

Places, People and Planning Consultation

1. INTRODUCTION

1.1 The report seeks to summarise the key issues emerging from the Scottish Government's "Places, People and Planning: A consultation on the future of the Scottish planning system" publication and seeks to agree the key aspects of a mandated SEStran response by the deadline of the 4th April 2017. The key aspect of any response is to what extent do the Board wish to engage with a process of change in the statutory footing or policy focus of Regional Partnerships including RTPs.

2. PROPOSALS FOR CHANGE

2.1 The proposals outlined in the consultation seek to deliver a planning system for Scotland which helps growth to happen and unlocks the potential of our people and places. The proposals have been developed in response to the independent review of planning report published in May 2016, which was the subject of a report to the SEStran Board in June 2016. The consultation paper is accessible here: <http://www.gov.scot/Publications/2017/01/3486> and is also attached at appendix 2. The Partnership Director has also been invited on the 20th March to a further meeting of the Planning Review Working Groups.

2.2 In the Consultation the Scottish Government outline four key areas of change and 20 specific proposals within these areas, not all of which are of direct relevance to SEStran and in that regard the rest of the report focuses on proposals and question of greatest appropriateness to SEStran:

- Aligning Community Planning and Spatial Planning (Proposal 1)
- Regional partnership working (Proposal 2)
- Improving national spatial planning and policy (Proposal 3)
- Stronger Local Development Plans (Proposal 4)
- Giving people an opportunity to plan their own place (Proposal 6)
- Getting more people involved in Planning (Proposal 7)
- Embedding an infrastructure first approach (Proposal 13)
- A more transparent approach to funding infrastructure (Proposal 14)
- Innovative Infrastructure Planning (Proposal 15)
- Developing skills to deliver outcomes (Proposal 16)

2.3 As community planning partners, is it proposed that SEStran should support Proposal 1 for a statutory link between land-use and community planning. It would also be a clear opportunity to discuss the infrastructure requirements of transport service delivery, within a context of an outcome-focussed approach to service delivery which could be significantly beneficial to those stakeholders suffering transport connectivity and accessibility inequalities at present, through the integration of land-use and other forms of service delivery. It is welcomed that the proposal references spatial planning and not just land-use planning as the requirement for greater alignment.

- 2.4** The Royal Town Planning Institute in their 2016 “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 spatial deficiency rather than lack of skills or training has particularly afflicted some communities and individuals within them in terms of receipt of positive outcomes. The alignment of planning systems may also need to be increasingly reflected in the context of the new set of national outcomes being developed for the National Performance Framework under the requirements of the Community Empowerment Act 2015 and drive setting of local outcomes in Local Outcome Improvement Plans (LOIPs). These new national outcomes will implement the Scottish Government’s previous commitment to incorporate the United Nations Sustainable Development Goals, which include specific actions on climate change and inequalities amongst other actions. If a “barrier” is cross sector working, we ask for specific reference to alignment on these issues in the NPF to drive work on it in LOIPs? 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 from the proposed greater alignment.
- 2.5** In terms of Proposal 2 regional partnership working, The Royal Town Planning Institute (RTPI) have in the past recommended 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. This would seem in alignment with the UK Government’s Industrial Strategy Green Paper which supports regional partnership working especially around transport e.g. Transport for the North.
- 2.6** Scottish Government through Proposal 2 have agreed with the Independent Panel that the duty to prepare Strategic Development Plans (SDPs) should be removed from the planning system. However, it is welcomed that Scottish Government have recognised that strategic planning has an important contribution to make to a successful planning system in Scotland. Going forward, it is proposed that the National Planning Framework (NPF) sets out regional planning priorities and that in the place of SDPs there should be new duties or powers enacted for local authorities to work together to define and implement regional priorities. The consultation invites views on what needs to be done at this scale including co-ordination of delivery programmes especially housing delivery, cross-boundary infrastructure investment audit, and potential co-ordination of a regional infrastructure levy and a widening of the partnerships to involve business

representatives to provide a forum for discussion of regionally significant matters.

- 2.7** The consultation advises that Scottish Government is open to considering making these actions discretionary powers which local authorities could decide to enact, if deemed of value in a regional context. However, the consultation does state that they are keen to avoid creating new partnerships where tasks can be achieved through existing arrangements. In the consultation paper and the ongoing review of the National Transport Strategy with its proposed consideration of transport governance / regional partnership working, Scottish Government also outline that they 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. In that context, the report highlights the discussions SEStran and SESPlan have had regarding the increasing alignment of regional transport and planning functions, linking to economic development and proposals for a City Region Deal.
- 2.8** They would also welcome views on certain aspects of the scale or regional partnership working. Firstly, in terms of a greater flexibility for localities to define their own geography of partnership working, rather than having it defined by legislation, allowing strategic planning to better align with City Deals. Or conversely, using the NPF to identify priority areas where future regional partnership working should take place. There is also mention about how regional partnerships and Enterprise regional working in the South of Scotland could fit with this geography.
- 2.9** SEStran has previously concluded that there are potential benefits to be realised from a closer integration of strategic development activities and the City Region Deal. These should include more efficient working and a clear alignment of activities. Support arrangements are currently progressed on a joint basis at a regional level for planning, transport, housing and economic development. Similar support arrangements will be required to progress and implement the City Deal. Clearly, there is a strong case for integrating the support and service arrangements for planning, transport, housing and economic development at a regional level. This could result in a single team with appropriate professional expertise which would service the interests of each subject area. However, it's not been possible reach an agreement at present but there was agreement of the potential for delivering improved outcomes and efficiencies between all parties.
- 2.10** This is undoubtedly a key, if not, the key corporate issue of the response for SEStran. To what extent is the Board open to change? It is proposed that SEStran should make an offer in their response for change to be based on the existing RTP statutory context, broaden out to cover other policies and with a recognition of the need for a review of all structures as part of this process. Should we argue for a retention of the statutory basis of any regional partnerships going forward: planning for transport, planning, economic development but with the ability to enact further discretionary powers as deemed appropriate by local stakeholders within the region. The Board's views on this issue will be key in framing the rest of our response to

this consultation but also the emerging governance aspects of the second National Transport Strategy (NTS2).

- 2.11** In terms of proposal 3, to try and reflect regional priorities in national plans it would seem appropriate at this stage to would need to await the outcomes of the review of transport governance to enable an aligned responses to improve spatial planning policy across a number of sectors but especially focussed on transport and land-use planning integration. While the City Region Deal will require an implementation facility, any future joint team could prepare, monitor and support the development strategy and the projects within this for City Region Deal. However, we have previously stopped short of asking for a removal of the statutory footing for Regional Transport Partnerships to enable any transition as part of City Deals and in the context of the Independent Panel seeking to recognise RTPs as key agencies it would seem counter-intuitive to remove their statutory status implicitly or explicitly through the consultation when there is also an ongoing review of transport governance. SEStran is currently bidding with the Transport Research Institute of Edinburgh Napier University to secure Horizon 2020 funding to research the best practice on transport and land-use integration.
- 2.12** Proposal 4 on Stronger Development Plans has a suggestion that at an early stage there should be an audit of existing infrastructure levels and necessary interventions, including the plan's transport appraisal. There is clearly a role for RTPs as part of the development of a statutory Regional Transport Strategy (RTS) and associated delivery plan and in the context of seeking to build on what is already there and what is planned for the future. SEStran would welcome further articulation of these proposals and how these could fit with ongoing consultation/monitoring on RTS's and associated main issues reports.
- 2.13** Proposal 6 outlines potential changes to legislation which will allow communities to prepare local plans that set out where development requirements, as defined by the broader local development plan, can be met and place a duty on planning authorities to adopt these plans as part of the statutory development plan if the above requirement is met. We welcome the proposal to increase local democratic involvement and community engagement but with a clear proviso that this can't be a mandate to promote unreasonable protectionism, or in the absence of regional planning potentially going forward, a singular community veto on important regional strategic infrastructure projects. The action for further research is welcomed to explore options for local place plans and how they can be integrated with strategic planning in order to develop inclusive growth for Scotland.
- 2.14** The Independent panel previously recommended that for all statutory plans, a working group is established to look at mechanisms that would increase participation in all forms of planning and also proposed 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-Route¹ study over the

¹ <http://www.youngscot.net/getting-active-with-xroute/>

past year, this might be a case study of co-production which the Board may wish to highlight in supporting these participatory recommendations under Proposal 7. The positive engagement we had from young people and also the need for actions under this proposal to be integrated by public bodies within their statutory Equality Outcomes 2017-2021 and actions to increase participation in public life of currently under-represented groups should be an integral part of implementing this proposal given Public Sector Equality Duties.

- 2.15** On the issue of infrastructure planning, under Proposal 13, the consultation suggests an infrastructure first approach to development, ensuring existing capacity is properly scoped and identifies where additional capacity is needed. The Scottish Government outline that they do not agree with the proposal of the Independent Panel to set up a national infrastructure agency or working group and instead propose the establishment of a national infrastructure and development delivery group. In the first instance this group would contribute to developing more detailed proposals for an infrastructure levy, how this could work with wider funding and finance solutions and also there could be a role for the group in overseeing and considering regional infrastructure audits – including transport, prepared by regional partnerships, as highlighted by earlier comments on Proposal 4, SEStran would request the key role of RTS is recognised in this proposal.
- 2.16** The consultation paper highlights that the Strategic Transport Projects Review (STPR) should work alongside spatial planning to form an essential part of strategic investment planning at both the regional and national scale. It would be welcomed if in further developments of this proposal there was greater reference to Regional Transport Strategies, as an existing statutorily required regional planning document which clearly would have a role in a regional audit of transport infrastructure capacity.
- 2.17** The consultation outlines in Proposal 14 that improvements in Section 75 practice will not fully close a gap in infrastructure funding which has emerged following the 2008 recession and the steep decline in housing delivery that followed. The Scottish Government recognise that it will not address challenges surrounding securing collective contributions for strategic infrastructure. Therefore they propose in the forthcoming Planning Bill to introduce an enabling power for a new infrastructure levy for Scotland, following further detailed consultation on the development types involved which will outline how permission to charge is granted by Scottish Ministers to a planning authority/authorities. It is not proposed that the levy replaces national investment or investment secured via Section 75 agreements. SEStran would welcome the proposal to facilitate additional investment in infrastructure based on a targeted levy as a vital further funding stream to deliver existing and future commitments made in the RTS Delivery Plan.
- 2.18** The consultation also states that, under Proposal 15, the Scottish Government wish to explore wider opportunities for innovative infrastructure planning. In this context, the consultation proposes that Land use and transport planning should be integrated to ensure that their impact on
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connectedness, accessibility and active travel are brought together and used to improve quality of place. The review of transport governance is highlighted and it is suggested that the review should consider the role of regional transport partnerships.

- 2.19** In terms of infrastructure planning and funding it will be fundamental that any arrangements provide a strong focus for a more joined up, sustainable and extensive approach to prevent negative outcomes. The provision of an infrastructure first approach is welcomed, as a clear commitment to early intervention in line with the ethos of the Christie Commission on Public Sector Reform. It is also welcomed that a focus on the collective nature and impact of infrastructure requirements are in many cases cross-boundary and by implication require joint planning and implementation programmes. 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 cannot be overstated in its importance to the proposals for change outlined in the consultation paper.
- 2.20** As mentioned earlier in the report in regard to Proposal 2, the increasing alignment of functions in the South-East of Scotland may have relevance to Proposal 16 on developing skills to deliver outcomes and the independent panel's recommendations of further work on skills development and shared services especially concerning the sharing of specialism between local authorities/delivery of shared outcomes. SEStran's Partnership Director responded with focussed comments to the recent Scottish Government's consultative draft plan for education and training on Science, Technology, Engineering and Mathematics (STEM). The aim being to provide Scotland with a resilient and enhanced workforce to drive forward the research, development and implementation of these policies and proposals over the next 3 decades. It is crucial that in terms of the Planning Review, NTS2 and RPP3 that whatever path we take towards the 2050 targets it needs to be well-resourced, not only in terms of financial resources but Scotland also need to develop and retain STEM based expertise to deliver the innovative and forward-thinking proposals.
- 2.21** The Board in their consideration on the Independent Panel's final report last year observed that 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.
- 2.22** 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. 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 implied potential of taking transport infrastructure planning away from a Regional Partnership/Planning system.

- 2.23** 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 as key tenants in drawing up cultural and legislative change proposals on the future of the Scottish planning system.

3 UK INDUSTRIAL STRATEGY

- 3.1** The UK Government have also recently published a consultation² on their proposed strategy to address long-term challenges for industry. The consultation identifies 10 pillars that the UK Government believe are important to drive forward their industrial strategy across the entire economy: science, research and innovation; skills; infrastructure; business growth and investment; procurement; trade and investment; affordable energy; sectoral policies; driving growth across the whole country; and creating the right institutions to bring together sectors and places.
- 3.2** It is proposed that SEStran also respond to this consultation with an amalgamated submission based upon relevant aspects of the Planning review consultation but also Rail Strategy, RPP3 and our previous responses to other consultations such as the Royal Society of Arts Inclusive Growth Commission.

4. CONCLUSION / RECOMMENDATIONS

- 4.1** The Board are invited to:
- comment on the summary of issues raised by the Scottish Government consultation on the future of the Scottish planning system;
 - Have a focussed debate at the meeting specifically upon their view of whether SEStran should proactively engage in debate around changing the policy focus and potentially statutory context of RTPs; and
 - Mandate the Chair to sign off the final response to the Scottish Government Planning consultation prior to the 4 April.
 - Mandate the Chair to sign off the final response to the UK Industrial Strategy consultation prior to the 17 April.

² <https://www.gov.uk/government/consultations/building-our-industrial-strategy>

George Eckton
Partnership Director
23rd February 2017

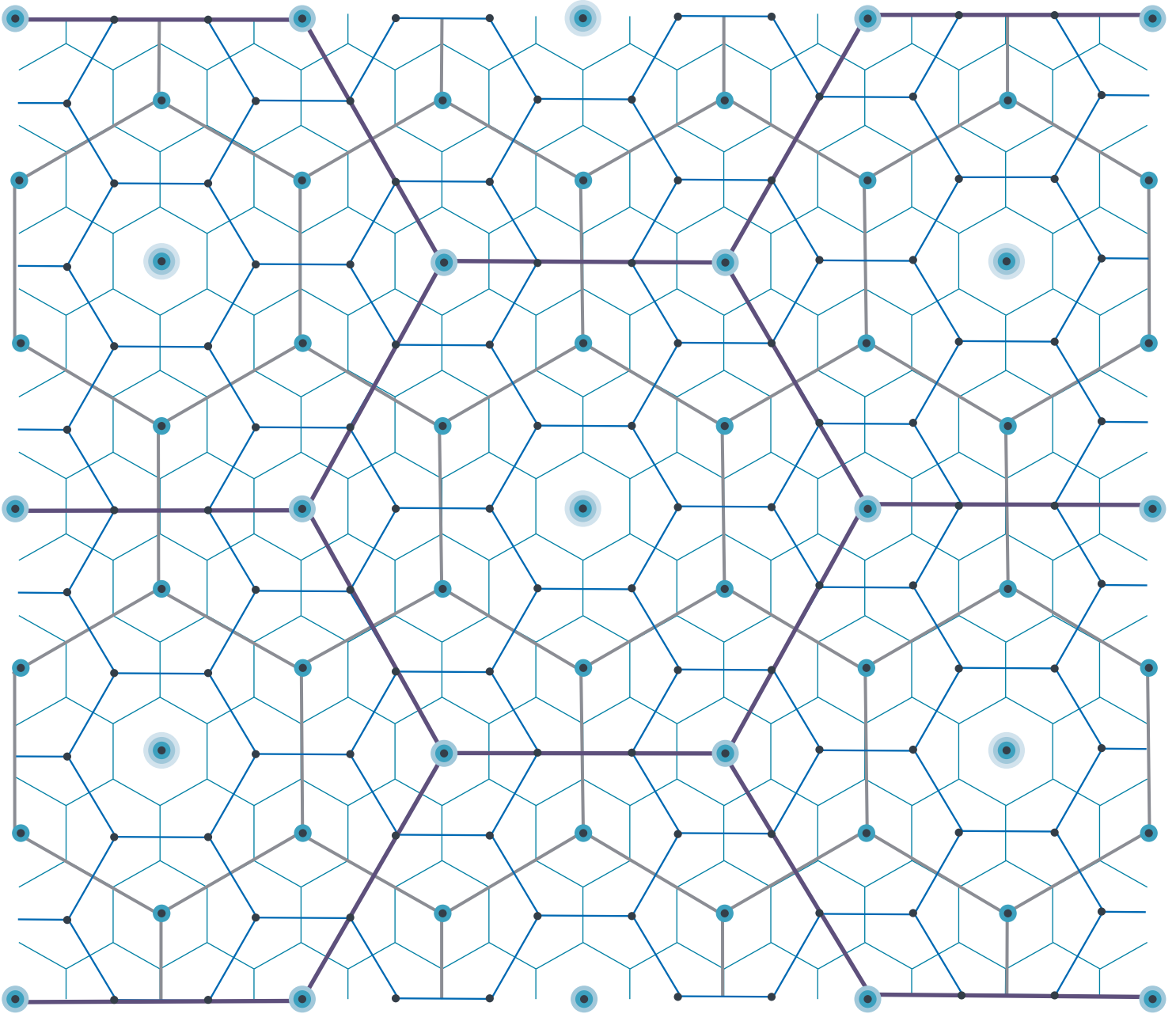
Policy Implications	Potentially significant further changes to transport legislation, policy and strategy.
Financial Implications	Potentially significant change to infrastructure funding mechanisms.
Equalities Implications	Impact on encouraging participation in planning for under-represented groups
Climate Change Implications	Impact of greater integration of transport and land-use planning is a key aspect of the Government's plans for emissions reductions.

Appendix 1 – Selected Consultation paper Questions

Appendix 2 – Places, People & Planning Consultation Paper

Selected Consultation Questions

- Do you agree that our proposed package of reforms will improve development planning?
 - Do you agree that local development plans should be required to take account of community planning?
 - Do you agree that strategic development plans should be replaced by improved regional partnership working?
 - How can planning add greatest value at a regional scale?
 - Which activities should be carried out at national and regional levels?
 - Should regional activities take the form of duties or discretionary powers?
 - What is your view on the scale and geography of regional partnerships?
 - What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?
- Do you agree that our proposed package of reforms will increase community involvement in planning?
 - Should communities be given an opportunity to prepare their own local place plans?
 - Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?
 - How can we ensure more people are involved?
 - Should planning authorities be required to use methods to support children and young people in planning?
- Will these proposals help to deliver more homes and the infrastructure we need?
 - Do you agree that rather than introducing a new infrastructure agency improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?
 - Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?
 - What actions or duties at this scale would help?
 - Do you agree that future legislation should include new powers for an infrastructure levy?
 - At what scale should it be applied?
 - To what type of development should it apply?
 - Who should be responsible for administering it?
 - What type of infrastructure should it be used for?
 - If not, please explain why?
- Do you agree the measures set out here will improve the way that the planning service is resourced?
 - What are the priorities for developing skills in the planning profession?
 - Are there ways in which we can support stronger multidisciplinary working between built environment professions?



Places, people and planning

A consultation on the future
of the Scottish planning system



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FOREWORD

Scotland needs a great planning system.



The places where we live, work and play can have a major impact on our health, wellbeing, sense of identity and prosperity. Planning can nurture our places, our environment and our communities and guide future change so that it benefits everyone. Planning can co-ordinate and support investment, ensure that future growth reflects the needs of communities and is sustainable. Planning has a key role to play in delivering Scotland's Economic Strategy. The efficiency and reputation of the system has an important role to play in making Scotland an attractive place to invest.

We need to change the planning system so that it realises its full potential. Procedures and perceptions can be improved. Planning should not be bureaucratic and dull, but inspiring and influential. It should be dynamic, focused on outcomes, inherently efficient and effective. Our planning system should play a more active role in making development happen in the right places.

Our planning system has important strengths that have helped shape Scotland and there are examples of good practice around the country. However, we need to improve the performance of the system further so that it more effectively delivers for all of us. We need to improve the way the planning profession performs and is valued by others. This will need everyone's support – we all have a contribution to make. We can build on previous reforms and 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 heard from communities, developers, professional planners and a wide range of organisations with an interest in planning. The panel set out clear recommendations for change. Since the panel's report was published in May 2016, the Scottish Government has discussed, with many different people, how we can make the system work better. The panel's ideas, and the enthusiasm of people who are interested in planning, have helped to shape our proposals for change. I am very grateful to those who have contributed to the review of the planning system.

I hope our proposals inspire you to comment on the future of planning in Scotland, and I look forward to hearing your views and ideas.

Kevin Stewart MSP

Minister for Local Government and Housing

OUR PROPOSALS FOR CHANGE

Planning should be central to the delivery of great places and a force for positive change. Scotland's economy needs a planning system which is open for business, innovative and internationally respected. Our people need a planning system that helps to improve their lives by making better places and supporting the delivery of good quality homes.

We recognise the unique contribution that the planning system can make to shaping the future of our places.

Scotland needs a planning system which helps growth to happen and unlocks the potential of our people and places. 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.** We want Scotland's planning system to lead and inspire change by making clear plans for the future. To achieve this, we can simplify and strengthen development planning.
- **People make the system work.** We want Scotland's planning system to empower people to have more influence on the future of their places. To achieve this, we can improve the way we involve people in the planning process.
- **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. To achieve this, planning can actively enable and co-ordinate development.
- **Stronger leadership and smarter resourcing.** We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. To achieve this, we can remove processes that do not add value, and strengthen leadership, resources and skills.

Responding to this consultation

We would like to hear your views on 20 proposals for improving the planning system. To help you respond to this consultation, we have set out a key question for each of the four areas of proposed change. More detailed technical questions are also provided for those who wish to answer them.

KEY CHANGES

Making Plans for the Future

We want Scotland's planning system to lead and inspire change by making clear plans for the future. We propose:

1__Aligning community planning and spatial planning. This can be achieved by introducing a requirement for development plans to take account of wider community planning and can be supported through future guidance.

2__Regional partnership working. We believe that strategic development plans should be removed from the system so that strategic planners can support more proactive regional partnership working.

3__Improving national spatial planning and policy. The National Planning Framework (NPF) can be developed further to better reflect regional priorities. In addition, national planning policies can be used to make local development planning simpler and more consistent.

4__Stronger local development plans. We believe the plan period should be extended to 10 years, and that '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.

5__Making plans that deliver. We can 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.

People Make the System Work

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

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. We believe these plans should form part of the statutory local development plan.

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

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

9__Keeping decisions local - rights of appeal. We believe that more review decisions should be made by local authorities rather than centrally. We also want to ensure that the system is sufficiently flexible to reflect the distinctive challenges and opportunities in different parts of Scotland.

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. We propose:

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.

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

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.

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.

14__ A more transparent approach to funding infrastructure. We believe 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.

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.

Stronger Leadership and Smarter Resourcing

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

16__ Developing skills to deliver outcomes. We will work with the profession to improve and broaden skills.

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

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

19__ Making better use of resources – efficient decision making. We will 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.

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.

01

**MAKING
PLANS
FOR THE
FUTURE**

We want Scotland's planning system to lead and inspire change by making clear 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. Change is needed to make that happen and ensure plans better reflect the needs and expectations of society now, and in the future.

1.2___Plans should show where development will happen, and how our places may change over time. They should help us to design and deliver places where people can lead healthier lives, move around easily and have access to 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. Our planning system evolved to provide healthier places for people. We need to make sure that purpose continues to guide the plans we prepare today.

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.

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.

Proposal 1: Aligning community planning and spatial planning

1.5___The independent panel found strong support for a plan-led system. We want to see plans that allow planners to lead and innovate, delivering priorities that have been agreed through an open and evidence-led process.

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.

1.7___We 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. We will also support this as we bring forward guidance on both community planning and spatial planning. Co-ordinated working and including planners as key community planning partners will be essential.

Aligning Community Planning and Spatial Planning – East Ayrshire

The East Ayrshire Community Plan 2015-2030 sets out aspirational outcomes for East Ayrshire in the coming years. There are three shared priority areas, led by different community planning partners: Economy and Skills (East Ayrshire Council); Safer Communities (Police Scotland); and Wellbeing (the Health and Social Care Partnership). The East Ayrshire local development plan reaffirms the shared vision – in particular, the drive to promote the economy and skills is fully embedded across all aspects of the plan. The plan was used to explore land use issues including strategic locations for development, infrastructure and town centres. Key to the success of this alignment were partnership working, a shared focus on outcomes, governance and dynamic leadership.

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.

1.10 The independent panel recommended that strategic development plans are removed from the system and that we should focus instead on co-ordinating development and infrastructure at this scale. We agree, but we recognise that strategic planning has an important contribution to make to delivering a high performing planning system. Any changes to the system should support cross-boundary collaboration, and improve the co-ordination of strategic development and infrastructure priorities.

1.11 Planners working at a regional scale should play an active role in partnership working. Strategic planners could add significant value by helping to 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.

1.12 We agree that strategic development plans should be removed from the system, so that planners can better respond to and be involved in wider regional partnership working. Instead, we propose that the National Planning Framework (NPF) sets 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 also 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.

Regional working

1.13 We propose to replace these plans with new duties or powers for local authorities to work together on defining regional priorities. Views on what needs to be done at this scale are invited, but we suggest 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). We would want 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.
- Co-ordinating the work of local authorities to support the aspirations for housing delivery, as set out in the National Planning Framework (NPF).
- 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.
- 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.
- 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.

1.14 We would welcome views on the above actions. We believe they could form the basis of new duties to help planning authorities to be actively involved in regional partnership working. We are also open to considering making these actions discretionary powers which allow local authorities to decide whether this level of co-ordination would be of value. We would welcome views on working arrangements and governance. We are keen to avoid creating new partnerships where tasks can be achieved through existing arrangements.

1.15 Within the above context, the ongoing review of the National Transport Strategy and the consideration of regional partnership working. We would also 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.

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.

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 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. Our commitment to addressing climate change is also driving wider partnership working, for example in the Climate Ready Clyde Project.¹ The ongoing

enterprise and skills review² 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. We need planning to respond to changing regional priorities and groups, rather than focusing on fixed boundaries. We 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.

1.20 ___ We would welcome 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.
- We 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.
- We could use the National Planning Framework (NPF) to identify priority areas where future regional partnership working should take place.

¹ <http://www.sniffer.org.uk/knowledge-hubs/sustainable-places/climate-ready-clyde/>

² <http://www.gov.scot/Resource/0050/00508466.pdf>

The Tay Cities Region – Partnership for Growth

The opportunity to secure a City Region Deal has brought together the leaders and chief executives of local authorities across the region to work together as a strategic partnership. The four authorities (Angus, Dundee City, Fife and Perth and Kinross Councils) are collaborating with their Community Planning Partners, the private sector and voluntary organisations to develop and deliver on an agreed vision for the region as a distinctive place. The partnership has identified how the region's potential can be unlocked, including by supporting key growth sectors and fostering innovation and skills development. The need to address social and economic inequalities in both urban and rural areas and support transport and digital infrastructure investment are also identified as key regional priorities.

Proposal 3: Improving national spatial planning and policy

1.21 ___ The role of Scotland's National Planning Framework (NPF) has developed and grown since the first, non-statutory NPF was adopted in 2004, and through its two versions as a statutory document in NPF2 (2009) and NPF3 (2014).³ We want to build on the growing awareness of NPF, and support our proposals for stronger co-ordination of regional planning by producing a spatial strategy that is prepared following even more joint working and involvement.

Alignment with wider policy

1.22 ___ We have already announced in the Programme for Government⁴ that the next Strategic Transport Projects Review (STPR) will be in line with the next iteration of the National Planning Framework (NPF) and a review of the National Transport Strategy is underway and will inform the next STPR. We recognise that we should consider spatial planning priorities as part of future reviews of the Infrastructure Investment Plan. This will allow for spending on infrastructure to be more clearly aligned with proposals for future growth, regeneration and development.

1.23 ___ We will continue to ensure that the National Planning Framework (NPF) brings together wider Scottish Government policies and strategies across all sectors, including but not limited to the Scottish Planning Policy (SPP), Energy Strategy, Climate Change Plan and Scottish Climate Change Adaptation Programme, Land Use Strategy, Digital Strategy, National Marine Plan and our national policy on architecture, Creating Places. We will also ensure that planning at this scale maintains its role as the spatial expression of Scotland's Economic Strategy.

1.24 ___ An enhanced national spatial strategy which provides greater clarity on regional priorities (informed by the work of regional partnerships) would have greater significance and relevance across Government policy areas. We therefore propose building on the provisions for the National Planning Framework (NPF) introduced by the 2006 Act by:

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

- Extending the existing period of 60 days of Parliamentary consideration to 90 days to allow for enhanced transparency and national democratic engagement.
- Giving the National Planning Framework (NPF) (together with the Scottish Planning Policy (SPP)) stronger status. Consistency of local development plans with the National Planning Framework (NPF) should also be independently tested and confirmed.
- Working closely with infrastructure providers to contribute to the delivery of the National Planning Framework (NPF). This will require careful consideration owing to the varying roles, responsibilities, legal and regulatory context within which each infrastructure provider works. A delivery programme for the National Planning Framework (NPF) should be developed in close collaboration with regional partnerships and there should be a strong sense of shared ownership of the actions it contains.

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. We believe this needs to change and that the National Planning Framework (NPF) and Scottish Planning Policy (SPP) 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.

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

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 (SPP) that are justified on the basis of distinctive local circumstances.

³ <http://www.gov.scot/Resource/0045/00453683.pdf>

⁴ <http://www.gov.scot/Resource/0050/00505210.pdf>

Proposal 4: Stronger local development plans

1.28___As well as being engaging, development plans need to be strong and practical. Building on previous reforms, our proposals aim to ensure local development plans can better respond to their changing context. We agree with the independent panel 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. It is important that draft plans are fully informed by robust evidence from the outset. We also agree that the lifespan of plans should be longer, and the time it takes to prepare them should be reduced.

1.29___We propose the following changes to local development plans:

- Removing the requirement for a main issues report to be prepared and consulted on. We would replace this with a requirement for a draft plan to be published and fully consulted on, before it is finalised and adopted. This would mean responses to the draft plan could be used to guide changes, and these changes could be explained in feedback to those who have been involved.
- Requiring local development plans to be reviewed every 10 years. We agree in principle with the independent panel that 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.
- 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. Our view is 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. This is intended to improve scope to focus on delivery.
- 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.

1.30___Alongside these changes, we propose 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.

Examinations

1.31___We accept the independent panel’s view 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. Current arrangements can be lengthy and result in a significant financial cost to local authorities. As the examination takes place late in the process, it is very difficult to address any significant issues that are outstanding at this stage.

1.32___It is important that a clear national and regional picture of requirements informs local development plans. However, decisions on the future of a place, including where development should happen, should be made locally, and local people should be fully involved. We want to ensure that people have more meaningful opportunities to influence where development should take place. However, this needs good evidence and input from professionals, so that everyone involved can properly understand the level of development required and how an area can support it, before specific development sites and proposals are considered and 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 and difficult decisions should not be avoided. Independent scrutiny can help to establish what is needed from a plan, that appropriate information has been gathered, that people will be properly involved and that, ultimately, developments will be delivered in line with the vision in the local development plan.

1.34___ We do not suggest removing examinations altogether but we agree with the independent panel that earlier scrutiny in the plan preparation process would be helpful. We 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. We believe the following matters could usefully be assessed at this early but critical 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.
- 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.
- 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___ We propose that gatechecks are chaired by independent reporters from the Directorate for Planning and Environmental Appeals (DPEA) and 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.

1.36___ We recognise that as the preparation stage of a plan progresses, there may still be some issues to deal with and that an examination towards the end of the process may still be needed. Before the plan is finalised, we propose that unresolved issues would still be dealt with by an examination. We expect that the earlier gatecheck would mean there is less scrutiny at this stage and that this would reduce costs and timescales.

1.37___ Alongside these proposals for change, we believe we can work with planning authorities to make sure that the evidence base for local development plans is more streamlined and effective. Research into the Strategic Environmental Assessment (SEA) of development plans is underway, with a report due to be published later this year. We expect the findings of this research will help us to better understand how future assessment and reporting requirements could support and be proportionate to a new planning system. We have also made proposals on planning for housing in section 3 which aim to simplify requirements for defining housing figures within development plans.

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.

South Ayrshire Local Development Plan (LDP)

The 2016 overall winner of the Scottish Awards for Quality in Planning was South Ayrshire Council. Its 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.

Proposal 5: Making plans that deliver

1.39 Decisions on planning applications should be made in accordance with a development plan which has been properly evidenced and prepared with the involvement of local people. However, at present some practices undermine the role of development plans. We want that to change, so that allocation of a site in a development plan gives more certainty that development will happen.

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.

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.

Planning permission in principle for allocated sites

1.42 We commissioned research⁵ to consider whether planning permission in principle should be attached to allocated sites within the development plan. The research has found that there is 'conditional support' for the proposed reform, but that this is 'complex and nuanced.' We have reservations about the amount of upfront work that would be needed to achieve this, and the implications arising for all those concerned as well as for development planning procedures. This would also need to be fully in line with and meet all European obligations for environmental assessment.

1.43 Whilst we agree that this approach has potential benefits, we are concerned that it may provide limited benefits which do not outweigh the extra time and complexity it would add. We would

like to hear people's views on whether this change would be either necessary or helpful, taking into account the research findings. We believe 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).

A stronger commitment to delivery

1.44 There are other ways in which plans can provide more certainty. We propose the following:

- 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.
- 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. We recognise that this could have implications for resources – we would consider the practicalities of this in more detail if it is agreed that it should be taken forward.
- Encouraging a broader, zoned approach to meeting short and longer-term housing needs. Rather than piecing together individual sites promoted by developers, we want 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.
- 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, we think it is reasonable to expect developers to engage more with communities. Our 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

⁵ Research project to consider planning permission in principle for sites allocated in the development plan: Ryden in association with Brodies (December 2016) <https://beta.gov.scot/policies/planning-architecture/reforming-planning-system/>

requirements for consultation before the application is made. We would welcome views on this.

- Working with the statutory key agencies to make sure that their engagement at the development plan allocation stage is meaningful and informed by appropriate evidence. 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.

Programming delivery

1.45___Plans must lead to development on the ground. In practice this has proved challenging. 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___We 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 we 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. We would expect delivery programmes to be detailed and practical. We 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).

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.

1.48___We will therefore work with partners to support additional training and guidance to improve the preparation and monitoring of local development plan delivery programmes. We recognise 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.

MAKING PLANS FOR THE FUTURE – CONSULTATION QUESTIONS:

KEY QUESTION

**A: Do you agree that our proposed package of reforms will improve development planning?
Please explain your answer.**

Optional technical questions

1. Do you agree that local development plans should be required to take account of community planning?
2. Do you agree that strategic development plans should be replaced by improved regional partnership working?
 - 2(a) How can planning add greatest value at a regional scale?
 - 2(b) Which activities should be carried out at the national and regional levels?
 - 2(c) Should regional activities take the form of duties or discretionary powers?
 - 2(d) What is your view on the scale and geography of regional partnerships?
 - 2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?
3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?
 - 3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?
4. Do you agree with our proposals to simplify the preparation of development plans?
 - 4(a) Should the plan review cycle be lengthened to 10 years?
 - 4(b) Should there be scope to review the plan between review cycles?
 - 4(c) Should we remove supplementary guidance?
5. Do you agree that local development plan examinations should be retained?
 - 5(a) Should an early gatecheck be added to the process?
 - 5(b) Who should be involved?
 - 5(c) What matters should the gatecheck look at?
 - 5(d) What matters should be the final examination look at?
 - 5(e) Could professional mediation support the process of allocating land?
6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?
7. Do you agree that plans could be strengthened by the following measures:
 - 7(a) Setting out the information required to accompany proposed allocations
 - 7(b) Requiring information on the feasibility of the site to be provided
 - 7(c) Increasing requirements for consultation for applications relating to non-allocated sites
 - 7(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application
8. Do you agree that stronger delivery programmes could be used to drive delivery of development?
 - 8(a) What should they include?

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

Proposal 9

Keeping decisions local – rights of appeal

2.1___ People are at the heart of our proposals for reform. Everyone should have an opportunity to get involved in planning. People care about the places where they live, work and play, but many find the planning system complicated and uninspiring.

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.⁶

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.

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

2.4___ We want 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.

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.

2.6___ We think 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.

2.7___ We do not want to promote unreasonable protectionism. We believe 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. We want 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 we want others to get involved.

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. We want 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. We agree with the independent panel that community-led plans should have a clear connection with the statutory development plan. However, we also recognise 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.

2.9___ We have set out some possible key ingredients of local place planning in Figure 1. We propose 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
- Place a duty on planning authorities to adopt these plans as part of the statutory development plan if the above requirement is met.

2.10___ We 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, we will commission further research to explore options for local place plans in more detail.

⁶ Commission on the Future Delivery of Public Services (2011) www.gov.scot/resource/doc/352649/0118638.pdf

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 we would consider this further.
- 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.
- 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.
 - 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.
- 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.
- 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. We would encourage communities to work together and with others.

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.
- 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 we agree with this in principle, it can introduce further costs and so we will look at using information technology to make this part of the process affordable in the event that this proposal is supported.
- 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.
- 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.
- 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.

Building local community capacity

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

2.12___ Through our design-led ‘charrette’ programme we have supported communities to take part in planning. Whilst there are many excellent examples of communities being proactively involved, we believe that action needs to be prioritised in and around communities where change is needed most. By refocusing and adding to our funding programme to support involvement, including charrettes, in the coming years we 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.

2.13___ We recognise that communities vary and they may come up with a range of plans. Our 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. We 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 our 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 we recognise that this is the legal minimum and that many planning authorities will do much more, we consider that there is value in providing more opportunities for community councils to be involved in preparing local development plans.

2.15___ We propose 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, we believe 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.

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.

2.16 We also recognise that we need to provide support, training and guidance to help make sure community councils realise their full potential to contribute to the planning process. We offer 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.

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

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.

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 Child⁷ 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.

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, we are already aware that planning authorities are working to involve children and young people in their development plans. Examples in Aberdeen City, Dundee City, Tayplan and Highland have been recently recognised in our Scottish Awards for Quality in Planning.

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.

2.22 However, the independent panel reported that they had found little evidence of engagement with young people. We agree 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.

2.23 We will therefore bring forward proposals that will require planning authorities to consult more widely, including by using methods that are likely to involve children and young people in the process. We 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, we 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.

⁷ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

2.24 We 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. We will also show what can be achieved by specifically seeking to involve children and young people in preparing national planning policies. The Place Standard⁸, 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 Royal Town Planning Institute 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.

Barriers to engagement

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

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

⁸ <http://www.placestandard.scot/#/home>

Proposal 8: Improving public trust

2.26 Planning authorities can go further to make sure they actively involve people. In preparing a development plan, there is already a requirement to set out how consultation will be undertaken. Some authorities have used imaginative and inspiring ways to involve people in preparing their development plan, but there is still room for improvement. People are contributing their own time when they get involved in planning, and we must use that time effectively.

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. We 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.

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. We 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.

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.

2.31 Involving people more fully at an early stage is essential. Whilst we can achieve much through training and good practice, we also want 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.

We propose:

- 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. We 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. We also 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. We would welcome views on whether this can be accommodated within the current 12 week statutory timescale.
- 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, we 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. We 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.

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

Repeat and retrospective applications

2.33___The independent panel reported that 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.

2.34___We 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.
- Substantially increasing fees in cases requiring retrospective planning consent.

2.35___Our wider proposals on planning fees (section 4) also 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.

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. Research⁹ into planning enforcement in Scotland shows that 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. We believe that there is scope to further improve how planning enforcement works. As well as proposals to increase fees for retrospective applications, we 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.
- To substantially increase the financial penalties for breaches of planning control.

2.39___We will also 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.

⁹ Planning Enforcement in Scotland: Research into the use of existing powers, barriers and scope for improvement. <https://beta.gov.scot/policies/planning-architecture/reforming-planning-system/>

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. We 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. We support the view of the independent panel on this issue and do not propose a new right of appeal for third parties to challenge development decisions.

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

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’¹⁰ where that decision was taken by a planning officer, rather than by elected members. We believe 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. We will review the hierarchy of developments to explore the extent to which reviews of decisions can be handled locally.
- For major developments which accord with the development plan, we 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.

- 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.

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. We 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.

2.44 We 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. We are therefore also proposing training for all local elected members who are involved in a planning committee or a local review body and would welcome views on whether they should be tested on completion of training.

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. We 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.

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

¹⁰ Local developments are those which are not categorised as either major developments in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 or as national developments in the National Planning Framework (NPF).

Recognising the distinctiveness of all our communities

2.47___ We recognise 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.

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.

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.

2.50___ Alongside our work to develop more detailed proposals for the Planning Bill and accompanying non-legislative changes, we 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. We will also look at opportunities for innovation, including using digital technology to overcome travel and distance barriers.

2.51___ We have also considered the independent panel's recommendation 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, we recognise that the character, capacity and sensitivities of each park are also quite distinctive. As a result, we are not proposing to debate or change these arrangements as part of the wider review of the system as a whole.

2.52___ We are aware that a well-functioning planning system is vital for the business activities of Scotland's farmers and rural communities. We 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. We will also be examining what measures need to be taken to increase the supply of affordable housing available for retiring tenant farmers.

PEOPLE MAKE THE SYSTEM WORK – CONSULTATION QUESTIONS

KEY QUESTION

B: Do you agree that our proposed package of reforms will increase community involvement in planning?
Please explain your answer.

Optional technical questions

9. Should communities be given an opportunity to prepare their own local place plans?
 - 9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?
 - 9(b) Does Figure 1 cover all of the relevant considerations?
10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?
 - 10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?
11. How can we ensure more people are involved?
 - 11(a) Should planning authorities be required to use methods to support children and young people in planning?
12. Should requirements for pre-application consultation with communities be enhanced?
Please explain your answer(s).
 - 12(a) What would be the most effective means of improving this part of the process?
 - 12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?
 - 12(c) Are the circumstances in which PAC is required still appropriate?
 - 12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?
13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?
14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?
15. Should current appeal and review arrangements be revised:
 - 15(a) for more decisions to be made by local review bodies?
 - 15(b) to introduce fees for appeals and reviews?
 - 15(c) for training of elected members involved in a planning committee or local review body to be mandatory?
 - 15(d) Do you agree that Ministers, rather than reporters, should make decisions more often?
16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

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, now and in the future. 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.

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.

3.3___ We agree with the independent panel 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.

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

3.4___ We believe that there is a need to change the way we plan for housing. We agree with the independent panel that there is too great a focus on debating precise numbers rather than delivering development and creating good quality places to live.

3.5___ We need to act now to resolve ongoing challenges in housing delivery. Changes in practice could have a more immediate impact than statutory amendments. We want 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.

National aspirations for housing development

3.6___ The independent panel called for housing targets to be set nationally. We are 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.

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.

3.7 Fundamentally, we 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, we agree that 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 we are working towards, but also be sufficiently flexible to allow for changing market circumstances.

3.8 We have undertaken some initial work to explore how this could be achieved. The independent panel recommended that we strengthen the links between local authority housing strategies and local development plans. We have 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.

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.
- 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.

3.10 Views on these options would be welcome. On the basis of the responses to the consultation, we 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___ We are already taking steps to support housing delivery. Our 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.

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.

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.

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. We propose also requiring, as part of national standards on validation requirements, 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. We recognise that there are some challenges, as well as benefits arising from this proposal. 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. We want to see more planning authorities and their partners intervening to unblock developments using these and other tools.

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.

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.

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. We are determined to see more land across Scotland in community ownership and have set an ambitious target of reaching one million acres by 2020. We 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. We are 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.’

3.20___We want 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. We will support interim measures, such as amendments to guidance, ahead of changes to legislation. Although they will not form part of the Planning Bill, we 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. We 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.

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.

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.

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.

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

3.23___ Our proposals for development planning aim to make plans more flexible but also stronger and more certain. We believe that longer-term planning, supported by zoning for housing, could help to achieve this. We are 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.

3.24___ We believe greater use can be made of this type of approach (effectively a way of consenting masterplans) to support development. To encourage their use we 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. We 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.

3.25___ We 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.

3.26___ We recognise that preparing SPZs requires time and potentially financial support from planning authorities, with no planning application fee to follow. We 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.

3.27___ SPZs are often put in place through partnership involving the planning authority and developer. To strengthen this, we will consider how we can resource the procedures for delivering SPZs on a wider scale. We are 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. We will look at the use of conditions or unilateral obligations to secure greater certainty on delivery. We will also look at how the proposed new finance and funding mechanisms for an infrastructure first approach could support the use of SPZs.

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

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 we want to ensure the process is brought in line with this wider review. We propose:

- Encouraging the preparation of SPZs as an integral part of preparing the development plan, as recommended in the existing guidance.¹²
- Promoting more inclusive community engagement such as charrettes informing SPZs.
- Removing the requirement for a Public Local Inquiry to be held at the end of the process of preparing a SPZ.
- Removing the blanket restriction for SPZs in conservation areas.
- 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.
- 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.

¹² Planning and Compensation Act 1991: Simplified Planning Zones, (1995) Circular 18/1995
www.gov.scot/Publications/1995/08/circular-18-1995

The Hillington Park Simplified Planning Zone

This award-winning SPZ Scheme was prepared in a partnership between Renfrewshire Council and Glasgow City Council, and MEPC Hillington Park (now Patrizia), 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.¹¹

¹¹ www.gov.scot/Publications/2015/11/4983/10
www.renfrewshire.gov.uk/article/2480/Hillington-Park-Simplified-Planning-Zone

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. We want infrastructure to help us 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 We agree with the independent panel that infrastructure is the most significant challenge for planning at this time. It also presents a significant opportunity to support the delivery of the homes that we need. 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 Our 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. We recognise, however, that all infrastructure providers should be behind our shared commitment to sustainable growth and development.

3.33 Instead, to support our commitment to delivering 50,000 affordable homes this Parliamentary term and to address failings in the delivery of market housing, we 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 (NPF) 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.
- 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. We agree with the independent panel that co-ordination should be significantly improved at this level. As set out in section 1, our 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.

3.36___ Our 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.

3.37___ We have considered the independent panel's recommendation that infrastructure providers are given duties to support proposals set out in the development plan. While we agree with this in principle, we recognise 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.

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. We will work with the key agencies and wider infrastructure providers, including those relating to digital and telecommunications and the energy networks, to see how we can achieve a greater level of commitment to development plans.

Dundee Waterfront – Regeneration – Infrastructure and Placemaking

This £1 billion transformation over 30 years comprises of 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.

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. We agree with the independent panel 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. We 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. We have seen increasing uncertainty about whether commitments to providing infrastructure will come forward in the longer term. We 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.

3.41 In addition, in the coming year we 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 principles¹³, 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, we 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 We have considered past measures to capture land value uplift and the experience of implementing the Community Infrastructure Levy in England and Wales. We have 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, we believe a solution can be found which strikes the right balance between simplicity and ability to respond to varying market circumstances. We propose that the Planning Bill includes an enabling power to introduce a new infrastructure levy for Scotland. Whilst we would develop and consult on more detailed proposals for this levy at a later stage, we 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.
- 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.

¹³ www.gov.scot/Topics/Built-Environment/planning/Roles/Scottish-Government/Reform-Projects/Planning

Proposal 15: Innovative infrastructure planning

3.45___ We are 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, we have confirmed that a review of the Strategic Transport Projects Review will be closely aligned with the review of National Planning Framework (NPF) 3.

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.

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.

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. We are therefore seeking views on whether to retain the current legislative requirements for these technology centred policies, or remove them.

3.51___ We are 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.

BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE – CONSULTATION QUESTIONS

KEY QUESTION

- C: Will these proposals help to deliver more homes and the infrastructure we need?
Please explain your answer.**

Optional technical questions

- 17.** Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?
- 18.** Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?
- 19.** Do you agree that planning can help to diversify the ways we deliver homes?
19(a) What practical tools can be used to achieve this?
- 20.** What are your views on greater use of zoning to support housing delivery?
20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?
20(b) What needs to be done to help resource them?
- 21.** Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?
- 22.** Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?
22(a) What actions or duties at this scale would help?
- 23.** Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?
- 24.** Do you agree that future legislation should include new powers for an infrastructure levy?
If so,
24(a) at what scale should it be applied?
24(b) to what type of development should it apply?
24(c) who should be responsible for administering it?
24(d) what type of infrastructure should it be used for?
24(e) If not, please explain why.
- 25.** Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

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. However, good quality development and efficient service needs to be the norm. We want planning to re-establish itself as a visionary profession, rather than the micro-management of the built environment the panel referred to. We need to avoid planning activities that do not add value. Now, more than ever, 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.

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 we have set out here. 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.

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.

4.4___We 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. We also agree with the independent panel 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. We have asked the RTPI Scotland to look into opportunities for a graduate intern scheme.

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 We have 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, we believe we can greatly improve the way we exchange knowledge, skills and experience. However we 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.

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 we look forward to seeing the results of the RTPI and Heads of Planning Scotland’s work on skills and shared services.

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.

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.



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.

4.11___Consultation on proposals to increase in the overall cap in planning fees for most types of development is ongoing.¹⁴ We have 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, we are aware that the maximum planning fee in Scotland is currently less than 10% of that in England, Wales and Northern Ireland and that the overall cost of processing planning applications in planning authorities is not currently covered by the application fee for most categories of development. This is not a sustainable approach to resourcing a system that needs to be focused on quality and efficiency.

4.12___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.

4.13___In light of our 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 we make.

4.14___We 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, we believe the consultation should include proposals for:

- A revised maximum fee.
- Higher fees for retrospective planning applications and for applications relating to sites not supported by the adopted local development plan (as described in section 1).
- Charging for appeals and reviews of decisions (see section 2).
- Agencies, who have a critical role to play in the development management process, having the ability to charge for services.
- Discretionary charging, including for pre-application discussions.
- Discretionary charging for establishing Simplified Planning Zones (see section 3).
- Removing the developer's right to submit a revised or repeat application at no cost (see section 2).
- Removing provisions for recovering advertising costs and including these within a revised planning fee.
- Arrangements for funding of relevant central government functions such as front line service delivery in the eDevelopment programme and other elements supporting operation of the planning service in Scotland provided by the Planning and Architecture Division.
- Improving clarity and ensuring the fees structure is proportionate and reflects the types of development coming forward, for example by providing a fixed rate fee for polytunnels.
- Enhanced service standards or fast tracked applications where a higher fee is paid and accompanied by a processing agreement.

¹⁴ <https://consult.scotland.gov.uk/planning-architecture/consultation-on-raising-planning-fees>

4.15 ___ Our 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.

4.16 ___ In recognition of the diversity of the planning service across Scotland, we 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.

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, we fully understand the concerns of the development industry that fee increases need to be accompanied by strong performance in every authority. We agree with the independent panel that monitoring is important and that we need to provide better support for authorities to help them improve and learn from each other.

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

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. We think 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.
- Continued support from the Improvement Service.
- Improved peer review.

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

4.20 ___ Given that planning should be measured by its outcomes, we 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 we 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. We 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. We will commission research to explore the scope to develop a practical plan to achieve this.

4.21 ___ Our proposals to increase resourcing must be accompanied by a stronger assurance that performance will improve to a high standard in every authority. Whilst we have no current plans to implement the penalty clause in the Regulatory Reform Act, we have no plans to remove it. We believe 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, we strongly favour a more positive supportive approach, rather than a sanction, and we very much recognise the impact that applicant behaviour can have on planning authority performance. We are committed to continuing our work with the High Level Group on performance to ensure we provide a supportive and fair improvement agenda.

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

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

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 we think there is scope to remove certain applications from the system are:

- Digital telecommunications infrastructure.
- 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.
- Development which supports the resilience of the farming sector. This includes polytunnels and changes of use from agricultural buildings to housing.
- Allotments and community growing schemes.
- Changes to the use of premises within town centres to stimulate vitality.
- Elements of development within the aquaculture sector

Handling applications

4.24___ Where an application for planning permission is required, we agree with the independent panel 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, we 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.

4.25___ As recommended by the independent panel, we 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 we 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, we would welcome views on whether targeted improvements can be made to further streamline development management procedures as a whole.

4.27___ In particular, we 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, we 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 3/2013¹⁵ sets out current procedures on this.

4.28___ We would also like to hear views on whether there is scope to make requirements for pre-determination hearings and determination of applications by ‘full council’ more flexible. For example, pre-determination hearings could be required for proposals which do not need a decision by full council, and we could allow planning authorities to choose whether pre-determination hearings should be in front of a committee or the full council.

¹⁵ www.gov.scot/Resource/0048/00485277.pdf

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. We have already achieved much through the success of our 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 we are 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, we 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. We will continue to explore and promote new visualisation technology by taking forward the research recommendations in a new programme of work.

4.31___ We 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. We 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.

Development.scot

eDevelopment.scot is a business transformation programme, delivering digital planning and building standards services across Scotland. We have 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.

STRONGER LEADERSHIP AND SMARTER RESOURCING – CONSULTATION QUESTIONS:

KEY QUESTION

**D: Do you agree the measures set out here will improve the way that the planning service is resourced?
Please explain your answer.**

Optional technical questions

- 26.** What measures can we take to improve leadership of the Scottish planning profession?
- 27.** What are the priorities for developing skills in the planning profession?
- 28.** Are there ways in which we can support stronger multidisciplinary working between built environment professions?
- 29.** How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?
- 30.** Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?
30(a) Do you have any ideas on how this could be achieved?
- 31.** Do you have any comments on our early proposals for restructuring of planning fees?
- 32.** What types of development would be suitable for extended permitted development rights?
- 33.** What targeted improvements should be made to further simplify and clarify development management procedures?
33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?
33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?
33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?
33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?
- 34.** What scope is there for digitally enabling the transformation of the planning service around the user need?

NEXT STEPS

We are committed to taking forward a positive and ambitious programme of planning reform over the coming months. Some of our 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 we will continue to take forward research that will help to support future changes to the system. We 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.

We are keen to ensure that our national planning policies remain up to date and relevant to the wider planning system. We 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).

Additional consultations

We 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 we 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

We are considering the impact of implementing our 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.

A Business Regulatory Impact Assessment (BRIA) will allow us 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.

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.

You can find our partial impact assessments at: <https://beta.gov.scot/policies/planning-architecture/reforming-planning-system/>

In mid-2017 we 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, we 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. We 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:

- We will commission further research to inform proposals for local place plans, alignment of consents and monitoring of the outcomes from the planning system.
- We will pilot Simplified Planning Zones. We have identified a number of early projects to explore a zoned approach to housing through early SPZs. We will continue to encourage involvement in this programme over the coming months.
- We will work with the Directorate for Planning and Environmental Appeals to explore proposals, including for an early gatecheck to support the development plan examination.
- We will further explore the ways in which we can significantly strengthen development plan action programmes. We 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.

- We will design our 2017-18 charrette programme to reflect the opportunities for place planning and wider involvement outlined in section 2.

We 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. We believe there is a need for culture change in the profession, on the part of professionals in the public and private sectors alike. We 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.

NEXT STEPS - CONSULTATION QUESTIONS

Optional technical questions

35. Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be?

36. What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?

37. Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?

38. Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.

RESPONDING TO THIS CONSULTATION

We are inviting responses to this consultation by 4th April 2017

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You can view and respond to this consultation online at <https://consult.scotland.gov.uk/planning-architecture/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, we will regard it as confidential, and we 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 we have 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 our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us 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. We 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.



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www.gov.scot

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