Review of the Scottish Planning System

1.   Introduction

1.1   The Board may recall that the Scottish Government in summer 2015 announced the appointment of an independent panel to review the land-use planning system in Scotland. The three person panel were tasked with the following role and remit and to make "game-changing" recommendations to Scottish Ministers ahead of a full consultation this year and probable primary legislation in 2017. This would be the first significant piece of Planning legislation in Scotland since the 2006 Planning etc. (Scotland) Act.

1.2   The panel were tasked with bringing together ideas to achieve a quicker, more accessible and efficient planning process and were requested to focus on the following key themes:

- development planning
- housing delivery
- planning for infrastructure
- development management
- leadership, resourcing and skills
- community engagement.

1.3   The Panel published their findings on 31st May 2016[1] and a number of their observations and recommendations have significance for the South East of Scotland Regional Transport Partnership (SEStran) and the governance and delivery of transport interventions across Scotland. The recommendations are now awaiting a response from Scottish Ministers and this paper suggests that the SEStran board may wish to lobby Ministers further around some of the panel's 48 recommendations.

1.4   Scottish Ministers have also announced in late May the intention for a review of Enterprise, Development and Skills Agencies which would be undertaken over Summer 2016.

2.   Discussion

2.1   The recommendations of the Independent Panel reviewing the Scottish Planning System are broadly positive in regard to the regional planning of transport. Albeit as they stand they are only recommendations and have no further political mandate from Scottish Ministers until they officially respond with their proposals. Therefore, in the intervening period SEStran may wish either individually and/or collectively with other Regional Transport Partnerships (RTPs) to make further representations to Ministers on the more granular detail of some of the recommendations.

2.2   SDPs no longer produced, integrated with NPF

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[1] http://www.gov.scot/Resource/0050/00500946.pdf

2.2.1 The first recommendations of overriding relevance to SEStran is that whilst acknowledging the value of planning at a city-region scale the panel questioned the impact of strategic development plans (SDPs). They pointed to research that suggested they were detached from delivery vehicles and suggested effectively that SDPs should no longer be produced. The panel's alternative proposition was that SDP authorities should collaborate more in the delivery of an enhanced NPF given the maturity of the NPF as a document and accepted strategic planning process. They also feel that the NPF process should be more integrated with the National Transport Strategy and Strategic Transport Projects Review.

2.2.2 In any SEStran response to Ministers we may also wish to argue that the link to Regional Transport Strategies (RTSs) should not be lost in any changes. Given the functional scale of networks around city-regions in Scotland it will still be necessary to strategically plan transport on a scale between national and local plans in order to deliver functional and sustainable transport networks.

2.2.3 The panel recognised that the city-region remains a critical scale for planning and that should be welcomed. However, they noted that the wider context and complexity of infrastructure planning means that collaboration and co-ordination of action are more important than simply the production of a plan in their view. They want planning at a city-region scale to focus on delivery.

2.2.4 This would appear to also be the focus of the emerging EU Urban Agenda and the forthcoming proposals for macro-regional strategies for member states, so members may wish to ask for re-assurance that any change to SDPs does not impact on the ability of Scotland to access or be compatible with future EU funds and/or legislation across a number of policy areas.

2.2.5 In their report of May 2015, the Royal Town Planning Institute (RTPI) recommend that rather than removal, sub-regional plans should have a greater focus on promoting economic opportunity and social justice. Integrated poverty reduction strategies tailored to their particular places and communities need to be developed. Rather than these being narrowly conceived through housing provision or area regeneration these strategies should instead encompass better transport links, access to local services and amenities which can in turn promote greater economic participation and more cohesive communities.

2.3 **Statutory Duty to link Planning and Community Planning**

2.3.1 The Panel also thinks there should be a statutory duty for the development plan to align with the community plan. The Board may wish to argue in further representations that there should also be greater alignment between both regimes with regional transport planning in future. Whilst the panel focussed on infrastructure predominantly in their recommendations, it may be a logical extension for the Board to make representations about the SEStran area moving towards an outcome which delivers a passenger transport authority for the South-East of Scotland which can deliver

integrated services as well as integrated land, transport and economic plans.

2.4   Regional Housing Targets

2.4.1   The Panel recommends that the NPF should set regional housing targets. Given these targets would be a key driver for regional transport demand, a view could be asserted that any such requirement in future, if the recommendation is accepted, outlines a clear role for the Regional Transport Strategy (RTS) in planning sustainably for the increased origin-destination traffic that will be delivered by such regional residential targets.

2.5   RTPs not recognised as Key Agencies

2.5.1   The views of the Panel also highlight that they think Transport Scotland has a clear role in relation to managing transport networks and in particular trunk roads. They highlight the discussion on transport infrastructure delivery extends to the role of RTPs and highlight the difficulties for the planning system which arise when long term development strategies depend on infrastructure which is not supported in committed projects or programmes. These are matters SEStran have in recent years flagged in their RTS Delivery Plans and Annual Reports/Business Plans.

2.5.2   The panel highlighted what RTPs have said previously in their lobbying that the powers to deliver infrastructure vary considerably between RTPs and that there isn't the recognition that there should be of RTPs as key agencies. The panel also comment that the City Deals are potentially a key opportunity to support growth through infrastructure investment in city-regions, but in their view appear to be being progressed with little or no reference to the established spatial strategies set out in SDPs or other strategic plans.

2.6   National Infrastructure Agency

2.6.1   There is a further recommendation from the Panel for the creation of a National Infrastructure Agency or working group with statutory powers to bring together statutory agencies and re-purposed SDPAs to, in their words address sub-regional infrastructure gaps that are emerging in development plans across the country. SEStran in their response may wish to highlight the role of RTPs in any such new system which builds on a proposal from SCDI in their recent "Blueprint" manifesto.

2.6.2   There is no doubt that economies of skill and scale in Scotland could potentially be gained by integrating some currently separately managed and governed services under one roof, joining together with other areas to commission or share larger scale services and staff where appropriate, and aggregating functions into regional shared support services. As well as strengthening local democracy, this may be a necessity if, politically, local communities wish their representatives to protect services of public interest in emerging financial and legislative contexts.

2.6.3   The Commission on Strengthening Local Democracy's 2014 final report observed that centralisation over several decades has fragmented service arrangements and patterns of accountability, and localisation would improve integration and simplify accountability for communities.

2.6.4 The Commission's final report said that we need a culture of change that can bring democratic decision making much closer to local people, and spoke in the final report of the need to take steps to confront and challenge a culture of centralisation at all levels, and deliver progress towards the vision of empowered and strengthened local democracies in Scotland. This may be a line the Board wish to take to any future lobbying given the significant potential of taking infrastructure planning up to a national agency or working group.

2.6.5 The Commission was also clear the achievement of this vision didn't negate the change in delivery of services to a more regional or national level and continuous pursuit of best value for communities, but it did mean that governance of services was retained by locally elected representatives. The Commission concluded that intelligent collaboration and sharing was a necessary element of fundamental subsidiarity and this is a position the Board may wish to articulate in future lobbying.

2.7 Infrastructure Levy

2.7.1 The Panel's next recommendation in their report of significance to transport highlights the proposal to consult on a framework mechanism for the introduction of a regional infrastructure levy.

2.7.2 The report highlights that this should draw on the lessons learned from the Community Infrastructure Levy in England and Wales and capture land value uplift. The panel recognises that there are both strengths and weaknesses in this model, but given the limitations of Section 75 agreements, there is much that could be gained from a well-designed mechanism which properly reflects market circumstances and takes into account development viability. Given variations in market confidence and its influence on the ability to charge for necessary infrastructure, scope to build a fund that has a redistributive role should be investigated further is the view of the Independent Panel.

2.7.3 The Court of Session in May 2016 quashing the Supplementary Guidance – Strategic Transport Fund, adopted by Aberdeen City and Shire Strategic Development Planning Authority. This Supplementary Guidance required developers to contribute towards the cost of transport improvements in Aberdeenshire. The Court found that the transport improvements did not, as required by National Policy, sufficiently relate to the proposed development and as such, the Supplementary Guidance requiring them to contribute to their cost was unlawful. The decision will have important implications for the development of any future infrastructure levy in Scotland.

2.8 Review of Transport Governance

2.8.1 The Board may wish to cautiously welcome Recommendation 21 which is a proposal for a review of transport governance to address the gap in the panel's words between this key aspect of infrastructure and development planning. The Panel's view is that transport agencies at the national and regional scales should be given a clearer mandate to directly support the delivery of development in accordance with the development plan. The panel also calls for a more ambitious approach to low carbon infrastructure

planning and delivery.

2.8.2 The Royal Town Planning Institute in their recent "Poverty, Place and Inequality" report highlight the significant severance effect of area-based disadvantage for individuals. Those living in certain less affluent areas are from evidence less mobile, more reliant on public transport and less able to commute to job opportunities given expensive and/or fragmented transport networks. Previous studies have highlighted that those who are least skilled or most remote from the labour market have the least locational flexibility in seeking new job or training opportunities and that this rather than lack of skills or training has particularly afflicted some communities and individuals within them in terms of receipt of positive outcomes. RTPs could be a key mechanism for addressing these gaps and delivering the outcomes required across several Local Outcome Improvement Plans (LOIPs) on the strategic and cross-boundary issue of transport infrastructure and services.

2.9 Increased Participation

2.9.1 The panel also recommends for all statutory plans a working group is established to look at mechanisms that would increase participation in all forms of planning and also proposes a statutory right for young people to be consulted upon the development plan. In light of SEStran's positive experience with the Young Scot X-Route study over the past year, this might be a case study of co-production which the Board may wish to highlight in supporting these participatory recommendations.

2.10 Review of Enterprise, Development and Skills Agencies

2.10.1 As stated earlier, in addition to the recommendations for the Planning System, Scottish Ministers will be considering the outcomes of an end-to-end review of the roles, responsibilities and relationships of our enterprise, development and skills agencies. The review will cover the full functions of Scottish Enterprise, Highlands and Island's Enterprise, Skills Development Scotland and the Scottish Funding Council. The Ministerial aim is to ensure that all of our public agencies are delivering the joined up support that our young people, universities, colleges and businesses need.

2.10.2 Given the proposals from the Independent Review of Planning Panel and the need for reorientation of the role of certain agencies, the Board may wish to lobby Scottish Ministers on the clear role of transport agencies in any review of enterprise, development and skills outcomes to ensure the delivery of a functional and accessible labour market, allow all to access training opportunities and logistically deliver the right transport networks to facilitate inclusive growth.

2.10.3 The pre-election manifesto of Scotland's Independent Regeneration Network highlighted, as one of two important overarching contextual elements, the importance of adequately accessible, efficient and affordable transport infrastructure; especially the scale, nature and connectivity of investments linking need and opportunity within – and between – communities. The Board may wish to concur with this statement and highlight the clear role for transport in delivering the twin pillars of Scotland's Economic Strategy:

Competitiveness and Inclusion.

3. **Conclusion**

3.1 The Panel has made recommendations to Scottish Ministers for "game-changing" actions across the Scottish Planning System, some of which have clear implications for Regional Transport Partnerships and many of which should be welcomed as they build upon the aspiration in the joint SG/RTPs/COSLA "Develop to Deliver" position paper published in 2014.

4. **Recommendation**

4.1 The Board are recommended to comment upon the proposals of the Independent Review of the Scottish planning system

4.2 To agree that officers should offer SEStran's support in the further development of Government's proposals in response to the panel's recommendations.

4.3 Agree that SEStran office bearers should write to the Cabinet Secretaries for Planning and Economy to articulate SEStran views of the future role of Regional Transport Partnerships.

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Policy Implications	Potentially significant further changes to transport legislation, policy and strategy.
Financial Implications	Potentially significant change to infrastructure funding mechanisms.
Race Equalities Implications	None
Gender Equalities Implications	None
Disability Equalities Implications	None
Climate Change Implications	None