



Key Agencies Group

13th December 2018

Meeting summary & actions

Meeting Summary and Actions

Summary

Members of the Key Agencies Group met on Thursday 13th December. The meeting was chaired by Alasdair McKenzie of HES, hosted by SNH and took place at Silvan House, Edinburgh. Various matters were discussed including the status of the Planning Bill, the Vacant and Derelict Land Task Force and Design Quality Monitoring Indicators.

Attendees

Alasdair McKenzie – Historic Environment Scotland (*Chair*)

Katherine Lakeman – SEPA

Fiona Rice – Scottish Natural Heritage

Laura Campbell – Scottish Natural Heritage

Alison Baisden – Historic Environment Scotland

Debbie Livingstone – Systra / Transport Scotland

Sasha Laing – Forestry Commission Scotland

Mike Williams – Scottish Enterprise

Kate Givan – Architecture and Design Scotland

Sophie Day – Scottish Water

Helen Fallas – British Geological Survey

David McAllistair – PAS

Trevor Moffat – The Improvement Service

(Item 2)

Caroline Thornton – SEPA

(Item 9)

Andy Kinnaird – The Scottish Government

Kristen Anderson – The Scottish Government

Apologies

Jim MacDonald – Architecture and Design Scotland

Andrew Mcallister – Forest Enterprise Scotland

Brendan Turvey – Scottish Natural Heritage

Ivan Clark – Scottish Natural Heritage

Peter Hutchinson – Scottish Natural Heritage

Lorraine Jones – SportScotland

Gillian Kyle – SportScotland

David Torrance – Transport Scotland

Alan Farquhar – SEPA

Sean Caswell – SEPA

Steven Smith – Scottish Water

Anna Gaffney – SEPA (*Secretariat*)

Actions

Action	Who?	When?
Caroline Thornton to circulate presentation slides and contact details for Vacant and Derelict Land Task Force.	Caroline Thornton (SEPA)	ASAP
Trevor Moffat to update KAG on the RTPI research on Monitoring Outcomes in the Planning System	Trevor Moffat	ASAP
PAS to share information on current Place Standard Work	David McAllistair	ASAP
Laura Campbell, Helen Fallas and Katherine Lakeman to discuss the Design Quality Monitoring project and links to the Place-Making and Environmental Evidence Sub-Groups	Laura Campbell, Helen Fallas and Katherine Lakeman	ASAP
Invite Keith Winter (Fife Council) to the next KAG Meeting in March	Anna Gaffney	14 March 2019
Key Agencies to draw together a Joint Briefing on the Planning Bill	Alasdair McKenzie	January 2019
Agencies to approach the Planning Bill Team and Opposition Parties with any matters of concern regarding the recent amendments to the Bill	As necessary	January 2019
Fiona Rice to update Pre-Application Statement to a more general statement on Key Agency Engagement	Fiona Rice	January 2019

KAG Event:

- **Thursday 24th January, 2019**
KAG Event: Planning for Positive Outcomes – Engine Shed, Stirling

2019 Full meeting dates and locations

- **Thursday 14th March, 2019 (SEPA to host)**
Location TBC
- **Thursday 13th June, 2019**
Location TBC
- **Thursday 12th September, 2019**
Scottish Water, Dunfermline

Agenda

1. Welcome, introductions and apologies
2. Update on Vacant and Derelict Land Taskforce (Caroline Thornton, SEPA)
3. Design Quality Monitoring Indicators (Laura Campbell, SNH)
4. Working Group Updates and Discussion
 - Planning Skills Group (Alison Baisden / Group Members)
 - Placemaking (Katherine Lakeman / Group Members)
 - Environmental Evidence (Helen Fallas / Group Members)
 - NPF4 (Brendan Turvey / Group Members)
5. Planning Bill – Outcome of Stage 2 & What's Next (All)
6. Feedback from the High Level Group on Performance (Alasdair McKenzie)
7. Outstanding Actions / Updates
8. Lunch
9. Scottish Government Update on Planning Bill & SDZs/Masterplan Consent Areas (Kristen Anderson and Andy Kinnaird / SG)
10. A.O.B
 - SEPA Sector Plans (Katherine Lakeman)
 - Pre-Application Statement on Engagement (Fiona Rice)

Meeting summary

- 1. Welcome, introduction and apologies**
- 2. Update on Vacant and Derelict Land Taskforce (Caroline Thornton, SEPA)**

Caroline Thornton provided an update on the recently established Vacant and Derelict Land Taskforce. This has been established to bring vacant and derelict land back into productive use for communities and commerce. The group is chaired by Steve Dunlop of Scottish Enterprise and has met twice already. In these meetings, the group have defined their approach and are seeking to find ways to develop 100 sites.

The group is also seeking to establish sub-groups. These will be action driven and will focus on barriers and opportunities, productivity and investment. There was a general appetite across the Key Agencies to join the sub-groups.

Action: Caroline Thornton to circulate presentation slides and contact details for Vacant and Derelict Land Task Force.

- 3. Design Quality Monitoring Indicators (Laura Campbell, SNH)**

Laura Campbell discussed SNH's Landscape Monitoring Programme and links to recently published Scottish Government research on Monitoring Planning Outcomes by Yellow Book. Both projects are seeking to monitor the quality of place as a result of new development.

SNH are currently developing indicators and undertaking pilot testing in the national parks. They are using techniques such as photography to monitor change. They are also working with other agencies such as HES and A&DS on this project.

Trevor Moffat updated the group to notify them that the RTPI are commissioning follow-up research to the Scottish Government research on Monitoring Planning Outcomes.

Kate Givan highlighted that Moray Council have a quality monitoring programme for all applications of over 10 units. A&DS are also looking at finding ways to evidence the impact of what they do.

During discussion it was also highlighted that the quality of plan-making does not always equate to quality of place, and that there is a responsibility amongst the volume housebuilders to raise the quality of design too.

Action: Trevor Moffat to update KAG on the RTPI follow-on research.

Action: PAS to share information on current Place Standard Work

Action: Laura Campbell and Helen Fallas to discuss the creation of a suite of environmental evidence around this topic, and possible follow-ons linked to the Place-Making and Environmental Evidence Sub-Groups

4. Working Group Updates & Discussion

- *Skills and Training Sub-Group*

Alison Baisden provided an update regarding the forthcoming Key Agencies Event on 24th January 2019. This event follows on from the workshop held at the Partners in Planning launch event and is intended to explain the role of the Key Agencies to early and mid-level career planners. Invitations have been issued and the sub-group will reconvene on 18th January to take this forward.

- *Place-Making Sub-Group*

Katherine Lakeman provided an update on the Place-Making Sub-Group. This group held a workshop on 30th October which looked at finding new ways of working together and supporting the outcomes from the National Performance Framework. There was a drive to change the perception of the Key Agencies from regulatory bodies to place-shapers, and to create an authorising environment around Place-Making.

The group are looking to pilot new approaches and are currently developing an offer. This offer will be worked up by the group by the end of January. It is intended to try out the offer with HOPS, and also to promote tie-ins with the Place Standard Tool.

Sasha Laing suggested to potential projects the Sub-Group could work on. These included working with an outdoor recreation group in Fife, as well as a Forest Enterprise Scotland projects seeking to develop affordable housing on the national forest estate.

- *Environmental Evidence Sub-Group*

Helen Fallas provided an update on the work of the Environmental Evidence Sub-Group. The Group have undertaken in-depth user interviews with 7 local planning authorities on environmental evidence in support of plan-making. Through this research, and linking with Scottish Government Digital Taskforce, they have identified some key areas of work. These include the creation of an entrance portal on SEWeb, improved meta-data on SSDI, and improved user guidance on data interpretation. They have also identified potential funding sources for SEWeb prototypes.

The Group are intending to undertake a 'Show-and-Tell' workshop at the Key Agencies Group Event on 24th January.

- *NPF4 Sub-Group*

The NPF4 Sub-Group have agreed their terms of reference and shared these. Their next meeting has been postponed until timescales for the production of NPF4 are agreed. This may not be until spring/summer 2019.

5. Planning Bill – Outcome of Stage 2 & What's Next (All)

The Group discussed the current status of the Planning Bill which has been through Stage 2 in the Scottish Parliament. Here, it was highlighted that a great many amendments have been passed against the Scottish Government's wishes. Some of these are problematic for the Key Agencies. These include the removal of Minister's ability to Call-In Masterplan Consent Areas, as this removes the ability of the Agencies to raise notifiable objections when they consider issues of national importance are engaged.

It was also highlighted that there were a high number of amendments and that there may be limited time at stage 3 to re-examine these and that other amendments may yet arise.

Trevor Moffat highlighted the recent RTPI paper highlighting the pressure the new duties will place upon Local Planning Authorities and Scottish Ministers.

6. Feedback from the High Level Group on Performance (Alasdair McKenzie)

Alasdair McKenzie provided an update from the recent High Level Group on Performance. He highlighted that feedback on Planning Performance Framework Reports would be issued shortly.

He also highlighted that the feedback he gave regarding the KAG activities had been well-received by the High Level Group as a whole. There had been an offer from Keith Winter from Fife Council to discuss the recently agreed Tay Cities Deal, as well as suggestion from John McNairney to meet sometime in 2019 and discuss how the Key Agencies can assist with the delivery of planning reform.

Action: Alasdair to invite Keith Winter (Fife Council) to a future KAG Meeting.

7. Outstanding Actions / Updates

David McAllister from PAS highlighted that their Local Place Plan Research will be taken into the next phase shortly, and that Chris Sillick from PAS will provide an update on this shortly.

The Group agreed the meeting dates for March 2019. Mike Williams from Scottish Enterprise highlighted that he would be stepping down in 2019, however would identify a new member of Scottish Enterprise to take on his role.

8. Lunch

9. Scottish Government Update on Planning Bill & SDZs/Masterplan Consent Areas (Kristen Anderson and Andy Kinnaird/SG)

Andy Kinnaird and Kristen Anderson provided an update on the status of the Planning Bill.

Andy highlighted that there had been 390 amendments to the Planning Bill, of which 244 were passed. 111 of these amendments were passed against the Scottish Government. Andy provided a background to the amendments were and how these were handled by committee at stage 2, where the Government did not have a majority in terms of votes. He also explained that at stage 3 there would be a full chamber debate, however that there would be a Government minority here too. It was also highlighted that, following these amendments, a lot of issues traditionally dealt with in policy are now in legislation. This has meant that some additional requirements have been introduced, many of which will fall to planning authorities and Scottish Ministers. The recent report from the RTPI on new duties for Local Planning Authorities / Scottish Government which weren't costed as part of the original Planning Bill was referenced.

There will be a financial memorandum update to reflect all of the amendments. This winter there will be further discussions around the Bill as it moves forward to stage 3. A helpful summary of amendments made at stage 2 was circulated and these were briefly described.

Currently, the amendments include the following:

- The Committee agreed that there should be a 'Purpose of Planning' and two purposes have been passed. The Bill team are working to reduce this to one Purpose of Planning. It is also mentioned that the Purpose of Planning may sit with development planning rather than across the system as a whole.
- Parliamentary approval will be required for the National Planning Framework.
- Strategic Development Plans will be brought back into the planning system.
- Several of extra duties have placed on Local Development Plans, for example incorporating matters that have traditionally been covered through policy. There are additional engagement duties e.g. to engage children, young people and gypsy travellers. The proposed plan will also need to go to a meeting of the full Council.
- There is a requirement for regulations to define material considerations in the development management process.

- Short Term Holiday Lets have been included in the ‘Meaning of Development’.
- New presumptions to refuse development have been introduced. These include development within the Green Belt and residential development within/or within 100m of a Culturally Significant Zone.
- There is a requirement for regulations to specify the circumstances under which Ministers can Call-In an application.
- There is a requirement for the neighbourhood notification for all Listed Building Consent applications.
- Provisions for mandatory elected member training have been removed from the Bill, alongside the statutory basis for Planning Performance Frameworks and the Planning Performance Co-ordinator.

Next steps will include the publication of a Financial Memorandum, the tidying up of various amendments and potentially revisiting some existing amendments.

The Bill Team are engaging with all parties and other stakeholder on all of the above and it is envisaged that stage 3 won’t begin until March/April 2019.

It was emphasised that the Key Agencies should speak out if they don’t agree with the content of the Bill. Agencies were encouraged to either go through the Bill team, or directly to the members of the Scottish Parliament with any changes that they’d like to see made.

Kristen Anderson then updated the group on Masterplan Consent Areas, previously known as Simplified Development Zones. Kristen highlighted that the new name more accurately conveyed the meaning of Masterplan Consent Areas as an up-front planning consent. Kristen also highlighted that Masterplan Consent Areas have great potential for use across Scotland for a number of different uses. They may also be used as a mechanism to realise community aspirations as part of Local Place Plans.

Through Masterplan Consent Areas, the requirement for planning permission and other consents would be removed depending on what is consented as part of the Masterplan Consent Area Scheme. The recent amendment to remove the notification to Ministers for Masterplan Consent Areas is therefore concerning as this will remove the environmental safeguards for these consents.

Masterplan Consent Areas will also be restricted in some cases where there are designations of National and International Importance. Listed Buildings and National Scenic Areas however are not included as part of this restriction.

It was agreed that the Key Agencies should come together and produce a Joint Briefing on this, highlighting concerns about the removal of notification to Ministers for Masterplan Consent Areas. This should be drawn together early in the New Year.

Action: Key Agencies to draw together a Joint Briefing on Masterplan Consent Areas

Action: Agencies to approach the Planning Bill Team and Opposition Parties with any matters of concern regarding the recent amendments to the Bill.

10. A.O.B

- *SEPA Sector Plans – Katherine Lakeman*

SEPA are consulting on a new group of sector plans this Christmas. These include the Sector Plan on Housing and are available for viewing on-line at www.sepa.sector.org.uk. SEPA would welcome feedback on these documents.

Action: Andrew from SEPA to discuss the Housing Sector Plan at next KAG meeting in March

- *Statement on Pre-Application Engagement – Fiona Rice*

Fiona Rice raised the matter of the requirement for a Key Agencies Joint Statement on engagement in the Planning System. This could be achieved through re-focussing the current Key Agencies Statement on Pre-Application Engagement. It was suggested that this should be re-worked prior to the Key Agencies event on 24th January, and that this should include information on development planning and LDP engagement.

Action: Fiona Rice to update Pre-Application Statement as a live document