

Review of Planning: Independent panel recommendations and action taken

Recommendation	Actions
Recommendations: strong and flexible development plans	
1. The primacy of the development plan should be retained.	Planning Bill: Forms the basis of provisions on development plans
2. To simplify the system, strategic development plans should be replaced by an enhanced National Planning Framework.	Planning Bill: Provisions to repeal SDPs and replace with a duty for local authorities to co-operate in the preparation of NPF.
3. The National Planning Framework should be more fully integrated with wider government policies and strategies.	Policy: Will be taken forward in future review of NPF.
4. The role of the Scottish Planning Policy (SPP) should be expanded to avoid the need for policy to be repeated in development plans.	Planning Bill: Provisions aim to integrate SPP with the NPF and afford NPF development plan status.
5. The plan preparation process should be simplified.	Planning Bill: Proposals aim to simplify the plan preparation process. Secondary legislation and guidance will also support this objective.
6. Local development plans should move to a 10 year cycle.	Planning Bill: Included as a provision
7. There should be scope for flexibility and updating local development plans (whole or in part) within the 10 year period.	Planning Bill: Included as a provision
8. Development plan examinations should be replaced with a frontloaded 'gatecheck' of the plan.	Planning Bill: Gatecheck stage included as a provision. Examinations retained. Proposal for replacing the Examination at the end of the process have not been taken forward in light of consultation responses. Secondary legislation will be required to set out further detail on the gatecheck stage. This will be supported with guidance and sharing of good practice. An exemplar project is currently underway.

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9. A statutory duty for the development plan to be aligned with community planning should be introduced.	<p>Planning Bill: Local development plan to take into account local outcome improvement plans.</p> <p>This will be supported with guidance and sharing of good practice. An exemplar project is currently underway.</p>
10. An IT task force should be established to explore how information technology can make development plans more accessible and responsive to 'live' information.	<p>Working group: Digital task force established.</p>
11. Given their special circumstances, the island authorities should be given more flexibility where this would better reflect the distinctive local context for planning in an island setting.	<p>Planning Bill: Islands proofing undertaken to inform preparation of the Planning Bill. Provisions for local development plans allow for local variation of national policy.</p>
<p>Recommendations: The delivery of more high quality homes</p>	
12. The National Planning Framework should define regional housing targets as the basis for setting housing land requirements in local development plans.	<p>Policy: A full discussion will take place during the preparation of NPF on the role of NPF in defining regional housing requirements. .</p>
13. There is an urgent need to establish a clearer definition of effective housing land so that local development plans can move on from this to take a positive and flexible approach to addressing the housing land requirement for their area.	<p>Policy: Planning and housing policy would be subject to the review of SPP, then integrated with NPF.</p> <p>Guidance: Associated guidance will be updated.</p>
14. The SPZ concept should be rebranded and evolved into a more flexible and widely applicable zoning mechanism which identifies and prepares areas to make them 'investment ready.'	<p>Planning Bill: Extensive provisions for rebranded and repositioned Simplified Development Zones.</p> <p>Supported by practice (pilots), research and guidance.</p>
15. Mechanisms for planning authorities to take action to assemble land and provide infrastructure upfront should be established as soon as possible.	<p>Planning Bill: Includes enabling power for an infrastructure levy, together with a delivery focused development land. Work exploring reform of Compulsory Purchase Orders and Compulsory Sales orders is ongoing. The work of the Scottish Land Commission is also underway.</p>

Recommendation	Actions
16. A programme of innovative housing delivery should be progressed in a way which is fully aligned with local development plans.	Projects: Significant progress in promoting custom and self-build and build to rent. Aligned with More Homes Scotland approach.
Recommendations: An infrastructure first approach to planning and development	
17. A national infrastructure agency or working group with statutory powers should be established, involving all infrastructure providers as well as planning representatives.	Working group: Infrastructure Delivery Group recently established. Exploring role of infrastructure providers in further detail with members of the group.
18. Options for a national or regional infrastructure levy should be defined and consulted upon.	Planning Bill: includes enabling power for an infrastructure levy, but anticipate that levy will be collected and spent locally. Scope for regional aggregation of funds also included.
19. A development delivery infrastructure fund should be established.	Projects: Funding is available from a range of different sources.
20. A corporate structure requiring all key infrastructure providers to co-operate in delivering the local development plan should be introduced.	Planning Bill: Definition of key agencies proposed to be broadened and Chief Executive and full council sign off of delivery programmes included.
21. A review of transport governance should be undertaken to address the gap between this key aspect of infrastructure and development planning.	Policy: Being explored as part of the National Transport Strategy
22. Future school building programmes should address the need for new schools in housing growth areas.	Working group / research: Expert working group established. Research in progress.
23. Local authorities and their partners need to become much bolder in their approach to infrastructure investment.	Practice: To be developed further supported by stronger local development plan delivery programmes.
24. Section 75 planning obligations should be retained but their use should be minimised and the process streamlined.	<p>Planning Bill: Technical amendments included in the Bill, together with powers in relation to the infrastructure levy to adjust Section 75 where required.</p> <p>Guidance: Commitment to reviewing circular on Planning Obligations.</p> <p>Improvement work actively being undertaken with two planning authorities</p>

Recommendation	Actions
25. New approaches to low carbon infrastructure planning and delivery should be taken forward through a programme of innovation.	Policy and guidance: Will be considered further in NPF. Planning linking with wider policy on energy, water, green infrastructure and climate change.
Recommendations: Efficient and transparent development management	
26. Timescales for decision making remain critical in creating certainty and should remain part of the performance monitoring framework.	Planning Bill: Provisions give performance monitoring and reporting statutory weight.
27. The certainty provided by the development plan in development management should be strengthened.	Research: Commissioned report suggested added complexity arising from planning permission in principle for allocated sites.
28. The quality and effectiveness of pre-application discussions with planning authorities and consultation by developers should be significantly improved.	Planning Bill: additional clarity on timescales included in the Bill. Secondary legislation: Further detail on procedures, including the need for at least 2 community meetings to be addressed in regulations.
29. National guidance on minimum requirements for validation is required.	Practice: Guidance produced by Heads of Planning Scotland.
30. The Scottish Government should work with local authority enforcement officers to better establish any barriers to the use of enforcement powers.	Planning Bill: informed by research, penalties have been strengthened and provision made for cost recovery.
31. Planning authorities should work together to identify the scope for significantly extending permitted development rights	Research: Work underway on a sustainability appraisal of development types. This will inform a prioritised programme of secondary legislation to be taken forward from 2018 onwards.
32. A fuller study of the scope for combined consents, particularly planning, roads and drainage consents, should be carried out.	Research: Currently scoping research, and considering in relation to scope of work of digital task force.
33. As with development planning, the use of information technology to improve accessibility and allow for more real-time data to inform decisions	Working group: Digital task force established.

Recommendation	Actions
34. We recommend that the scope of powers of the Cairngorms National Park Authority is reviewed.	Not progressed. Not part of the review of the system as a whole.
35. A stronger mechanism for a collective community perspective to be built into the matters explicitly addressed by Reporters in appeals, could go some way towards bridging the gap between local and central decision making.	Secondary legislation: to be considered in review of appeals regulations.
Recommendations: Stronger leadership, smarter resourcing and sharing of skills	
36. Planning services should aspire to become leaders and innovators within the context of public service reform and the Scottish Government and key agencies should lead by example.	Practice: Work to develop leadership is a collective objective for all stakeholders to progress.
37. Planning fees should be increased substantially, so that the service moves towards full cost recovery.	Secondary legislation: Maximum Planning Fee was increased to £125k for most types of development in June 2017. Secondary legislation: To be progressed when shape of future planning system has been determined by primary legislation.
38. Scope for further discretionary charging, for example for pre-application processes, should be considered further.	Planning Bill: Powers for discretionary charging have been broadened.
39. Alternative mechanisms to support improvements should be found and the threat of the penalty clause removed.	Planning Bill: Provisions give performance monitoring and reporting statutory weight. Scottish Ministers disagreed with the independent panel and intend to maintain the penalty clause.
40. Skills development is required in a number of priority areas	Practice: Work on skills is ongoing, in collaboration with Heads of Planning Scotland, the Improvement Service and RTPI Scotland.
41. Local authorities should pursue the establishment of shared services.	Practice: Work on skills is ongoing, in collaboration with Heads of Planning Scotland, the Improvement Service and RTPI Scotland.

Recommendation	Actions
42. A planning graduate intern programme should be established.	Practice: Work by RTPI Scotland has progressed this proposal. Further discussion with partners required.
Recommendations: Collaboration rather than conflict – inclusion and empowerment	
43. There should be a continuing commitment to early engagement in planning, but practice needs to improve significantly.	<p>Projects: Significant investment in Making Places Initiative and Place Standard as an engagement tool.</p> <p>Practice / guidance: Continuing sharing of good practice, including through the Scottish Awards for Quality in Planning and practitioner forums, and links with wider programme of community empowerment.</p>
44. Communities should be empowered to bring forward their own local place plans, and these should form part of the development plan.	Planning Bill: Local place plans included in the Bill.
45. Community councils should be given a statutory right to be consulted on the development plan.	Secondary legislation: To be addressed in development planning regulations.
46. We are not persuaded that third party rights of appeal should be introduced.	No further action taken on basis of the panel's recommendation.
47. A working group should be established to identify barriers to greater involvement in planning taking account of measures contained in the Community Empowerment Act and the Land Reform Act.	Practice / research: Barriers to engagement research completed. Found support for most of the independent panel's recommendations and identified a framework for further action.
48. A new statutory right for young people to be consulted on the development plan should be introduced	Secondary legislation: Rather than focusing on one particular group, we intend to revise development plan regulations to require the use of methods that will encourage the involvement of a wider range of people.