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**The Planning Review:  
Analysis of Written  
Evidence**

4 March 2016

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*To accomplish great things,  
we must not only act, but also dream;  
not only plan, but also believe.*

**Anatole France**

# EXECUTIVE SUMMARY

## Introduction

A team led by Kevin Murray Associates, the University of Dundee and including Dr Ian Cooper of Eclipse Research Consultants, was appointed by the Scottish Government, acting on behalf of the independent Review Panel, to undertake an analysis of the written evidence submitted to the Scottish Government's *Planning Review*. This is our report to the Review Panel and is one part of the data that the Panel will be considering. Much will also be drawn from oral evidence sessions and the online discussion forum that has been set up by the Scottish Government as additional inputs into the process.

The Review was announced in September 2015 by Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights. The independent Panel that has been appointed is made up of Crawford Beveridge (chair), Petra Biberbach and John Hamilton. The Panel is to provide a strategic perspective on the planning system and draw out ideas that could improve it. The Panel is due to report in spring 2016.

The review is structured around six key themes:

- Development planning;
- Housing delivery;
- Planning for infrastructure;
- Further improvements to development management;
- Leadership, resourcing and skills; and
- Community engagement.

In the Call for Written Evidence there were prompt questions for respondents to consider within each of the 6 themes (Appendix 1). Written responses of up to 1,500 words were invited from any organisation or individual who may have an interest in the planning system. The Call for Written Evidence was launched in mid-October 2015, with responses received up to 11 December 2015, an extension on the original deadline.

This analysis project has considered each of the 391 responses. Many of the individual responses examine parts or the whole of the planning system in great detail, while some identify levels of linkage between themes (e.g. the inter-relationship between development planning and community engagement; housing delivery and infrastructure; development management and resources, etc.) The purpose of this report is to aid the Panel, who have also seen all 391 responses. The analysis has sought out the major strategic themes from the full body of evidence and the specific themes that support these. Whilst all responses have been taken into account, it has not been realistic to set out every single idea represented in the

391 responses.

A principle of 'inclusion', respecting all the submissions equally and without bias, has informed our analysis throughout and then how we have reported the analysis.

## Methodology

There were a number of broad methodological challenges in this review of written evidence. These included:

- First, by the very nature of the public call, **participation was on a self-selection basis**. The sole sampling criterion therefore was interest in the topic. This is important and means that no societal generalisation can be drawn.
- Second, the **time for submissions** after the Review was announced was felt by some respondents to be relatively short. Some potentially interested parties, notably across communities, may have not have submitted responses as a result.
- Third, the planning system relates to a very broad field in terms of **the different stakeholders** likely to pursue different/contradictory agenda, challenging the analysis to compare and contrast their perspectives.
- Four, the **focused timescale for the work required analysis** by multiple team members, which in turn necessitate clear methodological frames in order to obtain consistency.

The data analysis proceeded in three broad stages:

**Stage 1: Review of material and data processing** – organisation and cataloguing of the written evidence.

**Stage 2: Analysis of Evidence** – using both qualitative data software NVivo and researcher-led techniques, two cycles of analytical coding.

**Stage 3: Reporting** – initial reporting of findings, followed by detailed chapters on each theme

## Participants

### Identifying the sectoral responses

Determining the broad sector from which the response came was an important step as there were a huge number of types of respondents, from individuals and resident groups, to politicians, trade and professional bodies, practising architects, planners, professors and developers and their advisers.

It was possible to identify fairly consistently the sectoral position of each respondent, based primarily on (a) name of organisation in the respondent form (b) self-declared introductory presentation in the actual submission and occasionally on (c) additional attachments (d) context in submission.

We differentiated between four sectoral groups, each one comprised of groups or individuals with a particular relationship to the planning system, namely:

### **A. Community and Civic Society**

Respondents who are concerned with the system from a non-developer or planner perspective. For instance, civic groups and community councils, individuals

### **B. Authorities, Planners and Policy Makers**

Respondents who are concerned with the system from the perspective of operators or shapers of the planning system, its plans and policies. For instance, local authorities (including National Park Authorities and Strategic Development Planning Authorities), national government bodies and key agencies.

### **C. Business and Economy**

Respondents who are concerned with the system from the perspective of its impact and influence on conducting business, but not necessarily regular applicants. These include business bodies like chambers and federations, self employed, financial institutions, as well as retailers, and some business sectors like energy.

### **D. Developers, Landowners and Agents**

Respondents who are concerned with the system primarily from a development and land value perspective. These included landowners, investors, development surveyors, developers, housing associations and housebuilders.

The following is a breakdown of the submissions by Main group and sub-group.

<b>Main group</b>	<b>Number of respondents</b>	<b>% from total</b>	<b>Sub-group</b>	<b>Number of respondents</b>	<b>% from total</b>
A Civil society	163	41.7	A1 Unaffiliated Individual	65	16.6
			A2 Community Councils	32	8.2
			A3 Civic Group	58	14.8
			A4 Political Groups	8	2.0
B Policy and Planning	111	28.3	B1 Related Professional	54	13.8
			B2 Local Authorities	41	10.5
			B3 National/Government Agencies	16	4.1
C Business*	31	7.9	C1 Small business	6	1.5
			C2 Large corporations	25	6.4
D Development industry	86	22.0	D1 Housing Associations	3	0.8
			D2 House Builder	11	2.8
			D3 Construction Firms	1	0.3
			D4 Developer (other than housing)	4	1.0
			D5 Landowner	2	0.5
			D6 Consultants and Agents	65	16.6

## Review of Planning Themes

### Overview

We would wish to make some observations about some overview patterns and messages in the evidence:

### Support for the Review

1. There was recognition of the **need for, and welcome of, the Planning Review**. This came from across all sectors, though the reasons given varied between sectors.
2. Some respondents clearly took **considerable time and effort** to formulate a detailed response, sometimes sourcing contributions from a wider grouping of people.
3. Respondents across different areas, such as the Minerals sector and various individuals, suggested there might be **appropriate models to study in other parts of the UK**

### Concerns regarding the Review

4. Concerns were raised particularly, but not exclusively, from the planning practitioner and local authority perspective, who felt **2006 Act was still effectively 'bedding in'**.
5. Significant concerns and **criticism around the purpose of the review** were raised by some individual participants within the group of civil society, notably around the framing scope & questions.

### Aspirations and sectoral tensions for the Review

6. From within the developer and economic community a **degree of 'streamlining'** and 'speeding up' is sought as an output from the Review exercise.
7. Associated with this was a philosophical presumption and agenda in favour of **sustainable economic development** (in contrast to the broader sustainable development agenda of others).
8. Some developers, retailer, economic and policy representatives sought a shift in philosophy towards economic delivery agencies **and action, notably around infrastructure**. This included matters of major infrastructure, digital connectivity and changing technology in retail and energy.
9. Civil society individuals and organisations tended to express concern about **bias towards speed and developers' interests** in the existing system and some reticence or opposition towards further streamlining.
10. Some within community-oriented respondents questioned the meaning behind the **current 'purpose' of the current planning system**, the degree to which it is truly 'fit for purpose'.
11. Responses within civil society respondents, but also within industry, sought a radical and **holistic redefinition of the purpose of the planning system**. The reasons for this varied, with the latter focusing on restoring the philosophical

primacy of democracy over economic development, with fair access to planning from the full range of voices across the community.

12. The above included promotion of **sustainable development and its implementation as the purpose** of planning, and a fairer balance of power among all those affected by planning decisions particularly, but neither exclusively nor unanimously, through an **Equal Right of Appeal**.
13. On balance, while there were some such bold philosophical and purposive shifts suggested, the **majority of submissions focused on practical and pragmatic adjustments** to the *existing* system, particularly in relation to those parts with which participants/respondents regularly interact.

## Responses by theme

### 1. Development Planning

The relative proportion of respondents from each category on Development Planning issues was very high, above 85% for all.

#### Issues

- There was **general support for the plan-led system**, with any negatives being outweighed by the positives, but clear recognition that there were multiple ways in which the system could be improved.
- **Criticisms and areas of weakness** focused on the preparation time of development plans, synching the multiple tiers and the level of certainty that is or is not provided by development plans.

#### Ideas and proposals

- The **role and purpose** of development plans in (1) establishing the principle of development (including suggestion that allocation should be equivalent to Planning Permission in Principle (PPIP)) and (2) in balancing its supporting sustainable development in terms of heritage, environment and community, and sustainable economic development was supported.
- Further emphasis on the development plan as a **placemaking process** was also supported.
- **The status and alignment** of development plans, ensuring that primacy of LDPs is preserved, aligning the tiers of plans and policy (NPF, SPP, SDPs and LDPs) with a view to better connecting development plans to delivery through an **emphasis on LDP Action Programmes**.
- Ideas related to adjusting the **process and programme** to simplify and shorten plan preparation were advocated.
- Ideas on opening up **development plan engagement** to strengthen the role of the plan at the outset. This included suggestions around changing the Main Issues Report (MIR) stage.

- **Plan output and articulation** given greater clarity through greater adoption of national policy wording in SDP and LDPs, and clearer roles for Supplementary Guidance.

## 2. Housing Delivery

The relative proportion of respondents in each category in relation to Delivery of Housing issues is notable for having markedly fewer participants from industry, which was less than 20%, as compared to 60-80% for the others.

### Issues

- **The interplay between the planning system and market delivery.** This covered issues including some understanding that current housing delivery problems are not an issue that planning alone can solve and issues around housing allocations, numbers and effective supply.
- There are some **perceived problems with the operation of the Housing and Needs Demand Assessment (HNDA)**. This comes primarily from developers/house builders, and do not feel a sense of ownership and identification with the HNDA outcomes.
- From the planning policy practitioner and developer perspective, there is an issue of whether sites that come forward can **realistically become part of what is termed 'effective supply'** – that part of the supply for which there is a higher degree of confidence of delivery.
- The ability of plans to allocate **the right mix of housing to meet local needs**, and for the **market to deliver on this** were raised as issues.
- Another issue was the perceived **quality of large-scale housing development**.
- **Land-banking** is viewed as a problem from across the practitioner and civil/community sectors – with respondents proposing that large owners and developers are blocking supply coming forward.
- An associated concern was that **not enough allocations of smaller sites were made**, arguably for including as a means of supporting local builders and creating economically sustainable communities.

### Ideas and proposals

- Housing to be considered **a national priority**, although counter-points to this were made. Alongside this, a closer scrutiny of the Housing Needs and Demand Assessment (HNDA) model and its ability to connect with delivering effective sites.
- **Shift the philosophy and principles of housing delivery** through planning by adopting a principle of identifying multiple smaller sites to deliver housing targets and a priority for brownfield sites, particularly those that could connect to public transport and workplaces.
- Drive towards delivering better quality through **development briefs and masterplans** for housing sites.

- Expand the **range of delivery models** (e.g. Build to Rent, Co-housing (private homes intentionally clustered around shared space and facilities) and self build models), as currently there is too much dependency on a narrow sector and process.
- **Alignment of infrastructure provider investment plans** with LDPs and Action Programmes – this alignment gives greater certainty to developers and overcomes some barriers to development.

### ***3. Planning for Infrastructure***

The relative proportion of respondents in each category in relation to Planning for Infrastructure issues included most categories referencing between 60 and 80%, but with the Civil Society and Community sector at a noticeably lower rate of 44.8%.

#### **Issues**

- **Problems with the current system** were highlighted, including the apparent absence of a mechanism or responsible party for delivery.
- **Operational concerns** over items such as **Section 75**, which is viewed by developers as burdensome and delaying.

#### **Ideas and Proposals**

- Create a greater **sense of priority nationally** over the delivery of infrastructure.
- **Link the delivery or infrastructure more directly to Strategic Development Planning** and align with local plans. This could be in the form of a **long-term regional/national infrastructure plan**.
- Create a **new delivery mechanism or body**, which could provide grants or loans from a fund established through land value betterment. This could take the form of a **Strategic Infrastructure Delivery Agency**.
- **Section 75 agreements**, if retained, should be strengthened and sped up to reduce the burden on developers caused by delay.

### ***4. Development Management***

The relative proportion of responses in each category in relation to Development Management issues was equally strong with over 75% referring across all sectors.

#### **Issues**

- Development management was considered **complex and under-resourced**.
- **Consistency of outputs and advice** are required from both community and developer perspectives.
- There is tension between **demand to speed the system up** and prevent delay, and **demand that the primary concern of the system is a good quality outcome**.

- A strengthened and more effective **planning enforcement regime** is called for, including restoring some perceptions of the planning system.
- Clarity and transparency were called for in relation to **call-ins and Local Review Bodies (LRBs)**. Demonstrating consistency and fairness is required again to restore some perceptions of the planning system.

### **Ideas and Proposals**

- Make **national level changes** to legally binding and non-statutory acts to bring consistency across the country.
- Develop **better-designed, searchable portals** for e-planning.
- Update **notification requirements**, removing the obligation to use press adverts with online and social media notifications used in place.
- **Standardise validation requirements** for planning applications to speed up the process and produce consistency.
- Improve the local operation of Development Management.
- Build trust through **effective enforcement and deterrence**.
- Promote **greater primacy of the LDP and compliance** with it.
- Improve the **Pre Application consultation process** and **Pre Application advice**.
- Continue to **create ‘culture’ change in Development Management teams**, from regulators to enablers of development.
- Retail participants argued for a radical shift from a permission-based procedure to a **notification-based system** giving planners 14 days to challenge what would be default or deemed consent.

### **5. Leadership, resources and skills**

The relative proportion of responses within in each category referring to Leadership, Skills and Resources issues was strong, from 70% upwards across three groups, with the exception of the Civil Society sector, where only 52.1% referred to it.

### **Issues**

- The **status and purpose** of planning within corporate local authority structures was considered an issue. It needs to be **visionary and placemaking**, that has a **lead public sector function integrated with community planning**.
- Resourcing and skills – there is a general view that **planning departments are under-resourced and under-skilled** to effectively operate the planning system.
- Planning **fees not covering costs** is part of this issue, as highlighted by the RPTI research that fees cover 63% of costs on average.

### **Ideas and Proposals**

- Give planning a **stronger ‘place leadership’ role and integrate it with the activity of public sector Community Planning**.

- Review fees and resourcing with the objective of **recovering most, if not full, costs**.
- **Develop skills** among local authority planners, related to development economics, and collaborate with industry and the development sector to better understand their needs.
- Provide **training for elected members** and community councils (and other Statutory consultees) to develop effective and consistent decision-making.

## **6. Community Engagement**

The relative proportion of respondents in each category in relation to Community Engagement issues was strong, above 75%, across three groups. The exception is the Economy and Business sector where only 61.3% referred to it.

### **Issues**

- The general approach and process of **meaningful community participation and engagement was seen as an important part** of the planning system. The operation of this part of the process **needs to build trust and credibility** and not create a sense among communities that the system favours development and developers over them.
- The **mode and timing of community engagement** has an effect on the system and the above issue of trust and credibility. The mode and timing of engagement was viewed as either attempting to avoid meaningful participation or to enhance meaningful participation. An example referred to was a charrette, which is viewed as a good tool, but why, how and when it is employed needs to be carefully considered.
- The balance between central decisions and local control, including the ability of applicants to use planning appeals to overturn community-supported decisions was considered an issue.

### **Ideas and Proposals**

#### **National level proposals**

- Continue to **focus on early engagement** on the principles of development and use, while building trust with communities that this early engagement will not be overruled at a later stage. Later engagement should then focus on matters of design and layout.
- The idea of an **'Equal Right of Appeal'** attracted mixed views from between sectoral groups, but not within. In general terms, civil society respondents supported this, planning and policy sector would put limits on its use (i.e. only for

proposals not in compliance with an LDP) and the development sector were concerned over potential delay that this could cause.

- **Modernise communication** using online portals and social media – to provide the same information to all parties involved in an application.

#### **Specific localised approaches**

- Take a careful approach to **resourcing effective engagement** that will add value.
- There is a role for **mediation** where there has been a breakdown in understanding – **this should be a function of planners.**

# 1 INTRODUCTION

A team led by Kevin Murray Associates, the University of Dundee and including Dr Ian Cooper of Eclipse Research Consultants, was appointed by the Scottish Government, on behalf of the independent review panel, to undertake an analysis of the written evidence submitted to the Scottish Government's *Planning Review*. This interdisciplinary research team comprises a combination of planning consultants, architects, academic researchers and research consultants. This is our report to the Review Panel and is one part of the data that the Panel will be considering. Much will also be drawn from oral evidence sessions and an online discussion forum that has been set up by the Scottish Government as additional inputs into the process.

The Review was announced in September 2015 by Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights. The independent Panel that has been appointed is made up of Crawford Beveridge (chair), Petra Biberbach and John Hamilton. The Panel is to provide a strategic perspective on the planning system and draw out ideas that could improve it. The Panel is due to report in spring 2016.

The Review is structured around six key themes:

- Development planning;
- Housing delivery;
- Planning for infrastructure;
- Further improvements to development management;
- Leadership, resourcing and skills; and
- Community engagement.

In the Call for Written Evidence there were prompt questions for respondents to consider within each of the 6 themes (Appendix 1), although these were intended to serve as a guide rather than fixing the direction of the responses. Written responses of up to 1,500 words were invited from any organisation or individual who may have an interest in the planning system. The Call for Written Evidence was launched in mid-October 2015, with responses received up to 11 December 2015, an extension on the original deadline.

## **The Brief**

The aims and objectives of this project, as set out in the Scottish Government brief have been to "undertake a robust analysis of the written evidence and to provide the Review Panel with a concise and easily understood report which identifies the main issues raised by respondents. The objective of the analysis will be to:

- Profile responses by the theme across stakeholders groups

- Where appropriate (i.e. relation to recurring themes), provide quantitative as well as qualitative analysis
- Identify all as well as key and recurring issues and solutions.”

Responses were anticipated and duly received from a wide range of stakeholders who have an equally wide variety of interests in planning and the planning system. In total 391 responses were received. Many of these responses went into great detail about the current operation of the planning system. Our response to the brief proposed an output that combined both qualitative and quantitative data, where appropriate. The written submissions are a highly qualitative dataset, in terms of content; therefore the analysis provided is primarily of a qualitative nature.

### **Reporting the Analysis**

This analysis project has considered each of the 391 responses. Many of the individual responses examine parts or the whole of the planning system in great detail. Evident in many contributions the inter-relationships and arguments for cross-sectoral thinking demonstrated for instance in the linkages between development planning and community engagement; housing delivery and infrastructure; development management and resources.

The purpose of this report is to aid the Panel in their strategic perspective; therefore the analysis has sought to draw out the major strategic themes from across the full body of evidence. Whilst all responses have been taken into account it has not been realistic to set out every single idea represented in the 391 responses in this report equally, simply because of the sheer number and variety of propositions, and the length of report that would ensue.

The principle of ‘inclusion’, respecting all the submissions equally without bias, has informed our analysis throughout and how we have then reported the analysis. Frequent discussions allowed the team to identify whether there were occasions where over-emphasis of an issue or sector was introducing bias or distorting reporting. We hope we have succeeded in this.

### **How to read this report**

The report is structured in the first instance to aid the Review Panel in understanding the responses. It relates to the six prompted themes, and sets out where lead responses, and relevant divergences or emphases, arise from different sectors. Every effort has been taken to present the voice of the respondents neutrally, and to achieve an objective analysis of the evidence, rather than its interpretation. However this concise report cannot do justice to the full richness of opinions and nuances expressed, nor to their inevitable tensions and contradictions. To give a sense of this complexity, we illustrate different opinions by means of direct quotations and provide a broad frequency of response by sector. However, even by doing this, there is an

inevitable 'degree of interpretation' of the data through such selection and representation.

In our approach we have been interested in the issues, ideas and arguments presented rather than simply their frequency of occurrence, as some individual responses are the result of the inputs of many participants.

The report identifies the participant **sector** from which issues and ideas/proposals are generated within each Review theme. This remains largely qualitative and we have not attempted to attach detailed quantitative data to these statements because:

- First, every submission has been given an initial equal weighting, allowing every idea presented to be considered equally.
- Second, while frequency of an idea may be suggestive of 'weight' it became clear this might not be the case. For example, one idea could be proposed by 30 Group A1 individuals, while another could be mentioned once by a Group B1 professional body with 100 members who have produced a collaborative response. We have taken the view that while both ideas have validity, undue consideration should not be given to an idea solely based on frequency.

The quantitative data we provide has been used to illustrate the spread of interests. The analysis has highlighted divergent opinions on the planning system, and on how it ought to change. Each summary chapter examines first the issues and challenges raised, followed by ideas and proposals suggested. These have been drawn out from a 'secondary coding' exercise which is explained in the next Methodology section.

The next section explains the research methods used.

## 2 METHODOLOGY

There were a number of broad methodological challenges in the evidence review stage, where it was necessary to design a process that produced consistent analysis of the written evidence, with an auditable trail between the original evidence and the summary reports to be presented to the independent Review Panel. These included:

- First, by the very nature of the public call, **participation was on a self-selection basis**. The sole sampling criterion therefore was interest in the topic. This is important and means that no societal generalisation can be drawn on the basis of an issue being recurrent in participants' submission, nor can a singular opinion be dismissed on quantitative grounds.
- Second, the **time for submissions** after the Review was announced was felt by some respondents to be relatively short. Some potentially interested parties, notably across communities, may have not have submitted responses as a result.
- Third, the planning system relates to a very broad field in terms of **the different stakeholders** likely to pursue different/contradictory agenda, challenging the analysis to compare and contrast their perspectives.
- Fourth, the **focused timescale for the work required analysis** by multiple team members, which in turn necessitated clear methodological frames in order to obtain consistency.

The data analysis proceeded in three broad stages:

**Stage 1: Review of material and data processing** – organisation and cataloguing of the written evidence.

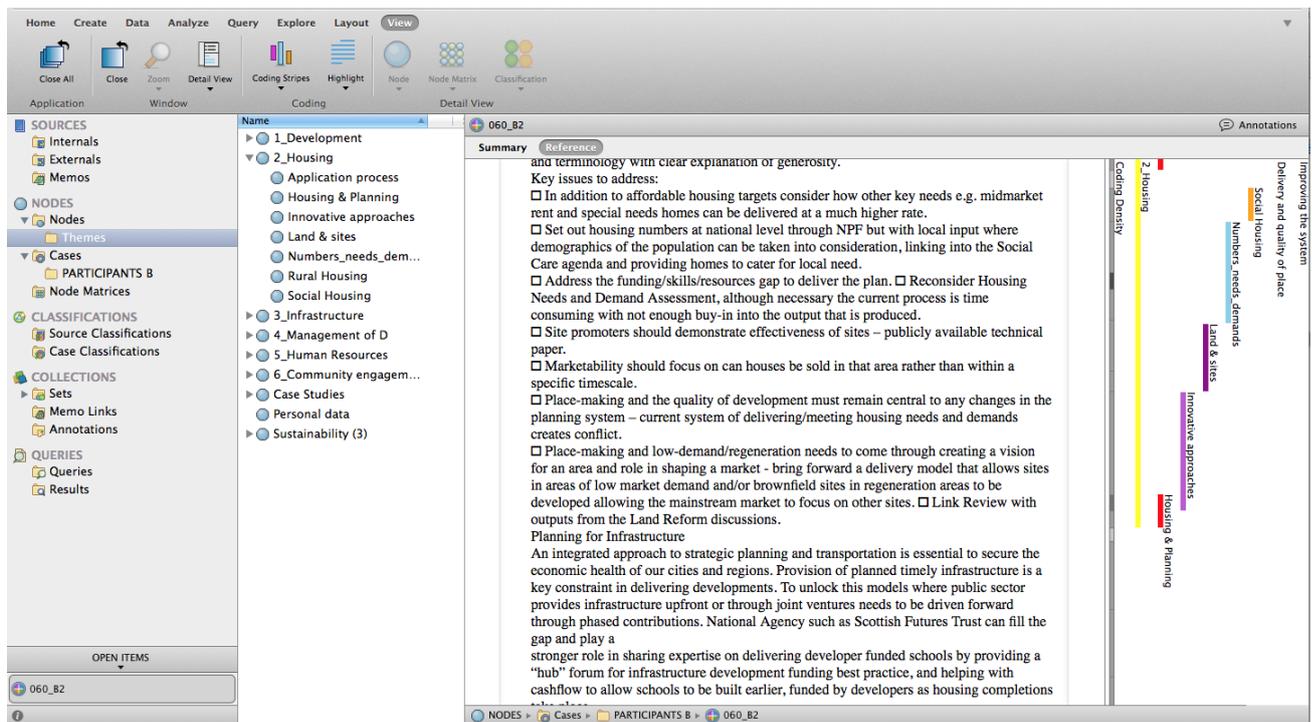
**Stage 2: Analysis of Evidence** – using both qualitative data software NVivo and researcher-led techniques, two cycles of analytical coding, by theme, then issues/ideas, and organisation of the material in preparation for reporting.

**Stage 3: Reporting** – initial reporting of findings, followed by detailed papers on each theme (and specific sectors as necessary).

In stage 1, we catalogued the anonymised responses by stakeholder groups; we constructed an Excel database and inputted the evidence into an NVivo database for further analysis linking each submission(s) to a participant case and stakeholder group.

In stage 2, we decided on an open coding frame whose starting point was based on the Review's six themes and their underlying questions (and where we made a few alterations in that some questions were repetitive). A team member engaged in

coding each stakeholder group (e.g. civil society; public officials; and business) using the NVivo software. NVivo is a software package designed specifically for the analysis of qualitative data. The software is a useful tool for researchers to code the data and identify patterns and emerging themes. It should be noted that the software is a tool and that the overall research is still dependent on the judgement and analysis of the researchers.



*Coding in Nvivo.*

As the coding progressed as more submissions were reviewed, additional sub-themes emerged and these were introduced into the coding frame and consistently applied by every team member (sometimes this also required a re-coding of the previously coded data). Daily memoranda were produced by each coding member, and circulated within the project team. This was important because every team member could observe and reflect on differences and similarities between stakeholder groups.

In the third stage of the analysis, we (re)-coded the textual data **in a second cycle** under the identified themes and sub-themes in order to highlight issues/challenges; new ideas/solutions; and good (and bad) practice. This was an iterative process. The report will follow this structure for each of the review theme summary papers, which have informed the chapters.

**Second cycle coding identified:**

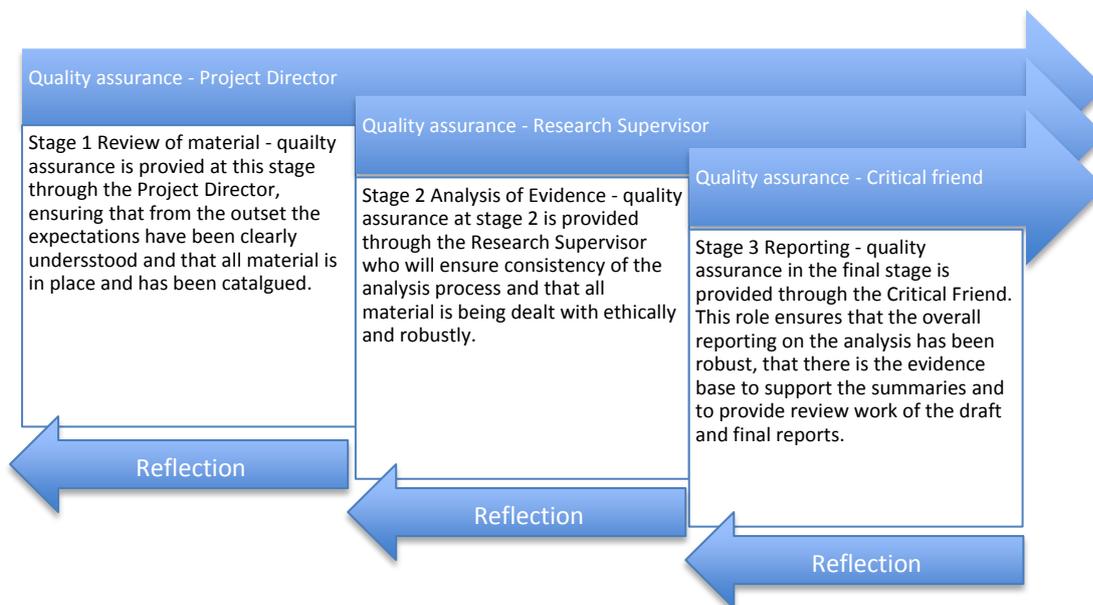
**Issues** – what are the current issues within the planning system

**Ideas and proposals** – how could these issues be resolved and new ideas and proposals that would enhance the function and accessibility of the system.

**Examples of good practice** – identify both domestic and international good practice that could be learnt from.

**Transformation ideas** – stand out ideas that appeared to make a significant contribution.

It is therefore this third stage material that has formed the basis for this report with additional supporting material in the Appendices.



The three stages of the analysis process.

## 3 PARTICIPANTS

### Identifying the sectoral responses

Determining the broad sectors from which the responses came was an important step in identifying the different points of view being expressed through the Review submissions.

The Respondent Information Form required self-identification of participating individuals and organisations. There were a huge number of types of respondents, from individuals and resident groups, to politicians, industry representatives and professional bodies, practising architects, planners, professors and developers and their advisers.

The challenge was therefore to distinguish what type of individual or organisation had responded and their relationship to the planning system and its processes. This was undertaken because both organisations and individuals have different perspectives according to their specific field of practice and particular experience of the various parts of the planning system.

It was possible to identify the sectoral position of each respondent fairly consistently, based primarily on (a) name of organisation in the respondent form, (b) the self-declared introductory presentation in the actual submission and occasionally (c) additional attachments or (d) context provided in the submission.

We decided to differentiate between four sectoral groups, each one comprised of groups or individuals with a particular type of relationship with the planning system, namely:

#### **A Community and Civil Society**

Respondents that are concerned with the system from a non-developer or planner perspective. For instance, civic groups and community councils, individuals.

#### **B Authorities, Planners and Policy Makers**

Respondents that are concerned with the system from the perspective of operators or shapers of the planning system, its plans and policies. For instance, local authorities (including National Park Authorities and Strategic Development Planning Authorities), national government bodies and key agencies.

#### **C Business and Economy**

Respondents that are concerned with the system from the perspective of its impact and influence on conducting business, but not necessarily regular applicants. These

include business bodies like chambers and federations, self employed, financial institutions, as well as retailers, and some business sectors like energy and telecommunications.

#### **D Developers, Landowners and Agents**

Respondents that are concerned with the system primarily from a development and land value perspective. These included landowners, investors, development surveyors, developers, housing associations and housebuilders.

These broad categories were then sub-categorised to further distinguish their predominant lead roles, recognising that any category might become an applicant/developer at some point in their existence.

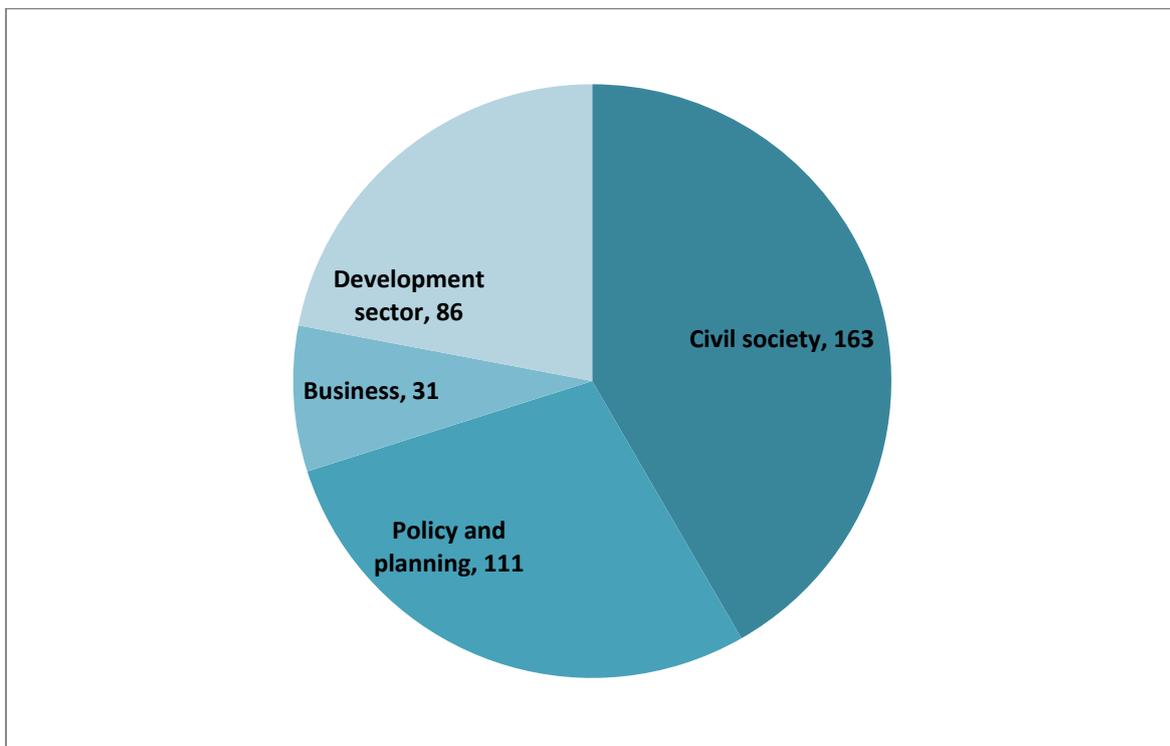


Figure 1: Sectoral split of responses by main Category Type

The more detailed proportionate breakdown of each respondent type and their respective sub-categories is shown below.

Main group	Number of respondents	% from total	Sub-group	Number of respondents	% from total
<b>A Community and Civil society</b>	163	41.7	A1 Unaffiliated Individual	65	16.6
			A2 Community Councils	32	8.2
			A3 Civic Group	58	14.8
			A4 Political Groups	8	2.0
<b>B Authorities Planners and Policy Makers</b>	111	28.3	B1 Related Professional	54	13.8
			B2 Local Authorities	41	10.5
			B3 National/Government Agencies	16	4.1
<b>C Business and Economy*</b>	31	7.9	C1 Small business	6	1.5
			C2 Large corporations	25	6.4
<b>D Developers, Landowners and Agents</b>	86	22.0	D1 Housing Associations	3	0.8
			D2 House Builder	11	2.8
			D3 Construction Firms	1	0.3
			D4 Developer (other than housing)	4	1.0
			D5 Landowner	2	0.5
			D6 Consultants and Agents	65	16.6

Table 1: Group and subgroup contributions

\* On the category C Business and economy, we had anticipated the sub-categories 'self-employed' and 'financial institutions' but there were no submissions from either of these sub-categories.

### Key Agency Responses

In total there were 16 contributions that were identified as from Key Agencies. The following table notes their rate of response for each of the 6 themes.

Planning Review Themes	Number of responses	Rate of response
Development Planning	16/16	100.0%
Housing Delivery	6/16	37.5%
Planning for Infrastructure	11/16	68.7%
Development Management	11/16	68.7%
Leadership, resources and skills	12/16	75.0%
Community engagement	13/16	81.2%

Table 2: Key Agency Responses

### Geographic spread

The broad geographical distribution of the sample is shown in Table 2. This uses the information provided in the Respondent Information Forms, tracking the location of response by postcode, rather than the location of the issues that may have been raised. Great care must be taken when referring to this, as it only provides a broad, and not very precise overview.

There appears to be a clear geographical bias towards the EH postcode, which accounts for almost 39% of responses. Outside this predominant EH postcode, the highest number of submissions came from a G (Glasgow area) postcode, with 64 (16.3%), and AB (Aberdeen-Aberdeenshire) with 41 (10.5%). The next level came from KY (Fife) and PH (Perthshire) postcodes with 20 (5.1%) and 17 (4.3%) respectively.

The scale of the EH contribution merited closer examination. It is clear a number of organisations that have a national remit are based in the EH postcode prefix area, and may have generated responses from across parts of Scotland, but submitted from their Edinburgh HQ.

However, even taking this factor into account, the detailed breakdown of the distribution of EH code submission by sectoral group shows particularly high proportion of response levels from across Civil Society and the Development Sector:

<b>Group A (civil society)</b>	<b>45.4%</b>
<b>Group B (policy and practitioners)</b>	<b>28.8%</b>
<b>Group C (economy and business)</b>	<b>22.6%</b>
<b>Group D (development sector)</b>	<b>44.2%.</b>

This is not necessarily dissimilar from the whole national sectoral distribution other than for a higher group D, which could be explained by a clustering of national developer headquarters and property organisations being located in Edinburgh.

<b>POSTCODE PREFIX</b>	<b>Number of responses</b>	<b>% of total response</b>
AB Aberdeen - Aberdeenshire	41	10.5
DD Dundee - Angus	12	3.0
DG Dumfries & Galloway	9	2.3
EH Edinburgh and Lothians	151	38.6
FK Falkirk, Stirling and Central	10	2.5
G Glasgow area	64	16.3
HS Western Isles	3	0.7
IV Inverness, Moray, Highland (part)	8	2.0
KA Kilmarnock & Ayrshire	6	1.5
KW Kirkwall, Orkney, Caithness	2	0.5
KY Kirkcaldy and Fife area	20	5.1
ML Motherwell & Lanarkshire area	5	1.3
PA Paisley and Argyll	4	1.0
PH Perth, Perthshire, Highlands (part)	17	4.3
TD Tweeddale and Borders	5	1.3
ZE Shetland	1	0.3
OUTSIDE SCOTLAND	12	3.1
No postcode available	21	5.4
<b>Total</b>	<b>391</b>	

Table 3: Geographic distribution of contributors.

## 4 OVERVIEW

Before going into each of the specific themes in turn, in accordance with the sequence in the Invitation for Submissions, we would wish to make some observations about some opening responses, overview patterns and general messages in the evidence.

### Support for the Review

1. There was recognition of the **need for, and welcome of, the Planning Review**. This came from across all sectors, including many views that are beyond the 'core' planning and development interests and therefore not often heard in this context.
2. Some respondents clearly took **considerable time and effort** to formulate a detailed response, sometimes sourcing contributions from a wider grouping of people.
3. Respondents across different areas, such as the Minerals sector, suggested there might be **appropriate models to study in other parts of the UK** (e.g. in Neighbourhood Planning, MASS and Code of Practice for Mobile Development).

### Concerns

4. Concerns were raised particularly, but not exclusively, from the planning practitioner side, who felt the **2006 Act was still effectively 'bedding in'** – for instance, with regard to communities getting used to the 'frontloading' concept in planmaking.
5. Significant concerns and **criticism around the purpose of the review** were raised by some individual participants within the group of civil society, notably around the framing scope & questions.

### Aspirations and sectoral tensions

6. From within the developer and economic community a **degree of 'streamlining'** and 'speeding up' is sought as an output from the Review exercise.
7. Associated with this was a philosophical presumption and agenda in favour of **sustainable economic development** (in contrast to the broader sustainable development agenda of others).
8. Consequently some developers, retailer, economic and policy representatives sought a shift in philosophy towards **economic delivery agencies and action, notably around infrastructure**.
  - Infrastructure providers stated that Scotland could find itself disadvantaged if a **lack of strategic planning and link to a clear strategic delivery**

framework did not ensure that major infrastructure projects can and will go ahead.

- MNOs advised that increased **digital connectivity is a major dimension of our economic future** and as we have areas with poor networks, continued support from the planning system is required in improving performance (mainly from existing sites, but also from greenfield masts in more rural areas)
- Retail participants identified **changing technology, shifting modes of shopping** and the consequent re-evaluation and adaptation of (smaller) premises across the country as dynamic factors with which planning needs to keep up.

9. Conversely, based on a philosophical presumption in favour of **Sustainable Place Development**, civil society individuals and organisations tended to express concern about **bias towards speed and developers' interests** in the existing system and some reticence or opposition towards further streamlining.

10. Consequently, some within community-oriented respondents questioned the meaning behind the **current 'purpose' of the current planning system**, the degree to which it is truly 'fit for purpose' and the Review's aspirations for change.

11. Therefore responses within civil society respondents, but also within industry, sought a radical and **holistic redefinition of the purpose of the planning system**. The reasons for this varied, with the civil society responses focusing on restoring the philosophical primacy of democracy over economic development, with fair access to planning from the full range of voices across the community.

12. The above included promotion of **sustainable development and its implementation as the purpose** of planning, and a fairer balance of power among all those affected by planning decisions particularly, but not exclusively or unanimously, through an **Equal Right of Appeal**.

13. On balance, while there were some such bold philosophical and purposive shifts suggested, the **majority of submissions focused on practical and pragmatic adjustments to the existing system**, particularly in relation to those parts with which participants/respondents regularly interact.

## Illustrative quotations from submissions

- *Planning directly impacts on the whole government agenda from climate change, social justice, health, and food strategy to local democracy.*  
Participant 130, A3 Civic group
- *... the culture of planning in Scotland needs to change. Decision makers are not making decisions, planners are not planning, and Government is not governing.”*  
Participant 151 D6 Consultants and Agents
- *Scotland has good planning policies which are laid out in documents such as National Planning Framework, Scottish Planning Policy (SPP), Creating Places, Planning Advice Notes and Circulars. However, these policies do not always translate into high quality sustainable developments on the ground. Or indeed realise the Scottish Government’s four strategic outcomes of the planning system:*
  - *A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places*
  - *A low carbon place – reducing our carbon emissions and adapting to climate change*
  - *A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use*
  - *A more connected place – supporting better transport and digital connectivity**...We would encourage the Review Panel to examine how this ‘lost in translation’ issue can be rectified as we believe it is a fundamental flaw of the present planning system and tackling this issue is key to addressing the aims this review.*  
Participant 229\_A3, Civic group
- *We recognise the review as a chance to a) address barriers to children playing outside, b) to improve children and young people’s contribution to place-making and c) to support improved local play planning and provision.*  
Participant 265 A3 Civic group
- *‘The Review has been given the wrong remit. Its remit should not be to “deliver a quicker, more efficient system” or “increase delivery of housing”. Instead it should be to recommend what changes are required to ensure that the planning system clearly contributes to*

*achieving sustainable development* Participant 070 A3 Civic group

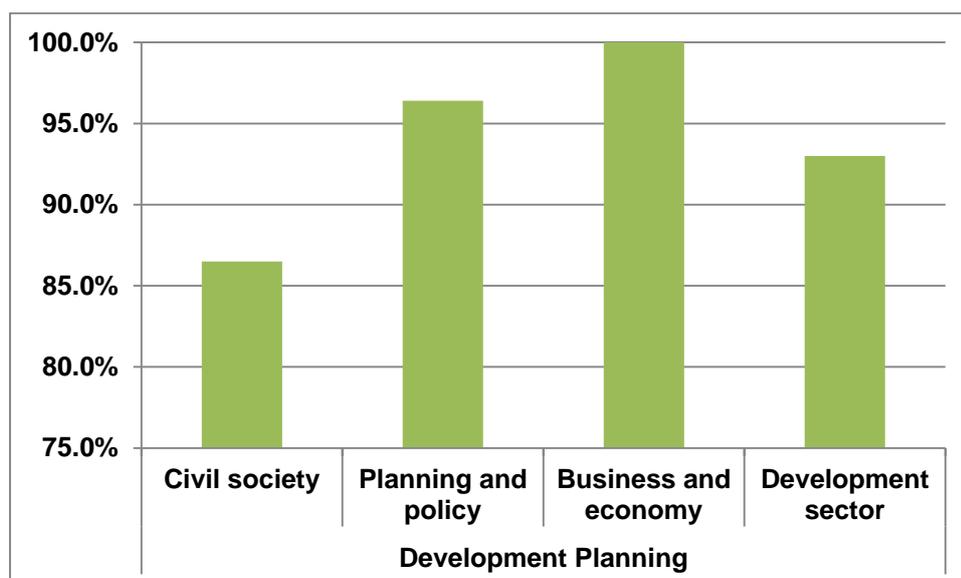
- *“There is a real feeling that the balance between local communities and other stakeholders needs to change in favour of communities. In a healthy society, communities have a say in the development of their area”*

Participant 114 A3 Civic group

## 5 RESPONSES BY THEME

### Theme 1: Development Planning

This was one of the most frequently responded to sections of the Review (alongside Development Management). It drew responses from across the spectrum, including developers, public policy players, but also the community sector too. The relative proportion of respondents from each category on Development Planning issues is shown here. All categories have very high reference rates, above 85%.



The most frequently discussed sub-themes were ***whether development plans were fit for purpose and the retention of their primacy***, high across all of the sectors (Civil society 48.4%, Planning and policy 73.1%, Business and economy 74.2% and Development sector 72.1%.) Discussion on ***improving the system including ways in which greater certainty could be provided for communities and developers*** was also high across all sectors (Civil Society 50.9%, Planning and policy 82.4%, Business and economy 80.6% and Development sector 74.4%.) This theme was important for **Planning and policy** contributions, with an overall response of 96.4%. In addition to the above, ***delivery and quality of place*** had 63.9% response and discussion on ***the multi-tiered hierarchy of development plans*** had a 52.7% response. (The full table of response is provided in Appendix 2).

#### Summary

##### Recurring issues and themes

- There was **general support for the plan-led system**, with any negatives being outweighed by the positives. Alongside this there was clear recognition that there were multiple ways in which the system could be improved.

- **Criticisms and areas of weakness** focused on the preparation time of development plans, synching the multiple tiers and the level of certainty that is or is not provided by development plans.

### **Ideas and proposals**

- The **role and purpose** of development plans in establishing the principle of development (including suggestion that allocation should be equivalent to Planning Permission in Principle (PPIP)) and in balancing its supporting sustainable development in terms of heritage, environment and community, and sustainable economic development. And to further emphasise the development plan as a **placemaking** process.
- **Status and alignment** of development plans, ensure that primacy of LDPs is preserved, align the tiers of plans (NPF and SDP) and policy (SPP and SDPs) with a view to better connecting development plans to delivery through an **emphasis on LDP Action Programmes**.
- Ideas related to adjusting the **process and programme** to simplify and shorten plan preparation.
- Ideas on opening up **development plan engagement** to strengthen the role of the plan at the outset. This included suggestions around changing the Main Issues Report stage.
- **Plan output and articulation** given greater clarity through greater adoption of national policy wording in SDP and LDPs, and clearer roles of Supplementary Guidance.

### **Examples of good practice**

- **Hong Kong** was given as an example of good practice, with a leaner equivalent to development plans.

## **Issues**

### **General support for the basic plan-led system**

1. The plan-led statutory system, and the primacy of the development plans, are considered by most respondents to be **a system worth retaining**, although there were a handful of respondents willing to challenge this.
  - The retail sector identified that the **quality of the plan making process** will determine the credibility and support for the Local Development Plan.
2. The **benefits of the development plan**, notably its **primacy as a material consideration in the public interest**, was seen to provide an anchor to the system that far outweighed the negatives.

3. The civil society sector particularly **valued the system**, as did planning practitioners and local authorities, whilst some from industry explained that development plan status helped secure investment (e.g. in renewables and infrastructure).
4. Despite a general level of support, there was clear recognition that **improvements could be made** to the system and how it operates.
  - Community council respondents indicated that they should **have a bigger role**, arguing that they often feel disempowered on planning matters.

### **Objects of criticism and/or perceived weaknesses**

There was a wide range of issues raised as criticisms by respondents, often around very detailed and specific operational aspects of Development Planning. These tended to differ between sectoral groups, and there was also some variation within groups.

1. Within the development group – but also to a lesser degree within others – there was a perception that plans take a **long time to get through the approval** and adoption stages
  - Community respondents raised concerns that **some plans were out of date** and no longer represented the desires of the community and they wanted to be reassured that any up to date allocations in the plan would not be undermined or challenged in principle.
  - The multi-tier system, from NPF/PPS level through SDP to LDP, was seen by developer/investors as being **out of synch** in terms of policy alignment and timing.
  - Delay and variation in quality, it was argued by economic and developer sectors, affected whether there was **enough investor confidence** in development plans.
2. Civil society contributors, and some contributors in other groups argued that the flexible, ambiguous, and **discretionary language of plans undermined any trust** they may have in them – and argued they needed more certainty to have confidence in them
  - They also articulated that a **sense of unpredictability**, as experienced through the disconnect between development plans and what is actually delivered in terms of quality, was seen as a major weakness, undermining confidence in the current system.
  - Community contributors raised concerns that planners **were too willing to ignore settlement boundaries** and allow development on agricultural land.
  - Mixed views were provided on the **upstreaming of consultations**, ranging from a positive welcome to criticism based on perceiving this as a way for developers to counter-act community aspirations.

3. Some sectors and industries, such as Minerals, considered that they lacked recognition, in terms of their strategic importance, in the development plan system, and even that there appeared to be a general presumption against extraction.
  - Some from the civil society sector (including a submission drawn from wider contributions) considered **the appropriateness of quarrying and/or wind farms** in specific locations to be one of their main concerns about the system
  
4. On a separate strand, questions were raised, mainly by civil society participants about **the role, and neutrality, of the Reporter** in the Examination stage of finalised LDPs. Who does he/she represent and what legitimacy do they have to alter democratically reached and resolved plans?
  - Concerns were raised in community submissions about **the influence of large estate owners on the development of an area**, believing that such landowners and wealthy businesspeople were in a position to influence the planning system in a way that effectively disenfranchised communities.

#### Illustrative quotations on the Development Plan

- *“Not to have development plans would be a recipe for chaos. How is the sustainability of development to be measured unless against a pre-agreed yardstick? Scotland’s identity as a nation is closely bound up with its overall ‘sense of place’ – something that has to be nurtured and husbanded with immense care and sensitivity. The development plan system may not be perfect, and is certainly not beyond improvement, but it does provide some sort of protection against purely commercial or expediency-driven development)”.  
Participant 083, A2 Community Council*
  
- *“The present planning system has become subsumed by economic development which means applications are driven by developers for their gain with little or no consideration given to the various needs of the communities involved. The balance of development versus what’s required at the local level is skewed in favour of the developer  
Participant 091 A1 Unaffiliated individual*
  
- *Cities are understood ‘to be the places where population and economic growth is forecast to occur’. So the ‘scale’ at which we plan really matters and the ‘detail’ of the plan equally so. By*

*Cities, we also mean the smaller, linked settlements so this includes most of Scotland.*

Participant 056 B1 Related Professional

- The introduction of a suite of national policies should be considered to reduce time taken negotiating policy wording with key agencies. For example, policy on flooding, drainage, nature conservation, and heritage are broadly the same across Scotland. If each DP carried the same policies there would be greater certainty for investors, architects, developers etc.*

Participant 158 B2 Local Authority

- A Call for Sites type stage is essential and should be statutory. This should be 'retitled' to bring more attention from the public, politicians and press. Early and meaningful assessment of potential future development sites is vital and needs to engage all and get press attention. The wider public will engage in the whole development plan process more (and be encouraged to think 'if needed housing doesn't go here then where should it go').*

Participant 331 B1 Related Professional

- Capturing any increase in land value to fund infrastructure could prove difficult to calculate and / or put into practice, especially given the time that may evolve from when the site was purchased to when the uplift triggered.*

Participant 037 B2 Local Authority

## **Ideas and Proposals**

A wide range of proposals were made with respect to development planning as an activity, relating to various stages of the process. These were not necessarily always consistent or compatible with each other. The key themes around which proposals were generated are as follows:

### **Role and purpose**

1. There was a request, from different sectors but particularly the civic/community and environmental business side, that the role of the plans be more explicitly defined within a **duty to support sustainable development**, and therefore to include a protection function, for instance around environmental or heritage resources.

- Industry and energy/infrastructure providers advocated a **presumption in favour of sustainable economic development** and a stable policy environment
  - Infrastructure providers stated that the system needs to **identify national priority projects** and facilitate their approval and implementation
2. The civil/community sector, including community councils, civic groups and individuals, also sought a greater **priority be given to brownfield development**, or at least a 'brownfield first' principle at national level. Small-scale builders highlighted this approach from the perspective of supporting small business through allocations of smaller sites.
  3. From planning practitioners there was advocacy for a greater **shift in emphasis to Placemaking** – notably through more effective combination of Spatial and Community Planning – and not just expressed numbers of units/floorspace of any particular use. A clearer vision of aspiration was needed.
    - A national strategy group advocated **national guidance and planning requirements around the creation of street play** and safer areas around schools, as well as protection of informal play spaces, as part of an aspiration for more child-friendly environments.

### Status and Alignment

4. Give even **greater primacy to the LDP** was argued by civil sector community representatives, bearing in mind the community are getting more engaged in the upstream formulation of the plans, and their concerns that this could then be undone or worked around.
  - However the Minerals industry considered that planning for aggregates should be undertaken nationally, using systems like the Managed Aggregate Supply System (MASS).
5. Better **integration of the hierarchies of plans** – aligning national level (NPF/SPP) and local policy – was argued from the development sector and industry sector (e.g. Minerals, Infrastructure, Telecommunications), and from the planning practitioner side. (*Mechanism for doing this is included in Outputs articulation below*).
  - A request was made by MNOs respondents for LDPs to take account of **up to date national policy on telecommunications** (for instance, on small cell technology roll out) and remove outdated LDP policies.
  - A proposal was also made from an environmental body for a stronger link between planning and the Scottish Government's Land Use Strategy (LUS), its sustainability principles and ecosystem services mapping.

6. One key approach to addressing alignment/co-ordination, and ensuring plans did not become out of date and irrelevant, was the proposal to view **development plans as live documents**, constantly being updated thus removing the issue of plans seeming to be out of date.
  - Maintaining a 10-year land supply for all types of mineral extraction was identified as a priority.
  - Caravan park sector sought **Scottish Government information and guidance** to ensure a consistent, informed approach is taken.
  - MNOs stated that now outmoded mobile telecommunications regime, which needs to be updated from the one of a decade ago, and **continue to evolve via national policy and guidance** to build the necessary improved national coverage and reflect the growing importance of mobile connectivity.
  
7. Representatives in the development and energy sector, in particular, proposed a **re-think of SDPs** – either by abolishing them completely, or by recasting their role as mechanisms for planning and delivering infrastructure at a national and regional level.
  
8. There was a strong case made, particularly in the policy sector and business sector, to **increase the connection of plans to delivery**, and it was proposed, particularly by practitioners, that the way to do this is by placing more status/**emphasis on the LDP Action Programmes**.
  - A key agency suggested that **Reporters could have a role** in the review and monitoring of how effective plans are in delivering.
  
9. In an alternative strand, from both planners and the development sector, there was a proposal for the **Development Plan allocation (principally of use, but possibly quantum) to be given equivalent status to Planning Permission in Principle (PPIP)**, given the community engagement and political stages that it would have gone through. This was argued by the development sector as being particularly relevant to housing allocations – after which the **debate could/should then move on to design** and layout matters, rather than matters of principle.

### **Process and programme**

10. It was proposed, mainly by the development sector, to **shorten the time between plan reviews** – as a means to help make the output LDP more up to date once adopted.

11. Another suggestion that could impact on the overall programme was the idea to **streamline and simplify the examination process**, although this did not necessarily sit comfortably with other aspirations for transparency and democratic scrutiny.
12. A proposal was made to **standardise the 'Call for Sites' part of the plan-making** process – alongside a clearer mechanism to ensure delivery of sites, while there was also some criticism of a simple call for sites approach which would risk concentrating the roles into a landowner/developer focus, rather than a wider community endeavour.
13. There is seen to be a need for **integration between services particularly at an early stage in the development plan process**. Synchronisation of community planning, local housing strategy, local transport strategy, economic development strategy etc. One suggestion is to *“hold mandatory ‘round table’ discussions, at an early stage, between all relevant local authority departments and statutory consultees...to share information.”* Participant 353 D5 Landowner.

#### **Development Plan Engagement**

14. Continuing to promote and develop more meaningful **engagement upstream in the plan-making system** was recommended by the civil/community contributors, policy and planning sector and the development sector, often with different motivations in terms of addressing input/control/risk management. There was also criticism and sensitivity to this, as noted in Issues section. This ‘upstreaming’ was seen by some to be a positive aspect of the post 2006 Scottish Planning system, but needed more time for people to become familiar and comfortable with it. *(More reference is made to this in the Engagement section).*
15. Retail participants recommended the **‘fullest possible dialogue’ with the business community** and with Business Improvement Districts, when drawing up plans.
16. From planning practitioners and the development sector, there was the suggestion to **move the timing of some of the consultations**, or run them concurrently with other stages. The main example proposed for change was the Main Issues Report (MIR) stage.
17. It was suggested, primarily by planning practitioners, that it might be possible to **replace the MIR stage in its current format**, and have instead a more open ideas input stage.

## Plan output and articulation

18. Contributors from different sectors, saw benefits in **including the wording of national level (SPP) policies directly** into the respective SDPs and LDPs, as a mechanism to provide consistency and streamline plan preparation, by reducing negotiation on wording.
  - Flexibility would be required if this approach was taken – it was highlighted that policy appropriate for a major urban area may not be appropriate for rural or other place settings.
19. It was felt that there would be some benefit to **including a range of standardised 'National policies'** for inclusion in LDPs – to provide consistency – e.g. on matters such as Designing Streets and Minerals.
20. Civic society contributors sought **much clearer, less ambiguous language in the plans**, as indeed did developers, but from a different perspective in terms of seeking certainty. (For instance, some sought clearer governmental guidance on what is permissible/acceptable in wild land areas).
21. Closer **scrutiny of the role and content of supplementary guidance (SG)** was sought, particularly by the development sector, who felt that it was less scrutinised than the mainstream LDPs, yet could be more constraining or specific in terms of its content. Others in the civic society group favoured SG becoming more formalised within the system to clarify its status and material weighting.
  - A planning practitioner suggested that Reporters have a **role in the inspection of Supplementary Guidance**, particularly where there are unresolved issues.
22. To address the *inconsistency* in quality of green infrastructure (GI) between developments, an environmental body advocated, **The Natural Capital Standard for Green Infrastructure** as a tool that assesses the quality and quantity of GI within a specific development, be it new housing, a school, a retail park or an industrial zone. Planners in Berlin, Malmo, Seattle and Chicago have used this type of tool.
23. The **promotion and marketing of the LDP** by local authorities was recommended by the retail sector as a means of building awareness and support for the plan.

## Land value capture and business rate incentivisation

24. Consideration was given in submissions across several categories to the issue of **land value uplift and 'betterment capture' mechanisms** within development planning, mainly as a mechanism to fund infrastructure

- Some in the planning sector argued that a **carefully crafted land taxation scheme** could work, reducing other (e.g. Section 75) pressure on developers and help fund community hubs, healthcare and local services
- Others, mainly on the property side, also pointed to the pitfalls of low land values and the fact that such a scheme could **deter landowners from bringing land forward** for development.

25. The retail sector support the Business Rates Incentivisation Scheme (BRIS), which financially **rewards local authorities which expand their business base** by allowing them to retain a proportion of any growth in non-domestic rates revenue from their area.

- The retail industry particularly support this as a means of creating a more business friendly approach among Councils, which can manifest itself in planning applications and building

## Examples of good practice

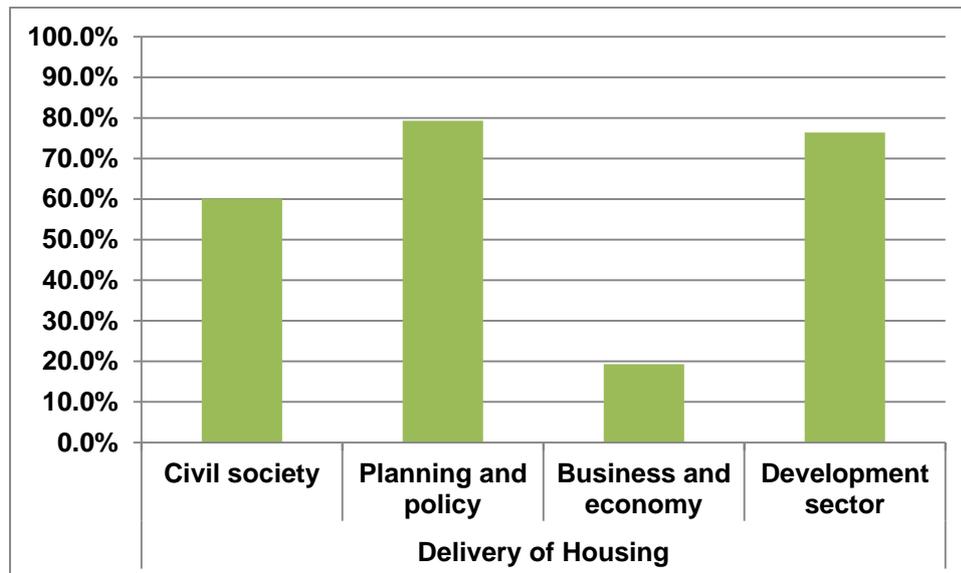
**Hong Kong** was given as an example of good practice, with a leaner equivalent to development plans, the submission being:

- *By way of contrast, although not a like for like comparison; land-use planning in Hong Kong is addressed by the Town Planning Ordinance (which comprises 28 sections) and three related sets of regulations... There is a need for development plans. Whether they should remain in their existing form or another form such as a zoning plan (used for instance in Hong Kong) is another question. Zoning plans offer certainty as they identify uses that are always permitted and those uses that are prohibited. Further they identify those uses that may be approved by a planning authority.*

Participant 010 B1 Related Professional.

## Theme 2: Housing Delivery

This theme around the delivery of housing had a reasonable response level with the majority of responses coming from the planning practitioners and development sector. The relative proportion of respondents in each category who responded in relation to delivery of housing issues is shown here. As can be seen it was not responded to by many participants from industry, which showed less than 20%.



The primary areas of interest were **housing and planning** including **whether planning could improve the quality and scale of housing delivery** and addressing **barriers to housing delivery**, (**Planning and policy** 57.4% and **Development sector** 55.8%). Land and sites including considering **how land could be identified for housing** and **issues of effectiveness**, (**Planning and policy** 56.5% and **Development sector** 59.3%). Another area of interest was around **housing numbers, needs and demands** including **whether or not housing numbers should be determined centrally**. (**Planning and policy** 55.5% and **Development sector** 55.8%). For **Civil society**, no code was above 35% response rate, although it is worth highlighting that highest response rate was for **housing and planning** including **whether planning could improve the quality and scale of housing delivery** and **addressing barriers to housing delivery**, at 33.7%.

### Summary

#### Recurring issues and themes

- **The interplay between the planning system and market delivery.** This covered issues including understanding that current housing delivery problems are not an issue that planning can primarily solve and issues around housing allocations, numbers and effective supply.

- The ability of plans to allocate **the right mix of housing to meet local needs** was raised as an issue.
- Another issue was the perceived **quality of large-scale housing development**.

### Ideas and proposals

- Housing to be considered a **national priority**, although counter-points to this were made. Alongside this, a closer scrutiny of the Housing Needs and Demand Assessment model and its ability to connect with delivering effective sites.
- **Shift the philosophy and principles of housing delivery** through planning by adopting a principle of identifying multiple smaller sites to deliver housing targets and a priority for brownfield sites, particularly those that could connect to public transport and workplaces more readily.
- Drive towards delivering better quality through **development briefs and masterplans** for housing sites.
- The proposal to remove non-started land-banked sites, through **the application of a time restriction on a ‘use it or lose it’** basis.
- Expand the range of delivery models (e.g. Build to Rent, Co-housing and self build models), as currently there is too much dependency on a narrow sector and process.

### Examples of good practice

- Public sector control over the release of land in Germany to enable and encourage different models of housing delivery was given as an example of good practice.

## Issues

### Interplay between planning system and market delivery

1. There was a general recognition that there are still current **problems with the housing market in terms of delivery** – particularly in meeting the identified mix of need and demand in any geographical location (either local authority area, or housing market area).
  - Some perceived this as a hangover from the earlier 2008 financial crash and its aftermath, whilst there was recognition that **problems are persisting longer than expected**, given shifts in the economy.
2. However, problems of accessing housing are seen as being **beyond the remit/capability of planning** to solve primarily – as they are dependent on a range of other factors such as finance, infrastructure, incomes, affordability and the availability of social housing.

3. In terms of the interface between markets and housing, in the context of longer term planning, there are some **perceived problems with the operation of the Housing and Needs Demand Assessment (HNDA)**. This comes primarily from developers/house builders, who feel they are outside the process, and do not feel a sense of ownership and identification with the HNDA outcomes.
4. From the planning policy practitioner and developer perspective, there is an issue of whether sites that come forward can **realistically become part of what is termed 'effective supply'** – that part of the supply for which there is a higher degree of confidence about the sites being delivered.
5. From within the developer/house builder sector there is contention that there is often a **poor fit/connection between LDP allocation and the market**, e.g. in terms of scale and location against the market's desire to provide and ability to provide community infrastructure. This has become more exacerbated since the Recession began.
  - But civil society contributors, in particular, referred to **the housing market's failure** in providing the type of housing required.
6. **Land-banking** is viewed as a problem from across the practitioner and civil/community sectors – with respondents proposing that large owners and developers are blocking supply coming forward promptly in local housing market areas, and noting that they often exert control over the larger proportions of the allocations.
7. A counter concern was that **not enough allocations of smaller sites were made**, arguably because the larger scale ones had been selected in the hope of their delivering more community infrastructure
  - Respondents from the community sector and small building firms had a desire to see **smaller brownfield-sites included in development plans taken forward**, including as a means of supporting local builders and creating economically sustainable communities.

### **Mix, range, and type**

8. Where the planning and housing supply process delivered housing units, it is sometimes **perceived to be the wrong mix to meet local needs and market**.
  - Social and **affordable housing were perceived by some to be underprovided** in certain locations, with affordability of homes for sale emphasised more by Civil Society contributors more than social rented.

### **Quality**

9. Criticisms were made of the **number, scale & particularly quality of the large-scale 'speculative' housing** developments, particularly from the civic society group, including from both urban and more rural areas.

10. Criticisms of such development included both the **predominance of greenfield locations**, and the **nature of their design**, which was often viewed as not being contextual to the place.

11. There was a series of criticisms from several sectors that new housing, particularly at the larger estate level, had **poor layout, a lack of much-needed playspace, and inadequate quality** in the design of the quality public realm.

### Illustrative quotations on the Delivery of Housing

- “The main barriers to the delivery of housing are the availability of finance and infrastructure, not the planning system or the availability of housing land.”  
Participant 264 B2 Local Authority/SDPA
- “As the Questionnaire states, planning is not the only factor affecting house completion rates, and currently it may not be the major one for Edinburgh. Affordability and the requirement for a substantial deposit may be more critical, together with limited social housing”  
Participant 134 A2 Community Council.
- “*For quality of life, ‘small is beautiful’. The problems with large-scale developments have been well documented. Small scale developments built by local builders, providing sustainable economic development in the local area to communities together with upgrading of empty properties should fulfil the need for affordable housing “*  
Participant 130 A3 Civic group
- “*One approach might be for planning authorities to be more ready to initiate or require responsive master plans and development briefs, but this would require those planning authorities to become more pro-actively involved and be resourced accordingly”*  
Participant 134 A2 Community Council

## Ideas and Proposals

The range of submitted proposals in relation to planning for housing provide a basket of possible measures from different perspectives. Although not specifically asked about in the Review Questions, many referred to market circumstances as a key factor. It was acknowledged by some that the various measures suggested below may help a little, but that there are other systemic matters related to the sector, including finance, tax, and composition of the industry, which also have a wider effect on how appropriate levels and mix of homes may be provided.

### National level priority and application

1. Although some community actors felt that the issue of housing was potentially over-rated as a concern, others particularly from the development sector, proposed **making housing a national priority** through the NPF and SPP processes, effectively raising their status within the SDP and LDP levels.
2. To determine housing numbers, two alternative approaches were put forward. One suggestion was to **undertake HNDA process centrally** in the Scottish Government and 'impose it' (i.e. the housing numbers) on the local authorities. Conversely, a more decentralised approach was offered, building and testing the figures up with community input into the SDP and LDP processes.
3. There was a view expressed within both of the above approaches and across sectoral groups, to have **closer scrutiny of the HNDA methodology** and its delivery of effective sites, notably by Reporters, to help build confidence in the whole process from different perspectives.

### Shift philosophy and principles

4. As a means to meet housing targets to **prioritise the use of brown-field sites** and vacant buildings, in aiming to bring forward a range of house types and regenerate places. This idea came from the community sector and from small architecture and building companies.
  - Some submissions, principally from the community sector, proposed the **complete avoidance of any greenfield developments**, and therefore of allocations, with a view to a priority focused on existing urban areas.
  - A slower piece-meal, **incremental approach to housing delivery** was also suggested - bringing vacant units back into use; changing 'Use Class' enabling conversion of shops into housing; and building small projects on brown-field or infill sites. This represented a different scale and speed from some of the other suggestions and perceived urgency. This would also include making it easier to have mixed developments, for example flats above shops in town centres.

5. There was a suggestion that LDPs should provide a **specific percentage of smaller sites** within their housing allocation, in order that there is a range for different builders to contribute.
6. There was an associated proposal to **prioritise housing locations near public transport and workplaces**, to minimise car trip generation and carbon effects, whilst also allowing for walkability and public transport usage.
7. In an effort to **address the delay incurred by land-banking**, there was a proposal to remove non-started land-banked sites, through the application of a time restriction on a 'use it or lose it' basis.
  - A suggested use for Compulsory Purchase Orders (CPOs) was in taking public control of land that has an active application that is not being delivered, or land that can be proven to be deliverable, but is not being brought forward and delivered.
8. Submissions from within the planning and policy sector recognised **the implications that Land Reform could have on public sector land acquisition and assembly**, with a view to releasing land for smaller scale developers, specific housing types and tenures, or for delivering infrastructure to unlock development sites.
  - One response struck a cautionary note, that a two-tier land market could be created, causing uncertainty and that other "land readjustment models" were now becoming the favoured approach: "[Site assembly through Land Reform tools] could have potential, but equally runs the risk of intervening in the land market and creating a two-tier land market which would potentially add to uncertainty. Models of land assembly and land adjustment have been used in many European countries, with a view emerging that direct public sector ownership/acquisition is now less favoured than the land readjustment models." Participant 293 B1 Related Professional.
  - Compulsory Purchase Orders could form a more accountable method of land assembly (having to satisfy that its use is in the public interest) as opposed to a Land Assembly Body. The other advantage seen was that this would remain a local activity rather than becoming more centralised.

### **Better quality through briefs and masterplans**

9. A strong argument was made from within the civic society sector and planning practitioner sector for a much more **proactive approach to quality placemaking**, notably via development briefs and masterplans, and the use of charrettes (though some of these have criticism, as noted in the Engagement section). Indeed some concern was expressed that these tools were not already universally applied.

## Implementation and delivery

10. There was an argument made primarily from the development and housing sector, that a **wider range of delivery models** for housing is needed, and that there is too much dependency on a narrow sector and process. These could include Build to Rent (BTR), Self Build and Co-housing models, the latter being intentional communities, created and run by their residents, each household has a self-contained, private home but with collaborative management, shared space and shared facilities. The key is to broaden the range of consumer and lifestyle choice and the mechanisms by which homes can be provided.
11. A critical ingredient advocated, again principally by the development sector, was to **ensure that infrastructure is provided**, partly as a means of de-risking and integrating development. The energy sector added that this should include dimensions of Heat Network energy efficiency. *(Further Reference is made to other aspects in the Infrastructure chapter)*
12. Alignment of **infrastructure provider investment plans** with LDPs and Action Programmes would provide greater certainty for private sector development investment in delivering housing sites. A development sector response notes that information provided at LDP preparation stage by infrastructure providers can be superseded by comments at a planning application stage, an inconsistency that creates uncertainty.

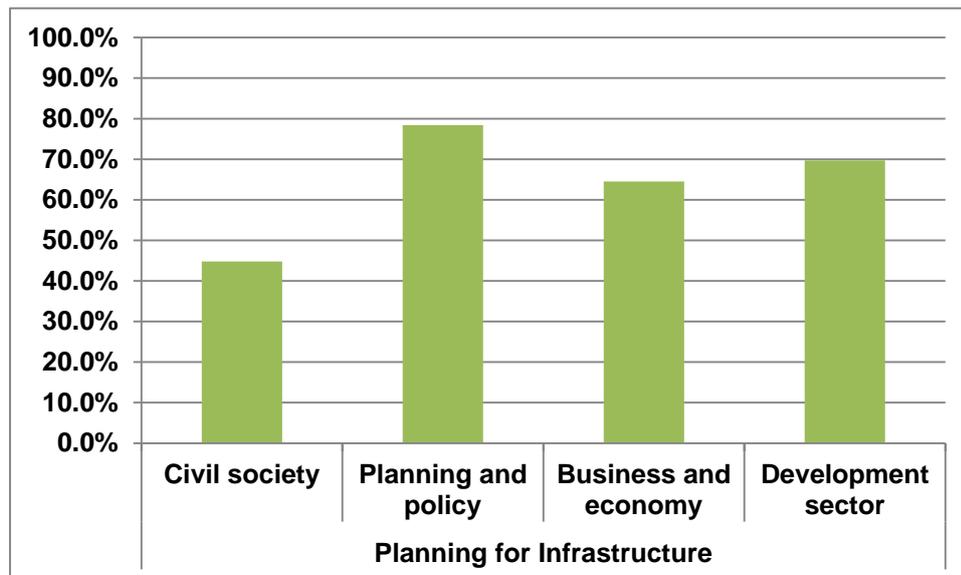
## Examples of good practice

Public sector control over the release of land in Germany to enable and encourage different models of housing delivery was given as an example of good practice: *Public sector control over the release of land will allow for a more timely response to meeting development requirements. It also offers the potential to allow for release of a variety of site types and sizes. Small or single plots would allow for interesting variety of design and better places, whilst also giving scope for niche development demands to be met. Community housing cooperatives should be encouraged. These have proved highly successful in Germany for example.*

Participant 182 B1 Related Professional.

### Theme 3: Planning for Infrastructure

There was a mix of views in this theme, with some stress given to it by Developers, who perceived it to be a drag and risk factor, whilst lower priority was accorded to this topic in Civil Society submissions. The relative proportion of respondents in each category who responded in relation to Planning for Infrastructure issues is shown here. As can be seen, the Civil Society and Community sector referred at a noticeably lower rate of 44.8%.



The codes with the highest response rates were **alternative funding** (Planning and policy 56.5%), **infrastructure delivery** including **how planning could enable delivery** (Planning and policy, 50.9%; Business and economy 41.9%), **infrastructure issues**, particularly discussion of current issues (Business and economy 48.4%), and lastly **Section 75** agreements including how **this could be improved to reduce delay** and any **alternative approaches** (Development sector, 48.8%).

#### Summary

##### Recurring issues and themes

- **Problems with the current system** were highlighted, including the apparent absence of a mechanism or responsible party for delivery.
- **Operational concerns** over items such as **Section 75**, which is viewed by developers as burdensome and delaying. This issue also raised concerns over **windfarm development** and a lack of clarity from the guidance.

## Ideas and Proposals

- Create a greater sense of priority nationally over the delivery of infrastructure.
- **Link the delivery or infrastructure more directly to Strategic Development Planning** and align with local plans. This could be in the form of a **long-term regional/national infrastructure plan**.
- Create a **new delivery mechanism or body**, which could provide grants or loans from a fund established through land value betterment. This could take the form of a **Strategic Infrastructure Delivery Agency**.
- **Section 75 agreements** if retained should be strengthened and sped up to reduce the burden on developers caused by delay.

## Examples of good practice

- **Freiburg, Germany** was presented as an example of good practice in public sector land assembly, financing and delivery of infrastructure for unlocking development. Particular reference was made to the RTPI research that examined this model in Germany, the Netherlands and France.

## Issues

### Problems with the current system

1. There was recognition that there are **real problems with the way different modes of infrastructure are delivered** within the current planning system in Scotland. The process is viewed as neither clear, nor ideal and is not seen to be fairly apportioned.
  - Infrastructure providers indicated the current system of identifying key infrastructure projects followed by the submission of detailed planning applications, which are subject to local scrutiny, means that **major infrastructure projects still have major risks** that consent will be withheld on grounds of 'local interests'.
2. Compared with the days of Regional Councils, planning is not set up to deliver infrastructure per se – and is now detached from the key providers/deliverers, so the question has been asked **who – and what mechanism – is charged with delivering infrastructure?**
3. There were particular tensions between:
  - Developers who considered they **contribute too much** (some argued that the burden of infrastructure should be covered from general taxation), and
  - Civil society who considered **developers pay too little** to address the impacts that development has on infrastructure and community services.

## Operational concerns

4. There was a view, particularly from developers and the minerals sector, but also some in the planning sector, that **Section 75 Agreements are time consuming**, and can cause unnecessary delay to projects, and there needs to be a way to speed this up.
  - The consequent risk of escalation of cost was identified by providers, notably in relation to large projects like offshore wind farm applications.
5. In considering infrastructure, it was emphasised, particularly from the energy sector, that **greater focus needs to be placed on sustainable energy** in planning communities and providing the energy sources.
  - Wind farms/turbines came across as a particularly thorny issue: While well supported by the energy sector and within national policy, some community participants found the delivery of this national high priority particularly challenging, and did not feel it got adequate critique in environmentally sensitive locations.
  - Calls were made from the renewable energy sector and their agents for greater scrutiny of Supplementary Guidance if it is to be considered as a material consideration. This includes ensuring that it aligns with SPP and on this issue to be made statutory to give it stronger force in policy status.
6. In terms of infrastructure delivery, one submission highlighted that for smaller local authorities there is **a loss of economy of scale** that previous regional bodies would have had. This creates an issue with their ability to deliver infrastructure, and provide a locally 'joined-up' approach to infrastructure, such as water and transport. National organisations such as Scottish Water and Transport Scotland are perceived as "too remote and bureaucratic to deliver local infrastructure effectively." Participant 098 B1 Related Professional.

### Illustrative quotations on Infrastructure

- *If a region wide or citywide infrastructure programme has been prepared and agreed by Scottish Government, through the relevant Action Programme, this should allow for more innovative funding models to be developed and would reduce the risk to the public purse in front funding infrastructure.*  
*Participant 146 B2Local Authority*
- *"We need regulations to protect people living near wind farms to protect them from all negative aspects of the wind farms impact, and this must include not only preventing wind farms being built near public roads and rights of way but also regulation on amplitude modulation noise and infra sound)".*  
*Participant 006 A1 Unaffiliated Individual*

## Ideas and proposals

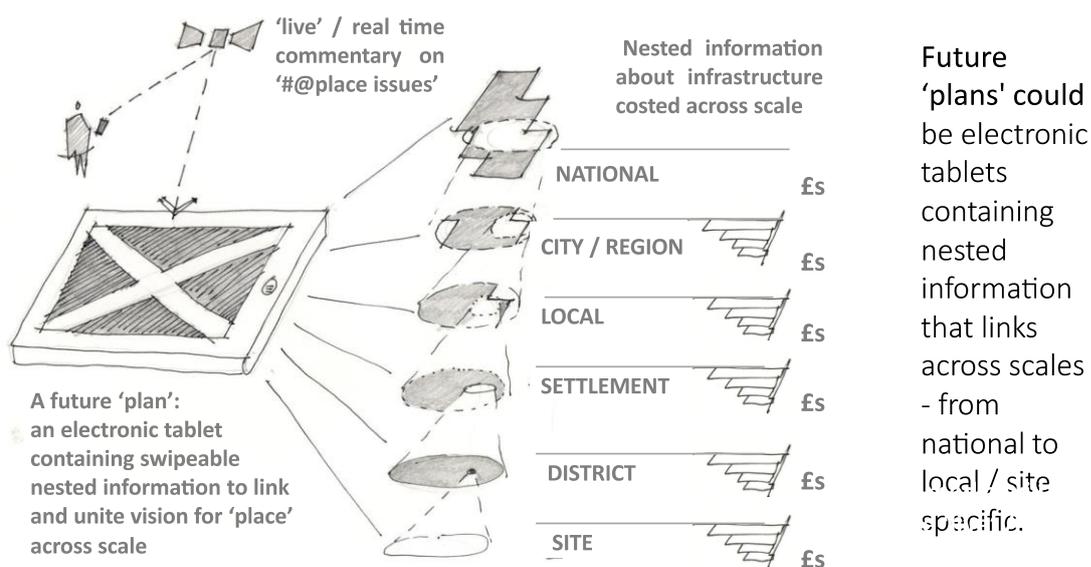
The range of ideas and proposals to address the infrastructure delivery challenge, around which there was a fair level of consensus, were fewer in number when compared to the other themes. This may reflect the fact that planning is not set up to deliver infrastructure, or that there are only a limited number of ways in which things might be altered.

### New focus and sense of urgency

1. Place even more policy focus and accord **greater national priority to the delivery of Infrastructure**. This should cascade through national policy into local policy and practice.
  - The Scottish Government should set out proposed developments of national importance and longer term need, infrastructure providers proposed; these, once approved, would **provide greater certainty** that projects would go ahead, and focus local planning processes on the fine details of what is being delivered rather than whether it should be delivered. This would increase certainty and reduce risk.
  - The revision and **updating of out of date PAN 62** (dating from 2001) was cited by MNOs as particularly important for updating 4G telecommunication coverage, especially in rural areas.

### Link to Strategic Development planning

2. There were several proposals suggesting linkage between national/strategic planning and levels of infrastructure planning. One suggestion (shown below) is for a **clear spatial hierarchy between plans and funding levels for infrastructure**.



Participant 209 B1 Related Professional.

3. Arguments were made that **clear longer term (10 -30 year) plans** are needed to deliver infrastructure more quickly nationally, running ahead of the shorter-term localised planning.
  - Infrastructure providers proposed that the planning process for major infrastructures should **recognise the development of future new technologies** and solutions such as future-proofing infrastructure, or having the ability to upgrade with new technology at a later date, are important and will save money in the longer run.
4. Suggestions, including from the development sector, were made that if the SDP level is to be retained, then it could effectively serve as part of an **integrated regional/national infrastructure plan** – possibly linked to a new strategic infrastructure body (see more on this below).
5. A linked idea from the planning practitioner sector, use **Action Programmes as the co-ordinating vehicle** to align infrastructure investment and housing delivery closely with a holistic and coordinated approach between key agencies, authorities and communities.

#### **New delivery mechanism or body**

6. Within a general quest for new/better funding regimes, two main options were suggested. First, creating a **common funding vehicle** from which public authorities could draw on to provide infrastructure for development sites in advance, but then secure a clawback from development when constructed and occupied.
  - Suggested **methods for funding** this vehicle were:
    - A development land tax (in place of Section 75 agreements),
    - Joint venture, open book and cash-flow models,
    - CIL mechanism connected to strategic growth areas in Local Development Plans (a COSLA Infrastructure Task Group idea).
7. A further proposition was the creation of a **Strategic Infrastructure Delivery Agency**, which would implement key infrastructure interventions, which captures the uplift from the related development.

#### **Role of Section 75 Agreements**

8. There were a number of suggestions around Section 75 agreements, notably by the civil society sector, which made the proposition that they should be **retained, strengthened and speeded up**.

9. The development and industry sectors had more issues with Section 75s, most agreeing on the need to speed them up, but others indicating they are a **problematic burden** and suggesting they are dropped altogether and funded through general taxation.
- Participants from the Minerals sector proposed using (preferably national standard) planning conditions rather than Section 75 agreements.
  - Retail participants proposed Pre Application and Pre Determination meetings be held to agree working of these (and planning conditions) in advance and thereby avoid later delay.

### **Specificity on windfarms**

10. On the matter of windfarm infrastructure, there were requests for more specific (and less flexible) **place-based control for windfarms**. Some of this came from the community sector, other aspects from the energy sector, each looking to clarify and give greater certainty to their position.
- Energy sector respondents sought **landscape capacity studies across local authority boundaries**, but also cautioned about their interpretation in an overly prescriptive or excessively weighted manner.
  - This sector also requested greater attention be applied to the **issue of repowering wind farms**, for which they stated there should be a presumption in favour.
  - There were also concerns expressed (via an MSP submission) about the **administration of wind farm money** for local development, with smaller communities missing out because of the match-funding process.

### **Examples of good practice**

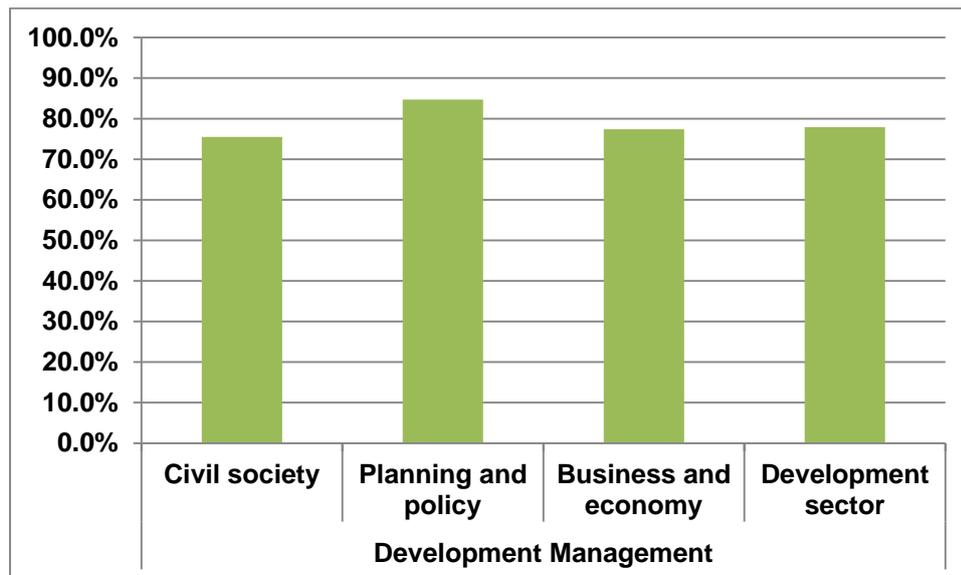
**Freiburg, Germany** was presented as an example of good practice in public sector land assembly, financing and delivery of infrastructure for unlocking development. Particular reference was made to the RTPI research that examined this model in Germany, the Netherlands and France. RTPI – *Planning as ‘market maker’ – How planning is used to stimulate investment in Germany, France and The Netherlands*, 2015.<sup>1</sup>

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<sup>1</sup> RTPI – *Planning as ‘market maker’ – How planning is used to stimulate investment in Germany, France and The Netherlands*, 2015. Available from: [http://www.rtpi.org.uk/media/1562925/rtpi\\_research\\_report\\_11\\_planning\\_as\\_market\\_maker\\_november\\_2015.pdf](http://www.rtpi.org.uk/media/1562925/rtpi_research_report_11_planning_as_market_maker_november_2015.pdf)

## Theme 4: Development Management

This topic drew lots of response from across all sectors of respondent, in all probability because it is the sector that most interact with on a more direct and frequent basis, whether as applicants, planners or locally interested parties and consultees. The relative proportion of respondents in each category who responded in relation to Development Management issues is shown here. As can be seen, this received strong commentary, with over 75% referring across all sectors.



The rate of response highlighted different issues for different sectors. Understanding what ***the barriers and solutions are within the development management process*** was the primary code focused on by **Planning and policy** 64.8%, **Business and economy** 77.4% and **Development sector** 70.9%. For **civil society** the emphasis was different, the main areas attracting responses were **planning enforcement** (36.8%), **notifications and call-in arrangements** (28.2%) and **repeat planning applications** (25.7%).

### Summary

#### Recurring issues and themes

- Development management was considered **complex and under-resourced**.
- **Consistency of outputs and advice** are required from both community and developer perspectives.
- There is tension between **demand to speed the system up** and prevent delay, and **demand that that the primary concern of the system is a good quality outcome**.
- A strengthened and more effective **planning enforcement regime** is called for, including to restore some perceptions of the planning system.

- Clarity and transparency were called for in relation to **call-ins and Local Review Boards**. Demonstrating consistency and fairness is required again to restore some perceptions of the planning system.

### Ideas and Proposals

- Make **national level changes** to legally binding and non-statutory acts to bring consistency across the country.
- Develop **better-designed, searchable portals** for e-planning.
- Update **notification requirements**, removing the obligation to use press adverts with online and social media notifications used in place.
- **Standardise validation requirements** for planning applications to speed up the process and produce consistency.
- Improve the local operation of Development Management.
- Build trust through **effective enforcement and deterrence**.
- Promote **greater primacy of the LDP and compliance** with it.
- Improve the **Pre Application consultation process** and **Pre Application advice**.
- Continue to **create ‘culture’ change in Development Management teams**, from regulators to enablers of development.

## Issues

### Complex, yet under-resourced

1. Development management is considered to be **overly complex and very under-resourced** (particularly in light of this relative complexity and the post Recession upturn in applications). Both the development sector and the community expressed these concerns. (Resourcing is also picked up in the next chapter.)

### Consistency

2. Concern was expressed from within the development sector and industry sectors, such as tourism, energy and telecoms, at the differential style, outlook, and as they viewed it, **inconsistency of planners** undertaking development management across the country. This included examples of instances of different advice being provided from within the same authority.
  - In a variant of this theme, the retail sector, while supporting the principle of ‘town centre first’ also articulated the **need for flexibility**, rather than rigidity in its application, depending on local circumstances.
  - The tourism/caravan sector considered their issues, around ‘major development’ status, change of use and associated planning fees, was **treated inconsistently** across the country.
  - Energy sector providers emphasised the **need for certainty and predictability**, otherwise investors will be put off.

### Speed v Delay v Outcomes

3. There were references to the matter of planning consent delay and its economic impact, including concern that the **role of Statutory Consultees and Key Agencies could be delaying** and even unhelpful to the process, affecting consistency and delivery of key investment.
4. Concern was expressed, notably from within the community sector but also the planning policy group, that **speed – when expressed as processing or performance targets – rather misses the point** about the purpose of the system and helps contribute to inappropriate outcomes.
5. Planning decision makers within the planning and policy sector who made comment on this issue would like to see a **quality of decision performance indicator**, alongside the current speed of decision performance indicator: *“If measures have to be taken of performance, they must include assessment of the quality of the service provided as well as purely the speed of service...The role of planning is to create successful places therefore the quality of decision making should be elevated to the same level as speed of decision making and this message should be consistent from Scottish Government level down.”*  
Participant 308 B2 Local Authority.
6. Some respondents, particularly from the developer sector, questioned the effectiveness and **utility of the current Pre Application Consultation** stages. There was also concern from among community groups that these could seem tokenistic and may even be manipulated in subsequent stages (see also the Engagement chapter).
7. Speed was a factor identified in telecommunications by MNOs, as 4G **technology, growing demand and faster coverage** in challenging (rural) areas, mean taller masts are often needed to keep up with user requirements. It can take 80-100 days to get full permission.
8. An example was given of a developer being able to **legitimately split up a project to avoid it being treated as a major development** and the perceived delay this would entail. This was a concern for the community contributor. It was also noted that the cut off between a major and local application can create vulnerability in the system through developers parcelling planning applications to come in under the threshold (e.g. an application of 49 houses or under), when the cumulative impact once a full site has been developed would be over the threshold of a major application.

### **Breaches and enforcement**

9. There was considerable reference, particularly from Civic Society participants, to the **inadequacy of Enforcement**, particularly when arising from instances such as: breaches in planning law, non-compliance with conditions or approved drawings.
10. Community respondents also expressed concern about **approval by Councils of post-consultation changes** (i.e. designs that are materially different from those that go out to consultation). The case of some windfarms, and of the Marischal Square development in Aberdeen were cited as negative examples.

### **Against community wishes**

11. One of the biggest criticisms from among community respondents was concern at support for development proposals from development management officers, **against the majority wishes of local communities**. This was used to justify widespread calls for a community Equal-Right of Appeal (picked up in the Engagement chapter).

### **Call-ins, appeals and Local Review Board**

12. Concern was expressed about **aspects of call-in, appeal operation, and Local Review Bodies** including from within the business sector. The clarification of the rationale behind key procedural and substantive decisions, particularly by Reporters, was sought by the critics, some of whom were not comfortable with the LRB approach.
13. The **Local Review Board (LRB) mechanism was criticised** by a number of respondents as being inadequate, inconsistent and at risk of being politically manipulated. A more reliable, credible and consistent mechanism was sought particularly by industry operators such as MNOs and energy companies.
  - It was suggested by the energy sector that applicants who have ‘major development’ applications should be **allowed to select which appeal route** will be used.

#### **Illustrative quotations on Development Management**

- *“The biggest single change that should be made to the development management system is that there should be enhanced standardised statutory validation requirements for planning applications so all required information is submitted concurrently at the beginning of the application process. This would also assist the public in engaging with the planning system, as they will have confidence that they have all the information needed to consider a proposal. “*  
Participant 308 B2 Local Authority

- *“Those who deliberately flout the rules know they stand to make significant gains at minimal risk. It's considerably more difficult to reverse a development than to prevent it in the first place. Enforcement powers are weak, time-consuming, easily deflected and frequently defeated, with inadequate penalties for those who flout planning regulations. A deterrent for unauthorised development in the form of fines and/or substantially higher planning fees for retrospective applications are needed. Other government departments don't allow people to evade penalties on grounds of ignorance and there is no reason to do so for planning breaches”.*

Participant 082 A2 Community Council

- *Whilst LRB's have improved appeal timescales to an extent by removing more minor developments from this system, in my experience many LRB's are motivated by political influences in reviewing the applications, rather than the planning merits of the case.*

Participant 154 B1 Related Professional

- *Scotland is well served by its Reporters in the DPEA. There is one aspect of the process I would reform. At present the Appeals Regulations allow the appointed Reporter the choice of process; either no process at all, written submissions, a Hearing or Hearings, and an Inquiry or Inquiries. A Reporter is under no obligation to explain his choice. In my submission, it ought to be mandatory for a duly appointed Reporter to explain that choice. The good ones do so, almost always on the predicate of “having enough information to enable (me) to make a decision.” How can a Reporter know if he has enough information before he has heard what parties have to say? Failure to explain these choices leaves the public in a quandary – do they take up time challenging the Reporter's choice of mode of examination, or do they simply accept a reporter's word that (he) “has enough information.” There ought to be room in the process for an explanation to the public given in an open session before the Examination starts.*

Participant 219 B1 Related Professional

- *Allocations within the Local Development Plan (LDP) should establish the principle of development; deemed consents. This will reduce double-working on subsequent planning applications on allocated sites as less information and input will be required.*

Participant 138 B1 Related Professional

## Ideas and Proposals

### National level changes

1. It was argued from both community and development sectors that **simplification, clarification and coordination** across the many existing legally-binding and non-statutory acts and instruments should be a priority, to make things clearer for applicants and communities.
2. Retail participants argued for a radical shift from a permission-based procedure to a **notification-based system** giving planners 14 days to challenge default/deemed consent.
3. Civil society actors identified that the growing digital space comprises a huge field of information that is searchable and visible by the public. To be effective this requires **better-designed, readily searchable national portals**, particularly those connected to local council websites.
  - Exploiting improvements in e-planning was recommended by the retail sector, including **real time tracking of applications**.
4. Very simple streamlining improvements could also be applied, for instance by **removing the requirement for a press advert notification** of applications, as suggested by planning practitioners and developers, as this is superfluous in the era of digital lists registered online.
  - **Standardised validation requirements**, applied across Scotland when applicants lodge applications, would help to establish certainty and transparency, thereby enhancing the credibility of the process.
  - Clear and consistent guidance to local authorities on the **process of making post permission changes to planning permissions** and advertisement consents was advocated by retail participants.
5. Expanding the **definition of Permitted Development (PD)**, and reviewing the permissible scope for Change of Use between use classes, could help provide more flexibility, investment, and re-use of buildings, for instance in town centres and, it was argued by some on the retail side, free up officers' time.
  - Not all participants agreed on this 'PD expansion', with some highlighting areas where **PD should be restricted** (paths in wild land areas; farms; sensitive heritage locations, etc.)
  - MNO respondents proposed **PD status extensions**, including for new masts in non-protected areas, under 25m masts in protected areas, smalls cells, operator equipment and 18 month PD rights for emergency works.

6. The promotion and **encouragement of 'change of use'**, for instance of upper floor voids, was advocated by retail participants as a means to drive much greater diversification of business and services on high streets, helping to drive footfall and create more vibrant commercial centres.
7. A case was made for even **more combined consenting** – linking planning permission with building warrants (which currently cause concern and delay) and listed building consent, as well as roads construction consent, and even alcohol licensing, to reduce the sequential barrier applicants have to go through.
8. Infrastructure providers proposed there should be **continuity in the role of consents team(s)** to address the discharge of post-consent elements as delays, consultation and over-specification add time and cost. Knowledgeable specialist teams help to speed up the process.
9. A national and/or regional level body, with specialist skills, was proposed by the Minerals sector to **process mineral extraction applications, and Periodic Reviews**.

#### **Improving the local operation of Development Management**

10. A major aspiration in building trust in this part of the planning system, particularly from within the community sector, is the **application of effective enforcement and deterrence**, for instance by being much tougher on the adherence to conditions. It is believed this would bring credibility and enhance the relevance of planning as a place-shaping tool.
11. It was proposed, notably from the community sector and planning practitioner sector, that even **greater primacy and emphasis be given to LDP compliance**, with a complementary discouraging of applications which do not comply.
12. Argued for mainly from the development sector and planning sector, (but not from civil society), was the concept of **LDP allocation being akin/equivalent to PPIP** status (previously covered in the Development Planning theme), which would preclude the need for a separate PPIP process to both help simplify the development management process and strengthen the role of the development plan.
13. Some, notably within the operational planning sphere and industry, considered that there might be more scope for the **use of delegated powers** to speed up decision-making on applications, though this was caveated by applicants with the need to ensure consistency, and avoid this mechanism for windfarm applications.

14. There was an aspiration, mainly from the development sector, to review and then **improve the Pre Application consultations process**. This should include a consideration of the length of the process, possibly reducing down from 12 to anything between 4 and 8 weeks.
  - However, civil actors have consistently criticised the current **short timeline of consultation** and favoured increasing it.
15. One of the big shifts sought by the development sector and economic/business sector, was a **shift in culture of Development Management officers** away from primarily regulator/checkers and gatekeepers towards becoming positive facilitators/enablers of investment and economic development, who are readily available to discuss proposals with potential applicants. (This view was countered by contributions from within the civil society sector).
16. One means of speeding up particularly larger and/or more complex applications is to **establish agreed dedicated teams**, effectively a 'one stop shop' project team to service these in a co-ordinated manner.
17. An additional arm to such an approach, it was contended by planning practitioners, would be to **agree Key Agency input as part of a co-ordinated team approach**, to minimise delays or conflicting guidance.

#### **Other measures**

18. The proposal for **Equal Right of Appeal** is strongly advocated as a democratic re-balancing and fairness tool by Civil Society contributors, particularly in instances where there is a departure from the development plan or strong community opposition. (This is also picked up in other chapters).
19. In appeal situations, it was proposed that **Reporters must explain the Appeal mode selected**, as a service of all participating.
  - The retail sector expressed concern at what they saw as the apparent **reluctance of the Scottish Government to use its powers** to intervene to improve the effectiveness of the Appeals process.

20. In response to the aspiration for retaining decisions at a local level, it was proposed by planning practitioners and local political groups that the role of **Local Review Bodies could be expanded** to deal with appeals locally. This could include considering unresolved objections in the LDP preparation process; examining what could be deemed to be a “bad planning decision” on planning applications (LDP issues would be referred to DPEA); and a role in determining whether decisions have been ‘reasonable’: *“This would give, in those rare instances where it [could be] demonstrated that the original decision could not have been made by ‘ a reasonable person acting reasonably’, an opportunity for local democratic scrutiny and review, and for the ‘unreasonable’ elements to be corrected.”*

Participant 095 A4. Political Group

21. For large and complex applications, notably of major infrastructure or aggregates projects, contributors from industry argued there was **a need to re-think the balance of supporting documentation**, in terms of scale and complexity.

22. There was an aspiration, again principally from the business/industry sector, that **all EIA-related development** - usually strategic or major development (e.g. Minerals extraction or Windfarms) – should be **referred to Committee** rather than considered as a delegated matter.

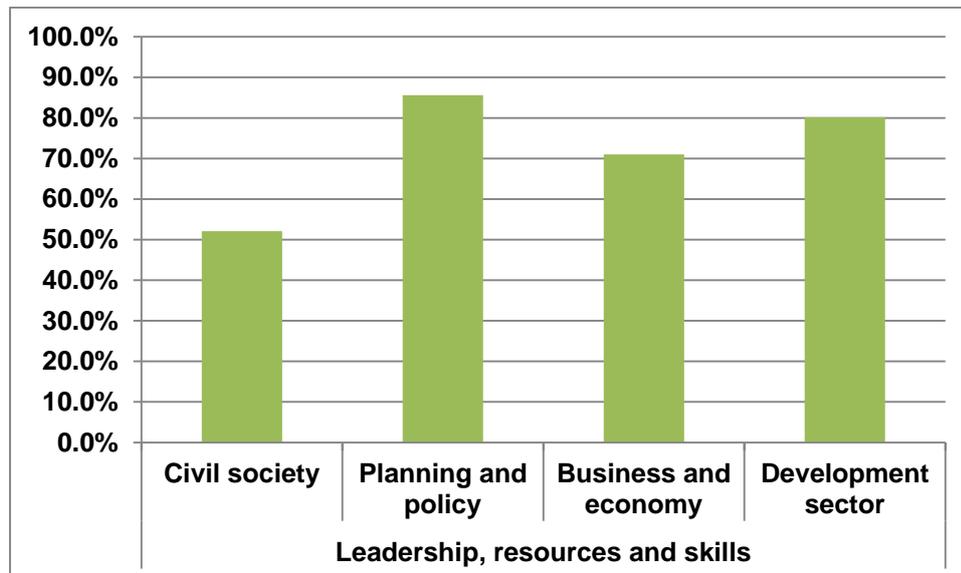
23. It was suggested by energy respondents that **Strategic Environmental Assessments** (SEA) be removed on the basis that they are of little value.

24. Community and civic groups sought mechanisms to discourage and /or **disincentivise repeat applications**, notably once it was clear that a community were clearly against a development proposal.

- One suggestion was to apply a **time-bar preventing repeat applications** within a given period, whilst another was a ‘two strikes (i.e. refusals) and you are out’ approach, in part to help equalise relationships between parties.

## Theme 5: Leadership, resources and skills

The responses in this theme were less focused than other themes, in particular from the civil society sector. The relative proportion of respondents in each category who responded in relation to Leadership, Skills and Resources issues is shown here. As can be seen, this received strong commentary, from 70% across three groups, with the exception of the Civil Society sector where only 52.1% referred to it.



The areas that were focused on were **application fees** (Planning and policy 46.3%; Development sector 53.5%), **skills current, and future and required to enable development** (Planning and policy 47.2%; Business and economy 51.6%; and Development sector 40.7%). Additionally, Planning and policy responses had a strong focus on the **integration of services**, including **spatial and community planning** (49.1%).

### Summary

#### Recurring Issues and Themes

- The **status and purpose** of planning within corporate local authority structures was considered an issue. It needs to be **visionary and placemaking**, that has a **lead public sector function integrated with community planning**.
- Resourcing and skills – there is a general view that planning departments are under-resourced and under-skilled to effectively operate the planning system. Planning fees not covering costs is part of this issue, as highlighted by the RPTI research that fees cover 63% of costs on average.

#### Ideas and Proposals

- Give planning a stronger ‘**place leadership**’ role and integrate it with the **activity of public sector Community Planning**.

- Review fees and resourcing with the objective of **recovering most, if not full, costs**.
- Develop skills among local authority planners related to development economics and collaborate with industry and the development sector to understand their needs better.
- Provide training for elected members and community councils (and other Statutory consultees) to develop effective and consistent decision-making.

## Issues

### Status and purpose

1. There was a strong view from various sectors that Planning is not as strong on vision, visibility and leadership, and that the activity really needs to be **visionary and lead place-making** not just on behalf of, but together with, communities.
2. In particular, it was contended by a variety of contributors from the planning practitioner sector and developer sector, that it really needs to be considered as a **lead public sector function** and integrated with wider community planning functions.
3. There was an associated problem of status raised by many, notably including developers, that **Planning Heads should be higher within the management tiers** of Local Authorities, to provide confidence and reliable direction.
4. The **leadership was seen by some to be too political**, and uncertain, rather than policy-technical on a more consistent basis, whereas some in the community wanted even more transparency and accountability (of councillors).

### Resourcing and skills

5. There was general recognition that planning departments (in particular, and also local authorities more generally) were **seriously, even critically, under-resourced**.
6. There was a challenge specified around the issue of **fees not covering costs** running (with recent RTP1 research indicating an average of only 63% of costs being covered by fees, Participant 138 B1 Related professional group) though the recent increase in fees had been accompanied by a demonstrable improvement in services, as noted by the retail respondent.
7. The shortage of resources has in turn contributed to a **shortage of skills and reliance on part-time staff** (many participants claimed), particularly of specialists in smaller authorities. (Examples given included: retail planners;

assessors of EIA/EIS renewable energy and minerals; landscape architects and architects; biodiversity officers and ecologists; economists; transport planners).

- The use of **supporting specialist consultants was criticised** in the Minerals sector, because of extra cost, delay, uncertainty, but also their perceived tendency to prioritise the significance of environmental impact.

8. As noted in preceding chapter on Development Management (at 6.4.10 point 10) the absence or **lack of Enforcement capability** was seen, particularly by communities, as enabling breaches and non-compliance, thereby undermining the credibility/validity of planning locally.

### Illustrative quotations on Leadership and Resources

- *There is a danger as local authority budgets are squeezed that the quality and numbers of planning officers will be reduced until they no longer function to the required standard. Planning officers can be overwhelmed by developers who have significantly greater resources to expend.*  
Participant 082 A2 Community Council
- *We believe that delivering high quality sustainable places where people want to live can only be achieved by having a robust, well-resourced planning system, which recognises that planning is about creating places for communities to flourish as opposed to building houses per se.*  
Participant 229\_A3, Civic group
- *The key to an efficient and effective development management system is a settled team of experienced officers with a manageable workload. With that, performance would get better and applications would be decided faster.*  
Participant 191 B1 Related Professional
- *Planning fees should be re-considered to take account of how much resource is required to deliver certain parts of the process e.g. major developments and pre-application processes. Any increase in fees should be used to better resource the planning system i.e. the additional income should be ring-fenced within planning authorities.*  
Participant 299 B2 Local Authority

## Ideas and Proposals

There were a broad range of proposals and suggestions in this section, which we have grouped under the following headings:

### Role, purpose, philosophy

1. There was a positive cross-sectoral plea for a **stronger planning ‘place-leadership’ role**, as a driver and enabler of sustainable economic development, particularly within the management and organisational structure of local authorities.
  - One environmental group proposed that if planning is about addressing people’s health and wellbeing, what is needed is a *health and wellbeing champion* – which would also tie in with community planning partnership objectives.
2. In addition, a related priority advocated was that (spatial, place-based) **planning become more integral to the activity of public sector Community Planning**, effectively as a form of spatial articulation of community plans.
3. There should be a review and **refreshed role for Statutory Consultees within a modernised planning system**, whereby they are positive participants and contributors to the place-making, not simply passive observers or objectors.
4. There was advocacy, particularly from the industrial sector, for planning practitioners to demonstrate a greater **willingness to collaborate with industry**, exploring and understanding innovation and emerging technology, in order to better understand their role and the implications for people and places.
5. It was argued by many across the economic and development sectors, but also communities and the planning sector, that **planning needs to be adequately resourced** if it is to serve the national economy and wider society beneficially.

### Fees and resourcing

6. The core proposal emerging from the submissions around planning fees is to **review the fees scale with the objective to recover most, if not all, of cost** incurred by local authorities.
  - Several from the development sector advised that they would be **willing to pay higher fees**, whilst some placed the caveat that the monies should be ring fenced with a guaranteed allocation to resourcing the processing of applications
  - **Exceptions were called for from the full ‘commercial rate’** on the community side notably around small developments like home extensions.

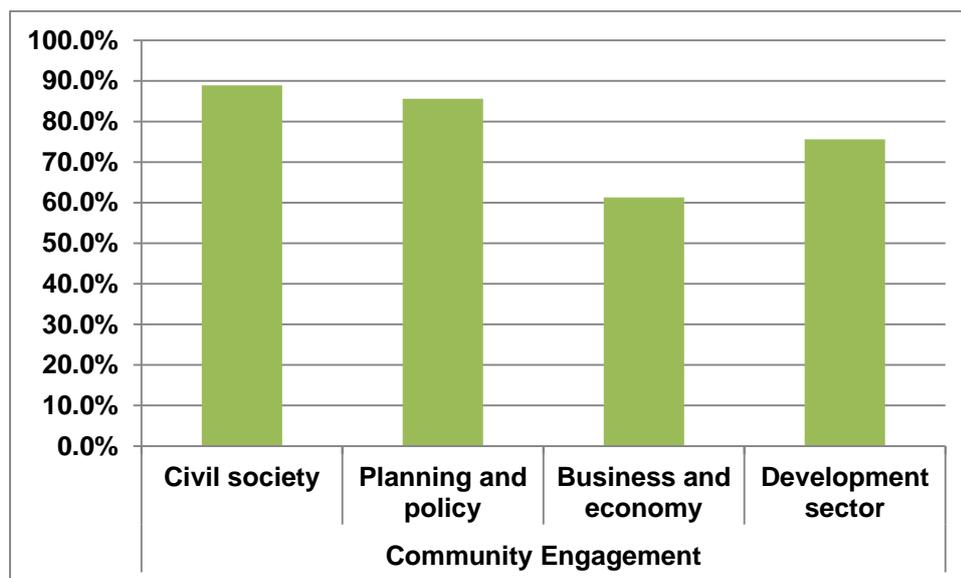
- MNOs argued for consideration of dropping the need for **planning application or pre-application fees**, particularly in challenging rural areas where upgrade is required but return on investment is lowest.
  - A tourism sector submission proposed that a **refund, or partial refund of planning fees** be made where applications were not dealt with timeously by the planning service. This was seen as a financial incentive.
7. Some from the development and retail community advised they would consider **payment for Pre-application meetings** and advice, provided that such advice was comprehensive (including the views of key agencies), and integral to the application evaluation and determination.

### **Skills and capability**

8. In addressing the prevailing 'culture' of planners, it was proposed that there would be a benefit to planners, and the communities they serve, if they were able to **mix public and private sector experience within their career development**, for instance by including secondments or exchanges from local government roles into industry, or sharing training/good practice with specialist/exemplar authorities nearby.
9. More **targeted training for staff**, in areas such as Minerals, would help speed up applications and investment.
10. Many considered that councillors and community councillors, especially but not only those new to planning, could benefit from training (in matters such as law, design and development economics). There were even proposals that the **education of councillors and community councillors be seen as a critical dimension** of effective decision making at the local level.

## Theme 6: Community Engagement

This was a Review theme that drew a wide variety of nuanced and often contradictory opinions from across the community, planning practitioner, and industry and development sectors. The stages of the planning system referred to varied considerably, from upstream plan-influencing, to downstream detailed commentary. The relative proportion of respondents in each category who responded in relation to Community Engagement issues is shown here. As can be seen, this received strong commentary, above 75% across three groups. The exception is the Economy and Business sector where only 61.3% referred to it.



For **Civil society** contributors, the areas of focus were *Equal 3<sup>rd</sup> Party Rights of Appeal* (44.2%) and *fairness in being heard and in decision making*, including *community empowerment* (49.7%). The area of focus for **Planning and policy** and the **Development sector** was *early engagement*, including at LDP stage and through PAN processes (**Planning and policy** 49.1% and **Development sector** 46.5%). Overall **Business and economy** contributors did not have a high rate of response to this theme.

### Summary

#### Recurring issues and themes

- The general approach and process of **meaningful community participation and engagement was seen as an important part of the planning system**. The operation of this part of the process **needs to build trust and credibility** and not create a sense among communities that the system favours development and developers over them.

- The mode and timing of community engagement has an effect on the system and the above issue of trust and credibility. The mode and timing of engagement can be viewed as either attempting to avoid meaningful participation or to enhance meaningful participation. An example being a charrette, which is viewed as a good tool, but how it is employed ought to be considered.
- The ability of applicants to use planning appeals to overturn community-supported decisions was considered an issue.

## Ideas and Proposals

### National level proposals

- Continue to focus on early engagement on the principles of development, while building trust with communities that this early engagement will not be overruled at a later stage. Later engagement to then focus on matters of design and layout.
- The idea of an '**Equal Right of Appeal**' attracted mixed views from between sectoral groups, but not within. Civil society supported this, planning and policy sector would put limits on its use (i.e. only for proposals not in compliance with an LDP) and the development sector were concerned over potential delay that this could cause.
- Modernise communication using online portals and social media – to provide the same information to all parties involved in an application.

### Specific localised approaches

- Take a careful approach to **resourcing effective engagement** that will add value.
- There is a role for **mediation** where there has been a breakdown in understanding – **this should be a function of planners.**

### Examples of good practice

- **Neilston's Town Charter** exercise & subsequent Charrette – both forms of proactive community planning
- **The Loch Lomond LIVE Park Engagement** – as an example of creative engagement around a Main Issues Report, and winner of the SAQP Awards 2015
- The **Aberdeenshire Planning Video Shorts**, a highly commended approach to engagement, also recognised in the SAQP Awards

## Issues

### General approach

1. Engagement, and **meaningful participation, was viewed as particularly important** from diverse community, development, industry and planner perspectives, notably as a vehicle for negotiating the divergent requirements of different key players either around specific proposals, or broadly within the plan-making system.

2. The **importance of trust and credibility** – well beyond any individual application or set of actors – was stressed as a fundamental dimension of the planning system, which, if lost, has wider negative implications for future operation.
3. From within the community sector, there was the feeling that there was an **inherent bias and unfairness within the planning system**, favouring development and developers, rather than place sustainability and the community upon which it impacts.
4. There was a concern expressed by some developers and industry (minerals), that **Statutory Consultees did not always contribute constructively** and collaboratively around National Policy goals and priorities, and retreated to narrow sectoral or local defensiveness and negativity rather than viewing the bigger policy picture.
5. Infrastructure respondents consider that **local and national needs have to be balanced** and they do not believe that these engagement processes align in a manner that minimizes development risk
  - Infrastructure providers stated that the Government needs to **ensure that the planning system facilitates the consent and construction** of major infrastructure projects, while ensuring the public still have some say in the final design and positioning.

### **Community engagement modes and timing**

6. The issue of the **timing, precise mode and effect on the system** and place outcomes was raised by many respondents, including a varied range of views around whether the current balance of engagement may be too much, or too little, or perhaps just about right.
7. Some responses from the planning and policy sector suggest **that pre-application consultation is a repeat of consultation** that has been undertaken at the development plan stage (the assumption being that the application complies with an approved development plan). Therefore the engagement process does not add value in this instance.
  - Another suggestion is that PAN should not be prescribed nationally, but allow for local discretion on whether or not this ought to be a requirement.
  - Another view was that the PAN process should be strengthened (in terms of clarity of purpose and effectiveness) by becoming a two-stage process, the first stage at the Proposal of Application notice, and a second stage that demonstrates changes to the proposal immediately prior to submission of the planning application.

8. The **Pre Application stage of 12 weeks' minimum consultation** following the issue of the Pre Application Notification (PAN), was considered too long by many developers and too short by all civil society actors; the former saw this as a delaying factor.
9. **Pre-Application Notice consultations** received some criticism from civic sector respondents who viewed the process as a 'box-ticking' exercise on the part of developers. The effectiveness of the process was questioned, as it appeared to critics that community responses do not appear to effect any change to development proposals.
10. There was a broad **mix of support and criticism for the use of charrettes**. Support focused around the participative, collaborative place based design. Criticism included timing, the one-off nature of the exercise, the overly formalistic design-focus (particularly when the core issue was seen as one of policy and principle.) Of concern is a perceived lack of legitimacy of output in those with limited real community input and also, when they deliver quality, they were disconsidered further on in the planning process. The balance of views is shown in the table below.

<b>Charrette support and criticism</b>	<b>Supportive</b>	<b>Critical</b>
<b>Civil society – 21 references</b>	12 (57%)	9 (43%)
<b>Planning and policy – 10 references</b>	6 (60%)	4 (40%)
<b>Business and economy – 0 references</b>	-	-
<b>Developers, landowners and agents – 8 references</b>	6 (75%)	2 (25%)

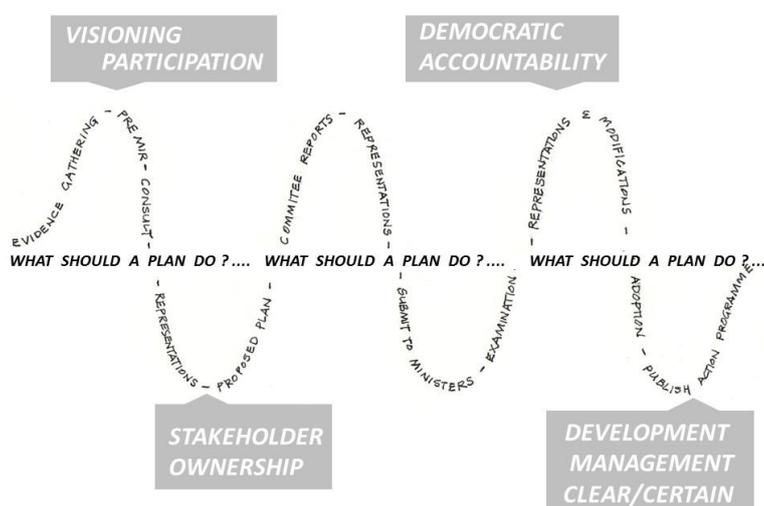
Table 4: Charrette Responses

11. There was particular concern expressed by community commentators about the **Planning Appeals process being used by some applicants to overturn** previously agreed community aspirations.
12. **Consultation fatigue** was raised in relation to cases of (1) smaller communities (a specific issue raised by the Island Councils); (2) where there is perceived duplication or lack of clarity on the purpose of consultation; and (3) where there has been little change in a 'short' review cycle for an LDP.
- References to fatigue appear to characterise highly engaged communities becoming **less engaged over time**, rather than simply a low level of engagement.

## Illustrative quotations on Engagement

- *There needs to be much earlier and more comprehensive engagement on development plans and planning proposals. Communities often don't know what is happening or proposed until too late.*  
Participant 169 B2 Local Authority
- *Improve perception.*  
*'Only if it improves, and is seen to improve, people's day to day lives.'*  
Participant 198 D6 Consultants and Agents

## ONE PLAN – DIFFERENT AUDIENCES AT DIFFERENT STAGES



From Participant 209 B1 Related Professional

## Ideas and Proposals

A number of specific proposals were made to influence the future practice of engagement, separated into the following categories:

### National level improvements

1. Bearing in mind what was referred to in several submissions as **“the community empowerment agenda”** and the Community Empowerment (Scotland) Act 2015, the Review was requested to ensure that change is reflective of this and enhances local decision making and the role that communities (not limited to Community Councils) can actively play in shaping places (“align planning policy and practice with the renewed emphasis on subsidiarity and devolution of powers to local communities.” 267 A3).

2. The proposal to **focus more consultation early**, and upstream, came from both planners, and the development sector. However the community sector was more reserved, given this would result in increasing pressure on community time and resources, while their input might be disregarded later.
  - The retail sector proposed that any **consultation effort and cost should be proportionate** to the nature and scale of the development.
3. Developers in particular considered that **later stages of engagement should therefore focus mainly on design** and layout - not the principle of use if this had been established at an earlier stage, say in the LDP stage.
4. Mainly development sector contributors, sought **to reduce the current 12 week Pre Application consultation to between 4 and 8 weeks**, particularly if the use had received an Allocation in the LDP, and was therefore basically 'compliant'. But any reduction in consultation period was strongly argued against by the civil society group.
5. There was a proposal from both the development sector and the planning practitioner sector that there be a **focus on the 'customer-user' perspective**, though that may mean different things to each of these categories. It also tended to focus on the immediate user, rather than future citizens who are affected by proposals.
6. Community respondents sought to ensure that there were clear **declarations of interest at all stages of the planning process** because of views that prospective financial benefits for either the local community or the local authority can negatively affect the quality of decision-making.
7. The Equal (formerly 3rd party) Right of Appeal proposition was widely debated with mixed views between sectoral groups, but not within groups. The community sector generally supported an **unlimited 'Equal-Right of Appeal'**, with just a few respondents suggesting limitations such as exclusivity to those directly affected, those who took part in the consultation process, and/or to Community Councils.
  - Other sectoral groups suggested **Equal Right of Appeal** is limited to proposals that are not in accordance with the (pre-consulted) LDP. This both safeguards the plan and the engagement process, and effectively places greater incentives on upstream engagement in plan formulation.
  - Several from the development and industry sectors, and some within planning practice, considered Third Party Appeals would **delay effective decision-making**.

8. A proposal was made that **Statutory Consultees should be enabled to participate on the basis that they play a constructive role** around the delivery of national planning policy. By implication the weight attached to their role would be diminished were they not to do so.
  - A proposal was made to enlarge the basis of Statutory Consultees beyond geographical communities to **communities of interest**, including across administrative borders and even to those who self-declare an interest.
9. There was a proposal from the community sector to modernise the nature of neighbour notifications (to property owners and other parties) by utilising a more effective **mix of various communication channels in parallel** rather than just by one: (on-line platform, letters, newspaper). This issue was raised in response to missed notifications.

### **Specific localised approaches and applications**

10. Given very limited resources, it was proposed by planning practitioners that there needs to be a careful approach to **resource effective engagement** at the various stages of the process. Some approaches may be resource intensive, but not add value to the plan or its outcomes.
11. Partly linked to this, there could be **constructive use of social media** to enhance involvement in a resource effective manner, particular in and across those communities where social media is well established.
12. It was proposed that there is a **role for mediation**, particularly around certain projects or proposals where there has been a breakdown in understanding between parties. This was viewed as illustrative of the importance of rebuilding trust and understanding in the activity of planning. However, many participants in the community groups favoured planners to take on this role rather than developer-employed professional mediators, while others advocated a government-approved body of mediators.
13. **Involving children and young people** to ensure that their needs are at the heart of all our planning decisions and that we involve them fully in the decisions that impact upon their lives, was advocated by a national strategy group.
  - The creation of a statutory consultee on behalf of children's perspectives, such as Play Scotland or the Children and Young People's Commissioner for Scotland, was proposed as a means to give this perspective more input to policy and placemaking.
  - The **use of the Place Standard tool** was advocated as a means to engage communities in purposeful dialogue to ensure they are able to participate meaningfully and shape local place-making.

### **Examples of good practice**

A number of examples of useful or exemplar approaches to engagement were listed in the various submissions. These included:

- **Neilston's Town Charter** exercise & subsequent Charrette – both forms of proactive community planning
- **The Loch Lomond LIVE Park Engagement** – as an example of creative engagement around a Main Issues Report, and winner of the SAQP Awards 2015
- The **Aberdeenshire Planning Video Shorts**, a highly commended approach to engagement, also recognised in the SAQP Awards.

# APPENDIX 1 – PLANNING REVIEW CALL FOR EVIDENCE

Independent Review of Planning

October 2015

## REVIEW QUESTIONS

The following questions aimed to prompt thinking and discussion during the review.

### 1. Development planning

The aspirations for development planning reflected in the 2006 Act have proved difficult to meet in practice. The time is right to hear views on whether a different, more radical and fit-for-purpose system of plans might work better. It is also an opportunity to have an open and honest debate about their value within the system, and to constructively challenge long-held assumptions about their role.

- Do we need development plans?
- Is the current system of development plans fit for purpose or do we need to simplify or redesign it?
- Should the primacy of the development plan be retained as a fundamental principle of the Scottish planning system?
- Should we have a multi-tiered approach to development planning?
- How can relationships between tiers of plans work better?
- Could a different approach to development plans be quicker and more effective?
- Can development plans provide greater certainty for communities and investors?
- Can we improve development plan examinations?
- Can development plans be more flexible?
- How can we ensure development plans have a stronger focus on delivery and quality of place?

### 2. Housing delivery

Planning has an important role to play in facilitating housing delivery. Whilst there have been overall improvements in performance, planning decision times for major housing applications remain lengthy, particularly where a legal agreement is used. Although planning is not the only factor, house completion rates are still low across the country. There are signs that the situation is improving, but there remains much to be done to meet the housing needs of current and future generations. Planning for housing is often viewed as too complex, inconsistent, caught up in debating numbers and detached from the needs of developers and communities. In some places there is insufficient land available, whilst in others the land supply does not match development aspirations.

- How can planning improve the quality and scale of housing delivery?
- Are there continuing barriers to housing delivery from the planning system?
- How can planning ensure that the land needed is identified quickly and effectively?
- Should there be a Housing Needs and Demands Assessment to inform the approach to planning for housing?
- Should housing numbers be defined centrally rather than locally?

- What measures are needed to expose the scale and quality of land available for housing?
- How can housing land requirements be more actively, consistently and effectively audited / monitored?
- Are there other planning mechanisms which can be used to get housing sites moving?
- Should there be a different process for housing applications?
- What innovative approaches can be used to secure the delivery of more high quality homes on the ground?

### **3. Planning for infrastructure**

Recently published research on infrastructure has shown that planning is not realising its potential to identify, co-ordinate and deliver infrastructure required to enable development. There has been considerable debate about the extent to which new approaches to infrastructure planning and investment could be deployed to unlock development land. Ideas vary from targeted interventions (for example to improve Section 75 timescales) to more fundamental changes such as more powers for land assembly.

- How can we better equip planning to scope out, co-ordinate and deliver infrastructure?
- How can planning be more active in delivering infrastructure – what models might work best?
- Should we look at mechanisms to capture increased land value to support infrastructure and place-making priorities?
- Should we retain Section 75 planning obligations and if so how can we improve them to reduce timescales and better support infrastructure delivery?
- If we abolish Section 75, what needs to be put in its place?
- Should we establish an infrastructure levy or similar area based approach to secure collective contributions?
- Is there scope for dedicated infrastructure funding (or improved links to existing funding sources) to support planning delivery?
- How can infrastructure investment be better aligned to support housing delivery?

### **4. Development management**

Since previous modernisation, there has been improvement in the performance of the development management system as a whole. However, there is scope to consider whether more radical interventions could further improve the efficiency of the process. The review is exploring how planning can be empowered to enable development, including by identifying where unnecessary procedure is acting as a drain on limited resources. We have significantly increased permitted development rights but the time is right to consider whether this, or other streamlining mechanisms, can be taken further.

- What are the barriers to timely decision making within the development management service and how can they be overcome?
- Which aspects of the development management process need to change?

- Should we extend permitted development rights further? If so, what for?
- Is there scope to strengthen development plans to streamline decision making?
- Should authorities share development management expertise?
- How well is the development hierarchy working? Can / should it be taken further?
- Should opportunities for repeat planning applications (i.e. for substantially the same development on the same site) be limited?
- Are there issues with planning enforcement that need to be addressed?
- Should we revisit notification and call-in arrangements?
- Should Historic Environment Scotland policies and procedures for listing buildings be reviewed and listed building consents be speeded up?
- Is there a need to change the role of key agencies in development management?

## **5. Leadership, Resourcing and Skills**

Resourcing the planning system will remain a challenge for the foreseeable future, given public sector spending constraints. There have been ongoing debates about planning fees and calls for a move towards full cost recovery. At the same time, there remain challenges around performance and concerns about skills and resources within planning authorities. This is a useful time to take stock on whether there is a lack of specific types of expertise, as well as the skills we will need in the future. The corporate profile of planning within local authorities is also a key consideration.

- Are planners equipped to provide strong and skilled leadership within planning authorities?
- Should planning fees be increased to better resource the planning system?
- Should we make provision for better resourcing of the pre-application stages, particularly for larger projects?
- What is the role of the penalty clause in the Regulatory Reform Act?
- What skills and resources are currently lacking?
- What skills will be in most demand in the future?
- Is there a case for more shared services or exchange of expertise?
- Is there a need for more training of elected members?
- Can planning authorities be better equipped to actively enable development?
- How might local government support planning delivery across service areas?
- How can spatial planning be better integrated with Community Planning and corporate priorities?
- What are the long term prospects for the planning profession in Scotland?

## **6. Community engagement**

The modernised planning system was designed to frontload engagement in the process. There has been growing evidence of innovation and good practice in engagement in planning, but the approach to this varies in practice. The public's perception of planning remains mixed, with its regulatory role often being a focus, and involvement is often reactive. There is scope to explore new ideas, to move the debate on planning onto more positive ground, where planning is seen as an enabler, a place delivery agent, an innovator and a leader of positive change. Engagement through active citizenship with young people is a key opportunity.

- Are the provisions for front loaded engagement in development plans working?
- How can we build on existing models of engagement (such as participatory design including 'charrettes') to encourage active participation in planning?
- Do we need to change the system to ensure everyone has a fair hearing in plan and decision making?
- Does mediation have a role to play in resolving conflict in the system?
- Should the statutory role of community councils be extended – for example to development planning?
- How can development plans be more explicitly linked with community planning?
- How can we involve more young people in planning?
- Is it possible to improve public perceptions of the planning system?

## APPENDIX 2 – FREQUENCY OF RESPONSES BY THEME AND CODE

These tables show the number of response and in brackets, the percentage that this represents from the group.

<b>1_Development Planning</b>	<b>Civil Society</b>	<b>Planning and policy</b>	<b>Business and economy</b>	<b>Development sector</b>
	<b>Total: 141</b>	<b>Total: 107</b>	<b>Total: 31</b>	<b>Total: 80</b>
<b>DELIVERY &amp; QUALITY OF PLACE</b> 1.10 How can we ensure development plans have a stronger focus on delivery and quality of place?	59 (36.2)	69 (63.9)	3 (9.6)	26 (30.2)
<b>FIT FOR PURPOSE</b> 1.1 Do we need development plans? 1.2 Is the current system of development plans fit for purpose or do we need to simplify or redesign it? 1.3 Should the primacy of the development plan be retained as a fundamental principle of the Scottish planning system?	79 (48.4)	79 (73.1)	23 (74.2)	62 (72.1)
<b>IMPROVING THE SYSTEM</b> 1.6 Could a different approach to development plans be quicker and more effective? 1.7 Can development plans provide greater certainty for communities and investors? 1.8 Can we improve development plan examinations? 1.9 Can development plans be more flexible?	83 (50.9)	89 (82.4)	25 (80.6)	64 (74.4)
<b>MULTI-TIER HIERARCHY</b> 1.4 Should we have a multi-tiered approach to development planning? 1.5 How can relationships between tiers of plans work better? 4.6 How well is the development hierarchy working? Can / should it be taken further?	50 (30.7)	57 (52.7)	5 (16.1)	35 (40.7)
<b>SUSTAINABILITY</b> All aspect relating to Sustainability (ecological, social and economic)	32 (19.6)	14 (12.9)	17 (54.8)	36 (41.8)
<b>THIS REVIEW</b> Feedback on the process, structure and need for the Planning Review.	70 (42.9)	48 (44.4)	16 (51.6)	39 (45.3)
<b>RESERVED LAND</b> Land protected from Future Development (wild land, fertile land for agriculture, recreation)	29 (17.8)	4 (3.7)	4 (12.9)	6 (7.0)
<b>WIND FARMS</b> Wind Farms or Wind Turbines	20 (12.2)	2 (1.8)	12 (38.7)	2 (2.3)

<b>HEAT NETWORKS</b>	0	0	3 (9.6)	0 (0.0)
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<b>2 Housing Delivery</b>	<b>Civil Society</b>	<b>Planning and policy</b>	<b>Business and economy</b>	<b>Development sector</b>
	<b>Total: 98</b>	<b>Total: 88</b>	<b>Total: 6</b>	<b>Total: 66</b>
<b>APPLICATION PROCESS</b> 2.9 Should there be a different process for housing applications?	22 (13.5)	9 (8.3)	0 (0.0)	10 (11.6)
<b>HOUSING &amp; PLANNING</b> 2.1 How can planning improve the quality and scale of housing delivery? 2.2 Are there continuing barriers to housing delivery from the planning system?	55 (33.7)	62 (57.4)	5 (16.1)	48 (55.8)
<b>INNOVATIVE APPROACHES</b> 2.10 What innovative approaches can be used to secure the delivery of more high quality homes on the ground?	17 (10.4)	24 (22.2)	2 (6.4)	18 (20.9)
<b>LAND &amp; SITES</b> 2.3 How can planning ensure that the land needed is identified quickly and effectively? 2.6 What measures are needed to expose the scale and quality of land available for housing? 2.7 How can housing land requirements be more actively, consistently and effectively audited / monitored? 2.8 Are there other planning mechanisms which can be used to get housing sites moving?	41 (25.1)	61 (56.5)	1 (3.2)	51 (59.3)
<b>NEEDS &amp; DEMANDS</b> 2.4 Should there be a Housing Needs and Demands Assessment to inform the approach to planning for housing? 2.5 Should housing numbers be defined centrally rather than locally?	38 (23.3)	60 (55.5)	1 (3.2)	48 (55.8)
<b>RURAL HOUSING</b> Issues relating to Rural Housing	7 (4.3)	5 (4.6)	0 (0.0)	2 (2.3)
<b>AFFORDABLE HOUSING</b> Issues relating to Affordable Housing Provision	21 (12.9)	13 (12.0)	1 (3.2)	19 (22.1)

<b>3 Infrastructure Delivery</b>	<b>Civil Society</b>	<b>Planning and policy</b>	<b>Business and economy</b>	<b>Development sector</b>
	<b>Total: 73</b>	<b>Total: 87</b>	<b>Total: 20</b>	<b>Total: 60</b>
<p><b>ALTERNATIVE FUNDING</b></p> <p>3.3 Should we look at mechanisms to capture increased land value to support infrastructure and place-making priorities?</p> <p>3.6 Should we establish an infrastructure levy or similar area based approach to secure collective contributions?</p> <p>3.7 Is there scope for dedicated infrastructure funding (or improved links to existing funding sources) to support planning delivery?</p>	16 (9.8)	61 (56.5)	3 (9.7)	34 (39.5)
<p><b>BEST MODEL</b></p> <p>3.2 How can planning be more active in delivering infrastructure – what models might work best?</p>	7 (4.3)	10 (9.2)	3 (9.7)	25 (29.0)
<p><b>INFRASTRUCTURE DELIVERY</b></p> <p>3.1 How can we better equip planning to scope out, co-ordinate and deliver infrastructure?</p> <p>3.2 How can planning be more active in delivering infrastructure – what models might work best?</p> <p>3.8 How can infrastructure investment be better aligned to support housing delivery?</p>	15 (9.2)	55 (50.9)	13 (41.9)	29 (33.7)
<p><b>INFRASTRUCTURE ISSUES</b></p> <p>3.1 How can we better equip planning to scope out, co-ordinate and deliver infrastructure?</p> <p>3.2 How can planning be more active in delivering infrastructure – what models might work best?</p> <p>3.8 How can infrastructure investment be better aligned to support housing delivery?</p>	23 (14.1)	35 (32.4)	15 (48.4)	26 (30.2)
<p><b>SECTION 75</b></p> <p>3.4 Should we retain Section 75 planning obligations and if so how can we improve them to reduce timescales and better support infrastructure delivery?</p> <p>3.5 If we abolish Section 75, what needs to be put in its place?</p>	22 (13.5)	42 (38.9)	6 (19.4)	42 (48.8)
<p><b>TO SUPPORT HOUSING</b></p> <p>3.8 How can infrastructure investment be better aligned to support housing delivery?</p>	16 (9.8)	32 (29.6)	1 (32.3)	11 (12.8)

<b>4 Development Management</b>	<b>Civil society</b>	<b>Planning and policy</b>	<b>Business and economy</b>	<b>Development sector</b>
	<b>Total: 123</b>	<b>Total: 94</b>	<b>Total: 24</b>	<b>Total: 67</b>
<b>BARRIERS &amp; SOLUTIONS</b> 4.1 What are the barriers to timely decision making within the development management service and how can they be overcome? 4.2 Which aspects of the development management process need to change?	49 (30.0)	70 (64.8)	24 (77.4)	61 (70.9)
<b>COMPENSATION</b> Issues relating to Compensation	1 (0.6)	0	0 (0.0)	1 (1.1)
<b>PLANNING ENFORCEMENT</b> 4.8 Are there issues with planning enforcement that need to be addressed?	60 (36.8)	28 (25.9)	2 (6.4)	22 (25.6)
<b>KEY AGENCIES</b> 4.11 Is there a need to change the role of key agencies in development management?	13 (7.9)	41 (37.9)	5 (16.1)	24 (27.9)
<b>LISTED BUILDING</b> 4.10 Should Historic Environment Scotland policies and procedures for listing buildings be reviewed and listed building consents be speeded up?	28 (17.1)	13 (12.0)	0 (0.0)	9 (1.0)
<b>NOTIFICATION &amp; APPEAL</b> 4.9 Should we revisit notification and call-in arrangements?	46 (28.2)	38 (35.2)	13 (41.9)	20 (23.2)
<b>PERMITTED DEVELOPMENT</b> 4.3 Should we extend permitted development rights further? If so, what for?	23 (14.1)	34 (31.5)	6 (19.4)	15 (17.4)
<b>REPEAT APPLICATION</b> 4.7 Should opportunities for repeat planning applications (i.e. for substantially the same development on the same site) be limited?	42 (25.7)	10 (9.2)	1 (3.2)	8 (9.3)
<b>STREAMLINE DECISION MAKING</b> 4.4 Is there scope to strengthen development plans to streamline decision making?	25 (15.3)	57 (52.8)	2 (6.4)	13 (15.1)
<b>USE CLASS</b> Issues relating to Use (change of use class etc.)	6 (3.7)	3 (2.8)	1 (3.2)	1 (1.1)

<b>5 Leadership, Skills , Resources,</b>	<b>Civil Society</b>	<b>Planning and policy</b>	<b>Business and economy</b>	<b>Development sector</b>
	<b>Total: 85</b>	<b>Total: 95</b>	<b>Total: 22</b>	<b>Total: 69</b>
<b>APPLICATION FEES</b> 5.2 Should planning fees be increased to better resource the planning system?	22 (13.5)	50 (46.3)	10 (32.3)	46 (53.5)
<b>ELECTED MEMBERS</b> 5.8 Is there a need for more training of elected members?	36 (22.1)	25 (23.1)	6 (19.4)	27 (31.4)
<b>HUMAN RESOURCES: NUMBERS</b> 5.3 Should we make provision for better resourcing of the pre-application stages, particularly for larger projects? 5.9 Can planning authorities be better equipped to actively enable development?	18 (11.0)	53 (49.1)	3 (9.7)	25 (29.1)
<b>HUMAN RESOURCES: SKILLS</b> 5.5 What skills and resources are currently lacking? 5.6 What skills will be in most demand in the future? 5.9 Can planning authorities be better equipped to actively enable development?	24 (14.7)	51 (47.2)	16 (51.6)	35 (40.7)
<b>INTEGRATION</b> 5.10 How might local government support planning delivery across service areas? 5.11 How can spatial planning be better integrated with Community Planning and corporate priorities? 6.6 How can development plans be more explicitly linked with community planning?	23 (14.1)	53 (49.1)	0 (0.0)	12 (14.0)
<b>LEADERSHIP</b> 5.1 Are planners equipped to provide strong and skilled leadership within planning authorities?	19 (11.6)	34 (31.5)	2 (6.4)	30 (34.9)
<b>OTHER RESOURCES: MONEY, HARDWARE etc.</b> 5.3 Should we make provision for better resourcing of the pre-application stages, particularly for larger projects?	19 (11.6)	24 (22.2)	4 (12.9)	28 (32.5)
<b>PENALTY CLAUSE</b> 5.4 What is the role of the penalty clause in the Regulatory Reform Act?	5 (3.0)	17 (15.7)	1 (3.2)	18 (20.9)
<b>PLANNING PROFESSION</b> 5.12 What are the long term prospects for the planning profession in Scotland?	9 (5.5)	17 (15.7)	3 (9.7)	18 (20.9)
<b>SHARING EXPERTISE</b> 4.5 Should authorities share development management expertise? 5.7 Is there a case for more shared services or exchange of expertise?	12 (7.3)	26 (24.1)	4 (12.9)	27 (31.4)

<b>6 Community engagement</b>	<b>Civil Society</b>	<b>Planning and Policy</b>	<b>Business and Economy</b>	<b>Development sector</b>
	<b>Total: 145</b>	<b>Total: 95</b>	<b>Total: 19</b>	<b>Total: 65</b>
<b>COMMUNITY APPEALS</b> Material on Equal 3 <sup>rd</sup> Party Rights of Appeal	72 (44.2)	16 (14.8)	2 (6.4)	16 (18.6)
<b>COMMUNITY COUNCILS</b> 6.5 Should the statutory role of community councils be extended – for example to development planning?	39 (23.9)	25 (23.1)	2 (6.4)	28 (32.5)
<b>COMMUNITY RESOURCES</b> Identification of areas where communities are restrained because of resources (time, finances etc). Material related to community empowerment.	17 (10.4)	17 (1.6)	1 (3.2)	3 (3.5)
<b>EARLY ENGAGEMENT</b> 6.1 Are the provisions for front loaded engagement in development plans working?	46 (28.2)	53 (49.1)	8 (25.8)	40 (46.5)
<b>EXCLUDED GROUPS</b> Identification of groups that might be excluded from community engagement.	9 (5.5)	2 (1.8)	0 (0.0)	2 (2.3)
<b>FAIRNESS IN BEING HEARD AND DECISION-MAKING</b> 6.3 Do we need to change the system to ensure everyone has a fair hearing in plan and decision making?	81 (49.7)	35 (32.4)	7 (22.6)	14 (16.3)
<b>MEDIATION AND CONFLICT</b> 6.4 Does mediation have a role to play in resolving conflict in the system?	18 (11.0)	19 (17.6)	1 (3.2)	13 (15.1)
<b>NIMBY</b> Explicit reference to ‘nimby’ attitudes.	4 (2.4)	2 (1.8)	2 (6.4)	3 (3.5)
<b>PARTICIPATORY DESIGN</b> 6.2 How can we build on existing models of engagement (such as participatory design including ‘charrettes’) to encourage active participation in planning?	22 (13.5)	28 (25.9)	5 (16.1)	30 (34.9)

<p><b>PERCEPTIONS OF PLANNING</b> 6.8 Is it possible to improve public perceptions of the planning system?</p>	60 (36.8)	24 (22.2)	3 (9.6)	17 (19.7)
<p><b>WAYS TO AVOID</b> Identification of ways in which applicants have seemed to seek avoiding community engagement.</p>	14 (8.6)	2 (1.8)	1 (3.2)	3 (3.5)
<p><b>WAYS TO ENHANCE</b> Identification of ways to enhance community engagement – including digital platforms etc.</p>	42 (25.7)	34 (31.5)	6 (19.3)	19 (22.1)
<p><b>YOUNG PEOPLE AND INCLUSION</b> 6.7 How can we involve more young people in planning?</p>	21 (12.9)	29 (26.9)	1 (3.2)	11 (12.8)