

**REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 24 AUGUST 2017****PLACES, PEOPLE AND PLANNING – POSITION STATEMENT AND STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) ENVIRONMENTAL REPORT****1 Recommendation**

The Committee is recommended to:

- 1.1 Agree that Appendix 4 submitted to Scottish Government on 7 August 2017 is the Aberdeenshire Council response to Place, People and Planning – Position Statement and the associated Strategic Environmental Assessment (SEA) Environmental Report and that Members make any additional comments to be submitted to Scottish Government.**

**2 Background / Discussion**

- 2.1 In May 2016 an independent review of the planning system was published. In January 2017, the Scottish Government published a consultation based on 20 proposals for improving the Scottish Planning system. Following discussion at Infrastructure Services Committee on 16 March 2017, Aberdeenshire Council submitted a consultation response which is shown in **APPENDIX 1**.
- 2.2 On 29 June 2017, Scottish Government published what it refers to as a “Position Statement”, shown in **APPENDIX 2**, as a prelude to its commitment to bringing forward a Planning Bill in this parliamentary session. The Position Statement sets out the changes the Scottish Government is considering taking forward and is supported by a Strategic Environmental Assessment (SEA) Environmental Report which looks at the likely impact of the proposals.
- 2.3 The Scottish Government is required to assess, consult and monitor the likely impacts of its plans on the environment and are, therefore, inviting views on the Position Statement and the SEA Environmental Report. The consultation makes clear that “there is no need to restate views already expressed in Places, People and Planning as these have been, and will continue to be, taken into account”.
- 2.4 Four specific questions have been asked in the Consultation, these are:
  1. Do you have any views on the proposals contained within the Position Statement?
  2. What are your views on the accuracy and scope of the information used to describe the SEA Environmental baseline set out in the Environmental Report?
  3. What are your views on the predicted environmental effects as set out in the Environmental Report?

4. What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?
- 2.5 The consultation seeks comments by 11 August 2017 and therefore Officers submitted comments on 7 August 2017. **APPENDIX 3** contains a brief summary of the key comments made by the Scottish Government in relation to the 20 proposals contained in Places, People and Planning – A Consultation On The Future Of The Scottish Planning System. **APPENDIX 4** contains a copy of the submitted Officer response to the Position Statement and SEA.
- 2.6 The purpose of this Report is to seek agreement that the contents of **APPENDIX 4** are agreed as Aberdeenshire Council's response, and for Members to make any additional comments on the Position Statement and SEA that will be submitted to the Scottish Government.
- 2.7 It should be noted that the Position Statement reiterates the Scottish Government commitment to bringing forward a Planning Bill which is considered to be an important document in a wider programme of work aimed at strengthening "Planning's contribution to inclusive growth and empowering our communities". The Position Statement also advises that no final decisions have been made on the content of any future legislation at this stage.

#### **Comments on Significant Areas in the Position Statement**

- 2.8 Overall there are very few surprises in the Position Statement. The Position Statement essentially reiterates the Scottish Government comments in the original Places, People and Planning Consultation document. When it was considered by Infrastructure Services Committee, on 16 March 2017, a number of Members were concerned with aspects of the consultation document, not least the fact that it was viewed that in many ways Scottish Government were looking to remove parts of the decision-making process from local areas to centralising a number of aspects. In particular, Members were concerned at the increased role of the National Planning Framework and Scottish Planning Policy documents and the loss of the Strategic Development Plan. The Position Statement reiterates the Government's view that Strategic Development Plans will be replaced by Regional Partnerships and this is an aspect that Members may wish to comment on.
- 2.9 Scottish Government has advised that a new National Planning Framework and Scottish Planning Policy should be adopted by 2020. This is likely to cause problems for Aberdeenshire Council in terms of the timings of various aspects of the next Aberdeenshire Local Development Plan which is scheduled to be in place by 2021. The timing of the new National Planning Framework and Scottish Planning Policy is such that the Scottish Government should produce advice on transitional arrangements in order to avoid duplication of work, or abortive work being carried out by Councils, or Development Plans becoming out of date with the consequent risk of development coming forward through appeals rather than through a plan led system.

- 2.10 Scottish Government's reiteration of the importance of the Local Development Plans is welcomed, as is the emphasis on the delivery of sites promoted through the Local Development Plan. This change in emphasis could have resource implications for Councils, with greater time being spent on engagement both with local communities and the development industry and on the assessment of information in relation to development proposals, particularly taking into account infrastructure requirements and viability. Aberdeenshire Council has already taken steps, through the creation of a specific Delivery Team, to focus on bringing allocated sites on stream, which will greatly assist the Council should the Planning Bill proceed as is currently suggested. Overall, more detail on the proposed new Local Development Plan system is required.
- 2.11 One of the common themes throughout the Position Statement is the need for improved, and increased, community engagement and the need for clear linkage between Community Planning and the Local Development Plan. Again more detail on this is required and it should be noted Local Development Plans already have a considerable degree of community engagement. It is clear however, that Scottish Government wish to see greater use of Local Place Plans and this could have resource implications for Local Authorities in general.
- 2.12 Scottish Government has also reiterated its view that a new Agency is not needed to improve the links between Planning and Infrastructure. It has reiterated that it will continue to consider options for a National Delivery Group to support improved co-ordination of development and infrastructure issues. The idea of an infrastructure levy or charge is still potentially on the table and Scottish Government has indicated that it intends to carry out further research on this matter. It is not clear if there will be opportunities to comment on the research findings.
- 2.13 Overall, there are no major surprises in the document, although it is disappointing that some of the comments, particular those promoted by Members, do not appear to have been taken into account. Some of the Scottish Government responses are fairly general and it will be the detail associated with the proposed changes that will give more information on the potential implications. There is no doubt however, that there will be a change of emphasis in the Planning Bill to strengthen the role and importance of the delivery of development sites whilst, at the same time, increasing the amount of community engagement within the planning process. This may lead to conflicts between communities, Local Authorities and Developers, but overall, the change of emphasis to one of more concentration on the delivery of sites should be supported. This will potentially involve staff having to gain new skills, particularly in relation to community engagement and development viability assessments and could lead to resource implications, although much will be dependent on the details contained within the Planning Bill and the supporting legislation.

### **3. Scheme of Governance**

- 3.1 The Committee is able to take a decision on this item in terms of Section F3.2 of the List of Committee Powers in Part 2A of the Scheme of Governance which allows approval of a Council response to any external consultation on any policy matter falling within the delegation of the Committee.

### **4. Equalities, Staffing and Financial Implications**

- 4.1 An Equality Impact Assessment is not required because there will be no differential impact as a result of this Report on people with protected characteristics.
- 4.2 There are no staffing or financial implications arising from this Report, although there could be both staffing and financial implications as a result of any future changes to the planning system introduced following the publication of a new Planning Bill.

**Stephen Archer**  
**Director of Infrastructure Services**

Report prepared by Bruce Stewart, Planning Service Manager  
Date 20 July 2017

## APPENDIX 1

### **Places, people and planning – A consultation on the future of the Scottish planning system**

#### **Aberdeenshire Council Response Submitted March 2017**

#### **Key Area 1 - Making plans for the future**

##### **Proposal 1 - Aligning community planning and spatial planning**

Aberdeenshire Council fully support and welcome recognition of the plan led system. The principle of a close working relationship between community planning and development plans is recognised as laudable but there is concern with the role of community planning and its tie in with the development plan system and this requires further thought and consideration. What would the role of community planning be in the Development Plan process? Greater clarity is required to detail how this will work particularly given that the Development Plan process is statutory and already involves extensive community consultation. Duplication of work must be avoided and, meeting and managing community expectations will be necessary.

##### **Proposal 2 - Regional partnership working**

The north-east of Scotland has a long tradition of both partnership and regional working. The Strategic Development Plan and prior to that the Aberdeen City and Shire Structure Plan, have both delivered the desired outcomes. Both documents provided a long-term strategy for future growth based on an agreed vision. Both plans allocated a generous supply of housing land. The model of partnership working and the model of a Strategic Development Plan Authority have both been successful in the north-east. There appears little evidence to suggest that a case can be made for changes in the partnership model for the north east. There needs to be further consideration of whether the Strategic Development Plan requires to be replaced. Some of the issues would be addressed through a revised National Planning Framework while other matters could be dealt with through Local Development Plans. The future of Regional Transport Strategies should be examined at the same time because land use and transport strategies are integrated. Whether a different regional partnership model is chosen or not it should be linked to regional economic development strategies and regional housing strategies.

##### **Proposal 3 - Improving national spatial planning and policy**

Whether national planning policies as contained in the Scottish Planning Policy document could largely replace Local Development Plan policies and thus assist all authorities across Scotland is questioned, as is whether a case has or can be made to demonstrate that this would be appropriate for all areas? A national policy based plan may help to make Local Development Plans more map based and easier to use and refocus Local Development Plans on the identification of sites for development and in the delivery of those sites. In terms of creating a consistency across the country however, again this is questioned, as to whether consistency is in fact needed nationwide in policy making. There is concern that whilst a national approach to spatial planning and policy making may be of value to national developers and housebuilders it would not necessarily be beneficial to local communities nor the small scale

developer. The view taken is that the argument for nationwide consistency in spatial planning and policy making is flawed and not accepted. It is recognised within this review that the Island Communities of Scotland have unique characteristics and distinct needs, however it is strongly felt that the Aberdeenshire area and its communities similarly have unique characteristics and needs and that in effect 'one size' does not fit all in terms of decision-making and the application of spatial planning and policies. Each area should have the opportunity to celebrate its diversity and uniqueness in its plan making.

Achieving a National Planning Framework which, in effect contains regional plans for each part of Scotland, will be extremely challenging. More detail is needed on the governance arrangements around the production of the National Planning Framework. It is clear that there would have to be effective engagement between the producers of the plan and local authorities. It is not clear what would happen in the event of a dispute between a local authority and the plan producer. There are a range of options for producing a National Planning Framework from a completely centralised National Planning Framework through to the framework being a collection of plans which are produced in the regions. Is there evidence or a robust case why the National Planning Framework should embody and replace regional plans? Whether this should apply to all regions is questioned. More clarity on this point is required. If this were to be the case however more work is required in conjunction with local authorities to find a suitable working arrangement to enable this to happen.

#### **Proposal 4 - Stronger Local Development Plan**

A number of changes to the Local Development Plan system are proposed and the recognition of the importance of the Local Development Plan and its process is appreciated. Changes suggested include removing the requirement for a Main Issues Report, and Local Development Plans to be reviewed every 10 years, although provision would exist to update plans within the 10 year cycle. It is also suggested that statutory guidance should be part of the development plan.

The MIR effectively replaced the Draft Plan, which is now proposed to be reintroduced and details on how this would work are required. Potential could exist for some form of MIR to sit alongside a Draft Plan. The requirement for a Main Issues Report (MIR) was introduced at the last legislative change to the Development Plan process and has been very successful in ensuring all the important policy considerations and land allocations (including "bid sites") are considered at an early stage in the process and in a public forum. The MIR is considered to be successful as it is more open and transparent in its approach and gets a better overall community and public response. Any change to this approach, and the suggested change is a cause of concern, should retain the same level of transparency afforded by the MIR. Generally the view is that the MIR should remain.

The change to a 10 year plan is noted, and whilst opportunities to update the Plan will exist, details on how this would take place are not provided. It is noted that the rationale behind this relates to ensuring there is a focus on the delivery of development. Essentially, Aberdeenshire Council did produce a 10 year plan with the Local Development Plan 2012 as it included "second" phase sites and these sites form

the basis of Local Development Plan 2017. More detail on how the idea of a 10 year Local Development Plan and its “updating” are required.

Following Scottish Government encouragement, Aberdeenshire Council has already removed much of what was previously supplementary guidance associated with Local Development Plan 2012 and is now within the Local Development Plan 2017. There is a logic to including the supplementary guidance in the plan to allow full public scrutiny.

Local Development Plan examinations would still continue but it is noted that plans should be “gatechecked” by an independent reporter before the Draft Plan is approved. Planning Authorities would have to pass this stage before developing and consulting on a Draft Plan. The idea of a “gatecheck” seems reasonable and would have a number of benefits, not least potentially reducing the time taken for Examinations and also allowing certain matters to be addressed earlier in the plan preparation process. Speeding up the LDP process is welcomed. Members have strong concerns that currently they have to effectively agree all the Reporter’s proposed modifications, and having the “gatecheck” may remove instances where they feel their views have been overlooked. It is strongly held that the views of the Council are always taken on board and fully considered.

The importance of strong project management of the Local Development Plan is supported and is something that Aberdeenshire Council, through its Policy Team has always sought to embrace and this has ensured the Local Development Plan process has remained on track.

### **Proposal 5 - Making Plans that Deliver**

The importance of the plan led system is again emphasised particularly where the plan has been prepared with the involvement of communities and developers. The importance of ensuring proposed housing development can be delivered is stressed and this approach is supported. The issue of planning permission in principle is noted although arguably by allocating a site you are already agreeing the principle of development on the site. The thrust of the whole consultation document is one of trust and to ensure that development is provided or that it meets the aspirations of all involved in the development plan process and, it seems reasonable to ensure that when allocating a site you can be confident that it can be developed within the expected timescales. The focus on trust is welcomed and this is seen as a two way process whereby local authorities and their Members are enabled to make the right decision for their areas. Carrying out, what could be considerable work at the pre-allocation stage still seems reasonable to ensure the ultimate delivery of sites. As such, accepting planning permission in principle being attached to allocated sites within the Local Development Plan is acceptable. Matters that cannot be addressed pre-allocation could still be addressed through detailed planning applications.

Setting out the minimum level of information needed to support allocations within the Local Development Plan is supported and will ultimately increase confidence in site deliverability. The introduction of site assessment information is also supported as is the desire to see greater public involvement in site allocation. Whilst it may well be

the case that community involvement, as discussed in the response to Proposal 1, can assist in the potential for sites to come forward and impact on the likely deliverability of sites included in the plan, there is still strong concern on how this actually can be achieved in reality and greater clarity is requested on how the community involvement in this process can be achieved.

Involving statutory key agencies is key to ensuring deliverability of sites. This involvement must be done at any early stage. The proposal to replace “Action Programmes” with “Delivery Programmes” is noted. Ultimately “Delivery Programmes” will have the same aim as the previous “Action Programmes” and Aberdeenshire Council has always recognised the need to ensure the deliverability of sites contained in the Local Development Plan by having a dedicated team primarily involved with aiding and assisting the delivery of sites contained in the Local Development Plan. The importance of delivering planned development is to be encouraged as local authorities play a key role in ensuring this happens in conjunction with other statutory bodies and agencies.

## **Key Area 2 - People Make the System Work**

### **Proposal 6 - Giving people an opportunity to plan their own place**

The involvement of people in the planning process is of course necessary and this already occurs. The need for communities to be more involved in planning their communities is recognised and the principle supported. Giving people a stronger say in how their places are planned through place plans is promoted and in theory is a good way of allowing people to get better involved in the planning system and impart their local knowledge on the needs of their community. In reality however, there are many questions arising on how this would actually work. Whilst the principle of such plans may be supported, significant detail is still required to show how these plans would be prepared and vitally how they tie with the statutory Local Development Plan process. There is a danger that another separate level of planning would be created which may cause delay, conflict or duplication with what already occurs. It would appear that a new layer of work and engagement is being suggested for local authorities where time, resource and expertise may be questioned. Communities have always been involved in the Local Development Plan process but arguably more as consultees rather than directly setting out their ideas in a plan on how their communities should develop. There are also other legislative agendas which aim to provide community empowerment and, there is no clarity on how these agendas would complement one another and thus avoid possible duplication.

The proposals outline a duty on planning authorities to adopt the place plans as part of the statutory development plan. This may create conflict between the communities and the Council over how a particular community should, or could be developed. Whilst an alternative suggestion may be that local place plans or similar could form a key background paper to the preparation of the Local Development Plan, there would need to be measures in place to ensure that place plans would not block/slow the delivery of new homes and infrastructure rather than facilitating them. Place plans would need to be tested for deliverability rather than being a shopping list of what the communities “would like to have” and there remains the concern about any powers communities would have to block development. Clear guidance has to be provided



as to how this element of Community Engagement is to be carried out and how any place plan will work in reality in the whole Local Development Plan process with regards to the primacy of the Local Development Plan in the decision making process.

Questions are raised as to the capacity of communities to enter into the place plan making process. No community is the same and whilst many demonstrate interest and enthusiasm for the planning of their places, apathy exists in many more.

Such place plans must be reflective and supportive of any regional economic and national planning framework strategies.

A Local Development Plan process exists which should remain as the overarching document but with scope for other plans to fit into. Aberdeenshire Council make democratically accountable decisions within committee structures. Concern is expressed that elements of clarity and accountability could be compromised if another level of plan making is promoted within communities.

Further clarification is required to ensure management of community expectations exists and that the legislation tying “place plans” and the Local Development Plan is clear.

Questions arising:

- Would individual communities have the capacity to prepare local place plans?
- Plan preparation is both time and resource intensive, would this new responsibility for communities prove overly onerous to some and thus lead to disengagement with the system?
- Many communities currently differ in their interest, approach and interaction with the planning system, many only represent a small percentage of the community, and some are focused on individual issues, how will this translate into community plan making?
- Effective and meaningful engagement with communities in a credible manner would be resource intensive and require specialist training skills, how would this be provided and by whom in a fair and equitable way?
- The role of elected members has not been clarified in the suggested further empowerment of communities. How would the greater community empowerment fit in with the current democratic process whereby elected members represent their communities and make decisions through the current democratic process?

### **Proposal 7 - Getting more people involved in planning**

The principle of involving more people in the planning process is supported and in particular involving young people. Aberdeenshire Council is at the early stages of preparing a project to involve young people more in the Local Development Plan process and the Consultation proposals align with the aim of developing young people’s interests in planning and in planning their communities. A clear steer on the expectations on governing such involvement would be necessary as would specific guidance on how this would be achieved.

## **Proposal 8 - Improving public trust**

### **Development Plan Schemes**

Development Plan Schemes (DPS) set out a timetable for the preparation of the relevant plan. Included within the DPS is public engagement although there are concerns that this could add additional time to the preparation of the DPS. More detail on what is expected in terms of involvement is required and a clear indication on the added value of involving community councils at this stage is necessary. It must be remembered that the DPS is a Council document setting out its timetable for plan preparation and engagement process. More involvement with community councils could potentially add “ownership” of the development plan being prepared and could allow community councils to plan ahead to ensure they are prepared for further involvement through the process, however at this early stage the value is questionable where community involvement plays a large part in the following stages of the Local Development Plan making process. It is also important that the respective DPS is seen as a Council-wide document and involving Chief Executives and Convenors etc will only increase “ownership”.

### **Engagement in Development Management**

#### **Major Application Process**

More clarity on the major application system and greater statutory requirement for community engagement by developers is welcomed. More guidance and training on the requirements for developers in community engagement would allow better quality of engagement and feedback in some instances. For an allocated site the 12 week period should suffice although a longer period may allow better community feedback, cognisance of views and addressing needs. Different requirements and enhanced levels of engagement for sites outwith the Local Development Plan is considered a good way forward.

#### **Repeat and retrospective applications**

A review of the fee structure for these types of applications which often cause concern and mistrust in the planning system is generally welcomed. No fee for a repeat application does provide both officers and elected members with an opportunity to address any concerns that they have about a particular application and to give advice to an applicant about what would remedy their concerns on refusal of an application. The “free go” then gives an opportunity for the applicant to come back and address the concerns of the officers/ Committee where practical without having to pay an additional fee. Although this is a tool to use, the applicants should be engaging at a pre application stage in the first instance to find out what is acceptable or otherwise. The ‘right first time approach’ should be encouraged as should better engagement at a pre application stage for many applicants/developers. This illustrates the importance of the availability and quality of pre application advice from the planning service. Resourcing the processing of a repeat application by a planning authority can often be as much second time round, particularly one of a large/major scale. It may be considered fairer if a 2 tier approach was taken to allow, for example, domestic applicants the opportunity of amending proposals second time round, if a lower fee was available, where for example refusal was based on a minor element of design. A

further suggestion would be that there is not a “free go” per se but that there is a discount available for a re-application in these type of circumstances which aids with cost recovery but also addresses the other concerns.

Increasing fees for retrospective applications is broadly welcomed.

### **Proposal 9 - Keeping decisions local – rights of appeal**

Overall there is strong agreement that third party rights of appeal should not be considered.

The review of the hierarchy for decision making and potential to increase planning applications subject to local review is noted. Greater use of review bodies has been recognised as an advantage in the consideration of local issues and the distinctive needs of Aberdeenshire communities in the decision making process. On this basis there is however also concern that an increased workload for the local review body and officers may be difficult to both sustain and resource in the current financial climate.

Removing the requirement for major applications that accord with the development plan to be considered by a committee could be considered to be advantageous for performance timescales and thus provide more certainty for developers in delivering development that has already gone through the Local Development Plan process. On the other hand, elected Members feel strongly that the community may consider that further scrutiny in a committee forum may allow more community certainty and confidence in large scale developments within their communities. Flexibility on this issue is however welcomed.

Similarly the proposal for a wider range of other consents to be delegated would also be welcomed.

The lack of a local dimension has also been noted in respect of more appeal cases being considered by Ministers. This concern is in addition to the level of planning expertise that would still be required in making decisions and thus it is not considered that democratic accountability would be measurably increased if this were to occur.

Members already receive training to enable decision making at a committee and local review level. Concerns have been expressed that a test on completion of training, whilst this may test an understanding of the general decision making process, would not necessarily indicate that the needs of communities and their views to reflect their particular distinctiveness would have been accounted for.

There is recognition that the Island communities of Scotland have distinct issues and needs, however it is firmly believed that the north east and in particular the Aberdeenshire Council area and its communities also have unique and distinct issues and needs that require recognition within the planning system and decision making. As such more should be done to recognise this and allow flexibility to deal with change in response to unique sets of circumstances.

### **Key Area 3 - Building More Homes and Delivery Infrastructure**

#### **Proposal 10 - Being clear about how much housing land is required**

Clarity on how much land should be allocated in each local authority area would be of benefit to authorities, communities and developers. This has not been an issue in the north-east since the 2009 Structure Plan, but it is an issue in other parts of Scotland. It is firmly believed that the allocation of land is a matter for local authorities to determine.

#### **Proposal 11 - Closing the gap between planning consent and delivery of homes**

The importance of seeing housing sites developed is accepted and all mechanisms and interventions must be explored to ensure that sites with planning consent are developed and within anticipated timescales. The focus on the delivery of sites is welcomed, as is the drive to ensure standard and appropriate information is submitted at both pre-allocation stage and at the application stage (as promoted through national standards on validation requirements). These will both assist with the delivery of sites as will the potential to remove sites from plans where little progress with the delivery of development exists. Aberdeenshire Council already accepts the importance of delivering sites and already has a team specifically dedicated to ensuring existing sites are developed. It is the opinion that planning is not the barrier to delivery per se and that factors such as market forces have a bigger influence on the delivery of development.

#### **Proposal 12 - Releasing more “development ready” land for housing**

The reference to Simplified Planning Zones (SPZ's) is noted and whilst every opportunity should be explored to encourage development there is concern with the idea of introducing SPZ's specifically for housing sites. Aberdeenshire Council is currently in the early stages of promoting a SPZ for an industrial/business site. Experience in Aberdeenshire is that the delay in housing sites moving forward is often to do with infrastructure provision and market conditions and the Council remains to be convinced that SPZ's (however rebranded) will stimulate development in the way that the consultation intends.

#### **Proposal 13 - Embedding an infrastructure first approach**

The infrastructure first approach is key to enabling delivery of development. Further engagement of national and local levels is needed to ensure this aim is achieved.

#### **Proposal 14 - A more transparent approach to funding infrastructure**

The review document on which this consultation is based put forward the concept of a national or regional infrastructure levy. In this consultation document reference is made to a local levy. This is a more practical way forward than a national levy. A levy which is set locally, collected locally and spent locally could be a useful addition to the range of tools available to local authorities. It is likely to require legislation so that the current link, which is required by government circular, between a development site and the infrastructure intervention does not have to be demonstrated. This approach

would give more flexibility to develop local solutions across a town or area. For example a contribution for an extension for improvement or relocation of school catchment areas in the context of all development in an area could provide a much more effective solution in the medium term. This could help ensure infrastructure is fit for purpose, sustainable and meets needs of the local community. A levy is likely to be popular with the development industry as it would give more financial certainty and assist with land transactions and in determining the cost of development. This assists in determining the viability of a development proposal which in turn should help with the delivery of development. A levy has been used by some English authorities (known as the community infrastructure levy (CIL)). Opinion from English authorities is divided on how successful this has been. More work is required to ensure that the difficulties experienced by English authorities are dealt with through Scottish legislation and equally, that lessons are learned from where there has been successful implementation of the CIL. It is likely that Section 75 agreements would still be required, but these would be shorter and deal with purely local issues directly related to the development.

### **Proposal 15 - Innovation infrastructure planning**

Low carbon solutions and digital technologies should be encouraged. It remains difficult to achieve these through current legislation and more work is required to enable these agendas to move forward. More thought should be given to the involvement of the Building Standards process in taking these innovative solutions forward.

### **Proposal 16 - Developing skills to deliver outcomes**

It is not agreed that planning is no longer considered a 'visionary profession' and that it merely 'micro manages' the built environment. It is very much considered that Aberdeenshire Council Planning Service is very forward looking. There is however agreement that many of the current processes and procedures that currently form part of the planning system add no value should be removed. Also agreed is that focus should be on outcomes that deliver high quality development.

Any move to improve and hone skills is welcomed, but this needs to be done in a way to ensure the right skills are being channelled to the right people to deliver the requisite outcomes. Co-ordination of training and skills is required nationally. There needs to be a detailed review of what skills and expertise already exists, what more is required and what schools and universities can contribute in highlighting planning as a good and worthwhile profession to pursue. The issue of resourcing and provision of training exists as a concern and requires further clarification as to how this is to be managed nationally.

### **Proposal 17 - Investing in a better service**

In general the approach to increasing the fee structure is welcomed. Detailed comments on some of the fee change elements are highlighted in some of the responses to proposals above. Discretionary charges are welcomed for elements of services provided where this currently does not occur and similarly charges by agencies who play a role in the development management process. It is recognised

that any charges would need to be commensurate to the service provision in terms of quality of output and timescales by all parties. It is agreed that an increase of fees is required to cover the cost of effectively resourcing a planning service but a balance has to be struck to avoid fees becoming prohibitive to development.

Currently non-payment of up front advert fees by applicants prevents the issuing of decisions in some instances. The proposed inclusion of the advertisement fee within the initial application fee is welcomed and is considered to be logical.

Improvements to the proportionality of the fee structure in terms of scale of development is welcomed and is considered that this should give more equity and balance within the planning process.

Funding of central government functions such as e-Development delivery programme and 'other elements' supporting planning service delivery requires more clarity. Fees are already paid to the Scottish Government in respect of e-Development support. Any recovery or top slicing of fees from local authorities has the potential to undo the benefit of any proposed increase in the resourcing of local planning authorities in addition to any additional work that may arise from the outcomes of the review and as such this would not be welcomed.

It is considered that to provide enhanced services or fast tracking in response to a higher fee may conflict with an equitable and transparent approach to the provision of a high quality planning service for all. The perception being that those with the ability to pay more will get an enhanced service to the detriment of others. If this was to be promoted it would have to be fully justified and made clear on what basis such a service would apply.

Opting out of fee charging in certain areas where this can support wider objectives e.g. regeneration is welcome.

### **Proposal 18 - A new approach to improving performance**

The comments regarding the use of the Planning Performance Framework (PPF) are generally agreed. The PPF is considered to be a useful tool for reporting and monitoring performance and keeping both elected members and the communities better informed on the activities and performance of the planning authority.

Performance should be primarily focused on outcomes and not just at speed of processing. Thus measuring performance on the quality of place reflects this approach, although it is not clear exactly how this could be done in terms of scope and cognisance of the distinctiveness and uniqueness of different areas and communities nationwide.

### **Proposal 19 - Making better use of resources – efficient decision making**

#### **Permitted Development Rights**

It is strongly considered that the last round of extended permitted development rights changes did not significantly reduce workloads, timescales nor did it simplify the

overall understanding of permitted development nor increase its user friendliness. Some concerns have been raised in terms of extending the permitted development rights for digital telecommunication and micro regeneration in terms of potential scale and impact on sensitive and rural areas. In terms of supporting agricultural resilience, a review of the prior notification process would be welcome with some scope to remove parts of this overly complex process. With regard to changes of use in town centres, whilst it is recognised that this may have economic benefits, consideration has to be given to the impact on residential uses within town centres and those town centres subject to statutory built heritage protection.

### **Handling applications – Validation**

A consistent national validation process would be welcomed.

### **Parallel Consents**

Aberdeenshire Council already try to facilitate a parallel consent process as far as we can in respect of planning permission and roads construction consent. More clarity and certainty on how this can be achieved in terms of process is required for both planning authorities and developers alike.

### **Procedural Improvements**

#### **PPP Timescales**

Whilst provision already exists, furthering this would be welcomed particularly in terms of having more flexibility to respond to changes in economic conditions.

#### **Pre Determination Hearings (PDH)**

Aberdeenshire Council made representation on this issue in the Independent Review of the Planning System consultation in 2016. This was on the basis that the Council had recently experienced multi PDH's which highlighted the additional time and resource that was required to facilitate hearings with very little additional value being added to the overall process and outcome. It was noted that the pre-determination hearing system is not seen to be working. This was in addition to the committee processes that were also required. Although flexibility would be welcomed as indicated in the document, preference would be that PDH's are re considered with a view to either removing from the process or replacing with a less resource intensive and onerous process.

Aberdeenshire Council has also been involved in national applications and Section 36 and Section 37 consent applications as consultees. There is a significant level of officer time and resources that is required to provide a consultee response and as such it may be prudent to consider a charging system to be associated with these types of national consultations.

Whilst the PDH process may be beneficial and workable in smaller or specifically urban areas, the Aberdeenshire area extends to some 6,313 square kilometres and as a Council operates on an area basis. The logistics of organising a PDH to

incorporate the geography and make up of Aberdeenshire is not considered to be resource effective or add any value. One size is not considered to fit all in respect of this process. The view is that the requirement for PDH, or an equivalent if necessary, is best left at the discretion of the local authority.

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

New technologies which can assist and aid quality outcomes are always welcomed. More information is obviously required as to what this would entail and how it would be resourced.



**Key Question**

**A. Do you agree that our proposed package of reforms will improve development planning?**

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

Yes. The proposal to align community planning and spatial planning recognises the integral role spatial planning plays on improving local outcomes within communities and creating synergy between development plans and the long term priorities of community planning partners. This is expressed through local outcome improvement plans and locality plans (as defined in part 2 of the Community Empowerment (Scotland) Act 2015 and has significant benefits.

The benefits that would be realised by making this alignment statutory are not fully evidenced in the consultation. Statutory guidance developed in relation to this proposal must be proportionate and recognise existing guidance supporting Part 2 of the Community Empowerment (Scotland) Act 2015, particularly given the statutory timelines and principles that underpin the existing guidance. Existing Community Planning statutory guidance does not however allow for this alignment without adding a further statutory layer (for example Section A Principles of Effective Community Planning). See response to Proposal 1.

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

There is a strong belief that the Strategic Development Plan has helped to create a joint vision for Aberdeen City and Shire, common objectives, agreed strategic growth areas which are co-ordinated with infrastructure capacity and future investment and has allocated a generous supply of development land which has been incorporated in the Local Development Plans and Action Programmes. There is no need to change this for the north-east. However, prior to the Strategic Development Planning Authority, Aberdeen City and Shire worked together successfully in the production of a Structure Plan and can work together in a required partnership if required. The benefits of a Strategic Development Plan could be realised through an expanded National Planning Framework or in other ways.

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

Planning can co-ordinate infrastructure capacity with strategic growth and co-ordinate infrastructure with development.

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

There are no difficulties with the current division of activities. If more is to be done at the national level, a greater level of engagement and an agreed governance system of resolving differences, would be required.

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

Discretionary powers would allow regions to deal with their priorities which vary across the country.

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

This varies according to the issue being addressed. In the north-east, for most planning issues Aberdeen City and Shire need to work together but on some issues, for example strategic development engagement with Angus and Moray are needed. Links to Moray and Highland are needed for energy operations and for marine planning.

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

Engagement and liaison are needed between national and regional bodies in order to agree priorities and investment. Agreed phasing of investment is needed to facilitate delivery of development.

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

Whilst giving both SPP and NPF more weight may improve consistency of decision making across some areas of Scotland, this is not considered to be necessary for the whole country. Whereby this may benefit some areas of Scotland it is not considered necessary for the north east part of the country where consistency and the decision making process, at a local level, is not considered to require any change as it operates successfully.

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

This would improve the level of certainty the development industry needs and give greater confidence for investment.

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

There is no doubt that what is suggested will ultimately simplify the preparation of development plans. Significant concern exists with the removal of the Main Issues Report when policies and allocations can be properly explored although its replacement with a draft plan could serve the same purpose. Further detail of this is required. The introduction of a "gate check" is welcomed and should reduce the time taken for the examination.

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

In essence Aberdeenshire Council has produced a 10 year plan as allocations in the 2012 Local Development Plan included second phase sites. As such this provision is already built in. Changing to a 10 year cycle would work providing opportunities exist to review the plan between review cycles. There is a need to allow flexibility to be built in to allow for changing circumstances. Lengthening the Local Development Plan review cycle to 10 years would require statutory alignment of community planning and spatial planning. Consideration would need to be given to the development cycles of both Local Outcome Improvement Plans and Locality Plans. Aberdeenshire Council Community Planning Partnership is developing a ten year local outcome improvement plan for the period 2017-2027 with a number of review stages built in.

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

Yes. This is essential if moving to a 10 year Local Development Plan cycle. See response to question 4(a) above.

**4 (c) Should we remove supplementary guidance?**

There is concern that removing “supplementary guidance” reduces local democracy further but at the same time having “supplementary guidance” contained within the plan means that it has been subjected to full public scrutiny through the examination process and arguably means it is more robust and provides greater certainty. It does however potentially increase the size of the Local Development Plan which goes against the aim of the consultation of producing leaner and clearer plans. It is strongly considered that the supplementary guidance should remain to allow a local dimension to be given to the implementation of policies.

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

Yes. It is considered there is still a role for an examination. The introduction of an early “gatecheck” should help and ultimately reduce both examination time and the potential for modifications to be recommended by reporters that have the potential to conflict with the aspirations of the Council.

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

Yes. This seems a sensible approach and getting “buy in” at an early stage of the Local Development Plan process can only add clarity and ultimately reduce the examination stage of the plan process.

**5 (b) Who should be involved?**

Local authorities, Developers/Housebuilders, representatives from communities.

**5 (c) What should be gatechecked?**

- Compliance with Development Plan Scheme.
- Submission of technical information to show deliverability of spatial strategy.
- Engagement with communities through Community Planning.
- Technical information including flood risk analysis.
- Compliance /compatibility with infrastructure plans.

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

Unresolved issues and issues not part of the “gatecheck”.

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

No.

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

See response to Proposal 5.

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

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

Yes.

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

Yes, this should increase the certainty of delivery of sites.

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

Yes. The purpose of the plan led system is to provide certainty and its preparation includes extensive community involvement and therefore planning applications that are for non-allocated sites should seek extensive community consultation before decisions are made.

**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.**

Yes. The delivery of sites is a key component of the plan led system and ensuring key agencies provide consistency of advice is crucial to assist site delivery.

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

Delivery Programmes are an essential tool to assist with ensuring the development of sites takes place. Whilst there may be a need to increase or re-allocate resources within Planning Services there are clear benefits to be gained by having robust Delivery Programmes that all key stakeholders / agencies are committed to.

**8 (a) What should they include?**

The Delivery Programme should show a path for the delivery of each specific site so that all parties are aware of their particular responsibilities and take ownership. All parties should be “signed up”.

**Key Question**

**B. Do you agree that our proposed package of reforms will increase community involvement in planning?**

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

Members have serious reservations with regard to how this proposed increase in community involvement could be managed and how it could potentially impact and conflict with the statutory Local Development Plan.

Aberdeenshire community planning partners and the planning authority already recognise and actively promote and support communities to build capacity to create place based plans. These plans are wholly owned by the communities and currently not formally adopted by partners although partners will work with communities to support the delivery of identified priorities where appropriate. The Aberdeenshire Local Development Plan (LDP) has upwards of 120 settlements identified and there are in excess of 60 Community Action Plans (CAP) across Aberdeenshire but the boundaries of the CAPs will not necessarily be coterminous with the settlements in the LDP.

There is already a diverse ‘landscape’ of plans across partners and care has to be taken that the approach proposed is not in conflict or creating a further level of complexity for communities, the planning authority or partners. As a minimum, a stronger commitment to aligning the definition of community bodies within the Community Empowerment (Scotland) Act 2015 is sought.

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

Yes, but clear guidance on what matters can and should be covered is required as well as clarification of their linkage with the Local Development Plan. Figure 1 appears to cover this.

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

Yes. The plans should be informed by the development requirements set out in the statutory development plan. It is appreciated however that these plans will cover more than land allocation matters.

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

Yes, although there already is a role for community council involvement and this is already set out in the Development Plan Scheme.

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

Yes, but it should not increase the time taken to prepare the Development Plan Scheme. See response to Proposal 8.

**11. How can we ensure more people are involved?**

The Development Plan Scheme is important and should set out the engagement process with the public. More work is needed to be done with the public and community councils prior to the development plan process to ensure that people understand the process and seek to get some ownership of the process by agreeing how and when people will be involved.

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

Yes. Local authorities should seek to engage more with young people and Aberdeenshire Council is in the early stages of developing a project to increase engagement with young people.

**12. Should requirements for pre-application consultation with communities be enhanced?**

Yes.

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

Further guidance for applicants would be beneficial to outline their responsibilities to communities and encourage early engagement with communities. The statutory basis of engagement should be more robust with additional engagement being set out and guidance on how feedback should be given to communities

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

As above further guidance for applicants as to their requirements and responsibilities would be of benefit. Also further clarity on the content of PAC reports and how to evidence that applicants have taken aboard community comments and views. Guidance and clarification for communities on the process would also be beneficial.

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

There should be scope to review the PAC thresholds to allow greater flexibility. The static thresholds are currently open to elements of abuse whereby an applicant can submit a development of 49 houses or on a site of 1.9 hectares, or split a site to remain below the threshold to avoid going through the PAC process. This impacts on community confidence and certainty where no statutory public consultation is necessary notwithstanding a proposed development which may significantly impact on a settlement.

Some proposed developments which are under the major threshold may still be considered as a significant addition to a small community eg 10 house development to a settlement of 40 houses. This would currently not attract the PAC process.

A suggestion may be that local authorities have more discretion and flexibility on insisting on an applicant going through the PAC process or at least to carry out public consultation events.

**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?**

Yes. This should at least be a 1 year period. Potential changes to policies, economic circumstances and changes to community councils may all occur within a short period of time whereby any PAC could become outdated. Aberdeenshire Council have had experience of this.

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

Yes in general and certainly for applications for sites that are not allocated in the local development plan. There may be scope to allow reduced fees in some instances, where only minor adjustments are required to make a proposal acceptable, perhaps for small/domestic scale applications. What the removal of the no cost application does highlight is the importance of the availability and quality of pre application advice from the planning service. Applicants therefore should ensure a 'right first time' approach to submitting applications.

See response to Proposal 8.

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

Yes. Currently this does not provide a robust or strong enough disincentive not to comply with enforcement action.

**15. Should current appeal and review arrangements be revised:**

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

The Aberdeenshire Local Review Body consistently receives one of the highest number of reviews in Scotland. This is due to a variety of factors including geographic size and relative wealth. The Local Review Body meet regularly and currently have a high volume of business. Papers for Local Review Body meetings can be substantial, with the corresponding costs involved, and any increase to this business would need to be carefully managed. Any increase in business would also have impacts on resourcing of Local Review Bodies with officer time. Aberdeenshire Council has a dedicated independent officer who deals with LRB appeals, and also provide a legal and committee services officer for each meeting. Processes have been streamlined to deal with volume business however there are difficulties with the current regulations which mean that the volume of paper that is submitted for review can be considerable.

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

The introduction of fees for appeals to the Local Review Body would be welcomed as this would enable the resourcing issues outlined in response to part (a) above. Any fee needs to be proportionate to the development and fair.

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

The principle that training for elected members involved in planning should be mandatory is supported however, this may cause large authorities such as Aberdeenshire difficulties. Aberdeenshire operates an Area Committee system which means that all 68, soon to be 70, councillors are involved in making planning decisions. The Council already provides in house training to all Councillors, both after election and on a regular basis thereafter. There is scope to provide guidance on what should be covered by training but that this should be able to be tailored for each local authority to cover particular issues local to them. The proposal to ensure that Local Review Body members are trained is likewise welcomed. There are however issues with this in that elected members are not professional planners and nor should they be expected to be. They are supported by professionals and are elected to determine applications based on policy however with the local knowledge of their area. It is important that elected members receive training on quasi-judicial hearings, procedures and legal principles of fairness. The position of requiring mandatory training would be supported as this takes place practically anyway.



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

Accountability in the planning system is important. Decisions made by the reporters can currently overrule those made by elected members. It may be that it would be more transparent for ministers to make these decisions rather than reporters. Members however strongly disagree that ministers should make more decisions as suggested. There is still however the need for expert planning input into these decisions. See response to Proposal 9.

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

Whilst it is recognised that the Island communities do have particular and unique issues and circumstances which could benefit from changes to the planning system this is not in itself unique and also applies to individual local authority areas. It has long been recognised that the north-east corner of Scotland and Aberdeenshire within that area has its own very distinct set of circumstances economically and socially. It is strongly felt that changes to the planning system should equally reflect the particular challenges and needs of Aberdeenshire and the north-east.

**Key Question**

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

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

There is general agreement that there should be a change in focus away from lengthy debates around housing numbers and more towards ensuring delivery of development and improving the quality of the places being created. The Scottish planning advice note on Infrastructure and Housing has not yet been finalised. This contains details of definitions which are important in providing the precise response to any housing land allocation questions. Experience in the north-east has been mixed. Prior to the Aberdeen City and Shire Structure Plan there was an undersupply of allocated land, in particular for housing. This affected the rate of delivery and made any form of regional spatial planning coordinated with infrastructure provisions very difficult to achieve. Since the Aberdeen City and Shire Structure Plan there has been a generous supply of housing land. The allocated supply accommodated the identified housing need, built in flexibility, and added an amount for the aspiration of the north-east to grow its population in order to sustain its services. Other parts of Scotland have chosen not to allocate a generous land supply and this may have restricted economic growth. Having the supply identified through the National Planning Framework has few advantages in giving clarity and a national perspective. This should only be done in conjunction with the regions taking full cognisance of regional aspirations. More work needs to be done on the way in which the Scottish government will work with the regions to ensure that the National

Planning Framework has the buy-in required to make its implementation successful throughout Scotland.

**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?**

There should be a requirement to provide evidence on the viability of major housing developments before a site is allocated in a Local Development Plan. Aberdeenshire Council required that viability statements be provided with local plan bids. There is no evidence that this has helped increase the delivery of development. It has however ensured that sites which were clearly not viable are not included in the plan. Planning applications for sites not allocated in a plan should have viability statements submitted with the application.

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

It is difficult for planning alone to diversify the ways we deliver homes. For example planning cannot allocate land specifically for self build homes or homes for rent. Planning can assist in increasing affordable housing and in ensuring that there is an appropriate mix of house types and sizes. Negotiations on both of these issues with developers are difficult as planners may be asking the developer to move away from the product which the developer knows is required by the market towards a product with higher associated risks or with less profit.

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

Simplified planning zones for employment land have had a measure of success. The main benefit is in encouraging inward investment which may not otherwise happen. A second benefit is that, because the planning authority is involved at the beginning, there can be an improvement in the quality of development. We are not aware of any successful simplified planning zones for housing. It would be useful to see the outcome of one or more pilot projects. It would be appropriate for the government to fund a small number of pilot projects and assess the outcomes.

**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?**

There have been various attempts to coordinate the delivery of infrastructure. The various infrastructure providers are driven by different required outcomes. Some have shareholders and as a consequence are more driven by the need to demonstrate a profit. Few, if any, of the infrastructure providers see any benefit to themselves in investing in infrastructure before development happens. It is the lack of infrastructure which very often delays delivery. Attempts at national coordination should continue, but that is not a substitute

for a local infrastructure levy. Both potential improvements to the current system should be carried forward in tandem.

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

There is no single partnership model which would suit every authority in Scotland. The creation of local partnerships should be encouraged in order to coordinate the provision of infrastructure and link it to spatial development plans. From the north-east perspective there are clear advantages to both Aberdeen City and Aberdeenshire in working in close partnership on issues of regional planning, transportation, education and housing. It is best left to authorities themselves to produce a model which coordinates the economic development strategy with the land-use transportation and housing strategies and focuses on improving delivery. There are clear connections with the Moray Council, Angus Council and the Cairngorms National Park Authority on specific issues and for some matters the partnership working may extend to 5 authorities. There is also a need for collaboration on specific issues with the Highland Council and with the Northern Isles. In particular there are joint concerns over the transport network.

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

A Section 75 agreement should not be changed unless agreed to by all the signatories. The Section 75A clause which allows agreements to be modified has been used by developers to get out of agreements which no longer suit them. Without the Section 75 agreement however the development proposal may well have been unacceptable. Section 75A could be replaced by some form of mediation prior to the signing of the Section 75 agreement when the authority and the developer cannot find an agreed way forward.

**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?**

It should be applied by local authorities for all or part of their area or in conjunction with neighbouring authorities as appropriate.

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

It can be applied to all types of development, but it is particularly appropriate to housing development as the impact housing has on schools or roads is relatively predictable.

**24(c) Who should be responsible for administering it?**

The levy should be set locally, collected locally and spent locally. It may be administered by the local authority or by a regional partnership.

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

The levy is particularly appropriate for education provision as each child has to be provided for by the local authority and a standard charge across the local authority area (or part of its area) could be set. Cognisance can be taken of roll projections and capacity within a particular area. This can be done without reference to current individual school capacities and would allow the local authority time to consider its options in terms of rezoning proposals, building new schools, replacing older premises or extending schools taking into account all developments in an area. This could be done by the local authority without the fear of challenge that any school building does not have a direct relationship with any particular development site. The levy would also be appropriate for transport issues. It would be particularly useful in dealing with the cumulative impact from a number of developments on the road network. It would allow developers to focus their transport assessments on local issues such as site access. The impact on the wider network and identifying inappropriate interventions would be a matter for the local authority in conjunction with Transport Scotland. There should be consultation with the development industry on the amount required through the levy and on interventions proposed by the authority which the levy would contribute towards. Some form of scrutiny by central government to ensure that the levy has been set at an appropriate level and will be used for appropriate purposes would be helpful.

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

Aberdeenshire Council produced some research after consulting with the Robert Gordon University and concluded that the fabric first approach to new building is the most effective way of conserving energy and an appropriate way of addressing climate change. The Sullivan report concluded that energy conservation is best dealt with through the Building Regulations. The use of the Building Regulations has been demonstrated to be a more successful approach than the use of planning conditions. The use of renewable technologies should continue to be encouraged but not necessarily through the existing planning legislation and the building standards service is technically better equipped than planning to move this agenda forward.

**Key Question**

**D. Do you agree the measures set out here will improve the way that the planning service is resourced?**

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

Planning as an activity throughout Scotland is now rarely represented by professional planners at the highest level of decision making yet it is one of the most holistic professions which is by its nature consultative, engaged and its primary purpose in planning development for the future affects everyone in

society. Planning should be appropriately expressed at the highest levels of national and local government. More resources could be directed towards Heads of Planning Scotland and the government's Improvement Service to widen the influence of planning on the other activities of national and local government.

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

Professional planners emerging from the education systems are not able to take up the full role of planner without extensive in house training. There is a lack of knowledge of the role of other land and property based professions and a lack of skill in producing forward looking plans. There is also a need for bringing in engagement with stakeholders and a serious lack of understanding of placemaking and design skills. The relevant course should be co-ordinated so that each has a specialism needed by employers as well as having a broad range of education.

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

Through continuous professional development courses across professions a great understanding of the role of often in multi-disciplinary terms can be gained. e.g. workshops on the scope of Masterplans or Locality Plans.

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

The Planning Performance Framework (PPF) is a useful benchmark. Authorities not achieving should be given assistance to achieve possibly through auditing by the Scottish Government. This has to be organised at Chief Executive level as reasons for any perceived underperformance may well be a budget issue or a lack of co-ordination with internal consultees or service providers.

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

The Scottish Government Place Standard can provide a good baseline from which to monitor changes in perception of how places change and could be used as a measuring device. Scottish Quality and Planning Awards should continue and be given increased publicity. More than any other initiative this has led to publicising and sharing of good practice.

Local Design Awards are also useful both for raising awareness and encouraging the creation of a better environment. There are increasing budget pressures on local government and such schemes are vulnerable.

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

See response to Proposals 8 & 17.

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

Clarity on the permitted development rights for Local Authorities would be beneficial.

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

Simplification of the prior notification process which is overly complex.  
Further clarity of the Section 42 process which is similarly complex.

**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?**

Comments are provided in Proposal 19 whereby flexibility would be welcome in light of challenging and changing economic circumstances. Care should be taken to avoid conflict with the challenge to encourage certainty for both developers and communities whereby the time period for planning permission in principle is such to avoid uncertainty with the delivery of sites that are allocated within the Local Development Plan. The current requirement to apply formally to vary the time limit for a planning permission in principle at least allows the opportunity for public comment. If flexibility is introduced a suggestion would be to ensure an element of public consultation remains and robust evidence is required to support any proposed variation/extension of time.

**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?**

Yes. The Section 42 process is fraught with complexities and scope for different interpretation. Clear guidance is required for applicants and authorities. Clarity is required on what can actually be re-visited in a Section 42 application e.g. is it right to be able to re-visit the principle of a development if for example a minor condition is being varied ?

**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?**

Currently MSC applications can be determined with little public consultation apart from through statutory neighbour notification processes and community council input as consultees. This is the type of application that the community

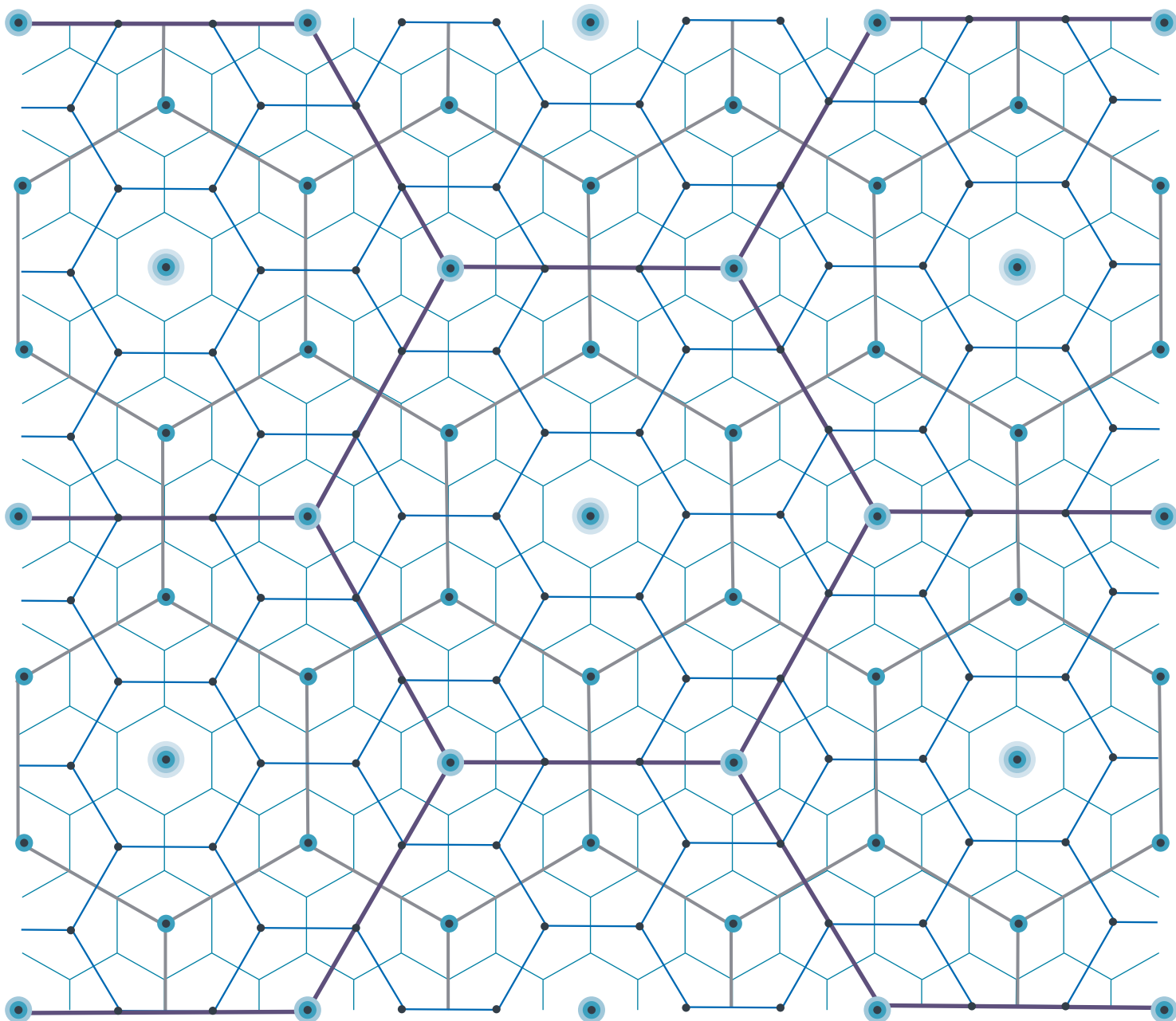
do want to be involved in as it deals with the detail. A balance has to be considered from delaying the determination of these types of applications if statutory public consultation was brought in as a requirement. Performance should not be compromised. Elected members often request for these types of applications to come before them so they can see the detail.

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

See response to Proposal 19.

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

As per the response to Proposal 20 new technologies are always welcomed and Aberdeenshire Council are always willing to embrace technologies which add value to the services they provide. Expansion of greater online use for other consenting regimes would be welcomed. Use of mobile technology is already being looked at and expansion and assistance with the wider development of this would be welcomed.



# Places, people and planning

## Position Statement

June 2017



## Introduction

The independent review of the planning system reported in May 2016. In January 2017 we published Places, People and Planning, setting out an integrated package of proposed improvements to planning. Consultation on these proposals closed on 4 April 2017. An independent analysis of views on the proposals has since been undertaken and a report has now been published.

The Scottish Government has committed to bring forward a Planning Bill early in this Parliamentary session. The Bill is an important element in a wider programme of work aiming to strengthen planning's contribution to inclusive growth and empowering our communities. Taking into account the wide range of views on the proposals, this statement describes the key changes that Scottish Ministers are now considering taking forward through the forthcoming Planning Bill, secondary legislation under existing powers, and other, non-statutory approaches. No final decisions have been made on the content of legislation at this stage.

## Planning in a changing world

Scotland's planning system operates within a complex and changing context. Our current system has many strengths and there are examples of good practice across the country. Nevertheless, we need to ensure that the system works more effectively to support delivery of development, inclusive growth and quality of place. People are at the heart of the system and it must work effectively in all our interests.

Shared priorities of inclusive growth and community empowerment will continue to underpin this programme of reform. The Enterprise and Skills Review and the emerging update of the National Transport Strategy and Strategic Transport Projects Review have helped to shape our proposals. Providing more good quality homes is a high priority for this Government, and we must enable different approaches to delivering the housing we need now and in the future. Alignment and closer integration of planning with community planning can and should help to improve outcomes for communities. It is important that people have a say in the changes that affect their places and, equally, we must also be able deliver the inclusive growth that our economy requires and the housing that current and future generations need.

We need a more responsive and flexible approach to planning in Scotland. To fully realise a more enabling role for planning, our current system needs to change. We are aiming to streamline processes whilst encouraging appropriate engagement and collaboration.

Legislative change will take some time to take effect, and needs to be accompanied by early actions supporting inclusive growth priorities. We need to have the leadership, skills, resources, and partnerships to proactively and consistently support development, investment and quality of place across the country.

We must keep in view the core purpose of planning. The quality of the places where we live and work can support health and wellbeing, help to overcome inequality, create jobs and stimulate investment whilst ensuring that we minimise and adapt to the long term impacts of climate change. A stronger focus on planning and place can add value to all areas of policy making. A joined up approach to place-making by all public bodies, communities and businesses can generate efficiencies and ensure good outcomes from policies and decisions. By bringing people together and looking at places 'in the round', planning is uniquely well placed to make these connections so that we respect, enhance and sustainably use Scotland's many assets. Central to this can be the alignment of community and spatial planning and the contribution which planning can make to reducing inequality by supporting inclusive growth.

## Working together to improve the system

We are committed to change which reflects the varied needs of all people. We will support changes that improve performance, that strengthen inclusive growth, that focus on outcomes and improve the engagement of people in the system. There is wide support for a plan-led system. The certainty that a strong and inclusive spatial plan can bring is important for communities and investors alike.

People make the system work. Whilst we can change the system, it is clear that success will also depend on fresh thinking, different mindsets, and a willingness to work with, and listen to the views of others. The consultation responses and recent research have shown the importance of this, with many of those involved in planning expressing contradictory views and highlighting a continuing lack of trust in the current system. Whilst differences in opinion on planning are inevitable, in time we must all move beyond our differences to support the implementation of a new planning system together. We will continue to work closely with a wide range of different interests as we take forward our proposals for change over the coming months.

## Our current position on proposed technical changes

Places, People and Planning set out 20 proposals for change. Having initially considered the responses to the consultation, as well as ongoing research and analysis, our current position on these proposals is set out below. Given the breadth and depth of views we have received, our consideration of consultation responses is ongoing. The changes set out below focus on technical matters and future legislative amendments, but this forms part of a much wider programme of reform and behavioural change in planning.

### MAKING PLANS FOR THE FUTURE

#### 1. Aligning community planning and spatial planning.

We suggested that this can be achieved by introducing a requirement for development plans to take account of wider community planning and can be supported through future guidance.

- Most consultees are broadly supportive of this proposal.
- Some have suggested that a two-way dialogue or genuine partnership between community planning and spatial planning would be needed.
- Others feel that the local development plan should have primacy.
- There are also concerns about any such requirement slowing down the local development plan preparation process.

We continue to recognise this as a priority for securing stronger collaboration and alignment with a focus on positive outcomes for places. We are minded to propose a statutory link between development planning and community planning in the Planning Bill. We agree with views that spatial planning should also be better recognised by community planning, and believe this would be supported where local authority Chief Executives 'sign off' local development plans. Whilst other partners have a role in community planning, this would underline the importance of recognising the links between spatial policy and community planning outcomes.

#### 2. Regional partnership working.

We suggested that strategic development plans should be removed from the system so that planning can better support more proactive regional partnership working. We want to enable wider and more flexible collaborative planning which responds to the different models and partnerships that are emerging in different places. By using the National Planning Framework as a vehicle to support strategic planning, our view was that procedure, overlap and complexity in the system of development plans could be significantly reduced.

- Views on this proposal vary between stakeholders and in different parts of the country.
- There is some concern that such a change would amount to centralisation.
- Potential loss of expertise in strategic planning has also been raised.
- Many feel that a move to more discretionary powers could weaken, rather than strengthen strategic planning and there have been calls for clear statutory duties needed to replace the current duty to prepare a strategic development plan.
- Others agree that regional partnerships could provide a more flexible and delivery-driven vehicle for co-ordinating development and infrastructure investment.
- There is also a wide recognition that one size does not fit all, suggesting that changes which better reflect distinctive local circumstances would be welcome.

Having reflected on the consultation responses, we expect to bring forward changes to remove current requirements for strategic development plans to be prepared and replace them with more flexible, but clearly defined duties and powers at this scale.

We will develop an approach which allows all areas to undertake strategic planning where it will add value and in a way which is sufficiently flexible to allow partnerships to respond to, and build on, local circumstances and relationships. To achieve this, a number of duties could be introduced, including:

- A duty to work together to address nationally and regionally significant spatial planning and development issues.
- A duty to undertake joint evidence gathering including on delivery of cross-boundary infrastructure requirements.
- A duty to contribute to the preparation and implementation of a National Planning Framework delivery programme.

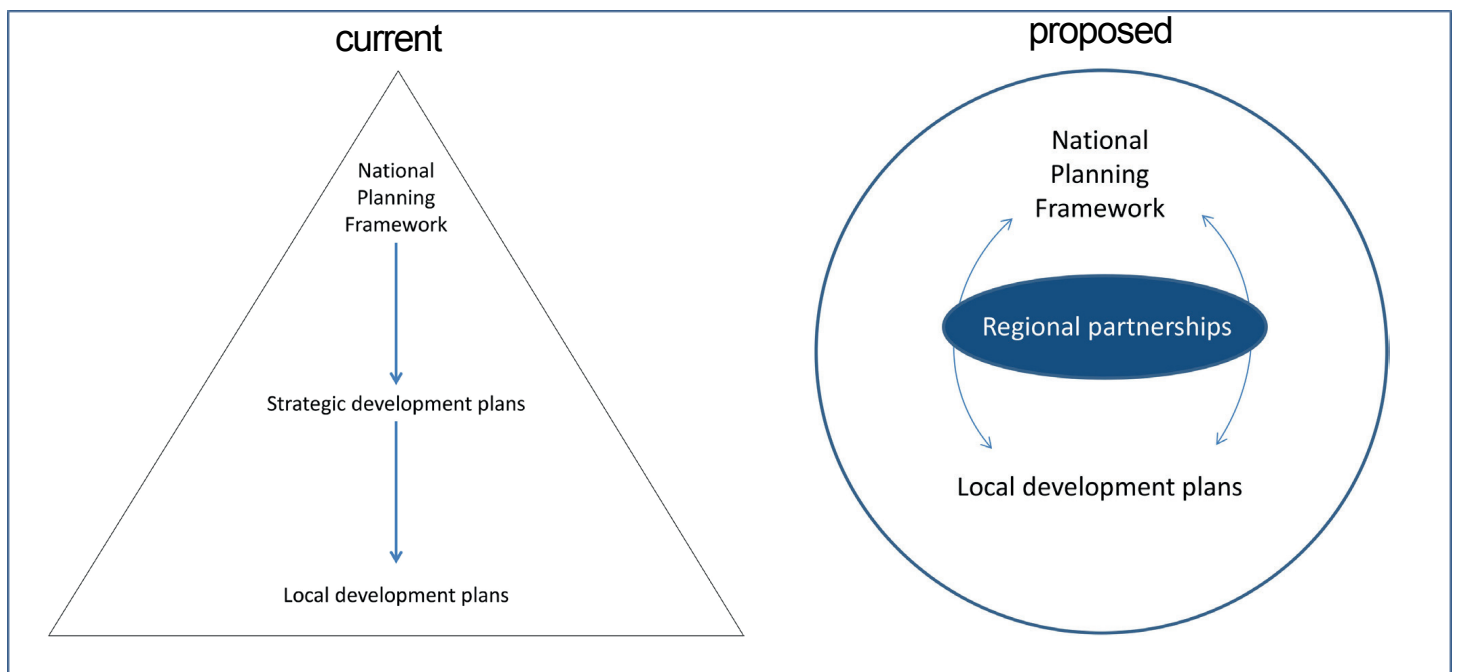
We will also consider additional powers for local authorities to work individually or in partnership with others on a more discretionary basis, focusing on issues with a cross-boundary dimension including infrastructure delivery and housing. Authorities would still be free to work together to prepare spatial strategies for their areas to support wider regional partnership working. Although they would not form a statutory development plan, they could contribute to the evidence base for the National Planning Framework.

### 3. Improving national spatial planning and policy.

We suggested that the National Planning Framework and the Scottish Planning Policy could play a different role in the system, with enhanced status helping to streamline the system as a whole and enabling local development plans to focus on places and development delivery.

- This has been welcomed by some. There is a good level of agreement with proposed changes to the way national policy is prepared.
- Many recognise that this provides an opportunity to streamline local development plans.
- There are some concerns that a loss of detail could weaken confidence in the plans. Respondents from communities have emphasised that this should not be a top-down 'imposed' policy, but should allow for local circumstances to be taken into account.

It is important that plans are purposeful and accessible to all those with an interest in them. Re-stating national policy in local development plans adds time and complexity. An enhanced National Planning Framework (NPF) and Scottish Planning Policy, which together provide an effective strategic perspective to all of Scotland, can help simplify our system. We also have the potential to establish a stronger model of shared responsibility and co-production in delivering the National Planning Framework, whilst promoting development of national importance.



Given the need to deliver the Planning Bill, Scottish Ministers do not expect to adopt the next version, NPF4, within 5 years of NPF3 being produced (by June 2019). We will issue a fuller, collaborative programme for preparing NPF4 in due course, but currently expect its preparation to commence in 2018 with a view to adoption in 2020, and for the Scottish Planning Policy to be reviewed in parallel. We will also ensure that the review of the National Planning Framework is aligned and where possible integrated with the review of the National Transport Strategy, Strategic Transport Projects Review and Infrastructure Investment Plan.

#### 4. Stronger local development plans.

We suggested that the plan period should be extended to 10 years, that the development plan main issues report and supplementary guidance should be removed, and a new gatecheck could be introduced to better frontload scrutiny within plan examinations.

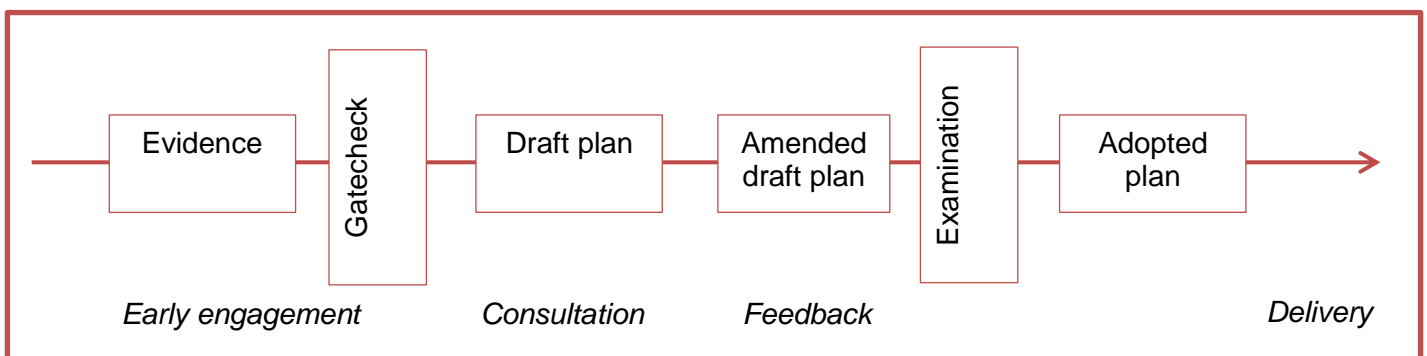
- There is considerable support for these proposals, with many agreeing that local development plans should be strengthened and made more visionary, providing a clearer picture of how an area should develop in the future and improving the link to delivery of development.
- Many stakeholders agree with the proposal to replace the main issues report with a draft plan, and for the proposed frontloading of plan examinations by introducing a gatecheck.

- There are some concerns, particularly from businesses and the development industry, that a 10 year timescale will lead to plans becoming outdated.
- Consequently there is strong support for allowing plans to be updated between review cycles.

A key element in our proposals has been the need to shift towards a focus on delivery and implementation of plans rather than continuous review and plan-writing. We therefore expect to bring forward changes to procedures for local development plans as part of the Planning Bill.

We remain of the view that main issues reports should be replaced with a draft plan, and that supplementary guidance should be removed. We will provide greater clarity on how a 10 year timescale could operate, including through provisions for plans to be amended or updated between full review cycles. We are looking closely at how this can be achieved in a way which is proportionate and avoids delay, whilst ensuring significant change is subjected to robust scrutiny. We will define the specific circumstances where updates may be triggered within the ten year period. We will also develop guidance to support any such change which provides clarity on the relationship between the plan review cycle, plan preparation period, updates and delivery programme. The key objective is that allocations within plans attract greater confidence in delivery and that planning authorities focus more proactively on implementation.

Proposed process of development plan preparation (2-3 years)



## Examination and Gatecheck

We recognise that fuller information on the issues which could be covered by a gatecheck within the examination process would also be helpful. The purpose of this change is to achieve a more project-managed approach to development planning, where key issues are addressed early on in an open and inclusive way, and there is clarity and shared ownership of the outcomes being sought. We expect to include a series of more detailed requirements in the Planning Bill and / or related secondary legislation. Matters which could be tested within the gatecheck could focus on:

- whether there is an adequate evidence base (e.g. infrastructure capacity, environmental assets and constraints, housing land assessments and audits);
- outcomes to be sought from the plan (housing requirements, targets for other development types, reuse of vacant and derelict land);
- proposed departures from national policy on the basis of local circumstances;
- methods for the plan preparation including the approach to engaging delivery bodies and the public, alignment with community planning and the scope of the accompanying environmental assessment.

The purpose of the gatecheck would be to provide reassurance on the evidence base and approach early enough in the process to take remedial action, rather than at the end of the process through the current examination process. Whilst we will look to clarify Ministers' powers for intervention in the local development plan process, our aspiration is that future arrangements will see more straightforward examinations as a result of the early gatecheck.

We continue to recognise that mediation has potential to support development planning, as well as wider aspects of the system, and will explore this further in future guidance rather than in the legislation.

## 5. Making plans that deliver.

We suggested measures for ensuring that allocating development land in a plan attracts more confidence in development delivery. This included setting a minimum level of information to be provided alongside development proposals in the local development plan, greater leadership from planning authorities in zoning land for development, and a stronger commitment from the key agencies to the development plan, to reduce the likelihood of objections arising at the consenting stage.

We also proposed that requirements for public involvement should be increased for sites which have not been allocated within the plan, and that conversely there may be scope for reduced consultation in the case of sites which are already confirmed as part of the plan.

- There is broad support for moving from relatively theoretical action planning towards a stronger delivery programme.
- Some respondents have emphasised that planning cannot deliver development on its own, and that buy-in from delivery partners is crucial.
- Concerns have been expressed, largely by the development industry, about introducing requirements for more information on viability at the site allocation stage and the proposal for enhanced engagement in the case of non-allocated sites. However, many other respondents, including communities, support this change.

We expect to bring forward measures to strengthen local development plan delivery programmes in the Planning Bill and through changes to secondary legislation.

There is strong support for a plan-led system. We therefore maintain our view that there should be enhanced engagement where a site that has not been allocated in a development plan is brought forward as an application.

Equally, we recognise the view that there could be greater flexibility in engagement requirements and scope where the principle of development of a site has already been fully debated and established at the development plan stage. We will therefore develop more specific proposals for adjusting pre-application consultation requirements which are more proportionate for allocated sites. These proposals are expected to involve future legislative change, as well as being supported by guidance.

The commitment to a plan led system needs to be accompanied by some confidence that allocated sites will be brought forward. Where site allocations are not being delivered over time, infrastructure providers face uncertainty and pressure can increase for sites to be de-allocated in favour of more effective land allocations. We will work with stakeholders to explore a proportionate framework to provide clarity on delivery whilst minimising additional investment in assessment. We expect to support this proposal through secondary legislation and guidance.

## PEOPLE MAKE THE SYSTEM WORK

### 6. Giving people an opportunity to plan their own place.

We agree with the independent panel that a new right should be introduced for communities to plan their own place, and that those plans have the potential to form part of the statutory development plan. Proposals for the form this might take were set out in the consultation paper.

- There is strong support for this proposal, particularly from communities and the civic sector.
- There are also concerns about added time and complexity, the potential to reinforce rather than resolve conflict, and resource requirements. Many have called for additional resources, support and training.
- Many believe that the local development plan should set the framework for local place plans.
- There is agreement that community councils could play a role in co-ordinating local engagement, whilst recognising that their capacity and representative-ness is currently variable and that other bodies have a valuable role to play.
- There are also concerns that a higher level of involvement in local place plans could undermine our broader emphasis on stronger, upfront engagement in local development plans.

We remain committed to this proposal as an essential part of re-imagining the role of communities within the system. We agree that there is a need to ensure that local place plans are used to promote appropriate development rather than as a vehicle to prevent it. We also agree that the relationship with the wider development plan is crucial.

We are currently looking at how local place plans could best be designed to address concerns and achieve wider buy-in from all interests in planning. The following key issues will be addressed:

- We expect the Planning Bill to include proposals for local place plans that are consistent with the local development plan.
- We are minded to leave processes and procedures for their preparation as flexible as possible so that communities themselves can define the best way of doing this for their area.
- We will set out how local place plans should be incorporated into the local development plan through an update that still allows for wider public consultation and independent scrutiny.
- We also expect that future guidance, learning and practice will need to be clear that a right to plan brings with it responsibilities, including to deliver on agreed needs and essential infrastructure.

We recognise the widespread support for community councils being involved in preparation of the development plan scheme and are therefore minded to take this forward. We would want to ensure, however, that wider organisations, such as community development trusts, also have an important and positive role in helping to deliver change. Recognising the importance of stronger links with community planning, we will also look at the role of locality plans as part of this.

As well as legislative change, local place plans in particular will require guidance and support for effective implementation. As a starting point, this year's programme of design-led engagement ('charrettes') will explore the challenges and opportunities arising from local place plans in more detail.

## 7. Getting more people involved in planning.

We recognise that a wider range of people should get involved in planning and have suggested that in particular, the involvement of children and young people could be supported by future change. We recently published research on the barriers to engagement in planning, helping to deepen our understanding of the issues at play. In addition, a survey of children and young people, conducted by YoungScot, has shown a significant amount of existing engagement, upon which further proposals can be built.

- Many respondents welcome our proposals but are seeking further detail on what needs to be done to broaden engagement.
- Views on this vary between sectors, with strong support from community respondents, alongside concern from the development sector and some planning authorities about the value, time implications and resources required to achieve fuller engagement.

We intend to bring forward targeted changes to the existing requirements for engagement to ensure that children and young people are specifically encouraged to get more involved in planning. We are also considering how we can take forward the recommendations arising from the research, including steps needed to achieve a real shift away from consultation towards more meaningful community empowerment within the planning system.

Development plan schemes, and in particular participation statements, could play an important role in this and we will therefore look to strengthen the provisions for them in the legislation. We will also continue to explore the scope for community empowerment and capacity building which extends beyond the planning system.

## 8. Improving public trust.

We suggested a number of changes to improve trust in planning, including amended requirements for pre-application consultation (PAC) for major and national developments; such as a requirement to provide feedback to communities following engagement, and asking whether there ought to be a time limit for submission of applications. We suggested removing the opportunity for applicants to submit a revised or repeat application at no cost if an application is refused, withdrawn or if an appeal is dismissed, and measures to strengthen enforcement. The need for training in community engagement, involving not only planning authorities but also the development sector was highlighted. As noted above, we also believe that development plan schemes could be used to secure stronger and more locally tailored approaches to engagement.

- There is strong support for these proposals from civil society respondents.
- Some feel that it is important that further requirements do not create greater conflict and uncertainty or slow down the system, arguing that current arrangements are sufficient.
- There are suggestions from across sectors that more could be done to clarify requirements and promote good practice in pre-application consultation.
- Views vary on the role of repeat applications, with developers expressing concern about loss of flexibility and increased costs, whilst communities continue to report that this can be a source of frustration and mistrust.
- Whilst there is a great deal of support for stronger enforcement, those who disagree argue that existing powers are under used, and that statutory change is not necessary.

We currently expect to progress these changes as proposed, given the role they could play in building trust in the planning system. We consider that most of these proposals can be taken forward through secondary legislation, although some changes may be needed in the Bill to ensure that Ministers' powers are sufficiently flexible.

## 9. Keeping decisions local – rights of appeal.

We suggested looking at the way that reviews and appeals are handled in the planning system, with the objective of keeping more decisions local.

- Views on these proposals are mixed and there appear to be significant concerns with some of the potential changes.
- Assigning further decisions directly to Ministers, rather than Reporters has limited support for different reasons, including potential for delays.
- There is strong consensus that the training of local elected members should be made mandatory.
- Concerns about the way in which local review bodies operate appear to be influencing the level of support for more local decisions.
- Views on charging fees for appeals are mixed with support from communities and planning authorities, but significant concerns from businesses and the development sector.

At this stage, we believe there is scope for some change, for example by looking at how minor developments such as advertisement consents are handled through to appeal. Opportunities for other types of consents to be reviewed locally may be more limited. We believe that more can be done through consistency in local schemes of delegation in order to encourage greater consistency as well as subsidiarity of decision making. Clear guidance and sharing of good practice could help to support this. There would also be merit in reviewing the effectiveness of local review bodies to explore lessons learned, share issues and solutions, and identify scope for future improvement. In the meantime no further legislative change is proposed. We do not intend to pursue the proposal for Ministers to take decisions more frequently, rather than Reporters. At this stage we do not propose to introduce fees for lodging either reviews or appeals.

We are exploring the scope for mandatory training for elected members who are serving on a planning committee or Local Review Body, potentially supported with testing. We have already offered financial support to planning authorities who are taking forward training following the May 2017 local elections.

Some respondents are disappointed that we are not considering introducing equal or third party rights of appeal. Others strongly support our position on this. Our view remains unchanged - we are convinced that stronger early engagement through the extensive measures set out above would be much more constructive. We will build on the existing strong provisions to involve people early in the planning process rather than at the end, and ensure that our system works for all, including those who want to invest in the quality of our places and our economy.

We have noted the positive comments received from authorities with islands on the proposals for greater subsidiarity to ensure planning better reflects their unique circumstances. We will continue to work with local authorities across Scotland to ensure local distinctiveness guides the level of flexibility required in the system. We will also continue to explore the role that a well-functioning planning system can play in contributing to the development of economic activity in rural Scotland and we will island proof the Planning Bill.

## BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE

### 10. Being clear about how much housing land is required.

The consultation paper was clear that more needs to be done to support housing delivery and we maintain that view. Work on planning for housing is ongoing alongside developing proposals for legislative change. We proposed that more could be done nationally, through the National Planning Framework, to guide the level of housing land required in local development plans.

- Different stakeholders have concerns about this proposal.
- Some do not support what they perceive to be centralisation, removing decisions on housing away from the local context, reducing transparency and a loss of flexibility.
- There are mixed views from the development industry, including some concerns that too flexible an approach at a national or regional level will do little to improve clarity, as well as calls for greater involvement and challenge in the Housing Needs and Demands Assessment (HNDA) process.
- Planning authorities and others argue that a clear national steer on housing land requirements would be welcomed if it helps to streamline local development planning and free up resources.



We have taken into account responses to the consultation, including the wide range of views on whether or not housing figures should be set at a national or local level.

Whilst it will be important to ensure that future changes to the planning system are equipped to deal effectively with planning for housing, we expect this to be addressed as a priority in policy and guidance, rather than through structural change to the system. Bearing in mind our proposals for enhancing the role of the National Planning Framework and Scottish Planning Policy, we will continue to work with housing professionals, planning authorities and developers to identify a solution which minimises the level of debate on how much land is required for housing. The objective is to allow everyone to focus more on delivering sufficient good quality housing which improves places and is supported by the right infrastructure.

### 11. Closing the gap between planning consent and delivery of homes.

We suggested that planning authorities could take more steps to actively help deliver development. Much of this would be supported by the wider proposed changes to the planning system as a whole, and the consultation paper noted that in addition, planning authorities could do more to enable development through greater use of existing powers (such as Compulsory Purchase Orders) as well as new and emerging delivery models and approaches. We also called for major applications for housing to be accompanied by appropriate information on development viability.

- Views on how this can be achieved range from those who argue that they will have little impact on delivery to others who are concerned that a drive to improve delivery could come at an environmental or social cost.
- Planning authorities have emphasised that their influence on the type of homes provided is limited.
- There are wider views that the lack of competition in the housing market (e.g. from smaller builders) is impacting on the diversity of homes delivered.
- There is agreement that planning can and should do more to support the delivery of different types of homes in different locations.

- Communities have emphasised the importance of creating high quality places rather than too great a focus on housing numbers. Within this, there is support for brownfield land in preference to greenfield sites, protection of prime agricultural land, and better co-ordination of housing with local facilities and infrastructure.
- The proposal for fuller information on development viability to support major applications has been welcomed by communities and most planning and policy respondents, but is not supported by the majority of development industry respondents. Some respondents have pointed out that assessments can change over time and that different circumstances will determine whether or not it can be made available.

Housing delivery is a continuing priority for this review. We will continue to work with others, including through the More Homes Scotland approach, to ensure that planning does all it can to enable the building of more high quality homes of a broader range of types, and in a way which strengthens places and quality of life. We remain clear that planning for housing should recognise the importance of working with our environmental assets to create great places.

We maintain that fuller information on the viability of sites and development delivery should be part of a planning process and will continue to develop this further with a view to future guidance.

Whilst changes to Compulsory Purchase Orders, Compulsory Sale Orders and a development land tax could all influence the context for planning for housing, we are exploring options around these separately and they will not be taken forward as part of the Planning Bill. We will, however, pursue revised guidance for operation of existing CPO powers in the short term.

### 12. Releasing more 'development ready' land for housing.

We suggested that greater use of a zoned approach to development has potential to support housing delivery. We are now progressing four pilot Simplified Planning Zones in Aberdeenshire, Argyll and Bute, North Ayrshire and Dumfries and Galloway to explore the potential for this further. We have also undertaken research, including a fact-finding visit to Ireland to look at their use of Strategic Development Zones.

- There is support for this in principle, but also questions about the extent to which this might result in a loss of development quality or engagement, or could undermine wider commitments to robust environmental assessment and design.
- Communities want to ensure that zoned areas are well serviced by infrastructure, fully consulted on and assessed for their impacts, including on the environment.
- Business and development industry respondents broadly welcome the proposal but are seeking further information.
- Questions have been raised about funding, both for establishing a zone and for providing the infrastructure, with some noting that fees would be lost whilst upfront resources would be needed.
- Others question the appropriateness of allocating a large area of land for a single use and there are calls for design, masterplanning and / or coding to be used to ensure quality of place.

We remain of the view that zoning has potential to unlock significant areas for housing development, including by supporting alternative delivery models such as custom and self-build. This could also support wider objectives including business development and town centre renewal.

We expect to bring forward proposals for legislative change that will refresh and rebrand Simplified Planning Zones and allow them to be progressed in a wider range of circumstances. These changes will be designed in a way which addresses issues raised in the consultation including the need for environmental assessment, design and quality to be built into schemes, and community engagement to be incorporated. We are also minded to make provision for discretionary charging. We will look at broadening the way in which the idea of establishing a zone can be progressed, including by allowing for Ministers to direct a zone to be established where it is in the national interest. Both local authorities and site promoters could also be given scope to bring proposals for zoning forward.

As with our wider aim of delivering more homes, opportunities for design, innovation and placemaking should be integral to these proposals.

### 13. Embedding an infrastructure first approach.

Effective infrastructure planning can ensure that places function properly and development improves, rather than detracts from quality of life. The consultation considered infrastructure governance, duties and responsibilities. We invited views on our proposal for a national working group to co-ordinate infrastructure and planning and also on whether our proposals for regional scale strategic planning would improve planning for infrastructure.

- A range of views have emerged from the consultation - most agree that some sort of action is required to address the issue and progress change.
- Some believe there is a need for a new national body, in many cases businesses or the development industry, and argue that a less formal arrangement would lack impetus.
- Others support a working group approach on the basis of concerns about creating another agency and 'increasing bureaucracy'.
- Co-ordination and communication is widely recognised as a priority, and many agree that there is scope to build on existing experience.
- There are also concerns about the extent to which an agency or delivery group would treat different areas of Scotland equitably.
- Scottish Ministers remain of the view that a new agency is not needed to improve the links between planning and infrastructure. We have also taken into account views that a working group may or may not lack influence or impetus. As there are different views on appropriate arrangements, but consensus on a need for action in the short term, we have asked the Scottish Futures Trust to work with us to take forward support for significant stalled sites in combination with the ongoing brokerage role of the Chief Planner. This will also link with the More Homes Scotland programme. Rather than having statutory powers, this would be led by the Scottish Government and involve infrastructure providers as and when required. We believe a task based approach is likely to have the greatest impact in the shortest time.

Furthermore, we are continuing to consider options for a national delivery group to support improved co-ordination of development and infrastructure issues. To inform this we will continue a dialogue with the current key agencies and private sector delivery partners including transport (rail), electricity, gas, heat, telecommunications and digital infrastructure providers. Over the coming months, this would provide a useful forum to discuss any potential changes to duties and powers to be considered for inclusion in the legislation.

We will continue to engage in the forthcoming review of the Infrastructure Investment Plan to ensure that the National Planning Framework informs decision making about future investment priorities. As proposals take shape, continuing alignment with ongoing work on the Enterprise and Skills Review and the National Transport Strategy's review of transport governance at the national, regional and local levels will be critical over the coming months.

Our proposal to move strategic development planning towards regional partnership working can also help to improve infrastructure governance and co-ordination. Infrastructure planning, from transport and utilities to catchment scale water and flooding management and green networks, requires a strong evidence base and often a cross boundary perspective. To develop the regional scale of infrastructure planning in more detail, we will explore approaches to regional infrastructure audits further over the coming months. We will also continue to work with infrastructure providers to define how best to facilitate their involvement in the planning system.

#### 14. Creating a fairer and more transparent approach to funding infrastructure.

We suggested that a new means of capturing land value uplift, in the form of an infrastructure levy, could be used to strengthen the scope for planning to support the delivery of development. We commissioned research and published a report of Stage 1 and 2 of this work alongside the consultation paper in January 2017. We also proposed removing scope for Section 75 planning obligations to be modified or discharged (Section 75A).

- There appears to be general support for the principle of introducing a levy, but views vary on the form it should take.
- Many consultees are seeking further information before reaching a view on whether or not it would be a positive change.
- The development industry are questioning what a levy would fund, with concerns that it would be used to replace central funding for infrastructure.
- Businesses are seeking more information on the impacts on project viability and are concerned that it could apply to development which has no impact on infrastructure.
- Public sector respondents consider that the amount of money a levy might raise may be limited, and that it may not help if it does not make funds available to support upfront costs.
- There is support for a mechanism which could supplement the contributions gathered through Section 75 planning obligations and a recognition of a need for different solutions.
- Strong views opposing the removal of Section 75A on the part of the development sector contrast with strong support for this change by communities.

We remain of the view that options for a levy or charge merit further consideration. We will finalise and publish a Stage 3 research report which identifies options that could be tested further. We will continue to explore this with assistance from the Scottish Futures Trust before coming to a view on the level of detail that can or should be included in the Planning Bill.

Having considered responses to the consultation as well as evidence on appeal cases for Section 75A in more detail, we are not currently minded to remove the provisions at Section 75A for modifying planning obligations. However, we remain open to considering whether changes to Section 75 may be required in connection with future decisions on the role of a levy.

## 15. Innovative infrastructure planning.

We highlighted a number of other planning priorities in Places, People and Planning including education, transport, green infrastructure, energy and digital infrastructure. This work continues to progress, involving extensive collaboration across Scottish Government policy areas. We have taken forward enhanced permitted development rights for telecommunications infrastructure and will continue our work on education infrastructure planning in the coming months.

We also sought views on whether 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 appears to be general support for this, based on our view that it has limited added value. However, there are some concerns that removing this appears to be inconsistent with the aspirations of the emerging Climate Change Plan. Given our commitment to climate change and the need for every policy area to contribute to reducing emissions, it is not our intention to progress this through the Planning Bill.

### STRONGER LEADERSHIP AND SMARTER RESOURCING

## 16. Developing skills to deliver outcomes.

We noted the importance of skills, including leadership, to support an improved planning system. We have now received recommendations from Heads of Planning Scotland (HoPS) and the Royal Town Planning Institute (RTPI) Scotland on skills development and shared services.

- There is widespread support for multidisciplinary working and opportunities to develop skills, such as internships and secondments.
- Priorities for training emerging from the responses include: leadership, mediation, development economics and finance, project management, design, placemaking, archaeology, environmental assessment and energy planning.
- There are some concerns about time and resources required, and that planning education needs to focus on practical skills.

We will continue to work with RTPI Scotland, Heads of Planning Scotland, COSLA and the Improvement Service on skills development. We will also explore the scope for shared services, and expect there could be particular benefit in developing more effective sharing of expertise in some specialisms such as archaeology or environmental assessment.

## 17. Investing in a better service.

We set out a range of proposals for which additional fees could be charged in order to ensure that the planning service can be better resourced. This included possible charges for appeals and reviews of decisions, agency services, pre-application discussions, Simplified Planning Zones, repeat applications, advertising costs (as part of a fee), central government functions, enhanced services or fast tracked applications.

- Responses to the consultation show agreement that planning is under-resourced.
- Many consultees feel that any increased income should be proportionate and ring-fenced to ensure it is invested back into the planning service.
- There are some concerns about more specific proposals for fees, including mixed views on fees for services provided by agencies and fees for appeals.
- Several interests (including energy developers, those operating in rural and island communities) have particular concerns about fees and the impact this would have on development viability.
- Many believe that an increase in fees should be matched with improved performance.
- There have been calls for any change in fees to be gradual and / or flexible to reflect different sectors and circumstances.

We believe that there is a need to ensure that the system is properly supported if it is to deliver on a more ambitious, enabling agenda. Following a separate consultation, we have increased the maximum planning fee. We will not consult on further changes until after the Planning Bill has been considered by Parliament, to ensure we have a clear idea of the resource implications arising from the finalised changes to the planning system. However, given the limited existing powers in current legislation around resourcing, we expect the Planning Bill to include additional enabling powers that provide scope to widen discretionary charging and to extend the range of services for which fees can be charged.

We recognise that the development and business sectors have some concerns about the impact of further charging on development viability and wider investment. Whilst it is too early to set it out in detail, as proposals emerge we will continue to evaluate their impact including through the requirement for a Business and Regulatory Impact of any relevant legislative change and the Financial Memorandum that will accompany the Planning Bill.

### 18. A new approach to improving performance.

Our proposals on improved performance reflected the importance of ensuring a good quality service for all users of the planning service. We asked how planning authorities could be supported to improve their performance and whether there is support for monitoring outcomes from planning more than procedures.

- Many consultees welcome the proposal to monitor outcomes, including on health and wellbeing as well as climate change and carbon emissions.
- Some suggest that the Place Standard could provide an ideal measure of how a place has changed.
- There is support for a proposal to introduce 360 degree feedback as part of performance monitoring.
- Some respondents have concerns about retaining the penalty clause, with views that it is a negative approach and that performance would be better improved with support rather than sanction.

The proposed changes to fees will not reduce Ministers' focus on a high performing system. We will continue to work with the High Level Group and others in pursuit of improved performance.

### 19. Making better use of resources: efficient decision making.

The consultation paper set out opportunities to streamline the system including by increasing permitted development rights and simplifying development management procedures.

- There is support for expanding permitted development rights from many consultees, including those areas set out in the consultation paper (digital telecommunications, low carbon developments, development supporting the farming sector, allotments and community growing schemes, town centre uses and aquaculture).
- Other areas proposed include energy infrastructure, broader agricultural uses, and some household extensions and alterations.
- Some consultees have concerns about the impact this could have, for example on conservation areas or rural areas.
- There are also mixed views on options for changes to development management, including some questions around the value of pre-determination hearings and full council decisions, and the legislation relating to the duration of approved planning permissions.

We remain of the view that broadening the scope for permitted development could play a significant role in making best use of resources in the planning system. Heads of Planning Scotland has since progressed work in this area and we will give more detailed consideration to the proposals, along with the priority areas identified in the consultation paper.

We are currently minded to take forward a range of improvements to development management procedures, and will give further consideration to consultation responses to inform our approach.

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

The consultation paper highlighted the importance of digital technologies and innovation to support the future planning service.

- There is considerable support for this proposal and a welcoming of the service already provided under the eDevelopment programme.
- Many feel that better use of digital technology, whether in the form of 3D visualisations or improved use of digital communication tools, could provide a step change in the way the planning system operates.

- Some concerns relate to resources and there have been calls for a central resource to support local authorities in moving to maximise opportunities through digital transformation.
- Some also expressed concerns about potential for digital exclusion.

We recognise the huge potential that exists through harnessing use of digital technologies and data more effectively and will be setting out our ambitions for a future digital planning service in Scotland shortly. We are moving forward with establishing a Digital Task Force to lead and shape these broad and transformational aspirations, as well as inform on more specific ideas and innovation in this key area.

### Questions

1. Do you have any views on the proposals contained within the position statement? There is no need to restate views already expressed in relation to Places, People and Planning as these have been, and will continue to be, taken into account as we move towards finalising the actions to be taken.
2. What are your views on the accuracy and scope of the information used to describe the SEA environmental baseline set out in the Environmental Report? (Please give details of additional relevant sources).
3. What are your views on the predicted environmental effects as set out in the Environmental Report?
4. What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?

### Next Steps

We have taken an open and collaborative approach to the review of the planning system to date, and intend to maintain this transparency as the work progresses.

Further views on the additional details provided in this statement and in response to the Strategic Environmental Assessment (SEA) Environmental Report are invited by 11 August 2017.

Responses should be sent to [planningreview@gov.scot](mailto:planningreview@gov.scot). We are conscious that many people have already spent considerable time contributing to the review, and so there is no need to restate views already expressed in relation to Places, People and Planning. These views have been, and will continue to be, taken into account as we move forward.

We will continue to keep stakeholders updated on progress and will undertake targeted engagement on certain proposals. We will also be undertaking engagement with specific organisations and others to help inform the Business and Regulatory Impact Assessment, Child Rights and Wellbeing Impact Assessment and the Equality Impact Assessment which will be submitted to the Scottish Parliament alongside the Planning Bill.

# RESPONDING TO THIS CONSULTATION

We are inviting responses to this consultation by 11 August 2017

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You can view and respond to this consultation online at <https://consult.scotland.gov.uk/planning-architecture/a-consultation-on-the-future-of-planning>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 11 August 2017

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

[Planningreview@gov.scot](mailto:Planningreview@gov.scot) or

Planning and Architecture Division  
The Scottish Government  
2-H South  
Victoria Quay  
Edinburgh  
EH6 6QQ

## Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form which can be accessed at <https://beta.gov.scot/policies/planning-architecture/reforming-planning-system/>. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

## Next steps in the process

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

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

## Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

[Planningreview@gov.scot](mailto:Planningreview@gov.scot) or

Planning and Architecture Division  
The Scottish Government  
2-H South  
Victoria Quay  
Edinburgh  
EH6 6QQ

## Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

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

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

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





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## APPENDIX 3

### PLACES, PEOPLE AND PLANNING – POSITION STATEMENT

Below is a summary of the key comments, made by the Scottish Government, in response to the 20 proposals contained in the *Places, People and Planning – A Consultation on the Future of the Scottish Planning System*.

#### 1. **Aligning community planning and spatial planning**

Minded to propose a statutory link between development planning and community planning in Planning Bill.

#### 2. **Regional partnership working**

Expect to bring forward changes to remove current requirements for Strategic Development Plans to be prepared and replace them with more flexible, but clearly defined duties and powers at this scale.

#### 3. **Improving national spatial planning and policy**

An enhanced National Planning Framework and Scottish Planning Policy, is promoted as it is considered together they would provide an effective strategic perspective for Scotland.

#### 4. **Stronger local development plans**

A key element of the Scottish Government proposals is a shift towards a focus on delivery and implementation. The intention is to bring forward a number of changes including the replacement of the Main Issues Report with a Draft Plan and the removal of Supplementary Guidance. Greater clarity on how a 10 year Plan would work will be provided. Overall, the prime aim is to create greater confidence that sites allocated will be delivered and that Planning Authorities will focus more on Plan implementation. A gatecheck is promoted to provide reassurance on the evidence base and approach early in the Plan process. This should ensure Local Development Plan Examinations will be more straight forward.

#### 5. **Making plans that deliver**

There is strong support for the Plan-led system and it is intended to strengthen Local Development Plan delivery programmes in the Planning Bill and through changes to secondary legislation.

#### 6. **Giving people an opportunity to plan their own place**

Scottish Government consider that Local Place Plans are used to promote appropriate development rather than prevent it. The Planning Bill will ensure Local Place Plans are consistent with the Local Development Plan and will be incorporated into the Local Development Plan through an update that will allow for public consultation and independent scrutiny.

**7. More people involved**

It is intended to bring forward targeted changes to the existing regulations for engagement to ensure that children and young people are encouraged to get more involved in planning.

**8. Improving trust**

Changes to improve trust are promoted including amending the pre-application consultation (PAC) process, removing the opportunity for 'free go' applications and, the need to wider community engagement training. The Scottish Government is to progress all of the proposed changes.

**9. Keeping decisions local**

It is considered that more can be done through consistency in local Schemes of Delegation and the Scottish Government does not intend for Ministers to take more decisions. There is also no intention to introduce fees for lodging either reviews or appeals. They will however, further explore the scope for mandatory training for Members who serve on a Planning Committee or Local Review Body. The Scottish Government remain unconvinced on the idea of third party rights of appeal.

**10. Being clear about how much housing land is required**

In view of the intention to enhance the role of the National Planning Framework and Scottish Planning Policy, the Scottish Government advise they will continue to work with housing professionals, planning authorities and developers to identify a solution which minimises the level of debate on how much land is required for housing.

**11. Closing the gap between planning consent and delivery of homes**

Scottish Government advise they will continue to work with others, to ensure that planning does all it can to enable the building of more high quality homes of a broader range of types. They further maintain fuller information on viability of sites and delivery should be part of the planning process.

**12. Releasing more 'development ready' land for housing**

Scottish Government still consider that a zoned approach has the potential to unlock significant areas for housing development including supporting alternative delivery models such as custom and self-build. It is intended to bring forward proposals for legislative changes to refresh and rebrand simplified planning zones.

**13. Embedding an infrastructure first approach**

Scottish Ministers remain of the view that a new agency is not needed to improve the links between planning and infrastructure. They are however, continuing to consider options for a National Delivery Group to support improved co-ordination of development and infrastructure. It is suggested that the proposal to move strategic development planning towards regional partnership working can also help to improve infrastructure governance and co-ordination. Scottish Government will also explore approaches to regional infrastructure audits as well as working with infrastructure providers to define how best to facilitate their involvement in the planning system.

**14. Creating a fairer and more transparent approach to funding infrastructure**

Scottish Government advise they consider a levy or charge merits further consideration and will therefore finalise and publish a Stage 3 Research Report which identifies options that could be tested further. Work will also continue to explore assistance from the Scottish Futures Trust. Scottish Government are not currently minded to remove the provisions at Section 75A for modifying planning obligations.

**15. Innovative infrastructure planning**

Scottish Government have already taken forward enhanced permitted development rights for telecommunications infrastructure, and will continue to work on education infrastructure planning in the coming months. There has been a change of view regarding the removal of Section 3f of the Climate Change (Scotland) Act 2009, whereby it is now not the intention to progress this through the Planning Bill.

**16. Developing skills to deliver outcomes.**

The Scottish Government will continue to work with others on skills development as well as explore the scope for shared services.

**17. Investing in a better service**

As maximum planning fees have already been increased there is no intention to consult on further charges until after the Planning Bill has been considered. The Planning Bill is likely to include additional enabling powers that provide scope to widen discretionary charging and to extend the range of services for which fees can be charged.

**18. A new approach to improving performance.**

Scottish Government will continue to work with a High Level Group and others in pursuit of improved performance.

**19. Making better use of resources: efficient decision making**

Scottish Government consider broadening the scope for permitted development could play a significant role in making better use of resources in the planning system. They are also considering taking forward a range of improvements to development management procedures.

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

Scottish Government are moving forward with establishing a Digital Task Force.

## APPENDIX 4

## PLACES, PEOPLE AND PLANNING – POSITION STATEMENT – OFFICER RESPONSE

**Response on Question 1:**

Do you have any views on the proposals contained within the Position Statement? (There is no need to restate views already expressed in relation to Places, People and Planning as these have been, and will continue to be, taken into account as we move towards finalising the actions to be taken).

Below is the Officer response submitted to the Position Statement and the Strategic Environmental Assessment (SEA) Environmental Report (SEA) to the 20 proposals contained in the *Places, People and Planning – A Consultation on the Future of the Scottish Planning System*.

**1. Aligning community planning and spatial planning**

*A statutory link would be welcomed. Greater clarity of how this would work is required and it should be noted that the Local Development Plan process already involves communities.*

**2. Regional partnership working**

*The removal of Strategic Development Plans would give timing difficulties to Aberdeen City and Shire (the other three Strategic Development Plan Authorities would be unaffected) as there is a requirement for Aberdeen City and Shire Strategic Development Plan Authority to commence production of a new Plan now. This new Plan could be approved in 2018-2019, but would be replaced by a new National Planning Framework in 2020. There are currently no transitional arrangements suggested.*

**3. Improving national spatial planning and policy**

*A new National Planning Framework and Scottish Planning Policy should be adopted by 2020. Aberdeenshire Council should have a new Local Development Plan in place 2021. This would need to be consistent with both documents. It will be challenging to produce a new Local Development Plan in 2021 taking into account the new adopted national documents. Scottish Government advice on transitional arrangements is required.*

**4. Stronger local development plans**

*Aberdeenshire Council has already taken steps, through the creation of a specific Delivery Team, to focus on bringing allocated sites on stream and we can share our experience with the Scottish Government and other Councils, if requested. The gatecheck is welcomed. Overall, more detail on the proposed new Local Development Plan system is required.*

**5. Making plans that deliver**

*The commitment to the plan-led system is welcomed, as is the need for more confidence that allocated sites will be developed. More detail, particularly in relation to the role of stakeholders is required.*

**6. Giving people an opportunity to plan their own place**

*It is essential that Local Place Plans are consistent with the Local Development Plan. It should be remembered that not all communities will necessarily want to, or be able to, get involved with Local Place Plans and questions exist over what to do in situations like this. Potential for inconsistency of approach and coverage exist.*

**7. More people involved**

*The intention to involve more people in the planning process is supported.*

**8. Improving trust**

*Improving trust between all parties is necessary. The likely progression of these changes is welcomed.*

**9. Keeping decisions local**

*No new comments.*

**10. Being clear about how much housing land is required**

*More detail is required on the liaison arrangements between Local Authorities and the Scottish Government on the means of resolving any potential differences of approach in assessing development land requirement.*

**11. Closing the gap between planning consent and delivery of homes**

*The viability of development being considered is supported. However, the response does not address the issue of big infrastructure requirements being identified late in the development process.*

**12. Releasing more 'development ready' land for housing**

*The creation of Simplified Planning Zones (SPZ) is resource intensive for Councils. As a consequence of a SPZ there is no need for developers to submit a planning application for certain development types and there would be a loss of income. This is unlikely to be a sustainable position for most Councils unless additional resources can be identified.*

**13. Embedding an infrastructure first approach**

*More detail on the ideas proposed above are required.*

**14. Creating a fairer and more transparent approach to funding infrastructure**

*More detail on the ideas proposed above is required.*

**15. Innovative infrastructure planning**

*Low carbon solutions and digital technologies should be encouraged and the Council's previous comments apply in respect of more work being required to enable these agendas to move forward.*

**16. Developing skills to deliver outcomes.**

*No further comments as nothing specific is proposed.*

**17. Investing in a better service**

*The principal of introducing more appropriate opportunities for discretionary charging is supported although further detail on this matter is required.*

**18. A new approach to improving performance.**

*No further comments as nothing specific is proposed.*

**19. Making better use of resources: efficient decision making**

*Previous changes to permitted development rights failed to reduce the number of planning applications received. The role of Pre Determination Hearing remains questionable in the overall planning application process.*

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

*The use of new technologies is welcomed although nothing specific is proposed.*



**Response on: Strategic Environmental Assessment (SEA) Environmental Report**  
**Questions 2- 4**

**2. What are your views on the accuracy and scope of the information used to describe the SEA environmental baseline set out in the Environmental Report?**

- Our view is that the environmental information reflects a broad and accurate overview of Scotland’s baseline information. It is proportionate and succinct, and at the same time it maintains essential elements of Scotland’s environmental information. For example baseline information presented does not only cover the role of the topics, summary of key issues and how EU law sets their context, it also identifies trends, pressures and key points. Biodiversity topic, for instance, addresses important issues such as ecosystem services and biodiversity value. This example for biodiversity can be said about other topics. By setting the baseline within the context of Environmental Protection Objectives, the authors of the report draw useful synergies between baseline data and policies, plans and objectives at international, national, regional and levels.
- The only minor comment is that while biodiversity topic has additional subsection entitled “Scotland’s Biodiversity,” other topics do not have corresponding sub-sections.

Please give details of additional relevant sources.

- None

**3. What are your views on the predicted environmental effects as set out in the Environmental Report?**

- The reports predicts effects at two levels of assessment – effects likely to flow from policy changes and those likely to arise during implementation phases.
- Article 4(3) of the SEA Directive clearly states that *“Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, inter alia, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3).”*
- It is good to see that this report clearly identifies what has already been assessed during the previous stage and avoids duplicating the assessments.
- Moreover by linking the assessment to previous assessments, it seeks to close gaps between the two proposals.
- Another strength of the assessment is that it identifies direct, indirect, secondary, derived and potential cumulative effects.

- It is very good to see an assessment of both positive and negative effects of the proposed changes introduced by the paper.
4. What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?
- Our view is that the report is at a very high level and therefore very broad brush in nature. For that reason it could only suggest “what could be done” but not “what should/must be done.” In terms of mitigation measures, the reports acknowledges its limitations but rightly identifies that more can be done through SEAs/HRAs of lower-terms plans and strategies.
  - Equally, it is good to identify the role of project-level EIA/HRAs in addressing adverse effects flowing from higher-tier strategic actions.
  - The report however seems to underplay potential negative effects of a move from 5 year LDPs to proposed 10 year LDPs. It notes that *“the proposed move to a 10 year plan period may be better placed to reflect the pace of environmental change; allowing for the review of local development plans between cycles can provide a further opportunity to address environmental issues.”*
  - While any reviews within a 10 year period may be accompanied by full SEAs, which might address potential adverse environmental effects within the 10-year period, there is no guarantee that plans should/would be reviewed. Even if reviews do occur, the tendency is to “refresh” the plans/strategies and “refresh” the SEAs with token measures. Thus it is not quite clear how a longer term plan can cope with rapid environment changes occurring within 10 years in the absence of stronger mitigation and monitoring measures.
  - It might well be argued that monitoring of plans within the 10-year period can provide a scope for addressing potential adverse effects. But there is no guarantee that this will actually happen with squeezes on departmental budgets. In this respect, the report’s finding of insignificant effects in respect of proposed 10-year LDPs might be less precautionary.
  - In summary, the report should identify potential significant adverse effects on the environment for the proposed 10-year plan and suggest a stronger mitigation and monitoring regime.