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Planning Review: Analysis of Consultation Responses

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Glossary

Community Infrastructure Levy (CIL): The Community Infrastructure Levy is a planning charge in England and Wales, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.

Community Planning: A process, delivered through Community Planning Partnerships, aimed at helping public agencies to work together with the local community to plan and deliver better services, with community engagement as a key aim. Community planning is, however, separate from the land-use planning system, and how it is implemented generally depends on the local authority. (Planning Aid for Scotland, Glossary of Common Planning Terms in Scotland, 2).

Development Plan: A generic term for the Structure and/or Local Plan, or Strategic Development Plan and/or Local Development Plan, which apply to a planning authority area. Any planning application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. (Planning Aid for Scotland, Glossary of Common Planning Terms in Scotland, 3).

Planning and Environmental Appeals Division (DPEA): The Scottish Government's Division that handles planning appeals on behalf of the Scottish Ministers (Scottish Government, A Guide to Planning Appeals in Scotland, 2).

Local Development Plans (LDP): Part of the Development Plan – a statutory document required to be prepared (as of 2009), after full public consultation, by all planning authorities in Scotland to replace existing Local Plans. The LDP is the basis for making planning decisions in a given area. It must contain a spatial strategy and a vision statement, planning policies and maps. In the four city-regions, the LDP will be supplemented with a Strategic Development Plan; elsewhere the Development Plan will comprise only the Local Development Plan. (Planning Aid for Scotland, Glossary of Common Planning Terms in Scotland, 4).

Housing Needs and Demand Assessment (HNDA): An evidence base providing the facts and figures which underpin the preparation of Local Housing Strategies, Strategic Development Plans and Local Development Plans. It is referred to as the HNDA and provides key evidence for housing and planning policy. The HNDA evaluates housing needs and demand, covering “backlog need” (those with a critical housing issue, such as homelessness) and “newly arising” (need for new housing over a given time).

Infrastructure: Utility services (roads, sewers, and supplies of gas, water, electricity) or social/community services (schools, community halls, health centres etc.) which are needed to allow a development to take place. (Planning Aid for Scotland, Glossary of Common Planning Terms in Scotland, 4).

Main Issues Report (MIR): The initial draft of a local development plan that seeks comment on site and policy options. (Highland Council, CasPlan Glossary: https://www.highland.gov.uk/download/downloads/id/12130/casplan_glossary.pdf)

National Planning Framework (NPF): The Scottish Government's strategy for the long-term development of Scotland's towns, cities and countryside. It sets out a vision for Scotland's development for the next 20 to 25 years and designates developments of national importance. Development Plans must have regard to the content of the NFP. (Planning Aid Scotland, Glossary of Common Planning Terms in Scotland, 5).

Pre-Application Consultation (PAC): Public events required to be held by prospective applicants prior to submission of applications for national developments and major developments, to enable local communities to be better informed about significant development proposals in their area. Prospective applicants must notify community councils (and other parties as agreed with the planning authority) and hold a minimum of one public event (to be advertised 7 days in advance in a local newspaper) at which members of the public can make comments. (Planning Aid for Scotland, Glossary of Common Planning Terms in Scotland, 6).

Planning Permission in Principle (PPiP): formerly known as outline planning permission and allows an application to be submitted to find out if the idea of a proposal is acceptable without the need to submit full plans and drawings. (Aberdeen City Council, Planning Terms A – Z: http://www.aberdeencity.gov.uk/planning_environment/planning/planning_sustainable_development/pla_planning_jargon_translator.asp)

Scottish Planning Policy (SPP): A document stating Scottish Government policy on nationally important land use and other planning matters. (Planning Aid for Scotland, Glossary of Common Planning Terms in Scotland, 7).

Section 75 Agreement: Planning obligations (known as section 75 Agreements in Scotland) are contracts entered into between a landowner/developer and the planning authority. A planning obligation can be entered into at any stage of the planning

process, and most commonly arises in connection with applications for planning permission and can include financial contributions towards schools, roads, transport, public realm and affordable housing. (Morton Fraser, Knowledge Hub: <http://www.morton-fraser.com/knowledge-hub/planning-gain-and-section-75-agreements>).

Section 72 of the Climate Change Act (2009): Requires planning authorities in any local development plan to include policies requiring all new build developments include greenhouse gas emission policies through installation and operation of low and zero carbon generating technology.

Strategic Development Plans (SDP): SDPs apply to the 4 city-regions (Aberdeen, Dundee, Edinburgh, Glasgow and their surrounding areas) and cover several local authority areas. SDPs are required to be prepared jointly by planning authorities acting as Strategic Development Planning Authorities (SDPAs) as of 2009 to replace existing structure plans. SDPS will set parameters for Local Development Plans; contain Vision Statements and Spatial Strategies; and will consider how land use proposals for neighbouring areas will impact on the SDP area. (Planning Aid for Scotland, Glossary of Common Planning Terms in Scotland, 8).

Supplementary Guidance: guidance that runs in association with an approved and adopted development plan and which has normally been through an additional consultation stage. The precise status may be affected by the stages of consultation and adoption by relevant parties, so it can be referred to as 'Interim' prior to full adoption.

Simplified Planning Zone (SPZ): An area in which a local planning authority wishes to stimulate development and encourage investment. It operates by granting a specific planning permission in the zone without the need for an application for planning permission and the payment of planning fees. (Planning Portal Glossary: https://www.planningportal.co.uk/directory_record/505/simplified_planning_zone)

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 opportunity to plan their own place	<ul style="list-style-type: none"> - Strong support for the opportunity to produce Local Place Plans. However, it is caveated with calls for additional resources, support and training. - 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. 	<ul style="list-style-type: none"> - Concerns from the development industry over the possibility that Local Place Plans could be used as a blocking mechanism by communities, or be used to do so by vocal minorities. - 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.
Proposal 7 - Getting more people involved in planning	<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.
Proposal 8 - Improving public trust	<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 	<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.

	island issues.	
Proposal 9 - Keeping decisions local – rights of appeal	<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.
3. BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE		
Proposal 10 - Being clear about how much housing land is required	<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.
Proposal 11 - Closing the gap between planning consent and delivery of homes	<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

		<p>there has been a reduction in small and medium-sized enterprise housebuilders, which has an impact on how diverse a range of housing is 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>- 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>

	- Support for Regional Partnerships working on coordination, 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	- 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.	- 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, and some respondents hoped that it would de-politicise 	<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 not simply to enable development but rather to make

	<p>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>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. - Support for setting out a consistent approach to the requirements for a valid application - Policy and planning wanted more details on the proposals 	<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 steadings to housing. - Concern from civil society that it might create opportunity for

	and more justification for them.	speculative development, potentially in unsustainable locations and without due consideration being given to required infrastructure.
Proposal 20 - Innovation, designing for the future and the digital transformation of the planning service	<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.

1.0 Introduction

The Scottish Government's Consultation on its Planning Review document *Places, People and Planning* (PP&P) was undertaken in the first quarter of 2017, with the consultation closing on 4 April. This was one of a series of documents that built upon an earlier consultation by the independent planning review panel in late 2015, and subsequent Analysis of Evidence in March 2016. These included:

- the report produced by the Independent Review Panel, "Empowering Planning to Deliver Great Places", dated May 2016,
- the Ministerial response to the Review Panel report, dated July 2016, and
- the formal consultation paper *Places, People and Planning* published on 10 January 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. Many of the responses went to great length to respond in detail to the consultation paper.

The consultation document is organised into four themes, with proposals contained within each theme. In all there are 20 proposals (see Appendix *ii*). Contained within the consultation document there is a key question for each theme and several technical questions that seek responses to specific items within the key themes and proposals. At the outset, it was recognised in the responses to the consultation that this is a vast, important, and very timely piece of work. There was a significant level of interest and engagement by planning and policy and development industry professionals, including representations from professional bodies that had been prepared after significant consultation with their memberships. Remarkably, in all around 57% contributions were received from civil society respondents. It was a clear that there is no singular view of the Scottish planning system – there are a wide range of views and opinions, even within sectoral responses.

A joint team of researchers from Kevin Murray Associates and University of Dundee, with support from Eclipse Research Consultants, was appointed to review and report on the submissions in a tight timeframe. Our approach combines a mix of qualitative and quantitative analysis. As the written submissions form a highly qualitative dataset, the analysis provided is primarily of a qualitative nature.

Reporting the Analysis

This analysis process has considered each of the 474 responses. Many of the individual responses examined parts (and sometimes the whole) of the consultation paper in detail.

The purpose of this report is primarily to aid the Scottish Government in moving forward with their work. Therefore, our 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 principle of 'inclusion', respecting all the submissions equally without bias, has informed our analysis throughout and how we have then reported the analysis. Frequent discussions allowed the team to identify whether there were occasions where over-emphasis of an issue or sector was introducing bias or distorting reporting. We hope we have succeeded in this.

How to read this report

The report is structured in the first instance to aid the Scottish Government in understanding the consultation responses. It is structured around the Government's **four key themes**, and sets out under each proposal where the key areas of agreement or concern lie. This is followed by an **overview of the responses by category**. Every effort has been taken to present the voice of the respondents neutrally, and to achieve an objective analysis of the evidence, rather than engage in detailed interpretation. However, this concise report cannot do justice to the full richness of opinions, qualifications and nuances expressed, nor to their inevitable tensions and contradictions. To give a sense of this complexity, we illustrate different opinions by means of direct quotations and provide a broad frequency of response by sector. However, even by doing this, there is an inevitable 'degree of over-simplification' of the data through such selection and representation.

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

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

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

The next section explains the research methods used.

2.0 Methodology

As with the earlier Planning Review Consultation analysis (undertaken in 2015-16), there were some broad methodological challenges in this analysis of written evidence. These included:

- First, by the very nature of the public call, **participation was on a self-selection basis**. The sole sampling criterion therefore was interest in the topic. This is important and means that no full societal population generalisation can be drawn. However, we are aware that the Scottish Government took steps to ensure that a wider audience was reached through the consultation process, including by running open events in public locations and through the use of social media.
- Second, the **length and complexity of the consultation** was felt by some respondents (particularly from civil society sector) to be a barrier, although an easy-read guide and guide for community councils was made available to support the consultation.
- Third, the planning system relates to a very broad field in terms of **the different stakeholders** likely to pursue different/contradictory agenda, challenging the analysis to compare and contrast their diverse perspectives.
- Fourth, the **focused timescale for the work required analysis** by multiple team members which, in turn, necessitates clear methodological frames in order to obtain cross-cutting consistency.

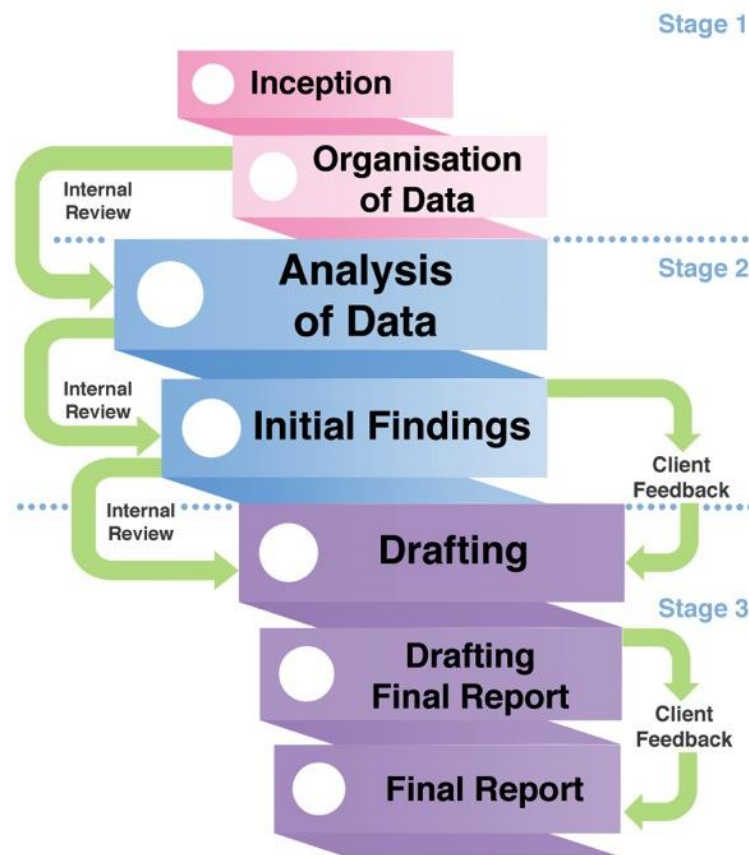
The responses range from a simple completion of the questionnaire with *yes/no* responses, to questionnaires with *qualified yes/no* responses, to detailed responses in the questionnaire format through to detailed responses that follow a different format. There have been several responses that required extra time and attention, due to their length and complete avoidance of the consultation format. Additional time was spent working on such responses. This follows our principle of inclusion and treating every response equally.

Some respondents, particularly those from the civil society sector, noted that tracking between the consultation document and consultation questions was sometimes difficult, leaving a feeling that responding directly to some proposals was somewhat challenging.

The coding of the responses has highlighted the need to consider all the evidence carefully. The 'mixed methods' approach addresses the challenge that the **quantitative data cannot stand alone** and must be considered alongside the qualitative data, particularly as so many submissions provided qualifications and caveats to the more overtly measurable element, such as a *yes/no* response.

The data analysis comprises three broad stages:

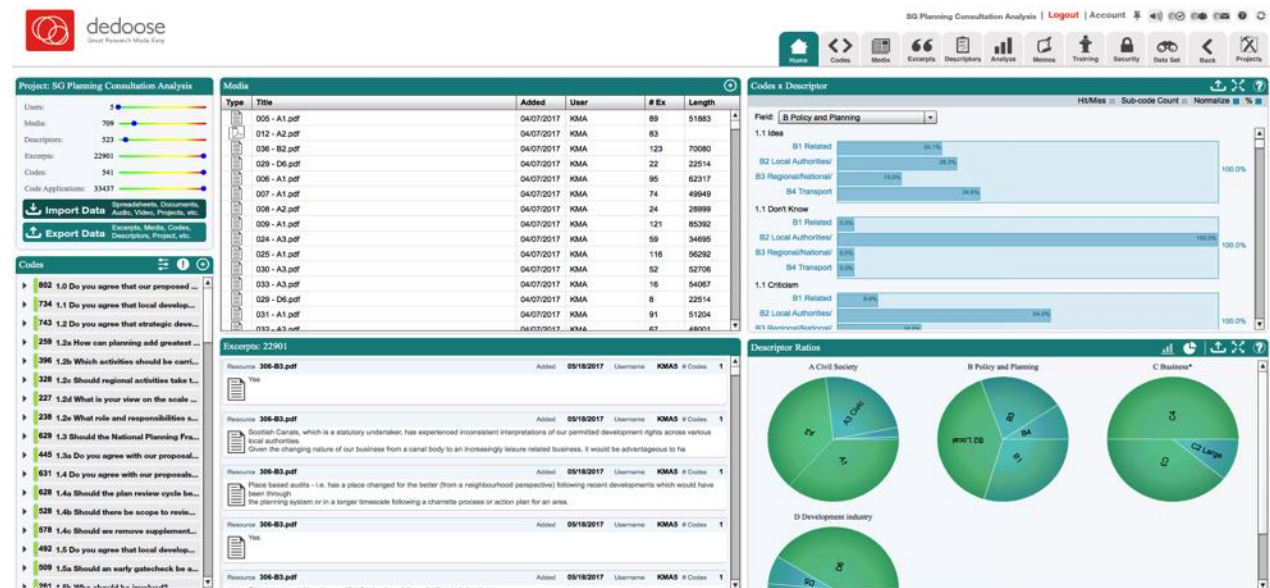
- Stage 1: Review of material and data processing** – organisation and cataloguing of the written evidence.
- Stage 2: Analysis of Evidence** – using both qualitative data software Dedoose and researcher-led techniques.
- Stage 3: Reporting** – initial reporting of findings, followed by detailed chapters on each theme.



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

In stage 2, we established a coding framework for sorting through the responses that was in the first instance based on the Government's Consultation questionnaire. A team member engaged in coding each stakeholder grouping (e.g. civil society; public officials; and business) using the Dedoose software. Dedoose is a software package designed

specifically for the analysis of qualitative data. It allows researchers to set a coding framework and to then sort the data according to this framework. This allowed the team to codify a large volume of data and identify patterns and emerging themes. It should be noted that the software is a tool and that the overall research is still dependent on the judgement and analysis of the researchers.



Coding and sub-coding

As the coding progressed and more submissions were reviewed, additions of sub-codes under each question enabled the team to identify how the respondent was answering the question (i.e. agreement, disagreement, presenting an idea). Through Dedoose's analysis tools the team could see the coding patterns develop, allowing for observation and reflection on differences and similarities between stakeholder groups (but not across geographies, as this data was not requested in the original survey). The team also held regular updates to talk through emerging findings.

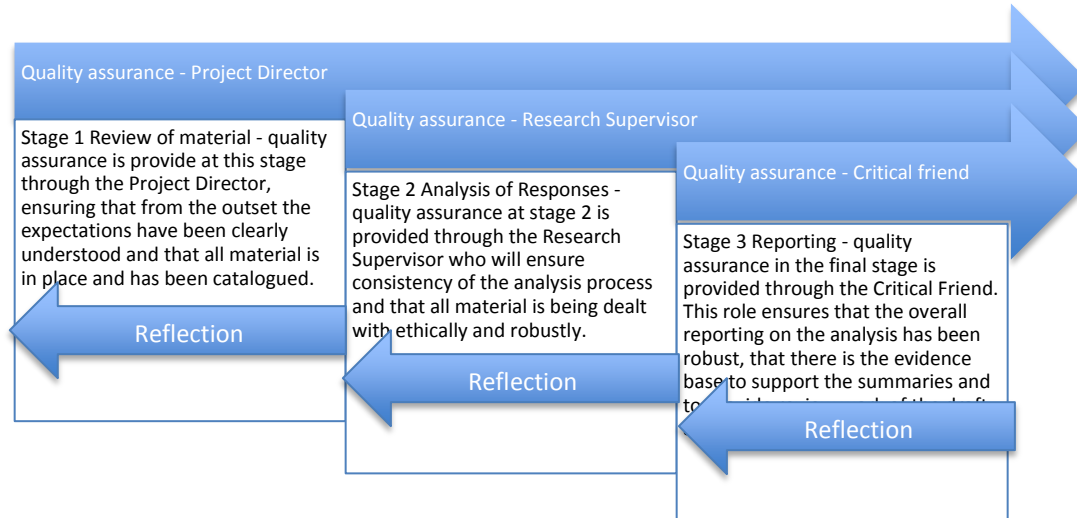
In the third stage of the analysis, we (re)-coded the textual data **in a second cycle** under the full set of the Consultation's key themes, proposals and technical questions in order to highlight areas of agreement and areas of concern. This was an iterative process. The report follows this structure for each of the review theme summary papers, which have informed the chapters.

Second cycle coding identified:

(1) Areas of agreement – what are the areas in which opinion generally agrees across the four response categories

(2) Concerns – what are the key concerns – or contentions - highlighted.

It is therefore this third stage material, see process diagram below, that has formed the basis for this report, with additional supporting material placed in the Appendices.



The three stages of the analysis process.

3.0 Participants

Identifying the sectoral responses

Determining the sectors from which the responses came is an important step. The Respondent Information Form required self-identification of participant from individuals and resident groups, to politicians, industry representatives and professional bodies, practising architects, planners, academics and developers and their advisers.

The Respondent Information Form required self-identification of participating individuals and organisations.

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

It was possible to identify consistently the sectoral position of each respondent, based primarily on

- (a) name of organisation in the respondent form
- (b) self-declared introductory presentation in the actual submission and occasionally on
- (c) additional attachments
- (d) context identified within submission.

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

A. Community and Civil Society

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

B. Authorities, Planners and Policy Makers

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

C. Business and Economy

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

D. Developers, Landowners and Agents

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

The following table provides a breakdown of the submissions by Main Group types:

Main Group	Sub-groups	Sub-total of respondents	% of total
A Civil Society	A1 Unaffiliated individual	271	57.1
	A2 Community Council		
	A3 Civic Group		
	A4 Political Groups		
	A5 Community Developer		
B Policy and Planning	B1 Related Professional	106	22.4
	B2 Local Authority/SDPA/ National Park		
	B3 Regional/National/ Government Agency		
	B4 Transport Authority		
C Business	C1 Small Business	42	8.9
	C2 Large corporation		
	C3 Business Association/Group		
	C4 Infrastructure Provider etc.		
D Development Industry	D1 Housing Association	55	11.6
	D2 House builder		
	D3 Construction firm		
	D4 Developer (other than housing)		
	D5 Landowner/manager		
	D6 Consultants and Agents		
		474	100%

More than half the respondents (57%) have come from civil society, indicating a healthy engagement with the public. The policy and planning response included many responses that have been prepared by professional bodies or organisations and therefore a single response was based on multiple inputs through consultation with

memberships. This was true also from the business sector and development industry responses.

In the previous (2016) Analysis of Initial Evidence, which the team conducted for the Scottish Government, the majority of responses had clear geographical data attached; therefore, we were able to give a regional breakdown of respondents. For this consultation, this data was not available; therefore, we were unable to provide a geographical breakdown of respondents with any kind of certainty.

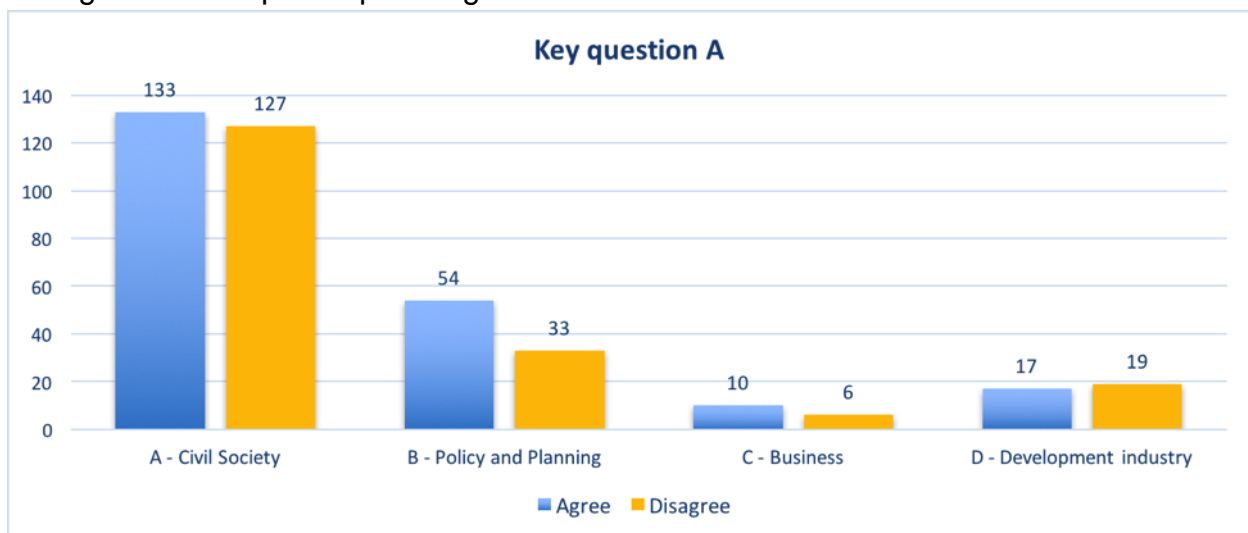
4.0 Main Planning Review Themes

This section sets out the responses to the questions of the Consultation paper in sequence. In this section, we have drawn out the main areas of agreement, and concerns that have been highlighted. When we use the word "agreement" we mean that we have been able to note from the data that there is a greater than 50% response in support, even when it is conditional or qualified support. Where there has been a greater degree of support, we have used the term "strong support".

4.1 Key theme 1: Making plans for the future

4.1A Making plans for the future - responses by Proposal

"Making plans for the future. We want Scotland's planning system to lead and inspire change by making clear plans for the future. To achieve this, we can simplify and strengthen development planning."



The above histogram indicates how many of the responses that answered the question agreed or disagreed. The below statistics are therefore derived from the total number of responses to the question and not a percentage of overall agreement or disagreement. The same applies throughout the remainder of the report.

In response to key question A ***“Do you agree that our proposed package of reforms will improve development planning?”*** of those who responded to this question just over half of civil society respondents (51%), 62% of policy and planning, 62% of business sector and 47% of development industry agreed with this statement.

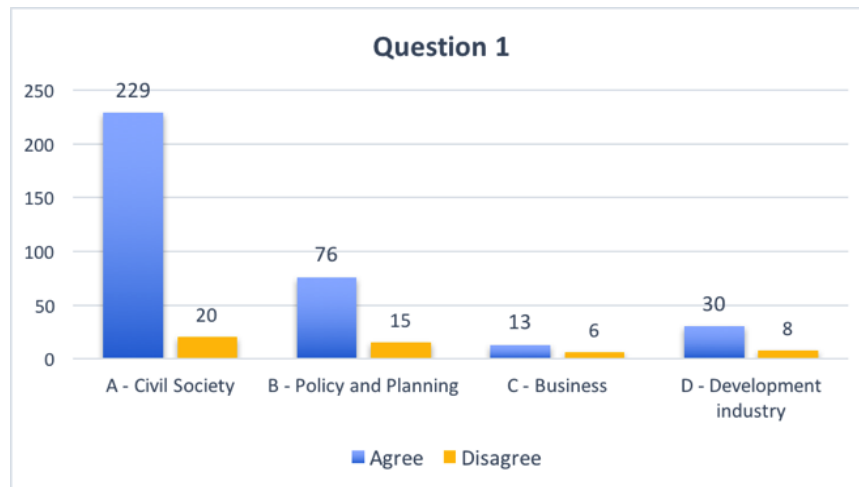
The main areas of agreement were:

- 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. Creating opportunities for areas that are not in the Strategic Development Plans to work at a regional scale.
- Enhancing the status of both National Planning Framework and Scottish Planning Policy. They must be both integrated and aligned. By using Scottish Planning Policy in Local Development Plans, it will allow Local Development Plans to focus on spatial strategy and place making.
- Strengthening Local Development Plans – including a ‘gatecheck’ process, removal of Main Issues Report stage and retaining of Local Development Plan examinations.
- Responses to a draft plan could be more meaningful, easier to engage with and a more transparent process.
- Should a 10-year plan life be introduced, it must include a mechanism for review.
- Increasing requirements for consultation for application relating to non-allocated sites (civil society and policy and planning).
- Creating stronger delivery programmes to drive the delivery of development.

Proposal 1: Aligning community planning and spatial planning

This proposal covers the following question from the consultation document:

1 *Do you agree that local development plans should be required to take account of community planning?*



Areas of agreement

For those who agreed with this proposal, it was considered an important positive step to align community planning and statutory spatial planning (see histogram Question 1). There are many areas of cross-over and therefore coordination would be welcome.

East Ayrshire's approach was highlighted as a step towards this type of integration, with a community respondent calling it "*inspired*" (civil society: 130 – A2). The Local Development Plan in East Ayrshire has been used to deliver the shared vision of the Council with a focus on how land use planning helps to deliver the outcomes set out in the vision, particularly strategic locations for economic development. The success of this model of working has been built on "*close partnership working, a shared focus on outcomes, governance and dynamic leadership.*" (policy and planning: 093 – B2)

The primary qualifications to this support were that it should be a two-way dialogue between spatial and community planning; community planning should not set the agenda alone, as there are numerous aspects of spatial planning, such as balancing economic and environmental decisions, that may not be factors in community planning. Therefore, retaining the primacy of the Local Development Plan in the decision-making process is important, with joined up working enabling community planning outcomes to be a material consideration (in planning decisions). This is distinct from the process of

community-led plans, covered under the Local Place Plan proposal. It was also recognised that local development plans could play an important role in delivering community planning objectives and this positive contribution needs to be recognised. In terms of preparation arrangements, the proposition has been that spatial plans should be prepared in parallel with community planning, with a joint review.

Concerns

Consultation with community planning partners would be welcomed, but there was concern from the development industry, in particular, that this would burden the local development plans preparation process and work to slow it down, rather than their perceived intent of lightening and speeding the process up.

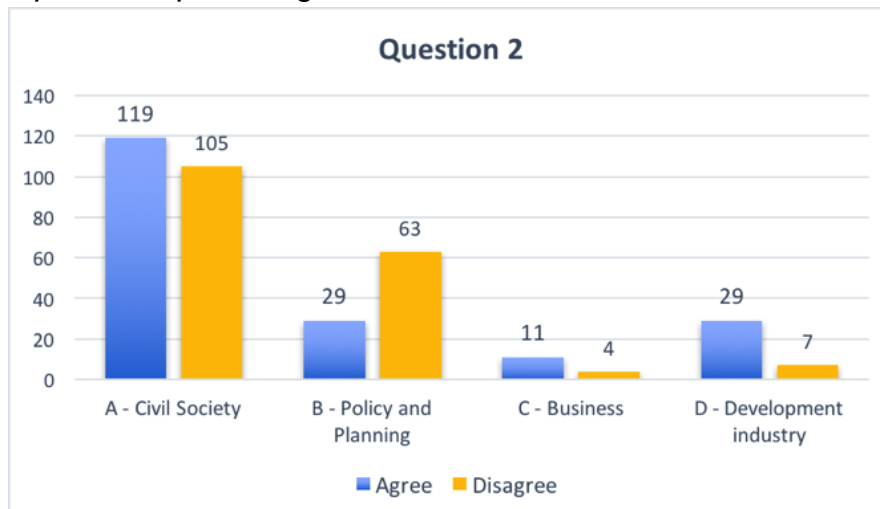
Linkages between Community Planning Partnerships and spatial plans need to be genuine partnerships to ensure that the links created between the plans are both recognised and deliverable.

There was an apparent misunderstanding as to what community planning is from some responses – often conflating this with the community-led Local Place Plan proposals. Other respondents noted that a clear definition would aid their understanding. This highlighted concerns raised by those with a greater understanding of community planning, that the level of mutual understanding and awareness of scope and purpose needs to be raised.

Proposal 2: Regional partnership working

This proposal covers the following questions from the consultation document:

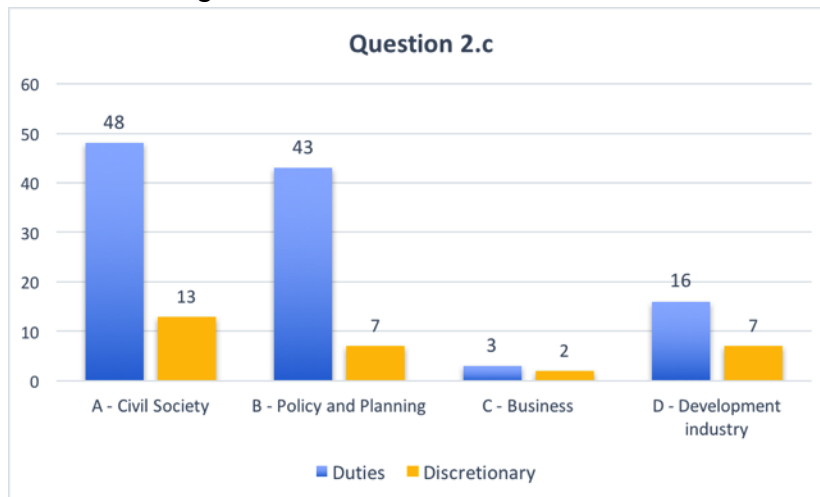
2.0 *Do you agree that strategic development plans should be replaced by improved regional partnership working?*



2a: How can planning add greatest value at a regional scale?

2b: Which activities should be carried out at the national and regional levels?

2c: Should regional activities take the form of duties or discretionary powers?



2d: What is your view on the scale and geography of regional partnerships?

2e: What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?

Areas of agreement

The agreement under this proposal was built around the idea that Regional Partnerships are a potential opportunity to create a vehicle that is more effective and better placed to deliver positive change than the current Strategic Development Plan system (see histogram Question 2).

Those respondents who were not in a current Strategic Development Plan area welcomed the proposal, as it will create opportunities for these areas to work at a regional scale. A vehicle to enable these to be considered would aid these areas, particularly more dispersed and rural regions. Additionally, the geographies for these areas need not necessarily be as per Strategic Development Plan areas, with City Deal and Housing Market Areas given as examples that could be viewed as a more dynamic way of working at the regional scale. However, in the authorities that do already have Strategic Development Plans, of the two Strategic Development Planning Authorities (SDPAs) that responded, there was a strong sense 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.

Success would come from the Regional Partnerships having a clear and statutory duty especially from policy and planning category, including intended outcomes, a balanced make-up in the partnership, as well as the resources and ability to implement their work (see histogram Question 2c).

There was agreement that the Regional Partnerships will require to be underpinned by core statutory duties. The reasons for this were to ensure that there will be engagement across the local authorities that are in the Partnership, as well as with the National Planning Framework that will set out the priorities, and that there will be a duty to consult key stakeholders including community. The risk identified was one of unbalanced engagement by parties, if the powers were only discretionary; particularly if their areas of disagreement led to withdrawal or disengagement, resulting in outputs that are not reflective of the whole of any Regional Partnership. Some responses from the policy and planning also recognised that beyond the duty to work together, there may be the need for flexibility in how delivery is carried out, rather than a 'one-size' approach to all. Moreover, some of the policy and planning responses explicitly mentioned the English 'duty to cooperate' which has been or is being enhanced in the recent housing white paper, they referred to this as evidence that a non-statutory approach may not be effective

Concerns

There was a significant concern from across civil society and some in policy and planning and business sector that, by removing Strategic Development Plans, there will be a greater degree of centralisation with most strategic priorities being set at a national level.

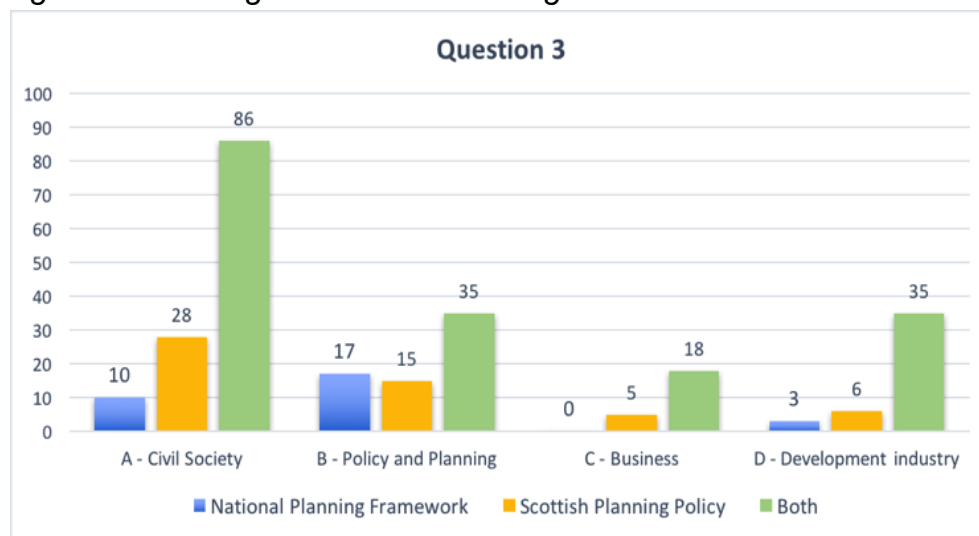
Some respondents felt that there would be a detrimental effect if the proposals meant that authorities would no longer consider development at the scale where it has a regional impact. Assessing development at this scale may become more difficult. Other areas where there was a concern were around the loss of regional planning expertise that has been built up in Scotland and the investment that local authorities and key agencies have made in the plans and the relationships. It was emphasised that any replacement should transition in such a way that capacity loss is minimised.

Should the Regional Partnership model have only discretionary powers, there is a concern that it will be viewed as having a lesser purpose and influence, and its outputs, therefore, more difficult to implement.

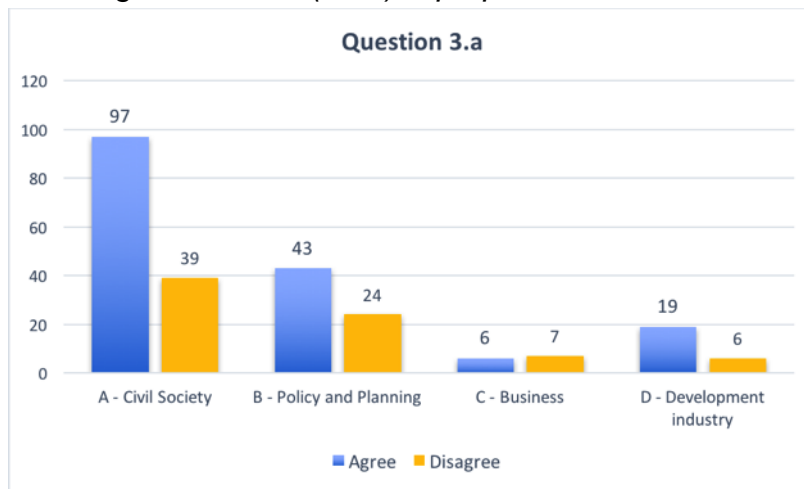
Proposal 3: Improving national spatial planning and policy

This proposal covers the following questions from the consultation document:

3.0 *Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?*



3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?



Areas of Agreement

The majority of respondents who thought that more weight should be given suggested that both the National Planning Framework and Scottish Planning Policy should be given more weight in decision-making (see histogram for question 3 above). Both civil society and development industry responses recognised that a consistent set of policies will bring clarity to the decision-making process. Enhancing Scottish Planning Policy will ensure that it is taken account of at the local decision-making level, leaving less scope for local interpretation. Moreover, it should be noted that a sizeable number of responses in civil society replied that neither National Planning Framework nor Scottish Planning Policy should be given more weight.

In the policy and planning sector, it was noted that the National Planning Framework and Scottish Planning Policy must both be significantly integrated and aligned to allow for the regional priorities identified in National Planning Framework to be delivered through policies set out in Scottish Planning Policy.

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 than on producing policy that varies in no significant way from Scottish Planning Policy.

Concerns

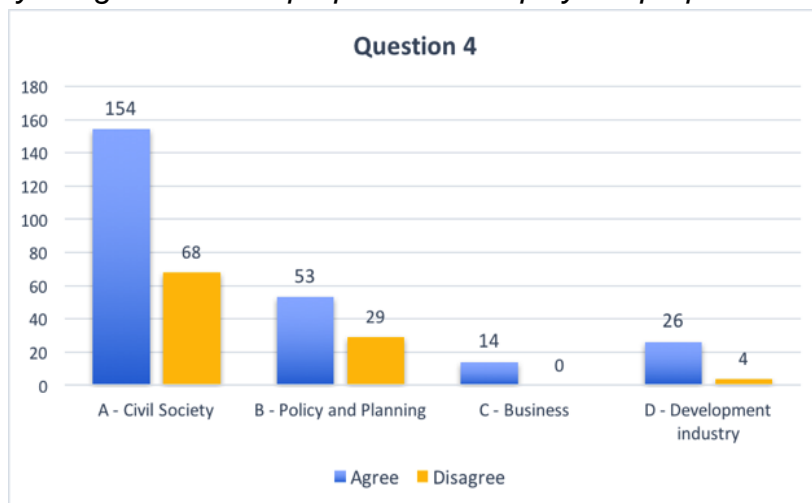
Policy needs to take account of community views, it was claimed from within civil society and policy and planning respondents, requiring some bottom-up input, otherwise, it risks alienating communities where it is viewed as top-down 'imposition'. The principle of subsidiarity should be retained to ensure that decisions were still made as locally as possible. There were also calls from civil society respondents to ensure that if Scottish Planning Policy and the National Planning Framework are being given more weight in decision making, that they should be built up from consultation with local communities and stakeholders. However, for some of the respondents from policy and planning, there were also concerns that a bottom-up approach to developing national level policy would be difficult to achieve.

There was also concern expressed that there would be a loss of detail from local development plans, which might undermine community confidence in the plans. In line with this concern was a fear that Scottish Planning Policy will not take account of local circumstances and therefore may not be sufficiently prescriptive to fit a local context. Respondents emphasised that local policy variation needs to be allowed where such cases demonstrably arise. Of particular note are the National Parks, for instance, which have specific objectives as set out in the National Parks (Scotland) Act 2000, and therefore, may need to have distinct local variations.

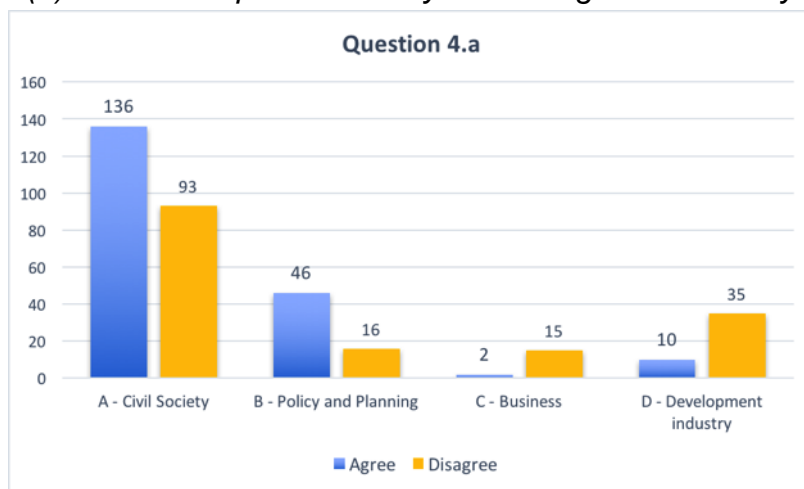
Proposal 4: Stronger local development plans

This proposal covers the following questions from the consultation document:

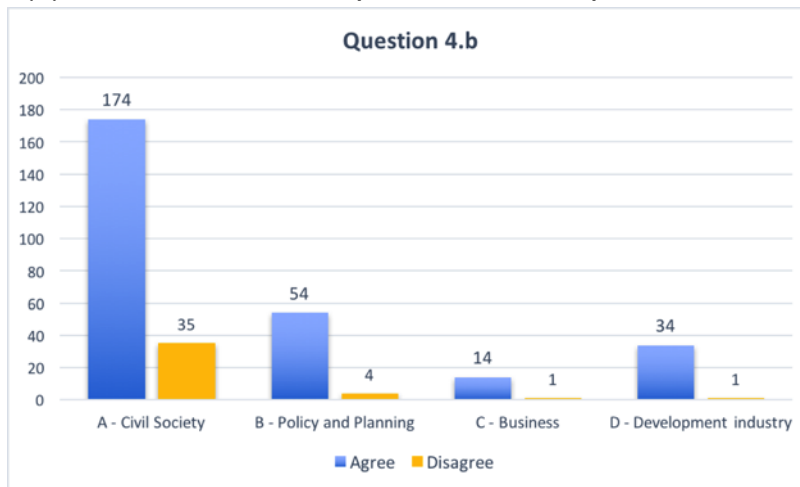
4.0 *Do you agree with our proposals to simplify the preparation of development plans?*



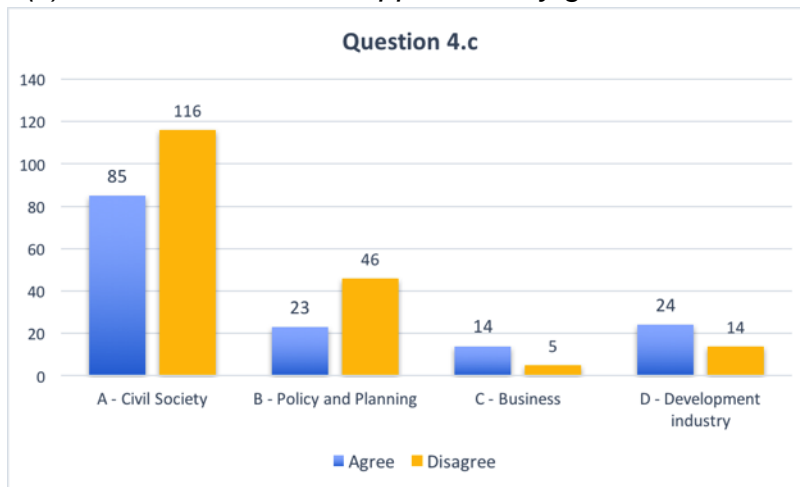
4(a) *Should the plan review cycle be lengthened to 10 years?*



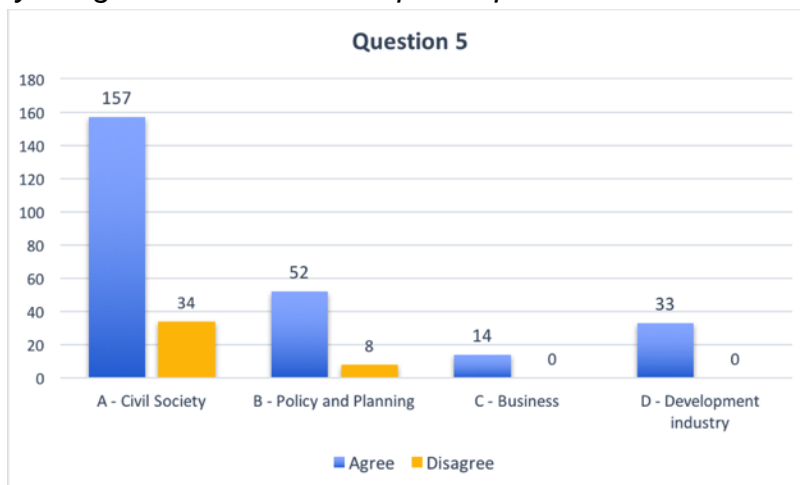
4(b) Should there be scope to review the plan between review cycles?



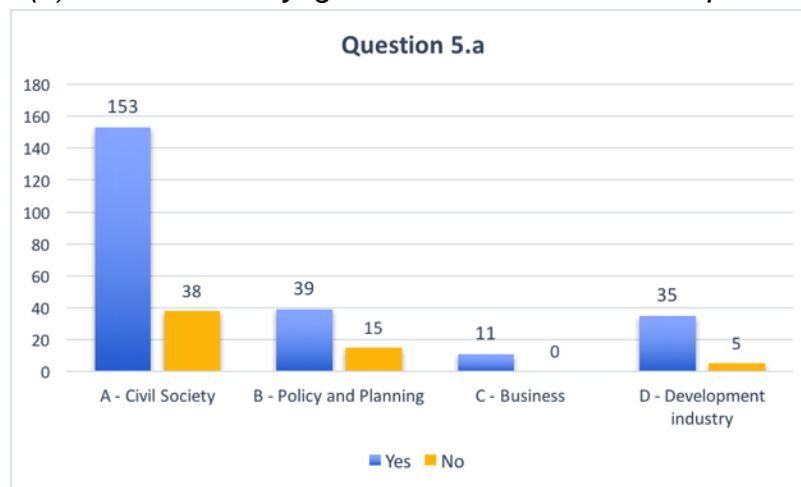
4(c) Should we remove supplementary guidance?



5.0 Do you agree that local development plan examinations should be retained?



5(a) Should an early 'gatecheck' be added to the process?

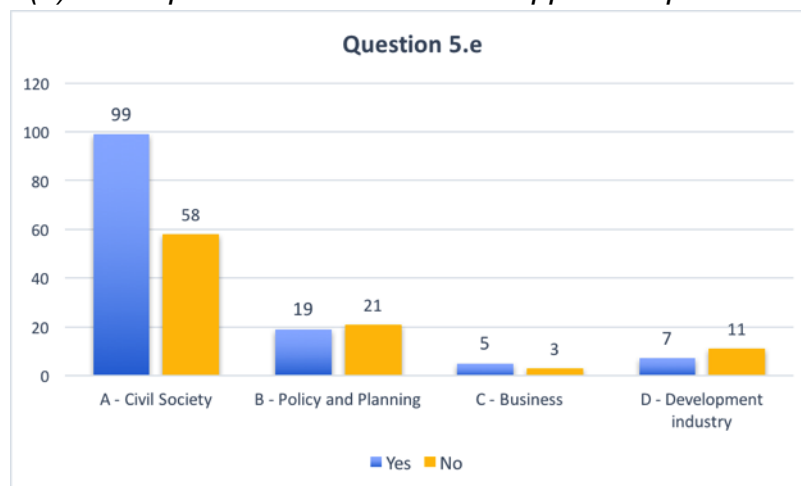


5(b) Who should be involved?

5(c) What matters should the 'gatecheck' look at?

5(d) What matters should be the final examination look at?

5(e) Could professional mediation support the process of allocating land?



Areas of Agreement

Stronger local development plans were well supported (see histogram for Question 4.) The removal of the Main Issues Report was generally welcomed as a means of streamlining the process, and of bringing clarity through the use of a draft plan instead of options, that would subsequently be dropped. Responses to a draft plan could be more meaningful, than those to the Main Issues Report, which some viewed as a cumbersome and often abstract process.

If removing the Main Issues Report, there needs to be work to communicate with

communities the key ideas and assumptions underpinning the proposed plan. This evidence base could be made available during the draft plan consultation period.

On engagement, respondents from civil society felt that a draft plan was easier to engage with and it can be a more transparent process. If it is made clear how the draft plan can be influenced, and the resulting plan is seen to have been responsive to comments then this could build ownership, trust and more confidence in the plan. There was agreement that local development plans should take the opportunity to become visionary documents and not a sum of proposed developments. The opportunity to shift focus during the plan period from plan making to plan delivery was also welcomed.

Respondents felt that plans should not just be about land use, but also offer guidance on how development is done and that plans should also protect the fabric of places, whether social or heritage. Some of the policy and planning respondents were concerned that the consultation did not address this regard thoroughly.

Should a 10-year plan period be adopted, the scope to review the plan between review stages was viewed as necessary by most respondents, across the sectors (see histogram Question 4b).

When it comes to the removal of supplementary guidance, a mix of views was given. The civil society and policy and planning respondents supported its removal, however, the business sector and the development industry did not (see histogram Question 4c). Many felt that if supplementary guidance was removed then the depth of information it contained would still have to be included either in the local development plan itself or as national policy. It seemed to be more of an issue of the best format for the information and whether it is properly scrutinised rather than the removal of the information per se.

There was support for retaining local development plan examinations – this was widely viewed as an important step in the process, providing an independent and professional check that the local development plan is appropriate, balanced and that there are no outstanding issues that need to be addressed (see histogram Question 5).

There was strong support (see histogram Question 5a) for the introduction of a ‘gatecheck’ process – as a means of ensuring that issues that need to be covered at the outset have been accounted for, rather than waiting for the plan examination to highlight issues. In terms of who should be involved, many agreed that an independent reporter should control the process, and respondent groups tended to then advocate for their

own involvement, even if by means of representatives of their own interest, such as the Citizens' Panel, representatives from the development industry or business sector.

Concerns

The proposal to extend the review cycle to 10 years was a concern for many (from within civil society, business sector and development industry) (see histogram Question 4a). Across the respondent categories, the primary reason for this concern has been the perception that this timeframe will mean plans could become very out of date during that period, particularly in the event of any 'shock' event that suddenly changes circumstances, such as another financial crisis. When it came to the business sector and development industry, the respondents advocated for more flexibility, so if the 10-years plan do proceed there must be scope to review more frequently.

Several concerns have been raised regarding the overall concept of streamlining. For one, there was concern that the process will be lighter touch and will be less evidence based. This extends to the types of information required for proposed developments, that this may not consider the finer grain of sites/allocations that require special consideration, such as highly sensitive and very local habitats or heritage assets. Secondly, there was concern that the draft plan would be difficult to influence without the process of the Main Issues Report deciding what goes into that draft plan.

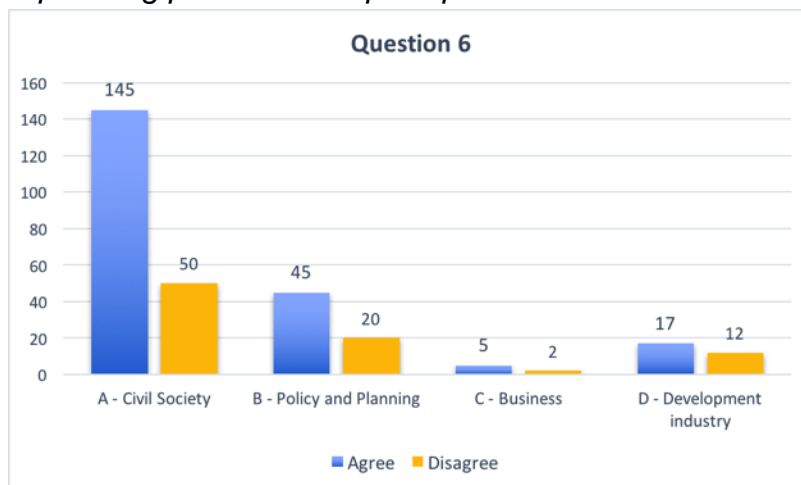
On the other side of these concerns were those who have identified that the proposals to streamline will add additional work, either in terms of production time or resources. Should consultation be required prior to preparation of the draft plan, there was a question, from policy and planning respondents, over whether this streamlines the process.

There was also concern that removal of the Main Issues Report would mean a missing opportunity to consult on an accompanying Strategic Environmental Assessment.

Proposal 5: Making plans that deliver

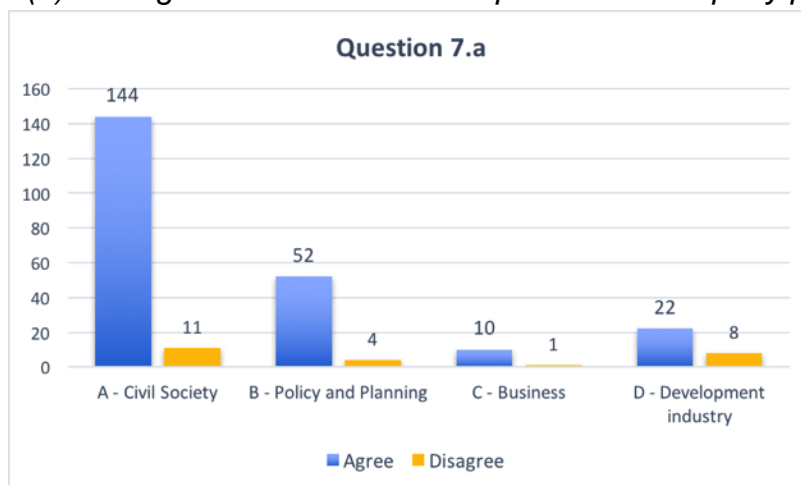
This proposal covers the following questions from the consultation document:

6.0 *Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?*

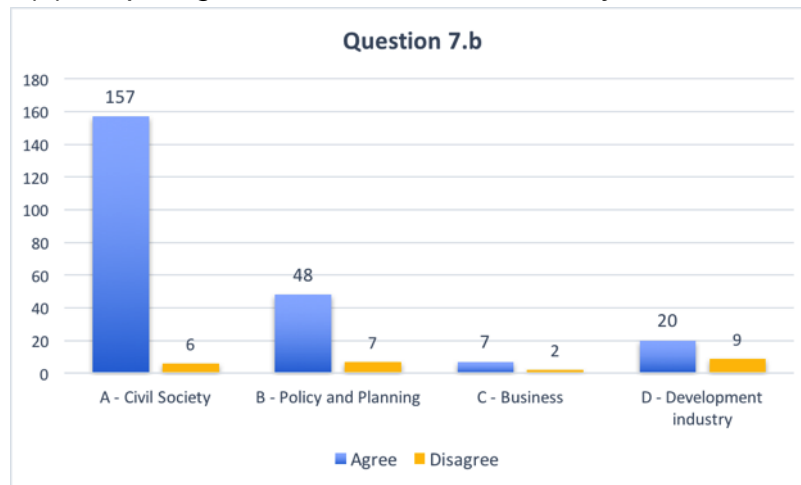


7.0 *Do you agree that plans could be strengthened by the following measures:*

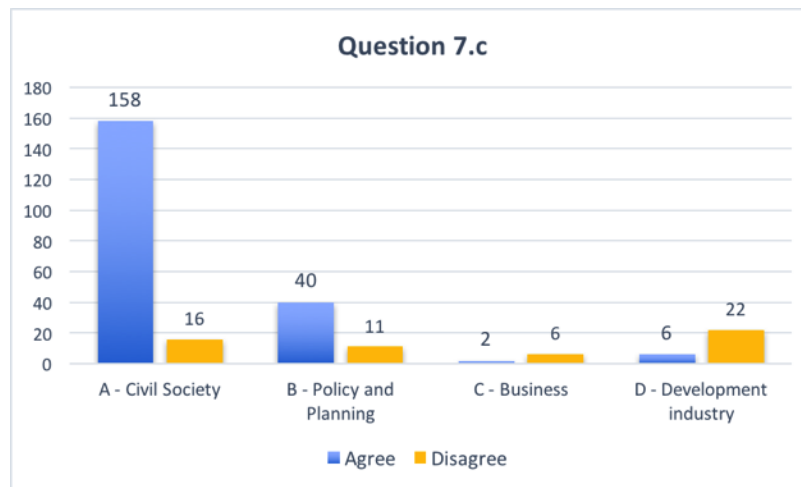
7(a) *Setting out the information required to accompany proposed allocations*



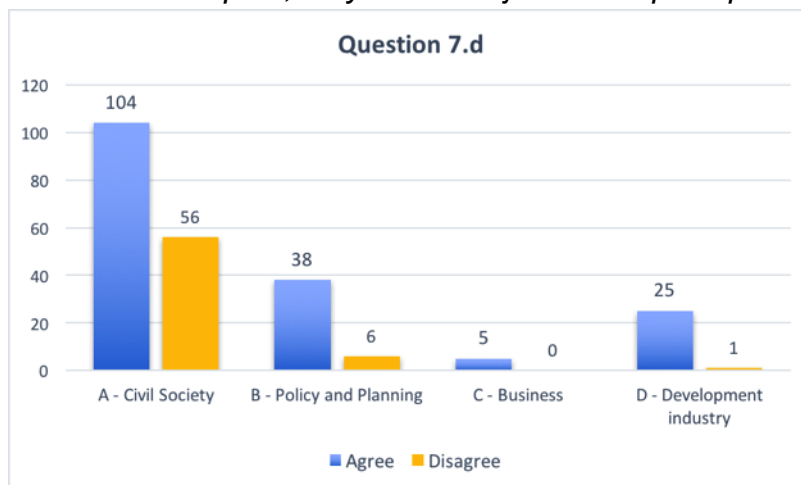
7(b) Requiring information on the feasibility of the site to be provided



7(c) Increasing requirements for consultation for applications relating to non-allocated sites

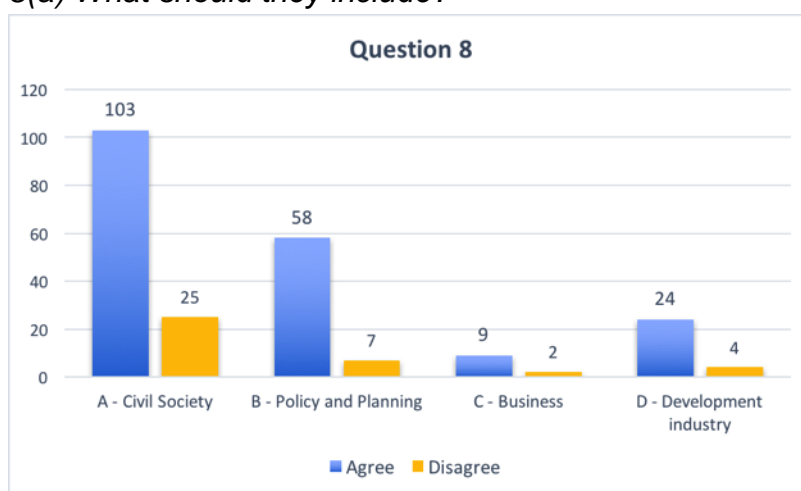


7(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application



8.0 *Do you agree that stronger delivery programmes could be used to drive delivery of development?*

8(a) What should they include?



Areas of agreement

Planning permission in principle (PPiP) for allocated local development plan sites was not supported – in agreement with the proposal. For those in the development industry who agreed with the proposal, the overall view was that to present an allocation for PPiP the additional work and upfront investment required to gain PPiP as well as the allocation presented an additional risk that they would be unwilling to carry. Those who stated this view preferred to keep these processes separate. There was an additional proviso that once a site was allocated the principle of development has therefore been

established and gaining PPiP did not provide a greater level of benefit to the developer at this stage. Civil society respondents viewed this favourably as well, as they tend to prefer the opportunity to comment on a specific application, and there was concern that this may be lost. Other concerns included the risk that environmental assessments may not be as rigorous as for a planning application.

There was strong support for all of the measures set out to strengthen the plan's commitment to delivery. Regarding setting out the information and information on feasibility, respondents have suggested that the information required should be proportionate, not create an undue burden for the site proposer and that consideration must be given to changing circumstances that could supersede the given information.

The proposal to increase requirements for consultation for applications relating to non-allocated sites was objected to by the development industry and business sector (see histogram Question 7c). Arguments were made for the role of non-allocated or windfall sites, including their importance for small and medium sized house builders. A counter proposal was made that consultation requirements ought to be reduced for allocated sites as a reward for following the plan-led system.

General support across sectors for the proposal to work with key agencies to ensure that, if they have agreed to a site being included in a plan, they do not object to the principle of an application (see histogram Question 7d). It was commented that there is a very different level of scrutiny applicable at plan allocation and application stages; whereby there may be a good reason to object to the detail of a clear application. Respondents also felt that there is a need to retain the ability to object later should circumstances materially change over the plan period.

There was support from across the sectors (see histogram Question 8) for the proposal to create stronger delivery programmes to drive the delivery of development. Concerns that have been raised on this relate to planning only being able to facilitate delivery up to a point, particularly when external market factors are involved.

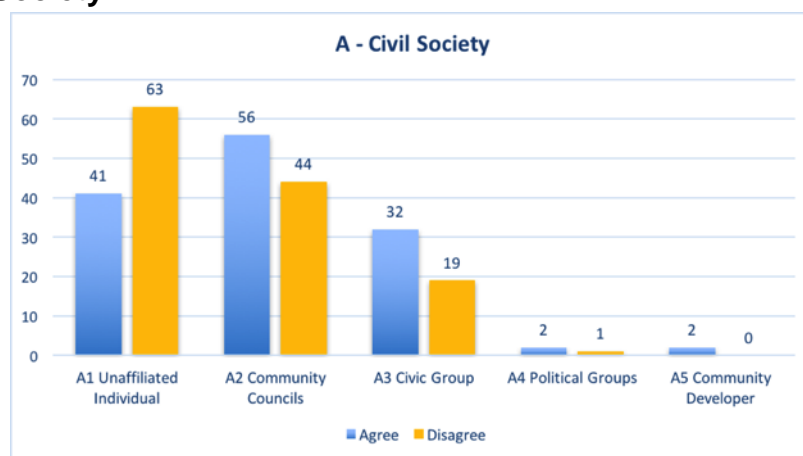
Concerns

There was concern expressed from the business sector – particularly by energy & telecommunications infrastructure providers – that their sites were not typically included in local development plan allocations, and that they should not be penalised with additional costs/fees because of this.

4.1B Plans for the Future - Commentary by Respondent Sector

Key question 1: “Do you agree that our proposed package of reforms will improve development planning?”

Civil Society



One of the primary risks that this category highlighted was that the proposed changes could lead to the centralisation of the planning system, which would negatively affect the communities and their willingness to participate in it. Retaining local decision-making is a key factor for civil society respondents. This also links with an ongoing expression of mistrust in the planning system in general.

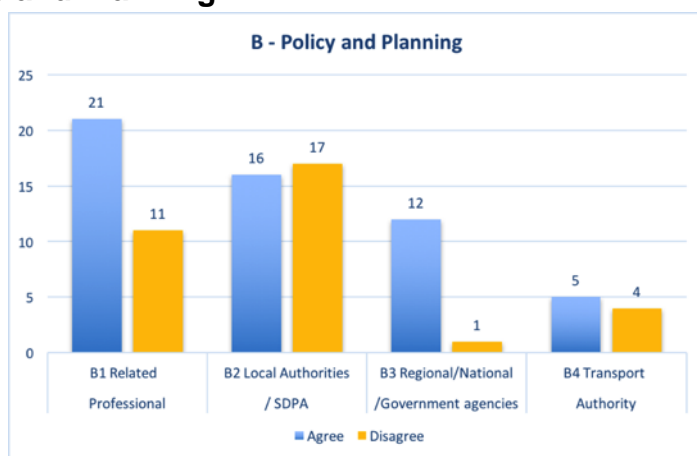
Other risks highlighted include that lengthening the review cycle to 10 years can negatively affect the Development Plan because so much can change in terms of social, political and environmental considerations, making the plan outdated. A clearly defined and practical mechanism for mid-cycle review (and as proposed in the consultation paper) should be implemented, it was argued. Additionally, some respondents in this category felt 10-year delivery cycles might pressurise landowner/ developers who, if they miss the plan cycle, might get ‘stuck’ for the next 10 years. There were concerns that this would, as a result, periodically put pressure on communities when sites are being put forward for allocation to be faced with a high volume of potential sites and deliver development that may be needed.

In terms of the balance of power in the proposed plan preparation process, there was a feeling that this still sits with developers and landowners, rather than communities. One response that typified this reaction suggested that the proposal did not strengthen Local Development Plans (LDPs) and *“avoid the current system of 'planning by appeal', which*

has contributed to disengagement by people from the planning system, Para 1.6 is alarming in proposing developers be involved in preparing, promoting and delivering LDPs. They will promote sites in which they have an interest to the detriment of the wider community and other possibly more suitable sites” (civil society: 221-A2).

There was scepticism, even cynicism, expressed through some civil society responses that the proposed policies were designed to support developers, rather than communities, and terms like ‘simplification’ were viewed as ‘code’ for removing opportunities for communities to object to local development plans and subsequent proposals.

Policy and Planning



Local authorities generally stated their support for development plans to take greater account of community planning. However, there were concerns that this appears to have taken the form of a one-way process. There were calls for a clarification on what community planning should ultimately consist of with a clear vision and purpose of what it is that is being worked towards.

On changes to strategic planning, many local authorities have generally suggested a strengthening of the Strategic Development Plans function. Local authorities’ in North East Scotland and in the Clydeplan area were supportive of regional partnership working, underpinned with clear duties and were of the view that Strategic Development Plans should be retained and strengthened rather than removed. They also called for greater recognition of the successes of Strategic Development Planning Authorities so far, such as the integration of local development plans with the strategic development plan, including ‘second generation’ local development plans that have been integrated. However, responses from other authorities, including those with Strategic Development Plans (e.g. in the SESPlan area) were more mixed.

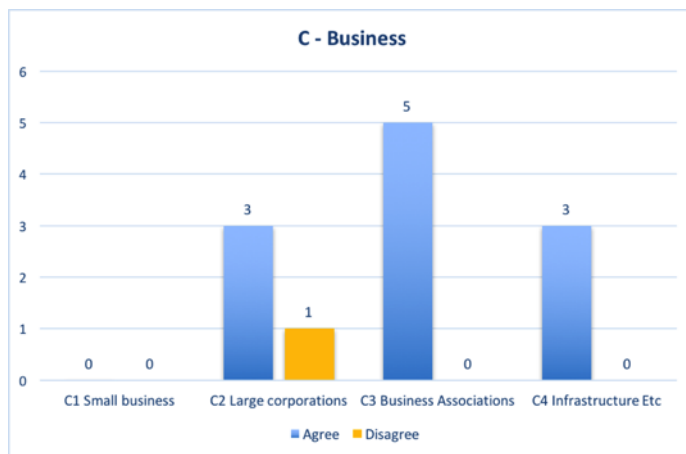
Local authorities in areas that sit outside existing Strategic Development Planning Authorities were supportive of the prospect of Regional Partnership working. Generally, they viewed this as a chance to work out their own regional geographies; however, they also emphasised the need for a statutory role to underpin it. So, there has been a mix of both optimism and pessimism about the changes, depending largely on whether respondents interpreted this as a chance to feed into to a stronger National Planning Framework, or whether they saw it as an imposition from central government. Several were asking for further detail on this.

There was a lot of support for the continuation of statutory regional planning from groups that have been involved in this such as transport partnerships, and partnerships with an economic development focus. Their point was that regional planning is well established across advanced economies in Europe and, up until this point, in Scotland too as an important tool in achieving sustainable economic growth.

Local authorities appeared generally concerned about the idea of National Planning Framework and Scottish Planning Policy encroaching further on local development plan policy. They perceived this as centralisation and question whether there were mixed messages arising from this, alongside greater local input. They were broadly supportive of the idea of a 10-year local development plans timeline, arguing that it will allow them to focus on implementation – but there were some notable exceptions to this.

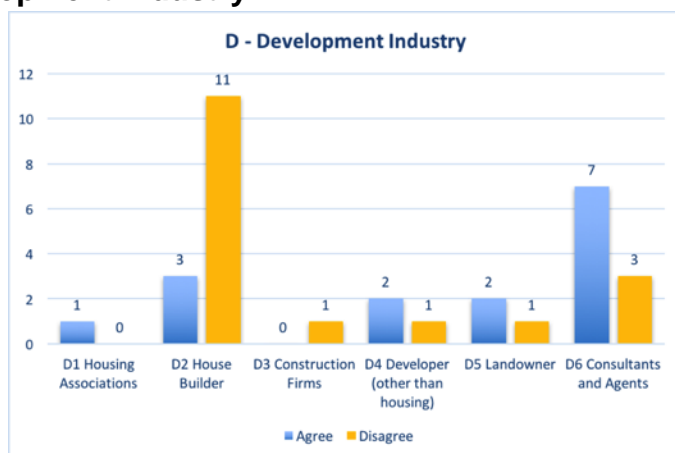
Gatechecking received a broad level of support. Local authorities were seeking more clarity on how it will work, assurance that it would not delay the local development plans process and, most importantly, how it will be funded. Whilst local authorities have called for Planning and Environmental Appeals Division Reporters' modifications to no longer be binding, they still recognised the role of examinations.

Business Sector



The business sector seemed to be most interested in how strategic land use decisions will be made, particularly given that most respondents in this sector have national remits. This has implications for their approach and attitude to strategic planning, viewing it as important for many of their future business decisions.

Development Industry



Support from the development industry, apart from the House Builders, was given to this key theme and its proposals, particularly the removal of Strategic Development Planning in favour of Regional Partnerships. The general view was that this removes the parts of the process that have been viewed as challenging for them (e.g. housing allocations) and moves this to a national level.

There was some concern that to streamline parts of the system, other parts need to be

added; there needs to be a clear understanding of the cumulative effect on the system, especially as to whether it will create a system that supports faster decision making.

Concern was also expressed based on the experience with Neighbourhood Planning in England which could raise "unwarranted expectation" amid community groups that community planning can be used as a tool to obstruct the development goal of the higher tier plan.

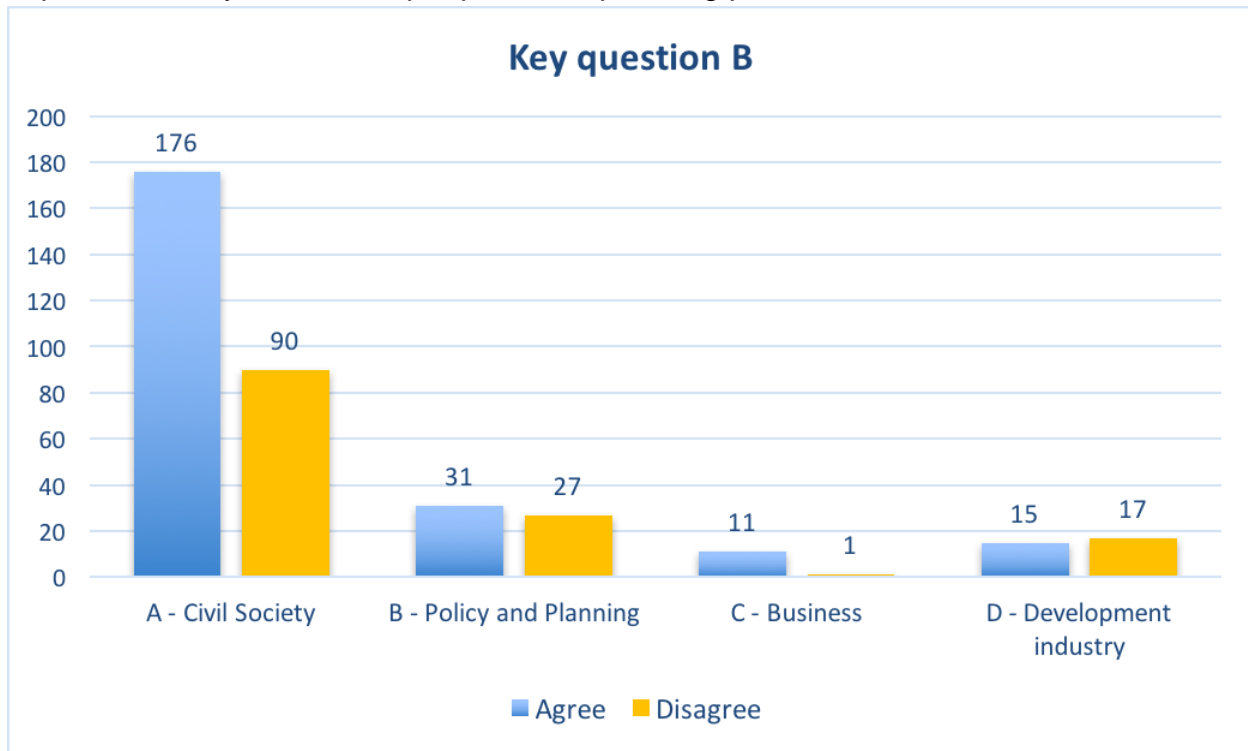
There was concern that a 10-year plan period would create something inflexible that could not take account of changes in context/circumstances and, where the need may arise to allocate further sites, there would be a long delay before this can occur. Therefore, the proposal to create opportunities for review was strongly supported. Some of the respondents suggested keeping the current timescale for local development plans and incorporate the potential to include "long sites" within the plan. This approach has been used in Moray Council with their award winning "Long" policy where sites are allocated "Long" in the current plan and certain triggers are set out within policy which means that that land can be released under a specific circumstance. These circumstances include an under-supply in the housing land supply audit which is considered annually.

Gatechecks were supported if these will contribute to a front-loading of the system and will provide a way of overcoming conflict.

Key theme 2: People make the system work

4.2 Key theme 2: People make the system work

"People make the system work. We want Scotland's planning system to empower people to have more influence on the future of their places. To achieve this, we can improve the way we involve people in the planning process."



For key question B **“Do you agree that our proposed package of reforms will increase community involvement in planning?”** of those that responded to the question, 66% of civil society responses, 53% of policy and planning, 91% of business sector and fewer than 47% of the development industry agreed with the statement.

Under this key theme there were fewer business sector responses. Our analysis indicates that those who took a positive interest in engagement responded to this key theme, giving an agreement rate that is significantly higher than given by the other sectors.

The main areas of agreement are:

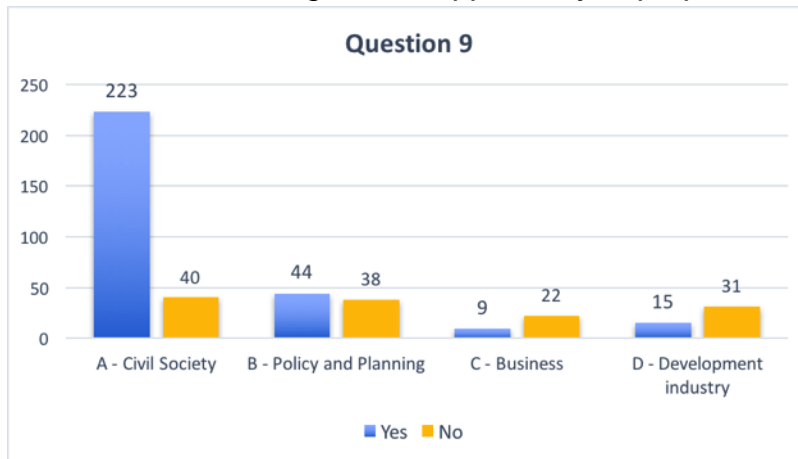
- Giving communities the opportunity to produce a Local Place Plan. However, it is caveated with calls for additional information, resources, support and training.
- For the civil society that Local Place Plans should inform the local development plans, however, for the policy and planning, business sector and the development industry the Local Place Plans should be informed by the local development plans.
- Agreement around duties to involve community councils in the preparation of 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 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). It comes primarily because of those who feel that the current requirements are 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 second planning applications to be made at no cost following a refusal.
- Support for strengthening enforcement powers.
- Training for elected members was supported across all groups.
- Agreement that reporters rather than Ministers should make decisions.
- Introduction of fees for appeal is supported by the civil society.
- Improving the planning system to support the unique circumstances of island communities and economies.

4.2A People make the system work – responses by Proposal

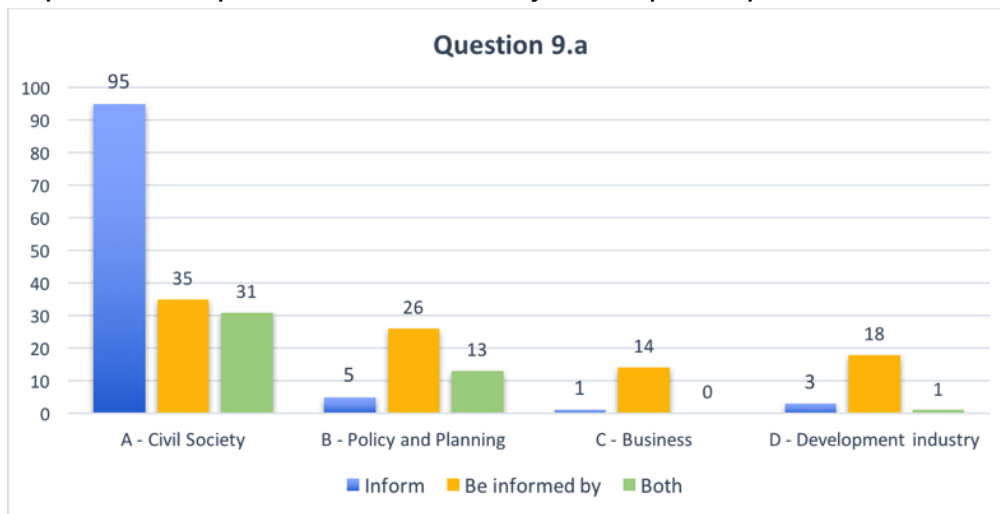
Proposal 6: Giving people an opportunity to plan their own places

This proposal covers the following questions from the consultation document:

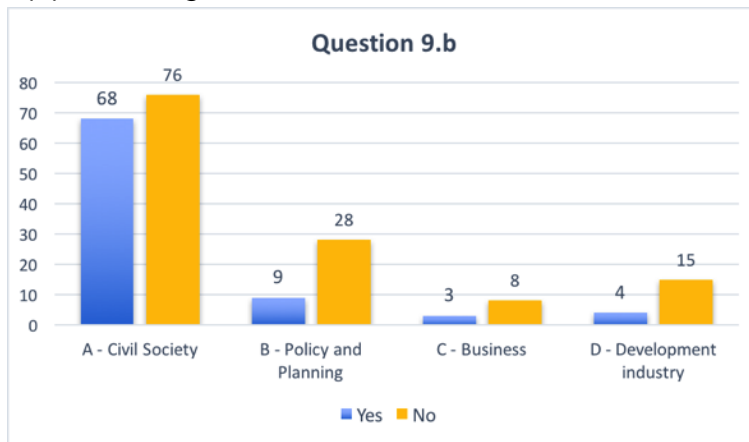
9.0 *Should communities be given an opportunity to prepare their own local place plans?*



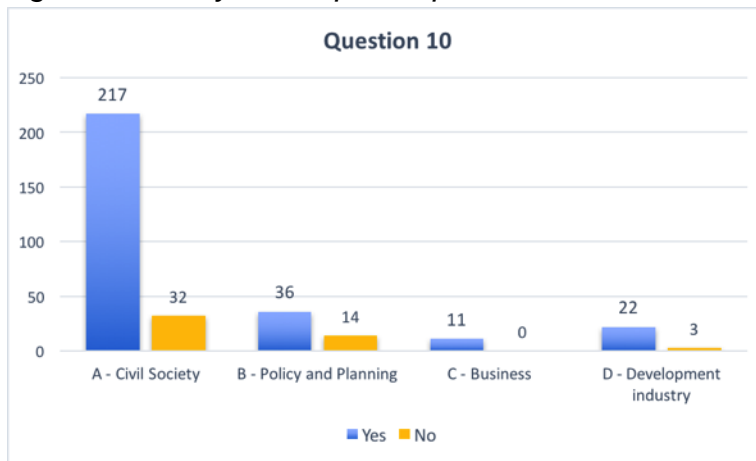
9(a) *Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?*



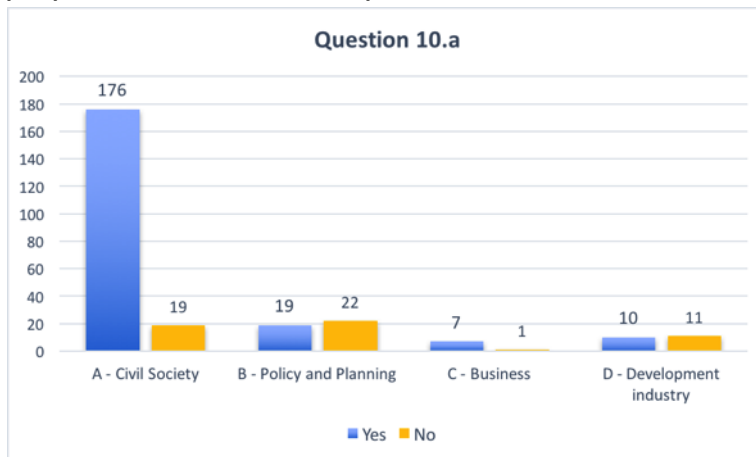
9(b) Does Figure 1 cover all of the relevant considerations?



10.0 Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?



10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?



Areas of agreement

There was strong support from civil society for the opportunity to produce Local Place Plans. The view was that process would be a valuable opportunity for communities to have a direct input into plans and to build community capacity. Those in the policy and planning sector who supported this recognised that it is also an opportunity to build a greater understanding of what the planning system can achieve in an area, and ultimately work towards communities that are less reactive to planning application submissions. Some community responses have highlighted that Local Place Plans could be a vehicle that is responsive to community input and therefore works towards building confidence and trust in the system (see histogram Question 9).

The support was caveated (both by civil society and policy and planning) with calls for additional information, resources, support and training, including from professionals to enable communities to produce Local Place Plans.

In terms of whether the Local Place Plans should inform or be informed by the local development plans, there was strong support from the community responses that they inform local development plans (see histogram Question 9a). This follows from other comments regarding building trust and confidence in the system – if the Local Place Plans inform, there should be the assurance that community views will be considered. Some alternatives were put forward, such as following the East Ayrshire programme of supporting Local Action Plans, and the suggestion that the Local Place Plans be positioned as part of wider Community Planning, since there may be more support available.

There was also agreement around duties and requirements to involve community councils in the development plan preparation and but there was not the same agreement for the involvement of communities in the preparation of the Development Plan Scheme (see histogram Question 10).

Concerns

The development industry sector was supportive of wider community engagement, particularly in early stages of development plan preparation. However, this sector, in particular, voiced concerns over the possibility that Local Place Plans could be used as a blocking mechanism by communities, or be used to do so by vocal minorities. Additionally, there was concern that these could 'dilute' or distract Local Development Plans from delivery (see histogram Question 9).

The development industry also raised concerns that there is the possibility that an imbalance could be created in locations that have Local Place Plans. There was a concern that better-resourced communities will be able to produce plans, while communities that perhaps are more in need of investment will not have the capacity or resources to do this. There were views that this unevenness could arise when plans are at different stages of development, or plans are not representative of the whole community (see histogram Question 9).

Development industry responses also flagged concerns related to their experience with Neighbourhood Planning in England, and that these have not been as effective as they should be and have found some to be 'complex and burdensome'.¹ Another concern drawn from experience with Neighbourhood Planning is the imbalance in coverage between different areas.² (see histogram Question 9).

Although the business sector was supportive of the Community Engagement and identified similar issues to the civil society sector in relation to the Local Place Plans - there was a general feeling that they weren't as keen on the idea and would perhaps prefer improvement to the current system of community involvement early in the local development plans (see histogram Question 9).

For those who were critical or had concerns about where the Local Place Plans sit in the system, there was agreement around the need for the Local Place Plans to be informed by the local development plan (rather than the other way around). This was strongly supported by the policy and planning, the business sector and the development industry (see histogram Question 9a).

While there was broad support around duties and requirements to consult, the concerns included that imbalance may be created for areas that did not have a community council, the representativeness of community councils themselves, and the ability of communities to participate in the preparation of the Development Plan Scheme.

¹ Research cited by 288 – D6:

<http://www.planningresource.co.uk/article/1424429/neighbourhood-planning-complex-burdensome-volunteers-say>

² Research cited by 288 – D6:

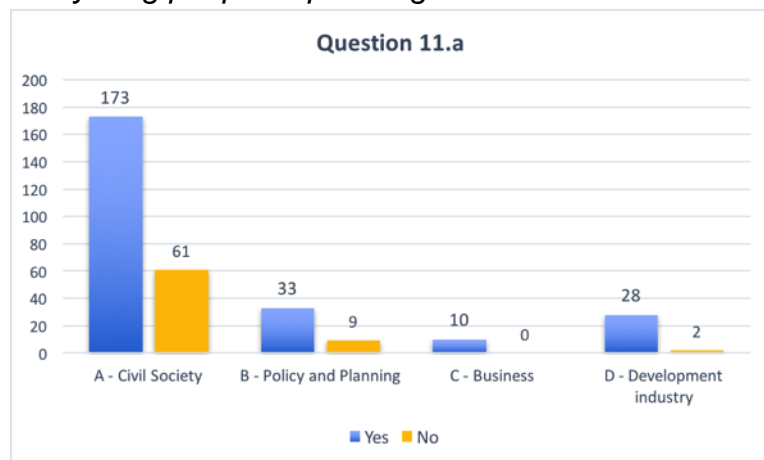
http://www.turley.co.uk/sites/default/files/uploads/news/Turley_%20Neighbourhood%20Planning_March_2014.pdf

Proposal 7: Getting more people involved in planning

This proposal covers the following question from the consultation document:

11.0 How can we ensure more people are involved?

11(a) Should planning authorities be required to use methods to support children and young people in planning?



Areas of agreement

There was support from across the sectors for having more consultation and involving more people in planning. Suggestions of how this could be done include:

- Educate and communicate how involvement in planning is positive
- Use clear communication, in Plain English
- Ensure 'meaningful' engagement - Demonstrate that involvement leads to a response and it is much more than a tick-box
- Create opportunities for involvement – actual involvement is down to individual choice, but opportunities need to be created in the first instance. This includes flexible approaches to when engagement takes place, the format it might use (social media, online etc.).
- Join up consultations to avoid 'consultation fatigue'.

There was support, again across sectors, for requiring local authorities to use methods that support children and young people in planning. The view was that the future generation will have to live with decisions made today; therefore, they should be involved in that process (see histogram Question 11a).

Concerns

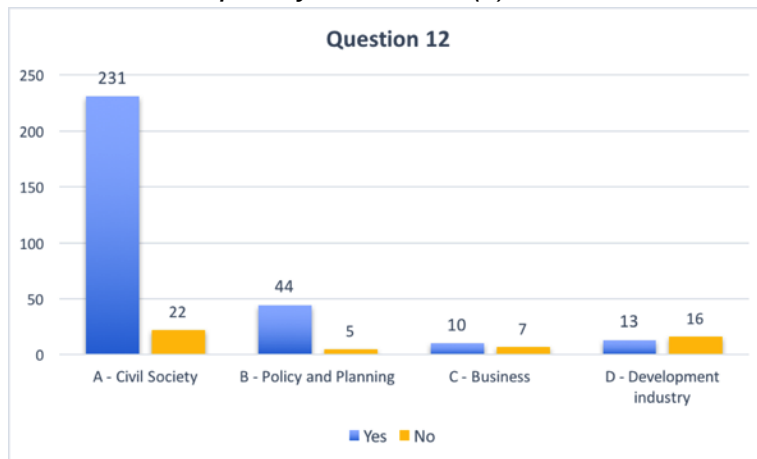
The primary concern, raised from the development industry, was that any extra work that this creates may not result in an equal or greater payoff. Duties and requirements for consultation were perceived to increase the time and cost of plan preparation; those who raised concerns would ideally like to know that there will be a direct payoff for the extra input, or else dismiss the idea. Those raising concerns were not generally advocating any less consultation than is currently in the system, but questioning the benefit of additional processes.

Those who raised concerns regarding a requirement for local authorities to use methods to support children and young people in planning, do so through concerns regarding resource implications or on the basis of the principle that all stakeholders should be considered equally. Some felt that no group should be singled out for such additional support, this concern was raised by civil society respondents (see histogram Question 11a).

Proposal 8: Improving public trust

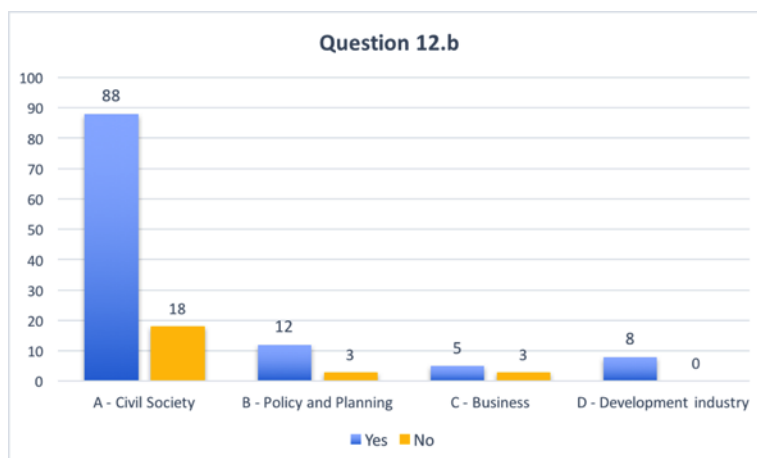
This proposal covers the following questions from the consultation document:

12.0 *Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s).*

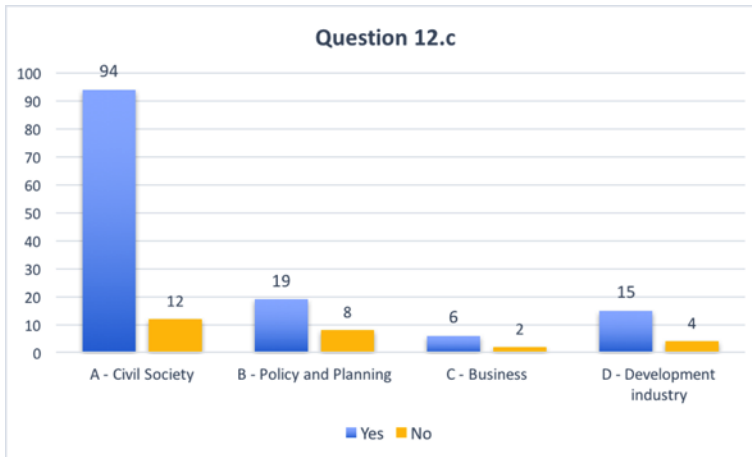


12(a) What would be the most effective means of improving this part of the process?

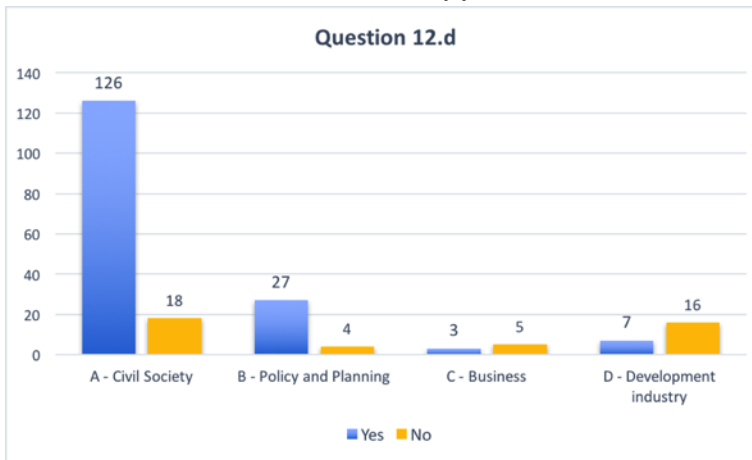
12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?



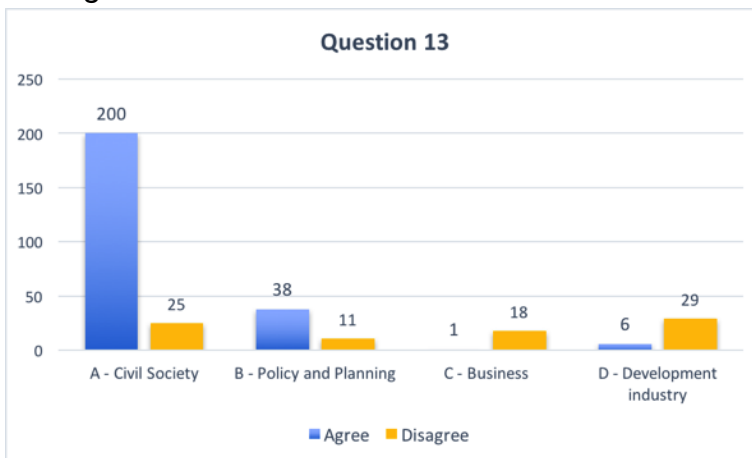
12(c) Are the circumstances in which PAC is required still appropriate?



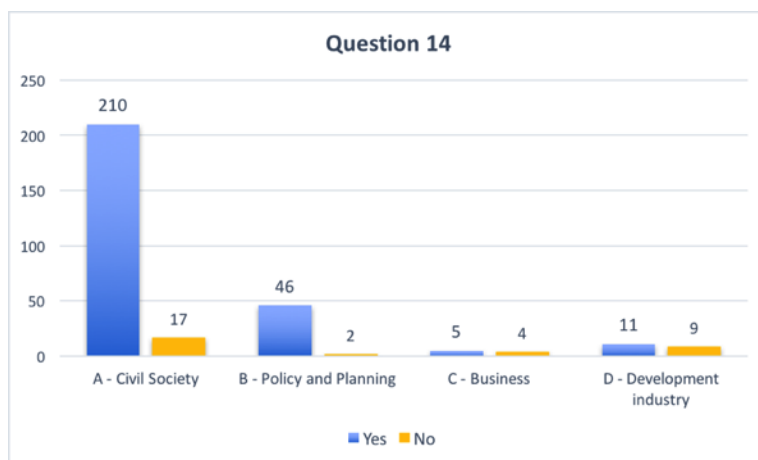
12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?



13.0 Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?



14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?



Areas of agreement

The support for enhancing the requirements of pre-application consultation (PAC) came primarily as a result of those who felt that the current requirements were inadequate or that they allowed for some developers to work against best practice. Civil society, policy and planning and business sector respondents would like to see enhancements, as many who have had experience of PAC were dissatisfied with the current arrangements, particularly that comments and feedback at consultations were not necessarily acted upon, undermining confidence in the process (see histogram Question 12). For developers who were supportive, they recognised that there is best practice in the approach to PAC and that this should become the standard.

Ideas that related to the improvement of PAC process included:

- Introducing a requirement for developers to demonstrate how they have responded to comments, and for the Local Planning Authority to take greater consideration of the PAC report, would be effective measures in improving the process.
- Enhancing how consultation events are publicised, including the formation of a database. Encouraging innovation in the methods used to consult.
- Removing the requirement for press advertising in favour of other methods, where these would prove to be more appropriate and effective.
- Scottish Government could communicate clear guidelines on the expectations of all involved in the consultation, including communication that comments at the PAC stage are directed towards proposer and do not have the same role as

comments or objections at the planning application stage.

- Give consideration to Local Developments (e.g. under 50 houses) being required to have PAC where the impact is considered to be great, or equivalent to a Major Development (e.g. over 50 houses).
- Calling for 2 Consultations – one at the beginning of the consultation period & one at the end so the design development in relation to community concerns can be clearly illustrated.

There was support from civil society and policy and planning for a maximum time limit between the Proposal of Applications Notice for PAC and a planning application – this ranges from suggestions for 3 months to 18 months (see histogram Question 12(d)). The business sector supported PAC but felt there needed to be more focus on more flexible and innovative means of engagement rather than more prescribed procedures.

There was strong support from civil society and planning and policy for strengthening enforcement powers, as this area was recognised as a frustration in terms of trust in the system (see histogram Question 14). Adequate resourcing of enforcement teams is required to back this up, including the ability for local authorities to recover costs. Other suggestions for improvement included considering Charging Orders, as exist for Building Control, and closer working with the Procurator Fiscal to determine when a charge should be brought.

Concerns

Those who raised concerns or were critical of the proposal do so on the basis that they view current arrangements to be adequate. Public trust in the system was viewed as important. Any enhancement to the process that increases cost or the prospect of a delay was a concern for some. Concern was also expressed, by the civil society, that the PAC Report, written by the developer, did not always accurately capture community concerns.

Removing second planning applications at no cost was widely supported by civil society (see histogram Question 13), although some suggested that provision should be made for small-scale applications or for genuine cases of rectifying errors. The perception was those repeat applications when refused can be used to wear down the system and the community. The development industry and business sector did not support this. Other respondents argued the ability to do this needs to be retained as a check and balance against applications being rejected for the wrong reasons (regarding the number of refusals that are overturned on appeal) or changes in circumstances. This was seen as

essential to enable the applicant to make amendments and fine tune the application after further consultation with the planning authority and in response to major concerns raised by the community. It was recognised that it was not always possible to get it right first time and that situations can change rapidly; so, the ability to submit a second or amended planning application at no extra cost was essential.

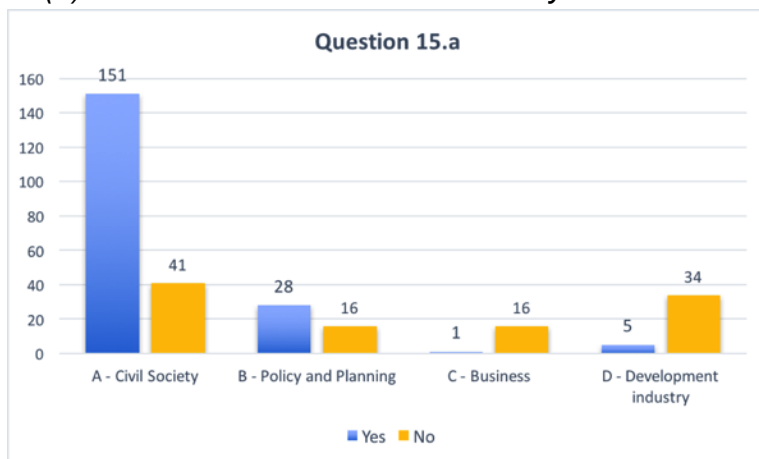
Those within the business sector and development industry who disagreed with the strengthening of enforcement powers contented that there were already adequate, but under-utilised powers and there were also concerns around resourcing what is perceived to be an area under pressure (see histogram Question 14).

Proposal 9: Keeping decisions local – rights of appeal

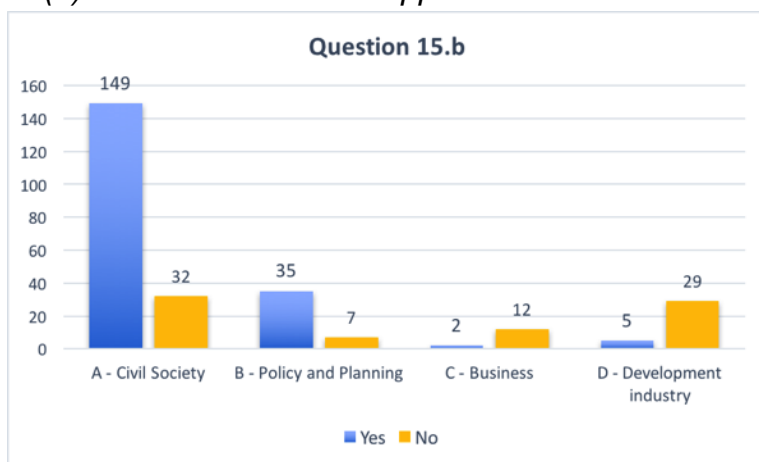
This proposal covers the following questions from the consultation document:

15.0 Should current appeal and review arrangements be revised:

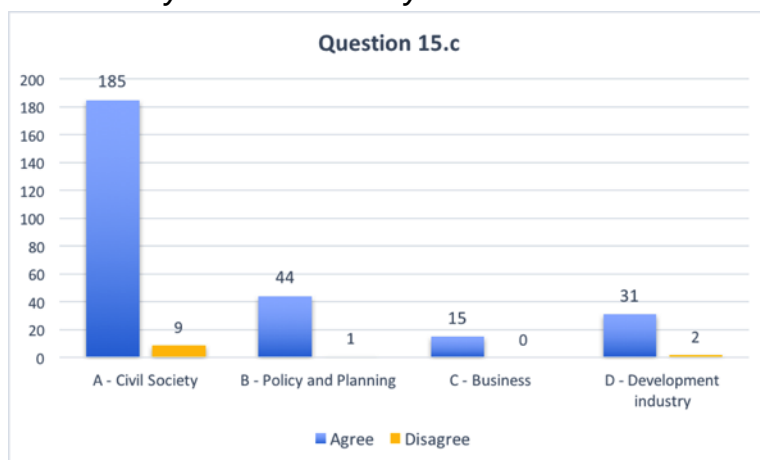
15(a) for more decisions to be made by local review bodies?



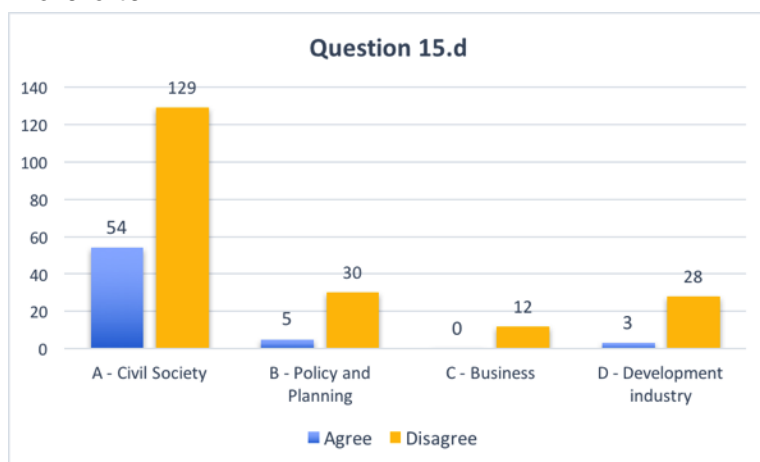
15(b) to introduce fees for appeals and reviews?



15(c) for training of elected members involved in a planning committee or local review body to be mandatory?



15(d) Do you agree that Ministers, rather than reporters, should make decisions more often?



16.0 *What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?*

Areas of agreement

Training for elected members was the strongest area of the agreement under proposal 9. As decision makers, people felt that there needs to be training on the basis for decisions, including the primacy of the Local Development Plan, National Policy and guidelines, material considerations etc. Some suggested that training should extend to enabling elected members to think about context and placemaking.

Across the sectors, respondents did not think that Ministers, rather than Reporters, should make decisions more often (see histogram Question 15d), based on confidence

in the Reporters and their professional ability and impartiality and concerns about delay.

Civil society respondents' support for Local Review Bodies was high (see histogram Question 15.a). This was based on supporting more local decision making, with particular reference to decisions being made through the Planning and Environmental Appeals Division being one step removed from what was seen as important local context and knowledge of decision impact.

Civil society and planning and policy respondents also supported the introduction of fees for appeals and reviews. However, this support did not extend to the development industry and business sector (see histogram Question 15(b)).

There was support for an approach to improving the planning system that supports the unique circumstances of island communities and economies. Respondents suggested that island plans could also have a greater degree of integration between land use and marine planning. There were also calls for remote communities and areas of the Highlands to be given similar treatment to reflect their local circumstances.

Concerns

The most frequently voiced concern raised from the development industry and the business sector with decision-making by any elected person was that there may be a risk that decisions are politically motivated rather than made on the basis of sound planning judgement. This concern particularly applies to responses regarding Local Review Bodies (see histogram Question 15(a)). The business sector preference for large-scale projects e.g. infrastructure, energy generation & transmission or any large enough to require an Environmental Impact Assessment; to be decided nationally by Reporters rather than Local Review Bodies. Or at the very least they wished to have recourse to appeal at this level.

Supporters of Third Party Right of Appeal expressed disappointment that this has been rejected. In response, other mechanisms to 'level the playing field' were suggested, such as no developer rights of appeal (particularly where the proposal is a departure from the local development plans) have been suggested by a few respondents.

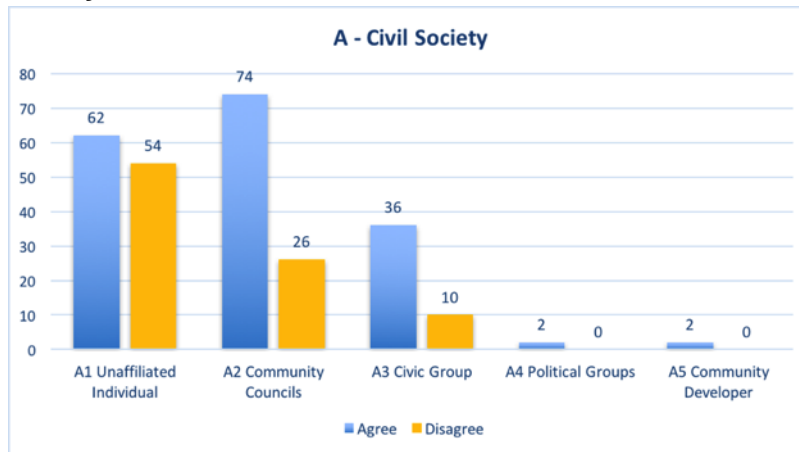
Concerns were raised over the proposal to introduce fees for appeals and reviews. While it was accepted by some that this may be necessary and that any fee paid should be used explicitly for the appeal process, there were some concerns that once a fee is applied to the right of appeal it undermines the independence of the appeal or review. If

fees were to be applied, then in the case of an appeal being upheld, respondents argued that the fee should be reimbursed.

4.2B People make the system work – Commentary by Respondent Category

Key question 2: Do you agree that our proposed package of reforms will increase community involvement in planning?

Civil Society



The proposal has been seen to have the potential to give more power to communities. However, in order to involve people in the planning process, they should feel that their input is genuinely being taken into consideration, and a trust therefore has to be built between the communities and those who administer the planning system.

As noted above, some respondents felt that a third party or equal right of appeal could help to empower communities and build trust.

For children's involvement into the planning system, respondents noted that planning really has to be studied at school as part of their civic curriculum. Different opinions emerged here:

- Pupils are easily influenced and thus, their opinions can be manipulated.
- It is important to include them into the planning process.

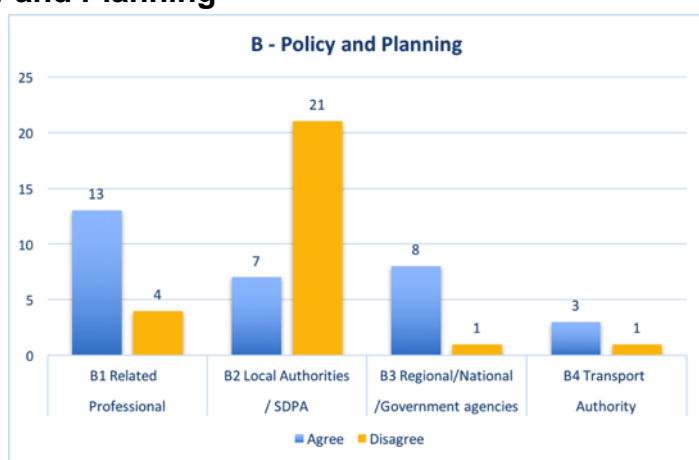
There was agreement, at least within this sector, that a second planning application being made at no cost (including when a refusal) should be removed, because developers use this to eventually get their planning permission, and this has a negative impact on communities who take their time to be involved and as a result, lose faith in the planning process

Agreement was strong on the importance of increasing penalties for non-compliance with enforcement action.

There was a general positive reaction to, and support for, further community involvement in planning, but with some reservations that the further thinking and detail is required.

Some significant concerns were expressed about certain questions not being included in the consultation survey, notably around Third Party/Community Right of Appeal and environmental issues.

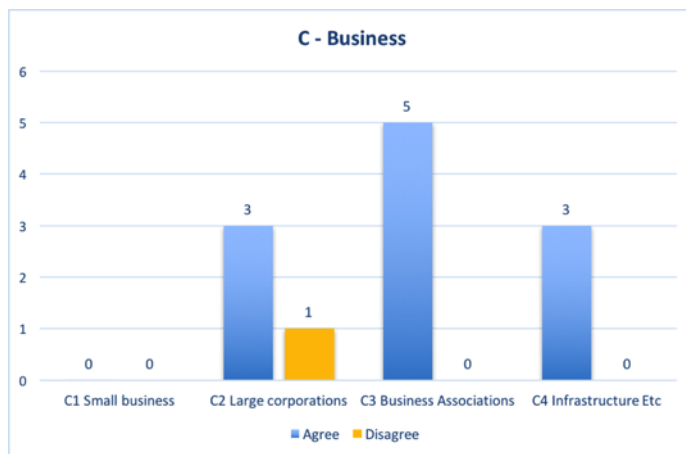
Policy and Planning



Respondents were interested in the call for Local Place Plans. There was heavily conditioned 'support' for this element of increased local community input to planning. The local authorities generally supported the ideas but said that Local Place Plans should conform to the local development plans and any plan above, otherwise they will be extremely difficult to implement. Their big concern was funding, and there were significant concerns about costs and resources.

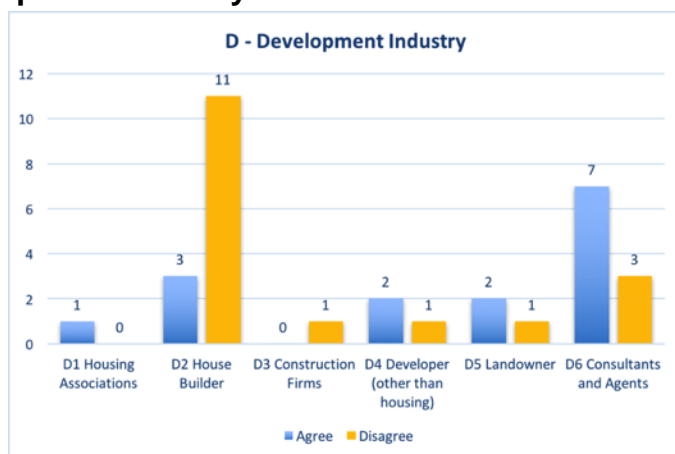
Local authorities' responses showed a general trend off the points surrounding technical points on questions 10-16. These were largely seen as fixing some issues that have arisen since the implementation of earlier planning reform, viewed broadly as good ideas coming from user experiences.

Business Sector



Fewer views were expressed by the business sector in this theme. The overview comment to make is that those seeking to deliver infrastructure were supportive of a strong planning system with public trust, but felt that they were operating within the system in a different way. Business sector respondents do not view development as their primary activity, with any development undertaken as a supporting function to business activities.

Development Industry



Strong support was expressed for front-loading consultation in development plans. This creates certainty for communities and developers alike. Concerns were raised about how the principle of development is still often contested.

There were concerns that, while there has been an effort to front-load the system in

terms of consultation, there are additional elements being added, such as Local Place Plans or a duty to consult with communities on the preparation of the Development Plan Scheme. These were perceived to be reversing the 'stripping back' of the system.

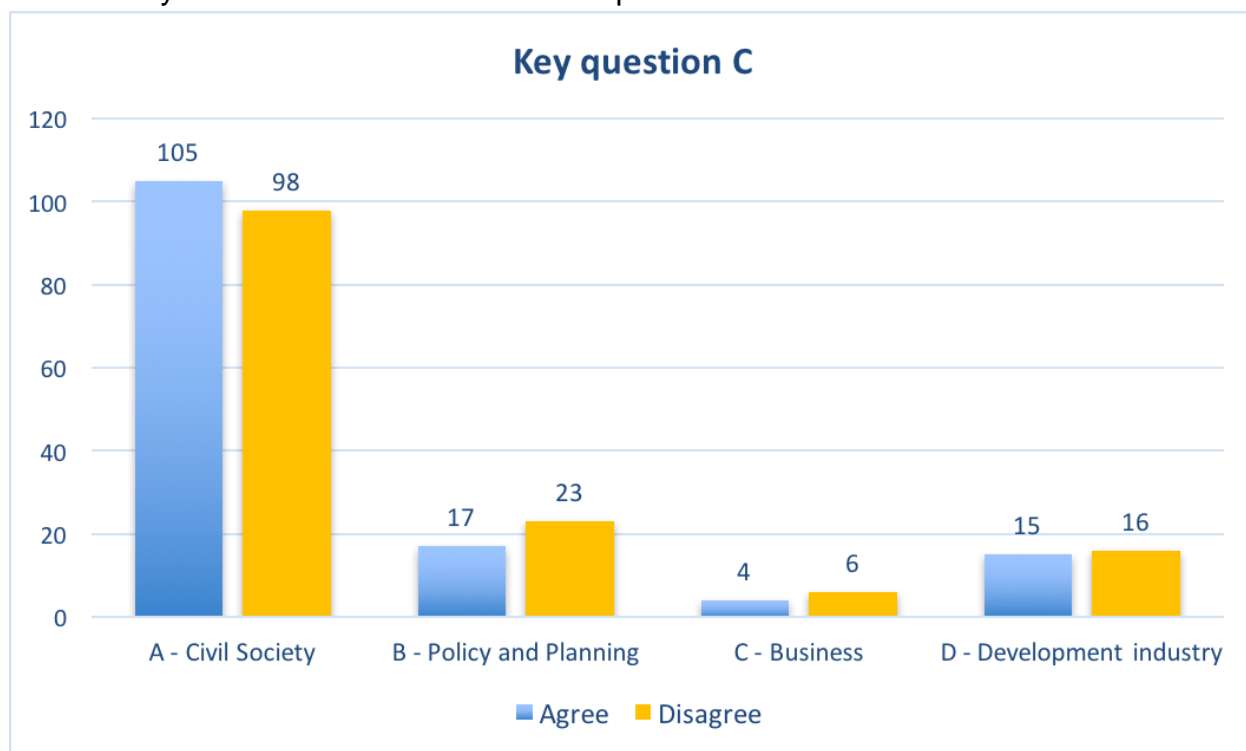
On Local Place Plans, there was a degree of support for these, with the proviso that these do not become mechanisms to block development, that they are informed by Local Development Plans, and that they are resourced to ensure there is not an imbalance by which very active communities can use them to block developments. From developers who also operate in England, there was concern that the Neighbourhood Planning process has had some weaknesses, such as protectionism by communities or the retention of designations that are undeliverable, and these must be clearly understood to avoid similar pitfalls.

There was little support for more reviews to be undertaken by Local Review Bodies, with a general expression of mistrust that this process becomes overly politicised. The preference expressed was for the expertise and neutrality of Planning and Environmental Appeals Division reporters.

Key Theme 3: Building more homes and delivering infrastructure

4.3 Key Theme 3: Building more homes and delivering infrastructure

"Building more homes and delivery infrastructure. We want Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest. To achieve this, planning can actively enable and co-ordinate development."



For key question C **“Will these proposals help to deliver more homes and the infrastructure we need?”** of those who responded, around 52% from civil society agree with the statement, 42% from policy and planning, 40% from business sector and 48% from the development industry agree with the statement. In terms of the balance of agreement/disagreement across the sectors, the response to key question C is the most even, although reasons for this may differ between the sectors.

Key areas of agreement are:

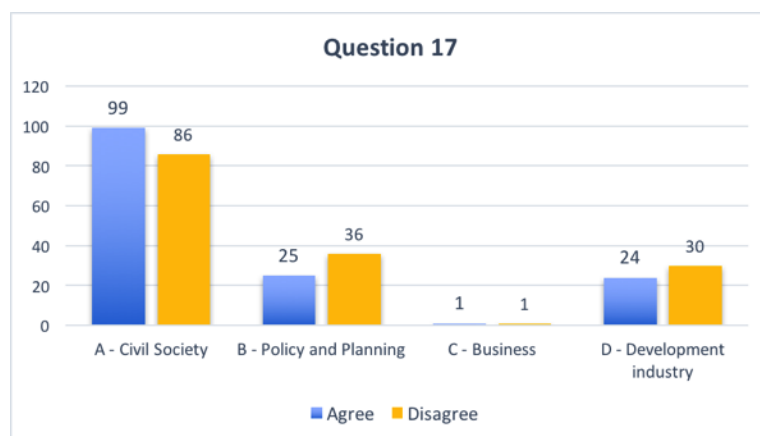
- Designation of housing numbers at national level.
- Provision of viability evidence for major housing applications (civil society, policy and planning). For development industry responses that supported this, note that the viability work will often have been conducted prior to making an application.
- Support for planning to aid diversifying the delivery of new homes.
- Civil society support for 'development ready' land was qualified such that it ought only to be a mechanism used in areas with existing active travel and transport networks.
- Development industry and business sector saw the attraction in zoning that streamlines the planning process. This support was reserved as many request further details.
- For resourcing, many feel there is a need to consider the cost of establishing Simplified Planning Zones in relation to the loss of planning application fees.
- Support for the proposed approach was based on the organisations, leadership and experience already being in place, and it was a matter of facilitating coordination and opening communication.
- Support from civil society, policy and planning and business sector for an improved national coordination over an infrastructure agency as an agency was viewed as another layer of bureaucracy. For some of the development industry, the improved national coordination was viewed as a short-term solution while in the longer term they maintain that a formal agency should be established.
- Support for Regional Partnerships working on coordination, particularly if they can have a two-way dialogue with national coordination.
- Support from civil society and policy and planning to restrict the ability to modify or discharge Section 75 planning obligations (Section 75A) do so 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 S75 agreements can 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 contributed to improved levels of emissions, but improved building technologies and fabric first approaches have contributed more.

4.3A Building more homes and infrastructure – responses by Proposal

Proposal 10: Being clear about how much housing land is required

This proposal covers the following question from the consultation document:

17.0 *Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?*



Areas of agreement

While opinion on this proposal was divided (see histogram Question 17) those who expressed support for moving the designation of housing numbers away from the Local Development Plan preparation process do so on the basis of freeing up resources to focus on issues such as placemaking. This was viewed as a more proactive approach than waiting for site proposals to be made and reacting to these. The current process was viewed as complex and absorbs a lot of time – if the proposed approach could streamline the process that would be welcomed.

These changes coupled with a more localised understanding of what types of housing were required, enough flexibility across its timeframe to allow for changes in circumstances and transparency as to how allocations were arrived at would provide a more responsive and supportive system than is currently in place.

Concerns

Some respondents have suggested that removing the process from the local context could make it less transparent and more ‘top down’. There will need to be strong, functioning Regional Partnerships in place to deal with cross-boundary issues, such as housing market areas, a need for flexibility should population projections for an area

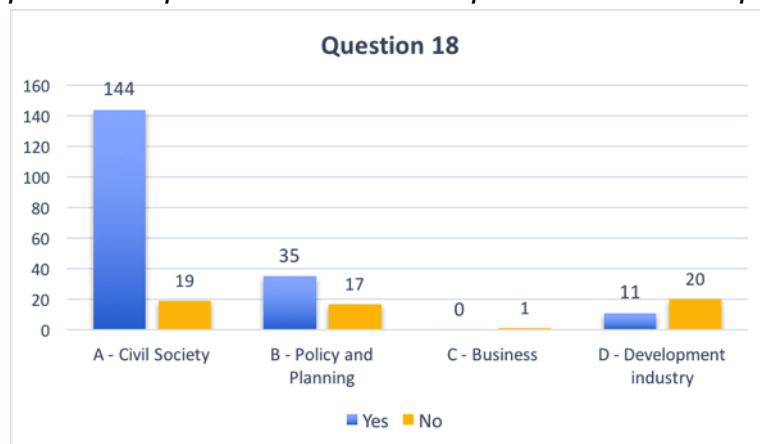
shift in the period between the Housing Needs and Demand Assessment deriving housing numbers and completion of the Local Development Plan, and consideration of rural areas as these are not considered to be well dealt with by the Housing Needs and Demand Assessment process due to the small, less defined settlement patterns in these areas.

Development industry respondents would like assumptions used in the Housing Needs and Demand Assessment to be challenged and tested, taking into account what has been learnt through previous cycles of using the tool.

Proposal 11: Closing the gap between consent and delivery of homes

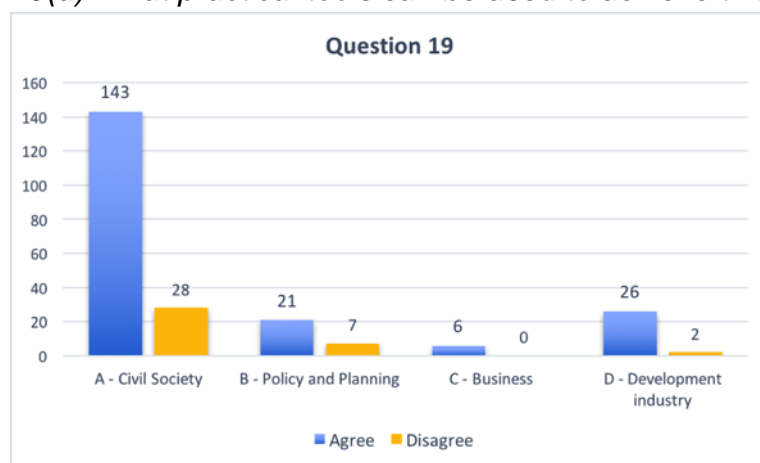
This proposal covers the following questions from the consultation document:

18.0 *Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?*



19.0 *Do you agree that planning can help to diversify the ways we deliver homes?*

19(a) *What practical tools can be used to achieve this?*



Areas of agreement

Evidence of the viability of a site was strongly supported by civil society respondents but overall objected to by the development industry (see histogram Question 18).

Development industry responses that supported this noted that viability work will often have been conducted prior to making an application for those who are genuinely looking to develop land (as opposed to sell on). This would, therefore, deter applications that relate to book value or land banking when there is no short-term intention to develop.

Additional evaluation items such as assessing the impact on transport networks, health,

education and community facilities were also suggested.

Responses from the development industry also sounded a note of caution 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. Therefore, there needs to be some flexibility in place to take account of these viability items that may not be available.

There was also support for diversifying the way in which homes are delivered (see histogram Question 19). If different mechanisms can be used to enable the delivery of different housing types, this was welcomed. One of the qualifications to this support was that planning needs to do more to recognise the different ways in which housing can be delivered, the different types of housing that might be considered affordable (student accommodation, downsizing homes) and the different types of locations (town centre). Diversifying how homes are delivered could do more to deliver more cohesive communities through more integrated developments.

Concerns

Those arguing against providing viability information do so on a similar basis to those seeking flexibility. Providing information that may change could frustrate this. Other responses from the development industry noted that in their process, some of the items necessary for determining viability are unknown prior to planning consent being granted – items such as Section 75 obligations, final land values, etc.

While there were few criticisms of the proposal to diversify delivery, the development industry noted that diversification should be in addition to what house builders currently deliver and not diminish overall.

Overall, there was a real depth of feeling and frustration in the civil society responses about these issues – views relate to how people wanted to see their communities developed sensitively, considering placemaking and environmental issues. Concern was less about numbers per se, but the best way to provide housing that was appropriate to community needs (social housing, cost and size) in a way that was sensitive to place (brownfield sites, town centre regeneration, renovation of existing housing stock, small scale developments, individual self-build plots – supporting local small house builders over national firms), environmentally sound (civil society view being that this should not be prime agricultural land, nor greenfield sites – when there are brownfield sites available and not greenbelt land) and promoted joined up thinking

(availability of local facilities, public transport links, active travel infrastructure, green infrastructure, access to parks and allotments).

Concerns often related to the housing production market, rather than the planning system. In terms of delivering a diversity of housing, it was noted that the market determines the diversity of what is delivered and that not many local authorities are able to do to change this. An additional point was made that the house building market is not seen as being highly competitive and there has been a reduction in small and medium-sized enterprise (SME) builders, which has an impact on how diverse a range of housing is being delivered.

Proposal 12: Releasing more ‘development ready’ land for housing

This proposal covers the following questions from the consultation document:

20. What are your views on greater use of zoning to support housing delivery?

20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?

20(b) What needs to be done to help resource them?

Areas of agreement

Community support for ‘development ready’ land was qualified - people suggested that it ought only to be a mechanism used in areas with existing active travel and transport networks.

Development industry and business sectors saw the attraction in zoning that streamlines the planning process. Coupled with good engagement on the proposed Simplified Planning Zones they recognised that it could provide additional certainty for the development industry. However, this was qualified support as many requested further details, particularly on what type of sites might qualify and the investment that would be put in upfront for infrastructure.

Another qualifier for support of Simplified Planning Zones was the need for masterplans and design codes to ensure that what will be delivered on the site will be of a high quality since this would address concerns raised that development would be low quality and poor design.

Improvements that could be made to Simplified Planning Zones procedures to allow for their wider use included:

- Extensive community consultation
- Assessment of infrastructure needs, including green and blue infrastructure, social and health infrastructure.
- Preparation of comprehensive design statements, design briefs and masterplans, use of smart codes
- Environmental assessments
- Take account of local housing need

In terms of how these could be resourced, it was argued that the cost of establishing Simplified Planning Zones needs to be considered alongside the loss of planning application fees. Some suggested that there should be a fund, potentially central, for upfront infrastructure investment and it was pointed out that this may be addressed by the introduction of an infrastructure levy. It was noted that resources would also be required to ensure that development in Simplified Planning Zones is compliant with the parameters set out for its development.

Concerns

Respondents noted that additional resources will be required for local authorities to set up Simplified Planning Zones. Resources would be required to carry out engagement, preparation of masterplans and development briefs. In addition, there would be a loss of application fees, potentially further increasing the resource implications.

Concerns were raised from the development industry around who would be responsible for funding infrastructure delivery and how this might be guaranteed. There would be a need for upfront investment, some developers noted, potentially without a planning application and Section 75 agreement, so respondents questioned who would be responsible for this.

The application of Simplified Planning Zones may only be beneficial for certain sites, and therefore not release as much land as might be required. Types of sites identified were those in urban regeneration areas, brownfield sites with infrastructure constraints. The concern was that this might provide limited benefit for mainstream housing development, which makes up a large part of housebuilding and the market.

The issues of allocating significant land for a single use also raised concerns. If

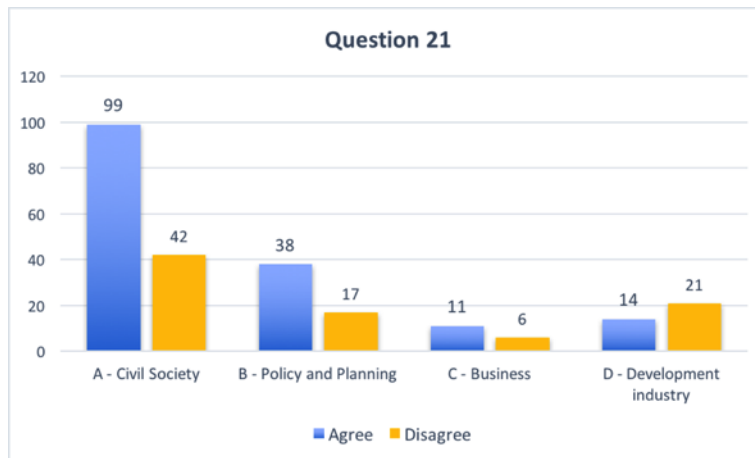
development will be on a large scale some respondents pointed out that it is preferable that this incorporates retail, leisure and business space. Additional issues raised included the need for archaeological site investigations, conservation and environmental assessments prior to allocation of a zone.

There was confusion from the civil society about what exactly meant by 'zoning' in the question - some took this as general zoning in the local development plans others thought it referred to the proposed Simplified Planning Zones. Any conclusions based on responses should acknowledge this.

Proposal 13: Embedding an infrastructure first approach

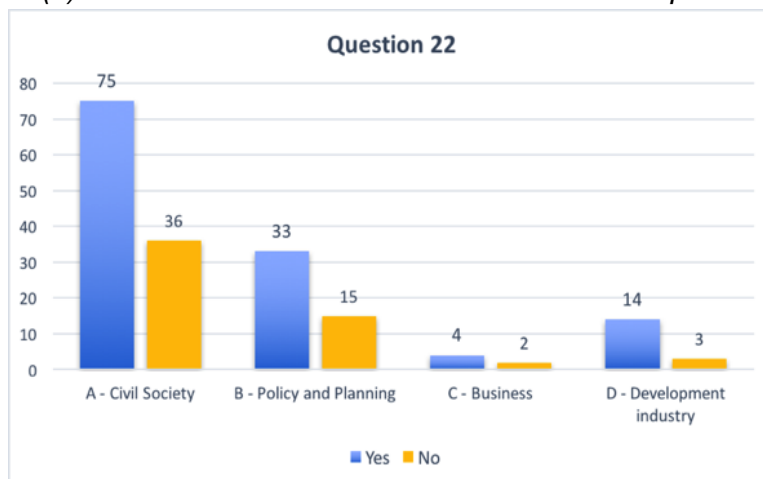
This proposal covers the following questions from the consultation document:

21.0 *Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?*



22.0 *Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?*

22(a) *What actions or duties at this scale would help?*



Areas of agreement

Support for the proposed approach was based on the organisations, leadership and experience already being in place, with respondents recognising that it is a matter of facilitating coordination and opening up communication. The potentially renewed role of National Planning Framework in setting out the national priorities for infrastructure could

be crucial in providing a focus for the proposed delivery group. It was noted that successful coordination will depend on infrastructure needs being clearly understood.

For some respondents, this was considered to be (and accepted as) a short-term solution. However, the view of the development industry was that in the longer term a formal agency should be established, while for others the proposed way of national coordination was preferred to the establishment of what would be viewed yet another agency or another layer of bureaucracy (see histogram Question 21). For the development industry, an agency was perceived as being best placed to see infrastructure and development delivered. For the business sector, general support and interest in being involved by infrastructure providers, although some felt that statutory requirement that infrastructure agencies to work with each other should be introduced or that this should only be an interim solution and a body with statutory powers would be preferable (see histogram Question 21).

Proposed Regional Partnerships working on coordination was also supported (see histogram Question 22), particularly if they can have a two-way dialogue with national coordination. Examples of effective regional partnership working were cited around establishing green infrastructure at the regional level:

- In the west of Scotland, Central Scotland Green Network in partnership with strategic planners at Clydeplan have effectively identified the region's green infrastructure requirements.
- In south east Scotland, SESplan, local authorities and key agencies set the strategic direction for green infrastructure that will be accounted for in local development plan preparation.

Actions or duties that were suggested at this level included:

- Consultation across the region with communities
- Regional audits of infrastructure, including green/blue and digital infrastructure
- Duties for partners to participate
- Coordination of regional resilience regarding climate change, flooding etc.
- Preparation of a Regional Spatial Strategy

Concerns

Across the sectors, there were views that without 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.

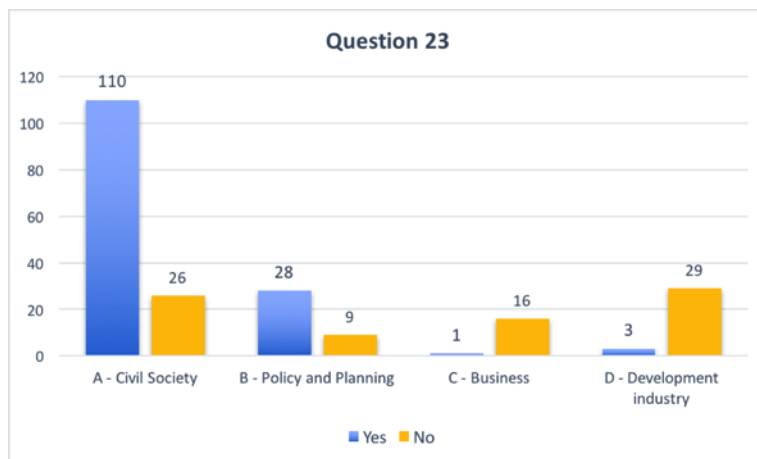
Policy and planning respondents felt there is a need to ensure that the approach taken by the delivery group is equitable and treats areas across Scotland without bias to how urbanised they are, rather than what infrastructure needs exist.

In contrast, for regional partnership working a concern raised by business sector and development industry respondents was that there was a risk that coordination efforts may result in an attempt to spread investment need evenly and to treat all parties in a way that was deemed to be fair, rather than taking a truly strategic approach that may result in more investment being allocated to particular areas.

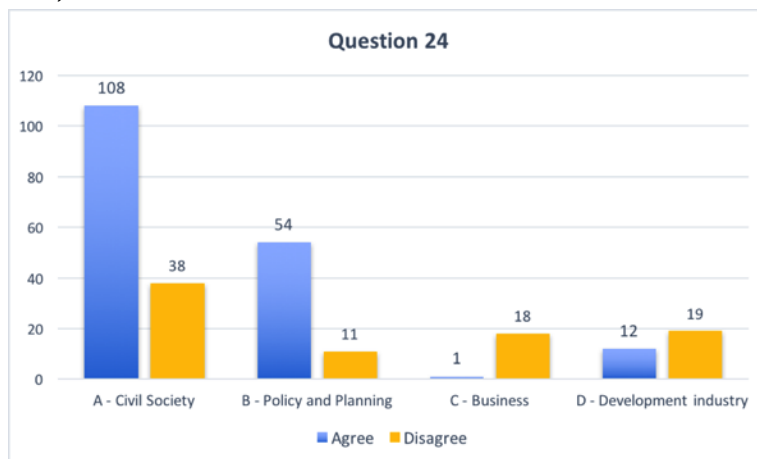
Proposal 14: A more transparent approach to funding infrastructure.

This proposal covers the following questions from the consultation document:

23.0 *Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?*



24.0 *Do you agree that future legislation should include new powers for an infrastructure levy? If so,*



24(a) at what scale should it be applied?

24(b) to what type of development should it apply?

24(c) who should be responsible for administering it?

24(d) what type of infrastructure should it be used for?

24(e) If not, please explain why.

Areas of agreement

Civil society and policy and planning responses that have agreed with the proposal to restrict the ability to modify or discharge Section 75 planning obligations (Section 75A)

do so on the basis that certainty was required that there will be funding for needed infrastructure (see histogram Question 23). For local authorities, monies may be committed to capital investment programmes and a renegotiation can be difficult.

Other civil society responses viewed this as a means of keeping developers 'honest' and giving them no ability to modify will ensure that payment is made and as a result, increase transparency and trust.

On the proposed introduction of an infrastructure levy, the support from the development industry for this was on the basis that there is a need for funding for infrastructure that goes beyond what Section 75 agreements can currently cover. There were views that an infrastructure levy could be more straightforward to collect and it could give a greater degree of certainty if it was based on a flat rate, such as a rate per roof. There was an acknowledgement from policy and planning respondents that funding infrastructure (beyond sites) is critical in supporting development in Scotland. A levy was felt to have potential to enable infrastructure and public service providers to plan for long-term growth and invest more strategically, rather in a piecemeal fashion, as and when funding is available (see response Question 24).

Concerns

The development industry respondents in general did not agree with the proposal to restrict the ability to modify or discharge Section 75 planning obligations (Section 75A). The ability to do so was seen by them to be an important mechanism to allow them to challenge what they consider to be an unreasonable or disproportionate burden on a developer. They also looked to this mechanism to provide flexibility for changed circumstances, where an original agreement may look disproportionate in the light of a change. Obligations may be based on a viability assessment that is unable to account for delays, changes in market conditions, etc. (see histogram Question 23).

The business sector's rejection of this proposal was for similar reasons as those above. Section 75 agreements cause specific problems for the agricultural sector; complicating letting out land and reducing the ability to borrow money against the property, with Section 75 agreements requiring to be varied before this is possible. The agricultural sector believed this is contrary to guidance issued in 2011 (Annex to Circular 1/2010). There was a feeling that because of Brexit and inherent volatility in the farming industry that Section 75 agreements were no longer appropriate in this situation, and should not be utilised for residential properties on farms (see histogram Question 23).

On the infrastructure levy, whilst there was some support noted above, the main two groups of respondents raising concerns were the development industry and business sector (see histogram Question 24). These respondents were not supportive if contributions made in this way will be used to fund infrastructure that should, in their view, be funded by central government (such as strategic infrastructure).

Concerns were raised across all the groups about the feasibility of an infrastructure levy based on the experience in England. It was suggested that this experience should be used as an example to learn from prior to introducing it in Scotland. There was some recognition from civil society respondents that any Section 75/Infrastructure Levy applied to house builders could be added to the housing cost. Development industry respondents were of the view that infrastructure costs that are not site specific e.g. schools etc. should be met by local authorities or the Scottish Government, in line with responsibilities, and costs recovered through general taxation. A general comment made by several respondents was that they had not been provided with enough detail to comment fully and felt that further consultation was required. It was also noted that as with the Community Infrastructure Levy (CIL) in England, infrastructure providers should be exempt from this levy.

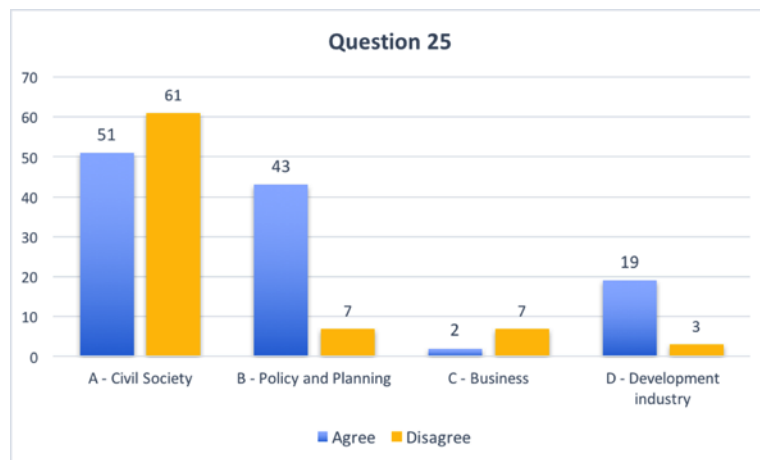
The primary concern raised by the business sector was that an infrastructure levy will impact the viability of any development they carry out, particularly when the development does not have an impact in local infrastructure. The case was made for exemptions for the renewable energy, telecommunications and aquaculture sectors, in particular.

The policy and planning sector were concerned 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. The view was that this would mean that a levy may do little to alleviate the difficulty some sites have that they cannot be delivered until key infrastructure is in place, which cannot be put in place without upfront funding. A solution presented was that a central fund is put in place that can be borrowed from to fund infrastructure on the basis that the borrowings will be repaid from the infrastructure levy.

Proposal 15: Innovative infrastructure planning

This proposal covers the following questions from the consultation document:

25.0 *Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?*



There were fewer responses to the wider proposals set out in proposal 15, with only one technical question asked within this.

Areas of agreement

Support for the removal of the requirement of Section 72 of the Climate Change Act (2009) came principally from the policy and planning and development industry sectors (see histogram Question 25). The support was founded on a view that the piece of legislation has not contributed to improved levels of emissions, but improved building technologies and fabric first approaches have contributed more, with reference made to the Sullivan Report (November 2013).³ Support for removal was not based on wanting to undermine climate change objectives, but on views that there were other, more effective, ways of delivering lower carbon places. Additionally, there were views that this is a building control issue rather than a matter for planning.

Concerns

Concerns were raised that removing the requirement may result in increased emissions or reduced consideration of climate change issues. Removal of the policy may also harm awareness that moves should be made in development to reduce emissions.

³ Scottish Government, "A Low Carbon Building Standards Strategy for Scotland (The Sullivan Report)", first published 2007, updated November 2013: <http://www.gov.scot/Publications/2013/11/8593>

Other concerns were that it seems to be at odds with Scottish Government climate change targets to remove legislation relating to it.

Although the proposal was disagreed with by civil society respondents (see histogram Question 25), there was, however, a general comprehension that the energy efficiency of buildings is an issue that is covered through Building Technical Standards, and that this planning policy could be removed without any major repercussions. It was suggested by some that there was a need to look at more macro scale planning issues related to sustainable development:

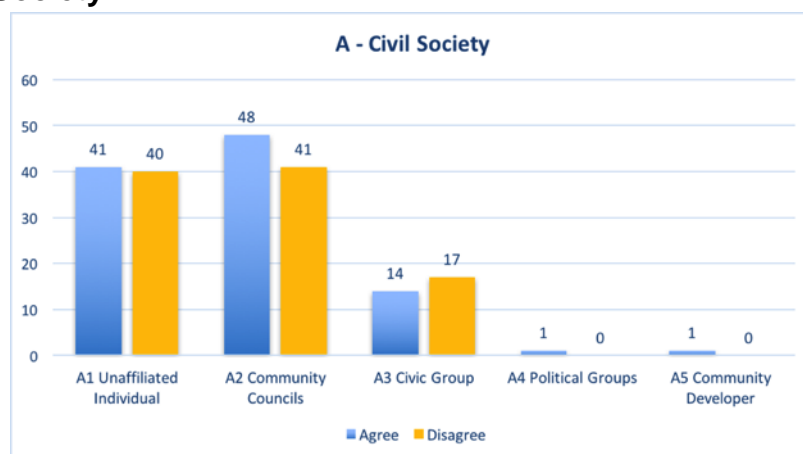
- Promotion of Local Energy Production and Storage Schemes e.g. Combined Heat and Power (CHP) & Heat Networks
- Encouraging better Public Transport provision and Active Travel Networks
- Better placemaking - integrated communities where you can live, work and play

There were suggestions that should this be removed, other legislation relating to climate change should be put in place that seeks to reduce carbon emissions in other ways, such as policy encouraging development in locations close to public transport links and other non-technology focussed policies that work towards the same aim.

4.3B Building more homes and infrastructure – Commentary by Respondent Category

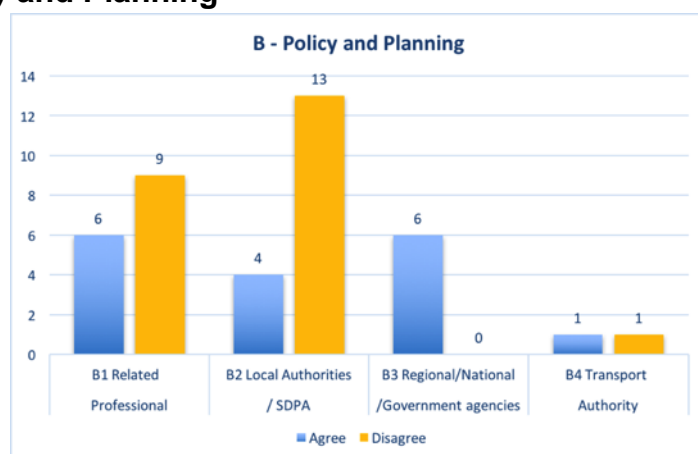
Key question 3: Will these proposals help to deliver more homes and the infrastructure we need?

Civil Society



The proposal, for some, will help in delivering more homes and the necessary infrastructure. There was also some criticism of the ideas, and views that it did not take into consideration different types of development (beyond housing). There was acknowledgement of the importance of housing and infrastructure delivery, but genuine concerns that these proposals are fundamentally biased to developer needs, not the communities', and will therefore not lead to better places. However, an infrastructure-first approach was generally welcomed.

Policy and Planning



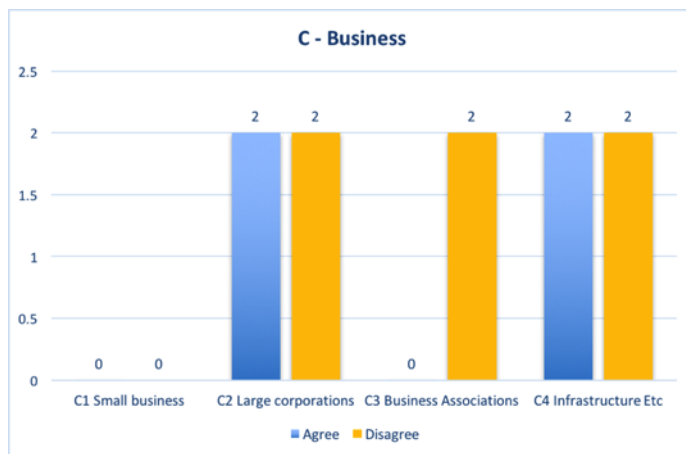
Generally, this section received consistently negative and/or cautious feedback from planning authorities. The most consistent message here was that the various ideas proposed here seem to 'pin the blame' for the lack of house building and infrastructure provision on a very narrow view of the 'planning system' and its broader role. This might well be the biggest debating point of the entire consultation process from the policy and planning perspective – they wish to challenge fundamentally that local authorities can either:

- Provide infrastructure and houses by being more focussed on viability and/or allocating more housing land without there being wider structural reform, or
- Instead, allow the planning system to be stripped back to the point where the market (which it is implied is being held back by planning) somehow delivers houses and infrastructure and ultimately mediates and delivers the 'public good'.

On each of these perspectives, planning authorities considered that the review should be discussing the broader structural barriers operation on the production of the built environment that lie beyond the planning system, and that more impactful reform would include things like land taxation, government intervention and spending. It was acknowledged that this sits within the context of continued and lingering effects of the global financial crisis. Some of these structural factors are mentioned in the consultation, and it was clear that there is work ongoing on some of these matters, but there were concerns from some planning authorities that change to the planning system cannot be pursued in isolation but must be set within the above context. Some pointed out that there was no guarantee that the solutions being pursued will, in practice, work.

Having said that there was support for the proposals. However, there were also calls for a broader perspective to be considered in addressing a very complex problem. There was, for instance, broad support for the eventual establishing of an infrastructure levy, but on this point, there was quite a strong sense that this needs to be associated with both a fundamental look at what we can expect the market to deliver; and, more immediately, greater acknowledgement of the difficulties experienced with the Community Infrastructure Levy model in England so far.

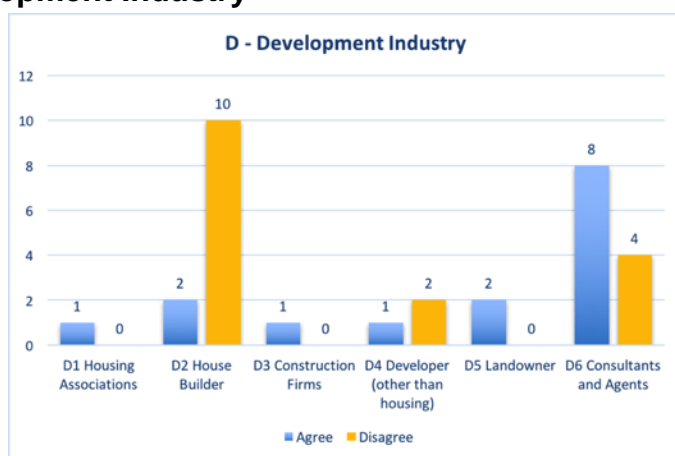
Business Sector



Responses in this sector primarily seek concessions on the ideas put forward; particularly Section 75 and infrastructure levy contributions. Additionally, permitted development rights were sought from sectors such as telecommunications, renewable energy infrastructure (battery/storage units) and from the fish farm sector.

Many respondents did not answer the questions relating to housing in this section, and some stated that although they recognised the importance of housing provision it should not have been what they saw as an area of such targeted focus in the review.

Development Industry



Those who responded from the development industry broadly welcomed the proposals under this theme. There was a feeling that this creates a more responsive plan, provided that they are up to date (which links to the concerns regarding the 10-year

proposal under theme 1). A catch-all observation for the development industry sector was that they seek a system that creates enough certainty to allow for investment decisions to be made, and enough flexibility to respond to changes in circumstance once the decision to invest has been made. The connection between the market and delivery chimes with statements that have previously been reported on from policy and planning sector that it is not planning alone that can deliver development.

Response to Simplified Planning Zones were mixed, some respondents noting that this may only be of benefit in areas where infrastructure spending is already committed. In other areas, Planning Permission in Principle or masterplans may be of greater benefit in bringing forward delivery.

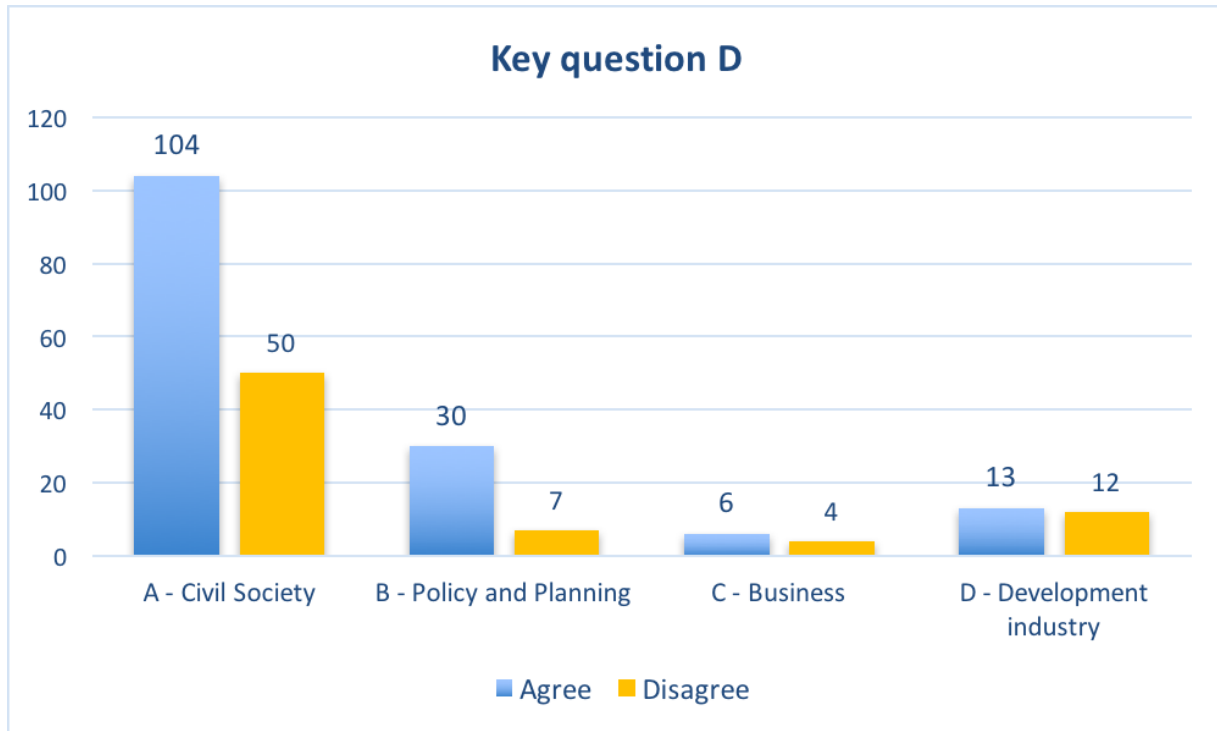
On the Section 75 modification, retaining this was seen to be essential for developers as a way firstly to adapt to changed circumstances, and secondly (and in part in response to the first point) to ensure that contributions are proportionate and fair. Removal of the ability to make modifications was perceived as unfair. Coming to fixed agreements early in the process was the preference for developers, providing certainty.

The infrastructure levy proposals have had a generally positive response. However, as with Neighbourhood Planning, there were developers who have had negative experiences with the Community Infrastructure Levy in England and would like to see greater detail on the proposals, and including what lessons have been learnt from failures of Community Infrastructure Levy. The levy was usually viewed as something that should be determined and administered locally, and should be specific to infrastructure that is impacted by development and to enable development. There was concern that the monies would be used to finance National Government infrastructure spend.

Key Theme 4: Stronger leadership and smarter resourcing

4.4 Key Theme 4: Stronger leadership and smarter resourcing

"Stronger leadership and smarter resourcing. We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. To achieve this, we can remove processes that do not add value, and strengthen leadership, resources and skills."



For key question D **“Do you agree the measures set out here will improve the way that the planning service is resourced?”** of those who responded to this key question, 67% of civil society respondents, 81% of policy and planning, 60% of the Business sector and 52% of the Development Industry agreed with the statement.

Key areas of agreement:

- Support for better resourcing planning departments and create opportunities for multi-disciplinary work.
- Support for improving skills in the planning profession and develop leadership both on a personal level and planning profession.
- Increased planning fees should be 'ring-fenced' and spent on an improved service.
- Monitoring performance should include the quality of outcomes as well as timeframe.
- Scope for using digital technology to enhance making and reviewing applications, and communication and consultation.
- For permitted development rights:
 - All the types of development suggested in the consultation paper were supported (business sector);
 - Household extensions and alterations were also supported (development industry).
- Support for setting out a consistent approach to the requirements for a valid application.

4.4A Stronger leadership and smarter resourcing – by Proposal Responses

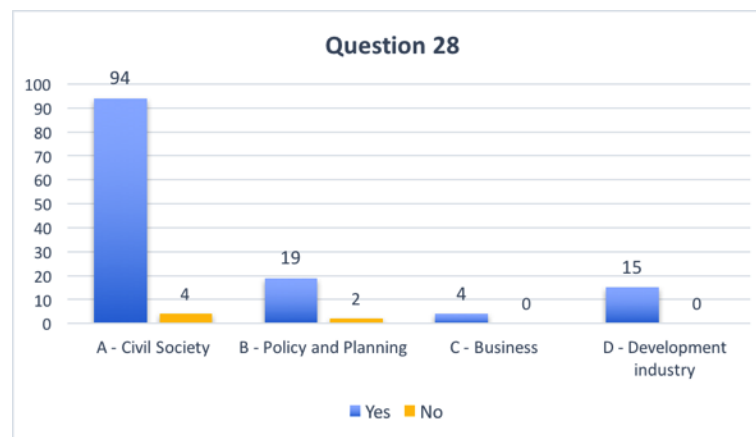
Proposal 16: Developing skills to deliver outcomes

This proposal covers the following questions from the consultation document:

26.0 *What measures can we take to improve leadership of the Scottish planning profession?*

27.0 *What are the priorities for developing skills in the planning profession?*

28.0 *Are there ways in which we can support stronger multidisciplinary working between built environment professions?*



Areas of agreement

There was recognition that planning is well positioned to be visionary and deliver better places, particularly from the policy and planning sector. Several suggestions were made to how this can be fully realised. Respondents felt that the status of the planning department within local authorities should be a key consideration. Their view was that putting the planning department on a level with other executive departments will give planning a renewed mandate, and some respondents hoped that it would de-politicise planning and provide better support for elected members. In addition to this elevation, respondents suggested a need for greater consistency across all planning departments throughout the country.

Resourcing planning departments was also viewed as critical. The pressure on planning departments was acknowledged to be such as to limit their ability to facilitate delivery of development or be visionary. This included thoughts on enabling planning departments to be able to attract people with ability and talent.

Developing leadership was another key theme, which translates both to developing individual leaders and also wider leadership across the planning profession. The suggestion of a Chief Planning Officer relates to the earlier suggestion of elevating the status of planning departments.

Priority areas for developing skills in the planning profession were identified as:

- Leadership
- Mediation
- Development economics and finance
- Project management
- Design skills
- Placemaking

Other specialist areas that were noted including archaeology, environmental assessment and energy.

Greater opportunity for multi-disciplinary working was widely supported (see histogram Question 28). This ranges from creating internships that allow planning graduates to have a range of experience from private sector and public sector, extending work experience to qualified professionals through to secondments. It was recognised that creating additional opportunities for multi-disciplinary working has a two-way benefit as in addition to broadening planners' experience, building in an understanding and perspectives from other built environment professional's work, it would in turn expose other built environment professionals to planning and therefore give them a greater appreciation of planning and its function.

Concerns

There were concerns regarding how planning will be resourced in the future, as this was widely viewed as a key barrier at present. Another was that the emphasis appears to be on equipping planners to enable development, whilst others consider that planning's role was not simply to enable development but rather to make balanced decisions for the public good.

There was concern that planning education is not effectively equipping graduates. respondents raising these concerns suggested that planning education should be better aligned with the practical skill sets that are required in the job, including providing routes to gaining practical experience through the education process. In addition, respondents

felt that more needs to be done to educate those outside planning as to what planning can achieve, in order to set the right expectations.

Proposal 17: Investing in a better service

This proposal covers the following questions from the consultation document:

31.0 *Do you have any comments on our early proposals for restructuring of planning fees?*

Areas of agreement

There was a general acknowledgement that planning is under-resourced, with reference to the statistics on cost recovery from Royal Town Planning Institute (RTPI) Scotland⁴ and comparison to fee levels in England and Wales. Should planning fees be increased, many, although not all, believed that these should be 'ring-fenced' and used to resource more effective planning departments that will be able to offer a higher level of service.

Concerns

Some respondents from across the sectors felt that the fast-track planning process raises concerns and may give the wrong impression, that additional money can 'buy' a consent and that 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.

Local authority respondents were concerned about the proposal for agencies to be able to charge fees (based on an assumption that fees would be paid by planning authorities). Their view was that any such fee should be charged to the applicant. Concerns on charging for appeals have been covered previously- there were views that charging for something that is a right to appeal may undermine the 'right'.

Whilst not being in favour of increases, the business sector generally considered that if fees increase, the increase should be proportionate, that the money should be ring-fenced to improve the service, and this should not be considered a means of making a profit. The energy infrastructure sector respondents were of the view that any fee increases do not simply relate to area of land – but rather complexity of application. They feel that planning applications from the energy sector whilst often involving large

⁴ RTPI Scotland (2015), "Progressing Performance: Investing in Scotland's Planning Service": http://www.rtpi.org.uk/media/1496196/performance_and_resources_-_final_-_october_2015.pdf

land areas are not overly complex compared to similarly-sized mixed use urban developments, and that this should be reflected in the fee structure.

There was concern that increased fees would not immediately be met with improved performance and service. A suggested gradual approach to increasing fees from the development industry, that can demonstrate improved performance and service, was suggested to overcome this scenario.

Increased fees also raised concerns from policy and planning sector that this would act as a disincentive to development and investment, with an impact in rural and island communities. The need for flexibility to set fee levels in areas which may feel a particular impact was therefore considered necessary.

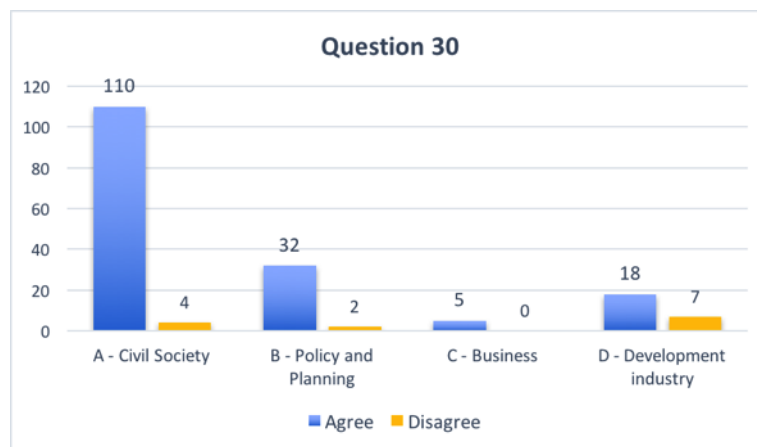
Proposal 18: A new approach to improving performance

This proposal covers the following questions from the consultation document:

29.0 *How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?*

30.0 *Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?*

30(a) Do you have any ideas on how this could be achieved?



Areas of agreement

A focus on monitoring the quality of decisions and outcomes as a measure of performance, as well as time, was welcomed (see histogram Question 30). This should

include planning delivering national outcomes on health and wellbeing and climate change and carbon emissions. It was also suggested that it includes monitoring consistency of decision-making and interpretation and application of Scottish Planning Policy.

There was support for the 360-feedback proposal, provided that there is implementation of lessons learnt through this.

In terms of tools, the Place Standard was raised as an appropriate and potentially useful tool to measure how a place changes.

Concerns

Policy and planning respondents were concerned that the penalty clause was going to remain in place as this was viewed to be a regressive method of improving performance. In its place, it was suggested that a support mechanism is implemented that enables under-performing planning departments to be brought up to level.

Other concerns were raised about the time and resource that might be required to monitor performance and outcomes. Respondents pointed out that this should not come at the expense of delivering primary services.

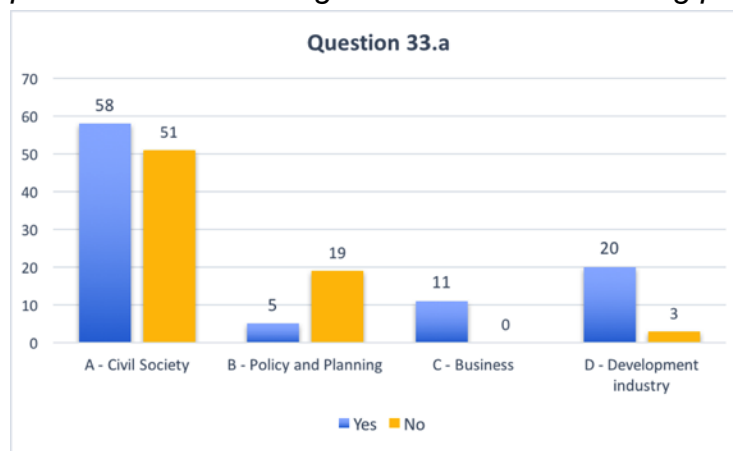
Proposal 19: Making better use of resources: efficient decision-making

This proposal covers the following questions from the consultation document:

32.0 *What types of development would be suitable for extended permitted development rights?*

33.0 *What targeted improvements should be made to further simplify and clarify development management procedures?*

33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?



33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?

33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?

33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?

Areas of agreement

There was support for all the types of development suggested in the consultation paper to have some form of permitted development rights. Respondents from the business sector noted that permitted development rights in England and Wales have been extended and they felt that Scotland should keep pace with this. There were also responses calling for permitted development rights for electricity producers who do not currently hold a licence under the Electricity Act 1989, which currently opens up permitted development rights for installing cabling, etc. Smaller operators, particularly in

the renewables sector, do not hold such licences as these are primarily for large operators and the cost of holding such a licence is reflected in this.

Suggestions from the business sector regarding Permitted Development Rights that would help their industry were highlighted by various sections of the business community:

Agricultural Sector:

- Retention of Permitted Development Rights-Hill Tracks: preference for prior notification scheme
- Extension of Permitted Development Rights Polytunnels: currently a grey area that needs clarification
- Extension of Permitted Development-Farm Sheds: increase in size to reflect requirements of modern machinery
- Extension of Permitted Development- Farm Steadings: to convert to residential or small businesses – This was seen as supporting rural housing needs as identified in housing targets, in a way that is in keeping with the locale, developing housing in clusters on existing plots, whilst simultaneously raising money to support the farm business which could be essential over the next few years in relation to changes resulting from Brexit.

Energy Infrastructure

- Extension to Permitted Development to help achieve targets set by the Climate Change Plan / Energy Strategy
- Extension to Permitted Development to include reference to Renewable Heat and Storage

Telecommunications

- Extension to Permitted Development Rights to support ‘upgrades to existing ground based masts’ through increases in height in protected and non-protected areas and better ‘facilitate the installation of new ground based masts ‘as well as issues related to ‘emergency works and temporary sites’ and ‘future flexibility in terms of infrastructure and technology’. It was noted by energy sector respondents that this was in line with the Scottish Government’s current work on the draft Climate Change Plan and on the Energy Strategy.

Commercial Sector

- Extension of Permitted Development to include change of use of properties in town centre locations: to increase vibrancy of town centres and permit more conversion to residential.

To relieve pressure on planning departments, further permitted development rights for household extensions and alterations was supported by both the development industry and civil society respondents.

There was support from policy and planning respondents for setting out a consistent approach to the requirements for a valid application. This would bring clarity for all users and operators in the system. A single consenting process, provided it is demonstrably more efficient is also welcome.

There was a hope that pre-determination hearings be required less frequently if the plan-led system is operating well. In cases where there was a departure from the local development plans or there were major implications this was still viewed as a useful process.

Concerns

From a local authority perspective, extension of permitted development rights may not reduce the volume of applications. Civic and community groups were concerned of the impact on conservation areas that permitted development rights might have, including the impact on quality of a place through additional street furniture added to the area for signage and telecommunications.

Some planning authority respondents considered that the conversion of unused farm steadings to housing may not always be appropriate and there may need to be a mechanism to judge or restrict this. Other civil society respondent concerns were that this creates an opportunity for speculative development, potentially in unsustainable locations and without due consideration being given to required infrastructure.

It was suggested by some civil society respondents that a mechanism for public comments and objections to permitted development should be introduced to allow for a degree of scrutiny, specifically in relation to hill tracks and remote telecommunications structures.

Changes to public consultation for approvals of detail for planning permission in principle raised concerns that this might open up a process that is not in the interests of the environment or communities in which developments are located.

The value of pre-determination hearings was questioned. Some view it as a useful part of the process whereby the case for a development can be stated transparently, and it allows objectors a voice. But there were comments that if it is before a full council, all members should receive training, that it should be restricted to major developments or departures from the local development plan. Pre-determination hearings must be timetabled in a manner that does not add delay.

Proposal 20: Innovation, designing for the future and the digital transformation of the planning service

This proposal covers the following questions from the consultation document:

34.0 *What scope is there for digitally enabling the transformation of the planning service around the user need?*

Areas of agreement

ePlanning was noted by a few respondents from the policy and planning and development industry sectors as a welcome development, reducing both time and cost in allowing applicants to upload files. They suggested that improvements could be made to the system to allow for greater file sizes. Increasing access to planning documentation online was also welcome – with continual improvements to standardisation and user interfaces. It was suggested that this could be further extended to allow for fuller consultee responses.

There was support for use of 3D imaging to present development proposals and plans. The use of this technology could aid understanding of what is proposed, and could be an effective tool for community engagement.

Using digital technology for communication was also supported. It was presumed that this will be the primary method of communication in the future and therefore planning needs to look at how it can embrace this. This includes using it as a means of engagement and consultation, and using it in place of statutory adverts in newspapers etc. It could also include providing information on what is a permitted development and what is required for minor works, in a bid to allow self-assessment and reduce the volume of enquiries on such matters.

Concerns

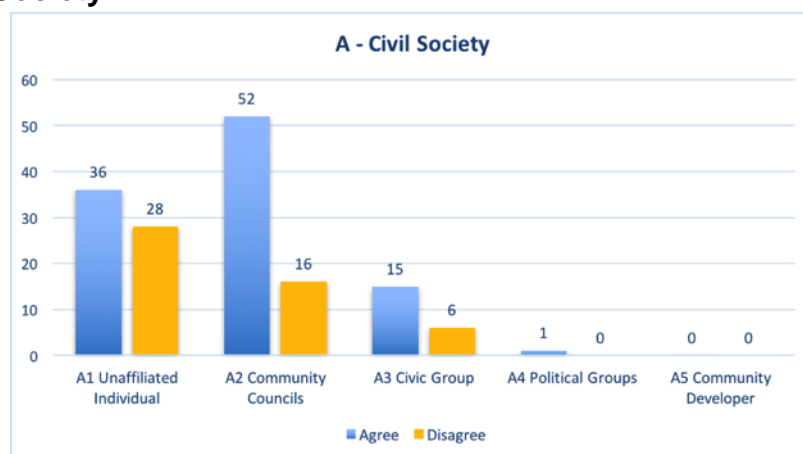
The available resources and skills to fully embrace digital technology was raised as an issue. While it was generally acknowledged that this was the correct direction of travel, respondents felt it would be difficult to implement with resource levels as they are, with suggestions of a central resource to enable local authorities.

Whilst there was support for the use of digital technology, there was also caution from the civil society that this may cause inequalities to arise in the system between those that had access to and ability to use this technology and those that did not. It was noted that many rural areas still have inadequate internet coverage, older generations do not tend to have as many computer skills and less affluent communities may have less ability to access expensive technology.

4.4B Stronger leadership and smarter resourcing - Commentary by Respondent Category

Key question 4: Do you agree the measures set out here will improve the way that the planning service is resourced

Civil Society

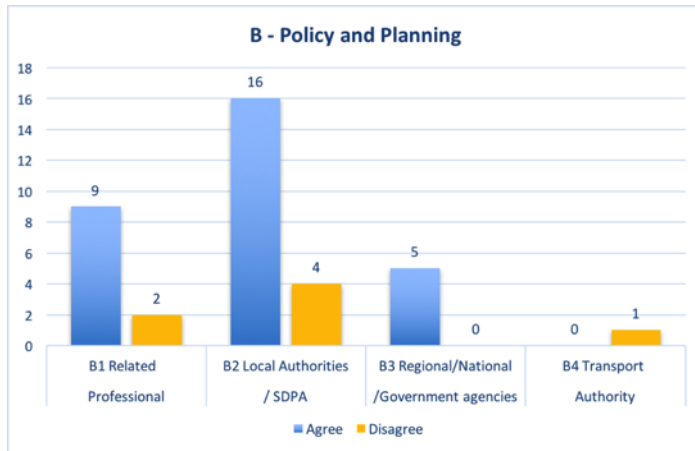


The civil society respondents recognised the need to resource the planning system adequately and the importance of developing skills in the planning profession. Their view was that there should be an emphasis on producing leadership and outcomes that produce better places, and not simply to facilitate development.

The importance of digitally enabling the transformation of the planning service around the user need was identified, but it must take into consideration people who do not have access to/knowledge of modern technology so they do not feel alienated from the process. Another idea was that any 3D pictures must be reliable representations of the real development and not just images to sell the project.

Policy and Planning

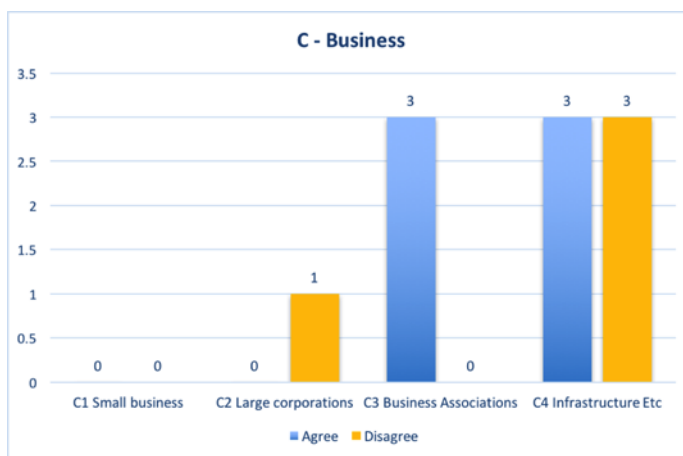
There was broad agreement that planning needs greater resourcing, that a statutory Chief Planners in local authorities could raise the profile of planning, that it needs a more corporate approach. There was also a shared view that skills and multidisciplinary working can be greatly improved (but only with funding support), and there is a lot of scope for digital transformation



From planning authorities, there has been a lot of positivity around this theme but it has been tempered by a sense that there needs to be acknowledgement from any who may demand more of the system of the impact of the severe cuts that planning departments have experienced in recent years.

Measuring performance was a big issue here. This consultation continues the calls for a more integrated system between the different groups involved in planning, and there was support for a more holistic and less overtly quantitative approach to measuring performance. There was also a degree of defensiveness around what is causing the apparently poor performance of planning and planning authorities.

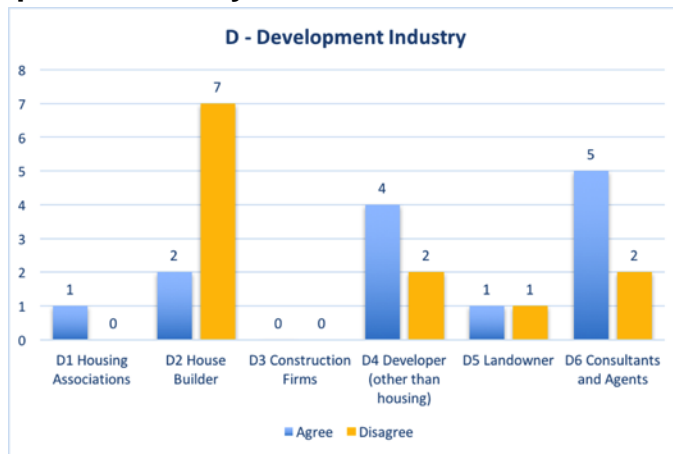
Business Sector



The primary consideration in this theme for the business sector was cost. Increases in fees have implications for many of the businesses that cannot be readily passed on.

The general approach was again to seek exception for those who are users of the planning system, but not developers per se. Should there be increases, similar arguments were made for ring-fencing the income and providing a service that is faster and higher quality.

Development Industry



A view from the development industry respondents was that a shift in culture to viewing planners as facilitators and collaborators would be a positive step, as this would benefit this sector through higher rates of delivery. In the view of this sector this change requires strong and visionary leadership, resourced planning departments, elevated status of planning within local authorities, and planners who have the right sets of skills, including understanding of development economics and viability.

A better-resourced planning system was endorsed by the development industry, as this in turn supports development. Increases in fees were accepted by many, although not all, on the basis that the additional income has to be ring-fenced for planning and results in an improved service.

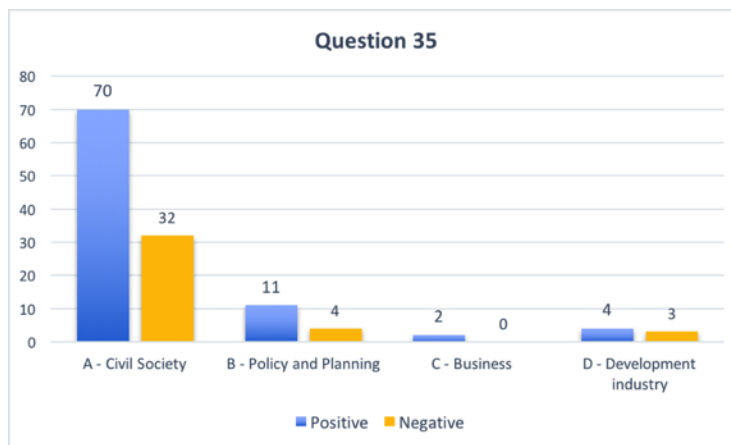
Consistency across planning was also called for - consistency in advice and decision making, to provide greater certainty in the process.

4.5 Next steps

Fewer views were given on the impact assessments, with many respondents commenting that they lack the necessary information or knowledge with which to meaningfully respond.

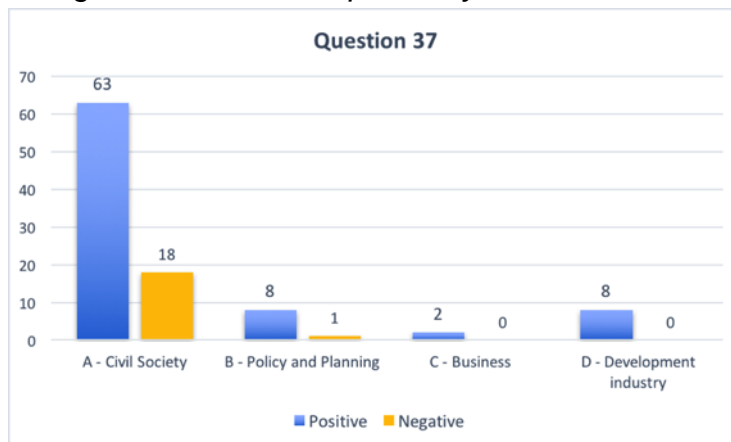
This section covers the following questions from the consultation document:

35.0 *Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be?*



36.0 *What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?*

37.0 *Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?*



38. *Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.*

Equalities impact

Overall the respondents to the consultation believed that there will be a positive impact on the basis of increased transparency and open and inclusive involvement in the system.

Those who stated that there will be a negative impact do so on the basis that special interest groups may be less represented, and that care needs to be taken that information remains accessible to those who do not use or have access to computer. There was also some concern that greater community involvement could be misused by pressure or interest groups.

Business Regulatory Impact

There was a split of opinion on whether there would be a positive or negative impact on businesses. The primary issue was cost; some view increased costs as a negative, while others view increased cost as a positive, provided there is a valuable return for that cost such as a better resourced, more efficient and improved planning system.

Children's Rights Impact

The respondents viewed the changes as having an overall positive impact on Children's Rights, if they are more involved in the planning system and clear opportunities are created for them to have a voice.

Environmental Impact

Some suggested that there was potential for negative environmental effects, based on the concern that a streamlined planning system will not have the ability to take cognisance of environmental impact, due to a lack of critical points at which this assessment would be undertaken. For example, this was expected if the need for applying for Planning Permission in Principle was replaced by a site being allocated in the local development plan. Those who have a positive view on the impact recognise the proposals to be seeking better places, which are more sustainable.

5.0 Overview Commentary on Respondent Categories

Following review of each of the four key themes in turn we provide some overview commentary according to the respondent categories. Here we have drawn out some general observations, overview themes and key messages from each group.

Civil Society

Respondents from this category were broadly supportive of the proposed improvements to community engagement. However, the current levels of trust in the overall planning system appear to be low and so there was a questioning of whether any changes will ensure that community groups and organisations are listened to. The capacity of community groups to resource greater opportunities for consultation, in terms of both time and expertise, was also a concern.

There was some dissatisfaction expressed about the consultation document, as many respondents considered it to be overly technical and lengthy, with a lack of awareness on the part of some respondents that an abbreviated or 'layperson' version was available. While an easy read guide and guide for community councils was provided, there was no explicit acknowledgement of those. Around half of responses from this group were critical of the questionnaire itself - its length, complexity and technical wording. The lack of explicit questions on environmental issues and Third Party Rights of Appeal was also a concern.

For many respondents, there was frustration that the consultation does not explicitly tackle serious environmental issues such as climate change, sustainability, etc. and how they are to be dealt with in the planning system. Concerns were expressed over potential conflict in the future:

"However, it is apparent from the consultation paper that there is a tension that will need to be managed between building sustainable, low carbon communities and a strong focus on facilitating housing development and infrastructure that has the potential to negatively impact on our ability to tackle climate change and promote sustainability"
(civil group response: 382-A3)

Policy and Planning

As with the previous Planning Review consultation, there was a concern that 'planning is being viewed as the problem' and that changing the system will somehow 'fix' the myriad challenges of development, particularly for housing. The policy and planning sector respondents often highlighted that the planning system is not the only factor

involved in development, and the context of the financial crash, lower local government budgets, lack of financing availability, etc. all contribute to problems of realising development. Some felt that changing the planning system will have a limited impact in the resolution of these issues. Views expressed included:

- There was a lot of support and ideas around how to address issues that have arisen since the earlier planning reform began to be implemented. This applies to both development planning and development management.
- There was a cautious welcome to the calls for more community involvement and a greater localising of plan making. A lot of 'support' however is heavily caveated.
- There was a general concern about changes to regional planning and a perception that there was a centralisation agenda behind the changes. For regional planners who responded, this amounts to a strong concern.
- There was recognition and support for an infrastructure levy, but concerns that its impact may be limited.
- The evidence base for some of the proposals was questioned.

Business Sector

Responses from the business sector were primarily to make a case for their own sub-sector, be it minerals extraction, telecommunications or renewable energy companies. The primary area in which these organisations argued for concessions was if an infrastructure levy were to be introduced. There were also arguments made for permitted development rights, if not for the main infrastructure supporting their industry, then at least some of the supporting elements, such as energy storage.

Development Industry

The majority of the responses in this sector were pleased with the consultation and the opportunity to participate. However, there was some dissatisfaction by those respondents who believe that it was biased towards more community engagement, with the loss of focus on sustainable economic development.

A key theme was the need for certainty for the development sector, whilst retaining flexibility in the system for changing circumstances. This was particularly noteworthy on items such as the ability to modify Section 75 agreements, modify conditions, expiration of planning applications and the need to demonstrate viability of development.

On aligning community and spatial planning, there were some respondents that have mistakenly conflated Community Planning with Local Place Plans, and others that recognised this as a good idea that requires to be a two-way flow of collaboration.

There was evidence of a mixed response to Planning Permission in Principle (PPiP) for local development plans allocated sites. While some respondents felt this should be taken forward; others considered the additional information required above that for a site allocation may be burdensome, relatively inflexible and time consuming.

Conclusion

Our analysis of the responses, also recognised by in parts some respondents themselves, is that:

- At the outset it was recognised in the responses to the consultation that this is a vast, important, and very timely piece of work.
- There was a significant level of interest and engagement by policy and planning and development industry professionals, including representations from professional bodies that had been prepared after significant consultation with their memberships.
- Remarkably, in all around 57% contributions were received from civil society respondents.
- It was clear that there was no singular view of the Scottish planning system – there are a wide range of views and opinions, even within sectoral responses.
- Actors within each sector viewed it in terms of their own wants and needs – making contributions that were highly self-referential.
- There was no ‘one size fits all’ response approach to planning, in terms of geography or scale, in responding to the proposals.
- Each locality has its own particular context that shapes and informs what currently works and what may potentially work in the future system.
- Across responses it was possible to identify key trends and themes, but there is not a singular agreement.
- The greatest polarity, in terms of aspirations and expectations, was at times between the development industry and civil society sectors.
- However, even the local authority responses were heavily shaped by the issues and experiences of their locality, so were variable.
- All this re-emphasises the point that the quantitative data cannot be read alone, but requires to be balanced with the qualitative interpretation.
- Nevertheless, we can confirm the process of Planning Review Consultation has been well received, even if the results have not produced unanimity.

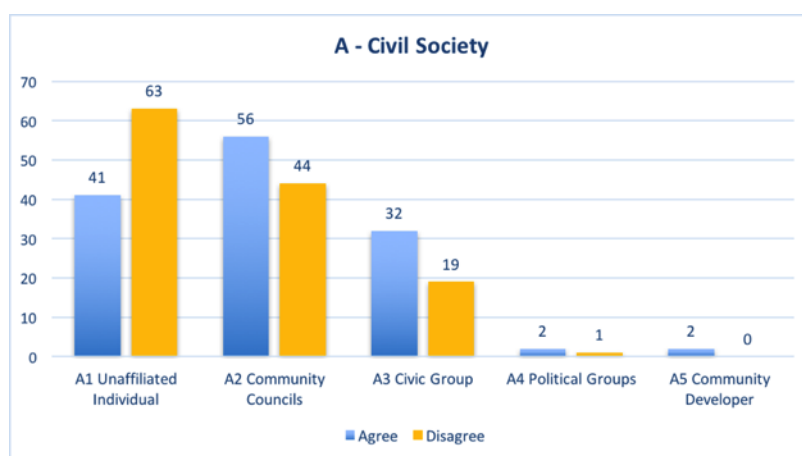
Appendix 1: Tables of support by sector response

While we are showing the agree/ disagree weighting, we emphasise that an understanding of the responses cannot be gained from viewing the weighting alone. Many responses were qualified, providing caveats to their support or agreement. Therefore, these must be held together for a full understanding. Moreover, the number of responses does not represent the total number of respondent as some did not respond at all to the questionnaire and submitted their own format of response, either responding directly to proposals or a different format altogether.

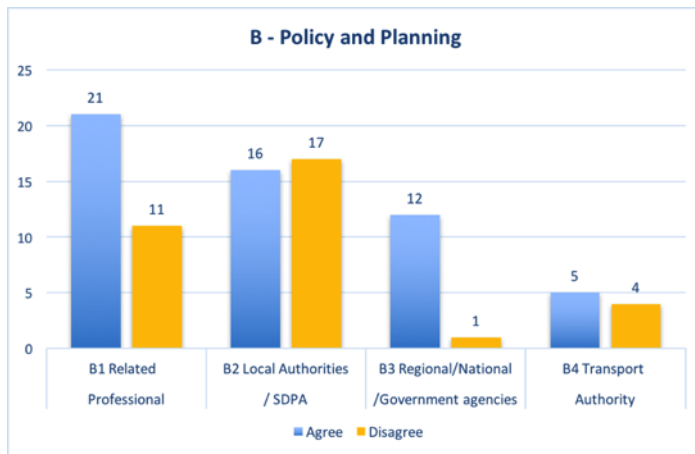
The data in these tables shows the agree/disagree weighting according to each Respondent Category and Sub-category.

A: Do you agree that our proposed package of reforms will improve development planning? Please explain your answer.

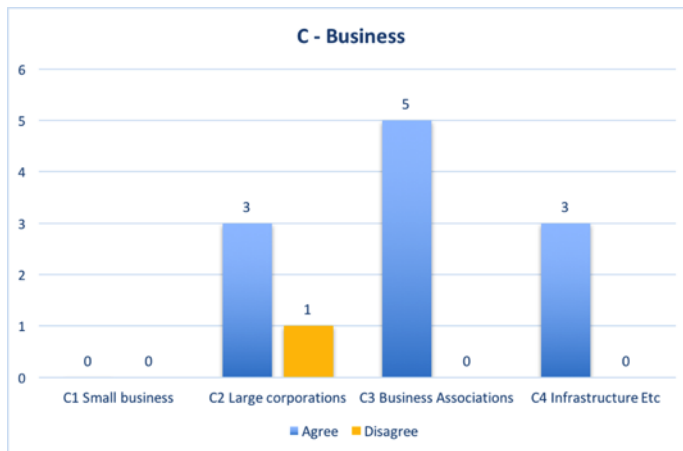
A- Civil Society



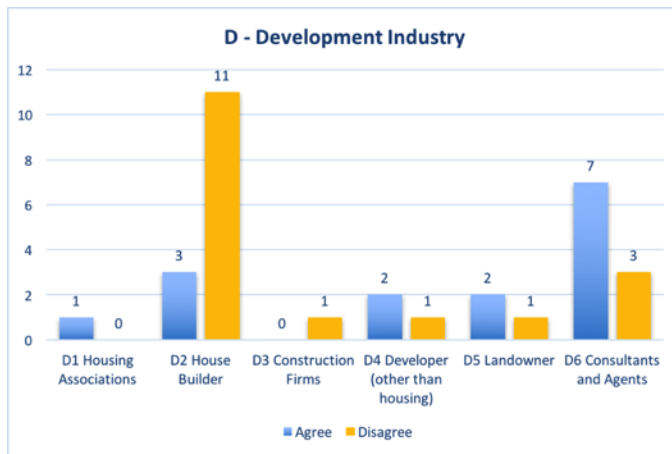
B- Policy and Planning



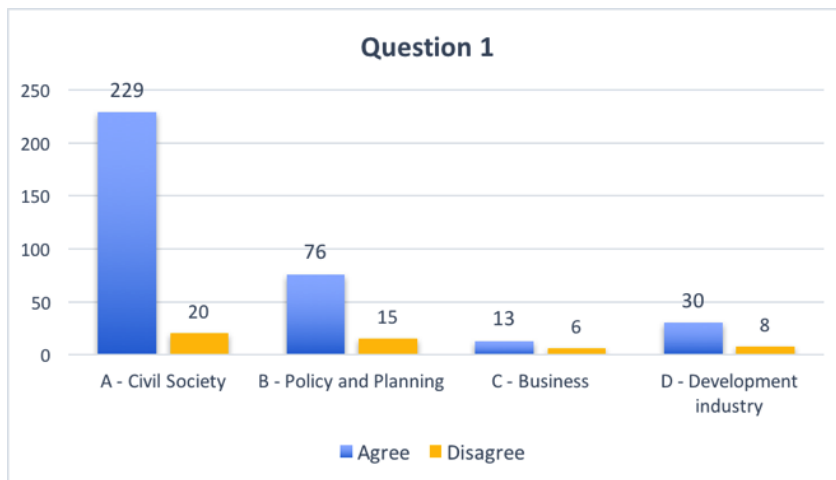
C- Business Sector



D- Development Industry

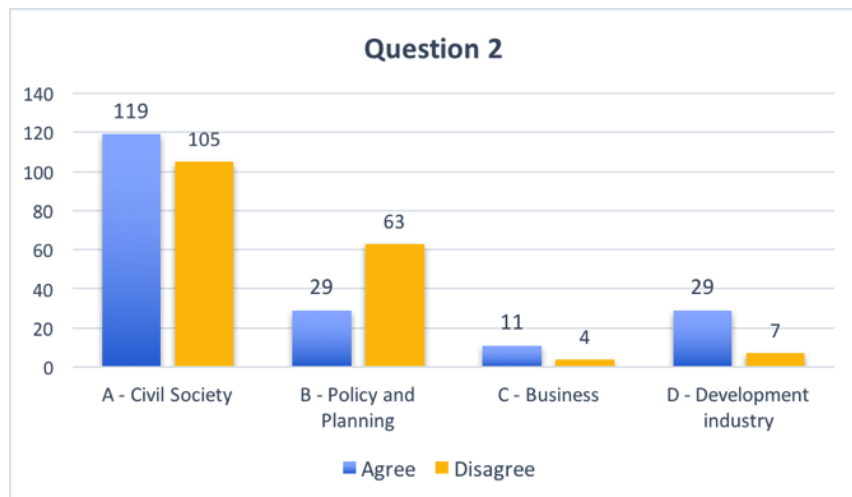


1.0 Do you agree that local development plans should be required to take account of community planning?



92% of the civil society, 84% of policy and planning, 68% of business sector and 79% of development industry agree that local development plans should be required to take account of community planning

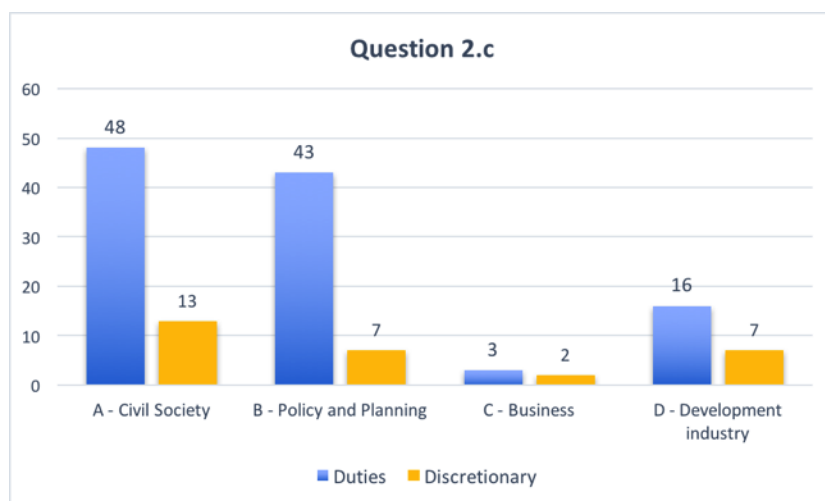
2.0 Do you agree that strategic development plans should be replaced by improved regional partnership working?



53% of civil society, 73% of business sector and 81% of the development industry agree that strategic development plans should be replaced by improved regional partnership working

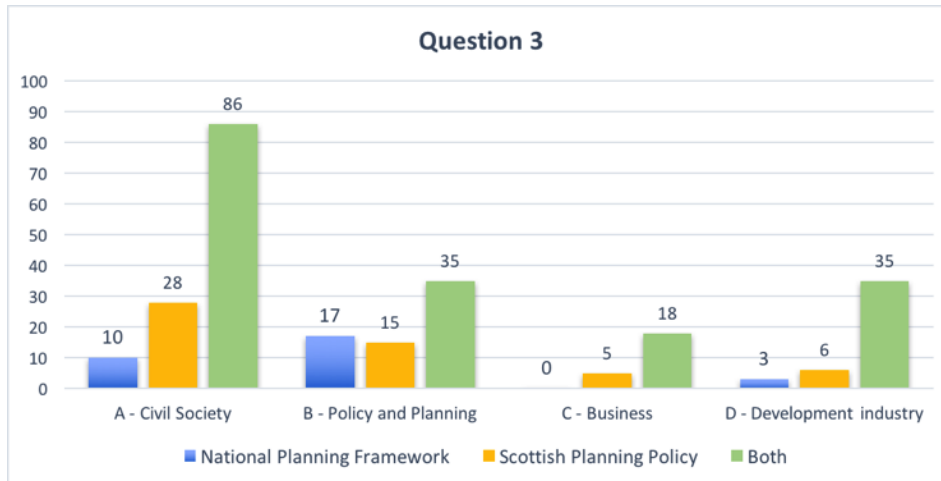
68% of policy and planning disagree

2.0(c) Should regional activities take the form of duties or discretionary powers?



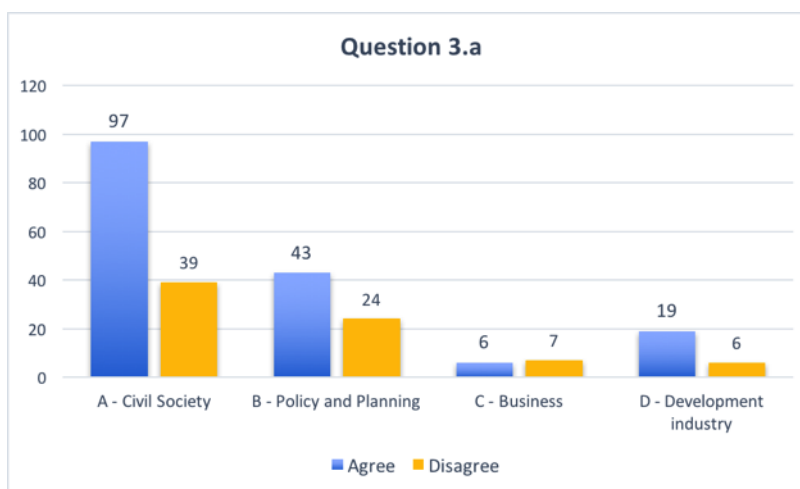
79% of civil society, 86% of policy and planning, 60% of business sector and 70% of development industry support that regional activities should take the form of Duties

3.0 Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?



69% of civil society, 52% of policy and planning, 78% business sector and 80% of development industry think that both the National Planning Framework and the Scottish Planning Policy should be given more weight in decision making

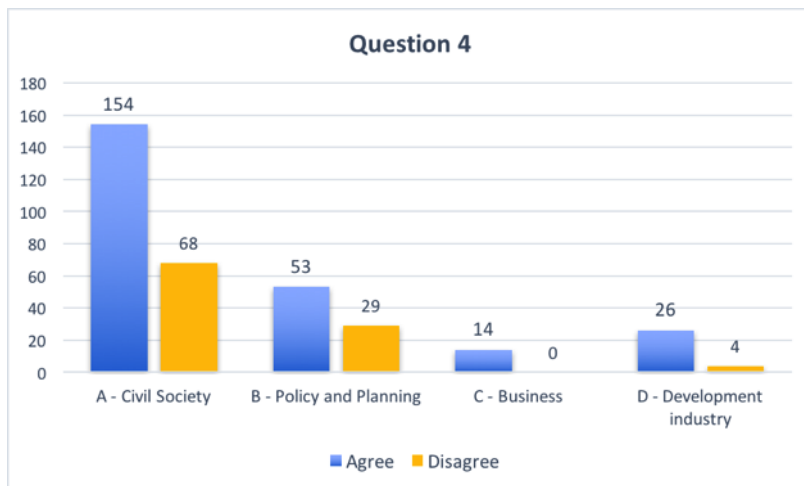
3.0(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?



71% of civil society, 64% of policy and planning and 76% of development industry support the proposal to update National Planning Framework

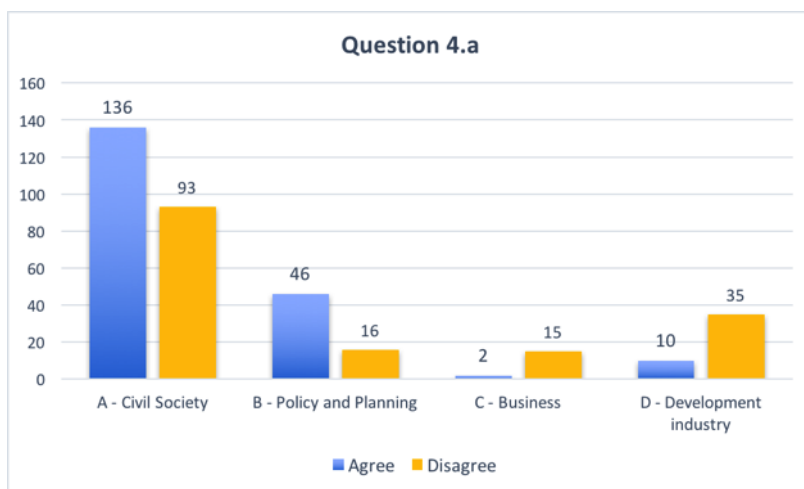
54% business sector disagree with the proposal to update the National Planning Framework

4.0 Do you agree with our proposals to simplify the preparation of development plans?



69% of civil society, 65% of policy and planning, business sector and 87% of development industry support the simplification of the preparation of development plans

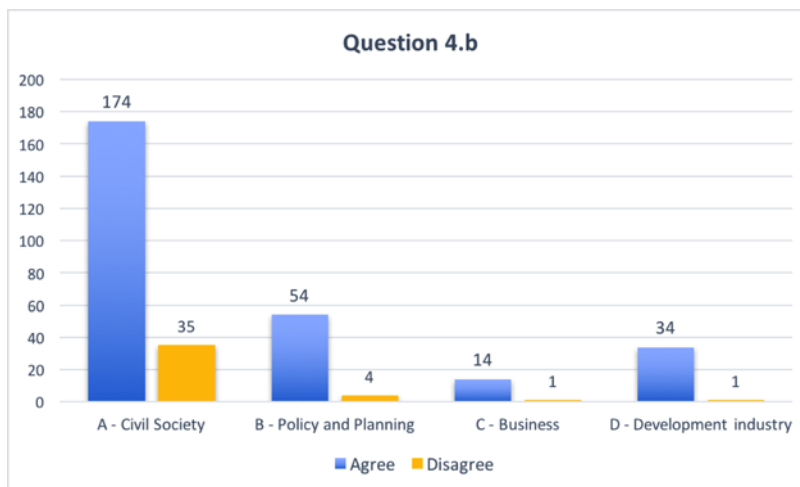
4.0(a) Should the plan review cycle be lengthened to 10 years?



59% of civil society and 74% of policy and planning support extending the review cycle to 10 years.

88% of business sector and 78% of development industry disagree with extending the review cycle to 10 years

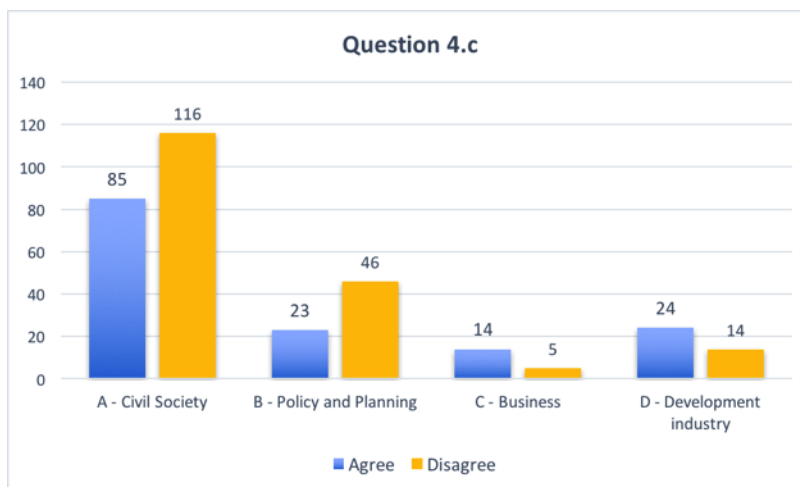
4.0(b) Should there be scope to review the plan between review cycles?



83% of civil society, 93% of policy and planning, 93% of business sector and 97% of development industry support the presence of scope to review the plan between review cycles

For the development industry, their answer is conditioned with the previous question, i.e. if the plan review cycle will be lengthened to 10 years then review cycles must be present.

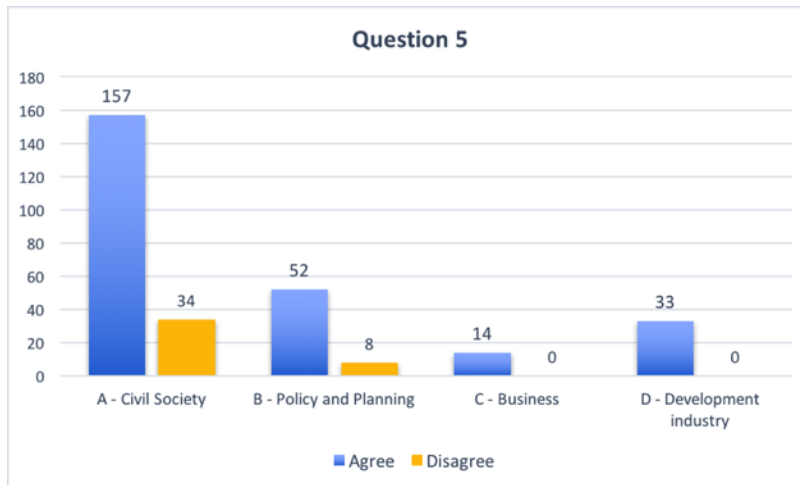
4.0(c) Should we remove supplementary guidance?



74% of business sector and 63% of development industry support the removal of supplementary guidance

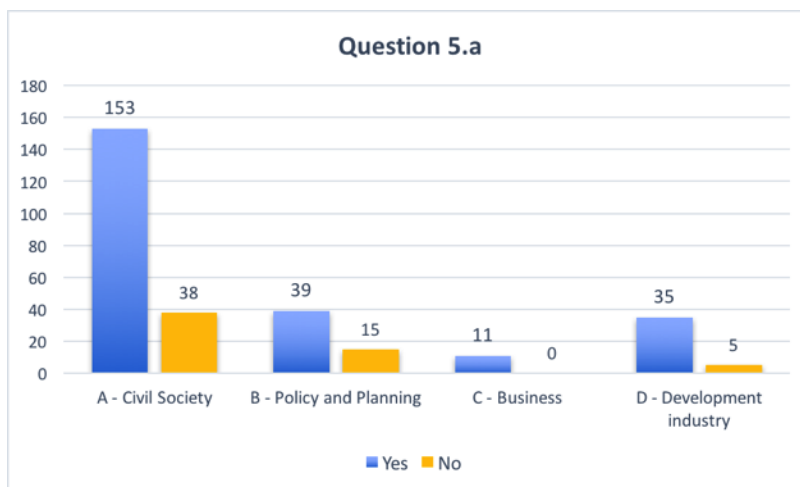
58% of civil society and 68% of policy and planning disagree with the removal of the supplementary guidance

5.00 Do you agree that local development plan examinations should be retained?



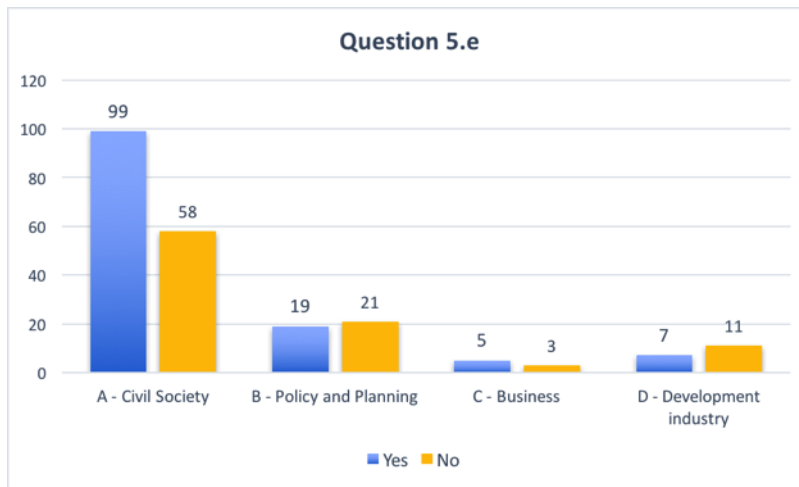
82% of civil society, 87% of policy and planning, business sector and development industry agree that Local Development Plans examination should be retained

5.0(a) Should an early 'gatecheck' be added to the process?



80% of civil society, 72% of policy and planning, business sector and 88% development industry support the addition of an early 'gatecheck' to the process

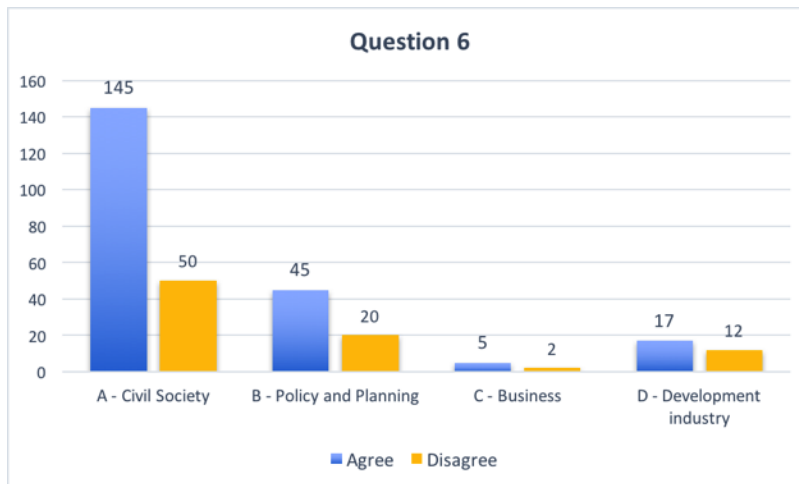
5.0(e) Could professional mediation support the process of allocating land?



63% of civil society and 63% of business sector support the use of professional mediation in the process of allocation land.

53% of policy and planning and 61% of development industry disagree with the use of professional mediation in the process of allocation land

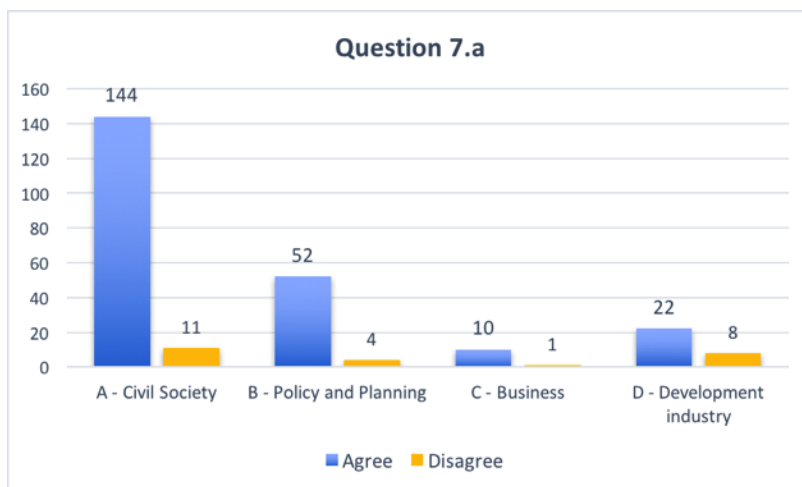
6.0 Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?



74% of civil society, 69% of policy and planning, 71% business sector and 59% development industry support that an allocated site in the Local Development Plans should not be afforded planning permission in principle

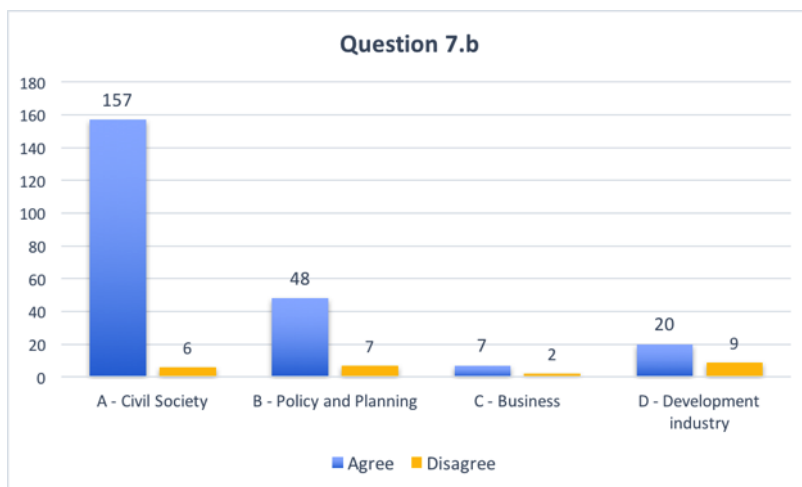
7.0 Do you agree that plans could be strengthened by the following measures:

7.0(a) Setting out the information required to accompany proposed allocations



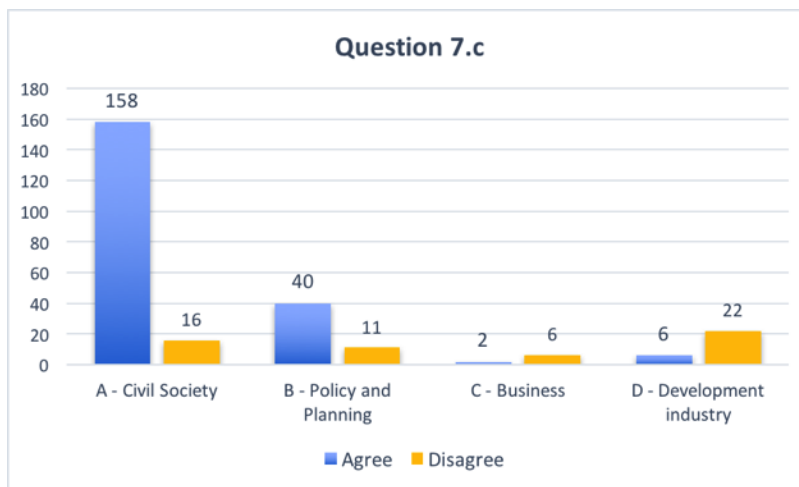
93% of civil society, 93% of policy and planning, 91% business sector and 73% development industry support the following measure of setting out the information required to accompany proposed allocations would strengthened the plans

7.0(b) Requiring information on the feasibility of the site to be provided



96% of civil society, 87% of policy and planning, 78% business sector and 69% development industry support the following measure of requiring information on the feasibility of the site to be provided

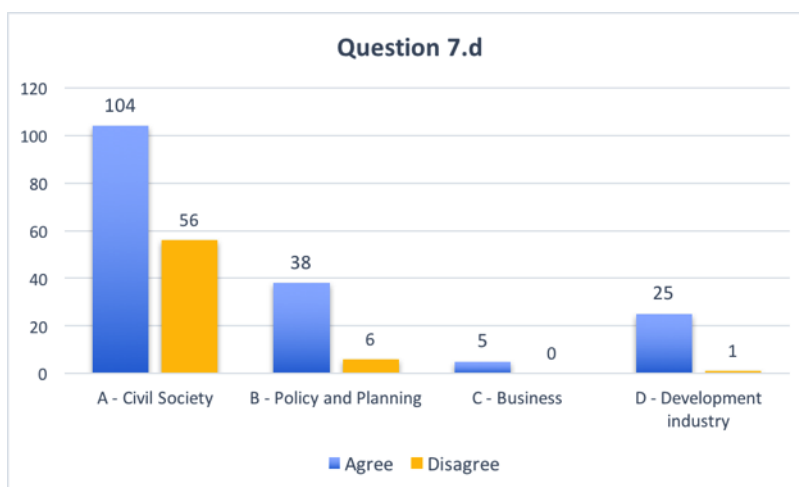
7.0(c) Increasing requirements for consultation for applications relating to non-allocated sites



91% of civil society and 78% of policy and planning support increasing requirements for consultation for applications relating to non-allocated sites.

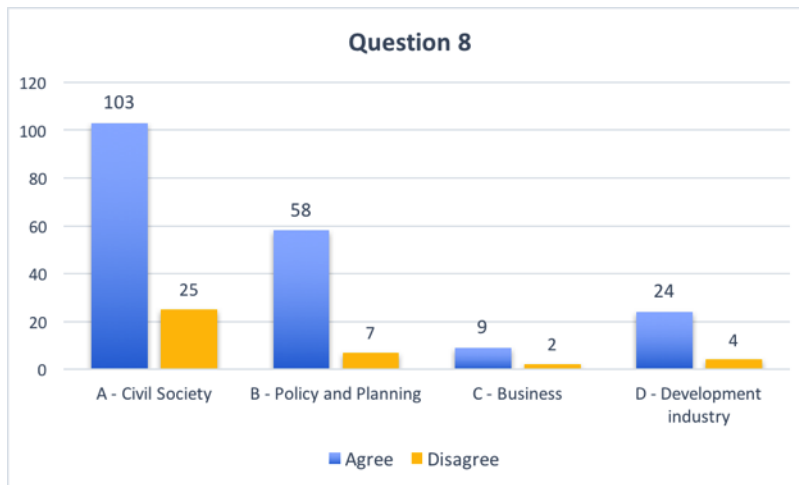
75% of business sector and 79% of development industry disagree with increasing requirements for consultation for applications relating to non-allocated sites.

7.0(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application



65% of civil society, 86% of policy and planning, business sector and 96% development industry support the following measure of Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application

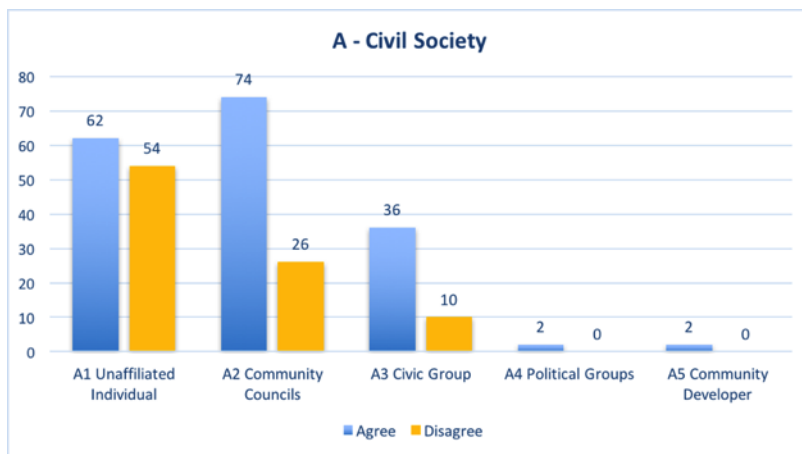
8.0 Do you agree that stronger delivery programmes could be used to drive delivery of development?



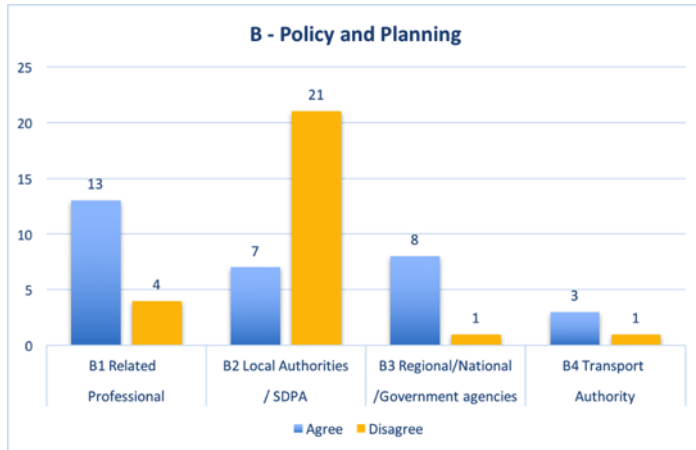
74% of civil society, 69% of policy and planning, 71% business sector and 59% development industry support that stronger delivery programmes could be used to drive delivery of development

B: Do you agree that our proposed package of reforms will increase community involvement in planning? Please explain your answer.

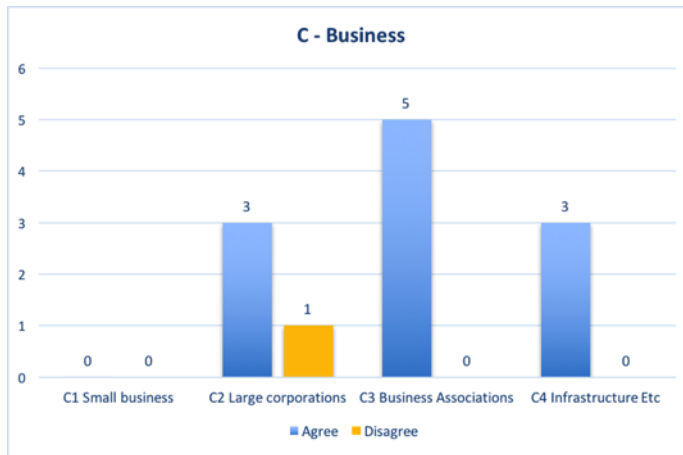
A- Civil Society



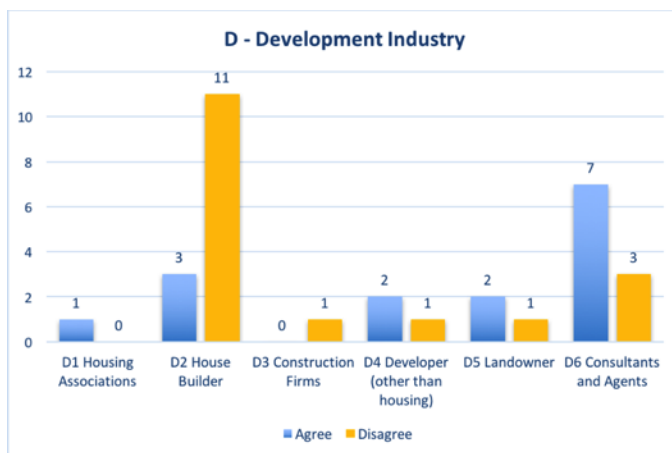
B- Policy and Planning



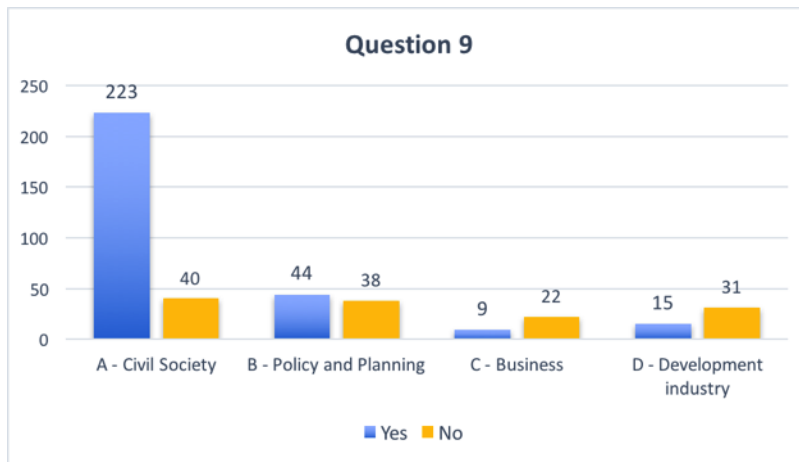
C- Business Sector



D- Development Industry



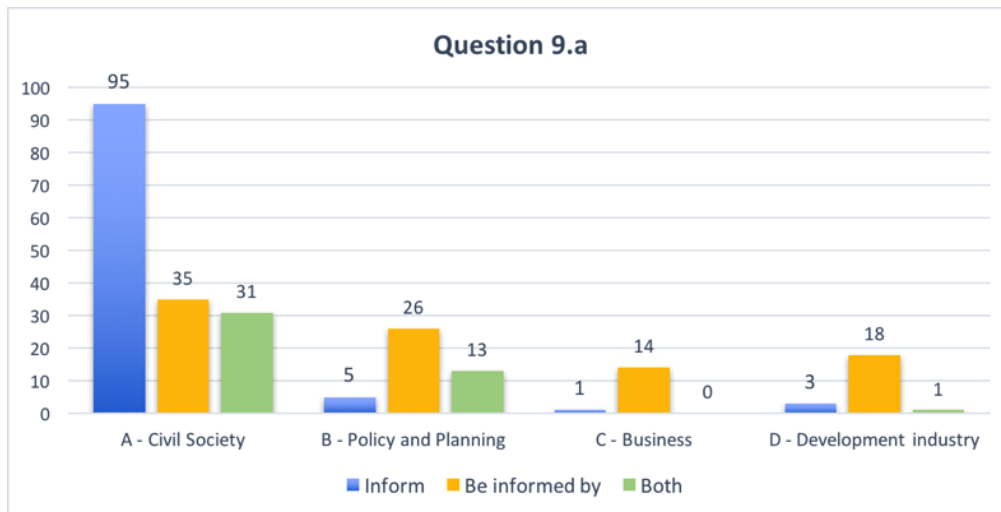
9.0 Should communities be given an opportunity to prepare their own Local Place Plans?



85% of civil society and 54% of policy and planning support the opportunity for communities to create their own Local Place Plans.

74% of business sector and 67% of development industry disagree with communities to prepare their own Local Place Plans.

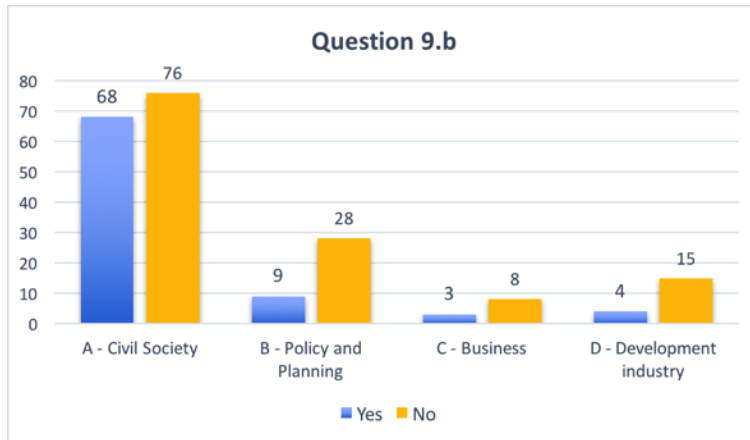
9.0(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?



59% of civil society chose that Local Place Plans inform the development requirements specified in the Statutory Development PlanS

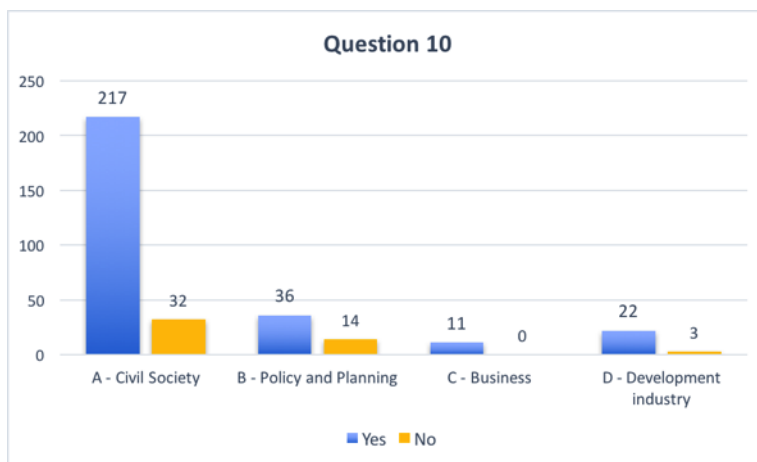
59% of policy and planning, 93% of business sector and 82% of development industry chose that the Local Place Plans to be informed by the development requirements specified in the statutory development plan

9.0(b) Does figure 1 cover all of the relevant considerations?



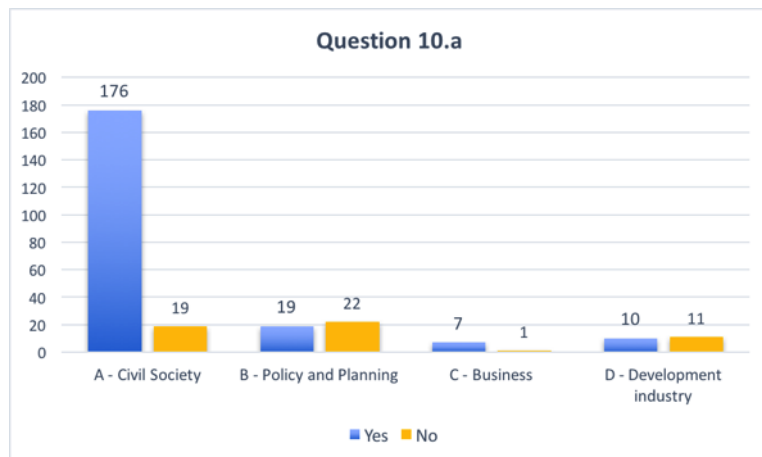
53% of civil society, 76% of policy and planning, 73% business sector and 79% development industry do not agree that Figure 1 cover all the relevant considerations

10.0 Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?



87% of civil society, 72% of policy and planning, business sector and 88% development industry support that local authorities should be given a new duty to consult community councils on preparing the statutory development plan.

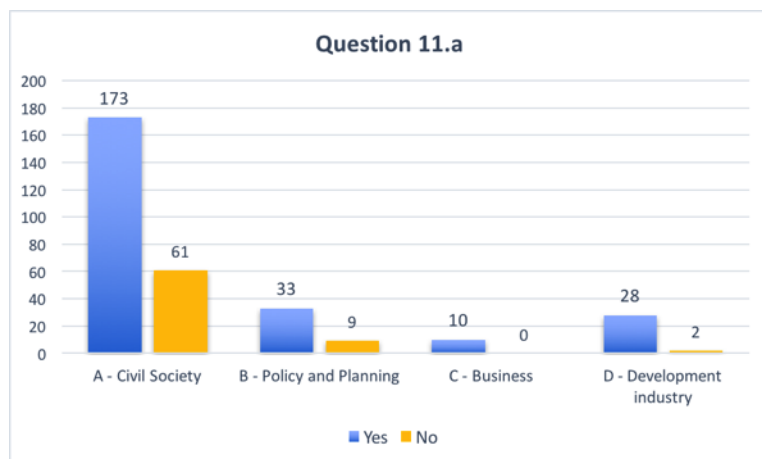
10.0(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?



90% of civil society and 88% of business sector support the involvement of communities in the preparation of the Development Plan Scheme.

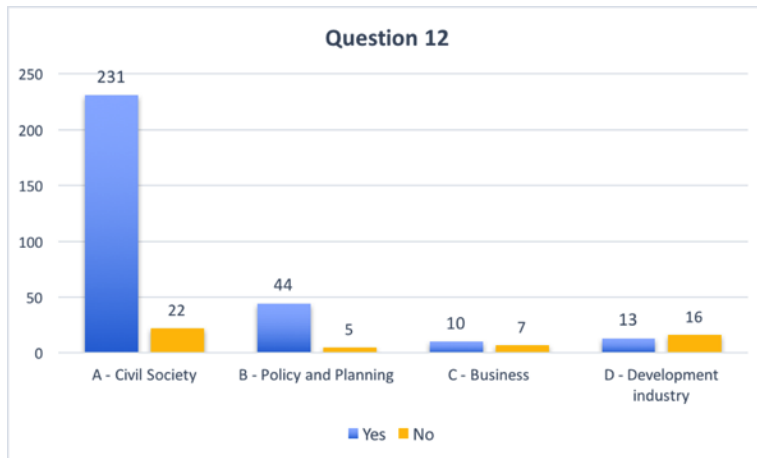
- 54% of policy and planning and 52% of development industry disagree with the involvement of communities in the preparation of the Development Plan Scheme.

11.0(a) Should planning authorities be required to use methods to support children and young people in planning?



74% of civil society, 79% of policy and planning, business sector and 93% development industry agree that planning authorities should be required to use methods to support children and young people in planning

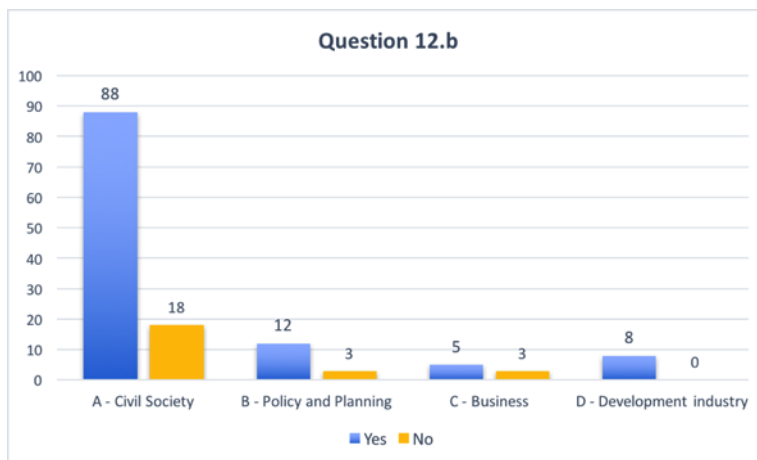
12.0 Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s).



91% of civil society, 90% of policy and planning and 59% of business sector support the enhancement of the requirement for pre-application consultation with communities

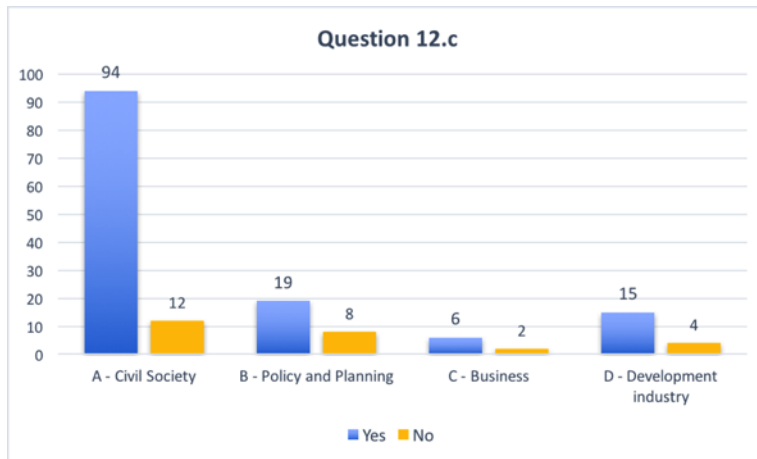
- 55% of development industry disagree with the enhancement of the requirement for pre-application consultation with communities

12.0(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?



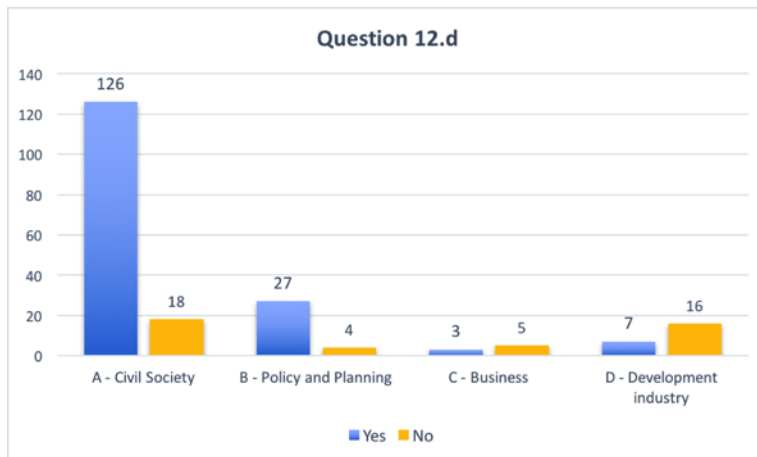
83% of civil society, 80% of policy and planning, 63% business sector and development industry agree that there are procedural aspects relating to pre-application consultation (PAC) that should be clarified

12.0(c) Are the circumstances in which PAC is required still appropriate?



89% of civil society, 70% of policy and planning, 75% business sector and 79% development industry agree that the circumstances in which PAC is required still appropriate

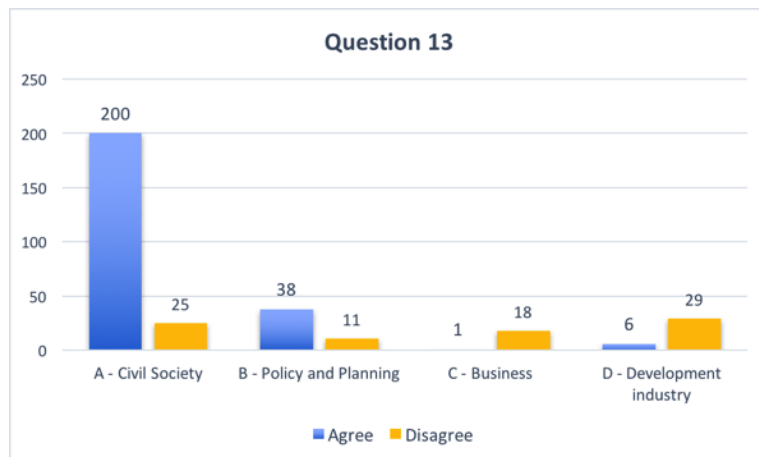
12.0(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?



88% of civil society and 87% of policy and planning support having a time limit from the Proposal of Application Notice for PAC to the submission of the application

63% of business sector and 70% of development industry do not want a time limit.

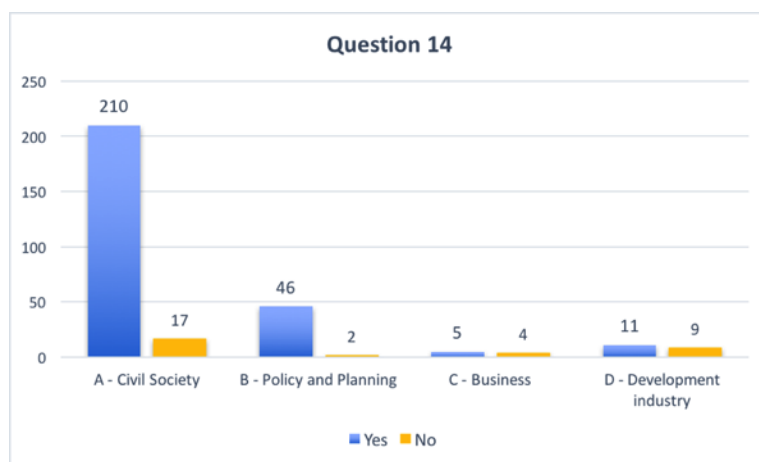
13.0 Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?



89% of Civil Society and 78% of Policy and Planning support having a fee on second planning applications following a refusal.

95% of Business sector and 83% of Development Industry disagree with instating a fee

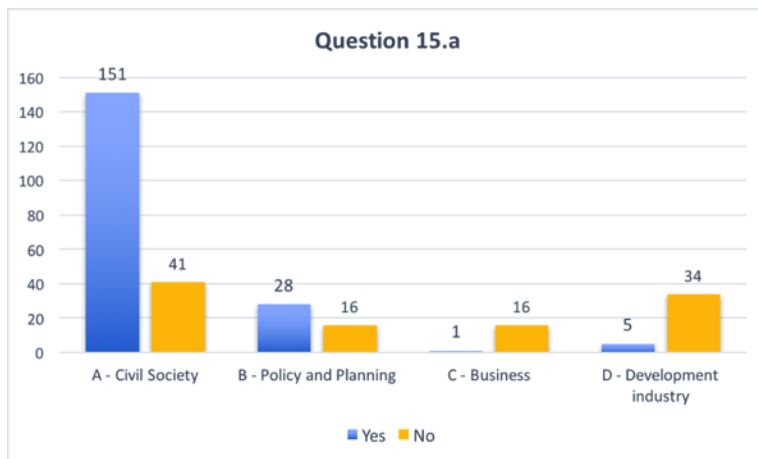
14.0 Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?



93% of civil society, 96% of policy and planning, 56% business sector and 55% development industry agree that enforcement powers should be strengthened by increasing penalties for non-compliance with enforcement action

15.0 Should current appeal and review arrangements be revised:

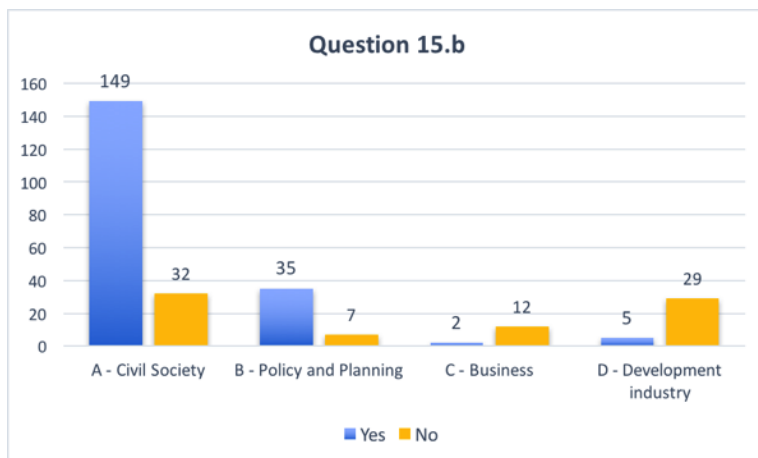
15.0(a) for more decisions to be made by local review bodies?



79% of civil society and 64% of policy and planning support more decision to be made by local review bodies.

94% of business sector and 87% of development industry does not support this

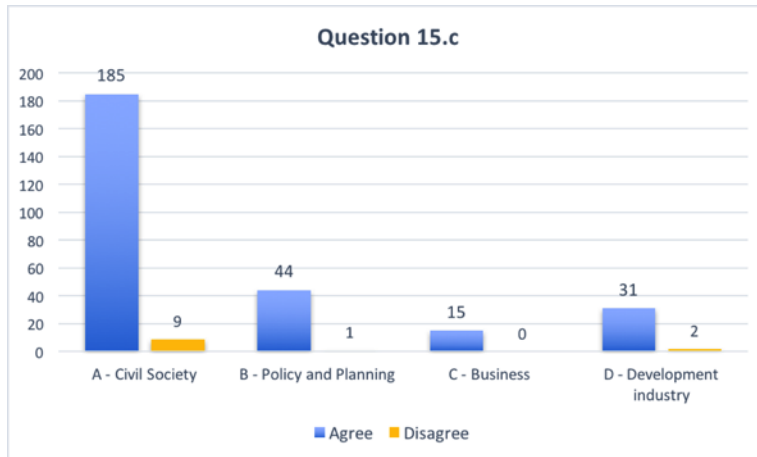
15.0(b) to introduce fees for appeals and reviews?



82% of civil society and 83% of policy and planning support the introduction of fees for appeal and review.

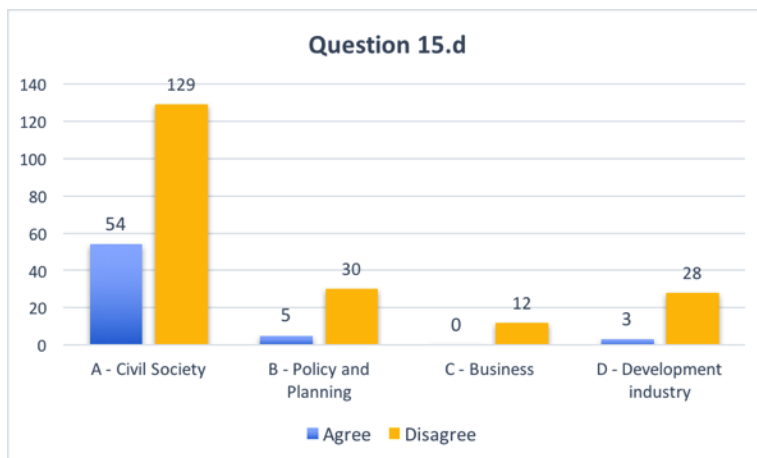
86% of business sector and 85% of development industry are against the introduction of fees for appeal and review

15.0(c) for training of elected members involved in a planning committee or local review body to be mandatory?



95% of civil society, 98% of policy and planning, business sector and 94% development industry agree that training of elected members involved in a planning committee or local review body to be mandatory

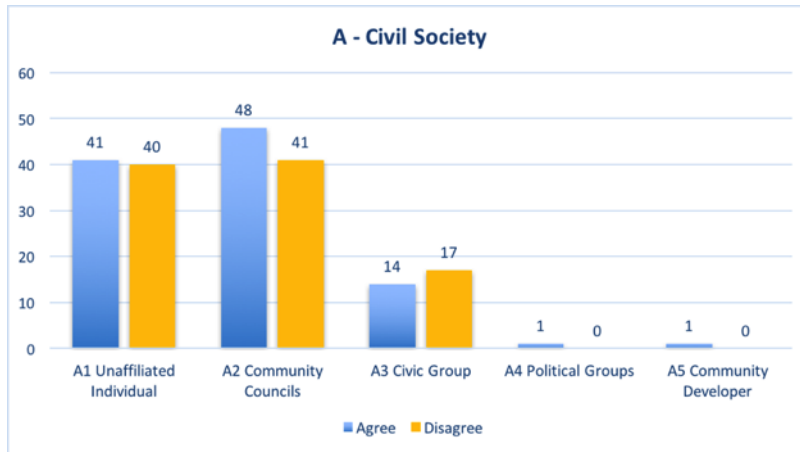
15.0(d) Do you agree that Ministers, rather than reporters, should make decisions more often?



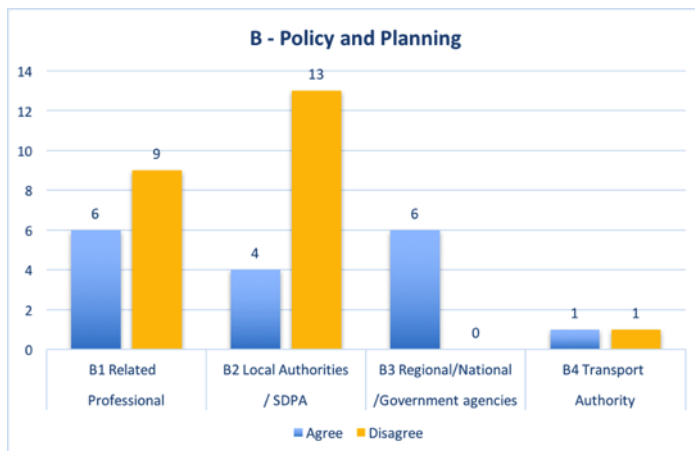
70% of civil society, 86% of policy and planning, business sector and 90% development industry do not agree that Ministers, rather than reporters, should make decisions more often

C: Will these proposals help to deliver more homes and the infrastructure we need? Please explain your answer.

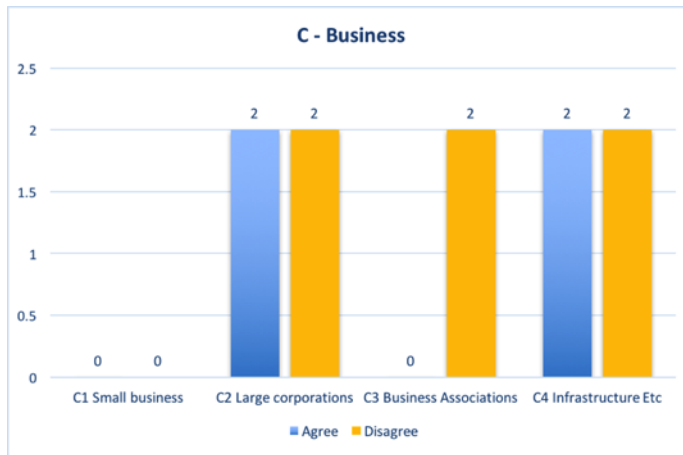
A- Civil Society



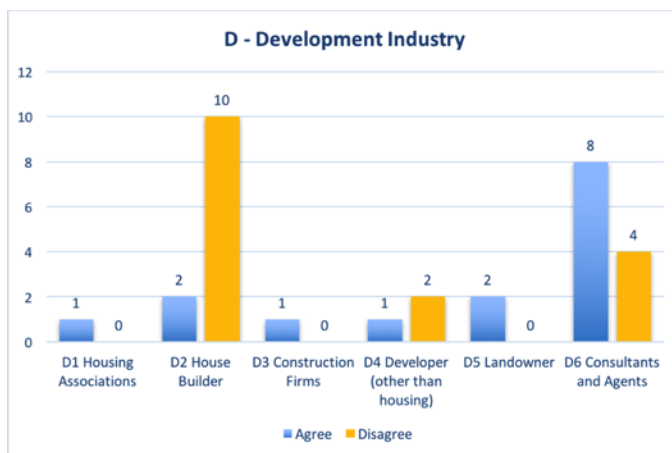
B- Policy and Planning



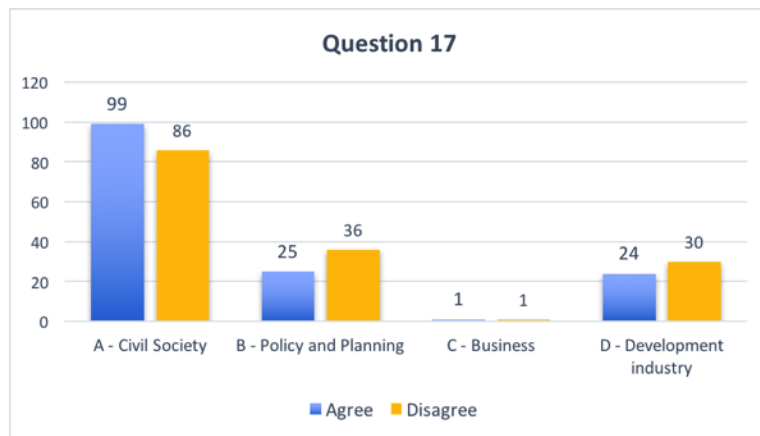
C- Business Sector



D- Development Industry



17.0 Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?

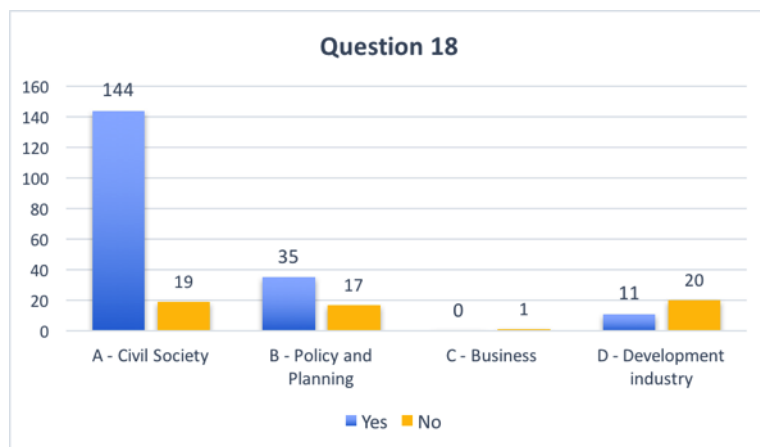


54% of civil society agree with being clear about how much housing land is required.

59% of policy and planning and 56% of development industry do not agree with it.

Business sector is split 50/50.

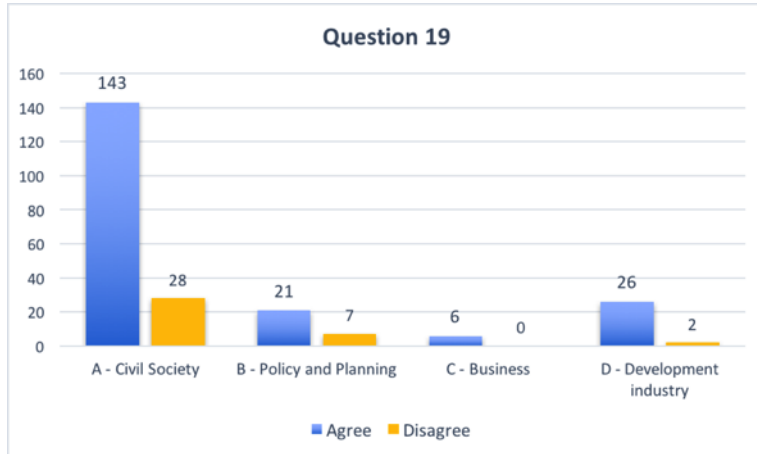
18.0 Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?



88% of civil society and 67% of policy and planning support providing evidence on the viability of major housing developments as part of information required to validate a planning application

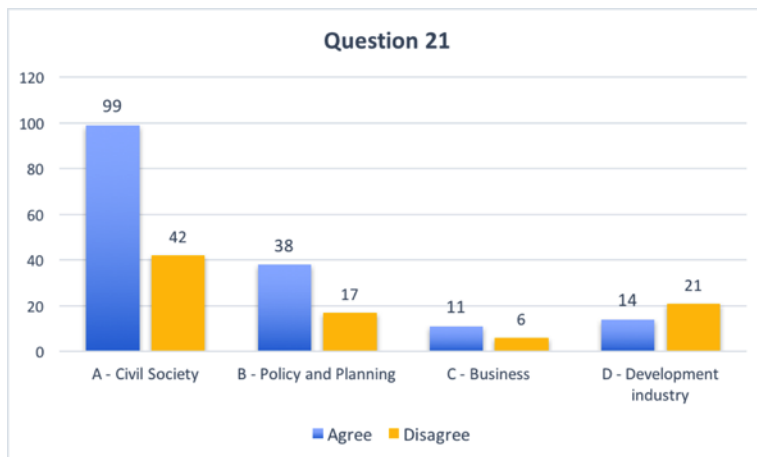
65% of development industries and business sector do not support this process.

19.0 Do you agree that planning can help to diversify the ways we deliver homes?



84% of civil society, 75% of policy and planning, business sector and 93% development industry agree that that planning can help to diversify the ways we deliver homes

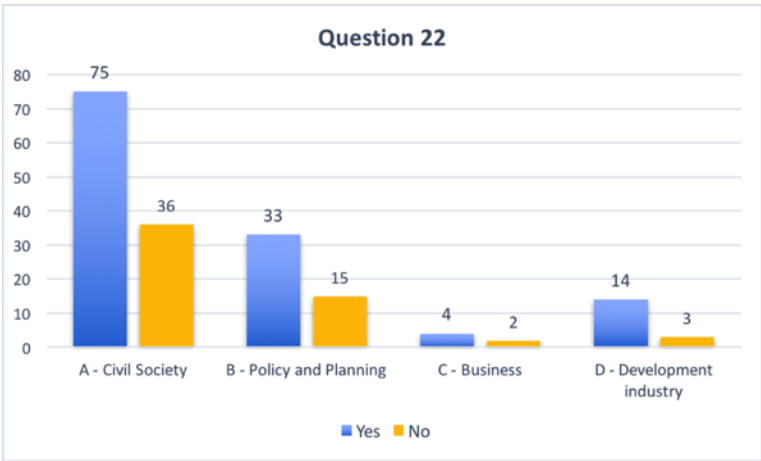
21.0 Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?



70% of civil society, 69% of policy and planning and 65% of business sector support improving national coordination rather than introducing a new infrastructure agency

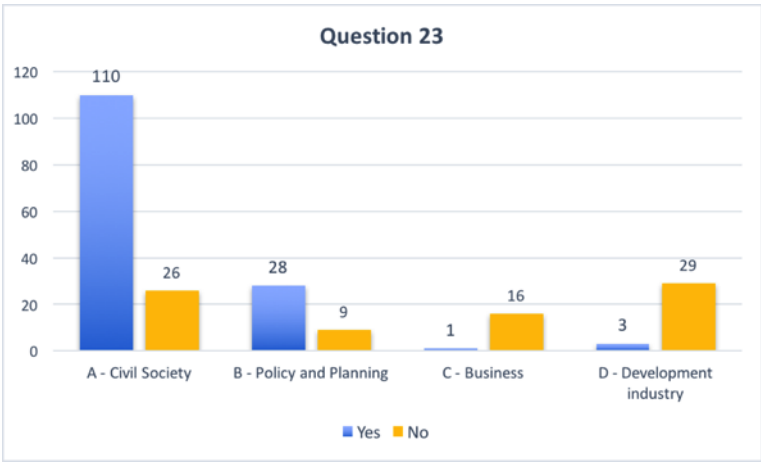
60% of development industry does not support and prefer the introduction of a new infrastructure agency

22.0 Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?



68% of civil society, 69% of policy and planning, 67% business sector and 82% development industry agree that the proposed arrangements for regional partnership working would support better infrastructure planning and delivery

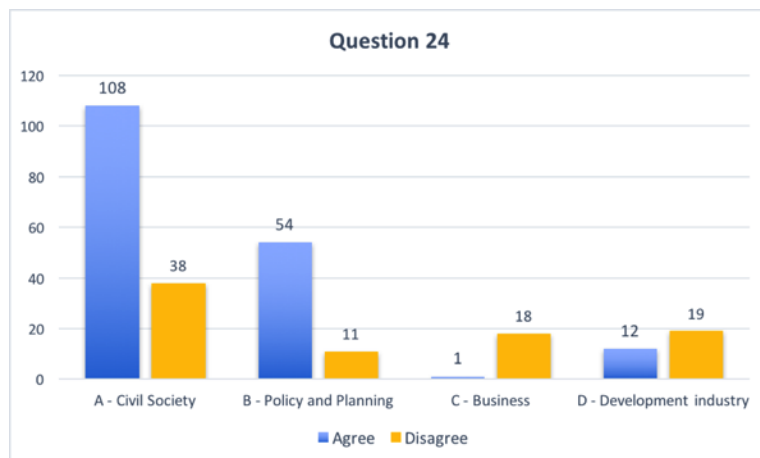
23.0 Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?



81% of civil society and 76% of policy and planning support to restrict the ability to modify or discharge Section 75 planning obligations (Section 75A).

94% of business sector and 91% of development industry does not support that.

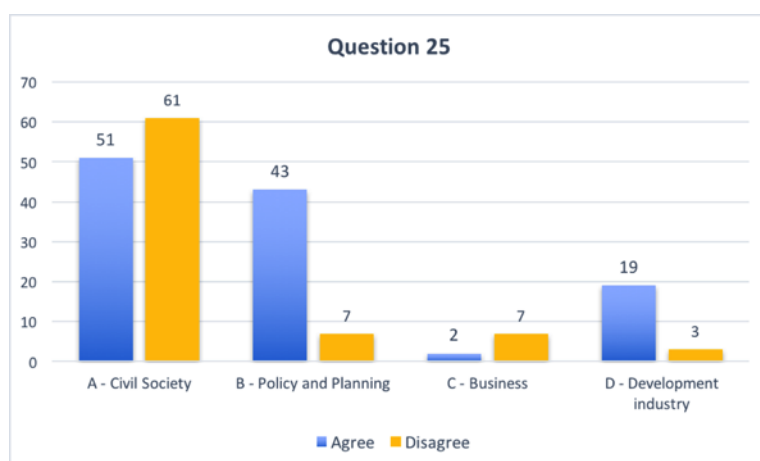
24.0 Do you agree that future legislation should include new powers for an infrastructure levy?



74% of civil society and 83% of policy and planning support the introduction of an infrastructure levy.

95% of business sector and 61% of development industry does not agree with the introduction of new powers for an infrastructure levy

25.0 Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

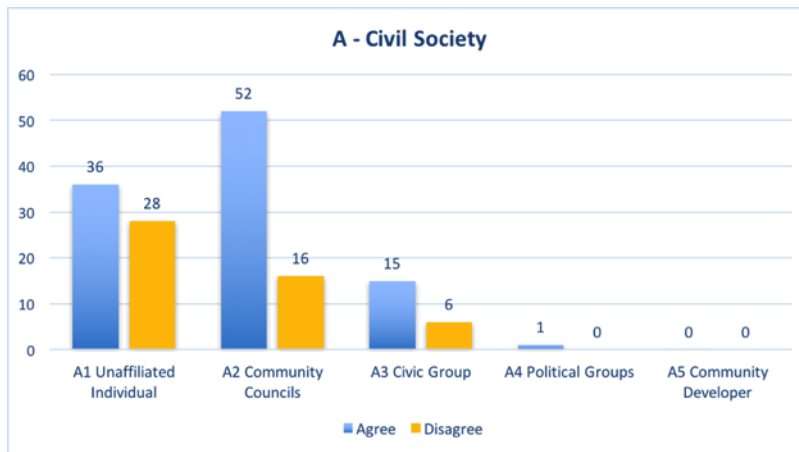


86% of policy and planning and 86% of development industry support the removal of Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009.

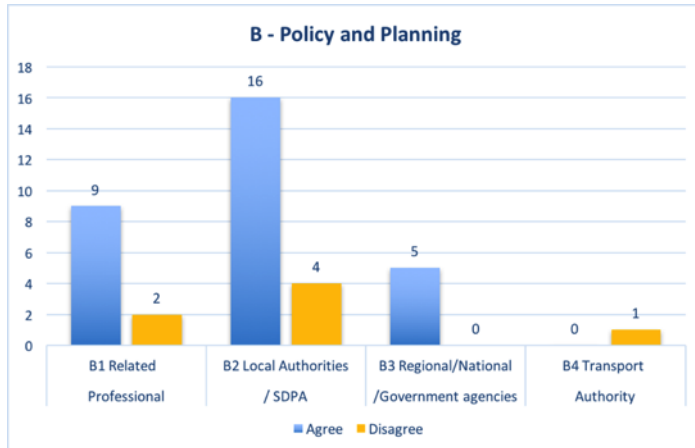
54% of civil society and 78% of business sector does not agree with the proposal

D: Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.

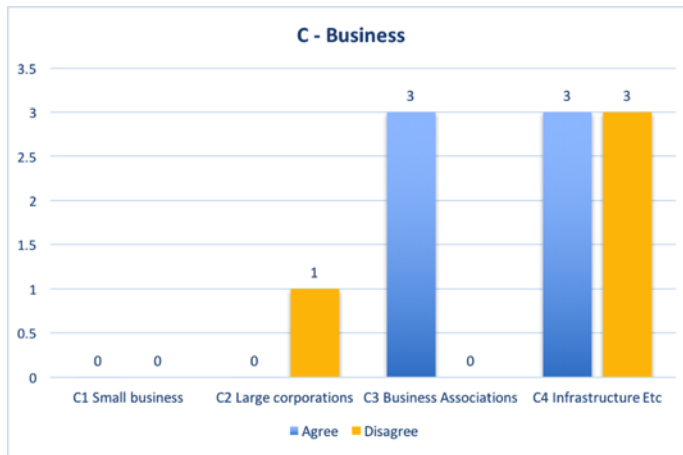
A- Civil Society



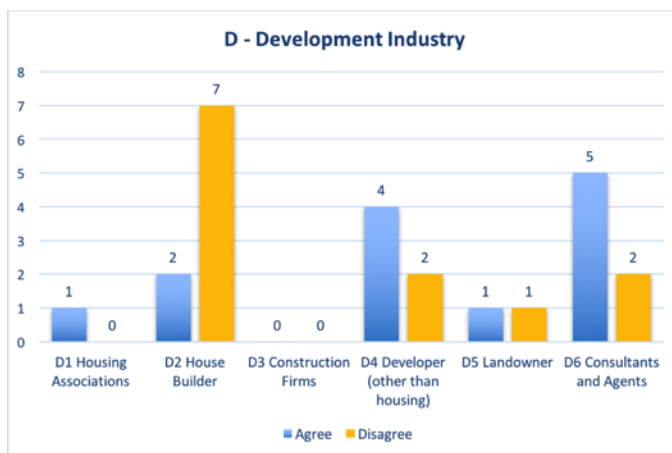
B- Policy and Planning



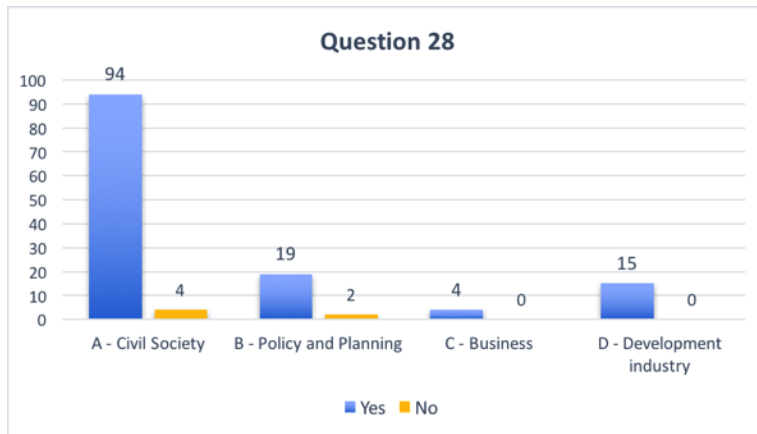
C- Business Sector



D- Development Industry

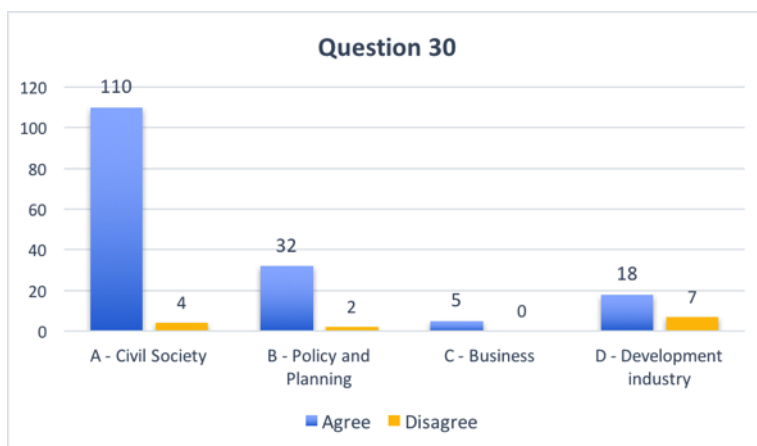


28.0 Are there ways in which we can support stronger multidisciplinary working between built environment professions?



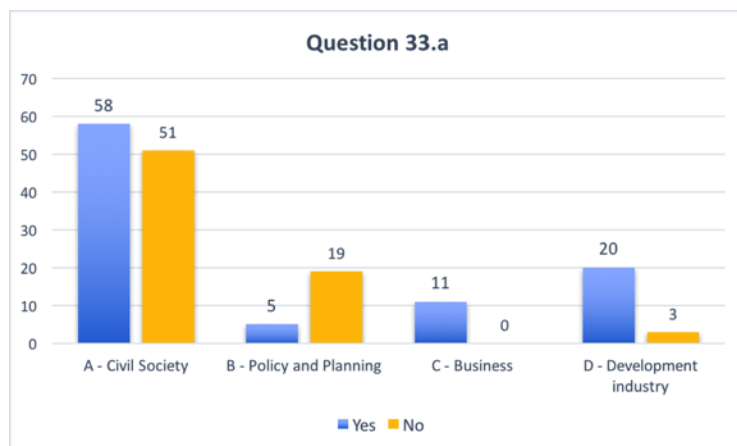
96% of civil society, 90% of policy and planning, business sector and development industry agree that there are ways to support stronger multidisciplinary working between built environment professions

30.0 Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?



96% of civil society, 94% of policy and planning, business sector and 72% development industry agree to focus more on monitoring outcomes from planning

33.0(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?

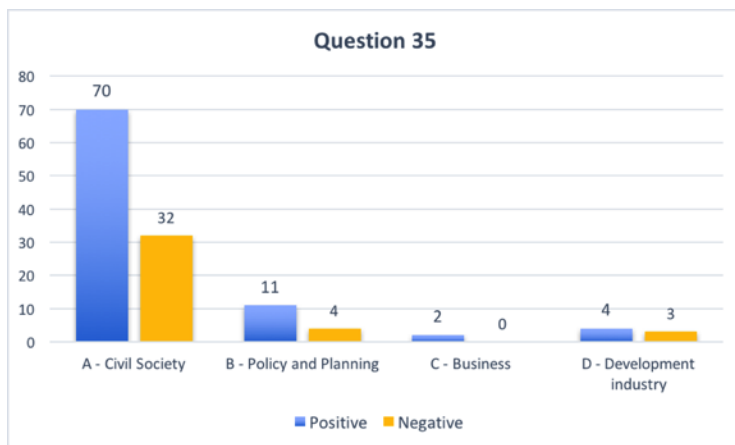


53% of civil society, business sector and 87% of development industry agree to make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted.

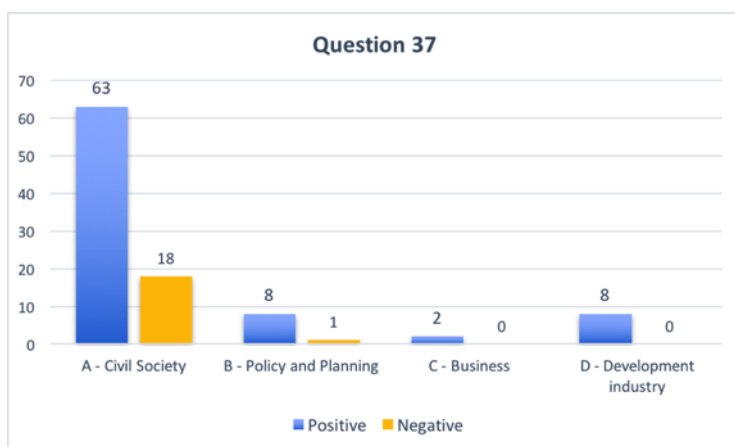
79% of policy and planning does not support this

E: Next Steps

35.0 Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be?



37.0 Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?



Appendix 2: Consultation Themes and Proposals

Making Plans for the Future

We want Scotland's planning system to lead and inspire change by making clear plans for the future. We propose:

Proposal 1: Aligning community planning and spatial planning

Proposal 2: Regional partnership working

Proposal 3: Improving national spatial planning and policy

Proposal 4: Stronger local development plans

Proposal 5: Making plans that deliver

People Make the System Work

We want Scotland's planning system to empower people to decide the future of their places. We propose:

Proposal 6: Giving people an opportunity to plan their own place

Proposal 7: Getting more people involved in planning

Proposal 8: Improving public trust

Proposal 9: Keeping decisions local – rights of appeal

Building More Homes and Delivering Infrastructure

We want Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest. We propose:

Proposal 10: Being clear about how much housing land is required

Proposal 11: Closing the gap between planning consent and delivery of homes

Proposal 12: Releasing more 'development ready' land

Proposal 13: Embedding an infrastructure first approach

Proposal 14: A more transparent approach to funding infrastructure

Proposal 15: Innovative infrastructure planning

Stronger Leadership and Smarter Resourcing

We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. We propose:

Proposal 16: Developing skills to deliver outcomes

Proposal 17: Investing in a better service

Proposal 18: A new approach to improving performance

Proposal 19: Making better use of resources – efficient decision making

Proposal 20: Innovation, designing for the future and the digital transformation of the planning service.

Appendix 3: Consultation Questions

Making plans for the future - consultation questions:

Key question

A: Do you agree that our proposed package of reforms will improve development planning? Please explain your answer.

Optional technical questions

1. Do you agree that local development plans should be required to take account of community planning?

2. Do you agree that strategic development plans should be replaced by improved regional partnership working?

2(a) How can planning add greatest value at a regional scale?

2(b) Which activities should be carried out at the national and regional levels?

2(c) Should regional activities take the form of duties or discretionary powers?

2(d) What is your view on the scale and geography of regional partnerships?

2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?

3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?

3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?

4. Do you agree with our proposals to simplify the preparation of development plans?

4(a) Should the plan review cycle be lengthened to 10 years?

4(b) Should there be scope to review the plan between review cycles?

4(c) Should we remove supplementary guidance?

5. Do you agree that local development plan examinations should be retained?

5(a) Should an early 'gatecheck' be added to the process?

5(b) Who should be involved?

5(c) What matters should the 'gatecheck' look at?

5(d) What matters should be the final examination look at?

5(e) Could professional mediation support the process of allocating land?

6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?

7. Do you agree that plans could be strengthened by the following measures:

7(a) Setting out the information required to accompany proposed allocations

7(b) Requiring information on the feasibility of the site to be provided

7(c) Increasing requirements for consultation for applications relating to non-allocated sites

7(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application

8. Do you agree that stronger delivery programmes could be used to drive delivery of development?

8(a) What should they include?

People make the system work - consultation questions

Key question

B: Do you agree that our proposed package of reforms will increase community involvement in planning? Please explain your answer.

Optional technical questions

9. Should communities be given an opportunity to prepare their own local place plans?

9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?

9(b) Does Figure 1 cover all of the relevant considerations?

10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?

10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?

11. How can we ensure more people are involved?

11(a) Should planning authorities be required to use methods to support children and young people in planning?

12. Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s).

12(a) What would be the most effective means of improving this part of the process?

12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?

12(c) Are the circumstances in which PAC is required still appropriate?

12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?

13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?

14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?

15. Should current appeal and review arrangements be revised:

15(a) for more decisions to be made by local review bodies?

15(b) to introduce fees for appeals and reviews?

15(c) for training of elected members involved in a planning committee or local review body to be mandatory?

15(d) Do you agree that Ministers, rather than reporters, should make decisions more often?

16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

Building more homes and delivering infrastructure - consultation questions

Key question

C: Will these proposals help to deliver more homes and the infrastructure we need?

Please explain your answer.

Optional technical questions

17. Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?

18. Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?

19. Do you agree that planning can help to diversify the ways we deliver homes?

19(a) What practical tools can be used to achieve this?

20. What are your views on greater use of zoning to support housing delivery?

20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?

20(b) What needs to be done to help resource them?

21. Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?

22. Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?

22(a) What actions or duties at this scale would help?

23. Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?

24. Do you agree that future legislation should include new powers for an infrastructure levy? If so,

24(a) at what scale should it be applied?

24(b) to what type of development should it apply?

24(c) who should be responsible for administering it?

24(d) what type of infrastructure should it be used for?

24(e) If not, please explain why.

25. Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

Stronger leadership and smarter resourcing - Consultation questions:

Key question

D: Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.

Optional technical questions

26. What measures can we take to improve leadership of the Scottish planning profession?
27. What are the priorities for developing skills in the planning profession?
28. Are there ways in which we can support stronger multidisciplinary working between built environment professions?
29. How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?
30. Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)? 30(a) Do you have any ideas on how this could be achieved?
31. Do you have any comments on our early proposals for restructuring of planning fees?
32. What types of development would be suitable for extended permitted development rights?
33. What targeted improvements should be made to further simplify and clarify development management procedures? 33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified? 33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved? 33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle? 33(d) Do you have any views on the requirements for pre-determination hearings and determination of

applications by full council?

34. What scope is there for digitally enabling the transformation of the planning service around the user need?

Next steps - consultation questions

Optional technical questions

35. Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be?

36. What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?

37. Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?

38. Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.