

# Places, people and planning

## Position Statement

June 2017



## Introduction

The independent review of the planning system reported in May 2016. In January 2017 we published *Places, People and Planning*, setting out an integrated package of proposed improvements to planning. Consultation on these proposals closed on 4 April 2017. An independent analysis of views on the proposals has since been undertaken and a report has now been published.

The Scottish Government has committed to bring forward a Planning Bill early in this Parliamentary session. The Bill is an important element in a wider programme of work aiming to strengthen planning's contribution to inclusive growth and empowering our communities. Taking into account the wide range of views on the proposals, this statement describes the key changes that Scottish Ministers are now considering taking forward through the forthcoming Planning Bill, secondary legislation under existing powers, and other, non-statutory approaches. No final decisions have been made on the content of legislation at this stage.

## Planning in a changing world

Scotland's planning system operates within a complex and changing context. Our current system has many strengths and there are examples of good practice across the country. Nevertheless, we need to ensure that the system works more effectively to support delivery of development, inclusive growth and quality of place. People are at the heart of the system and it must work effectively in all our interests.

Shared priorities of inclusive growth and community empowerment will continue to underpin this programme of reform. The Enterprise and Skills Review and the emerging update of the National Transport Strategy and Strategic Transport Projects Review have helped to shape our proposals. Providing more good quality homes is a high priority for this Government, and we must enable different approaches to delivering the housing we need now and in the future. Alignment and closer integration of planning with community planning can and should help to improve outcomes for communities. It is important that people have a say in the changes that affect their places and, equally, we must also be able to deliver the inclusive growth that our economy requires and the housing that current and future generations need.

We need a more responsive and flexible approach to planning in Scotland. To fully realise a more enabling role for planning, our current system needs to change. We are aiming to streamline processes whilst encouraging appropriate engagement and collaboration.

Legislative change will take some time to take effect, and needs to be accompanied by early actions supporting inclusive growth priorities. We need to have the leadership, skills, resources, and partnerships to proactively and consistently support development, investment and quality of place across the country.

We must keep in view the core purpose of planning. The quality of the places where we live and work can support health and wellbeing, help to overcome inequality, create jobs and stimulate investment whilst ensuring that we minimise and adapt to the long term impacts of climate change. A stronger focus on planning and place can add value to all areas of policy making. A joined up approach to place-making by all public bodies, communities and businesses can generate efficiencies and ensure good outcomes from policies and decisions. By bringing people together and looking at places 'in the round', planning is uniquely well placed to make these connections so that we respect, enhance and sustainably use Scotland's many assets. Central to this can be the alignment of community and spatial planning and the contribution which planning can make to reducing inequality by supporting inclusive growth.

## Working together to improve the system

We are committed to change which reflects the varied needs of all people. We will support changes that improve performance, that strengthen inclusive growth, that focus on outcomes and improve the engagement of people in the system. There is wide support for a plan-led system. The certainty that a strong and inclusive spatial plan can bring is important for communities and investors alike.

People make the system work. Whilst we can change the system, it is clear that success will also depend on fresh thinking, different mindsets, and a willingness to work with, and listen to the views of others. The consultation responses and recent research have shown the importance of this, with many of those involved in planning expressing contradictory views and highlighting a continuing lack of trust in the current system. Whilst differences in opinion on planning are inevitable, in time we must all move beyond our differences to support the implementation of a new planning system together. We will continue to work closely with a wide range of different interests as we take forward our proposals for change over the coming months.

## Our current position on proposed technical changes

Places, People and Planning set out 20 proposals for change. Having initially considered the responses to the consultation, as well as ongoing research and analysis, our current position on these proposals is set out below. Given the breadth and depth of views we have received, our consideration of consultation responses is ongoing. The changes set out below focus on technical matters and future legislative amendments, but this forms part of a much wider programme of reform and behavioural change in planning.

### MAKING PLANS FOR THE FUTURE

#### 1. Aligning community planning and spatial planning.

We suggested that 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.

- Most consultees are broadly supportive of this proposal.
- Some have suggested that a two-way dialogue or genuine partnership between community planning and spatial planning would be needed.
- Others feel that the local development plan should have primacy.
- There are also concerns about any such requirement slowing down the local development plan preparation process.

We continue to recognise this as a priority for securing stronger collaboration and alignment with a focus on positive outcomes for places. We are minded to propose a statutory link between development planning and community planning in the Planning Bill. We agree with views that spatial planning should also be better recognised by community planning, and believe this would be supported where local authority Chief Executives 'sign off' local development plans. Whilst other partners have a role in community planning, this would underline the importance of recognising the links between spatial policy and community planning outcomes.

#### 2. Regional partnership working.

We suggested that strategic development plans should be removed from the system so that planning can better support more proactive regional partnership working. We want to enable wider and more flexible collaborative planning which responds to the different models and partnerships that are emerging in different places. By using the National Planning Framework as a vehicle to support strategic planning, our view was that procedure, overlap and complexity in the system of development plans could be significantly reduced.

- Views on this proposal vary between stakeholders and in different parts of the country.
- There is some concern that such a change would amount to centralisation.
- Potential loss of expertise in strategic planning has also been raised.
- Many feel that a move to more discretionary powers could weaken, rather than strengthen strategic planning and there have been calls for clear statutory duties needed to replace the current duty to prepare a strategic development plan.
- Others agree that regional partnerships could provide a more flexible and delivery-driven vehicle for co-ordinating development and infrastructure investment.
- There is also a wide recognition that one size does not fit all, suggesting that changes which better reflect distinctive local circumstances would be welcome.

Having reflected on the consultation responses, we expect to bring forward changes to remove current requirements for strategic development plans to be prepared and replace them with more flexible, but clearly defined duties and powers at this scale.

We will develop an approach which allows all areas to undertake strategic planning where it will add value and in a way which is sufficiently flexible to allow partnerships to respond to, and build on, local circumstances and relationships. To achieve this, a number of duties could be introduced, including:

- A duty to work together to address nationally and regionally significant spatial planning and development issues.
- A duty to undertake joint evidence gathering including on delivery of cross-boundary infrastructure requirements.
- A duty to contribute to the preparation and implementation of a National Planning Framework delivery programme.

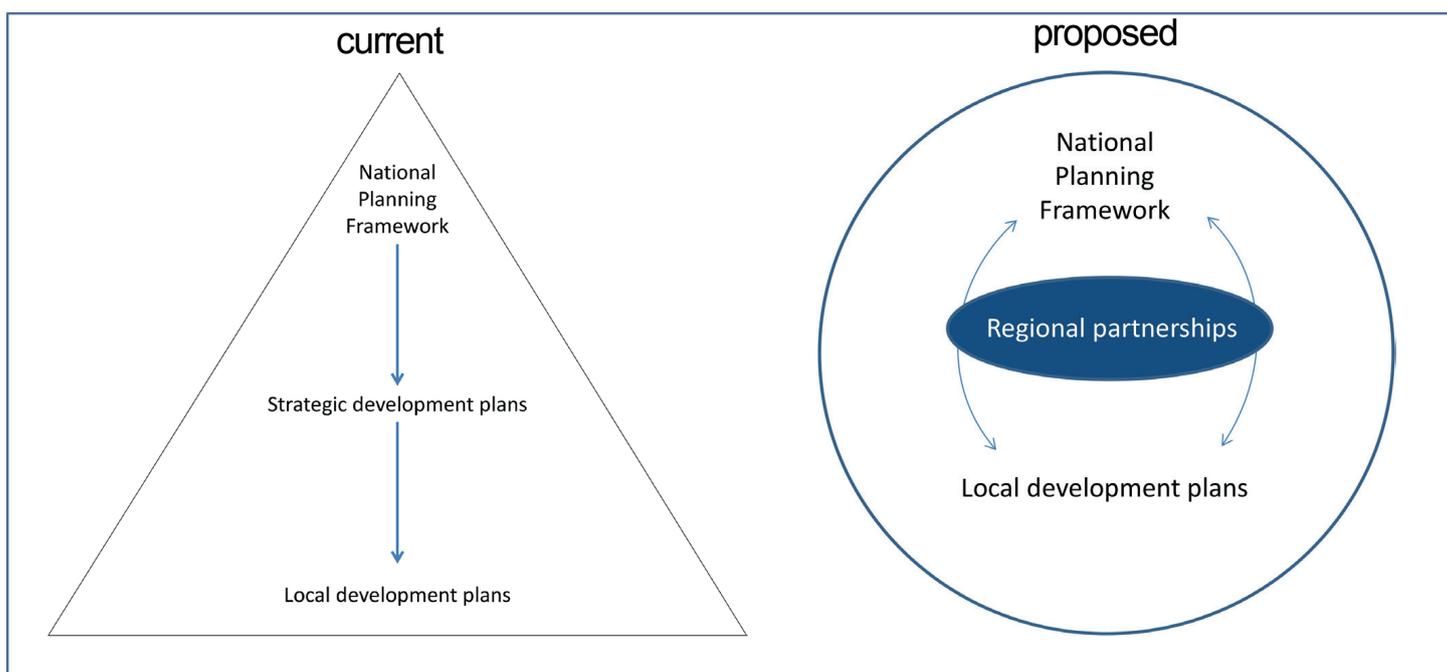
We will also consider additional powers for local authorities to work individually or in partnership with others on a more discretionary basis, focusing on issues with a cross-boundary dimension including infrastructure delivery and housing. Authorities would still be free to work together to prepare spatial strategies for their areas to support wider regional partnership working. Although they would not form a statutory development plan, they could contribute to the evidence base for the National Planning Framework.

### 3. Improving national spatial planning and policy.

We suggested that the National Planning Framework and the Scottish Planning Policy could play a different role in the system, with enhanced status helping to streamline the system as a whole and enabling local development plans to focus on places and development delivery.

- This has been welcomed by some. There is a good level of agreement with proposed changes to the way national policy is prepared.
- Many recognise that this provides an opportunity to streamline local development plans.
- There are some concerns that a loss of detail could weaken confidence in the plans. Respondents from communities have emphasised that this should not be a top-down ‘imposed’ policy, but should allow for local circumstances to be taken into account.

It is important that plans are purposeful and accessible to all those with an interest in them. Re-stating national policy in local development plans adds time and complexity. An enhanced National Planning Framework (NPF) and Scottish Planning Policy, which together provide an effective strategic perspective to all of Scotland, can help simplify our system. We also have the potential to establish a stronger model of shared responsibility and co-production in delivering the National Planning Framework, whilst promoting development of national importance.



Given the need to deliver the Planning Bill, Scottish Ministers do not expect to adopt the next version, NPF4, within 5 years of NPF3 being produced (by June 2019). We will issue a fuller, collaborative programme for preparing NPF4 in due course, but currently expect its preparation to commence in 2018 with a view to adoption in 2020, and for the Scottish Planning Policy to be reviewed in parallel. We will also ensure that the review of the National Planning Framework is aligned and where possible integrated with the review of the National Transport Strategy, Strategic Transport Projects Review and Infrastructure Investment Plan.

#### 4. Stronger local development plans.

We suggested that the plan period should be extended to 10 years, that the development plan main issues report and supplementary guidance should be removed, and a new gatecheck could be introduced to better frontload scrutiny within plan examinations.

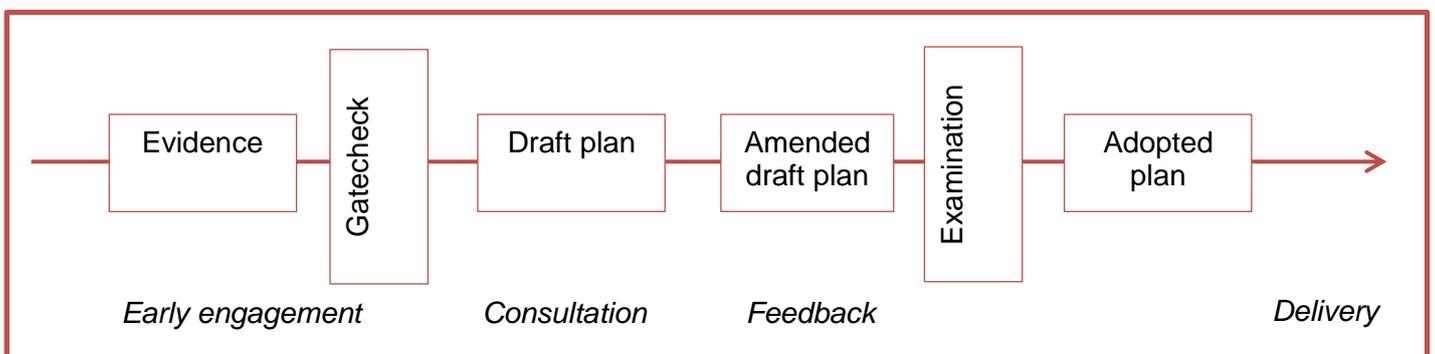
- There is considerable support for these proposals, with many agreeing that local development plans should be strengthened and made more visionary, providing a clearer picture of how an area should develop in the future and improving the link to delivery of development.
- Many stakeholders agree with the proposal to replace the main issues report with a draft plan, and for the proposed frontloading of plan examinations by introducing a gatecheck.

- There are some concerns, particularly from businesses and the development industry, that a 10 year timescale will lead to plans becoming outdated.
- Consequently there is strong support for allowing plans to be updated between review cycles.

A key element in our proposals has been the need to shift towards a focus on delivery and implementation of plans rather than continuous review and plan-writing. We therefore expect to bring forward changes to procedures for local development plans as part of the Planning Bill.

We remain of the view that main issues reports should be replaced with a draft plan, and that supplementary guidance should be removed. We will provide greater clarity on how a 10 year timescale could operate, including through provisions for plans to be amended or updated between full review cycles. We are looking closely at how this can be achieved in a way which is proportionate and avoids delay, whilst ensuring significant change is subjected to robust scrutiny. We will define the specific circumstances where updates may be triggered within the ten year period. We will also develop guidance to support any such change which provides clarity on the relationship between the plan review cycle, plan preparation period, updates and delivery programme. The key objective is that allocations within plans attract greater confidence in delivery and that planning authorities focus more proactively on implementation.

Proposed process of development plan preparation (2-3 years)



## Examination and Gatecheck

We recognise that fuller information on the issues which could be covered by a gatecheck within the examination process would also be helpful. The purpose of this change is to achieve a more project-managed approach to development planning, where key issues are addressed early on in an open and inclusive way, and there is clarity and shared ownership of the outcomes being sought. We expect to include a series of more detailed requirements in the Planning Bill and / or related secondary legislation. Matters which could be tested within the gatecheck could focus on:

- whether there is an adequate evidence base (e.g. infrastructure capacity, environmental assets and constraints, housing land assessments and audits);
- outcomes to be sought from the plan (housing requirements, targets for other development types, reuse of vacant and derelict land);
- proposed departures from national policy on the basis of local circumstances;
- methods for the plan preparation including the approach to engaging delivery bodies and the public, alignment with community planning and the scope of the accompanying environmental assessment.

The purpose of the gatecheck would be to provide reassurance on the evidence base and approach early enough in the process to take remedial action, rather than at the end of the process through the current examination process. Whilst we will look to clarify Ministers' powers for intervention in the local development plan process, our aspiration is that future arrangements will see more straightforward examinations as a result of the early gatecheck.

We continue to recognise that mediation has potential to support development planning, as well as wider aspects of the system, and will explore this further in future guidance rather than in the legislation.

## 5. Making plans that deliver.

We suggested measures for ensuring that allocating development land in a plan attracts more confidence in development delivery. This included setting a minimum level of information to be provided alongside development proposals in the local development plan, greater leadership from planning authorities in zoning land for development, and a stronger commitment from the key agencies to the development plan, to reduce the likelihood of objections arising at the consenting stage.

We also proposed that requirements for public involvement should be increased for sites which have not been allocated within the plan, and that conversely there may be scope for reduced consultation in the case of sites which are already confirmed as part of the plan.

- There is broad support for moving from relatively theoretical action planning towards a stronger delivery programme.
- Some respondents have emphasised that planning cannot deliver development on its own, and that buy-in from delivery partners is crucial.
- Concerns have been expressed, largely by the development industry, about introducing requirements for more information on viability at the site allocation stage and the proposal for enhanced engagement in the case of non-allocated sites. However, many other respondents, including communities, support this change.

We expect to bring forward measures to strengthen local development plan delivery programmes in the Planning Bill and through changes to secondary legislation.

There is strong support for a plan-led system. We therefore maintain our view that there should be enhanced engagement where a site that has not been allocated in a development plan is brought forward as an application.

Equally, we recognise the view that there could be greater flexibility in engagement requirements and scope where the principle of development of a site has already been fully debated and established at the development plan stage. We will therefore develop more specific proposals for adjusting pre-application consultation requirements which are more proportionate for allocated sites. These proposals are expected to involve future legislative change, as well as being supported by guidance.

The commitment to a plan led system needs to be accompanied by some confidence that allocated sites will be brought forward. Where site allocations are not being delivered over time, infrastructure providers face uncertainty and pressure can increase for sites to be de-allocated in favour of more effective land allocations. We will work with stakeholders to explore a proportionate framework to provide clarity on delivery whilst minimising additional investment in assessment. We expect to support this proposal through secondary legislation and guidance.

## PEOPLE MAKE THE SYSTEM WORK

### 6. Giving people an opportunity to plan their own place.

We agree with the independent panel that a new right should be introduced for communities to plan their own place, and that those plans have the potential to form part of the statutory development plan. Proposals for the form this might take were set out in the consultation paper.

- There is strong support for this proposal, particularly from communities and the civic sector.
- There are also concerns about added time and complexity, the potential to reinforce rather than resolve conflict, and resource requirements. Many have called for additional resources, support and training.
- Many believe that the local development plan should set the framework for local place plans.
- There is agreement that community councils could play a role in co-ordinating local engagement, whilst recognising that their capacity and representative-ness is currently variable and that other bodies have a valuable role to play.
- There are also concerns that a higher level of involvement in local place plans could undermine our broader emphasis on stronger, upfront engagement in local development plans.

We remain committed to this proposal as an essential part of re-imagining the role of communities within the system. We agree that there is a need to ensure that local place plans are used to promote appropriate development rather than as a vehicle to prevent it. We also agree that the relationship with the wider development plan is crucial.

We are currently looking at how local place plans could best be designed to address concerns and achieve wider buy-in from all interests in planning. The following key issues will be addressed:

- We expect the Planning Bill to include proposals for local place plans that are consistent with the local development plan.
- We are minded to leave processes and procedures for their preparation as flexible as possible so that communities themselves can define the best way of doing this for their area.
- We will set out how local place plans should be incorporated into the local development plan through an update that still allows for wider public consultation and independent scrutiny.
- We also expect that future guidance, learning and practice will need to be clear that a right to plan brings with it responsibilities, including to deliver on agreed needs and essential infrastructure.

We recognise the widespread support for community councils being involved in preparation of the development plan scheme and are therefore minded to take this forward. We would want to ensure, however, that wider organisations, such as community development trusts, also have an important and positive role in helping to deliver change. Recognising the importance of stronger links with community planning, we will also look at the role of locality plans as part of this.

As well as legislative change, local place plans in particular will require guidance and support for effective implementation. As a starting point, this year's programme of design-led engagement ('charrettes') will explore the challenges and opportunities arising from local place plans in more detail.

## 7. Getting more people involved in planning.

We recognise that a wider range of people should get involved in planning and have suggested that in particular, the involvement of children and young people could be supported by future change. We recently published research on the barriers to engagement in planning, helping to deepen our understanding of the issues at play. In addition, a survey of children and young people, conducted by YoungScot, has shown a significant amount of existing engagement, upon which further proposals can be built.

- Many respondents welcome our proposals but are seeking further detail on what needs to be done to broaden engagement.
- Views on this vary between sectors, with strong support from community respondents, alongside concern from the development sector and some planning authorities about the value, time implications and resources required to achieve fuller engagement.

We intend to bring forward targeted changes to the existing requirements for engagement to ensure that children and young people are specifically encouraged to get more involved in planning. We are also considering how we can take forward the recommendations arising from the research, including steps needed to achieve a real shift away from consultation towards more meaningful community empowerment within the planning system.

Development plan schemes, and in particular participation statements, could play an important role in this and we will therefore look to strengthen the provisions for them in the legislation. We will also continue to explore the scope for community empowerment and capacity building which extends beyond the planning system.

## 8. Improving public trust.

We suggested a number of changes to improve trust in planning, including amended requirements for pre-application consultation (PAC) for major and national developments; such as a requirement to provide feedback to communities following engagement, and asking whether there ought to be a time limit for submission of applications. We suggested removing the opportunity for applicants to submit a revised or repeat application at no cost if an application is refused, withdrawn or if an appeal is dismissed, and measures to strengthen enforcement. The need for training in community engagement, involving not only planning authorities but also the development sector was highlighted. As noted above, we also believe that development plan schemes could be used to secure stronger and more locally tailored approaches to engagement.

- There is strong support for these proposals from civil society respondents.
- Some feel that it is important that further requirements do not create greater conflict and uncertainty or slow down the system, arguing that current arrangements are sufficient.
- There are suggestions from across sectors that more could be done to clarify requirements and promote good practice in pre-application consultation.
- Views vary on the role of repeat applications, with developers expressing concern about loss of flexibility and increased costs, whilst communities continue to report that this can be a source of frustration and mistrust.
- Whilst there is a great deal of support for stronger enforcement, those who disagree argue that existing powers are under used, and that statutory change is not necessary.

We currently expect to progress these changes as proposed, given the role they could play in building trust in the planning system. We consider that most of these proposals can be taken forward through secondary legislation, although some changes may be needed in the Bill to ensure that Ministers' powers are sufficiently flexible.

## 9. Keeping decisions local – rights of appeal.

We suggested looking at the way that reviews and appeals are handled in the planning system, with the objective of keeping more decisions local.

- Views on these proposals are mixed and there appear to be significant concerns with some of the potential changes.
- Assigning further decisions directly to Ministers, rather than Reporters has limited support for different reasons, including potential for delays.
- There is strong consensus that the training of local elected members should be made mandatory.
- Concerns about the way in which local review bodies operate appear to be influencing the level of support for more local decisions.
- Views on charging fees for appeals are mixed with support from communities and planning authorities, but significant concerns from businesses and the development sector.

At this stage, we believe there is scope for some change, for example by looking at how minor developments such as advertisement consents are handled through to appeal. Opportunities for other types of consents to be reviewed locally may be more limited. We believe that more can be done through consistency in local schemes of delegation in order to encourage greater consistency as well as subsidiarity of decision making. Clear guidance and sharing of good practice could help to support this. There would also be merit in reviewing the effectiveness of local review bodies to explore lessons learned, share issues and solutions, and identify scope for future improvement. In the meantime no further legislative change is proposed. We do not intend to pursue the proposal for Ministers to take decisions more frequently, rather than Reporters. At this stage we do not propose to introduce fees for lodging either reviews or appeals.

We are exploring the scope for mandatory training for elected members who are serving on a planning committee or Local Review Body, potentially supported with testing. We have already offered financial support to planning authorities who are taking forward training following the May 2017 local elections.

Some respondents are disappointed that we are not considering introducing equal or third party rights of appeal. Others strongly support our position on this. Our view remains unchanged - we are convinced that stronger early engagement through the extensive measures set out above would be much more constructive. We will build on the existing strong provisions to involve people early in the planning process rather than at the end, and ensure that our system works for all, including those who want to invest in the quality of our places and our economy.

We have noted the positive comments received from authorities with islands on the proposals for greater subsidiarity to ensure planning better reflects their unique circumstances. We will continue to work with local authorities across Scotland to ensure local distinctiveness guides the level of flexibility required in the system. We will also continue to explore the role that a well-functioning planning system can play in contributing to the development of economic activity in rural Scotland and we will island proof the Planning Bill.

## BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE

### 10. Being clear about how much housing land is required.

The consultation paper was clear that more needs to be done to support housing delivery and we maintain that view. Work on planning for housing is ongoing alongside developing proposals for legislative change. We proposed that more could be done nationally, through the National Planning Framework, to guide the level of housing land required in local development plans.

- Different stakeholders have concerns about this proposal.
- Some do not support what they perceive to be centralisation, removing decisions on housing away from the local context, reducing transparency and a loss of flexibility.
- There are mixed views from the development industry, including some concerns that too flexible an approach at a national or regional level will do little to improve clarity, as well as calls for greater involvement and challenge in the Housing Needs and Demands Assessment (HNDA) process.
- Planning authorities and others argue that a clear national steer on housing land requirements would be welcomed if it helps to streamline local development planning and free up resources.

We have taken into account responses to the consultation, including the wide range of views on whether or not housing figures should be set at a national or local level.

Whilst it will be important to ensure that future changes to the planning system are equipped to deal effectively with planning for housing, we expect this to be addressed as a priority in policy and guidance, rather than through structural change to the system. Bearing in mind our proposals for enhancing the role of the National Planning Framework and Scottish Planning Policy, we will continue to work with housing professionals, planning authorities and developers to identify a solution which minimises the level of debate on how much land is required for housing. The objective is to allow everyone to focus more on delivering sufficient good quality housing which improves places and is supported by the right infrastructure.

### 11. Closing the gap between planning consent and delivery of homes.

We suggested that planning authorities could take more steps to actively help deliver development. Much of this would be supported by the wider proposed changes to the planning system as a whole, and the consultation paper noted that in addition, planning authorities could do more to enable development through greater use of existing powers (such as Compulsory Purchase Orders) as well as new and emerging delivery models and approaches. We also called for major applications for housing to be accompanied by appropriate information on development viability.

- Views on how this can be achieved range from those who argue that they will have little impact on delivery to others who are concerned that a drive to improve delivery could come at an environmental or social cost.
- Planning authorities have emphasised that their influence on the type of homes provided is limited.
- There are wider views that the lack of competition in the housing market (e.g. from smaller builders) is impacting on the diversity of homes delivered.
- There is agreement that planning can and should do more to support the delivery of different types of homes in different locations.

- Communities have emphasised the importance of creating high quality places rather than too great a focus on housing numbers. Within this, there is support for brownfield land in preference to greenfield sites, protection of prime agricultural land, and better co-ordination of housing with local facilities and infrastructure.
- The proposal for fuller information on development viability to support major applications has been welcomed by communities and most planning and policy respondents, but is not supported by the majority of development industry respondents. Some respondents have pointed out that assessments can change over time and that different circumstances will determine whether or not it can be made available.

Housing delivery is a continuing priority for this review. We will continue to work with others, including through the More Homes Scotland approach, to ensure that planning does all it can to enable the building of more high quality homes of a broader range of types, and in a way which strengthens places and quality of life. We remain clear that planning for housing should recognise the importance of working with our environmental assets to create great places.

We maintain that fuller information on the viability of sites and development delivery should be part of a planning process and will continue to develop this further with a view to future guidance.

Whilst changes to Compulsory Purchase Orders, Compulsory Sale Orders and a development land tax could all influence the context for planning for housing, we are exploring options around these separately and they will not be taken forward as part of the Planning Bill. We will, however, pursue revised guidance for operation of existing CPO powers in the short term.

### 12. Releasing more 'development ready' land for housing.

We suggested that greater use of a zoned approach to development has potential to support housing delivery. We are now progressing four pilot Simplified Planning Zones in Aberdeenshire, Argyll and Bute, North Ayrshire and Dumfries and Galloway to explore the potential for this further. We have also undertaken research, including a fact-finding visit to Ireland to look at their use of Strategic Development Zones.

- There is support for this in principle, but also questions about the extent to which this might result in a loss of development quality or engagement, or could undermine wider commitments to robust environmental assessment and design.
- Communities want to ensure that zoned areas are well serviced by infrastructure, fully consulted on and assessed for their impacts, including on the environment.
- Business and development industry respondents broadly welcome the proposal but are seeking further information.
- Questions have been raised about funding, both for establishing a zone and for providing the infrastructure, with some noting that fees would be lost whilst upfront resources would be needed.
- Others question the appropriateness of allocating a large area of land for a single use and there are calls for design, masterplanning and / or coding to be used to ensure quality of place.

We remain of the view that zoning has potential to unlock significant areas for housing development, including by supporting alternative delivery models such as custom and self-build. This could also support wider objectives including business development and town centre renewal.

We expect to bring forward proposals for legislative change that will refresh and rebrand Simplified Planning Zones and allow them to be progressed in a wider range of circumstances. These changes will be designed in a way which addresses issues raised in the consultation including the need for environmental assessment, design and quality to be built into schemes, and community engagement to be incorporated. We are also minded to make provision for discretionary charging. We will look at broadening the way in which the idea of establishing a zone can be progressed, including by allowing for Ministers to direct a zone to be established where it is in the national interest. Both local authorities and site promoters could also be given scope to bring proposals for zoning forward.

As with our wider aim of delivering more homes, opportunities for design, innovation and placemaking should be integral to these proposals.

### 13. Embedding an infrastructure first approach.

Effective infrastructure planning can ensure that places function properly and development improves, rather than detracts from quality of life. The consultation considered infrastructure governance, duties and responsibilities. We invited views on our proposal for a national working group to co-ordinate infrastructure and planning and also on whether our proposals for regional scale strategic planning would improve planning for infrastructure.

- A range of views have emerged from the consultation - most agree that some sort of action is required to address the issue and progress change.
- Some believe there is a need for a new national body, in many cases businesses or the development industry, and argue that a less formal arrangement would lack impetus.
- Others support a working group approach on the basis of concerns about creating another agency and 'increasing bureaucracy'.
- Co-ordination and communication is widely recognised as a priority, and many agree that there is scope to build on existing experience.
- There are also concerns about the extent to which an agency or delivery group would treat different areas of Scotland equitably.
- Scottish Ministers remain of the view that a new agency is not needed to improve the links between planning and infrastructure. We have also taken into account views that a working group may or may not lack influence or impetus. As there are different views on appropriate arrangements, but consensus on a need for action in the short term, we have asked the Scottish Futures Trust to work with us to take forward support for significant stalled sites in combination with the ongoing brokerage role of the Chief Planner. This will also link with the More Homes Scotland programme. Rather than having statutory powers, this would be led by the Scottish Government and involve infrastructure providers as and when required. We believe a task based approach is likely to have the greatest impact in the shortest time.

Furthermore, we are continuing to consider options for a national delivery group to support improved co-ordination of development and infrastructure issues. To inform this we will continue a dialogue with the current key agencies and private sector delivery partners including transport (rail), electricity, gas, heat, telecommunications and digital infrastructure providers. Over the coming months, this would provide a useful forum to discuss any potential changes to duties and powers to be considered for inclusion in the legislation.

We will continue to engage in the forthcoming review of the Infrastructure Investment Plan to ensure that the National Planning Framework informs decision making about future investment priorities. As proposals take shape, continuing alignment with ongoing work on the Enterprise and Skills Review and the National Transport Strategy's review of transport governance at the national, regional and local levels will be critical over the coming months.

Our proposal to move strategic development planning towards regional partnership working can also help to improve infrastructure governance and co-ordination. Infrastructure planning, from transport and utilities to catchment scale water and flooding management and green networks, requires a strong evidence base and often a cross boundary perspective. To develop the regional scale of infrastructure planning in more detail, we will explore approaches to regional infrastructure audits further over the coming months. We will also continue to work with infrastructure providers to define how best to facilitate their involvement in the planning system.

#### 14. Creating a fairer and more transparent approach to funding infrastructure.

We suggested that a new means of capturing land value uplift, in the form of an infrastructure levy, could be used to strengthen the scope for planning to support the delivery of development. We commissioned research and published a report of Stage 1 and 2 of this work alongside the consultation paper in January 2017. We also proposed removing scope for Section 75 planning obligations to be modified or discharged (Section 75A).

- There appears to be general support for the principle of introducing a levy, but views vary on the form it should take.
- Many consultees are seeking further information before reaching a view on whether or not it would be a positive change.
- The development industry are questioning what a levy would fund, with concerns that it would be used to replace central funding for infrastructure.
- Businesses are seeking more information on the impacts on project viability and are concerned that it could apply to development which has no impact on infrastructure.
- Public sector respondents consider that the amount of money a levy might raise may be limited, and that it may not help if it does not make funds available to support upfront costs.
- There is support for a mechanism which could supplement the contributions gathered through Section 75 planning obligations and a recognition of a need for different solutions.
- Strong views opposing the removal of Section 75A on the part of the development sector contrast with strong support for this change by communities.

We remain of the view that options for a levy or charge merit further consideration. We will finalise and publish a Stage 3 research report which identifies options that could be tested further. We will continue to explore this with assistance from the Scottish Futures Trust before coming to a view on the level of detail that can or should be included in the Planning Bill.

Having considered responses to the consultation as well as evidence on appeal cases for Section 75A in more detail, we are not currently minded to remove the provisions at Section 75A for modifying planning obligations. However, we remain open to considering whether changes to Section 75 may be required in connection with future decisions on the role of a levy.

## 15. Innovative infrastructure planning.

We highlighted a number of other planning priorities in Places, People and Planning including education, transport, green infrastructure, energy and digital infrastructure. This work continues to progress, involving extensive collaboration across Scottish Government policy areas. We have taken forward enhanced permitted development rights for telecommunications infrastructure and will continue our work on education infrastructure planning in the coming months.

We also sought views on whether 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. There appears to be general support for this, based on our view that it has limited added value. However, there are some concerns that removing this appears to be inconsistent with the aspirations of the emerging Climate Change Plan. Given our commitment to climate change and the need for every policy area to contribute to reducing emissions, it is not our intention to progress this through the Planning Bill.

### STRONGER LEADERSHIP AND SMARTER RESOURCING

## 16. Developing skills to deliver outcomes.

We noted the importance of skills, including leadership, to support an improved planning system. We have now received recommendations from Heads of Planning Scotland (HoPS) and the Royal Town Planning Institute (RTPI) Scotland on skills development and shared services.

- There is widespread support for multidisciplinary working and opportunities to develop skills, such as internships and secondments.
- Priorities for training emerging from the responses include: leadership, mediation, development economics and finance, project management, design, placemaking, archaeology, environmental assessment and energy planning.
- There are some concerns about time and resources required, and that planning education needs to focus on practical skills.

We will continue to work with RTPI Scotland, Heads of Planning Scotland, COSLA and the Improvement Service on skills development. We will also explore the scope for shared services, and expect there could be particular benefit in developing more effective sharing of expertise in some specialisms such as archaeology or environmental assessment.

## 17. Investing in a better service.

We set out a range of proposals for which additional fees could be charged in order to ensure that the planning service can be better resourced. This included possible charges for appeals and reviews of decisions, agency services, pre-application discussions, Simplified Planning Zones, repeat applications, advertising costs (as part of a fee), central government functions, enhanced services or fast tracked applications.

- Responses to the consultation show agreement that planning is under-resourced.
- Many consultees feel that any increased income should be proportionate and ring-fenced to ensure it is invested back into the planning service.
- There are some concerns about more specific proposals for fees, including mixed views on fees for services provided by agencies and fees for appeals.
- Several interests (including energy developers, those operating in rural and island communities) have particular concerns about fees and the impact this would have on development viability.
- Many believe that an increase in fees should be matched with improved performance.
- There have been calls for any change in fees to be gradual and / or flexible to reflect different sectors and circumstances.

We believe that there is a need to ensure that the system is properly supported if it is to deliver on a more ambitious, enabling agenda. Following a separate consultation, we have increased the maximum planning fee. We will not consult on further changes until after the Planning Bill has been considered by Parliament, to ensure we have a clear idea of the resource implications arising from the finalised changes to the planning system. However, given the limited existing powers in current legislation around resourcing, we expect the Planning Bill to include additional enabling powers that provide scope to widen discretionary charging and to extend the range of services for which fees can be charged.

We recognise that the development and business sectors have some concerns about the impact of further charging on development viability and wider investment. Whilst it is too early to set it out in detail, as proposals emerge we will continue to evaluate their impact including through the requirement for a Business and Regulatory Impact of any relevant legislative change and the Financial Memorandum that will accompany the Planning Bill.

### 18. A new approach to improving performance.

Our proposals on improved performance reflected the importance of ensuring a good quality service for all users of the planning service. We asked how planning authorities could be supported to improve their performance and whether there is support for monitoring outcomes from planning more than procedures.

- Many consultees welcome the proposal to monitor outcomes, including on health and wellbeing as well as climate change and carbon emissions.
- Some suggest that the Place Standard could provide an ideal measure of how a place has changed.
- There is support for a proposal to introduce 360 degree feedback as part of performance monitoring.
- Some respondents have concerns about retaining the penalty clause, with views that it is a negative approach and that performance would be better improved with support rather than sanction.

The proposed changes to fees will not reduce Ministers' focus on a high performing system. We will continue to work with the High Level Group and others in pursuit of improved performance.

### 19. Making better use of resources: efficient decision making.

The consultation paper set out opportunities to streamline the system including by increasing permitted development rights and simplifying development management procedures.

- There is support for expanding permitted development rights from many consultees, including those areas set out in the consultation paper (digital telecommunications, low carbon developments, development supporting the farming sector, allotments and community growing schemes, town centre uses and aquaculture).
- Other areas proposed include energy infrastructure, broader agricultural uses, and some household extensions and alterations.
- Some consultees have concerns about the impact this could have, for example on conservation areas or rural areas.
- There are also mixed views on options for changes to development management, including some questions around the value of pre-determination hearings and full council decisions, and the legislation relating to the duration of approved planning permissions.

We remain of the view that broadening the scope for permitted development could play a significant role in making best use of resources in the planning system. Heads of Planning Scotland has since progressed work in this area and we will give more detailed consideration to the proposals, along with the priority areas identified in the consultation paper.

We are currently minded to take forward a range of improvements to development management procedures, and will give further consideration to consultation responses to inform our approach.

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

The consultation paper highlighted the importance of digital technologies and innovation to support the future planning service.

- There is considerable support for this proposal and a welcoming of the service already provided under the eDevelopment programme.
- Many feel that better use of digital technology, whether in the form of 3D visualisations or improved use of digital communication tools, could provide a step change in the way the planning system operates.

- Some concerns relate to resources and there have been calls for a central resource to support local authorities in moving to maximise opportunities through digital transformation.
- Some also expressed concerns about potential for digital exclusion.

We recognise the huge potential that exists through harnessing use of digital technologies and data more effectively and will be setting out our ambitions for a future digital planning service in Scotland shortly. We are moving forward with establishing a Digital Task Force to lead and shape these broad and transformational aspirations, as well as inform on more specific ideas and innovation in this key area.

### Questions

1. Do you have any views on the proposals contained within the position statement? There is no need to restate views already expressed in relation to Places, People and Planning as these have been, and will continue to be, taken into account as we move towards finalising the actions to be taken.
2. What are your views on the accuracy and scope of the information used to describe the SEA environmental baseline set out in the Environmental Report? (Please give details of additional relevant sources).
3. What are your views on the predicted environmental effects as set out in the Environmental Report?
4. What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?

### Next Steps

We have taken an open and collaborative approach to the review of the planning system to date, and intend to maintain this transparency as the work progresses.

Further views on the additional details provided in this statement and in response to the Strategic Environmental Assessment (SEA) Environmental Report are invited by 11 August 2017.

Responses should be sent to [planningreview@gov.scot](mailto:planningreview@gov.scot). We are conscious that many people have already spent considerable time contributing to the review, and so there is no need to restate views already expressed in relation to Places, People and Planning. These views have been, and will continue to be, taken into account as we move forward.

We will continue to keep stakeholders updated on progress and will undertake targeted engagement on certain proposals. We will also be undertaking engagement with specific organisations and others to help inform the Business and Regulatory Impact Assessment, Child Rights and Wellbeing Impact Assessment and the Equality Impact Assessment which will be submitted to the Scottish Parliament alongside the Planning Bill.

# RESPONDING TO THIS CONSULTATION

We are inviting responses to this consultation by 11 August 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 11 August 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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Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-78851-079-0 (web only)

Published by The Scottish Government, June 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS266359 (06/17)

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