

Review of the Scottish Planning System

TECHNICAL PAPER – UPDATES TO INFORM STAGE 2

PART 1

In December 2017 the Scottish Government introduced the [Planning \(Scotland\) Bill](#) to the Scottish Parliament. Scrutiny of the Bill, led by the Local Government and Communities Committee, is ongoing. Stage 1 was completed in May 2018 and Stage 2 (consideration of amendments) is now underway.

Planning is very important to a wide range of people, communities, business and organisations throughout Scotland. It is critical that the Planning Bill creates a new planning system that works for all of us. During the planning review process we have sought to ensure that proposed changes are properly understood and fully discussed with stakeholders including users of the system and those who deliver planning services. This paper aims to continue that process, by supporting the ongoing debate on the Planning Bill with a reminder of the aims of planning reform and information about its potential implementation.

Over the coming weeks, we will continue to build on our [technical paper](#) (December 2017), to highlight the policy drivers that are guiding our approach to amendments to the Bill.

National Planning Framework

What does the Planning Bill propose?

The Planning (Scotland) Bill 2017 sets out changes to enhance the process for preparing the National Planning Framework (NPF). We propose removing strategic development plans, broadening the regional coverage of the NPF, incorporating the Scottish Planning Policy (SPP) into the NPF and giving the NPF statutory status as part of the development plan.

Our technical paper explains how these changes could work in practice, including potential governance, collaboration, involvement, responsibility for decision making, resourcing and costs, timescales, and transitional arrangements.

The Local Government and Communities Committee's Stage 1 report on the Bill includes several recommendations relating to the NPF. The Committee is seeking clarification of the relationship between the NPF and the Scottish Planning Policy, and the process for reviewing or amending it. The Committee also question the extent to which the new approach would lead to centralisation of the planning system, and has called for further strengthening of the role of the Scottish Parliament in considering the NPF.

Our priorities for Stage 2.

Our aim throughout the review has been to streamline development planning, and to build confidence in the system. The Scottish Government is not removing strategic planning, but rationalising and refocusing it so it can respond flexibly to its quickly evolving context. NPF can play a key role in achieving this and the changes aim to address challenges with current practice in strategic planning. We have a unique opportunity to build a more collaborative approach to preparing the NPF supported by wide and inclusive stakeholder and public engagement.

We recognise that there is scope to improve the Bill in response to the Committee's recommendations. At stage 2 we will seek to:

- Establish a clear and unambiguous purpose for planning in Scotland that everyone can support.
- Strengthen the role of the Scottish Parliament in scrutinising the NPF, without creating unnecessary procedure or delay.
- Reflect our aim of greater collaboration in the preparation of NPF, rather than centralisation.
- Avoid over-prescribing the policy matters that NPF will need to address in the primary legislation, so that we can continue to respond to changing circumstances and reflect input from consultation and collaboration in shaping its content in future years.

Strategic Planning

What does the Planning Bill propose?

The Planning (Scotland) Bill 2017 sets out changes that would remove the requirement for planning authorities within the four city regions to produce strategic development plans. Instead, the Bill includes a power for Ministers to direct authorities to work together to address strategic planning issues and inform the NPF.

Our technical paper explains how these changes could work in practice, with the NPF being used to support a new approach to strategic planning. Our aim is to strengthen collaboration and flexibility within the context of growing partnership working at this scale. We have explored opportunities for regional and national co-operation, and set out the scales at which decision making could be undertaken in the new system. We have taken into account experience of strategic planning and sought to address recognised shortcomings of the current process, including difficulty in aligning tiers, a disconnect with infrastructure delivery and low corporate awareness of and buy-in to the plan.

The Local Government and Communities Committee's Stage 1 report recommends that current arrangements for strategic development planning should not be removed, unless a more robust mechanism can be provided. They propose that this could include enabling local authorities to work together for strategic planning purposes, with an agreed plan informing local development plans.

Our priorities for Stage 2.

We are seeking to streamline development planning and in our view current arrangements for strategic development plans are not fit for purpose. Experience has shown complexity arising from the relationship between strategic and local development plans, and planning at this scale is operating in isolation from wider, more dynamic regional partnership working. We firmly believe that change is needed to ensure that strategic planning is recognised as relevant and able adapt to a fast changing world. We also want to encourage new approaches to strategic planning that reflect local circumstances across all of Scotland.

Building on this, at stage 2 we will seek to:

- Establish a clearer duty for all planning authorities to undertake strategic planning. This will ensure that our continuing commitment to planning at this scale is better understood.
- Ensure regionally driven strategic planning will be used to inform a collaborative approach to the NPF, rather than being prescribed nationally.
- Maintain flexibility for resourcing, governance and procedural arrangements so that different parts of the country are able to adjust their approaches to strategic planning.
- Ensure that procedures are proportionate, to enable fuller alignment of strategic planning with wider partnership working at a regional scale.

Local Development Plans

What does the Planning Bill propose?

The Planning (Scotland) Bill 2017 sets out changes that would improve the process for preparing local development plans. It introduces a 'gatecheck' to consider evidence early in the plan preparation process, based on an evidence report which should be produced collaboratively. The Bill removes the requirement to prepare 'main issues reports', but consultation on a draft of the plan would still be required. Recognising the timescales for delivering development and infrastructure, we propose moving from a 5 year to 10 year review of plans, allowing for interim updates. The Bill also removes supplementary guidance to streamline local development plans, and introduces stronger delivery programmes.

Our technical paper explains how these changes could work in practice, considering plan preparation and implementation, an early 'gatecheck', updates, local tailoring of national policy, supplementary guidance, environmental assessment, what a plan might look like, costs, timescales and transitional arrangements. It recognises that engagement, alignment with community planning, and collaborative working should be at the heart of local development planning.

The Local Government and Communities Committee's Stage 1 report supports the move to a 10 year cycle. It raises questions about the level of savings that the changes would generate, and expresses concerns that removing supplementary guidance would make plans longer and more complex. The Committee recommends further strengthening of engagement in local development plans within the Bill.

Our priorities for Stage 2.

The overall aim of this part of the Bill is to strengthen local development plans so they provide greater certainty for everyone. We want to move planners away from constantly reviewing their policies, so that they are in a better position to work with others and deliver meaningful, place-based plans that achieve positive outcomes. Local development plans have an important role to play in improving our places, and it is crucial that they are backed by a stronger shared commitment to delivery.

Building on this, at stage 2 we will seek to:

- Continue to streamline procedures and steps in the hierarchy and process.
- Confirm our expectation that there will be stronger engagement in local development plans. We maintain that the changes we propose will improve, rather than hinder, engagement and transparency. However, we recognise that the primary legislation could say more about how this can be achieved.
- Further build local responsibility for, and shared ownership of, local development plans, including by removing central oversight of their adoption.
- Ensure that the evidence supporting development plans is strengthened.
- Continue to emphasise the importance of plan delivery.

Local Place Plans

What does the Planning Bill propose?

The Planning (Scotland) Bill 2017 sets out changes that would introduce a new right for communities to prepare plans for their own places (local place plans). The Bill leaves processes and procedures for the preparation of local place plans as flexible as possible so that communities themselves can define the best way of doing this for their area.

Our technical paper explains how these changes could work in practice, considering the purpose of local place plans, prioritisation, preparation process, environmental assessment, the relationship with local development plans, collaboration, costs, timescales and transitional arrangements.

The Local Government and Communities Committee's Stage 1 report emphasises that local place plans cannot substitute for engagement in local development plans, and recommends that local authorities take on a more proactive role in calling for local place plans to be prepared, together with reporting on this in the evidence report.

Our priorities for Stage 2.

One of the overall aims of this part of the Planning Bill is to give greater 'teeth' and a stronger commitment to early engagement in planning. By accommodating a wide range of plans prepared by communities as local place plans, we expect this will better align the planning system with the movement of community empowerment which has emerged across Scotland in recent years.

At stage 2 we will seek to:

- Build support for local place plans, reflecting their significant potential.
- Maintain a flexible approach, recognising that local place plans will take many different forms in different communities, and that work is already being undertaken across Scotland as a result of growing community empowerment.
- Clarify what should happen to local place plans when they are prepared and passed to local authorities.

Beyond the primary legislation, we recognise the particular importance of future guidance in developing local place plans, respecting the fact that communities themselves are well placed to share their experiences and inform future practice. We will also seek to ensure that wider programmes supporting community led-planning and empowerment are used to help support the preparation of local place plans.