

## **Places, People and Planning consultation: SEStran Response**

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

The South East of Scotland Transport Partnership (SEStran) agree that the proposed reforms, if implemented in line with the explanation offered in this whole response, will improve development planning in Scotland. SEStran feel that it is fundamentally important to retain and strengthen regional planning and plans within the wider package of reform proposals. Any package of reforms, that does not include provision for strong regional planning would seem to place Scotland at a strategic disadvantage relative to other economies with whom we are competing for inward investment to drive inclusive growth and for the local communities within regions who benefit from social and environmental outcomes of such regional and strategic planning.

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

Yes, as community planning partners, SEStran support Proposal 1 for a statutory link between land-use and community planning. It would seem to offer a clear opportunity to discuss the infrastructure and service delivery requirements of transport, within a context of an outcome-focussed approach which could be significantly beneficial to those stakeholders suffering transport connectivity and accessibility inequalities at present. This would provide a useful link between Development Plans and Community Planning, especially in light of Part 2 Section 5<sup>i</sup> of the Community Empowerment (Scotland) Act 2015 on Socio-economic inequalities. The specific piece of the legislation states “in carrying out functions conferred by this Part, a community planning partnership must act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers this it would be inappropriate to do so”.

SEStran as a CPP partner has a view that this type of integration between spatial and community planning would have clear benefits to the achievement of regional and local outcomes around inequalities, regeneration and inclusive growth. SEStran welcomed that the proposal references spatial planning and not just land-use planning as the requirement for greater alignment/integration with transport planning amongst other topic areas, is also of critical importance in our view. RTPs could be a key mechanism for addressing these gaps and delivering the connectivity, mobility and accessibility 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.

The Royal Society of the Arts (RSA) Inclusive Growth Commission final report<sup>ii</sup> highlights the need for an integrated economic and social policy emphasising the need for place-based strategies to deliver inclusive growth across the UK. Therefore it would appear that the need to align, integrate and renew regional planning across all policy spheres is a fundamental requirement for Inclusive Growth if we are to create shared binding missions/visions for the South East of Scotland. At a sub-national level, the report proposes an approach based on: deep understanding of local assets; connecting people to quality jobs; resourcing place regeneration as well as business investment; and helping all sectors to stay ahead of the EU's Article 50 negotiation context. SEStran, in our evidence to the Enterprise and Skills Review in summer 2016, highlighted the clear land-use and transport planning and labour market outcomes<sup>iii</sup>.

In the development of this response, SEStran noted the Royal Town Planning Institute comment in their 2016 “Poverty, Place and Inequality” policy paper<sup>iv</sup> highlights 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. This for us highlights the need for more regional planning to deliver and bridge the gap between national and local outcomes delivery especially concerning the sustained delivery of economic and employability outcomes. RTPs could be a key mechanism for addressing these gaps and delivering the connectivity, mobility and accessibility outcomes required across several Local Outcome Improvement Plans (LOIPs) on strategic cross-boundary matters.

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 which 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. SEStran therefore requests a specific reference to alignment on these issues in the National Performance Framework to drive positive outcomes in subsequent regional and local plans across community, economic, transport and land-use planning.

For example, in our recent evidence to Transport Scotland's Active Travel Task Force<sup>v</sup>, we highlighted the recent United Nations Secretary General's High Level Advisory Group on Sustainable Transport report which suggested a single joint authority with oversight of all policy and planning aspects would be helpful across all types/stages of economies. Certainly, members of the partnership have viewed the need for a spatial strategy covering a number of policy areas including transport as fundamental to delivering cohesive, sustainable and inclusive growth for the South East of Scotland. This integration would ensure that transport and the impact of development was a key consideration during the initial stages of the planning process. It is often the case that Transport/Travel Planning is a reactive measure rather than a proactive part of the process, often leading to the retro-fitting of (and often compromised) sustainable transport infrastructure.

Under the current Transport (Scotland) Act 2005, all RTPs are obligated to produce Regional Transport Strategies. In addition to this, SEStran propose the addition of statutory Regional Active Travel Strategies; these would be produced in conjunction with a Transport Audit as part of a wider assessment of Transport Infrastructure and the upcoming renewal of the Strategic Transport Projects Review. This would provide each Region with a list of strategic active travel priorities, and create a platform for joint working across local authority boundaries. We have also sought wider consideration of the interaction between land-use, mobility and parking capacity and charges as part of our evidence<sup>vi</sup> to the Draft Climate Change Plan given the potential impact on air quality and public health, key outcomes for community planning.

In the evidence, we also sought to make an initial case for more than just different planning systems taking account of each other which seems relevant to the issue posed in this consultation. Could a lack of regional or locally responsive powers or duties be a barrier to delivery of innovative approaches to addressing barriers or negative outcomes from occurring in cross planning system joint working? Scottish Ministers have said they will invoke Part 1 of the Equality Act 2010<sup>vii</sup> in Scotland, devolved by the Scotland Act 2016:

“An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a

way that is designed to reduce inequalities of outcome which result from socio-economic disadvantage”.

Could this to be used to readdress current transport and wider decision-making concerns, given how vital and inclusive accessible transportation infrastructure and place-based solutions are to community regeneration, as highlighted so clearly by the Scottish urban regeneration network in their manifesto last year. This duty could be utilised alongside the existing power to advance well-being<sup>viii</sup> from the Local Government (Scotland) Act 2003 which could be extended to other public bodies such as Regional Transport Partnerships to achieve innovative active travel strategies and schemes in new LOIPs. There could also be clear links here to participation requests from communities under the Community Empowerment Act in terms of overcoming or preventing barriers occurring, building upon the existing collective powers of CPPs to address socio-economic inequalities.

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

It is welcomed that Scottish Government have recognised that strategic planning has an important contribution to make to a successful planning system in Scotland.

SEStran in its consideration of this issue, recognised that only recently, in the context of other UK planning systems, 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. The RTPI have advocated that integrated poverty reduction strategies tailored to their particular places and communities need to be developed and that 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<sup>ix</sup> which supports regional partnership working especially around transport e.g. Transport for the North and the Board would welcome a similar commitment to the renewal of regional partnership working in Scotland.

There was a clear view that regional plans and planning processes were needed to drive regional partnership working, SEStran were not wedded to the current format of Strategic Development Plans but were clear that they felt regional plans were needed. Effective regional partnership working and delivery requires to be underpinned by statutory powers and duties. In this context, the Board were keen to offer SEStran as an RTP a statutory platform for the extension of regional partnership working in Scotland. There have been some concerns expressed that strategic development plan partnerships and all their stakeholder networks, as currently constituted are not delivering all development timeously, in the agreed strategic geography and with all infrastructure required.

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

Planning adds the greatest value by reflecting the desire for national inclusive growth within a regional context, which will enable value to be added by a more granular focus on regionally specific issues, assets and inequalities present across the distinct regional economies of Scotland. This ensures that cross boundary issues such as transport networks, accessibility and labour market mobility can be actively implemented, monitored and governed within a devolved regional accountability context. It also enables the creativity and flexibility of planning to add value to the national growth aspirations.

It is evident that there has to be a full, proper and effective regional overview of the relationship between a whole range of things that have an impact on where and how we encourage and

guide development. With the present spread of responsibilities that does not seem to be happening and the government appears to recognise this and wants action. SEStran has previously concluded that there are potential benefits to be realised from closer integration of strategic development activities and the Edinburgh City Region Deal. These could 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.

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 to reach an agreement at present within the context of reviewing all internal consultative and governance structures but there was agreement of the potential for delivering improved outcomes and efficiencies between all parties through integration of planning systems.

Recent national reviews such as the Community Planning Review<sup>x</sup> and prior to that the Christie Commission on Public Sector Reform have provided a focus and the building blocks for a stronger, more joined up and extensive approach to prevention, early intervention and a focus on local place, which can equally be applied to transport as to other policy areas. This is in addition to the recent work of the Commission on Strengthening Local Democracy with its focus on equality, diversity and environmental justice, as key outcomes for local communities. These points are especially relevant to what we have just heard about the stark challenges around carbon emissions and economic inequalities and for us demonstrates that planning can add greatest value through forward planning, avoiding significant regional negative outcomes and delivering regional prosperity.

SEStran firmly believes that Scotland needs to be bolder in our pursuit of decentralisation of planning. Scotland needs to actively engage and foster more inclusive local design and implementation as necessary building blocks for inclusive economic growth and to eliminate inequality. However, being proponents of greater decentralisation doesn't mean there isn't a place for local aggregation such as through Regional Partnerships.

In the simplest terms we might be talking about a merger of SEStran and SESplan (a) to feed into NPF's vision using its information base and knowledge of issues and (b) to provide the necessary regional manifestation and delivery vehicle for what NPF envisages integrated with a regional transport strategy and related projects. However, that may not be enough to achieve the degree of integration needed. What might be closer to what the government seeks is the creation of something like a 'Regional Delivery Partnership', still made up of elected and non-councillor members but with a much closer involvement - possibly through forums or sub committees - of all relevant agencies and infrastructure/service providers. As well as influencing NPF this could be given the responsibility of producing an integrated and comprehensive Regional Delivery Strategy with funded action programmes.

Indeed the RSA Inclusive Growth Commission 2017 Final report<sup>xi</sup> highlights that central to the delivery of inclusive growth is a requirement for connecting people to quality jobs by embedding sectoral and cluster analysis into the wider place-based strategy for inclusive growth – including skills, housing, transport and wider quality of environment factors – to attract people to live, work and stay in the place is needed.

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

Housing, economic development, strategic land-use, transport planning along with a regional over-view of public transport provision, amongst planning of specific modes and activities such as active travel networks, parking would seem to be activities which could benefit from strategic

planning at regional levels within the context of a clear national policy context. These should include maintenance and where appropriate the enhancement of existing statutory powers and duties as defined in the Transport (Scotland) Act 2005. SEStran is currently in the middle of a consultation<sup>xii</sup> with our constituent councils about the potential transfer of functions to move from a Model 1 RTP to a Model 3 and undertake much greater functions at a regional level. This consultation has been underpinned by initial research undertaken by Professor Tom Rye of the Transport Research Institute at Edinburgh Napier University.

The delivery of housing allocations for the constituent local authorities should be at regional levels which properly reflect the spatial requirements of the strategy and which are rational, transparent and relating to all relevant factors. There has to be a very clear responsibility for doing this and at present proposals in this regard are largely absent from government proposals. Any local rather than regional interpretation of what the individual housing allocations should be based upon NPF could be difficult to coordinate, divisive and have a significant impact on the transport network, in terms of origin and destinations of significant number of trips.

There should also be a clearer relationship between the planning for all terms of infrastructure, physical and social. The RSA Inclusive Growth Commission argues that “social and physical infrastructure should be on a par when it comes to investment appraisal. This is one of the central means through which social and economic policy can be brought together. High quality physical infrastructure – such as railways, roads, local transport, new developments and broadband – is essential in building economic connectivity, maximising the efficiency of productive activity and connecting labour markets to areas of economic opportunity. But the value of physical infrastructure is diminished when particular places or neighbourhoods are unable to connect to its benefits, for example because the skills base is too low to take advantage of job opportunities, or health and complex social issues act as barriers to participation. It is therefore just as important to invest in ‘social infrastructure’ that develops the capacities and capabilities of individuals, families and communities to participate more fully in society and economic growth: early years support; education, skills and lifelong learning; early intervention and prevention-oriented, rather than reactive, public services; and community development and capacity building.

This would seem to point to a much more strategic level of regional planning informed by more than just land-use planning, but the development of a regional economic partnership approach to inclusive growth across Scotland.

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

As indicated in response to Q2 above, to be fully effective regional activities should take the form of statutory powers and duties but may also need to be supplemented by discretionary powers. For example, the current power to advance well-being is an example of a power as which could be extended and SEStran is open minded to the need to mix duties and powers. For example, as a regional body we have duties under the Climate Change Act and Equality Act, which are important in delivering outcomes, however, there may be areas where further discretionary powers could deliver additional benefit.

SEStran would support any change to the regional planning system which builds upon the existing RTP statutory context, broadening out to cover other policies and with a recognition of the need for a review of all structures as part of this process. SEStran seeks a retention of the statutory basis of any regional partnerships going forward: planning for transport, planning, and economic development but with the ability to enact further discretionary powers as deemed appropriate by local stakeholders within the region.

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

A coherent approach to the geography of regional partnerships is essential with a clear, consistent and efficient scale and geography. In the spirit of building upon what we have, SEStran suggest in previous questions that any change or reform builds upon the statutory platform and consistent coverage of Scotland offered by RTPs.

Collaboration in the design and delivery of services moving forward will be critical to tackling these challenges successfully. There seems to be a growing acceptance that in some forms of public services, intelligent aggregation of services through regionally joined up approaches are the only way forward to continue to deliver best value public services of the scale and geography required.

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

SEStran would propose that the roles and responsibilities for all involved in regional partnership working should build upon existing extent of involvement and seek to foster an even greater co-design philosophy in the Scottish planning system. There should be a strong duty to engage and implement the outcomes of regional partnership working.

For information, 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 across Europe and would be happy to share any findings produced from a successful funding bid and project. We are also currently learning from partners across Europe on their approach to regional planning through our active involvement in the EU INTRERREG REGIO-MOB<sup>xiii</sup> project

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

There should be equal weighting as both reflect national priorities as either a spatial framework or national policy, but neither is a national plan, only regional and local levels have plans. Decision making should also correspond to the proposed second National Transport Strategy (NTS2) and the Strategic Transport Projects Review (STPR) in alignment with the National Planning Framework (NPF4) and other statutory documents such as the emerging Draft Climate Change Delivery Plan (RPP3).

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

It would seem appropriate at this stage to await the outcomes of the second National Transport Strategy 2, review of transport governance to enable an aligned response 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 and also feed up into future NPFs.

SEStran would propose that regional partnerships identify their own priorities for joint working and the geography and scale of such co-operation, rather than the NPF in its preparation identifying priority areas where regional partnership working should take place. We don't agree that regional plans should be removed from the system. However, we do agree with the proposal that in a "bottom-up" context, that regional partnerships should help to develop a strategy and delivery programme prepared as part of the NPF. We agree that regional partnerships could work with wider stakeholders and constituent councils to co-ordinate work

on the aspirations at a regional level for key land-use issues. Also, regional partnership should be the focal point for the co-ordination of infrastructure investment programmes, which can promote an infrastructure first approach and provide a co-ordinate audit of regional infrastructure needed to deliver inclusive growth across Scotland. The partnership should also identify the need for strategic investment and support cross-boundary working or shared of expertise and services.

We welcome what the planning review is proposing is a new and enhanced role for the National Planning Framework with fully integrated regional planning directly associated with it rather than something that is carried out separately to reflect NPF, and with a much needed new approach to infrastructure identification and funding. We have no issue with this outcome, just a potentially different view of how existing regional empowered structures could deliver outcomes, rather than nationally integrated units. SEStran recognises that there is a huge opportunity here for getting the better outcomes so sorely needed across our communities. SEStran recognises it needs to be open to change and involvement in how this can be made to work and how we can utilise our existing statutory status, we can adapt in order to be a key and effective part of the processes of planning and delivery

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

Yes, as long as the role of Key Agencies, including RTPs, are properly reflected.

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

Yes, but a lot can change in 10 years and so it should be flexible enough to reflect changing priorities, such as those emerging from the planned review of the NTS and STPR or presumably any national priority identified in future NPFs. Consideration will need to be given to the differing time scales that may emerge from a variety of statutory planning processes and ensuring that these can be accommodated within a decade long cycle for LDPs. Greater flexibility should apply in relation to the updating of associated plan Action Programmes, which could include review and updating on a shorter timescale.

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

See answer to 4(a).

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

As a lot of change can occur in 10 years, there would seem to be a place for Supplementary guidance, which is considered to be a useful mechanism for defining detailed policy standards and non-statutory advice and requirements especially around issues of transport. Government may wish to consider, rather than wholesale removal of supplementary guidance, narrowing the focus and number of areas on which such guidance can be issued.

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

Yes, this ensures the opportunity for scrutiny at the end of the process if there are outstanding issues. However, it is critical in the spirit of prevention and early intervention, that there are also processes in place to ensure earlier scrutiny and engagement by all relevant parties.

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

Yes

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

For SEStran it is important that all key agencies including RTPs are involved if significant transport or accessibility issues are identified by an early gatecheck. For example, with the consultation document there is 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 existing or amended future transport planning processes.

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

We welcome the consultation's highlighting of the suggestion that at an early stage an audit of existing infrastructure levels and necessary interventions to be prioritised will be produced. It is especially welcome that the consultation highlights the plan's transport appraisal as a critical issue to address at this earlier stage. As mentioned above SEStran are of the view that RTPs have a critical role in that regard and in regard to Question 1, also welcome the suggestion of taking account of community planning and commitment to prevention of negative outcomes.

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

It would appear critical to have pre and post assessment of critical issues such as transport and community planning, housing and its impact on a regional transport network in terms of travel patterns and resilience of regional infrastructure and services, amongst a number of other key outcomes and statutory assessments.

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

No comment.

***6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?***

No comment.

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

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

No comment.

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

No comment.

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

No comment.

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

Yes, including consulting specifically with the Regional Transport Partnerships.

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

Yes and it will be critical to discuss and agree how these stronger delivery programmes fit with existing RTS Delivery Plans and other infrastructure investment plans.

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

Transport infrastructure / service priorities of national or regional importance as identified in the STPR and Regional Transport Strategies.

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

It would appear to be a well-scoped package of proposals to increase the opportunity for communities to engage in planning. However, whether it does increase community involvement, will depend on how these are promoted and implemented and the capacity of communities to engage with the new mechanisms.

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

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 potentially of regional planning 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.

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

If a clear premise of the proposed overall reforms is to take an infrastructure first approach and to progress an audit based evidence base for local development plans but be balanced with local democracy, it would appear that both plans should inform each other effectively on different aspects. It would seem counter-intuitive for local place plans to potentially diminish the approach of infrastructure first by not being informed by these approaches or audits proposed as fundamental for other parts of the planning system. However, place plans are also potentially visionary documents, helping to inform key local choices e.g. local housing allocations by giving a clear local democratic and inclusive view on all aspects of the communities view on development priorities, whilst having clear regard to need for asset protection and local transport accessibility issues.

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

Is there also a need to consider not only the planning aspects of sign-off but how certain communities of interest take forward plans? Do some proposals need to be mindful of other under-represented groups and the potential implications for the delivery of the Public Sector Equality Duties of the local planning authorities and also any other involved public partner such as RTPs with similar duties and also how such considerations relate to requests for participation in other projects under the Community Empowerment Act 2015.

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

There would appear to be potential in seeking to ensure the wider engagement of communities in the preparation of the statutory development plan. There is clearly a differing scale and coverage of community councils across Scotland and it would be important to ensure equality and equity of representation for all communities on any statutory development plan. There will clearly be areas where there is less representational capacity in communities and any new duty would need to be resourced in order to build up capacity.

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

It could be argued, in terms of the existing Public Sector Equality Duty that local planning authorities and other public stakeholders are already required to promote greater participation

in public life or under-represented groups and foster good relations between different people when carrying out their activities, including presumably development planning.

Ultimately, any requirement to involve would need to be reasonable and proportionate, as significant resources can be devoted to participation activities but despite best efforts lead to low levels of engagement at the front-end of the planning process.

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

In light of SEStran's positive experience with the Young Scot X-Route<sup>xiv</sup> study over the past year, this is a case study of co-production which the Board wished to highlight in supporting the initial participatory recommendations of the Independent Panel and gaining more involvement. Whilst not the only method with which to seek greater involvement, it would appear that co-design of plans and proposals with communities of place or interest, could generate greater involvement in the planning process. This would appear to go some way to addressing the findings of the RSA Inclusive Growth Commission<sup>xv</sup> that highlighted that some people within close distance of transport or placed-based improvements do not always benefit or perceive they benefit from development.

Through co-design and other techniques and initiatives, hopefully more people will want to get involved, which may improve trust in the system. Further, they will gain confidence in having been listened which will continue to increase participation in all planning systems.

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

Yes. SEStran has found through work with Young Scot on a project called X-Route, mentioned above that co-design is a useful method to support children and young people in planning.

Certainly, an eye-catching result of the survey was that 75% of respondents had not heard of the term “active travel”, which highlighted the need to manage our messages to young people better when seeking to initiate behaviour change and deliver long-term place-based solutions which lead to habitual behaviour and use of space. This support and direct engagement of children and young people has raised significant insights into the delivery of current plans and policies, and it is suggested such methods could be useful to the delivery of planning related outcomes. The positive engagement we had from young people highlights the positive outcomes which can emerge from supporting Children and Young People. Also, for SEStran such support is integral to the delivery of our statutory Equality Outcomes 2017-2021<sup>xvi</sup> and actions to increase participation in public life of currently under-represented groups such as Children and Young People as part of our Public Sector Equality Duties.

**12. Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s).**

No comment.

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

No comment.

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

No comment.

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

No comment.

**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?**

No comment.

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

No comment.

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

No comment.

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

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

No comment.

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

No comment.

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

The current separate Code of Conduct<sup>xvii</sup> consultation on the relationship between RTPs and wider planning decision making may benefit from a clear focus on any training of elected members involved in a planning committee or local review body.

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

No comment.

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

No comment.

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

SEStran would agree that an infrastructure first approach, is a welcome proposal to embed prevention and early intervention principles firmly into spatial planning processes of Scotland at regional, as well as local and national levels. It would be welcome in regard to the suite of infrastructure proposals, if there was greater reference to the Regional Transport Partnerships and their RTS's, as existing statutorily required regional plans, which clearly have a role in auditing regional infrastructure. This statutory platform could be deepened and broadened to encompass other land-use and community planning strategic issues. This would enable new proposals to build on established regional infrastructure planning and services, with relevant reforms to process and governance where necessary, for example potentially building on the existing non-executive member scrutiny roles provided on RTP boards by non-councillor members. Similar to the proposals for the potential re-introduction of "Alderman's" through the UK Government consultation on the Industrial Strategy Green Paper, providing a clear business expertise input into regional planning.

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

No comment.

**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?**

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

**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?**

Yes, existing agencies are capable of undertaking these functions, subject to transport governance arrangements being addressed.

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 documents which clearly would have a role in a regional audit of transport infrastructure capacity.

There was, as part of the Planning Review Working Groups, a conversation about the need for greater stakeholder involvement in plan preparation and governance. SEStran did highlight the current construction of RTP Board, including one-third approximately non-councillor/non-executive scrutiny as outlined by legislation, as a possible governance mechanism for improving engagement and confidence at a regional as well as national level of business and industry stakeholders. The Board has also recently committed to a skills diversity input approach to Succession Planning<sup>xviii</sup>.

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

Yes, subject to earlier comments made in response to previous questions. SEStran would propose that regional land use and transport planning should be integrated to ensure that their impact on connectedness, accessibility and active travel are brought together and used to improve quality of place. The review of transport governance through NTS2 is highlighted as potentially the lead mechanism to deliver such an outcome, informed by the outcomes of this consultation,

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<sup>xix</sup>. 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. This was outlined as a key priority in the Scottish Urban Regeneration Forum (SURF) in their pre-2016 Scottish Parliament elections manifesto<sup>xx</sup>.

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

Clarification of transport governance arrangements, through the forthcoming NTS2 Review of Transport Governance, is critical if RTPs are to support better infrastructure planning and delivery.

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

No comment.

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

Yes, SEStran would welcome the proposal to facilitate additional investment in infrastructure based on a targeted, potentially regional, levy as a vital further funding stream to deliver

existing and future commitments made in the RTS Delivery Plan and their relationship to commitments in land-use and community planning statutory documents.

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

If administratively possible, at both local and regional scales albeit, it may depend on the level of resources generated from the levy, as to what scale best balances locality based flexibility, with agglomeration benefits of consistency of administration/collection over a larger geography and monitoring infrastructure across Scotland's 34 planning authorities, it maybe that regional is the best scale.

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

All developments that contribute to the need for enhanced infrastructure provision but given the potentially limited funds generated from any levy, there will be a clear need to prioritise application to regionally or locally specific types of development, that are fundamental to the achievement of locality specific outcomes. The capture of increased land value stemming from the granting of planning consent for major development should be a basis for any levy in order to address or provide a contribution towards the significant local and regional impact of major development on transport networks.

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

The responsibility for administering it will presumably be to some extent dependent upon the scale and geography at which primary legislation allows the levy to be applied. Clearly, SEStran could see a logic in regional partnerships being responsible for administration of regionally responsive levies, but that will depend on the findings of the research commissioned on infrastructure levies by the Scottish Government.

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

Given the previous removal of specified transport capital monies to implement the RTSs across Scotland and specifically within the South East of Scotland, SEStran would request that transport is clearly a type of infrastructure that could benefit from the use of such resources.

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

N/A.

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

No comment.

**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.**

No comment.

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

Wider the representation of all stakeholders and groups on governance structures across the Scottish planning system. SEStran have highlighted in response to other questions within the consultation, the potential for adopting the type of “non-councillor” member scrutiny arrangements that exists on RTP Boards as a mechanism of greater engagement and collective leadership. Raising the status and integration of all types of “planning” systems in local authorities and regional partnerships would be a further helpful measure.

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

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 future skills development priorities 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 responded with focussed comments to the recent Scottish Government’s consultative draft plan for education and training on Science, Technology, Engineering and Mathematics (STEM) highlighting that workforce planning across such infrastructure delivery focussed sectors needs to be a fundamental priority. The aim of the STEM plan being to provide Scotland with a resilient and enhanced workforce to drive forward the research, development and implementation of these policies and proposals to the planning reform proposals. It is crucial that in terms of the Planning Review, NTS2 and RPP3 that whatever path we take towards future targets and outcomes 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. We need to ensure that in the wider possible definition of STEM, that transport and land-use planning skills are seen as not only priorities for the planning profession but the wider economy in the pursuit of Inclusive Growth.

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

SEStran in their consideration on the Independent Panel’s final report<sup>xxi</sup> 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 the current fiscal context. The Commission on Strengthening Local Democracy<sup>xxii</sup> in 2014 concluded that intelligent collaboration and sharing was a necessary element of fundamental subsidiarity and for SEStran these would seem key tenants in drawing up legislative change proposals on the future of the Scottish regional planning system.

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

No comment.

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

Yes, this would seem in line with the National Performance Framework and the monitoring of national outcomes, and outline a clear national strategic link between community and spatial planning. It would also seem to SEStran to link to the existing and proposed Scottish legislation around socio-economic inequalities as outlined in the Community Empowerment (Scotland) Act 2015 and Part 1 of the Equality Act 2010, as mentioned in response to Question 1 of this consultation.

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

There would appear to be a role going forward for Local Outcome Improvement Plans and Local Development Plans to identify and scope out relevant “planning outcomes” monitoring frameworks, this could fit with the comments raised earlier in the response around Proposal 1.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

**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?**

No comment.

**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?**

No comment.

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

No comment.

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

No comment.

## **Additional 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?**

Yes, SEStran would hope that the proposals set out in the consultation, especially focussing on new ways of regional working, would have a positive impact on equalities, whether in the context of the general equality duty which requires public authorities, in the exercise of their functions to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

Also, the emerging proposals for implementation in 2017 with Scotland of Part 1 of the Equality Act as outlined in the Fairer Scotland Action Plan<sup>xxiii</sup> or through Part 2 Section 5 of the Community Empowerment (Scotland) Act 2015.

SEStran is of the view that there are clearly positive potential impacts from the general proposals that cover aspects of age e.g. focus on young people and children. The wider aspects of increased engagement would also appear to have significant relevance to those who share a protected characteristic and their relationship with those groups that do not, with again the potential for positive impact.

SEStran has recognised in terms of its public bodies duties the need to diversify the representation and skills base of Regional Transport Partnerships. For example, there is the suggestion of a re-introduction of non-executive scrutiny in regional economic partnerships in England and Wales through the recent Industrial Strategy Green Paper e.g. present day “Alderman’s” and this type of non-executive scrutiny if married to the requirements of Board Diversity under the Equality Act<sup>xxiv</sup>, as well as forthcoming Gender Balance on Public Boards Bill<sup>xxv</sup> could have a positive impact on governance and involvement of all stakeholders in the regional level of governance of any planning system.

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

The EY 2016 report<sup>xxvi</sup> highlighting that in terms of attractiveness for direct foreign investment, regional challenges arise around transport infrastructure and skills. When asked what drives investment in regional locations in the UK, investors cited local skills and transport infrastructure as the two most significant areas by some margin.

SEStran would be concerned that if there was no regional planning and long-term strategic plan for the South East of Scotland, this could have a significant impact on inward investment potential for the region and subsequent long-term inclusive growth<sup>xxvii</sup>.

### **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?**

Positive, if co-design principles are applied. As said elsewhere, in our consultation response our work with Young Scot on our X-Route Active Travel project<sup>xxviii</sup> highlighted to SEStran the

significant positive impact, co-design proposals can have in delivering positive outcomes for young people. The text below gives a brief summary of the co-design process we engaged in:

Young Scot had extensive experience in engaging with Scotland's young people to seek their views and input in the development of the services they use. Young people have a significant role to play in encouraging organisations and communities to adopt a more collaborative culture, focusing resources to effectively meet the needs of individuals and communities. Young Scot's co-design service involved young people systematically creating, designing and delivering solutions in collaboration with organisations. Young people are involved much earlier in decision making process through a highly participative approach developing informed insights, ideas, recommendations and solutions for service development, policy and practice.

This final report outlined young people's experiences and ideas to improve infrastructure to enable their ideal active travel experience to become a reality

1. Devised a youth-friendly National Survey for young people aged 11-25 from across Scotland to gain an understanding of their active travel habits and perceptions. The survey was promoted through Young Scot Rewards (<https://rewards.youngscot.org>), on the partnership's social media channels and networks, and via the Young Scot Digital Platform (<http://young.scot>)
2. Delivered four Exploration Workshops with up to 12 young people from various socio-economic backgrounds, ages, and local authority areas in South East Scotland. The individuals also had varying degrees of understanding, experience and interest in active travel. These groups were supported to create visualisation of the issues they face with active travel.
3. Held an Ideas Gathering at the Low Port Centre in Linlithgow, which provided all the project volunteers with a platform to share their issues and co-design solutions with each other and some key stakeholders from the active travel community.
4. Supported a Stakeholder Workshop to disseminate the young people's insights further and to find out about current and potential improvement projects being delivered around the South East of Scotland where the voice and needs of young people could be incorporated. Also supported presentation of the final X-Route report by young people to the SEStran board.

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

It would be hoped that by the integration of spatial: transport and land-use and community planning that the prevention of significant environmental effects could be maximised through early intervention activities and the delivery of infrastructure/service first approach for example provision of upfront public transport services or active travel routes for new significant housing or other land-use development.

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