

PLANNING REVIEW WORKING GROUPS – OUTPUTS 20 MARCH 2017



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Development Planning Group

Delivery Programme

The aim of the workshop was to consider how the delivery programme can be given the strength to lead to development on the ground.

The discussion was based on questions about why, what, who and when. In summary, it covered the following:

- Confirmation that a Delivery Programme would replace current Action Programmes.
- It was noted that there is currently no/little corporate commitment to funding / delivery.
- Preparation and monitoring of the Delivery Programme can help tap into the more collegiate approach to plan-making as well as provide the evidence base to show that plans can be delivered.

WHO?	<ul style="list-style-type: none"> • Developers. • Communities. • Community Planning Partnerships. • Key Agencies & Infrastructure Providers. - Potential to expand the current list of key agencies. • Scottish Futures Trust. • Council departments and Plan Making Team. • National Park Plans where highlighted as a strong model of co-production. 	<p>How involve? Resource implications?</p>
WHAT?	<ul style="list-style-type: none"> • Should include all the delivery requirements for the plan & who will deliver them. • Similar approach at National & Local level but timescales longer for national. • Consider cumulative impacts and requirements. • Consideration should be given to info within it being mapped so is more visual. • Potential to use as communication tool to link with what the plan is trying to achieve. 	
HOW?	<ul style="list-style-type: none"> • A statutory requirement to participate in preparation, monitoring and delivery of the plan. Community Empowerment Act noted – ‘to act in a manner agreed, unless <u>all</u> agree otherwise. • Delivery Programme to be signed off by a mixed board to promote wider buy-in. Example of RTP boards and powers highlighted. • Project governance – City Deal model highlighted. • National strategies and capital planning to be aligned / synchronised. • Assign responsibility: Minister, CEO or Council Leader. 	
WHEN?	<ul style="list-style-type: none"> • Preparation of Delivery Programme should begin at the start of plan preparation – be part of the brief. • The Delivery Programme should then evolve as the plan evolves. 	

The output was the identification of key elements essential to effective implementation of delivery programmes. These were:

1. Governance: collegiate approach
2. Communication tool
3. Start it at the beginning of the plan
4. Link to capital planning
5. Need for a statutory requirement (link to 1 above)

Gate-Check

The aim of the workshop was to consider the options for how a gate-check could be implemented. The discussion was based on questions about why, what, who and when. In summary it covered the following:

WHY?	<ul style="list-style-type: none"> • To make a better plan – remove potential for deficiencies at the end of the process. • To establish at an early point if the principles are right. • To embed a project management approach in plan making. • To have a status that ensures matters cannot be re-visited at the end of the process, akin to ‘robust and credible’ of HNDA. • Progress at own risk if not address points raised by the gate-check. • Should enable examination to focus on major matters.
WHO?	<ul style="list-style-type: none"> • Panel with a Reporter to chair – potential for continuity with people involved later in plan process. • Panel could include Community Council/s, Statutory Agencies.
WHAT?	<ul style="list-style-type: none"> • Multi-stage • 1) To answer ‘where are we?’ with technical evidence including: audits of infrastructure capacity (transport, education), appraisals (flooding), HNDA and housing land requirement, community views and market views. Potential to use Call for Sites / Ideas and scenario testing. • 2) To answer ‘where do we want to go?’ and have a dialogue and debate with stakeholders on the spatial strategy to enable political sign-off. • Potential to build in a consensus element: what is agreed on and committed to?

Matters to consider:

- Timing with SEA.
- Should not be a tick-box exercise.

The output was the identification of key elements essential to the effective implementation of the gate-check proposal. These were:

1. A multi-stage gate-check process comprising an initial technical base-line check then a second panel based element to have a dialogue about qualitative aspects.
2. Although multi-stage it should be applied in keeping with the spirit of streamlining the development plan process.
3. The gate-check should have teeth so that it can effect change.

Housing Group

Delivery and Place

- We need a wider range of delivery methods/options to support the provision of increased housing supply
- Placemaking and design briefs and more of a focus on quality
- More types and tenures – particular needs, young people, older people
- Potential role of SPZs
- Opportunities to increase permitted development rights in town centres to support an increase in housing
- The main solutions/levers are not within planning, but relate to the availability (or lack of) finance, loan guarantees for SMEs, a skills gap and opportunities in offsite construction
- Availability of land an issue, potential for land reform to do more to increase the supply of land for housing; consideration could be made to capturing uplift in land values to support development and infrastructure delivery

Numbers

- Benefits of setting the numbers early outweigh any disbenefits
- Need clear, unambiguous figures at a higher level than currently
- Clarity on national figures, how they relate to LDPs and the role of the regional partnerships in this process
- Support for maintaining Housing Market Areas at regional tier as building blocks for aspirations/targets
- Gatecheck an influence on regional tier – need more information on how this could work in practice
- Simplify the existing process for calculating housing numbers/land rather than add to it
- How sites are identified through the development plan and their status could have a significant impact, could this be sustainable criteria based rather than defining definitive boundaries

Infrastructure Group

QUESTIONS

What form and scope should a regional infrastructure audit have?

- **What infrastructure types should the audit focus on? What can be considered to be regional? How may an audit vary for different infrastructure types?**
- **How to achieve a timely audit process, with proportionate assessment together with a robust assessment. What key principles would be needed for this?**
- **As an evidence base, what should the infrastructure audit inform? Opportunities for the audit to be an evidence base for an infrastructure levy?**

Summary of Discussion

- Need to ensure there is a cross over between the Skills and Enterprise Review and between Regional Partnership (RP) work as part of the review.
- Need to link in with City Deals. Can RP's and City Deals be bolted together?
- It should not be an audit of what we have at present, but an audit of where we want to go, what we want in the future, an audit of ambition, a vision for infrastructure in the future.
- At present different infrastructure providers already do audits of their own networks, so in many cases there is existing data (although this will vary). It is a case of accessing and utilising this data collectively.
- An audit would need to look at maintenance, regulatory implications, not just what infrastructure is needed to meet growth aspirations. Also need to consider implications if we unlock one piece of infrastructure, does that have implications for other types of infrastructure.
- Different funding and financing models will need to be taken account of in any audit. Roads and Schools are funded differently to energy infrastructure for instance.
- Regional audit may benefit areas such as active travel / green infrastructure, where there is no data held on a regional basis and they don't align with administrative boundaries or travel to work areas.
- Cumulative impact of development also needs to be taken account of. Multiple small allocations can have more significant implications than one large allocation. If one issue gets resolved, then the key is to understand what the knock on effects may be. Better understanding of priorities / phasing / scale is required.
- Regional Audits could provide an evidence base which could feed up to National plans and down to the Local level and help to inform any future bids for City Deals.

Some examples of good practice were identified:

- Aberdeen City and Shire working together.
- SEPA – Flood Map; data already exists.
- Asset value agreements where developers pay upfront to install infrastructure and then provider buys back on the basis of receiving income from service provision.
- Tools which could be utilised include – heatmaps / floodmap / spatial mapping / baseline and additional layers / investment.

Infrastructure Audit Preparation Process

- **How can the engagement and commitment of infrastructure providers / stakeholders be secured through the audit process? Sharing of information?**
- **Relationship with national infrastructure plans and strategies / Development Plans?**
- **Consider the process for signing off the audit? Review process?**
- **Skills / resources required to undertake the audit?**

Summary of Discussion

- Timing of the audit is crucial. The introduction of audits should take account of existing plans and where possible synchronise with existing processes rather than creating a new process and timescales.
- There will be a need to establish what data is already collected and what format it is in. Data sharing – issues with competition / security issues / commercial sensitivity e.g. over sharing capacity information.
- Need to find synergy between public and private sectors to meet business planning objectives.
- Challenges of being able to demonstrate how much capacity is available particularly on networks. For fixed assets e.g. schools, you can say X amount is available. However on networks, it is more about testing impacts on the network due to network dynamics.
- Investment timelines vary – e.g. can be fixed investment periods and long terms investment periods, e.g. 30 year horizons.
- Need for a sign off process where there is disagreement / conflict.
- Infrastructure providers need to manage the risk of future infrastructure investment and whether future development will come forward or not.
- Utilities need to convince regulator and stakeholders about investment.
- Sharing ideas, skills and expertise between places.

Role of a pilot process?

- **Is there a role for a PILOT infrastructure audit process?**
- **Consider the options for undertaking this.**

Summary of Discussion / Suggestions for Pilots

- There needs to be more than one pilot to ensure that different geographies, economics and demographics are covered.
- It was suggested that existing examples could be used and learned from. E.g. City Deals, Ayrshire GAM, SW. Would be good to share knowledge on processes and ways of working.
- Other examples included
 - Glasgow – city deal / TIF / Clyde Gateway
 - Dundee / Perth & Kinross may be an opportunity
 - Ayrshire Growth Accelerator Model
 - Pilot should look at different sectors.
 - Pilot of SE Wedge Edinburgh or West Edinburgh?

- Masterplan for Queen St Station – wider area to look at implications on different providers. Understand 1) timescales for different deliveries 2) cross issues 3) commercial challenges and drivers 4) project basis.
- Larger scale example would potentially be Stirling City Deal – relatively small and more measureable.
- Could test on different areas and development types e.g. housing, implications of new road development. Different scales – rural v urban.
- Fort William – smelter, housing development. Biggest town without gas.

How can we achieve a sustainable infrastructure charging mechanism?

- **Identify key principles needed to underpin a charging mechanism, with a structure for longevity and resilient to political and economic changes?**
- **Consider the relationship between regional infrastructure audits and an infrastructure charging mechanism?**
- **Consider the role of Regional Partnerships in relation to an infrastructure charge and other funding sources?**

Summary of Discussion

- Is there an existing example whereby land values are linked to the infrastructure required?
- Is this about projects – cumulative effect – not necessarily about the size of development, but the nature of the issue.
- Forward thinking – understand the issue / scale of issue – knock on benefit to utilities. Assume ‘anticipating’ future and addressing in advance. E.g. strategic drainage Glasgow.
- Some concerns and questions were raised about the potential introduction of a levy:
 - How would priorities be identified and managed?
 - Could levy stunt growth?
 - Legal issues?
 - Who decides how you use the funds? Could the audit identify the list of priorities?
 - Visibility – openness of payment.
 - Urban v rural. Issues of centralisation and how to achieve redistribution.
 - How would the levy interact with Community right to buy and community empowerment.
- The levy would need to be viewed in the context of it being part of a suite of measures for instance Growth Accelerator Model, TIF etc. Connect capital spend to recurring revenue: user charges / behaviour change / ownership (collective) – City Deals, Growth Accelerator Models, Tax Incremental Financing, Wind Farms, Council Tax, and Levy.
- Any levy could be used to deliver new / innovative infrastructure e.g. use high carbon to fund low carbon. Helps with brownfield redevelopment. Would tie to climate change strategy.
- It was suggested that SFT could be involved and there may be a role for Scottish Investment Banks.

How should levy funds be distributed and utilised?

- **If funds were to be collected locally, should they be distributed regionally/nationally?**
- **Should the distribution of funds be based on need/demand, proportionate to where they were collected or distributed equally across collection areas?**
- **Consider cross-subsidy; should higher value areas subsidise lower value areas?**
- **Is there scope for areas to get alternative benefits, other than hard infrastructure, in return for levy contribution? What could they be?**
- **What level of detail / transparency should there be in relation to what funds are used for?**

Summary of Discussion

- How will rural areas be taken into account? Will the levy be taken into account in the Rural Infrastructure Plan?
- How does levy work fit with S75 streamlining? Is S75 additional to Infrastructure Levy? Important to avoid potential of duplication of charge.
- Distribution of funds could work if a piece of infrastructure is going to serve different areas with different market conditions, i.e. a road between two areas (one with higher value and one with lower value), where the two areas are interdependent on an piece of infrastructure.
- Could the levy affect developers that have already bought land? There would need to be transitional stage/exemptions for developers who have bought land already. Where Local Authorities have changed S75 contributions, this has had the effect of making some developments unviable. This is the case where developers have already bought land, so this could be the same with a levy.
- Need to be clear on what the levy will fund – i.e. separate from national development. How do you agree on what regional priorities will get funded by the levy?
- Privatised utilities need more certainty that development will come before they invest. Utilities will normally extend their network on an incremental basis / in phases in line with the development build out, so that they don't risk extending then no houses.
- Any investment needs to be based on a Strategy in the LDP.
- Opportunity for levy to change behaviours by offering incentives to future proof developments.
- Levy needs to help development happen more quickly. This should help to speed up the planning process and reduce the need for negotiation on contributions. Any investment also needs to be delivered swiftly to enable development to proceed. Total transparency will be required about what the levy and S75 are spent on.
- The levy should not be a flat fee. Different bands will be needed where different economic and social circumstances are in play.
- Shared vision in partnerships; clear engagement in setting up partnerships. Need mediator within partnerships if partners can't agree.
- Rural areas with community benefit funds from onshore renewables – could trump a levy, but need flexibility in how it's spent – and need enablers to help provide capacity to spend. Need to be careful about what we mean about local.

Development Management Group

Discussion on Keeping Decisions Local: Local Reviews/Appeals

Initial Observations:

- Decisions should be taken as locally as possible
- Level of scrutiny important- is it adequate at Local Review Bodies (LRB)?
- Duplication of appeals for different types of consents
- How to improve trust in the planning and trust in democracy
- Don't want to end up with less local democracy, but local can mean different things, therefore difficult to get balance
- Shouldn't exclude local communities
- Need continued discussion about forms of appeals (in terms of consents) and impact on resources
- LRB's not an independent review
- Local decisions often go against LDP
- Better to avoid appeals if possible
- Links to Development Planning essential to provide confidence and certainty- plan led approach
- Impacts related to national and EU legislation should continue as currently
- Time and cost resources are significant
- Local decisions should serve national priorities
- Need somewhere else to go after LRB
- Local councillors can ask good questions earlier in process- need to be able to carry that over
- Importance of scheme of delegation and how hierarchy works

Q1. Appeals to Scottish Ministers

Recognise role of appeals to Scottish Ministers:

- Where impact on national issues (but then need clarity on what constitutes "national" issues/priorities/policy)
- Where contrary to Development Plan (but would need to define what that means)
- Where it is a major development (in terms of the hierarchy- see next question)
- Need clarity on reasoning for choice of procedure (whatever type of appeal)

Q2. Hierarchy of Development

- Schemes of delegation are as important as hierarchy
- No changes to hierarchy

Q3. Consents to be dealt with locally

- Depends on definition of "local" and how local review process will work
- High Hedges, Enforcement, Advertisement Consent
- Possibly Listed Building Consents (e.g. category C "local" issues, where planning consent is being dealt with locally).

Q4. Schemes of Delegation

- National Scheme? (probably not)
- Importance of training of local members
- Perceptions vs. reality in terms of DPEA and LRB decisions

Q5. Changes to enable more decisions to be made locally

- Resourcing- fees for appeals and LRB's
- Training for LRB's
- Transparency in distinction between planning committee and LRB
- Professional, independent advisor
- Hearings/PLI might improve perceptions of involvement/being heard (also applies to DPEA)
- Regular review of LRB performance/audit- process/outcomes/quality by independent advisor (separate from LRB advisor)

Discussion on enhancing Pre-Application Consultation

Initial Observations on strengths and weaknesses of existing arrangements:

Strengths

- If feedback is followed – can be massive improvements
- Feedback on PANs is good practice (Edinburgh)
- Positive use of social media (Dundee example)
- Can garner support for alternative/ non-compliant approaches
- Opportunity to explain proposals to community
- Duty to consult
- Allows the opportunity to provide information

Weaknesses

- One meeting/exhibition is not enough
- Style of meetings can be difficult/challenging
- Duplication of community consultation (DP/planning application)
- Practicalities not always thought through
- Perception of 'tokenism' and a 'box-ticking exercise'
- Inconsistent e.g. involvement of statutory consultees/key agencies
- Confusion for communities
- Attendances tend to be low
- Can happen too late in the day?
- Scale of development?
- Public meetings may not be the most appropriate route – could be better use of social media.

Q2 – what options are there for improving this part of the DM process?

a - Circumstances in which Pre-Application Consultation (PAC) is required?

- Tie-in to Planning in Principle?
- Involvement of local authorities (subject to resources)
- Developer/LA, on allocated sites
- Planner in attendance (insist)
- Make committee/member scrutiny of PANs mandatory
- Criteria/circumstances – major developments and others specified against a list of criteria – could be infrastructure/conservation issues/ natural heritage issues
- Scottish Water – infrastructure that does not necessarily need permission
- Clarity on difference consents should be provided as part of the consultation

b - Time periods

- There should be a time limit of 12 months (from serving the Proposal of Application Notice to submission of the application)
- Need to reduce the 28 days (for LAs to feed back)
- Description of development – should be fairly general: need to retain ability to react to community issues
- Minimum period before PAC event is held
- 12 weeks gives both parties certainty and enough time – no change.

c - Format of engagement

- Need to move on from prescriptive public meeting – could be online?
- Local authority could advise on whether a public meeting is required?
- More public exhibition than meeting
- Template for local authority to set out development plan issues/general views
- Must be a requirement to feed back – difference ways of doing this – must be agreed with PA

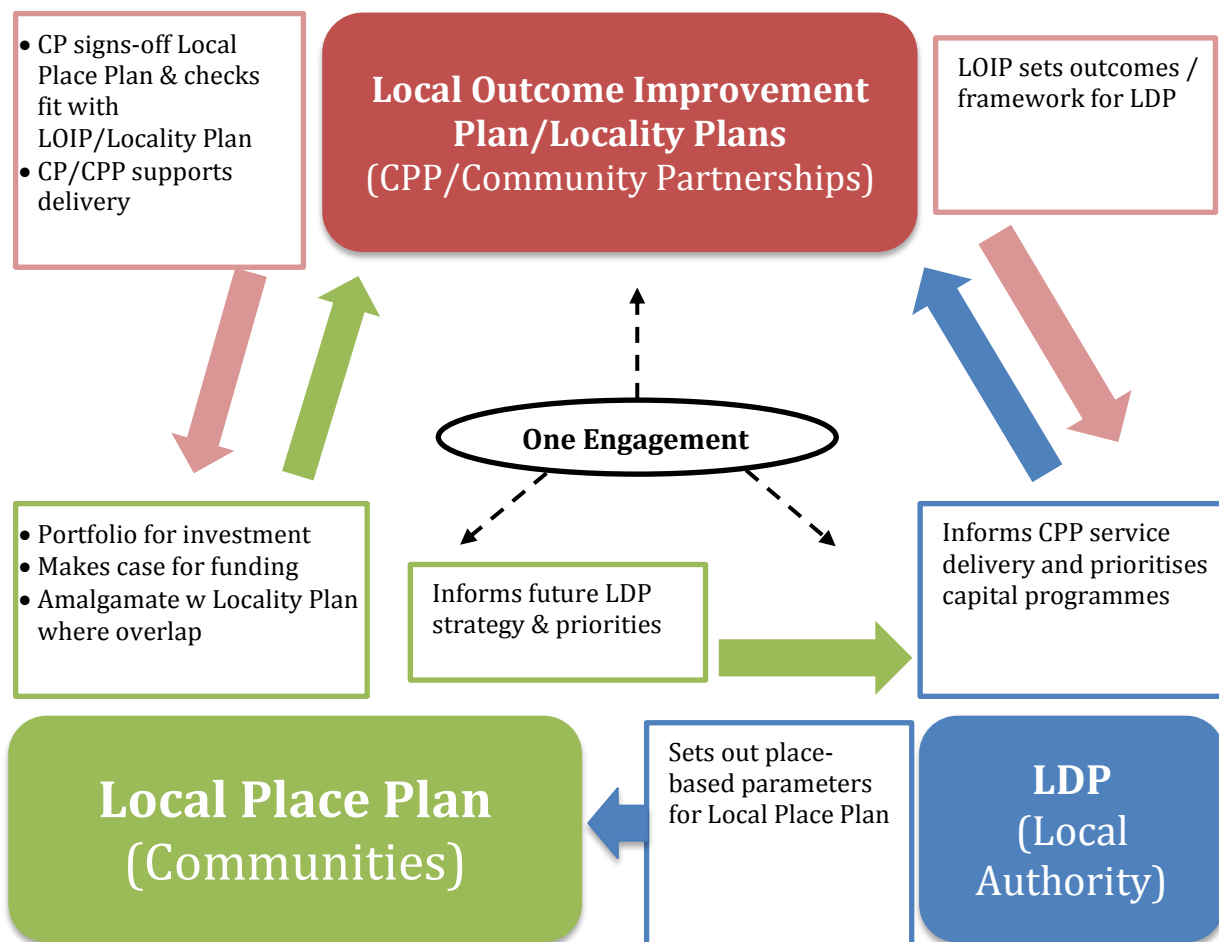
d – More than one meeting – potential for providing active feedback to communities?

- Does not have to be through a meeting
- No real scrutiny of PAC report at the moment
- Setting expectations – what can be changed as result of the PAC?
- Statutory consultee feedback has to be formalised/enabled.

Community Engagement Group

Workshop 1: Local Place Plan (LPP) Preparation

- Needs to reflect the wider empowerment agenda by embedding Local Place Plans within community planning arrangements, rather than simply within the planning system
- Opportunity to consolidate the evidence base early in the process leading to co-production of local place plan, locality plan and local development plan
- Important that LPP sets out community priorities and helps make things happen. The LDP to take account and be influenced. Diagram below (produced since the WG) shows how Local Place Plans, the Local Outcome Improvement Plan LOIP and Locality Plan and the Development Plan could interrelate.



Workshop 2: Resourcing Local Place Plans

- Skills needed not just technical planning ones, but also project planning / facilitation etc. Assistance through the provision of SG guidance.
- Costs – potentially in the region of £10-20k – need for a national fund. Example in England noted. If integrated within community planning arrangements costs would be reduced and/or subsumed within wider partnership working.
- LPP needs to be led by community and represent it as a whole
- Community Partnerships can better support communities to do more themselves through the implementation of the Place Plans.

Leadership Resources and Skills Group

Skills

Presentation from Craig McLaren providing an update on the skills development work that the RTPI are taking forward. Discussions covered the need for co-ordination, the impact of behaviours and a long term approach. The RTPI's final report will be published on the SG website once completed.

Performance

The consultation recommends a new approach to improving performance – the group were asked to identify options. Key discussion points included:

- What is a good service – consistency, transparency, respect, quality of service, value for money, speed and quality on the ground.
- Focus on performance is too public sector focused – need to rebalance.
- Peer review for all parts of planning – agencies, DPEA, consultancies, planning authorities and community groups.
- What are the behaviours required of a well performing planning service?
- Use Scottish Forum for Planning as an engagement forum.
- Authorities should report on what they are doing for staff development.
- Performance related fee increases.
- Pair with peers to help performance and raise issue up corporate agenda.
- Need consistency across authorities.
- Introduce concordat that is behaviour based – for everyone who delivers the service/system. Set out performance indicators for everyone involved.
- Use key markers within concordat.
- Ensure we are monitoring improvement in the long term.
- Too much box ticking and not enough focus on what we are trying to achieve. Regulatory v visionary.
- Need trust.
- Need respect.
- Incentivise performance with 10% fee boost. Extra 5% if you work with another authority to help support their performance improvement.
- Industry not opposed to fee increase but want assurance.
- Authorities need to better show what they have done with fee increase to improve performance.
- Planning Performance Framework (PPF) Reports aren't getting read by others. Need to better promote.
- PPF's should report on progress of the delivery of development plan.
- Is there a better way of using IT to improve performance?
- Speed and qualitative elements are still important but we need to be realistic and open about timescales.
- Replace red, amber, green with a balanced score card.
- Significant culture change required.
- Provide support for authorities to improve.
- Have a national improvement service.
- Monitor outcomes? Not the responsibility of the authority. Risk of too many indicators?
- We should monitor the outcomes in NPF/SPP.
- Use the place standard more for long term placemaking.
- High level group could become performance review group.

- Repurpose the remit and membership of high level group. Include:
 - what is the level of satisfaction on current performance and improvement
 - integrating key markers with PPF
 - replace RAG with balanced score card/combined with trust and self-assessment?
 - support mechanism for authorities that need to improve – role for SOLACE?
 - resourcing a national improvement service/shared service model through IS.
- Involve other representative ‘customers’ of the system in the high level group – e.g. Scottish Property Federation, Homes for Scotland, Association of Community Councils.

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 youtube.com/channel/UCFXVlacEAuv_YMbbaekmoTQ

 uk.pinterest.com/creativeplaceSG/

 www.flickr.com/photos/sgpad

 blogs.scotland.gov.uk/planningarchitecture

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 www.eplanning.scot/ePlanningClient