

Investing in Planning

**A consultation on resourcing Scotland's
planning system**

February 2024

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Foreword

Every day, planning makes a difference to all of our lives. It can enable good quality development, inspire and motivate people to get involved in shaping their neighbourhoods, and protect and enhance our environment. Planners have unique skillsets. They deploy a wide range of expertise: from creativity and imagination to analysis; decision making; problem solving; communication; negotiation; and practical delivery. Planning takes patience, hard work and integrity. Planners, and all those they work with, have an unparalleled opportunity to leave a positive and lasting legacy for generations to come.

Since taking on responsibility for planning last year, I have heard a lot about the challenges of resourcing the public sector planning service. Timescales for planning decisions are not improving despite lower numbers of new applications entering the system in recent months, and the capacity of local authority planning teams has reduced over time. This adds pressure to already challenging workloads, at a time when we need our planners to seize the opportunities for investment in our places and drive forward positive change.

In the coming year I will do all I can to bring people together to find solutions, so that planning can facilitate change, rather than being perceived as a barrier to investment.

As Minister for local government empowerment, as well as planning, I will work closely with COSLA to ensure this empowers local councils to make sustainable choices about future resource. We need to address a wide range of issues which are affecting capacity and to ensure that fees are more closely related to the cost of the services being provided. I am also determined to work with planners to look ahead to the future pipeline of professionals, and to encourage more people to choose planning as a career. My Ministerial colleagues recognise the challenges for the planning system too, and are working with me to help find solutions. However, the Scottish Government cannot achieve this on its own. A determined and collective effort will be required to make a measurable difference and put our planning profession on a stronger footing so we can all respond to the challenges ahead through a 'Team Scotland' approach.

This is an important consultation which will directly inform how we go about improving resourcing of the planning service, in the immediate future and for years to come. I would encourage everyone with an interest in the future of our places – and their role in supporting our economy, environment and people – to share their views and consider what contribution they can make to help us deliver change.

Joe FitzPatrick MSP, Minister for Local Government Empowerment and Planning

Shona Robison, Deputy First Minister and Cabinet Secretary for Finance

Planning is a key lever for delivering cross-government priorities and enabling development and infrastructure delivery. National Planning Framework 4 brings those priorities together in our plan for a fairer and greener future and local authorities are taking this forward in new plans for their areas. These plans will provide a collective vision for our future places and will help us all to deliver real change. We are committed to doing all we can to improve the capacity of planning authorities to provide a first class service and to enable investment. Given current financial challenges, and in the spirit of public service reform, now is the time to find creative solutions to resourcing challenges, including new ways of working in partnership with industry as well as communities.

Mairi Gougeon, Cabinet Secretary for Rural Affairs, Land Reform & the Islands

Rural and island areas need a planning system that recognises their specific and unique circumstances. We must recognise the importance of delivering housing and supporting rural business in our rural island areas, enabling us to tackle the challenges of depopulation. I hope this consultation will help us to find solutions to the specific challenges for resourcing that planning authorities in rural areas have to contend with, including higher development costs and recruitment challenges.

Màiri McAllan, Cabinet Secretary for Wellbeing Economy, Net Zero & Energy

Planning is a strong lever for ensuring we achieve net zero by 2045. National Planning Framework 4 places the climate and nature crises at the heart of our planning system and ensures that all planning decisions help us to meet our net zero ambitions. We have unprecedented opportunities for growing our wellbeing economy and to do that we need to ensure that authorities are resourced to help accelerate development and facilitate our green transition. In addition to ensuring planning processes are streamlined and efficient, it is vital that we find ways to ensure we have the right skills to support our transition. I would encourage all users of the planning system to contribute to this consultation.

Shirley Anne Somerville, Cabinet Secretary for Social Justice

Our communities need a planning system that gives a voice to everyone. Planning makes a vital contribution to delivering more warm and affordable homes, and its long-term perspective will ensure that we can accommodate the diverse needs of our changing population. This consultation is an excellent opportunity to find solutions to resourcing and capacity challenges, so that planning is better placed to help communities to shape their own places, and enables good quality development that helps to address longstanding inequalities in society.

An Efficient, Effective and Well-Resourced Planning System

1. The Scottish Government is committed to working with all stakeholders to ensure that the planning system is better equipped to deal with current and future challenges. We must build capacity and skills to enable good quality development that improves places, benefits our quality of life, and helps us grow a wellbeing economy and transition to net zero.
2. This consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system, in particular in planning authorities, in the coming years.
3. There is no simple answer to the challenge of resourcing planning – we live in financially constrained times and even if money was to be found, there is a complex set of circumstances to address. This consultation responds to current and future challenges, with a view to identifying actions that could improve the capacity of the planning system by helping build resilience and by strengthening cross sector collaboration.
4. Although money is not the sole solution, we need to ensure that planning authorities are financially resourced to deliver on our ambitions. Our [Scottish Budget 2024/25](#) sets out our spending plans to deliver against our three central missions of equality, opportunity and community. The economic conditions remain challenging as inflationary pressures continue on households, businesses and public services.
5. Working within this context, this consultation sets out a number of proposals which aim to increase the financial resources available to authorities.
6. We recognise that changes to planning application fees and the potential introduction of additional charges comes at a time when applicants have been affected by other increases to development costs due to the impacts of Brexit, the pandemic, the war in Ukraine and the cost of living crisis. National and local government have also been impacted by these events, and this adds to the case for urgently addressing a significant shortfall in funding to cover the costs of services provided.

Current Challenges

7. Work to improve resourcing in planning has been underway for some time. However, the planning system is now operating within a very different and challenging set of circumstances. Specific issues are covered in more detail in later sections, but a number of overarching issues frame the discussion.

8. **Local authorities continue to face financial pressure and planning services have not been immune to this, with reductions in budgets leading to reductions in staff.** [Research by RTPI Scotland](#) has shown that planning has experienced the largest reduction in expenditure out of every local authority service in Scotland since 2010/11 (expenditure has reduced by 28.6%). Planning departments have also seen a 16% reduction in their workforce, and it is now at its lowest level in 5 years – a total of 1205 members of staff in local authorities. The latest rise in fees has had a varying impact on planning authorities throughout Scotland. In many cases this has simply allowed existing posts to be retained rather than lost in response to budgetary constraints. Some planning authorities have seen reinvestment back into the service, and improved access to specialist skills, but the situation remains challenging. In 2020 [Skills Development Scotland](#) undertook research which identified that 550-600 planners would be required to meet replacement demand due to retirements and that an additional 130 planners would be required to cover a projected 11% growth in the planning sector up to 2030.
9. **There are growing demographic challenges for the planning workforce.** The RTPI Research shows that 39.6% of the planning workforce is reported to be older than 50 with reductions in the numbers of planners in younger age bands. Current trends show that those entering the sector will not meet the demand required. Negative headlines will have done little to help encourage new entrants to the system and are likely to be accelerating the loss of experienced staff from planning authorities. Staff retention in the public sector is a widely reported challenge (and in particular beyond the major cities), with a combination of ‘push’ and ‘pull’ factors ranging from planners having to deal with public criticism, often fuelled by social media, to better offers arising in the private sector. It should be noted that skills shortages are reported to extend beyond councils to include consultancies and the development sector.
10. **The wider jobs market for planning professionals is also challenging, with similar shortages in other parts of the UK and Ireland.** [National data compiled by the RTPI](#) suggests planners are increasingly employed in the private sector (50%), and that the number of planners working in the public sector across the UK reduced by a quarter between 2009 and 2020. Remuneration of professional planners has also not kept pace with inflation and is in sharp decline.
11. **Compounding these challenges, the development sector, business and industry are facing significant challenges arising from the economic context.** The construction sector has been particularly impacted by inflation, affecting the cost of materials, as well as a challenging labour market. The cost of living crisis has further exacerbated resourcing challenges, not least in terms of the impact it has had on day to day running costs. Business organisations have called for work to be done to accelerate the planning process to ensure there is a supportive context for development proposals, and to minimise delays and associated costs. Whilst in many cases planning authorities work positively with applicants, there is a recognition that resourcing remains the most significant barrier to progress in improving performance. Even if views and concerns are not necessarily borne out by statistical information which shows some improvement, perceptions have a direct influence on investor confidence.

12. **The pace of change is also a significant factor.** Particularly as a result of net zero commitments, planners are increasingly having to develop an understanding of new technologies and their impacts. Whilst the introduction of National Planning Framework 4 and its firm commitments to net zero may have accelerated this further during 2023, positive work is ongoing to develop a shared understanding of the policies which in turn will help to improve consistency as familiarity grows. The housing sector is also increasingly experiencing change and significant difficulties as a result of a wide range of factors, and this is adding to the pressure on planning authorities.

Moving Forward – A Shared Commitment to Change

13. There is consensus that action is now required. Whilst we have previously taken forward a number of initiatives to improve resourcing in the planning system, the time is right to develop this into a stronger and more coherent programme of work to tackle these challenges. This needs to include a range of solutions, from skills, recruitment and retention, to improved financial arrangements.

14. The [Verity House Agreement](#) and the [New Deal for Business](#) set out how the Scottish Government intends to work collaboratively with others to tackle: poverty; deliver a just transition to net zero; and provide sustainable public services. Each of these priorities encompasses a breadth of existing activity and flexibility will be required to maximise impact.

15. In the spirit of this commitment to collaborative working, on 20 November 2023 we hosted a cross sector workshop to identify practical solutions to support efficient and effective operation of the planning system. The [workshop outputs](#) include a series of actions and proposals which will help to address short term issues and build in longer term resilience. Some proposals can be taken forward collaboratively, and others are expanded on throughout this consultation. We are very grateful for the positive and collaborative approach and contributions to date, and will look to build on this as we move forward from this consultation to set out commitments and actions.

16. There will remain occasions where the Scottish Government's legitimate policy interests and those of local government or the business community (or parts of it) remain at odds. It is not realistic to think we will always be perfectly aligned, nor that stakeholders will always speak with one voice. However, we want to work together to identify solutions for the benefit of everyone, whether that be getting more skilled planners working in authorities, providing more certainty and better service to business and building trust in the decisions that are being taken.

17. Planning fees and additional charging can play an important role in ensuring the system is appropriately resourced. However, these are intended to cover the cost of delivering the service. We are keen to understand how additional resources can be brought into the system in order to support skills development and invest in longer term capacity.

18. The focus of this consultation is on the development management process. Local Development Plans set out how places will change into the future, including the long term vision for where development should and shouldn't happen. Development plans show where new homes and workplaces will be built, how services and facilities such as schools and travel will be provided, and identify the places and buildings we value and want to protect. They are produced for the benefit of all those who live, work, visit or want to invest in the area and it is the Scottish Government's view that for this reason preparation of development plans should be funded through the local government financial settlement.

Opportunities to Improve Planning Resourcing in Scotland

19. Part 1 of this document considers the potential to do things differently or 'work smarter'. Part 2 then explores options for leveraging in additional financial resources to better support the system and move towards full cost recovery. The proposals are options. We have invited comment on prioritisation and potential cumulative impact of such options. We are also very keen to hear further ideas for resourcing the planning system.

Figure 1: An Overview of Proposals within this Consultation

Ongoing Action
<ul style="list-style-type: none">▪ Introduction of Chief Planning Officers▪ Continued collaboration through High Level Group on Planning Performance, Applicant Stakeholder Group and Key Agency Group▪ Embed role of the National Planning Improvement Champion▪ Revamp performance monitoring through the introduction of the National Planning Improvement Framework▪ Digital innovation▪ Move to longer development plan review period▪ Extending permitted development rights▪ Introducing masterplan consent areas▪ Provision of student bursaries▪ Toolkit to encourage people into planning▪ Consider a graduate apprenticeship scheme▪ Encouraging practice based planning degrees▪ Developing a skills strategy for planning▪ Promotion of planning in schools▪ Training for elected members
New Proposals
<ul style="list-style-type: none">• A central planning hub to support authorities• Short term working group to look at proportionality of assessments• Taking stock of the use of processing agreements• Improved cross council working to better align consents• Developing templates for Section 75 agreements• Devolving power to authorities to locally set planning fees• Introducing an annual inflationary increase in planning fees• Increasing discretionary charging including processing agreements, sites not allocated in the development plan and masterplan consent areas• Introducing fees for appeals• Service charge for submitting applications online• Considering the potential to alter the threshold for applications under the Electricity Act• Introducing a fee category for hydrogen projects• Increased fees for prior notification and approval categories.• Consistent approach to fees for shellfish farming.

Part 1 Working Smarter

Collaboration

20. Planning has never been more important to Scotland's success. The potential of our places cannot be fully realised without the expertise and enthusiasm of a strong planning profession, working effectively together and respecting and understanding the pressures and challenges of different sectors and organisations. In Scotland the planning community has a long history of working collaboratively together and it is important that we continue to work in a transparent and open manner.
21. A number of established groups help us to make connections across various stakeholders, the Scottish Government is committed to working with local government in a constructive and collaborative way, in the spirit of cooperation and consensus building. The government is committed to the principle of regular and meaningful engagement and respecting local and national governments' democratic mandate. The [New Deal for Business](#) and the [Onshore Wind Sector Deal](#) are also excellent platforms for involving and working with business interests. Further collaboration with the private sector to deliver our actions will be essential.
22. The High Level Group, co-chaired by COSLA and the Minister for Local Government Empowerment and Planning, brings together a wide range of public sector interests and is supported by a sub-group comprising applicants from a range of business sectors. The Group has a particularly important role to play in overseeing a future work programme on resourcing.

Leadership

23. Within the Scottish Government, planning is recognised as a significant vehicle to lead positive change in society and achieve our economic, social and environmental goals. [National Planning Framework 4](#) has given greater recognition of the importance of planning to wider objectives including tackling poverty, and improving health and wellbeing, environment and place. It sets out our shared spatial strategy and aligns existing and future plans, strategies and funding programmes recognising objectives across government portfolios.
24. At a local level, the provisions in the Planning (Scotland) Act 2019 for Chief Planning Officers are to be commenced in Spring 2024, making it a statutory requirement for planning authorities to have a Chief Planning Officer. The role is intended to strengthen leadership and raise the profile of planning within local authorities. Guidance will be published alongside commencement setting out further details of the role.

Performance and Improvement

25. The performance of the planning system is an important priority for all stakeholders. Everyone has different ways of judging performance but ultimately, we all want a system which is timely, efficient and delivers the high quality development which we all need. Applicants can reasonably expect a better service if they are paying more for it. However, this is not necessarily a direct relationship, and we are some way behind recovering the full costs of processing applications.
26. Over the last decade, considerable work has gone into reporting on planning authority performance against a set of indicators agreed by the High Level Group. Whilst the preparation of [Planning Performance Frameworks](#) has been very beneficial, the approach is now at a level of maturity where the returns on the investment in time to report and monitor are diminishing. The time is right for a refreshed approach to improvement allowing us to move forward in a more action focused way.
27. In September 2023, Scotland's first [National Planning Improvement Champion](#) (NPIC) was appointed and is based within the Improvement Service. The Champion plays a vital role in supporting continual improvement within the planning system. The Champion is piloting a new approach to monitoring performance of the system with the introduction of the National Planning Improvement Framework (NPIF).
28. The key principles of the new framework are:
- **A renewed focus on improvement** - The improvement framework aims to use planning authorities' self-assessment to identify areas of improvement to inform an improvement action plan.
 - **Peer Collaborative Review** - Marking by Scottish Government will be replaced by peer review involving NPIC, other planning authorities and stakeholders.
 - **Measuring quality** - NPIF looks to incorporate indicators that better assess impacts, outcomes achieved, and the quality of the service provided.
 - **A high performing planning authority** - NPIF focusses on assessment against the attributes of a high performing planning authority such as having the tools to do the job; engagement; people; culture and place.
 - **Recognising dependencies** - NPIF aims to recognise that planning authorities depend on other people and organisations in delivering their service.
 - **Resources** - NPIF has been designed to be proportionate and not add to the demand on planning authorities' resources.

29. The NPIF will support a planning authority to assess their performance, identify areas of improvement and ascertain how best to action these to maximise their effectiveness and efficiency. It will support continual improvement and has been developed in the spirit of collaboration. This should assist authorities in identifying practical steps that can be taken to address their specific challenges. The Champion will have a central role in reviewing improvement plans and linking authorities with each other where similar improvement activities or outcomes are identified or highlighting and sharing good practice.

Digital Innovation

30. Digital technology can provide opportunities to improve the planning system through new systems and ways of working that can support efficiencies. The Scottish Government's Digital Programme was recently paused, as a result of the current challenges for capital budgets. However, significant progress has been made towards introducing new solutions and in the coming year we will use a small budget allocation to establish whether the new solution for payments can still be delivered in the immediate future. The existing [e-Development](#) platform will remain a priority for maintenance and upgrading. We will also put together a new, more targeted business case that will mean we are well placed to reopen the work at a future date, should funding become available.

31. Work on digital skills and innovation will be completed by the end of March and will be shared with a view to supporting planning authorities and others involved in the planning system. The Scottish Government and [RTPI Digital Skills Portal](#) provides a Scottish 'one stop' online platform designed to improve the confidence in digital skills amongst all planners, in their everyday roles. It allows individuals to start by assessing their skills and gives access to a range of digital learning and training resources relevant to development planning, development management and general operating.

32. We remain keen to make use of technology to improve efficiency within the system and future-proof our processes. Sharing of good practice between planning authorities, agencies and the private sector is encouraged.

System Changes

33. [Planning reform](#) has been ongoing since 2015, when an independent panel was convened to identify improvements in the system. The Planning (Scotland) Act 2019 took forward many of the recommendations identified by the panel, and National Planning Framework 4, adopted in 2023, provides a robust and consistent policy framework setting clear direction for decision making across Scotland. It is supported by a [Delivery Programme](#) which forms the basis of many of our ongoing reforms.

34. We continue to reform the system to improve processes and maximise efficiency, recognising that to achieve this, investment of time and energy upfront will still be required, including:

- New style local development plans have been introduced, including a longer maximum review cycle of 10 years to allow more time to focus on delivery of the plan. We know that significant resource is required by planning authorities and stakeholders, including community bodies, to introduce new plans and will continue to work with authorities and others to promote a proportionate approach for the first round of plans adopted in line with the changes introduced by the 2019 Act. Once those plans are in place, we fully expect that more time and resource will be available to support their delivery or wider services. New regulations on amendments to NPF and local development plans will provide more flexibility in the future.
- We have consulted on draft guidance about effective community engagement in local development planning, which can assist all involved in understanding where in the local development plan preparation process engagement can be most influential, and assist in prioritising resources appropriately.
- We have significantly extended permitted development rights, to remove certain applications from the planning system providing certainty for developers, and reducing processing for authorities and key agencies.
- Regulations and guidance on masterplan consent areas will assist authorities to front-load scrutiny and alignment of consents providing scope for developers to come forward with greater certainty of consent allowing them to raise necessary finance and get on site earlier.
- We recently re-commenced work to implement a new infrastructure levy under powers in the Planning (Scotland) Act 2019, which would provide authorities with an additional mechanism – alongside planning obligations – for seeking financial contributions towards infrastructure.
- Work on Compulsory Purchase Reform is also progressing, with the recent appointment of a Practitioner Group to advise on issues and potential solutions.

Proportionality

35. Stakeholders have raised concerns about the level of information required to support planning applications. Whilst NPF4 is still bedding down, a drive to improve proportionality at this stage could help to implement policies in an efficient, as well as more consistent and predictable way. We have heard from applicants that requirements can vary significantly between authorities and in some cases a precautionary approach can be taken which has the potential to generate additional time and costs for applicants, authorities and communities in providing and evaluating the evidence.

36. We therefore propose identifying and sharing best practice in proportionate approaches to information requirements. Key areas could include, but may not be limited to, examples of proportionate environmental, flood risk, transport and socio-economic benefit assessments and appraisals. The Onshore Wind Sector deal also sets out a commitment to collaborative working on proportionate Environment Impact Assessment Reports for wind farms.
37. The [Chief Planner](#) would be interested in hearing from practitioners with an interest in this area of work, with a view to convening a short life working group to contribute expertise and share examples of proportionate approaches. Experience from both planning authorities and applicants would be welcome. This work will be taken forward from summer 2024.

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

Certainty

38. We understand the critical importance of certainty to businesses and investors. Up to date, robust development plans, and streamlined systems and processes have a key role in providing some of that certainty.
39. In development management, applicants often cite certainty of decision making timescales to be more important than speed of decision making and [processing agreements](#) can be a useful project management tool. They create a shared understanding between all parties, supporting applicants, authorities and agencies to agree an appropriate and realistic application processing timetable.
40. We know that not all authorities offer this to applicants, and we are keen to gather views from all parties on the effectiveness of processing agreements in creating certainty.

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Yes | No view | No
Please explain your view

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

Streamlining, Alignment and Standardisation

41. Some efficiencies can be made by standardising approaches and using agreed templates, however it is important to balance the benefits of a consistent approach with our commitment to respecting local circumstances and enabling flexibility.
42. Better alignment of planning and other consenting regimes has long been an aspiration, but this can be difficult to achieve in practice due to the different legislative regimes and processes involved. Delegates at the November workshop noted that for one development an applicant may need a number of consents which all have different gateways into the Council. The idea was to provide improved cross council working to collectively 'say yes to good development quicker'. [SOLACE, COSLA and HOPS have committed to consider this proposal further – identifying and promoting good practice with the potential to carry out pilot projects with volunteer authorities/applicants.](#)
43. [Schemes of Delegation](#) set out planning authorities' approach to determining planning applications. They establish when certain decisions can be taken by officials instead of being considered by elected members of the authority at committee. Stakeholders have reported inconsistency across authorities and noted that they felt that in some cases Committee were dealing with very minor cases rather than those with more complex or controversial issues. It is a matter for individual authorities to set out a Scheme of Delegation that suits their circumstances, but [Heads of Planning Scotland will raise the issue with authorities.](#)
44. Applications involving section 75 planning obligations have significantly longer processing timescales and can be a major source of delay within the planning system. The majority of a section 75 legal agreement contains standard information. In order to provide more consistency and reduce the time involved in preparing Section 75 agreements stakeholders suggested that a standard template could be developed. [Heads of Planning Scotland and SOLAR have committed to working with the Applicant Stakeholder Group to agree and roll out a Section 75 template.](#)
45. The Enterprise Area Protocol has been recognised as providing tangible benefits and this has subsequently been adopted to support the emerging Green Free Ports. [There is scope to consider expanding this approach to other areas.](#) The protocol provides clarity and a shared understanding about the process and expectations of those involved in bringing forward development including authorities, agencies and applicants.

46. Work is underway to deliver the commitments in the [Onshore Wind Sector deal](#) relating to the standardisation of templates, such as Environmental Impact Assessment Reports, including reviewing baseline information requirements for the Environmental Impact Assessment for repowering wind farms and Section 36 consents and deemed planning permission, including conditions imposed on consents.

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

Skills, Recruitment and Retention

47. In order to deliver an effective, high-performing public sector planning service, there is a need to ensure that the planning workforce is equipped to meet the future demands that will be placed upon the sector. At present there are a number of interconnected pressures on the Scottish planning system including the increased complexity in planning applications and infrastructure delivery, resourcing pressures within authorities, and the challenges of recruitment and retention of staff at a time of increased demand for experienced planners, including in other sectors, such as renewable energy.

48. In 2020, Skills Development Scotland published research on [Skills in Planning](#). The report identified that, over a period of 10 to 15 years, 550-600 planners would be required to meet replacement demand, largely due to retirements, and that an additional 130 planners would be required to cover a projected 11% growth in the planning sector.

49. These challenges cannot be solved with one simple solution. Recognising the need for a multi-dimensional approach, in 2021 the High Level Group commissioned HOPS and RTPI to undertake a project to explore the options available to increase the number of people entering the planning profession in Scotland.

50. The [Future Planners](#) report, published July 2022, sets out a series of short, medium and longer term recommendations to increase the number of new entrants into planning authorities and other parts of the planning sector. The report's recommendations cover diverse areas of action including support for funded postgraduate opportunities to increase the number of people gaining planning qualifications; extending opportunities for students to gain relevant work experience; enabling universities to maintain the viability of RTPI-accredited planning courses and increase the number of home students where possible; as well as exploring possibilities to retain more international students in the workforce.

51. The Scottish Government has been working with HOPS, RTPi and other partners to progress the recommendations. Action taken to date includes:

- Publication of a [campaign toolkit](#) to give young people an insight into planning as a career option, encourage them to find out more about planning and increase interest and uptake of planning qualifications. The pack contains:
 - Links to promotional videos including YouTube shorts for use with social media
 - Social Media Graphics
 - A downloadable leaflet for use at careers fairs
 - Copy for social media channels
- SG funding for 10 x £2,000 RTPi bursaries for students undertaking post graduate planning degrees in Scottish planning schools in 2023/24. We intend to continue support for bursaries and will confirm arrangements as soon as possible.
- RTPi and the Scottish Government have promoted the case for a planning apprenticeship or practice-based planning degree and will continue to support delivery of such routes into the profession. At present there is only one undergraduate planning degree in Scotland, at Dundee University. The planning school at Dundee University and Fife Council have successfully piloted a model of practice-based study which has enabled a small number of individuals to complete an undergraduate degree while working part time within the planning authority. The university is taking forward plans to establish this model as a practice-based degree programme. The University of the West of Scotland is also actively seeking to start a new planning degree programme. We understand this course would be designed to facilitate individuals training as planners while working part time within the planning sector. We believe such practice-based models enabling employers to 'grow their own' future planners can add significant value and have the potential to achieve very similar positive outcomes to an apprenticeship. We will also continue to explore the benefits and potential of a graduate apprenticeship scheme in the future.
- There are three planning schools offering RTPi accredited degree courses in Scotland – Dundee, Heriot Watt and Glasgow. However, Dundee is the only university currently offering an undergraduate planning degree. The Minister for Local Government Empowerment and Planning wrote to planning schools in October 2023 to encourage their continued support for higher education in this discipline.

- We are also working with [Partners in Planning](#) to develop a skills strategy which will identify the specialist skills required to address the requirements of NPF4, and the wider skills required to ensure we have planners with the expertise to deliver on our ambitions for Scotland. In doing so, we are drawing on experience from the approach taken to developing a strategy for building standards. The new National Planning Improvement Framework will help collate data on workforce and skills requirements which will help inform the strategy for Scotland as a whole. We believe there would be benefit in working with partners to co-ordinate and promote skills development more proactively, bringing together and sharing the many sources of learning to support continuing improvement of skills and knowledge within the planning service.

52. Similar workforce challenges are being faced in other parts of the UK and we note that in England a Pathways into Planning graduate programme, funded by the Department for Levelling-Up, Housing and Communities and delivered by the Local Government Association with support from the Planning Advisory Service, has recently been set up. The programme aims to market planning as a career to graduates from all degree backgrounds and identify talented graduates to work in local government. Local authorities are able to employ graduates from this pool, offering a contract of at least 3 years in the first instance. Councils benefit from an educational bursary for each graduate, which can be used towards the cost of putting them through an RTPI-accredited apprenticeship or part time Master's degree. While this programme is currently unique to England, we are exploring the lessons that can be applied in the Scottish context.

53. Other ongoing and longer-term Future Planners report actions which are being taken forward by key partners include:

- continued work to extend opportunities for students at all levels to gain practical experience within a planning environment and embed work placements into university courses;
- further promotion of planning in secondary schools and further education colleges, and at universities and career fairs, and raising awareness of planning amongst students on related degree courses;
- making use of existing careers and skills platforms to promote planning careers;
- understanding how young people can be assisted with job applications and interview preparation;
- further research on how to retain more international students in the UK and making the case for Planning to be included in the UK list of 'shortage occupations' which qualify for a skilled worker visa, linking with wider Scottish Government work on talent attraction and student retention; and
- considering how career structures can be improved within public sector planning and looking at the interchangeability of roles and careers within local authorities.

54. The Scottish Government believes momentum on these actions must be maintained to help ensure more people are aware of planning and can choose planning as a rewarding career. Public sector partners and higher education institutions along with industry partners will need to continue to work together to maximise the impact of their respective roles in fostering collective solutions.

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

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

55. We recognise that elected members also have a crucial role in the decision-making process within the planning system, being a vital part of our democratic process by carrying out specific planning functions. It is essential that they have the knowledge and understanding to help them make decisions that are robust and sound in planning reason.

56. We have recently [consulted](#) on the introduction of mandatory training for elected members who will be involved in planning. We expect that the introduction of training will build confidence and trust in the decisions which are taken in planning. The consultation closed on 26 October, and we are currently considering the responses.

A Planning Hub

57. A recurring suggestion from stakeholders is the establishment of a central pool of staff or specialists that would be accessible to authorities to use as and when required to assist them with their planning functions. This idea was discussed at the resourcing workshop in November, with stakeholders highlighting the Building Standards Hub (BSH) as an example of good practice that could be transferable to planning. The Building Standards Hub pilot was hosted within a local authority (Fife Council). The Hub is intended to play a key role in supporting transformation and quality in building standards services across Scotland. The Building Standards Hub objectives are to:

- **Increase consistency** in the delivery of the verification service across all local authorities.
- **Increase capacity** to deliver across all types of construction work across Scotland.
- **Provide resilience** by providing access to additional resources, training and forward planning to ensure continuation of the service.
- **Drive efficiencies** and so response times to applications and the use of similar processes.
- **Ensure investment in skills and new technology** to drive innovation in service delivery.

58. Introducing such a hub for planning could provide much needed support and resilience for authorities in the coming years. Individual authorities would have differing needs at varying times, but a 'Planning Hub' could aim to act as a means for authorities to access skilled staff at short notice to help them to respond to a variety of pressures.

59. A central resource or hub could allow authorities to quickly and easily access a variety of specialist and technical skills to bolster and support their staff. The hub could play a variety of roles, providing flexibility to suit the individual circumstances and needs of authorities. It would be co-designed with planning authorities rather than centrally defined. We would expect that, in the short term, the hub would focus on providing support to help ensure the timely and informed determination of planning applications. Key priorities could include:

- Providing technical expertise and advice in new or evolving areas, such as energy, heat, biodiversity or climate adaptation.
- Providing technical support/advice on a topic where the Council has lost expertise.
- Providing additional support to process large or complex applications.
- Helping to provide some additional 'surge' capacity during a period of unexpected staff absence.
- Helping to embed good practice.
- Helping to build confidence and resilience within authorities by providing training, skills sharing and Continuing Professional Development (CPD) opportunities.

60. Once operational, the hub could have the potential to expand to further areas of performance and improvement support.

61. The idea of a having additional resource and/or training was also included as a commitment in the [Scottish Onshore Wind Sector Deal](#). The Onshore Wind sector and the Scottish Government have agreed to set out proposals for how additional resources and/or training can be accessed by statutory consultees when they are responding to onshore wind applications, and by decision makers when discharging pre-commencement planning conditions.

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?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Hosting a Planning Hub

62. There are a number of options for hosting the hub:

- i. Within the Scottish Government.
This could provide a central position for the hub, ensuring that it has the support of Ministers and is recognised as a national resource for all authorities. Central positioning would also ensure that support is focussed on delivery of national priorities such as net zero, is impartial and maintains trust and the reputation of the planning system. Given Scottish Ministers' potential role in planning applications that are called in or recalled through the appeal process, however, it would be difficult to avoid conflicts of interest arising.
- ii. Within a public organisation.
A variety of public sector organisations could provide a host function for the hub. This would provide impartiality and there are less likely to be conflicts of interest. The host organisation may also be able to make connections and links with other similar work across other services and in related fields.
- iii. Within a host authority.
A volunteer authority could host the hub within their Council. This has worked successfully for the Building Standards Hub based within Fife Council. Hosting within a council gives benefits of the hub being delivered by an organisation which is closer to those involved in frontline services, adding value by allowing access to existing technology such as the Uniform case handling system. This will ensure those working within the hub can more easily support authorities effectively by identifying the right type of support and having direct access to the relevant information and an understanding of local authority processes and procedures.

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

- i. Within Scottish Government
- ii. Within public organisation
- iii. Within a host authority
- iv. Other
- v. No view

Financing the Hub

63. The [Scottish Government Budget 2024/25](#) does not include any budget for establishing such a hub and authorities are not in a position to finance this from their current budgets. Therefore, should there be support for this proposal, an alternative means of financing would need to be identified. Some private sector stakeholders have stated that they would be willing to pay more to provide support for authorities. Private sector funding of the hub could be an option, but in practice may be hard to secure funds in a fair way.

64. Until we bottom out the specific role and demand for any potential hub, it is hard to estimate operational costs. Should there be support for this proposal, we will consider the likely levels of demand in more detail with Heads of Planning Scotland. As a benchmark, the estimated cost of the Building Standards Hub (as currently proposed) is approximately £1.2 million per annum with 10.5 FTE staff. The estimated total net cost over the three years 2024/25 to 2026/27 is £3.35 million. The funding for the new hub has been built into the design of the new fee structure for building verification work to be introduced from April 2024 that will run for three years. As this funding is generated by an increase in fees it will be paid for by all building warrant applicants.
65. The simplest and fairest method to fund the operation of the hub may be to increase each planning application fee to reflect the cost of the hub. Further work with COSLA and Heads of Planning would be required to consider this in detail, looking at how finance would be collected and administered and how much the cost would be.

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

Part 2 – Raising Resources

Planning Fees

66. Statutory planning fees play an important, but limited, role in resourcing planning services. Fees reflect the general principle of larger developments paying higher fees, so that applicants rather than the taxpayer cover the cost of the service provided to determine applications. However, [previous research](#) from 2019 has shown that on average planning fees only cover 65% of the cost of determining applications.
67. Levels and types of planning applications continuously evolve in response to a wide range of factors. We have extended Permitted Development Rights, removing more minor applications from the system and ensuring that officers' time is spent on applications where they can add most value. Between 2013/14 and 2022/23, the number of major applications being determined reduced from 371 to 260 with the number of local non-householder applications reducing from 16,219 to 12,132 and householder applications reducing from 13,904 down to 12,591.
68. Changes to planning fees were implemented in 2014, 2017 and 2022. The most recent changes in [April 2022](#) increased planning fees in most case types by between 25% and 50%. Since then, Heads of Planning Scotland have been gathering information from authorities on the impact of that increase. The survey is not yet complete, but early responses indicate that most but not all authorities have seen some increase in income as a result of the fee increase. Although around a quarter of authorities have not seen a significant increase in income, the new fee levels may nevertheless have protected them from a reduction in income.
69. Some of the key findings from initial responses include:
- some authorities have implemented discretionary charges, and this is helping them to retain posts and fill vacancies;
 - recruitment is limited and extremely strong business cases are required to justify a decision to recruit due to severe budget pressures faced by Councils; and
 - additional planning fee income has been used in a variety of ways including filling posts; investing in IT software and hardware in order to make people and processes more efficient; maintaining training budgets; and procuring consultancy support to either assist with clearing application backlogs or to provide specialist support.
70. These findings demonstrate significant variations in the ways that planning authorities can utilise additional income in order to improve planning services.

71. We previously sought views on the introduction of refunds, rebates and other incentives for planning applications more generally in the [2019 Planning Performance and Fees Consultation](#). Many stakeholders, particularly applicants, argued that refunds should be introduced for planning applications where there has been an unreasonable delay in determining an application. Planning Authorities have previously expressed concern about the fairness of introducing refunds particularly where delays could lie outwith their control, for example, due to delays in responses from consultees or applicants. It is also recognised that potentially having to repay fees will add additional administrative burdens and costs to planning authorities and could introduce further complexity to the system through the need for arbitration. Introducing refunds would also potentially penalise those authorities who are currently under resourced having to return vital income which could ultimately result in further reductions in budget and staff numbers.
72. We currently do not consider that introducing a process for seeking a refund of a planning application fee is the right approach in delivering improvement in the planning service and in particular to improving determination timescales. In September 2023 the National Planning Improvement Champion was appointed. The role supports continuous improvement in the planning system. The Champion is in the process of piloting a new National Planning Improvement Framework which will support continuous improvement through local improvement plans.

Annual Inflationary Increase

73. Planning fees have not kept pace with inflation, and this has been felt more acutely in recent years. Fee increases have been made at irregular intervals, rather than reviewed on a regular basis to ensure they reflect their changing context.
74. So that the fee level does not fall behind, and to help planning authorities manage their costs, we propose that planning fees are automatically adjusted annually in line with inflation. An indexation mechanism calculated on the basis of the 12-month Consumer Price Index rate is proposed.

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

75. Planning fees are currently set in different ways. For instance, an application to amend or extend a dwelling house is £300, whereas an application to build a new dwelling house is charged on a per house basis at a rate of £600 per house for the first 10 houses, with that then dropping to £450 for houses between 11 and 49 and finally for each house over 50 it is £250. The maximum fee that can be applied is £150,000. Other types of development fees operate on the basis of the extent of floor space to be created or site area.
76. When it comes to applying an inflationary increase, we are keen to understand if there is support for the individual fees, increments and maximums to be increased.
77. Only increasing the individual fees and increments would potentially lead to more applications reaching the maximum fee quicker and may impact planning authorities' ability to recover their costs in determining applications.

Question 15: Should an annual inflationary increase apply to:

- i. Individual fees and increments
- ii. Individual fees, increments and maximums
- iii. No view

Locally Setting Planning Fees

78. In 2010, the consultation on Resourcing a High Quality Planning System sought views on alternative approaches to setting planning fees, including providing a mechanism for authorities to set their own fees. At that time there was a lack of support for the proposal, with respondents considering that different fees across the country may add confusion and may result in increased enquiries for authorities. It was also considered that there may be comparisons between authorities about fee levels versus service provided, particularly where higher fees are in place.
79. We are now, however, in a very different financial position and need to look at alternative options to increase resource. Through the [Verity House Agreement](#) and the [Scottish Budget 2024/25](#) we have committed to looking at planning fees as one area where Councils can be empowered by increased discretion to determine and set fees and charges locally.
80. Locally setting planning fees would allow each authority to set their fees in a way which could enable them to meet local needs and demand, achieve full cost recovery and increase accountability for the service they provide. Authorities could also set fees in a way which allows them to act as an economic development tool, for instance reducing or waiving the fee for certain types of development in order to act as an incentive and attract development and investment in that area. However, we would not wish to support the use of planning as a disincentive to development and investment by increasing planning fees to a level which is not economically viable.

81. Following the consultation, further work will be required to establish whether the Town and Country Planning (Scotland) Act 1997 provides sufficient scope to allow for any changes which are proposed through regulations or if changes to primary legislation would be needed. Any changes to primary legislation would potentially involve significantly longer timescales. Consideration will also need to be given to the process authorities may need to follow in setting and administering fees and how the ePlanning fee calculator remains up to date. There will also be impacts and interdependencies with other options presented in this consultation paper such as planning appeal fees, inflationary increases and proposals relating to hydrogen and shellfish farming.
82. There are various approaches which could be taken to provide authorities with greater control over the setting of planning fees and charges. For example, authorities could be given full discretion to set fees and charges, including fee categories, individual units of calculation, and if there are any maximum fees. This could potentially allow for them to depart from current principles such as, fees being paid on submission of the application, allowing for phased or deferred payments or for different payments to be made depending on the individual requirements of an application such as the need for legal agreements or other processes which are not applicable to all types of application.
83. Another approach could be that the principles contained within the current planning fee regulations are retained and authorities are given greater scope to set their own fees for each category of development including the individual increments and maximums. This would provide some level of certainty to applicants over the different categories of development and general principles which apply to all applications.
84. Alternatively, the Scottish Government could continue to set fee levels as is currently the case with authorities given greater scope to identify and implement services which are intended to facilitate the effective and efficient processing of applications which go beyond the current levels of service provided.
85. We are interested in hearing views from across planning stakeholders on alternative approaches to increasing authorities' discretion to set fees.

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

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

Increasing Discretionary Charging

86. [The Town and Country Planning \(Fees for Applications\) Scotland Regulations 2022](#) give authorities the option to introduce charges for providing written confirmation of compliance with conditions, the non-material variation of a planning application, retrospective applications and to introduce charges for entering into pre-application discussions with an applicant. Since then, we have seen charging for pre-application discussions become standard practice across most authorities.
87. With the current financial situation, authorities are actively thinking about how best to increase income generation to better cover the services provided. Increasing discretionary charging powers would provide them with further opportunities to consider alternative approaches that suit local needs. We therefore propose to increase discretionary charging powers to cover other parts of the planning application process.
88. We consider that the introduction of any additional charges should focus on actions which support the efficient processing of planning applications. This will ensure there continues to be a strong link between what is paid, and the service directly provided. Charging should focus on areas where the authority can add real value to ensure that applications are determined effectively and efficiently, provide high levels of customer service, and that the post consent process does not delay the commencement of development. Additional flexibility for discretionary charging would ensure that authorities can act swiftly to introduce charging elements to the planning application process rather than requiring the Scottish Government to put in place legislation. We would expect that for any services which are introduced, that it should be clear what is being charged for, how the charge has been arrived at and any process which should be followed in the event that expectations are not being met.
89. We expect that applicants are likely to wish to see a refund issued if they have not received the service expected. Under current arrangements for introducing charges for pre-application discussions, authorities are required to publish information setting out what service a fee is being charged for, how the fees are to be calculated and under what circumstances an authority may consider waiving or reducing a fee. We consider that there is potential to introduce a requirement that authorities set out the circumstances whereby a refund may be requested.

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

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?

Fee for Proposals on Unallocated Sites in the Development Plan

90. One idea from the November resourcing workshop was to investigate the potential of introducing an increased fee for a planning application for development which is not allocated within the development plan. Sites which have been allocated in the development plan have been subject to public consultation, scrutiny by the planning authority and consideration has been given to proposed uses. An authority is likely to have greater costs in determining unallocated sites due to the additional work required to identify what information is required to be submitted to support the application, what impact the proposed development may have and identifying any mitigation.
91. Not all types of development are allocated in the plan. For instance:
- rural housing in more remote and island communities is more likely to be brought forward using a windfall approach;
 - small and medium-sized enterprise housebuilders may also tend to focus on sites which are not allocated in the development plan; and
 - renewable energy developments may also not benefit from specific allocations.
92. Authorities would therefore need to be clear in what circumstances the increased fee is applied.

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?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Masterplan Consent Areas

93. The Planning (Scotland) Act 2019 introduces Masterplan Consent Areas (MCA) as a new upfront consenting mechanism. This has significant potential to simplify planning within certain areas, strengthening investor confidence whilst still ensuring new developments are well located and designed. The Act provides that a planning authority can prepare a MCA 'scheme', with scope to give a range of types of consent, including planning permission, road construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme. Development that is in line with the scheme could be brought forward without the need to apply for full planning permission.
94. Work on regulations and guidance is ongoing and a [separate consultation](#) is underway.
95. In order to put a MCA scheme in place, the planning authority will incur costs, for example through the need to analyse the site, consult, prepare a masterplan, and set out the type of development consented along with any necessary conditions.

96. The [2019 Planning Performance and Fees consultation](#) sought views on the principle of authorities being able to recoup their costs of establishing a MCA.
97. Taking account of the responses to the 2019 consultation, we consider that it is appropriate to allow authorities to set their own fees/charges in relation to MCAs. We propose to introduce additional provisions for discretionary charging to allow planning authorities to recoup their costs in establishing a MCA.
98. The cost of establishing a MCA will vary across the country due the different priorities and site specific requirements. Therefore, providing authorities flexibility in how they set any fees/charges for carrying out development in a MCA, allows for them to recover the costs. We expect that as part of a MCA scheme authorities will set out their costs in establishing the scheme. To recoup those costs, fees/charges expected to be paid by applicants looking to carry out development within a MCA should also be set out in the scheme, alongside the methodology of how such costs will be apportioned.
99. Authorities may also wish to consider charging for applications covering Approval of Matters Specified in Conditions (AMSCs) within the MCA scheme.

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Resourcing Other Parts of the Planning System

Fees for Planning Appeals

100. The [2019 Planning Performance and Fees Consultation](#) sought the views of stakeholders on the principle of introducing fees for an applicant to appeal a refusal of planning permission. There was broad support (63%) for introducing fees for appealing planning decisions both to Scottish Ministers via Planning and Environmental Appeals Division (DPEA) and to a Local Review Body (LRB).
101. The consultation also sought views on the types of appeal which should be included and excluded for charges as well as whether the appeal fee should be refunded in the event of the appeal being successful.
102. The introduction of fees for appealing is not intended to inhibit access to justice or to discourage applicants from appealing planning decisions. The purpose is to ensure that public services are appropriately resourced to deliver the service expected by customers.
103. Any finalised proposals would need to take account of the responses to earlier parts of this consultation – particularly the potential for different fee levels being applicable across the country.

104. In the interest of consistency, it is proposed that the fee for appealing a planning decision is the same irrespective of whether the appeal is being considered by a Local Review Body or Scottish Ministers. This allows for variations in the approaches taken by authorities to their schemes of delegation and what decisions are taken by officers and committee, which ultimately determines the route for appeal.

Types of Appeal

105. The types of applications where we consider a fee should be payable for submitting an appeal (to DPEA or Local Review Body) are:

- Planning permission
- Retrospective permission
- Planning permission in principle
- Approval of matters specified in conditions
- Conditions
- Planning obligation/contribution/good neighbour agreements
- Advertisement consent
- Certificate of Lawful Use or Development
- Certificate of Appropriate Alternative Development
- Hazardous Substances Consent
- Prior Notification/Approval
- Tree Works Consent
- Review of old minerals permissions

106. We do not consider a fee should be payable for the following applications types:

- Non-determination
- Means of access etc. for disabled persons
- Listed Building Consent
- Conservation Area Consent

[Question 22: Do you agree with the types of appeals that should incur a fee?](#)

[Yes | no view | No](#)

[Please explain your view](#)

Fee Level

107. Approximately 50% of DPEA's workload relates to determining appeals. Other work includes Local Development Plan Examination and other non-planning case work such as Section 36 large scale renewables projects, Roads Orders and Compulsory Purchase Orders.

108. Figure 2 shows the approximate cost of determining DPEA appeals over the last 4 financial years:

Figure 2: DPEA Budget and number of appeals determined by DPEA and LRBs over last 4 years

	DPEA Total Budget	50% of budget for appeals	Number of planning appeals	Number of Appeals to LRB
2022/23	£4,153,061	£2,076,531	144	516
2021/22	£3,783,862	£1,891,931	182	481
2020/21	£3,609,098	£1,804,549	164	442
2019/20	£3,607,438	£1,803,719	152	506

109. Local Review Bodies determined 516 appeals in 2022/23 (average of 497 appeals over the last 4 years), which were determined in an average time of 16.7 weeks. In 64% of those cases the original decision was upheld. We do not hold information on costs of LRBs.

110. Fee levels could seek to achieve full cost recovery for the determination of planning appeals. However, based on the figures above, to achieve this for DPEA appeals, a flat fee in excess of £13,000 for every planning appeal would be required. This would be a disproportionate cost for the majority of appellants, and we do not consider it to be a viable or appropriate option.

111. To aim for partial cost recovery, we could set a universal fee. Figure 3 sets out a series of potential options for lower level fees and the likely level of income they would generate.

Figure 3: Flat rate appeal fee

Fee per appeal lodged	Projected income based on DPEA average appeal number of 160 appeals.	Projected Income for authorities based on LRB average number of 497
£100	£16,000	£49,700
£500	£80,000	£248,500
£1,000	£160,000	£497,000
£2,000	£320,000	£994,000
£5,000	£800,000	£2,485,000

112. A flat universal fee would mean that small and large scale proposals would attract the same fee – the cost would not reflect the volume of work required. The cost of administering such a scheme would also reduce any benefit from the introduction of fees.

113. Figure 3 shows that in most instances, the appeal fee would exceed the cost of the original planning application fee, for instance where an application to alter/extend a dwelling house is required, the fee is generally £300. In most of the examples above all of the proposed fees exceed that. In such cases, the appellant would be paying the same fee as a developer who has paid a fee of £150,000 to submit their planning application. We do not therefore consider this to be an equitable, practical or appropriate approach.

114. Another option would be to match the appeal fee to the hierarchy of development. All developments are categorised as national, major or local. However, the range and complexity of applications within one category can be significant. For example, the types of development which are classed as local can range from extending or making alterations to a dwelling house, to a development of 1-49 houses where the planning fee can vary between £600 and £23,500. The hierarchy also relates to certain procedural requirements and does not necessarily align with the planning application fees. Given that a local development can include developments of up to 49 houses, if one additional house was added to that application it would result in a potentially significant increase in the planning appeal fee. In such cases, a link with fees could therefore skew the scale and nature of applications, with unintended consequences. As a result, we do not consider that matching appeal fees to the hierarchy is an appropriate option as it does not accurately reflect the potential variations in the size and complexity of applications and therefore the cost involved in their determination.

115. A further option would be to charge a percentage of the application fee. This would address the issues identified above. It would provide a fair system which is equitable, transparent, ensures that the fee is proportionate to the proposed development, linked to the original fee and the likely resources required to determine the appeal. We therefore consider this to be the most appropriate way to set the level of appeal fee. This approach would also mirror the general principle under which planning fees operate, that the larger the development (and more significant cost involved in processing it) the higher the fee to better cover costs.

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

[Strongly agree](#) | [Partially agree](#) | [No view](#) | [Partially disagree](#) | [Strongly disagree](#)
[Please explain your view](#)

116. Figure 4 shows, based on current application fees, the likely costs for an appellant based on various percentage scenarios. We do not intend to propose that the fee for appealing a refusal of planning permission should achieve full cost recovery as there are many variables which can affect this, including whether the appeal is determined by a Local Review Body or Scottish Ministers. Further, setting the appeal fee at a prohibitive level could raise issues regarding to access to justice. We also consider that the cost of determining an appeal would not be the same as the costs involved in the original determination of the application by the planning authority.

Figure 4: Breakdown of potential cost of appealing for different types of application					
Application/ Appeal Type	Planning Fee	Potential appeal cost based on percentage scenario			
		10%	20%	30%	40%
Planning Permission - Householder	£300	£30	£60	£90	£120
Single House	£600	£60	£120	£180	£240
Planning Application - Minimum	£500	£50	£100	£150	£200
Planning Application - Maximum	£150,000	£15,000	£30,000	£45,000	£60,000
Planning Permission in Principle - Minimum	£300	£30	£60	£90	£120
Planning Permission in Principle - Maximum	£75,000	£7,500	£15,000	£22,500	£30,000
Conditions	£100	£10	£20	£30	£40
Advertisement Consent	£300	£30	£60	£90	£120
Hazardous Substances	£600	£60	£120	£180	£240
	£1200	£120	£240	£360	£480
Prior Approval - £100	£100	£10	£20	£30	£40
Prior Approval - £500	£500	£50	£100	£150	£200

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 DPEA or the LRB?

10% | 20% | 30% | 40% | No view | Other
Please explain your view

117. Planning authorities also have the ability to waive or reduce the fee payable for submitting an application for planning permission. In order to exercise those powers, authorities are required to set out the circumstances whereby they will consider waiving or reducing the fee. We do not consider that a decision by an authority to waive or reduce a planning fee should impact on a fee payable to DPEA for appealing a refusal of planning permission. However, for appeals which are to be considered by a Local Review Body, we consider it appropriate for authorities to assess whether a similar reduction or waiver is appropriate for the appeal fee.

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?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Digital Service Charge

118. Since 2016 we have operated the e-Development service that enables users to apply online for a variety of permissions including planning applications, building warrants and planning appeals.
119. Maintaining and improving an online application submission service is an important part of delivering an effective planning and building standards system. e-Development is currently jointly funded by Scottish Government, local authorities and planning authorities.
120. In the current financial climate, we are keen to explore new ways to fund the ongoing operation of eDevelopment, that reduces costs for authorities. One option could be to introduce a service charge. The charge could allow recovery of operational costs to help secure its long term sustainability as well as the potential to make longer term improvements to deliver efficiencies. Improvements could include helping to reduce the initial submission of invalid applications, allowing direct participation of statutory consultees in accessing applications and facilitating two way communication between applicants and local and planning authorities.
121. Further work would be required to investigate how to administer such a charge, but we would envisage that it could be collected alongside the planning application fee and/or building warrant fee. For planning we consider that there are three options for charging: a flat rate fee; a fee based on type of development (e.g. for planning - major, local or householder); or a percentage of the application fee. Similarly, as building standards fee rates are based on the value of works, we consider there are three options for charging: a flat rate fee; a fee based on the value of works; or a percentage of the application fee

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

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

Energy Generation

Onshore

122. Scottish Ministers are responsible for deciding applications to build, operate or modify onshore electricity generating stations with capacities exceeding 50 megawatts (MW), under powers contained in the [Electricity Act 1989](#). Applications concerning onshore electricity generating stations with capacities of 50 MW or less are decided by planning authorities under the Town and Country Planning (Scotland) Act 1997, as amended.

123. Tackling the climate change emergency has led to a significant increase in proposals for electricity generation and storage developments using energy from renewable sources. As technology has moved forward there has been a trend towards taller and more powerful wind turbines. This increase in capacity has meant that a greater proportion of applications are over the threshold for consideration under the Town and Country Planning Act 1997. Most wind farm proposals now include turbines greater than 180m in height with a generation capacity of 5-7MW each. A wind energy proposal comprising approximately 8 or 9 turbines is now likely to meet the 50MW threshold and require determination by Scottish Ministers.
124. This change in technology has shifted the balance of decision making with Scottish Ministers now determining a greater number/proportion of wind farm applications since the Electricity Act came into force in 1989. Our statistics show that the volume of applications made to Scottish Ministers has more than quadrupled over the last 20 years, with 15 applications made between 2001/03 and 70 applications made between 2021/23.
125. This shift has also impacted decision-making timescales. Our statistics show that, between 1 April 2022 and 31 March 2023, applications for new renewable electricity generating stations made under the Electricity Act 1989, which were not subject to a public local inquiry, took Scottish Ministers an average of 16.6 months to determine. This figure varied from 8 months for a solar energy park up to 22 months for a wind energy development. The equivalent planning application statistics for 2022/23 show that planning authorities took on average 24.6 weeks (approximately 6 months) to determine applications for 'major' renewable energy developments which were not subject to a processing agreement.
126. Under current arrangements, planning authorities are assigned a voluntary contribution, amounting to 50% of the fee paid to Scottish Ministers for applications made under the Electricity Act 1989, so that they can undertake work to consider the application as a statutory consultee. Increasing the threshold would have resourcing implications for planning authorities. They would receive the full fee for determining the planning application but would have additional work to process and determine the application.
127. The Scottish Government has committed to undertake work to explore the benefits and disadvantages of altering the threshold, and to explore the scope for planning authorities to determine more applications for onshore electricity generating stations. We welcome initial views through this consultation. This includes views on the resourcing implications arising from any change to the threshold, including the difference in workload arising were planning authorities to determine more such applications, rather than acting as a statutory consultee under the Electricity Act 1989.

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

[Yes](#) | [No view](#) | [No](#)

[Please explain your view](#)

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

Yes | No view | No
Please explain your view

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

Offshore

128. Scottish Ministers are responsible for deciding applications to construct, extend or operate a generating station with a generation capacity in excess of 1 megawatt (MW) situated in the Scottish territorial sea (out to 12 nautical miles (nm) from the shore), or with a generating capacity in excess of 50 MW in the Scottish Offshore Region (12 to 200 nm), under powers contained in the Electricity Act 1989.

129. Where a planning authority is responding to an invitation to comment on an application for offshore generating station, there are resource implications for the authority in undertaking the necessary work to comment on the application. Currently there is no recovery of costs for authorities for this work, unlike the voluntary contribution assigned to planning authorities for the consideration of onshore applications. Planning authorities have requested that the Scottish Government considers assigning a voluntary contribution of the fee for an application for offshore electricity generation to planning authorities who are asked to comment on such applications. We welcome further views through this consultation.

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.

Fee Categories for Hydrogen Projects

130. Low-carbon and zero emissions hydrogen development will play an important role in supporting the transition to net zero. It can provide a sustainable alternative to the burning of fossil fuels in transport and energy-intensive industries and can be stored to support the operation of the electricity grid. Scotland therefore has an ambition to produce 5 gigawatts (GW) of renewable and low carbon hydrogen by 2030, and 25 GW by 2045, and it is expected that new hydrogen production and storage facilities will be developed at scale.

131. Currently, the [Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022](#) do not include a specific fee category for hydrogen projects. Initial feedback from planning authorities indicates that applications for hydrogen projects comprising facilities for the production and storage of hydrogen, are typically processed under the fee category for plant and machinery (category 13). It has, however, been suggested that there is benefit in providing greater clarity to help avoid any confusion and potential delay in the validation of planning applications.
132. Hydrogen projects can vary in complexity and are often subject to environmental impact assessment. Initial feedback has indicated mixed views on whether the level of fee charged under category 13 is appropriate and/or likely to cover costs linked to considering applications for hydrogen projects. We are therefore seeking views on the introduction of a new fee category for hydrogen projects.

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

Yes | No view | No
Please explain your view

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

Yes | No view | No
Please explain your view

Prior Notification / Approval

133. Permitted development rights (“PDR”) refer to those forms of development which are granted planning permission through legislation, meaning they can be carried out without a planning application having to be submitted to (and approved by) the local authority. Specifically, PDR are contained within the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#) (“the GPDO”).
134. By allowing development to be carried out without an application for planning permission, PDR can provide certainty to developers and save the time and expense associated with applying for planning permission. They can also reduce burdens on planning authorities, allowing them to focus resources on more complex and strategic cases. Since 2020 the Scottish Government has been taking forward new and extended PDR through a [phased review programme](#), with each phase of the review focussing on particular development types. Phase 3 is focussed primarily on PDR for renewable energy equipment: a public consultation was held in summer 2023 and we will be implementing the final measures shortly.

135. PDR are organised into a series of "classes" set out in the GPDO. Each class specifies the type (or types) of development for which planning permission is granted. Most classes of PDR are subject to conditions and limitations. These conditions may, for example, specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas, National Scenic Areas etc.). In most cases, PDR allow development to be carried out without reference to the planning authority – provided the relevant PDR conditions are complied with. However, a small number of PDR are subject to a process known as “prior notification and prior approval”. Under this process, a developer must notify the planning authority, provide details of its proposed development and pay the relevant fee (as specified in the Fees Regulations). The authority then has an opportunity to indicate whether specific aspects of the development are acceptable.

136. The planning authority’s determination is limited to the particular matters specified in the relevant PDR class – for example, siting, design or appearance. In this sense, the process is lighter touch than a planning application because a narrower range of considerations can be taken into account. This is reflected in the fee levels for prior notification and approval applications: in most cases, the fee is £100 (this was increased from £78 in 2022). However, for some PDR classes subject to prior notification/approval (agricultural and forestry buildings/operations) there is no fee, while in others (conversion of agricultural buildings, fish farms, telecoms) the fee is £500.

137. Our view is that the prior notification and approval process strikes a sensible balance between the certainty offered by PDR, whilst providing planning authority oversight of key elements of a development in cases where a full planning application would be disproportionate. However, we are aware that some authorities have expressed concern that the fees for prior notification and approval applications do not reflect the level of work involved in determining them – and that in some cases this can be akin to a planning application. We would welcome views on whether this issue is more acute for certain PDR classes and why that is the case.

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

Yes | No view | No

Please explain your view

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.

Shellfish Farming

138. The Scottish Government is supportive of the continued development of shellfish farming in Scotland, as is set out in the [Vision for Sustainable Aquaculture and Scotland's National Marine Plan](#). The sector can support the growth of rural and island economies through trade, investment and the provision of secure year round employment, as well as supporting the growth of the wider aquaculture supply chain. The range in size of shellfish farming businesses, from small family owned farms to multi-site operations, demonstrate the opportunities for both smaller entrants and larger established businesses to invest in shellfish farming.
139. The [Planning Performance and Fees consultation](#) in 2019 explored separate fees for fish and shellfish farms due to the differing nature of development. The majority of respondents had supported these changes, with some suggesting that fees for shellfish farms should be smaller as applications may generate less work in their determination compared to fin fish farms.
140. In [April 2022](#) changes were made to planning fees to move planning fees closer towards full cost recovery. The fee for shellfish farming applications were increased from £183 to £200 per 0.1 hectare (HA) of surface area and the seabed area element of the calculation (previously set at £63 per 0.1 hectare) was removed.
141. An unintended consequence of the new fee structure is that shellfish application fees have increased almost two-fold to that calculated under the previous fee's formula. This is due to a change in the way the site area for shellfish farms is being interpreted by local authorities. The shellfish farming sector have stated this increase has resulted in many businesses being unwilling to seek consents for new shellfish farms.
142. We have provided worked examples showing how the differing fee structures and area calculation methodologies result in different planning fee costs. The following examples are based on a 5 x 220m twin-headline longlines farm at 20m spacing with 30m end moorings:
- Pre April 2022 fee using original area calculation = £1,752
 - Post April 2022 fee using original area calculation = £400
 - Post April 2022 fee using new area calculation = £3,600
143. We consider that maintaining the current methodology and interpretation of site area would provide consistency and avoid a need to introduce a new methodology for both applicants and authorities to understand and adapt to.

144. Using the example provided above and the current methodology, a fee of £100 per 0.1 Ha would amount to a similar fee to that which was in place before April 2022. With the understanding that the current fee, £200 per 0.1 Ha, has resulted in a significant increase, it is proposed that the current fee level is reduced to encourage development of new shellfish farms, whilst ensuring we maintain an adequate level of cost recovery.

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

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.)

Cumulative Impact

145. The proposals in this consultation are options for consultation. They build on ideas identified in our stakeholder workshop, but are not exhaustive, and we are keen to hear of additional suggestions to resource the planning system.

146. We do not envisage that all proposals will be implemented and acknowledge that to do so could lead to significant additional costs for applicants. There are also likely to be costs for authorities in establishing new processes and systems – but this would be offset by increased income. We would therefore welcome your views on which proposals you think we should prioritise.

Question 38: Which proposal would you most like to see implemented?

Please explain the reason for your answer.

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

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

Impact Assessments

147. This Consultation paper is accompanied by a number of impact assessments. Due to the wide ranging nature of the proposals included in the consultation paper there may be a need to complete more detailed impact assessments when taking forward specific proposals. We would therefore welcome any views on the proposals and in particular if there are any potential impacts which we need to consider.

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

Children's Rights and Wellbeing Impact Assessment

Fairer Scotland Duty

Strategic Environmental Assessment

Annex A - Summary of Consultation Questions

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

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Yes | No view | No
Please explain your view

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

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

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

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

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?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

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

- i. Within Scottish Government
- ii. Within public organisation
- iii. Within a host authority
- iv. Other
- v. No view

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

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

Question 15: Should an annual inflationary increase apply to:

- i. Individual fees and increments
- ii. Individual fees, increments and maximums
- iii. No view

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

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

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

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?

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?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

Yes | no view | No
Please explain your view

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

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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 DPEA or the LRB?

10% | 20% | 30% | 40% | No view | Other
Please explain your view

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?

Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree
Please explain your view

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

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

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

Yes | No view | No
Please explain your view

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

Yes | No view | No

Please explain your view

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Yes | No view | No

Please explain your view

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Yes | No view | No

Please explain your view

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Fairer Scotland Duty
Strategic Environmental Assessment

Annex B - Responding to this Consultation

We are inviting responses to this consultation by 31 May 2024. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space by accessing and responding to this consultation online at:

<https://consult.gov.scot/local-government-and-communities/resourcing-scotlands-planning-system>. You can save and return to your responses while the consultation is still open.

If you are unable to respond using our consultation hub, please send your response, together with the Respondent Information Form, to: investinginplanning@gov.scot

or

Investing in Planning Consultation
Planning, Architecture and Regeneration Division
Scottish Government
Area 2F South
Victoria Quay
Edinburgh EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the "About You" page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be published at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at: investinginplanning@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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