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Planning Review: Analysis of Consultation Responses

Executive Summary

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Executive Summary

This report records the analysis of the consultation responses to the Scottish Government's *Places, People and Planning*. It was prepared by researchers from Kevin Murray Associates and the University of Dundee, with support from Eclipse Research Consultants.

The Scottish Government's consultation was undertaken in the first quarter of 2017, with responses taken to 4 April, 2017. Following extensive notification and engagement by the Scottish Government, including with communities and planning bodies, 474 responses to the consultation were duly received from a wide range of stakeholders, representing a broad range of perspectives on planning and the planning system.

The purpose of this report is primarily to aid the Scottish Government in moving forward with their work. Therefore, the analysis has sought to draw out the major areas of agreement and concern from across the full body of evidence. Whilst all responses have been taken into account it has not been realistic to set out the qualitative content of every single response in equal detail, because of the volume and length of report that would ensue.

The analysis identified the sectors that the responses came from. Four primary sectors were identified. The breakdown of responses returned from these primary sectors was as follows:

Civil Society	57.1%
Policy and Planning	22.4%
Business Sector	8.9%
Development Industry	11.6%

The research team processed the 474 responses to the consultation and have produced this analysis, which follows the four main themes in the consultation document. The responses were coded using the consultation questions as the main framework, with additional codes added as the work progressed to gather information on other issues raised.

The methodology adopted by the research team took the following approach to the submissions:

- First, every submission was given an initial equal weighting, allowing every idea presented to be considered equally.

- Second, while frequency of an idea may be suggestive of ‘weight’ it became clear this might not be the case. For example, one idea could be proposed by 30 Group A1 "individuals", while another could be mentioned once by a Group B1 professional body with 100 members who have produced a collaborative response. We have taken the view that while both ideas have validity, undue consideration should not be given to an idea solely based on frequency.

The following summary provides a quick-look overview of the main areas of agreement by theme, and a supporting overview table with additional detail on the responses to the proposals in *Places, People and Planning*.

Key Theme 1: Making Plans for the Future – Areas of Agreement

- The need to align community and spatial planning into a two-way dialogue.
- Community and spatial plans should be prepared in parallel with joint review.
- Using Regional Partnerships as a vehicle for delivering positive change, with statutory duties, whilst creating opportunities for areas that are not currently in a strategic development plan area to work at a regional scale.
- Enhancing the status of both the National Planning Framework and Scottish Planning Policy, which should both be integrated and aligned. By using SPP in local development plans, it will allow LDPs to focus on spatial strategy and place making.
- Strengthening LDPs – including a ‘gatecheck’ process, removal of Main Issues Report stage and retention of local development plan examinations.
- Responses to a draft plan could be made more meaningful, easier to engage with, and a more transparent process.
- Should a 10-year plan life be introduced for LDPs, this must include a mechanism for review.
- Creating stronger delivery programmes to drive development and infrastructure.

Key Theme 2: People make the system work – Areas of Agreement

- Giving communities the opportunity to produce a Local Place Plan, caveated by calls for additional information, resources, support and training.
- The view from civil society is that Local Place Plans should inform the Local Development Plans; but from policy and planning, the business sector and development industry the view is that Local Place Plans should be informed by the Local Development Plans.
- Broad agreement around duties to involve community councils in the preparation

of a development plan. There was also support from civil society and business sector on the involvement of communities in the preparation of the Development Plan Scheme.

- Involving more people in planning, including children and young people.
- Support for more front loading, especially from the business sector and development industry.
- Support from civil society, policy and planning, and business sector for enhancing the requirements of pre-application consultation (PAC), primarily because current requirements are considered inadequate. For developers who were supportive, they recognised that there is best practice in the approach to PAC and that this should become the standard.
- Support from civil society, and policy and planning, for removing the ability for second planning applications to be made at no cost following refusal.
- Support for strengthening enforcement powers.
- Training for elected members was positively supported across all groups.
- Agreement that Reporters, rather than Ministers, should make decisions.
- The introduction of fees for appeal was supported by civil society.
- Improving the planning system to support the unique circumstances of island communities and economies.

Key Theme 3: Building more homes and delivering infrastructure – Areas of Agreement

- Designation and direction of housing numbers conducted at the national level.
- Provision of viability evidence for major housing applications (civil society, policy and planning). Development industry responses that supported this noted that the viability work will often have been conducted prior to making any application.
- Support for planning to aid diversity in the delivery of new homes.
- Civil society support for 'development ready' land was qualified by proviso that any mechanism should only be used in areas with existing active travel and transport networks.
- The development industry and business sector saw the attraction in zoning that streamlines the planning process. This support was conditional, and many requested further details.
- For resourcing, some sought consideration of the cost of establishing Simplified Planning Zones against the loss of planning application fees.
- Support for the proposed approach to infrastructure coordination was based on the organisations, leadership and experience already being in place, and it was a

matter of facilitating coordination and opening communication.

- There was support from civil society, policy and planning, and the business sector for improved national coordination of infrastructure, though an agency was viewed as another layer of bureaucracy by some. For others in the development industry, improved national coordination was seen as only a short-term solution; they maintain that a formal agency should be established in the longer term.
- Support for Regional Partnership working, particularly if they can have a two-way dialogue with national level coordination.
- Support from civil society and policy and planning sectors to restrict the ability to modify or discharge Section 75 planning obligations (Section 75A), on the basis that certainty is required about funding required infrastructure.
- Support for the Infrastructure levy from civil society and policy and planning, because of the need for funding of infrastructure that goes beyond what S75 agreements currently cover.
- Support the removal of the requirement of Section 72 of the Climate Change Act (2009) on the basis that the piece of legislation has not materially contributed to improved levels of emissions, whilst improved building technologies and fabric first approaches have contributed more.

Key Theme 4: Stronger leadership and smarter resourcing – Areas of Agreement

- Support for better resourcing of planning departments and creating opportunities for multi-disciplinary work.
- Support for improving skills within the planning profession and developing leadership both at a personal level and across planning profession.
- Increased planning fees to be 'ring-fenced' and spent on an improved service.
- Monitoring performance should include the quality of outcomes as well as the timeframe.
- Scope for increased use of digital technology to enhance submission and review of applications, alongside communication and consultation.
- For permitted development rights:
 - All the types of permitted development suggested in the consultation paper were supported by business sector
 - Household extensions and alterations were also supported by the development industry and some civil society respondents.
- Support for establishing a consistent approach to the requirements of a valid application.

Proposal	General/conditional support	Concerns
1. MAKING PLANS FOR THE FUTURE		
Proposal 1 - Aligning community planning and spatial planning	<ul style="list-style-type: none"> - Two-way dialogue between spatial and community planning. - Retaining the primacy of Local Development Plan in the decision-making process. -Community and spatial plans should be prepared in parallel with joint review. 	<ul style="list-style-type: none"> - Concern from development industry that consultation with community planning would burden and slow down the Local Development Plans preparation process. - Linkages between Community Planning Partnerships and Spatial plans need to be genuine partnerships. - Concern from policy and planning that this all appears one-way. Calls for clarification on what community planning should ultimately consist of.
Proposal 2 - Regional partnership working	<ul style="list-style-type: none"> - Potential opportunity to create a vehicle that is effective and better placed to deliver positive change. - It creates opportunities for areas that are not in the Strategic Development Plans to work at a regional scale. - The Regional Partnerships will require to be underpinned by core statutory duties. 	<ul style="list-style-type: none"> - Concern over removing Strategic Development Plans, there will be more centralisation. - Concern over the difficulty for the development assessment at this scale. - Concern over the loss of regional planning expertise that has been built up in Scotland. - Concern that if the Regional Partnership model have only discretionary powers it will have less purpose. -The authorities that do already have Strategic Development Plans felt that the proposals offered the chance to build upon what had been successful so far in terms of regional planning. That further integrating bodies and roles that operate at this scale, and with a statutory basis, might enhance regional planning and achieve the aims of the consultation. - Concern over a perceived lack of evidence and rationale for the so-called failure of Strategic Development Plans.

Proposal 3 - Improving national spatial planning and policy	<ul style="list-style-type: none"> - Both the National Planning Framework and the Scottish Planning Policy should be given more weight in decision-making. - National Planning Framework and Scottish Planning Policy must both be significantly integrated and aligned. - By using Scottish Planning Policy in Local Development Plans, it presents an opportunity for Local Development Plans to focus more on spatial strategy and place making. 	<ul style="list-style-type: none"> -Concern that if policy does not take account of community views, it could be perceived as top down 'imposition'. - Concern that there a loss of detail from Local Development Plans, might undermine community confidence in the plans. -Concern that Scottish Planning Policy will not take account of local circumstances and may not be sufficiently prescriptive to fit a local context. - Concern from policy and planning that a stronger Scottish Planning Policy and National Planning Framework would be less democratic and less locally specific. - Concerns were raised about the practicality of the proposal.
Proposal 4 - Stronger local development plans	<ul style="list-style-type: none"> -Support of stronger local development plans -Support of the removal of Main Issues Report - Responses to a draft plan could be more meaningful, easier to engage with and a more transparent process -Local Development Plans should become visionary documents -Plans should not just be about land use, but also offer guidance on how development is done -Support for retaining Local Development Plan examinations - Support for the introduction of a 'gatecheck' process - Strong support that a chance to review would be required if a ten-year cycle was introduced. 	<ul style="list-style-type: none"> -Concern from most the business sector and the development industry about extending the review cycle to 10 years. Scope to update the plan between cycles would be essential. - Concerns have been raised regarding the overall concept of streamlining. - Concern from the civil society and policy and planning about the removal of the supplementary guidance - Concern from the policy and planning and the development industry about the use of professional mediation to support the process of allocating land. - Some concerns about whether loss of the main issues report and / or supplementary guidance would limit engagement and make plans more unwieldy / longer to prepare.
Proposal 5 - Making plans that deliver	<ul style="list-style-type: none"> - Strong support for all of measures set out to strengthen the plan's commitment to delivery. - Planning permission in principle for allocated Local Development Plans sites is not supported – in agreement with the proposal. - Support from policy and planning and civil society for increasing requirements for consultation for applications relating to non-allocated sites. 	<ul style="list-style-type: none"> - Concern from business sector and development industry that proposals to increase requirements for consultation for applications relating to non-allocated sites. - Concern are raised on this relate to planning only being able to facilitate delivery up to a point, particularly when external market factors are involved. - Quite widespread agreement from policy and planning that putting more emphasis on plans and plan making overlooks more important structural factors - the solutions to these problems lie beyond the scope of this planning review.
2. PEOPLE MAKE THE SYSTEM WORK		
Proposal 6 – Giving people an	<ul style="list-style-type: none"> - Strong support for the opportunity to produce Local Place Plans. However, it is caveated with calls for additional 	<ul style="list-style-type: none"> - Concerns form the development industry over the possibility that Local Place Plans could be used as a blocking mechanism by communities, or

<p>opportunity to plan their own place</p>	<p>resources, support and training.</p> <ul style="list-style-type: none"> - Support from civil society that the Local Place Plans should inform the Local Development Plans. - Support from policy and planning, business sector and development industry that the Local Place Plans should be informed by Local Development Plans. - Agreement around duties to involve community councils in the preparation of development plan. - Support from civil society and business sector on the involvement of communities in the preparation of the Development Plan Scheme. 	<p>be used to do so by vocal minorities.</p> <ul style="list-style-type: none"> - Concern from development industry that these could ‘dilute’ or distract Local Development Plans from delivery. - Concerns that an imbalance could be created in locations that have Local Place Plans. - Concerns from development industry over Local Place Plans related to their experience with Neighbourhood Planning in England. - Many local authorities opposed this on the basis of resource constraints and the lack of evidence that there is demand for Local Place Plans and that it has not been thought through thoroughly. Wider local authority interests also expressed concerns about resourcing.
<p>Proposal 7 - Getting more people involved in planning</p>	<ul style="list-style-type: none"> - Support for having more consultation and involving more people in planning. - Support for requiring local authorities to use methods that support children and young people in planning. - General support for this idea from policy and planning – but most saying it should not be a statutory requirement. 	<ul style="list-style-type: none"> - Concern that any extra work that this creates may not result in an equal or greater pay off. - Concern over the increase of the time and cost of plan preparation due to duties and requirements for consultation. - Concern over resources implication regarding the requirement for local authorities to use methods to support children and young people in planning. -Some planning authorities and others questioned why children were being specifically targeted and highlighted the need to also involve other marginalised groups and ages.
<p>Proposal 8 - Improving public trust</p>	<ul style="list-style-type: none"> - Support civil society, policy and planning and business sector for enhancing the requirements of pre-application consultation (PAC). It come primarily because of those who feel that the current requirements are inadequate. - For developers who are supportive, they recognise that there is best practice in the approach to PAC and that this should become the standard. -Support from civil society and policy and planning for removing second planning applications to be made at no cost following a refusal. - Strong support for strengthening enforcement powers. - Island authorities are happy with the specific identification of island issues. 	<ul style="list-style-type: none"> -Those who raise concerns or are critical of the proposal tend to view current arrangements as adequate. -Any enhancement to the process that increases cost or the prospect of delay is not welcome. - Development industry want to maintain scope for repeat applications to be made at no cost following a refusal as a check and balance against applications being rejected for the wrong reasons or changes in circumstances. - Disagreement on the strengthening of enforcement powers was predicated on these already being considered adequate but under-utilised.

<p>Proposal 9 - Keeping decisions local – rights of appeal</p>	<ul style="list-style-type: none"> -Strong agreement for mandatory training of elected members or review bodies. - Wide disagreement with the proposal for Ministers, rather than Reporters, to make decisions. -Support for the introduction of fees for appeals and reviews from civil society - Support for an approach that recognises the unique circumstances of island communities and economies. 	<ul style="list-style-type: none"> - Concern from development industry and business sector that decision-making by any elected person such as local review bodies may not always be reliable. - Supporters of Third Party Right of Appeal express disappointment that this has been rejected. - Concerns from development industry and business sector over the proposal to introduce fees for appeals and reviews with views that it could undermine the independence of the appeal or review. - Little support from planning authorities for Ministers taking on more decisions. Equally they also had limited support for more local review body decisions as this was viewed as already resource intensive but fit for purpose.
<p>3. BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE</p>		
<p>Proposal 10 - Being clear about how much housing land is required</p>	<ul style="list-style-type: none"> -Support for moving the designation of housing numbers away from the Local Development Plan preparation process. - If the proposed approach could streamline the process that would be welcomed. - General agreement from policy and planning that there is a need to move away from a numbers game; views varied on the specific measures to achieve this. 	<ul style="list-style-type: none"> -Concern over removing the process from the local context, potentially making it less transparent and 'top down'. - Widespread opposition from policy and planning to idea that numbers might be imposed nationally. - Planning authorities making it clear that housing issues cannot be solved by planning alone – other factors influence delivery.
<p>Proposal 11 - Closing the gap between planning consent and delivery of homes</p>	<ul style="list-style-type: none"> - Support from civil society, policy and planning about providing evidence of the viability of a site. Development industry responses that support this note that viability work will often have been conducted prior to making an application. - Support for diversifying the way in which homes are delivered. 	<ul style="list-style-type: none"> -Concern from some of the development industry and business sector that information that is available in the early stages of a proposal will likely change as information becomes more available and more detailed further down the process. -Other from development industry and business sector note that in their process, some of the items necessary for determining viability are unknown prior to planning consent being granted. - Development industry note that diversification should be in addition to what house builders currently deliver and not diminish overall. - Concern from local authorities over the fact that the market determines diversity of what is delivered and the scope to change this is limited. - Concern that the house building market is not highly competitive and there has been a reduction in small and medium-sized enterprise housebuilders, which has an impact on how diverse a range of housing is

		<p>being delivered.</p> <p>-Concern from policy and planning that the proposals do not go far enough. Need to be more interventionist. More structural change outside of the planning system is needed.</p>
<p>Proposal 12 - Releasing more 'development ready' land for housing</p>	<p>- Civil society support for 'development ready' is qualified such that it ought only to be a mechanism used in areas with existing active travel and transport networks.</p> <p>- Development industry and business sector see the attraction in zoning that streamlines the planning process. This support is reserved as many request further details.</p> <p>-Improvement suggestion such as:</p> <ul style="list-style-type: none"> - Extensive community consultation - Assessment on Infrastructure need. - Environmental assessments - Take account of local housing need <p>- For resourcing, there is a need to balance out the cost of establishing Simplified Planning Zones and the loss of planning application fees</p>	<p>- Concerns around who would be responsible for funding infrastructure delivery and how this might be guaranteed.</p> <p>- Concern that Simplified Planning Zones does not provide any benefit for mainstream housing development, which makes up a large part of house building and the market.</p> <p>- Concern over allocating significant land for a single use.</p> <p>- Some issues that need to be addressed prior to allocation of a zone are archaeological site investigations, conservation and environmental assessments.</p> <p>- Planning authorities are concerned that the idea of Simplified Planning Zones has not been fully considered. Simplified Planning Zones have a questionable history in regard to employment land and when it comes to housing Simplified Planning Zones very little evidence that the idea will transfer well into Scotland's system of discretionary planning and primacy of private property ownership over public intervention.</p> <p>- Concern over additional resources required for planning authorities to set up Simplified Planning Zones and a loss of application fees, potentially further increasing the burden.</p>
<p>Proposal 13 - Embedding an infrastructure first approach</p>	<p>-Support for the proposed approach is based on the organisations, leadership and experience already being in place, and it is a matter of facilitating coordination and opening communication.</p> <p>- Support from civil society, policy and planning and business sector for an improved national coordination over an infrastructure agency as it is viewed yet another agency or another layer of bureaucracy.</p> <p>- For some of the development industry, the improved national coordination is viewed as a short-term solution while in the longer term a formal agency is established.</p> <p>- Support for Regional Partnerships working on coordination,</p>	<p>- Concern over the proposed approach for national coordination. In the absence of a statutory duty, the delivery group may lack the impetus from all parties to participate fully or lack the powers required to perform a useful function.</p> <p>-Concern how to ensure that the approach taken by the delivery group is equitable and treats areas across Scotland without bias to how urbanised they are, rather than what infrastructure needs exist.</p>

	particularly if they can have a two-way dialogue with national coordination.	
Proposal 14 – A more transparent approach to funding infrastructure	<ul style="list-style-type: none"> -Support from civil society and policy and planning to restrict the ability to modify or discharge Section 75 planning obligations (Section 75A) on the basis that certainty is required that there will be funding for needed infrastructure. - Support for infrastructure levy from civil society and policy and planning because there is a need for funding for infrastructure that goes beyond what Section 75 agreements can currently cover. 	<ul style="list-style-type: none"> - Development industry in general does not agree with the proposal to restrict the ability to modify or discharge Section 75 planning obligations (Section 75A). - Concern from development industry on the infrastructure levy that contributions made in this way will be used to fund infrastructure that should be funded by central government. -Concern from the business sector is that an infrastructure levy will impact on the viability of any development they carry out, particularly when the development does not have an impact in local infrastructure. - Concern from planning and policy that the levy will either not raise sufficient funds to pay for all the infrastructure needed, or that the timing of receiving funds will not be correct to fund up front infrastructure that may be required. -General concern on infrastructure levy based on the experience in England. -Smaller but significant group of planning authorities thought the levy idea is initially appealing but will be an overly complex way of dealing with infrastructure funding. Some called for greater cognisance of what has happened in England with CIL and calls for recognition of English moves towards regional devolution and upfront funding and clawback. Views that structural changes outside the power of the planning system are needed to resolve infrastructure funding.
Proposal 15 - Innovative infrastructure planning	<ul style="list-style-type: none"> - Support the removal of the requirement of Section 72 of the Climate Change Act (2009) on the basis that the piece of legislation has not contributed to improved levels of emissions, but improved building technologies and fabric first approaches have contributed more. 	<ul style="list-style-type: none"> - Concerns from the civil society and business sector that removing the requirement may result in increased emissions or reduced consideration of climate change issues.
4. STRONGER LEADERSHIP AND SMARTER RESOURCING		
Proposal 16 - Developing skills to deliver outcomes	<ul style="list-style-type: none"> - There is considerable recognition that planning is well positioned to be visionary and deliver better places. - Putting the planning department on a level with other Executive departments will give planning a renewed mandate, 	<ul style="list-style-type: none"> - General concerns regarding how planning will be resourced in the future, as this seems to be a key barrier at present. - Concern is that the emphasis appears to be on equipping planners to enable development, when those concerned feel that the role of planning is

	<p>and some respondents hoped that it would de-politicise planning and better support elected members</p> <ul style="list-style-type: none"> - Resourcing planning departments are also critical. - Developing leadership is another key theme, which translates both to developing individual leaders and wider leadership across the planning profession. - Greater opportunity for multi-disciplinary working is widely supported. 	<p>not simply to enable development but rather to make balanced decisions for the public good.</p> <ul style="list-style-type: none"> - Concern that planning education is not effectively equipping graduates.
Proposal 17 - Investing in a better service	<ul style="list-style-type: none"> - General acknowledgement that planning is under-resourced. - Should planning fees be increased, there was agreement that these should be 'ring-fenced' and used to resource more effective planning departments that are able to offer a higher level of service. 	<ul style="list-style-type: none"> - A 'fast-track' planning process raises concerns that it either gives the wrong impression or it creates a 'divisive two-tier' system or that it does not align with the justification that higher fees are associated with processing costs alone. - Views from planning authorities that agencies to be able to charge fees to applicants, rather than local authorities. - Concern from development industry that increased fees would not immediately be met with improved performance and service. - Concern from policy and planning that increased fees could disincentive development and investment, with an impact in rural and island communities. - Widespread concerns from policy and planning if planning authorities are going to be asked to raise and administer funding that will go to central government agencies.
Proposal 18 - A new approach to improving performance	<ul style="list-style-type: none"> - General support on monitoring the quality of decisions and outcomes as a measure of performance, as well as time. - Support for the 360-feedback proposal, if there is implementation of lessons learnt through this. - General agreement from policy and planning that planning performance needs to move beyond quantitative targets to focus more on outcomes 	<ul style="list-style-type: none"> - Concern that the penalty clause is going to remain in place. - Concerns from development industry about the time and resource that might be required to monitor performance and outcomes. It should not come at the expense of delivering primary services
Proposal 19 - Making better use of resources – efficient decision making	<ul style="list-style-type: none"> - Support from business sector for all the types of development suggested in the consultation paper to have some form of permitted development rights. - Support from development industry for permitted development rights for household extensions and alterations is considered. 	<ul style="list-style-type: none"> - Concern is the impact the extension of permitted development rights might have on Conservation Areas. - Concern from planning authorities that without further consideration to Conservation Areas, extension of these rights may not reduce the volume of applications. - Concern from policy and planning on the conversion of unused farm

	<ul style="list-style-type: none"> - Support for setting out a consistent approach to the requirements for a valid application - Policy and planning wanted more details on the proposals and more justification for them. 	<p>steadings to housing.</p> <ul style="list-style-type: none"> -Concern from civil society that it might create opportunity for speculative development, potentially in unsustainable locations and without due consideration being given to required infrastructure.
<p>Proposal 20 - Innovation, designing for the future and the digital transformation of the planning service</p>	<ul style="list-style-type: none"> - ePlanning has been a welcome development, reducing both time and cost in allowing applicants to upload files. - Increasing access to planning documentation online is also welcome. - Support for use of 3D imaging to present development proposals and plans -Support for using digital technology for communication. 	<ul style="list-style-type: none"> - Concern over the available resources and skills to fully embrace digital technology. - Concern that it would be difficult to implement without investment in resources, with suggestions of a central resource to support local authorities.