whilst design and planning guidance is provided for developers, making the city investor ready. Beyond this, connecting the city with the River Tay, providing open space and other cultural assets means that this infrastructure first approach is carried out with placemaking at its heart.

*****This is masterplanning, not placemaking. Placemaking depends on architectural design and community involvement.***

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

3.39 **Planning and development already contributes significantly to funding any required expansion in infrastructure that is needed to deal with the effects of development.** SG considers that existing arrangements focusing on the use of Section 75 planning obligations need to be reconsidered, taking into account the delay and uncertainty associated with current arrangements. SG will consider changes to clarify the scope of current provisions in Section 75.

3.40 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. SG has seen increasing uncertainty about whether commitments to providing infrastructure will come forward in the longer term. SG propose restricting the ability to modify and discharge terms of planning obligations introduced by the 2006 Planning Act so that commitments made when planning permission is granted are respected by those who entered into the obligation or who acquire the land.

*****This makes sense.***

3.41 In addition, in the coming year SG will carry out an intensive and closely targeted improvement project involving a small number of authorities to improve timescales for concluding Section 75 obligations. This will build on earlier work which developed the 10 good practice principles, and will develop, test, measure and put in place changes which reduce the timescales for planning obligations. The aim is to share lessons learned more widely across the country.

Infrastructure levy

3.42 **Improvements to practice in Section 75 obligations will not fully close a gap in infrastructure funding** which has emerged following the 2008 recession and the steep decline of housing delivery that arose at that time. In addition, it will not tackle challenges in securing collective contributions for strategic infrastructure. Following the recommendations of the independent panel, SG commissioned research into a new development charging mechanism for Scotland. This could help to deliver strategic infrastructure that is needed to support development across a wider area and would help to build a more confident, infrastructure first approach to planning and development.

3.43 **SG has considered past measures to capture land value uplift** and the experience of implementing the Community Infrastructure Levy in England and Wales. SG has also 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.

3.44 Whilst the detailed design of such a mechanism will be challenging, SG believe a solution can be found which strikes the right balance between simplicity and ability to respond to varying market circumstances. SG propose that the Planning Bill includes an enabling power to introduce a new infrastructure levy for Scotland. Whilst SG would develop and consult on more detailed proposals for this levy at a later stage, SG propose that it should be based on the following key principles:

- It should be applied to most development types, with some potential exemptions.
- Permission to adopt and put in place a charging mechanism is granted by Ministers based on the submission of a business case prepared by the planning authority/authorities.
- The income from the charge should be collected locally.

*****Will it be spent truly 'locally' or in the administration area of the LA?***

- The fund will not replace national level infrastructure investment, as defined in the Infrastructure Investment Plan and National Planning Framework (NPF).
- The fund 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.

Proposal 15: Innovative infrastructure planning

3.45 **SG is exploring wider opportunities for innovative infrastructure planning.**

3.46 An expert group involving all relevant parts of the Scottish Government, Heads of Planning Scotland, the Association of Directors of Education and the Scottish Futures Trust has been established. The group has considered the issues around funding and delivering new schools and is discussing how we can best address this in planning as well as in local authorities more widely. The work of this group will inform the need for future guidance as well as the more detailed proposals for an infrastructure levy as work progresses in the coming year.

3.47 **Land use and transport planning should be integrated to ensure that their impact on connectedness, accessibility, and 'active travel' (walking and cycling) are brought together** and used to improve quality of place. Transport Scotland has begun a review of the National Transport Strategy which will inform the next Strategic Transport Projects Review and will consider transport governance, including the role of regional transport partnerships, as part of this. This should reflect the proposals for change set out here. In addition, SG has confirmed that a review of the Strategic Transport Projects Review will be closely aligned with the review of National Planning Framework (NPF) 3.

*****Land use and transport planning must be integrated. This proposal makes sense.***

3.48 **Green infrastructure also has a critical role to play in supporting quality of life and sustaining the environment.** The links between planning, place, environmental quality and health are very clear. Research, including work by the Glasgow Centre for Population Health underlines the importance of access to good quality greenspace and wider quality of place in helping to address inequalities and overcome longstanding patterns of poor health and vulnerability. This is a key aspect of the place standard and a priority for planning future development and regeneration. 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.

*****It is not clear how Green infrastructure can be assessed with a price tag. The way the economic benefits in the above example have been calculated are not revealed and are therefore suspect.***

3.49 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.

*****Not more windmills, I hope.***

3.50 **Section 72 of the Climate Change 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 mitigation and adaptation, this review provides an opportunity to streamline procedures that have not demonstrated added value and focus on where we can most benefit action on climate change, key to this being the location of development. SG is therefore seeking views on whether to retain the current legislative requirements for these technology centred policies, or remove them.

*****There are things that planning can do that individual developments can not. SG should focus on these – e.g. tidal power generation.***

3.51 SG is liaising closely with the **Scottish Government 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.

*****Will this mean more unsightly street furniture and visual obstructions?***

04 Stronger Leadership and Smarter Resourcing

We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places.

[Proposal 16](#)

Developing skills to deliver outcomes

[Proposal 17](#)

Investing in a better service

[Proposal 18](#)

A new approach to improving performance

[Proposal 19](#)

Making better use of resources – efficient decision making

[Proposal 20](#)

Innovation, designing for the future and the digital transformation of the planning service

4.1 Planners can help to make great places and we see strong examples of this across the country. **SG wants planning to re-establish itself as a visionary profession**, rather than the micro-management of the built environment. SG needs to avoid planning activities that do not add value. We must focus properly on how cost effective the planning service is, and ensure that future changes make processes simpler and more efficient wherever possible.

*****No problem with vision and simplicity, but what is meant by cost-effective? Fewer checks and balances?***

4.2 We now have an exceptional opportunity to redesign the planning service to better reflect the principles of public service reform. **People, partnership, prevention, performance and place** have formed the foundations for the proposals for change SG is setting out. Many of the wider changes aim to remove unnecessary procedures, and 'rebalance' the system so that we can focus on achieving outcomes through direct intervention, creativity and imagination.

*****Spin?***

Proposal 16: Developing skills to deliver outcomes

4.3 Planning can be recognised as a positive force for change. Like any public service it will be measured by what it delivers. Those outcomes must be the focus for all those involved in planning. 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.

*****No issues there.***

4.4 SG will continue to work with Heads of Planning Scotland (HoPS) and the Royal Town Planning Institute (RTPI) Scotland to look at how planning can improve its reputation as a visionary profession that creates great places for people. Leadership is central to this. Planning needs to better articulate the value that it can contribute to society and the economy and should do more to highlight its achievements. The proposals we have outlined to improve community involvement and better align spatial and community planning are intended to support this.

4.5 **Education is key to this and our proposals for involving children and young people will help to build greater awareness and involvement in place making.** SG say that planning graduates have a vital role to play. It is critical that we make future generations of planners resilient and adaptable to change, and give them the confidence to challenge and inspire others. An understanding of the different cultures and sectors will help with this. SG has asked the RTPI Scotland to look into opportunities for a graduate intern scheme.

*****No issues there.***

4.6 The capacity and resilience of the planning profession in Scotland as a whole needs to be considered in view of the recommendations set out here. The independent panel recommended further work on skills development and shared services.

4.7 SG has asked the RTPI Scotland to undertake an audit of skills, and Heads of Planning Scotland to explore options for shared services. Given the many long established relationships between planners in and across the public and private sectors, SG believe we can greatly improve the way we exchange knowledge, skills and experience. However SG recognise 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. The emphasis is on efficiency. Not every authority can be expected to have skills in every area. However, there is a need to ensure that they have access to specialist skills when necessary.

*****Brokerage? There is no problem with efficiency but this seems to be linked to economics.***

4.8 There are some challenges – mainly resources. However, much can be done to help authorities to help one another. This willingness to work together needs to be carefully balanced with the pressures on planners. Time away from desks to either assist others or improve personal skills is not always possible in the current climate. This needs to be addressed, and SG look forward to seeing the results of the RTPI and Heads of Planning Scotland's work on skills and shared services.

*****This looks like fewer people doing bigger jobs across several LAs and a reduction in training. That's not good news.***

4.9 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 (RTPI) Scotland, Royal Institution of Chartered Surveyors (RICS), Royal Incorporation of Architects in Scotland (RIAS), Institution of Civil Engineers (ICE), the Chartered Institute of Housing and others to lead collaborative approaches to improving places and delivering development.

*****No issues there.***

EXAMPLE - Royal Town Planning Institute – Future Planners Initiative

This initiative aims to reach out to young people aged 11-18 to raise awareness of and foster their interest in planning. Volunteer RTPI Ambassadors have been appointed to visit schools and discuss the importance of planning. This gives planners an opportunity to help develop a wider understanding of how the built environment affects everyone's lives. More than 100 Ambassadors have been participating in the initiative, visiting schools throughout the UK and Ireland. A short film 'How do we plan our world?' was also developed and posted online to support school visits.

*****The idea makes sense but which part of the school curriculum is this going to be slotted into – and what will it cover – and will it be an examinable subject? The RTPI has a toolkit and guidance. More information can be found at: <http://www.rtpi.org.uk/ambassadors>. There doesn't appear to be any reference to payment or being checked out through a CRB (Criminal Records Bureau) check under Disclosure Scotland – which costs money.***

Proposal 17: Investing in a better service

4.10 The planning service must have the resources it needs to deliver the world-class service our communities deserve and our economy needs.

*****Agreed.***

4.11 Consultation on proposals to increase in the overall cap in planning fees for most types of development is ongoing. SG has been cautious about increasing fees, conscious of the need to align resourcing with performance improvement. It is critical that we continue to ensure that Scotland is an attractive place to do business. However, SG is 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.

*****Agreed. If the fees were higher, would we get a better service? Would we see more people chancing their arm and not applying for planning permission when they should?***

4.12 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 but help to support the effectiveness of the service.

*****These other organisations are therefore in part paid for through general taxation?***

4.13 In light of SG's proposed reforms, now is the time to have a wider discussion on resourcing our planning system. We 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. Pre-application discussion, statutory consultees, central government support from brokerage to ePlanning and subsequent approvals of matters such as planning conditions can all contribute to creating investor confidence. This is not simply about increasing revenue. The performance of our planning system needs to be at the centre of any changes SG make.

*****In theory full cost recovery is needed but how will this be achieved – in the same way as a business would by charging against the time taken to carry out a particular task? From para. 4.14 below, that seems to be a likely route.***

4.14 SG will therefore bring forward further proposals for changes to current resourcing arrangements which are more flexible and will ensure that the costs to applicants are more closely aligned with the service provided. At this stage, SG believe the consultation should include proposals for:

- A revised maximum fee.

*****Possibly***

- Higher fees for retrospective planning applications and for applications relating to sites not supported by the adopted local development plan (as described in section 1).

*****Probably not an issue as long as inadvertent omission is taken into account.***

- Charging for appeals and reviews of decisions (see section 2).

*****Yes – but if the LA loses the appeal, it has to pay the appellant. This should also exclude small domestic appeals since SG is opposed to an Equal Right of Appeal.***

- Agencies, who have a critical role to play in the development management process, having the ability to charge for services.

*****Which are these?***

- Discretionary charging, including for pre-application discussions.

*****Only beyond a certain stage – there should be no initial charge for say 2-hours' work.***

- Discretionary charging for establishing Simplified Planning Zones (see section 3).

*****More detail required.***

- Removing the developer's right to submit a revised or repeat application at no cost (see section 2).

*****Agreed – or to withdraw an application where the public has already been invited to comment so that he can 'test the water'. Linked with this is the requirement that all information related to the application, including technical information such as traffic movements, has to be included with the application before being advertised for comment. Any additional information provided before the expiry of the period for lodging comments, must be promptly notified to Community Councils and they be provided with an extended period for comment.***

- Removing provisions for recovering advertising costs and including these within a revised planning fee.

*****No problem there.***

- 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.

*****Don't know what this means. Explanation required.***

- Improving clarity and ensuring the fees structure is proportionate and reflects the types of development coming forward, for example by providing a fixed rate fee for polytunnels.

*****No problem there. Why are polytunnels included? See para. 4.23.***

- Enhanced service standards or fast tracked applications where a higher fee is paid and accompanied by a processing agreement.

*****All should be equal – this looks like a two-stream system where money pays for having the application processed faster – drawing fewer objections?***

4.15 SG's aim would be to fully recover the costs of a high performing development management process, and those other parts of public services that directly support it.

*****What is a high performing development management process? An efficient organisation?***

4.16 In recognition of the diversity of the planning service across Scotland, **SG 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 of remote island and rural areas. We should not look at a planning application as an opportunity to extract gain – these proposals are designed to meet processing costs, helping Scotland to be the best place to deliver the planning service and to do business.

*****Does that mean that major developments might not be charged fees while extensions/small developments would be? That would be unfair if a major developer were to make money out of his investment while the small householder would have to pay for it. More clarity needed.***

Proposal 18: A new approach to improving performance

4.17 **Higher fees must be accompanied by a much improved service.** Whilst planning authorities' performance has improved in recent years, SG fully understands the concerns of the development industry that fee increases need to be accompanied by strong performance in every authority. SG says that monitoring is important and that it needs to provide better support for authorities to help them improve and learn from each other.

4.18 SG already has a High Level Group to support improving performance and will continue to pursue delivery of an improved performance agenda.

*****Who comprises this group?***

4.19 It is the planning authorities' responsibility to improve their own performance and they have made significant progress since the introduction of their Planning Performance Framework (PPF). It is also important that all parties play their part in supporting the planning service through early engagement, provision of appropriate supporting information and striving to meet timescales.

*****Perhaps indifferent performance is largely due to SG underfunding planning departments over several years.***

SG thinks the time is right to improve the PPF 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.

*****What does this mean?***

- Continued support from the Improvement Service.

*****See para. 2.16.***

- Improved peer review.
- Identifying a national performance co-ordinator who champions improvement across all planning authorities and leads the sharing of expertise and experience.

*****The Chief Planner, perhaps?***

4.20 Given that **planning should be measured by its outcomes**, SG will also explore the scope for measuring performance on the basis of the quality of places. To some extent, this is achieved by the Scottish Awards for Quality in Planning and the RTPI's annual Awards for Planning Excellence. Wider work to promote the role of the planning profession could be supported if SG can show the level, type and quality of change which has been achieved. This would not only demonstrate success but also help to identify priorities for future action. SG could achieve this, for example where the Place Standard is used to evaluate places 'before and after' development, and communities could also play a role by giving feedback. SG will commission research to explore the scope to develop a practical plan to achieve this.

*****How would the results be conveyed to designers?***

4.21 SG's proposals to increase resourcing must be accompanied by a stronger assurance that performance will improve to a high standard in every authority. Whilst SG has no current plans to implement the penalty clause in the Regulatory Reform Act, it has no plans to remove it. SG 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. However, SG strongly favours a more positive supportive approach, rather than a sanction, and very much recognises the impact that applicant behaviour can have on planning authority performance. SG is committed to continuing its work with the High Level Group on performance to ensure SG provide a supportive and fair improvement agenda.

*****What is the penalty clause about? What 'applicant behaviour' is being referred to?***

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

4.22 SG want to simplify, streamline and clarify procedures so that planners can focus on activities that add most value.

*****No issues there.***

Permitted development rights

4.23 Heads of Planning Scotland are looking at the scope to extend permitted development rights and remove the need to apply for planning permission for more development types. This could also be supported by making changes to the Use Classes Order. At this stage, the types of development where SG think there is scope to remove certain applications from the system are:

- Digital telecommunications infrastructure.

*****This is a major source of street clutter and has been inadequately controlled in the past.***

- Development which helps to meet our wider commitment to reducing emissions that cause climate change. These could be wide-ranging and include different types of microgeneration equipment; installations supporting renewable heat networks; cycle networks, parking and storage; and facilities to support low carbon and electric vehicles.

*****Installations of building size (e.g. wind turbines) should not be exempt.***

- Development which supports the resilience of the farming sector. This includes polytunnels and changes of use from agricultural buildings to housing.

*****That seems to make sense.***

- Allotments and community growing schemes.

*****That seems to make sense except where there is a central 'permanent' building.***

- Changes to the use of premises within town centres to stimulate vitality.

*****This needs clarification with an example.***

- Elements of development within the aquaculture sector.

Handling applications

4.24 **Where an application for planning permission is required**, SG says 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. Recent work undertaken by Heads of Planning Scotland, in collaboration with industry, will provide fuller guidance on this that can be used by all planning authorities, applicants and key agencies. In addition, SG 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.

****No issue there.**

4.25 **SG will commission research on aligning consents procedures**. Based on advice from stakeholders, this work will particularly focus on scope to bring together the handling of applications which are administered by local authorities and will make recommendations which read across to the work of the digital task force. Effective brokerage of applications, such as the arrangements SG introduced to support Enterprise Areas, can also have significant benefits for applicants and the Programme for Government confirms our commitment to develop this further.

Procedural improvements – development management

4.26 More generally, **SG would welcome views on whether targeted improvements can be made to further streamline development management procedures** as a whole.

4.27 In particular, **SG believe there is scope to simplify and clarify procedures for approving the detail of proposals that are granted planning permission in principle**. To provide greater flexibility, SG would welcome views on whether a new provision should be introduced to amend the duration of a planning permission in principle, after permission has been granted. Annex H of Circular 3/2013 sets out current procedures on this.

****This would make sense and allow for planning permission to be granted for a limited period. Add to that that it could only be extended for a period of 1 year with similar provisions for FULL planning permission and a requirement that planning permissions should expire automatically at the end of 10 years, any unfinished parts being subject to a new planning application. This would help remove the perpetual planning consent that maintains the value of land artificially and contributes to blight.**

4.28 SG would 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. For example, pre-determination hearings could be required for proposals which do not need a decision by full council, and SG could allow planning authorities to choose whether pre-determination hearings should be in front of a committee or the full council.

****I am not familiar with this situation but would want full council determination to be widely available..**

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

4.29 **There are many benefits to be gained from digitally enabling transformation of our public services**. SG has already achieved much through the success of its eDevelopment programme over the past decade. It has led to the use of online applications and redesigning business practices around the user needs. However, in planning SG is only now coming into line with the minimum capability of current and developing technology, and have yet to realise the full potential of the fast-moving information age.

4.30 As an example, **SG recently commissioned research on the potential of three-dimensional visualisations in planning**. This is just one way in which technology might transform the way people become involved with, appreciate and get excited about the future of their places. SG will continue to explore and promote new visualisation technology by taking forward the research recommendations in a new programme of work.

4.31 SG 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 improvement of the planning service. SG expect 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.

****Drones could be a problem in built-up areas.**

eDevelopment.scot

eDevelopment.scot is a business transformation programme, delivering digital planning and building standards services across Scotland. SG has developed online application portals to support and enable the modernisation of these services. The planning and building standards application services have historically involved large volumes of paper documents and large-scale plans and architectural drawings. These days, most documents and plans supporting development-related applications are routinely created digitally. Now they can be submitted digitally too, which is much more convenient and cheaper for customers. The end result is less paper to handle, postage and the removal of all unnecessary practices and associated excess costs, radically changing public service processes to fit. Electronic delivery also saves time, with days being cut every time correspondence or documents transfer between applicant and authority. The eDevelopment services deliver what the customer wants – open, accessible online services, available 24/7.

*****How will the SG ensure the technology remains available in perpetuity?***

NEXT STEPS

SG is committed to taking forward a positive and ambitious programme of planning reform over the coming months. Some of its proposals for change will be achieved through a Planning Bill and related secondary legislation, but there also is much that can be achieved ahead of these changes.

Alongside consultation on the proposals set out here, in 2017 SG will continue to take forward research that will help to support future changes to the system. SG will also set up and develop the work of the digital task force and reconvene the six working groups who have helped us to develop this paper to explore the emerging proposals further.

SG is keen to ensure that its national planning policies remain up to date and relevant to the wider planning system. SG will therefore publish the National Planning Framework (NPF) 3 Monitoring Report later in 2017, and thereafter consider the timing of NPF 4 and revision of Scottish Planning Policy (SPP).

*****If SG didn't produce so many papers there would be more time to concentrate on day-to-day issues.***

Additional consultations

SG recognise that the proposals set out here remain at an early stage, and that in some cases there will be benefit from more detailed consultation on more detailed changes. In the coming year SG will therefore consult further on:

- More detailed proposals for enhanced fees and discretionary charging, taking into account emerging proposals.
- Extended permitted development rights, informed by the ongoing work of Heads of Planning Scotland.

Impact assessments

SG is considering the impact of implementing its proposals.

An Equalities Impact Assessment (EQIA) will help us understand policy impacts on people because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This will allow us to identify (and mitigate) negative impacts and proactively look for opportunities to promote equality.

*****In terms of equal impact assessments should an Equal Right of Appeal be assessed? It is unclear what impact this would have on planning.***

A Business Regulatory Impact Assessment (BRIA) will allow SG to assess the likely financial costs and benefits and the associated risks of the proposals that might have an impact on the public, private or third sector.

*****Who represents the 'third sector'? Is this CCs or developers or others?***

A Children's Rights and Wellbeing Assessment (CRWIA) will allow us to assess whether the proposals will advance the realisation of children's rights in Scotland and protect and promote the wellbeing of children and young people.

*****This looks like a time-wasting distraction – there is no bar on children participating right now. It is unclear what this has to do with planning.***

You can find the SG's partial impact assessments at:

<https://beta.gov.scot/policies/planning-architecture/> reforming-planning-system/

In mid-2017 SG will also provide an update on the outcome from this consultation, the analysis of consultation and a summary of the proposed legislative changes. Alongside this, SG will publish a Strategic Environmental Assessment (SEA) Environmental Report. Views will be invited at this stage, in line with the requirements of the Environmental Assessment (Scotland) Act 2005. SG will also update the BRIA and EQIA at this time.

Testing the proposals – research, pilots and exemplars

Several key changes to the planning system would benefit from further testing and practical consideration, not least the proposals that aim to improve development delivery. During 2017:

- SG will commission further research to inform proposals for local place plans, alignment of consents and monitoring of the outcomes from the planning system.
- SG will pilot Simplified Planning Zones. SG has identified a number of early projects to explore a zoned approach to housing through early SPZs. SG will continue to encourage involvement in this programme over the coming months.

*****What are these projects?***

- SG will work with the **Directorate for Planning and Environmental Appeals** to explore proposals, including for an early gatecheck to support the development plan examination.
- SG will further explore the ways in which it can significantly strengthen development plan action programmes. SG will invite the **Scottish Futures Trust** to work with planning authorities to explore the extent to which proposals can be more fully specified, costed and linked with sources of finance.
- SG will design its 2017-18 **charrette programme** to reflect the opportunities for place planning and wider involvement outlined in section 2.

*****Charrettes should be treated with caution, especially if they are developer led.***

SG would like to hear from any planning authorities, developers or communities, including community councils, who wish to work with us to explore how the proposals set out here could work in practice. Please contact planningreview@gov.scot

Culture change, skills and performance

Many of the changes will depend on continuing efforts to change the way the planning profession goes about doing its business on a day-to-day basis. SG believe there is a need for culture change in the profession, on the part of professionals in the public and private sectors alike. SG will therefore work with Heads of Planning Scotland, COSLA, the Improvement Service and the Royal Town Planning Institute Scotland to:

- Design and launch a graduate intern scheme.
- Establish a skills database.
- Design a training programme for the planning profession in Scotland, focusing on, but also extending beyond, planning authorities to include the development sector, communities and key agencies.
- Identify priorities for shared services.
- Revise the guidance on Planning Performance Frameworks.

Getting involved

Views are now invited on the proposals set out in this consultation paper. Respondents are asked to focus on the questions provided for each of the four areas of change.

Responses to the consultation should be submitted to Planning and Architecture Division of the Scottish Government by 5pm on Tuesday 4 April 2017.

RESPONDING TO THIS CONSULTATION

SG is inviting responses to this consultation by 4th April 2017.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space.

*****What is that and where is it?***

You can view and respond to this consultation online at

<https://consult.scotland.gov.uk/planningarchitecture/a-consultation-on-the-future-of-planning>.

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 4th April 2017.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

Planningreview@gov.scot or

Planning and Architecture Division

The Scottish Government

2-H South

Victoria Quay

Edinburgh

EH6 6QQ

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form which can be accessed at <https://beta.gov.scot/policies/planning-architecture/reforming-planning-system/>.

If you ask for your response not to be published, SG will regard it as confidential, and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after SG has checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Planningreview@gov.scot or

Planning and Architecture Division

The Scottish Government

2-H South

Victoria Quay

Edinburgh

EH6 6QQ

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all the SG's consultations online:

<http://consult.scotland.gov.uk> . Each consultation details the issues under consideration, as well as a way for you to give the SG your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. SG will publish a report of this analysis for every consultation.

Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.