

Key Agencies Group – Statement on Performance 2017/18



- Introduction
- Purpose
- Headline Findings
- Priorities for Improvement 2018/19
- Conclusion

Introduction

The Key Agencies Group comprises public bodies engaged in planning and development decisions and includes Scottish Natural Heritage (SNH), the Scottish Environment Protection Agency (SEPA), Architecture and Design Scotland (A&DS), Forestry Commission Scotland (FCS), Forest Enterprise Scotland, Scottish Water, Transport Scotland, Scottish Enterprise, Sport Scotland and Historic Environment Scotland (HES). The Group have been working together to share information and support decision-making across the planning system. The Key Agencies Group also regularly collaborate with other bodies including the British Geological Survey (BGS), PAS and the Improvement Service.

Purpose

This Statement on Performance presents headline findings following a peer review session occurring on Thursday 7th June 2018 between those Key Agencies undertaking Planning Performance Reporting for the year 2017/18.

The purpose of this statement is to update the Scottish Government and others with an interest in the collaborative work undertaken by the Agencies on our recent activities and future priorities. This includes the Agencies' work to engage early in the planning system, build capacity across the sector and support planning reform. The statement also identifies shared improvement priorities across these areas.

Headline Findings

Early Engagement and Collaboration

A key theme emerging from the Key Agencies Peer Review Session has been recognition that better outcomes can be achieved by collaborating positively 'upstream' in the planning process, rather than through regulation. There has therefore been a shift in approach with Agencies prioritising positive and innovative ways of joint-working early in the planning process, over working reactively in response to consultations.

Through these approaches, it is believed that our partners across the planning system will see environmental success as an opportunity, not a barrier to, economic and social success.

The success of this shift toward positive working is reflected in the small number of objections issued by the Agencies in response to consultations. This year, for example, HES, SNH and SEPA each objected to less than 1% of the applications they were consulted on. Transport Scotland did not recommend refusal on any major application submitted for this period. These figures also show an emphasis on positive early engagement as well as a focus on matters of national significance.

The added value of the Key Agencies Group is its support for enhanced collaborative and joined-up working. The case studies below highlight where the Key Agencies have worked together to ensure greater efficiency and positive outcomes within the planning system.

- ***Forestry Commission Scotland – Consultation Concordats***
In order to meet the recommendations presented by the Mackinnon Review of FCS Forestry Planting Approval Procedures in 2016, three concordats were drawn up between the FCS and SNH, HES and SEPA in early 2017. These concordats were intended to address the need for improved pre-application and consultation processes at FCS, and the requirement for revised protocols between SNH, HES and SEPA. Following a process of collaboration across the Agencies, the concordats set out the When, What and How to consult between the four Agencies. Drawing together the concordats also established stronger, more efficient and effective working relationships, providing a greater understanding of the role of each Key Agency. The concordats have also supported improved Operational Information Management and Reporting within FCS.
- ***Proactive Engagement in City Deals***
The Key Agencies have also sought upfront engagement in City Deals, recognising that these are an important way in supporting significant planning and investment decisions. SEPA, SNH and HES have all positively engaged on the Stirling and Clackmannanshire Council Region City Deal to foster sustainable inclusive growth and sustainable place-making. This has involved providing direct input into masterplans for some key City Deal projects and achieving a consistent framework for development and environmental regulation.

The Key Agencies Group meetings also act as a forum for sharing good practice with the agencies learning from one another. This is illustrated in the following case study examples:

- ***SEPA – Sector-wide approaches to Regulation***
Under their new strategy, *One Planet Prosperity*, SEPA have made progress on their first six sector plans which aim to drive whole sector approaches to their regulatory activities. These include plans for the Scotch whisky, metals and landfill sectors. SEPA's next phase of sector plans will include housing, transport and utilities infrastructure.
- ***Transport Scotland – Development Plan Engagement***
In order to ensure a high level of early engagement on development plans, Transport Scotland pro-actively contact authorities to discuss their forthcoming plans. This is followed up by meetings with each authority and continued engagement, seeking to

build up strong relationships. In this way, Transport Scotland is able to more clearly explain their role in development planning and the benefits of undertaking an appropriate appraisal of spatial strategy options in line with Development Planning and Management Transport Appraisal Guidance. The success of this model has prompted other Key Agencies to take a similar approach in support of forthcoming development plans.

Resourcing, Capacity Building and Data-Sharing

The Key Agencies also recognise the need to build capacity across the Sector. It is considered that planning authorities should be appropriately resourced and skilled to make decisions with confidence. This, in turn, will alleviate over-reliance on the Key Agencies for consultations and advice in some areas. In line with this, the Agencies have devoted considerable resources into developing policy and guidance, delivering training and sharing data with planning authorities. The examples below highlight some of the initiatives undertaken during the reporting year.

- ***Policy and Guidance***

- HES have undertaken consultation in support of the revision of the *Historic Environment Scotland Policy Statement (HESPS, 2016)*. It is envisaged that a new policy document will provide accessible and clear principles to be used by everyone with a role in the management of the historic environment, and meet the aspirations of the Scottish people.
- Transport Scotland are publishing policy documents on Telecommunication Cabinets, Wind Turbines and Advertising where these affect the trunk road network.

- ***Training***

- SNH continued their programme of capacity building within local authorities to raise awareness of the local natural heritage and to provide training to help planning officers to ensure consideration of natural heritage from early-on in their decision-making.
- SEPA collaborated with the Improvement Service to run planning guidance sessions in Glasgow and Perth on the role of the water environment in place-making; flood risk and heat networks.
- A&DS delivered 13 capacity building or practice sharing events, covering topics including *Engaging Communities in Street Design, Delivering Landscape and Public Open Space, Making Places, Learning at the Heart of Communities* and the *Place Standard Tool*.
- SNH and HES have collaborated on an updated Environmental Impact Assessment (EIA) Handbook and an EIA training session in order to assist applicants and decision-makers on the consideration of natural and historic environment issues within EIA.

- **Data-Sharing**

- Scottish Water are developing a library of Strategic Network Impact Assessments. These assessments provide information on the impact from a forecast of all known development on the Scottish Water infrastructure. These studies will give Scottish Water the ability to proactively inform planning authorities and the development community with regards to specific site requirements, and identify any requirements for network reinforcement to enable development.
- All of the Key Agencies are collaborating with British Geological Survey and the Improvement Service on the sharing and interpretation of environmental evidence in support of development planning. This has involved the hosting of, and participation, at a national Local Development Plan workshop seeking dialogue with planning authorities on this topic.

Supporting Planning Reform

Another important area of work involving all of the Key Agencies has been through support of the on-going planning reforms. This has been through attending and hosting workshops, providing evidence in support of research papers and written responses to formal consultations. Notably, the Key Agencies Group reviewed and collectively discussed the draft reforms included in the *People, Places, Planning: Position Statement (June 2017)* and individual agencies also commented on its associated *Strategic Environmental Assessment (SEA) Environmental Report (June 2017)*. The Group also routinely met and communicated with the Scottish Government as the *Planning (Scotland) Bill (4 December 2017)* was drafted and provided informal comment on its content.

Following the introduction of the Planning (Scotland) Bill to the Scottish Parliament, the group have also both met with and issued a *Joint Letter (14 February 2018)* to the Scottish Government's Planning and Architecture Division (PAD) continuing to promote good place-making, inclusivity and environmental protection as part of a reformed planning system. Scottish Water also presented oral evidence in support of the Planning (Scotland) Bill at the Local Government and Communities Committee meeting on 14 March 2018.

Priorities for Improvement 2018/19

As demonstrated above, the Agencies have sought to be at the forefront of delivering the joint-working and culture change required to deliver a reformed planning system. The group will continue to find ways to collaborate and support the Scottish Government and other partners during 2018/19.

In order to support early engagement and collaborative-working further, the Key Agencies have identified the following areas of improvement:

- Regular contact and ongoing dialogue with planning authorities in support of development planning
- Use of positive language in consultation responses
- Key Agency staff training on mediation

In order to support resourcing, capacity-building and data-sharing, the Key Agencies have identified the following areas of improvement moving forward:

- Hosting a joint training event with the Improvement Service on Development Planning for planning authorities
- Sharing good practice amongst planning authorities
- Updating the Key Agencies webpage on the Scottish Government Website
- Publishing a joint Key Agencies Statement on Development Planning

In order to further support planning reform, the Agencies are seeking to prioritise the following areas of improvement moving forward:

- Working collaboratively with the Scottish Government on the development of the National Planning Framework 4 and associated material
- Working collaboratively with the Scottish Government on Secondary Legislation associated with the development planning process, and the evidence needed in support of this, as well as Masterplan Consent Areas and Local Place Plans
- Participation in the development and delivery of training for local government councillors

The Key Agencies have also identified the below improvement areas for planning authorities and the development community:

- Ensuring consistency of approach between the development planning and development management units in planning authorities. This would help ensure that mitigation advice incorporated within the development plan is incorporated within development management decisions. We hope that the move to a 10 year cycle and a greater focus on delivery will help with this.
- We believe that the development management process could be strengthened through the provision of the appropriate quality of information in support of planning applications. We also believe that any requests for further information should be submitted in a timely and coordinated fashion.

Conclusion

This Statement on Performance provides a summary of activities undertaken by the Key Agencies in 2017/18. In particular, it highlights where the Agencies are now finding new and innovative ways of joint-working early in the planning process. It also highlights where the Group are seeking to develop and build capacity across the Sector, and where the Group are working positively to support the on-going reforms to the Planning System. During 2018/19, the Group will continue to find ways to collaborate and support the Scottish Government and other partners in planning. We have identified a number of Improvement Priorities and are already making significant progress on these.

Key Agencies Group
31 July 2018