

Investing in Planning - A consultation on resourcing Scotland's planning system

Summary of responses to the consultation

August 2024

Contents

Introduction	3
Summary of Findings	3
Content of this Report	3
Summary of Responses	4
Smarter Working	4
Proportionality	4
Processing Agreements	5
Certainty	8
Streamlining	9
Skills	10
Planning Hub	12
Raising Resources	16
Annual Inflation Linked Increase to Planning Fees	16
Setting Fees	19
Discretionary Charging	21
Unallocated Sites	23
Masterplan Consent Areas	24
Appeals	25
Online Transaction Charge	29
Energy	30
Prior Notification Approval	36
Shellfish	38
Prioritisation and Cumulation	39
Impact Assessment	41
Annex A: Respondents	43

Introduction

On 28 February we published Investing in Planning – A consultation on resourcing Scotland’s Planning System.

The [consultation](#) set out a range of proposals to support improvement in the delivery of planning services, including smarter ways of working, getting more people to consider a career in planning and alternative approaches to financing.

The consultation closed on Friday 31 May. We received 140 responses from a range of stakeholders who have been categorised into the following stakeholder categories:

- Community and Individuals
- Development, Property and Land Management Sector and Agents
- Key Agency and Other Public Sector
- Planning Authority
- Professional Representative Bodies
- Third Sector

Annex A includes a list of all respondents and a breakdown of respondents per category. Of the 140 responses to the consultation, 82 were submitted online via Citizen Space, our online consultation platform.

It should be noted that not all respondents answered or provided a view in response to every question, with some focussing on areas which were particularly relevant to them for example energy generation and shellfish farming.

Summary of Findings

There was general support for a number of the proposals in the consultation. We asked which proposal stakeholders would most like to see implemented and the two most popular proposals related to the introduction of a Planning Hub and introduction of an annual inflationary increase to planning fees.

There were, however, some proposals which a large number of respondents or the majority of respondents were opposed to. This included devolving the setting of planning application fees to planning authorities and an increased fee for development on sites which were not allocated within the development plan.

Throughout the consultation responses the issue of ring fencing and the need for additional resources to be reinvested within planning services was raised.

Content of this Report

We would like to thank all our stakeholders for responding to this consultation and providing a wealth of information to inform our next steps. We have considered the detailed comments provided in each of the 140 responses which were received. This report is not a full analysis and does not aim to reflect every viewpoint expressed in the consultation responses. It provides a summary of common themes submitted to this consultation. The full responses have been published online for all those organisations and individuals who gave permission to do so: [Investing in Planning: a consultation on resourcing Scotland’s planning system - Scottish Government consultations - Citizen Space](#)

Summary of Responses

Smarter Working

Proportionality

Question 1: Which assessments might benefit most from improved proportionality?

Responses to Question 1 by respondent category are set out in Table 1.

Table 1

Respondent category	Number of responses
Community & Individuals	14
Development, Property & Land Management Sector & Agents	38
Key Agency & Other Public Sector	6
Planning Authority	21
Professional Representative Bodies	3
Third Sector	3
Total	85

There were 85 responses to this question.

Some respondents referred to more general areas requiring increased proportionality, such as validation, Environmental Impact Assessments, NPF4's requirements and consenting processes. Many respondents identified that all examples of assessments mentioned within the consultation may benefit from proportionality. Most noted a cumulative impact of assessments causing time and resource implications for authorities, applicants and communities alike.

Development, Property and Land Management Sector and Agent respondents also welcomed the production of a standard format for Environmental Impact Assessment Reports through the Onshore Wind Sector Deal.

While some Planning Authorities indicated they were already seeking to take a proportionate approach to assessments, most noted that the need for assessments should be addressed on a case-by-case basis.

A number of assessments were noted by both authorities and applicants as potentially benefitting from a more proportionate approach. Many noted the need for increased proportionality in flood risk assessments, as well as transport, noise, retail impact, socio-economic impact, landscape and visual impact and biodiversity amongst others.

It was emphasised, particularly by some third sector respondents that proportionality particularly for environmental assessments, including biodiversity and drainage assessments, should not come at the cost of reducing environmental protection.

Processing Agreements

Question 2: To what extent do you agree that processing agreements are an effective tool for creating certainty in planning decision making timescales?

Responses to Question 2 by respondent category are set out in Table 2.

Table 2

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	0	4	4	3	4	12
Development, Property & Land Management Sector & Agents	5	15	2	12	5	24
Key Agency & Other Public Sector	1	2	2	0	0	4
Planning Authority	6	12	0	5	0	1
Professional Representative Bodies	0	2	2	1	0	4
Third Sector	2	1	1	0	0	4
Total	14 (10.0%)	36 (25.7%)	11 (7.9%)	21 (15.0%)	9 (6.4%)	49 (35.0%)

91 respondents answered this question with 87 respondents providing comments.

Some respondents were of the view that processing agreements could be a useful tool to project manage an application, however, there were concerns about the time and resource taken to draft agreements, how delivery would be resourced, the adherence to the dates and the buy in of other parties such as statutory and non-statutory consultees.

Some respondents queried the value of processing agreements and were suspicious of the motivations for using them, including reducing communities' involvement in the planning application process or circumventing statutory timescales.

Of those in support of processing agreements, reasons included providing certainty of timescales and process, including committee timescales, coordinating timescales with both internal and external consultees and the flexibility to amend them if timescales slip for whatever reason.

Question 3: Do you consider that current resourcing issues are impacting on the use of processing agreements?

Responses to Question 3 by respondent category are set out in Table 3.

Table 3

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	3	5	5	0	3	11
Development, Property & Land Management Sector & Agents	17	15	4	1	2	24
Key Agency & Other Public Sector	0	1	4	0	0	4
Planning Authority	10	9	1	2	1	1
Professional Representative Bodies	1	1	2	0	0	5
Third Sector	0	3	2	0	0	3
Total	31 (22.1%)	34 (24.3%)	18 (12.9%)	3 (2.1%)	6 (4.3%)	48 (34.3%)

92 respondents answered this question with 79 respondents providing comments.

Well over half of those of who answered the question, in particular, Planning Authorities and Development, Property and Land Management Sector and Agents, agreed that current resourcing issues were impacting on the use of processing agreements. Many highlighted that resourcing is affecting many services and not just the use of processing agreements. Some suggested that the additional bureaucracy of processing agreements was an issue, that they are being used to manage performance with limited resources rather than for their original purpose and that they are being affected by resource constraints outwith the council, such as with statutory consultees.

Those who disagreed that resourcing issues were impacting the use of processing agreements stated that in their experience processing agreements were taking account of resourcing issues which is being reflected in the timescales which are being agreed to.

Question 4: Would you be prepared to pay a discretionary fee to enter into a processing agreement?

Responses to Question 4 by respondent category are set out in Table 4.

Table 4

Respondent category	Yes	No	No view	Not answered
Community & Individuals	5	5	5	11
Development, Property & Land Management Sector & Agents	19	15	7	23
Key Agency & Other Public Sector	1	0	4	4
Planning Authority	2	3	16	3
Professional Representative Bodies	1	0	3	5
Third Sector	1	2	0	5
Total	29 (20.7%)	25 (17.9%)	35 (25.0%)	51 (36.4%)

89 respondents answered this question with 77 respondents providing comments.

There were mixed views, with slightly more respondents supporting the introduction of fees for processing agreements than those who were opposed. Planning authorities were fairly neutral on the issue, with slightly more in the Development, Property and Land Management and Agents category supporting it compared to those who opposed it.

Some of those who selected “no view” thought the question was aimed at applicants rather than themselves and that introducing fees may raise customer expectations.

Those opposing the introduction of charging for entering into a processing agreement considered that authorities should focus on streamlining processes and procedures to reduce timescales, highlighted their lack of legal standing and enforceability, that introducing fees could result in a two-tier system and that the additional income from discretionary fees may not overcome the issues which are affecting the delivery of processing agreements.

Those supporting the introduction of charging for entering into a processing agreement considered that fees should be standard across the country and proportionate to the scale of development. Many respondents who were in support of the introduction of fees agreed on the basis that the fee needs to support delivery of improved performance and agreed timescales.

Certainty

Question 5: What additional actions can we take to improve certainty in the planning process?

Responses to Question 5 by respondent category are set out in Table 5.

Table 5

Respondent category	Number of responses
Community & Individuals	15
Development, Property & Land Management Sector & Agents	54
Key Agency & Other Public Sector	6
Planning Authority	22
Professional Representative Bodies	5
Third Sector	4
Total	106

There were 106 responses to this question.

Suggestions as to what actions can be taken to improve certainty in the planning process were varied. Across all respondent categories, the importance of good communication and collaboration was noted.

Most Community and Individual respondents suggested improved engagement and openness at a local level would be beneficial not only in improving certainty, but also in improving communities trust in authorities and help them feel involved in the decision making process. Some Development, Property and Land Management Sector and Agent respondents echoed the need for better engagement and openness to increase certainty, including through pre-application discussions.

Some respondents suggested elected member training could also play a part in improving certainty, as this may contribute to more consistent and predictable decision making across authorities. Another action noted as having the potential to improve certainty was planning authorities adhering to statutory or other such agreed timescales, with a few respondents suggesting refunds or penalties if timescales are not met.

Validation was a common theme particularly from Planning Authorities and Key Agency and Other Public Sector respondents. Many of them suggested that issues with initial applications lacking necessary supporting information was a contributing factor, and that streamlining and standardising validation processes and creating clear guidance may ensure submission of higher quality applications.

Other suggestions included further investment in digital technology; better collaboration across the sector; a standardised approach to Section 75s; clearer guidance around the interpretation of NPF4, ensuring adequate staffing in planning authorities, elected member training, and the importance of a plan-led approach.

Streamlining

Question 6: Do you have further ideas on opportunities for streamlining, alignment or standardisation?

Responses to Question 6 by respondent category are set out in Table 6.

Table 6

Respondent category	Number of responses
Community & Individuals	11
Development, Property & Land Management Sector & Agents	41
Key Agency & Other Public Sector	5
Planning Authority	22
Professional Representative Bodies	5
Third Sector	2
Total	86

There were 86 responses to this question.

There was strong support for greater streamlining and standardisation across most stakeholder groups. The most common opportunity highlighted by respondents for streamlining processes centred around Section 75 planning obligations and the opportunity to create efficiencies through standard templates. It was also suggested that standard templates for assessments and conditions should be investigated. It was noted by some respondents that any streamlining and standardisation must not come at the expense of the quality of the planning service, and delivering good place making remains vital.

Within the Development, Property and Land Management and Agents sector, there was a common request for standardising schemes of delegation including thresholds for circumstances where applications should go to committee. That respondent category also suggested that improvements were required in the discharging of conditions and wanted local authorities to be prevented from using different approaches. The common example given for that was when authorities take a different approach to landscape and visual impact assessment.

As noted with the responses to the previous question, validation of applications was a common issue raised by planning authorities. A small number of respondents mentioned that better use of technology could be used to realise efficiencies. Streamlining of consenting processes was also suggested.

Skills

Question 7: Are there any skills actions which you think should be prioritised?

Responses to Question 7 by respondent category are set out in Table 7.

Table 7

Respondent category	Number of responses
Community & Individuals	8
Development, Property & Land Management Sector & Agents	47
Key Agency & Other Public Sector	5
Planning Authority	22
Professional Representative Bodies	5
Third Sector	2
Total	89

There were 89 responses to this question.

Many respondents across respondent categories, were generally supportive of all the skills actions outlined within the consultation.

Many across the different respondent categories supported prioritising the creation of a planning apprenticeship to increase the number of people entering the sector, and to ensure those that do, have the opportunity to gain sufficient hands on skills and experience. The lack of undergraduate planning based degrees currently available in Scotland was also highlighted as an issue, and funding for higher education was an issue raised throughout.

Many respondents emphasised the need to encourage more people to join the planning profession, which it was suggested may be achieved through the continuation of bursaries, increased involvement in careers fairs, and ensuring salaries, particularly in the public sector, remain competitive and attractive. Upskilling of existing staff was also a key issue highlighted by many respondents, including the need for training for elected members.

Question 8: Are there any skills actions not identified which you think would make a significant impact?

Responses to Question 8 by respondent category are set out in Table 8.

Table 8

Respondent category	Number of responses
Community & Individuals	8
Development, Property & Land Management Sector & Agents	30
Key Agency & Other Public Sector	6
Planning Authority	17
Professional Representative Bodies	5
Third Sector	3
Total	69

There were 69 responses to this question.

Many respondents echoed their support for skills actions that had already been outlined within the consultation. Upskilling local authority staff was a theme which emerged across respondent categories, both in specialisms, such as landscape, biodiversity and heritage, as well as non-technical and soft skills, such as project management, leadership, negotiation and conflict resolution. Others suggested further work could be done to attract and facilitate the movement of professionals from other built environment professions into the planning sector.

The need to promote planning as a career, both to school and university leavers and to those currently working in other related industries, was emphasised throughout.

Planning Hub

Question 9: Do you think that the concept of a ‘planning hub’, modelled on the Building Standards Hub would support authorities and deliver improvement in the system?

Responses to Question 9 by respondent category are set out in Table 9.

Table 9

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	2	8	3	2	2	10
Development, Property & Land Management Sector & Agents	14	27	2	0	0	20
Key Agency & Other Public Sector	2	5	1	0	0	1
Planning Authority	2	11	3	5	2	1
Professional Representative Bodies	0	5	0	1	0	3
Third Sector	0	4	1	0	0	3
Total	20 (14.3%)	60 (42.9%)	10 (7.1%)	8 (5.7%)	4 (2.9%)	38 (27.1%)

102 respondents answered this question with 112 respondents providing comments.

There was strong support for the principle of introducing a Hub, but recognition from the majority that there are a number of practical issues to overcome, including function and role, implementation, impartiality, conflict of interest and dealing with local flexibility. Many respondents asked for further details.

Development, Property and Land Management Sector and Agent and Key Agency and Other Public Sector respondents were unanimous in their support for a Hub, with planning authorities having more mixed views.

A few respondents recognised pressures outwith local authorities affecting the performance of the planning system and suggested that wider interests including key agencies and statutory consultees could be included as they are facing similar issues.

Respondents in favour of the Hub noted some of the advantages in the approach, including, providing better financial value than authorities individually contracting agency or consultant staff, and how a Hub could assist smaller authorities who may be likely to have a smaller pool of technical staff in house.

Concerns of respondents centred around the need for further information on how the Hub would work in practice. Some were concerned that if a Hub wasn't properly resourced it could be counterproductive and add further delay with a few stakeholders considering that it would create an additional layer of process or consultation. Others mentioned concerns about centralisation of decision making and questioned the level of demand. There was also concern about the available pipeline of staff and that a Hub could further exacerbate skills and staff shortages within authorities, further diluting in house expertise and longer term resilience.

The need to ensure a hub allowed for local issues and differences was frequently mentioned from stakeholders from all viewpoints with flexibility being cited as a key component in order to be consistent with the place agenda.

There was general recognition that the Building Standards Hub was not directly comparable due to the different systems and circumstances.

Question 10: Are there other ways a Hub could add value and provide support in the short and longer term?

Responses to Question 10 by respondent category are set out in Table 10.

Table 10

Respondent category	Number of responses
Community & Individuals	11
Development, Property & Land Management Sector & Agents	31
Key Agency & Other Public Sector	4
Planning Authority	19
Professional Representative Bodies	4
Third Sector	3
Total	72

There were 72 responses to this question.

This question provided a mix of responses, with some respondents restating some of the benefits and concerns about the principle of the Hub that were raised in response to question 9. Others mentioned a variety of priority topics for the Hub to focus on and the need for the provision of specialist staff. A few mentioned the opportunity to benchmark, sharing knowledge particularly in areas of new and emerging technology, whilst others felt there was a need for a Hub to host a register of specialist skills.

Whilst suggestions were very wide ranging, a central training role was mentioned by a number of respondents.

A few respondents felt that development management should not be the sole focus and there could be a role for the Hub in local development plans, enforcement and local place plans. A few respondents suggested specific parts of the system for the Hub to target including validation, standardisation through the provision of templates, and dispensing pre-commencement conditions.

A few respondents considered that a Hub should also provide support for agencies and one suggestion was for the hub to provide key stakeholder contacts to better support facilitation, mediation and collaboration.

Question 11: Which of the options do you think is most suitable, and why?

Responses to Question 11 by respondent category are set out in Table 11.

Table 11

Respondent category	Within Scottish Government	Within public organisation	Within a host authority	Other	No view	Not answered
Community & Individuals	2	5	2	3	4	11
Development, Property & Land Management Sector & Agents	14	6	8	4	7	24
Key Agency & Other Public Sector	0	2	0	2	2	3
Planning Authority	3	5	4	9	1	2
Professional Representative Bodies	0	2	0	0	2	5
Third Sector	1	1	1	0	1	4
Total	20 (14.3%)	21 (15.0%)	15 (10.7%)	18 (12.9%)	17 (12.1%)	49 (35.0%)

91 respondents answered this question with 69 respondents providing comments.

Respondent views on this question were mixed across and within stakeholder categories. The main area of consideration was around impartiality and managing potential conflicts of interest. Some respondents felt it premature to comment on this question until the scope of the Hub is confirmed. A number of respondents saw a connection between the work of the Improvement Service and the Hub and suggested that as a potential option.

Question 12: How do you think a Planning Hub could be resourced?

Responses to Question 12 by respondent category are set out in Table 12.

Table 12

Respondent category	Number of responses
Community & Individuals	13
Development, Property & Land Management Sector & Agents	36
Key Agency & Other Public Sector	5
Planning Authority	23
Professional Representative Bodies	2
Third Sector	4
Total	83

There were 83 responses to this question.

Around a third of respondents considered that the Hub should be funded through planning fees, with some specifically mentioning that it should be funded within existing fees and others mentioning the need to increase fees to provide for the Hub. A common request was for any increase in fees to be matched by performance improvements.

Around a quarter of respondents considered that a Hub should be centrally funded by Scottish Government with some stating that that they considered the Hub to be an important action that would contribute to a number of wider Scottish Government priorities and therefore it should be a central budgetary priority.

Others had mixed views and weighed up different approaches with several respondents noting that they were unable to consider funding until the function and role of the Hub is finalised.

There were very mixed views from authorities with some respondents considering a Hub should be centrally funded and others unsure but clear that it is not for authorities to fund. A number of authorities mentioned a pay per use approach but there were mixed views on whether that would work with the differences in authority circumstances and the likely difference in levels of demand.

Raising Resources

Annual Inflation Linked Increase to Planning Fees

Question 13: Do you agree that planning fees should increase annually in line with inflation?

Responses to Question 13 by respondent category are set out in Table 13.

Table 13

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	8	6	2	1	2	8
Development, Property & Land Management Sector & Agents	10	21	3	3	5	21
Key Agency & Other Public Sector	2	2	2	0	0	3
Planning Authority	20	3	0	0	0	1
Professional Representative Bodies	1	1	2	1	0	4
Third Sector	5	1	0	1	0	1
Total	46 (32.9%)	34 (24.3%)	9 (6.4%)	6 (4.3%)	7 (5.0%)	38 (27.1%)

102 respondents answered this question with 100 respondents providing comments.

80 respondents supported the introduction of an annual inflation increase to planning application fees. Some Development, Property and Land Management Sector and Agent respondents stated that planning fees should be ringfenced and be used to deliver improved planning services.

Some respondents, particularly those who provided partial support were keen to understand how a baseline would be identified, for instance would the first change account for inflation since the fees came into effect in 2022, this was particularly the case for some planning authorities.

Question 14: Is a calculation based on the 12 month Consumer Price Index the most appropriate mechanism?

Responses to Question 14 by respondent category are set out in Table 14.

Table 14

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	3	5	8	1	2	8
Development, Property & Land Management Sector & Agents	12	14	6	4	3	24
Key Agency & Other Public Sector	0	1	4	0	0	4
Planning Authority	8	3	12	0	0	1
Professional Representative Bodies	0	1	3	0	0	5
Third Sector	1	1	1	0	0	5
Total	24 (17.1%)	25 (18.9%)	34 (24.3%)	5 (3.6%)	5 (3.6%)	47 (33.6%)

93 respondents answered this question with 59 respondents providing comments.

49 respondents agreed that a calculation based on the 12 month Consumer Price Index (CPI) would be appropriate. Respondents suggested CPI was generally well understood, and the advantages of using a mechanism resulting in annual changes were noted when compared to ad-hoc increases, with applicants and authorities both able to better predict and plan for the future.

10 respondents disagreed with the use of CPI. Most respondents who disagreed noted they were not in favour of increases to fees unless directly linked to increased service levels from planning authorities. Others suggested that the Retail Price Index or wage inflation may be more appropriate

Question 15: Should an annual inflationary increase apply to: individual fees and increments, or individual fees, increments and maximums?

Responses to Question 15 by respondent category are set out in Table 15.

Table 15

Respondent category	Individual fees and increments	Individual fees, increments and maximums	No view	Not answered
Community & Individuals	1	9	8	9
Development, Property & Land Management Sector & Agents	4	19	11	29
Key Agency & Other Public Sector	0	1	4	4
Planning Authority	0	20	2	2
Professional Representative Bodies	0	2	2	5
Third Sector	0	0	1	7
Total	5 (3.6%)	51 (36.4%)	28 (20.0%)	56 (40.0%)

There were 84 responses to this question.

The option with the highest support was for individual fees, increments and maximums to be increased in line with inflation. Some respondents indicated that not increasing the maximums would result in those applications which would pay the highest planning fee irrespective of the inflation linked increase would be paying less than others and therefore other applicants and taxpayers would be subsidising the cost of their application.

Setting Fees

Question 16: What would be your preferred approach to how planning fees are set in the future?

Responses to Question 16 by respondent category are set out in Table 16.

Table 16

Respondent category	Number of responses
Community & Individuals	10
Development, Property & Land Management Sector & Agents	38
Key Agency & Other Public Sector	2
Planning Authority	23
Professional Representative Bodies	4
Third Sector	5
Total	82

There were 82 responses to this question.

A large majority of respondents supported the continuation of the current national approach to setting planning fees. All Development, Property and Land Management Sector and Agents were in favour of maintaining nationally set fees to ensure consistency and transparency. Some respondents also noted that the current scope for localised discretionary fees is sufficient.

Similarly, almost all Planning Authorities were in favour of maintaining a nationwide approach for setting fees. Most cited the need to ensure certainty and consistency for applicants across Scotland's planning system. Many authorities warned that devolving planning fees to Planning Authorities would produce significant administrative burdens and bureaucratic costs to authorities, with increased uncertainty producing additional enquiries and disputes with applicants. Others also noted the risk of devolved fees causing unnecessary competition between authorities.

One Planning Authority, COSLA (Convention of Scottish Local Authorities), and one Community and Individual respondent provided their support for devolved fee setting powers. Other respondents, while not necessarily supportive of devolved fees, acknowledged the potential benefit, noting that local authorities may be awarded further flexibility, the ability to encourage particular development, and the alleviation of some financial difficulties.

Other respondents also noted a desire to move away from the "salami slicing" of fees and to ensure the whole fee is clear up front upon the submission of the planning application.

Question 17: Are there key principles which should be set out in the event that fee setting powers are devolved to planning authorities?

Responses to Question 17 by respondent category are set out in Table 17.

Table 17

Respondent category	Number of responses
Community & Individuals	10
Development, Property & Land Management Sector & Agents	38
Key Agency & Other Public Sector	2
Planning Authority	21
Professional Representative Bodies	3
Third Sector	2
Total	76

There were 76 responses to this question.

A large number of respondents reiterated their opposition to the devolution of fee setting powers.

A number of respondents from those involved in the energy sector did not support devolving fee setting powers and stated that planning fees should be reinvested into planning rather than other council services. It was also highlighted that devolving fee setting powers could actually be an additional administrative burden for authorities in how they set fees and also dealing with enquiries from prospective applicants.

Some respondents who opposed the devolving of fee setting powers, indicated that there needs to be transparency around the fee and the authorities costs in determining applications and that the principles that currently underpin planning application fees should be retained.

A large number of those within the Development, Property and Land Management and Agents category reiterated their view that planning fees should be ringfenced. Whereas a number of planning authorities and some others referred to the need for planning fees to achieve full cost recovery. Some others suggested planning fees should extend beyond covering the cost of determining planning applications to Public Local Inquiries and other planning services.

Alternative approaches which were suggested included nationally set fees with provision for authorities to alter these within set parameters (minimum and maximum), allowing the phasing of payments tied to particular points in the planning application process, regular reviews of planning fees and some suggested that the range of discretionary services should be increased.

Discretionary Charging

Question 18: What other processes that support the determination of a planning application could authorities be given powers to charge at their discretion?

Responses to Question 18 by respondent category are set out in Table 18.

Table 18

Respondent category	Number of responses
Community & Individuals	8
Development, Property & Land Management Sector & Agents	29
Key Agency & Other Public Sector	3
Planning Authority	22
Professional Representative Bodies	2
Third Sector	4
Total	68

There were 68 responses to this question.

12 respondents disagreed with discretionary charges or extending them beyond what is currently allowed.

There was an incredibly mixed response to this question with some respondents expressing concerns about the current fees and service provided for pre-application discussions.

Although most of the respondents focussed on development management and enforcement functions at least one authority suggested that site assessment during the Local Development Plan process should be subject to a fee due to the work involved and the benefits of a site being allocated within a Local Development Plan.

Additional suggestions for discretionary charges included:

- Screening and Scoping of Environment Impact Assessments;
- Additional charge for applications which have failed validation multiple times;
- Extending discretionary charging beyond planning services or consents such as roads and flooding;
- Charging for preparation, negotiation, and monitoring of legal agreements;
- Charges for handling permitted development queries;
- In person meetings requested by applicant;
- Recharging of applicants where external advice required; and
- Accelerated/priority service.

Question 19: Do think the circumstances where a refund can be requested is set out as part of any published information regarding the introduction of a discretionary charge?

Responses to Question 19 by respondent category are set out in Table 19.

Table 19

Respondent category	Number of responses
Community & Individuals	5
Development, Property & Land Management Sector & Agents	36
Key Agency & Other Public Sector	2
Planning Authority	21
Professional Representative Bodies	3
Third Sector	3
Total	70

There were 70 responses to this question.

Many respondents agreed that the circumstances where a refund can be requested should be set out in any published information. It was suggested by many Development, Property and Land Management Sector and Agent respondents that they would expect a refund after being charged a discretionary fee if the required levels of service are not met, and having the circumstances set out in advance would ensure accountability and transparency. Some Planning Authorities also agreed and suggested that it would be fair and appropriate and may help to ensure consistency across local authorities in how refunds are applied.

However, many Planning Authorities did not agree and expressed a view against setting out the circumstances where a refund may be payable, noting that authorities should have discretion to refund a fee on a case by case basis. Others used this opportunity to express the opinion that refunds would not be appropriate and would add additional strain to existing resources in local authorities.

Unallocated Sites

Question 20: Do you agree with the principle that authorities should have discretionary powers to increase fees for a proposal on an unallocated site within the development plan?

Responses to Question 20 by respondent category are set out in Table 20.

Table 20

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	4	2	4	0	7	10
Development, Property & Land Management Sector & Agents	1	3	5	5	23	26
Key Agency & Other Public Sector	4	2	1	0	0	2
Planning Authority	6	9	0	4	3	2
Professional Representative Bodies	1	0	3	0	0	5
Third Sector	4	2	0	0	0	2
Total	20 (14.3%)	18 (12.9%)	13 (9.3%)	9 (6.4%)	33 (23.6%)	47 (33.6%)

93 respondents answered this question with respondents providing comments.

38 respondents were in favour of authorities having discretionary powers to increase fees for a proposal on an unallocated site within the development plan. Respondents in favour noted the additional costs for authorities associated with these proposals, and noted discretionary charges in these circumstances could help move Local Authorities closer to full cost recovery. Others in favour of this proposal noted this may discourage development on unallocated sites.

42 respondents were against the introduction of increased fees for applying to develop a site which is not included within the Local Development Plan. Many of those opposed to the proposal, particularly those involved in renewable energy, highlighted that sites for wind farms are not allocated within development plans. Other issues which were raised included the age of development plans, other types of development not included in development plans and challenging the assumption that authorities will have increased costs in determining applications on unallocated sites.

Masterplan Consent Areas

Question 21: Do you agree that planning authorities should be able to recoup the costs of preparing a Masterplan Consent Area through discretionary charging?

Responses to Question 21 by respondent category are set out in Table 21.

Table 21

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	0	4	3	0	7	13
Development, Property & Land Management Sector & Agents	2	11	15	4	4	27
Key Agency & Other Public Sector	3	2	2	0	0	2
Planning Authority	19	1	1	1	0	2
Professional Representative Bodies	0	2	1	1	0	5
Third Sector	1	1	1	0	0	5
Total	25 (17.9%)	21 (15.0%)	23 (16.4%)	6 (4.3%)	11 (7.9%)	54 (38.6%)

86 respondents answered this question with 70 respondents providing comments.

46 respondents supported the introduction of charges for the preparation and implementation of Masterplan Consent Areas (MCAs). For those supporting the introduction of charging, most agreed that authorities will incur costs in establishing MCAs and that it is only right that the authority has the ability to try and recover some of their costs.

Some respondents acknowledged that applicants or landowners could share the costs of the preparation process by carrying out any assessments or surveys. Other suggestions included a nationally set fee in order to provide certainty, the fee should be capped, fees only introduced where the landowner can't fund some of the planning authority or consultant fees or in the event that the cost was deducted from the land, that would result in a negative land value.

17 respondents were against this proposal. Key issues raised by these respondents included who any charge would be levied on, that any charge would need to be lower than that for applying for full planning permission and whether authorities should be investing resource in speculative proposals. Some suggested that MCAs are a bridge between local development plans and planning applications, and as development planning is a statutory responsibility there should not be charges.

Appeals

Question 22: Do you agree with the types of appeals that should incur a fee?

Responses to Question 22 by respondent category are set out in Table 22.

Table 22

Respondent category	Yes	No	No view	Not answered
Community & Individuals	4	5	5	13
Development, Property & Land Management Sector & Agents	11	22	6	24
Key Agency & Other Public Sector	2	0	4	3
Planning Authority	13	8	1	2
Professional Representative Bodies	0	0	3	6
Third Sector	4	1	1	2
Total	34 (24.3%)	36 (25.7%)	20 (14.3%)	50 (35.7%)

90 respondents answered this question with 77 respondents providing comments.

Some respondents restated their opposition to the introduction of fees for submitting a planning appeal. Those opposing the introduction of fees for appealing planning decisions considered that this could act as a barrier to justice and investment, one respondent considered that introducing fees would create a two-tier system where only those who can afford to can appeal a decision.

Of those in support, many highlighted that this would help cover the administrative costs involved in administering the appeal process, some respondents highlighted that there should be some process in place to stop authorities refusing applications as a potential income stream, Listed Building Consent was suggested as an additional type of application which should be included and there was disagreement about appeals against the non-determination of an application. Some respondents also suggested that where the decision was overturned the fee should be reimbursed to the applicant. Some authorities considered that the introduction of fees for appeals may encourage the submission of better quality applications and collaboration with the planning authority to make proposals acceptable.

Many authorities considered that appeals on non-determination should incur a fee, as significant work is required at the appeal stage to determine the application, however, at least one authority acknowledged that this could be viewed as double charging the applicant. Others suggested that applications where no fee is payable should also not have a fee applied to an appeal, this was particularly the case with Tree Works Consent. It was also suggested that where an application has been refused against officer recommendation, that no fee should be payable.

Question 23: Do you agree that setting the fee for applying to appeal the refusal of planning permission (to either the Scottish Government Planning and Environmental Appeals Division (DPEA) or the planning authority) is set as a percentage of the original planning application fee?

Responses to Question 23 by respondent category are set out in Table 23.

Table 23

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	2	5	5	0	4	11
Development, Property & Land Management Sector & Agents	4	14	4	0	18	23
Key Agency & Other Public Sector	0	3	3	0	0	3
Planning Authority	8	10	2	2	1	1
Professional Representative Bodies	0	1	2	0	0	6
Third Sector	2	2	1	0	1	2
Total	16 (11.4%)	36 (25.0%)	17 (12.1%)	2 (1.4%)	24 (17.1%)	46 (32.9%)

94 respondents answered this question with 72 respondents providing comments.

52 respondents were in support of setting fees as a proportion of the original application fee. Some respondents provided additional suggestions, including that a minimum and maximum are established in order to ensure that any fee covers the cost of the appeal process and that any fees do not act as a disincentive to appealing.

26 respondents disagreed with this proposal. Most of those who disagreed did so on the basis that they disagreed with the principle of introducing fees for appealing. However, most of the respondents did state that if a fee regime was to be introduced then a fee based on a percentage of the original application fee seemed to be the most appropriate method. However, there were some respondents who considered that the size of the development had no bearing on the complexity or amount of work involved in an appeal.

Question 24: If a percentage of fee approach to appeal charging was considered most appropriate, what level do you consider would be most appropriate to reflect volume of work by the Scottish Government Planning and Environmental Appeals Division (DPEA) or the Local Review Body?

Responses to Question 24 by respondent category are set out in Table 24.

Table 24

Respondent category	10%	20%	30%	40%	No View	Other	Not answered
Community & Individuals	0	2	0	1	7	5	11
Development, Property & Land Management Sector & Agents	6	4	2	0	9	16	26
Key Agency & Other Public Sector	0	0	0	0	4	1	4
Planning Authority	0	2	4	4	3	9	2
Professional Representative Bodies	0	0	0	0	3	0	6
Third Sector	0	0	0	0	1	3	4
Total	6 (4.3%)	8 (5.7%)	6 (4.3%)	5 (3.6%)	27 (19.3%)	34 (24.3%)	53 (38.6%)

86 respondents answered this question with 62 respondents providing comments.

20 respondents selected a fee rate of 10-30%, with the most common option being 20%. Respondents suggested this rate would strike a good balance between covering the administrative costs of handling an appeal while ensuring appeals are affordable for applicants.

While many respondents selected the “other” category, views expressed here ranged. Some suggested the appeal fee should directly reflect the amount of work done by an authority in processing the appeal. Many suggested the fee should be charged at 100% in order to do this, noting that appeals are as resource intensive as initial planning applications.

By contrast, some respondents who used the “other” category expressed the opinion that a fee should be a maximum of 5%. Many expressed the need to maintain fairness in the planning system, and to avoid discouraging applicants from pursuing an appeal.

Question 25: Do you agree that an authority should consider waiving or reducing an appeal fee where they have offered such a waiver on the related planning application?

Responses to Question 25 by respondent category are set out in Table 25.

Table 25

Respondent category	Strongly agree	Partially agree	No view	Partially disagree	Strongly disagree	Not answered
Community & Individuals	0	1	9	2	3	12
Development, Property & Land Management Sector & Agents	8	9	11	6	1	28
Key Agency & Other Public Sector	0	0	5	0	0	4
Planning Authority	7	4	4	3	4	2
Professional Representative Bodies	1	0	3	0	0	5
Third Sector	2	0	1	0	1	4
Total	18 (12.9%)	14 (10.0%)	33 (23.6%)	11 (7.9%)	9 (6.4%)	55 (39.3%)

85 respondents answered this question with respondents providing comments.

32 respondents expressed an opinion in favour of authorities waiving or reducing an appeal fee where the related application had its fee waived, including 11 planning authorities. Respondents In favour of waiving an appeal fee suggested this would ensure fairness and consistency within the planning system and supports equitable access to the appeals process.

20 respondents either partially or strongly disagreed with authorities waiving an appeal fee. Respondents who provided justification for their answer generally noted the costs incurred processing and considering an appeal as a reason against waiving or reducing an appeal fee.

Many respondents who expressed no view or did not answer the question and provided justification for this suggested that further information outlining under what circumstances a waiver or reduction could be applied would be required before they would be able to express an opinion.

Online Transaction Charge

Question 26: Do you have views on how a service charge for applying for planning permission or a building warrant online could be applied?

Responses to Question 26 by respondent category are set out in Table 26.

Table 26

Respondent category	Number of responses
Community & Individuals	6
Development, Property & Land Management Sector & Agents	34
Key Agency & Other Public Sector	2
Planning Authority	22
Professional Representative Bodies	3
Third Sector	1
Total	68

There were 68 responses to this question.

Over half of respondents to this question opposed the principle of an online transaction charge. Many commented that such a charge could deter online submission and would be contradictory to the principle of efficiency through digital solutions. Many also considered that the existing planning fee should cover costs incurred in processing applications. Some mentioned that it would be more appropriate to penalise those that do not use the online system and have a charge for hard copy submission to reflect additional costs for the decision maker.

For those that supported such a charge, there was common support for it to be a small and proportionate flat fee. There was also an expectation that any charge should be directly reinvested into planning and service improvements.

Question 27: What other options are there to resource the operation and improvement of the eDevelopment service?

Responses to Question 27 by respondent category are set out in Table 27.

Table 27

Respondent category	Number of responses
Community & Individuals	6
Development, Property & Land Management Sector & Agents	26
Key Agency & Other Public Sector	3
Planning Authority	19
Professional Representative Bodies	3
Third Sector	0
Total	57

There were 57 responses to this question.

Responses to this question were mixed, with many of the issues expressed in question 26 repeated. Respondents saw the value in investment in technology to streamline processes and reduce administrative burdens and some considered that it should be prioritised and resourced as it is a key tool to enable the effective operation of the system. There was some criticism of the existing eDevelopment system and its limitations and of Government’s decision to pause the digital planning programme. Some felt that the planning fee should cover costs for eDevelopment and others felt it was for the Scottish Government to fund. A few respondents mentioned annual subscriptions for users of the system, and the potential for sponsorship to cover resourcing pressures.

Energy

Question 28: Should the current threshold of 50MW for applications for electricity generation which are to be determined by authorities be altered?

Responses to Question 28 by respondent category are set out in Table 28.

Table 28

Respondent category	Yes	No	No view	Not answered
Community & Individuals	15	0	10	2
Development, Property & Land Management Sector & Agents	5	18	16	24
Key Agency & Other Public Sector	2	0	3	4
Planning Authority	15	2	6	1
Professional Representative Bodies	1	0	2	6
Third Sector	3	0	3	2
Total	41 (29.3%)	20 (14.3%)	40 (28.6%)	39 (27.9%)

101 respondents answered this question with 83 respondents providing comments.

There were mixed views on whether the current threshold of 50MW for applications for electricity generation which are to be determined by authorities should be altered.

Development, Property and Land Management Sector and Agent respondents represented the majority of those not in favour of the proposal. Reasons included insufficient local authority resourcing and capacity, with associated risks of non-determination and delays, increased uncertainty for investment, the benefit of strategic Energy Consents Unit overview and specialism, national rather than local political will for renewables, no performance improvement, potential blocking of development in local authority areas where there is already a bias against wind farm development and undermining of efforts to meet net zero/renewables targets. There was further suggestion that a development class designated as national importance should not be delegated to local authorities.

The majority of respondents from the Planning Authorities, Communities and Individuals, and Third Sector groups were in favour of the threshold being increased. Reasons for this included greater local autonomy and community involvement in decision making, primacy of the development plan, shorter timescales for determination as a planning application, additional fees for local authorities, benefit of monitoring responsibilities lying with the decision maker and the capacity thresholds not reflecting technology advances/ the need to protect Energy Consents Unit resources for larger scales sites which are of national importance.

Several respondents requested further information on the implications of any change for example on the number of applications affected etc. There was also further comment from both sides on potential positives and negatives if the threshold changed the development plan status for applications over 50MW.

Question 29: Should different thresholds apply to different types of generating stations?

Responses to Question 29 by respondent category are set out in Table 29.

Table 29

Respondent category	Yes	No	No view	Not answered
Community & Individuals	4	7	8	8
Development, Property & Land Management Sector & Agents	7	14	17	25
Key Agency & Other Public Sector	2	1	2	4
Planning Authority	12	4	6	2
Professional Representative Bodies	0	0	3	6
Third Sector	1	1	2	4
Total	26 (18.6%)	27 (19.3%)	38 (27.1%)	49 (35.0%)

91 respondents answered this question with 62 respondents providing comments.

Views were mixed with no predominantly shared view within sectors. Many also linked the megawatt threshold to fees in their responses and highlighted the need for adequate resourcing and cost recovery.

A need to keep things simple and avoid complexity and confusion when identifying the correct threshold especially as hybrid technology applications are becoming more common, was highlighted. Others however, suggested a one-size-fits-all approach to thresholds may not be practical, as different technologies have varying impacts and land use requirements. Technology advancements was also given as a reason in support of different thresholds being applied to different types of generating stations. Several respondents suggested the threshold should be increased for Battery Energy Storage Systems while another promoted threshold increases for solar.

There was also a suggestion that the threshold change should be tailored to end uses (e.g. commercial or on-site).

Question 30: What would be the resource implications of increasing the threshold for the determination of applications for onshore electricity generating stations?

Responses to Question 30 by respondent category are set out in Table 30.

Table 30

Respondent category	Number of responses
Community & Individuals	12
Development, Property & Land Management Sector & Agents	26
Key Agency & Other Public Sector	3
Planning Authority	20
Professional Representative Bodies	2
Third Sector	3
Total	66

There were 66 responses to this question.

There was a general acknowledgement that due to current resourcing issues within planning authorities, additional caseload may be a burden unless they were able to build capacity and expertise. There was also recognition that some local authority areas would be much more impacted by threshold changes than others. Some respondents noted that a change to thresholds would also have resourcing implications for Scottish Government Energy Consents Unit and Planning and Environmental Appeals Division.

A number of local authorities suggested a change to the threshold may cause increased administrative costs (such as through validating, consultation, representation, decision notices and legal agreement negotiations). However, several noted that the planning authority already carries out an assessment of the proposal, and changing the thresholds would result in an increase in fee for this work. One respondent suggested it would enhance the status of local democracy and decision making.

Question 31: If Scottish Government were to make a voluntary contribution equivalent to a percentage of the offshore electricity fee to authorities, what level of contribution would be appropriate to support some recovery of costs? Please provide justification for your answer.

Responses to Question 31 by respondent category are set out in Table 31.

Table 31

Respondent category	Number of responses
Community & Individuals	6
Development, Property & Land Management Sector & Agents	14
Key Agency & Other Public Sector	2
Planning Authority	14
Professional Representative Bodies	1
Third Sector	0
Total	37

There were 37 responses to this question.

Some suggested it was not made clear in the consultation who would be providing the voluntary contribution (e.g. if the overall fee would increase, if a proportion of the existing fee would be distributed, or whether Scottish Government would provide the funding from general taxation). Common themes were that the overall fee should not increase, that local authorities should be able to recover their costs and users of the planning system should contribute towards funding it.

Regarding a percentage – suggestions ranged from 20% to 75%. There were suggestions that more evidence is needed on the resource implications for local authorities in undertaking the work and the need for a contribution to be proportionate to the work undertaken. Questions were also raised as to how other consultees would be funded, what happens where more than one authority is to be consulted, whether there would be funding for inquiries, and the timing of any funding.

Question 32: Should we introduce a new category of development for applications for hydrogen projects? If so, how should these fees be set/calculated?

Responses to Question 32 by respondent category are set out in Table 32.

Table 32

Respondent category	Yes	No	No view	Not answered
Community & Individuals	4	2	9	12
Development, Property & Land Management Sector & Agents	12	5	18	28
Key Agency & Other Public Sector	2	0	3	4
Planning Authority	19	0	3	2
Professional Representative Bodies	0	0	3	6
Third Sector	1	1	2	4
Total	38 (27.1%)	8 (5.7%)	38 (27.1%)	56 (40.0%)

84 respondents answered this question with 62 respondents providing comments.

There is strong support from respondents for a new category of development for applications for hydrogen projects. Those that disagreed suggested that there should be better clarity on the existing fee category as there are inconsistencies in approaches between authorities. The resourcing of the Health and Safety Executive was also raised.

Those in favour of the proposal believe it would increase consistency between authorities and prevent hydrogen applications being an additional resource burden on planning authorities. There were various suggestions on how a fee should be calculated including based on the project scale and complexity; match the current hydro-electric or solar electric development category; be based on site area; be based on outputs rather than land take; and through a hybrid model. Others considered it should be subsidised/supported by Scottish Government to support new technologies.

Question 33: Are there different considerations for hydrogen production when compared with proposals which are concerned only with storage and distribution?

Responses to Question 33 by respondent category are set out in Table 33.

Table 33

Respondent category	Yes	No	No view	Not answered
Community & Individuals	8	0	7	12
Development, Property & Land Management Sector & Agents	12	1	21	29
Key Agency & Other Public Sector	3	0	2	4
Planning Authority	16	0	6	2
Professional Representative Bodies	0	0	3	6
Third Sector	2	0	2	4
Total	41 (29.3%)	1 (0.7%)	41 (29.3%)	57 (40.7%)

83 respondents answered this question with 57 respondents providing comments.

There was general agreement across sectors that there are different considerations for hydrogen production compared to proposals which are concerned with storage and distribution.

Respondents outlined various differences between these types of proposals including the differing levels of emissions, water usage, chemical processes and the scale and impact of the sites. Many respondents across sectors noted that the additional health and safety risks of hydrogen production should be taken into consideration. There was a general agreement amongst respondents that considerations within the planning process should be proportionate to the complexity of the proposal.

Prior Notification Approval

Question 34: Do you agree that the standard £100 which applies to most prior notification and approval applications is appropriate?

Responses to Question 34 by respondent category are set out in Table 34.

Table 34

Respondent category	Yes	No	No view	Not answered
Community & Individuals	5	6	5	11
Development, Property & Land Management Sector & Agents	12	2	18	31
Key Agency & Other Public Sector	1	1	3	4
Planning Authority	3	21	0	0
Professional Representative Bodies	0	0	3	6
Third Sector	2	0	2	4
Total	23 (16.4%)	30 (21.4%)	31 (22.1%)	56 (40.0%)

84 respondents answered this question with 60 respondents providing comments.

Across all respondent categories, there was a mix of views on this issue.

Those within the Development, Property and Land Management and Agents category generally agreed that the fee was appropriate. It was suggested that any proposed increase would serve as a deterrent to current practice and less uptake of permitted development rights (PDR). Mention was made that any fee increase should be in line with inflation, fees being ringfenced and comments made around removing the prior notification process. Those within this category that disagreed, thought that fees should be set following an exercise to identify what the expected cost implications for determining prior notification/approval is. It was suggested that the fee should increase annually with indexation which would assist with meeting demands on planning authority resources.

Most of the responses from planning authorities advised that their resources amounted to more than £100 in terms processing and that the fee should be higher to reflect this. One authority thought we could draw on English fees as they are mostly low but increase in relation to scale or complexity. Another suggested an increase of 50% and another view was that a sliding scale should be introduced, based on the scale and complexity of a case. Most in this category took the opportunity to object strongly to the prior notification process. In this vein, views were expressed that no value was added and the “halfway house” process causes confusion to planning officials and the public. It was suggested that a wholesale review should be considered and many considered that the prior notification/approval process should be abolished.

A few authorities felt the fee was appropriate and proportionate, particularly given a higher fee was set for certain type of developments.

Question 35: Are there particular PDR classes where you think the current fee should be amended? If so, please explain why that is considered to be the case.

Responses to Question 35 by respondent category are set out in Table 35.

Table 35

Respondent category	Number of responses
Community & Individuals	2
Development, Property & Land Management Sector & Agents	10
Key Agency & Other Public Sector	2
Planning Authority	20
Professional Representative Bodies	0
Third Sector	0
Total	34

There were 34 responses to this question.

Telecom providers considered there was no reason or rationale to increase the fee within Class 67. It was considered by many planning authorities that there was scope to review the fee associated with the telecommunications classes given the burden is extensive due to the onerous processes involved.

Some authorities thought that the fee could also increase for domestic wind turbines, the new PDR on replacement windows, railway works, agricultural/forestry buildings and conversion of agriculture to residential on the basis that the assessment work is more involved.

Comments were made by planning authorities, key agencies and other organisations that, given the targets for peatland restoration (Class 20A) and the public benefit to tackling the climate crisis, consideration should be given to remove the prior notification process or reduce the fee for this development type. It was also raised that it may be more appropriate to review whether all the actions included in Class 20A are development rather than just reviewing the fee.

Some considered that coal authority matters tend to require more work and the fee should be significantly uplifted. It was also considered that rail activity, which currently attracts no fee, should attract a fee.

It was suggested by a few planning authorities that a higher fee (between £2,500-£5,000) be imposed for fish farming PDR under Class 21A and Classes 21B to 21J should be increased to a minimum of £500 to enable more proportionate cost recovery. This was based on the detailed assessment involved.

Shellfish

Question 36: Would a reduction of the current fee (£200 per 0.1 hectare) be an appropriate approach to resolving this issue?

Responses to Question 36 by respondent category are set out in Table 36.

Table 36

Respondent category	Number of responses
Community & Individuals	1
Development, Property & Land Management Sector & Agents	3
Key Agency & Other Public Sector	1
Planning Authority	4
Professional Representative Bodies	1
Third Sector	0
Total	10

There were 10 responses to this question.

Most respondents supported a reduction of the current fee, and suggested the proposed reduction would be a logical compromise. However, the need to ensure that the fee is interpreted consistently across planning authorities was emphasised to ensure certainty for applicants. One respondent suggested that the fee should be removed completely. Another respondent suggested fees should accurately reflect the cost of determining a shellfish farm application.

Question 37: What would you consider to be a reasonable fee for shellfish farm applications? (Please elaborate on your answer using an average shellfish farm development (5 x 220m twin-headline longlines at 20m spacing with 30m end moorings) as an example.)

Responses to Question 37 by respondent category are set out in Table 37.

Table 37

Respondent category	Number of responses
Community & Individuals	1
Development, Property & Land Management Sector & Agents	3
Key Agency & Other Public Sector	1
Planning Authority	6
Professional Representative Bodies	1
Third Sector	0
Total	12

There were 12 responses to this question.

Of those who responded to the question and provided a view, £125 per 0.1 hectare of surface area was the most supported with respondents recognising that £100 per 0.1 hectare would revert the fee back to that pre April 2022, therefore applying a fee of £125 per 0.1 hectare would provide some additional resource to planning authorities. However, shellfish farm operators and representatives were of the view that the fee should be lower and that Scottish Government provide guidance on the interpretation of the applicable site area which should be used for calculating the fee.

Prioritisation and Cumulation

Question 38: Which proposal would you most like to see implemented?
Please explain the reason for your answer.

Responses to Question 38 by respondent category are set out in Table 38.

Table 38

Respondent category	Number of responses
Community & Individuals	4
Development, Property & Land Management Sector & Agents	26
Key Agency & Other Public Sector	3
Planning Authority	21
Professional Representative Bodies	3
Third Sector	2
Total	58

There were 58 responses to this question.

Overall, the most common actions identified as priorities were those relating to the creation of a planning hub and the increase of fees annually in line with inflation.

Other common themes for private sector interests included the creation of a proportionality short life working group, increased standardisation, better collaboration and digital advancement. A review of (and potential removal of) the Prior Notification and Approval process was also identified as a preferred priority for many authorities.

Question 39: Do you have other comments on the cumulative impact of the proposals?

Responses to Question 39 by respondent category are set out in Table 39.

Table 39

Respondent category	Number of responses
Community & Individuals	4
Development, Property & Land Management Sector & Agents	22
Key Agency & Other Public Sector	2
Planning Authority	20
Professional Representative Bodies	3
Third Sector	1
Total	52

There were 52 responses to this question.

Some respondents welcomed the implementation of the proposals, suggesting the cumulative impact would be a move towards a fully funded and efficient planning system. Others raised concerns of the potential costs of the proposals.

Development, Property and Land Management Sector and Agent respondents often cited concerns that the increased costs associated with these proposals should not unfairly impact applicants or place additional burdens upon them to fund the planning system. Many warned this may impact future investment by developers into Scotland. Similarly, some planning authorities expressed concerns that the implementation of proposals must be done carefully to avoid additional costs and resource restraints upon already stretched councils. While most Planning Authorities welcomed increased fees as a means to move towards full cost recovery, many also emphasised the need to avoid discouraging development through excess burdens on applicants.

Question 40: Do you have other ideas to help resource the planning system?
Please set out how you think the proposal could be resourced.

Responses to Question 40 by respondent category are set out in Table 40.

Table 40

Respondent category	Number of responses
Community & Individuals	9
Development, Property & Land Management Sector & Agents	24
Key Agency & Other Public Sector	4
Planning Authority	20
Professional Representative Bodies	1
Third Sector	2
Total	58

While there were 58 responses to this question, many echoed suggestions within the consultation.

Impact Assessment

Question 41: Please provide any information on the potential impacts of our proposals to assist with preparation of the following impact assessments:

- Business and Regulatory Impact Assessment
- Equality Impact Assessment
- Islands Communities Impact Assessment
- Child Rights and Wellbeing Impact Assessment
- Fairer Scotland Duty
- Strategic Environmental Assessment

Responses to Question 41 are set out in Table 41.

Table 41

Option	Total	Percent
Business and Regulatory Impact Assessment	6	4.3%
Equality Impact Assessment	4	2.9%
Islands Communities Impact Assessment	4	2.9%
Children's Rights and Wellbeing Impact Assessment	4	2.9%
Fairer Scotland Duty	4	2.9%
Strategic Environmental Assessment	6	4.3%
Not Answered	129	92.1%

Responses to Question 41 by respondent category are set out in Table 42.

Table 42

Respondent category	Number of responses
Community & Individuals	4
Development, Property & Land Management Sector & Agents	7
Key Agency & Other Public Sector	0
Planning Authority	4
Professional Representative Bodies	0
Third Sector	0
Total	15

A small number of respondents gave general comments in response to this question on impact assessments. A few mentioned the importance of giving consideration to island and rural communities, and that cost increases should not affect disadvantaged communities. Others noted that fast tracking applications would impact on the environment and that any increases in costs should reduce burdens and enhance user experience of the planning system.

Annex A: Respondents

Table 44 shows the number of respondents per respondent category.

Table 44

Respondent category	Number of responses
Community & Individuals	27
Development, Property & Land Management Sector & Agents	63
Key Agency and Other Public Sector	9
Planning Authority	24
Professional Representative Bodies	9
Third Sector	8
Total	140

The following lists organisations under each category (where permission has been given to name the organisation).

Community and Individuals

- 27 individuals or community representatives responded.

Development, Property and Land Management Sector and Agents

- Arisaig mussels
- Asda Stores Limited
- Association of Scottish Shellfish Growers
- Avison Young on behalf of Aldi Stores Ltd.
- Bancon Homes
- Barratt David Wilson Developments
- Cala Homes (West) Limited
- Crosswind Developments
- Cundall Johnston & Partners LLP
- Dundas Estates and Development Company Ltd
- EDF Renewables
- EPower Limited
- Field Energy
- Fred. Olsen Renewables
- Homes for Scotland
- Galileo Empower UK Ltd
- Green Cat Renewables Ltd
- GreenPower International
- Lidl Scotland
- McTaggart Construction Limited
- Miller Homes
- Mineral Products Association Scotland
- Mobile Infrastructure Forum (MIF)
- Muirhall Energy
- Ogilvie Homes Limited

- Prosper
- Renewable Energy Systems Ltd
- RWE
- Salmon Scotland
- Savills on behalf of Landsec U+I
- Savills UK Limited
- Scotia Homes Ltd
- Scottish Environmental Services Association
- Scottish Land & Estates
- ScottishPower
- Scottish Power Energy Networks
- Scottish Property Federation
- Scottish Renewables
- Seafood Shetland
- Solar Energy UK
- South of Scotland Enterprise
- Springfield Properties PLC
- SSEN Transmission
- SSE Renewables
- Statkraft UK Ltd
- St Clair Residential
- Storegga Ltd
- Taylor Wimpey UK Limited
- The Scotch Whisky Association
- Vattenfall AB
- Wheatley Group
- Whiteburn Projects Ltd.
- wind2
- 10 respondents who did not want their responses to be published

Key Agency and Other Public Sector

- Architecture & Design Scotland
- COSLA
- Heads of Planning Scotland (HOPS)
- Historic Environment Scotland
- Key Agencies Group
- NatureScot
- Planning Aid Scotland
- RSPB Scotland
- Scottish Environment Protection Agency

Planning Authority

- Aberdeen City Council
- Aberdeenshire Council
- Argyll and Bute Council
- City of Edinburgh Council
- Comhairle nan Eilean Siar

- Dumfries & Galloway Council
- East Ayrshire Council
- East Dunbartonshire Council
- East Renfrewshire Council
- Fife Council
- Glasgow City Council
- Local Aquaculture Authorities Group
- Moray Council
- North Lanarkshire Council
- Renfrewshire Council
- Scottish Borders Council
- Shetland Islands Council
- Stirling Council
- The Highland Council
- West Dunbartonshire Council
- West Lothian Council
- 3 planning authorities who did not want their response to be published

Professional Representative Bodies

- Association of Local Government Archaeological Officers
- Built Environment Forum Scotland (BEFS)
- Conservation Officers Group
- CBI Scotland
- Edinburgh Chamber of Commerce
- Law Society of Scotland
- The Royal Incorporation of Architects in Scotland
- The Royal Town Planning Institute Scotland
- 1 respondent who did not want their response to be published

Third Sector

- APRS - Action to Protect Rural Scotland
- Grow Green Scotland
- Help Save Mochrum Fell
- Housing and Place Delivery Forum
- John Muir Trust
- Places for People
- Planning Democracy
- Scotland Against Spin



© Crown copyright 2024



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83601-632-8 (web only)

Published by The Scottish Government, August 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1489378 (08/24)

W W W . g o v . s c o t