

To: Planning and Property Policy Board

On: 14 March 2017

Report by: Director of Development and Housing Services

**Heading: “Places, People and Planning”: The Scottish Government’s
Consultation on the future of the Scottish Planning System**

1. Summary

1.1 This report provides a synopsis of the Scottish Government’s consultation on the future of the Scottish planning system. The consultation advocates four key areas of change supplemented by a series of linked proposals, these are as follows:-

- (a) **Making plans for the future** principally through
 - Aligning community planning and spatial planning
 - Regional partnership working
 - Stronger local development plans
- (b) **People make the system work** by
 - Giving people an opportunity to plan their own place
 - Getting more people involved in planning
 - Keeping decisions local – rights of appeal
- (c) **Building more homes and delivering infrastructure** by
 - Being clear about how much housing land is required
 - Releasing more ‘development ready’ land
 - Embedding an infrastructure first approach
 - A more transparent approach to funding infrastructure
- (d) **Stronger leadership and smarter resourcing** through
 - Developing skills to deliver outcomes
 - Investing in a better service
 - Making better use of resources – efficient decision making.

- 1.2 The closing date for submitting the consultation response is the 4 April 2017. A full response on the 38 individual questions will be provided by the Director of Development & Housing prior to the consultation closing date.
-

2. Recommendations

- 2.1 It is recommended that the Board
- (i) Agrees that this Report is submitted in response to the Key Questions set by the Scottish Government in relation to its consultation on the future of the Planning System in Scotland; and
 - (ii) Authorises the Director of Development & Housing Services to provide a full response on all of the consultation questions to the Scottish Government prior to the closing date of April 4th 2017.
-

3. Background

- 3.1. The Planning system has experienced significant changes over the last 10 years since the introduction of the Planning etc (Scotland) Act 2006.
- 3.2. In September 2015 Scottish Ministers appointed a panel to undertake an independent review of the Scottish planning system to focus on six key themes. The panel reported in May 2016, with a suite of forty-eight recommendations aimed at delivering six outcomes:-
- (1) Strong and flexible development plans;
 - (2) The delivery of more high quality homes;
 - (3) An infrastructure first approach to planning and development;
 - (4) Efficient and transparent development management;
 - (5) Stringer leadership, smarter resourcing and sharing of skills; and
 - (6) Collaboration rather than conflict – inclusion and empowerment.
- 3.3 The Scottish Government response to the Review of Planning was issued in July 2016 and in welcoming the report, Ministers signalled their agreement in principle with many of the recommendations.
- 3.4 The Scottish Government published its consultation document on the future of the planning system in Scotland, 'Places, People and Planning' on 10th January 2017 with a closing date for submissions by 4 April 2017.
- 3.5 It is anticipated that a new Planning Bill will be published by the end of 2017 which will be put before the Scottish Parliament.
-

4. Key Changes proposed by ‘Places, People and Planning’

4.1. Making Plans for the Future

The consultation document sets out a recommendation to align Community Planning and spatial planning and a requirement for Development Plans to take account of wider community planning.

There is also a call for refocused regional partnership working – including a proposal that Strategic Development Plans should be removed from the system as a means of encouraging more proactive regional partnerships.

The consultation seeks comments on the need to deliver robust Development Plans, proposing that the plan period be extended to 10 years and that ‘Main Issues Reports’ and Supplementary Guidance be removed. A new ‘gatecheck’ system is proposed to improve plan examinations by dealing with significant issues at an earlier stage.

4.2. People Make the System Work

The consultation suggests mechanisms to give people an opportunity to plan their own place. This proposes a new right for communities to come together and prepare local place plans which should form part of the statutory local development plan.

Getting more people involved in planning – Introducing measures that enables children and young people to have a stronger voice in decisions about the future of their places.

It is also suggested that there should be a review of pre-application consultation and greater community involvement where proposals are not supported in the development plan. It is also proposed to discourage repeat applications and to improve planning enforcement.

Finally in order to keep decisions local; it is proposed that more review decisions should be made by local authorities rather than centrally.

4.3. Building More Homes and Delivering Infrastructure

The Review Document expresses a need to be clear about how much housing land is required. In this respect it states that Planning should take a more strategic view of the land required for housing development. Clearer national and regional aspirations for new homes are proposed.

This would involve identifying more ‘development ready’ land with a strategic and flexible approach to identify land for housing in plans; and that consents could be put in place for zoned housing land through mechanisms such as Simplified Planning Zones (SPZs).

The Consultation document also calls for better co-ordination in the delivery of infrastructure and the need for the development industry and public bodies to work in partnership.

4.4 **Stronger Leadership and Smarter Resourcing**

The consultation recognises the need to develop skills to deliver outcomes. This states that increasing planning fees would ensure the planning service is better resourced.

A new approach to improving performance and strengthening the way in which performance is monitored, reported and improved is called for.

Finally in order to make better use of resources, the consultation suggest that removing the need for planning consent for a wider range of developments; and changes to development management to ensure decisions are made more quickly and transparently would be appropriate.

.

5. **Key Questions and Responses.**

- 5.1 The consultation poses a series of key questions supplemented by a number of specific 'optional technical questions'. These key questions, and the recommended responses, are set out below:-

- 5.2 **Key Question A - Making Plans for the Future:** Do you agree that our proposed package of reforms will improve development planning?

Response:

Aligning Community Plans and spatial planning is welcomed. The Renfrewshire Local Development Plan already reflects and takes account of the vision, aims and objectives set out in Renfrewshire's Community Plan.

The outcomes of the Community Plan are also embedded in the Local Development Plan Action Programme, where it acts as the delivery mechanism for the Community Plan. Introducing a statutory link between the Development Plan and Community Plan is therefore not considered necessary.

Regional partnership working is already carried out in the Glasgow City Region through a range of vehicles including Clydeplan and the Glasgow City Region structure. It is considered that in order to strengthen this partnership there remains a requirement to produce a Spatial Plan which provides the framework to deliver sustainable economic growth across the Region.

Removing and not preparing Clydeplan Strategic Development Plan would risk losing the spatial expression of where development should and should not happen in the Region.

It is considered that should the Scottish Government decide to remove Strategic Development Plans from the Planning hierarchy, that statutory powers/duties should be put in place to create appropriate partnerships that are established through a duty to prepare a Spatial Strategy outlining the delivery framework for the Regional Partnership which would be set out in the new enhanced National Planning Framework.

An enhanced National Planning Framework which provides clear regional priorities is welcomed as long as it is informed and prepared by Regional Partnerships which are led by Local Authorities who are compelled to work together to provide regional spatial strategies along with priorities to guide investment and development that align to the delivery of the objectives set out in the National Planning Framework.

Renfrewshire Council agree that Local Development Plans should be reviewed every 10 years. However would welcome consideration that every two years a housing land supply update is provided to ensure that there is a continuous and effective housing land supply at all times.

Having Plans 'Gatechecked' by an independent Party early in the plan preparation process is welcomed. This would provide more certainty to all that the Plan is realistic and deliverable. However this process has to be fully resourced to prevent delays in plan preparation as well as preventing a long final Examination of the Plan prior to adoption.

- 5.3 **Key Question B - People Make the System Work:** Do you agree that our proposed package of reforms will increase community involvement in planning?

Response:

While the principle of preparing local place plan may be well received by many communities, there is concern that not all communities will be equipped with the skills and resources to prepare their own Place Plans.

Renfrewshire Council is also concerned that the preparation of these Place Plans may not be reflective of entire communities and there may be delay in agreeing the final Place Plan for an area. There is also some questions regarding raising expectations in Place Plans, in particular how these Plans can be resourced and who would deliver these Plans.

Renfrewshire Council agree that more people should get involved in planning. To do this Planning needs to be a part of the education curriculum, where local children and young people shaping their local area.

Renfrewshire Council would agree that there is a benefit in increasing the fees for retrospective planning applications as well as the fixed penalties for breaches of planning control.

- 5.4 **Key Question C - Building More Homes and Delivering Infrastructure:**
Will these proposals help to deliver more homes and the infrastructure we need?

Response:

Renfrewshire Council welcome the proposal to agree the number of homes required to be delivered at the National level, preventing protracted debate on housing numbers and more time on delivering the right homes in the right places.

More information / details are required on using land assembly powers to enable developments. It is considered that land assembly is almost always reliant on adequate infrastructure provision being in place to unblock development sites.

Renfrewshire Council have actively supported and implemented Simplified Planning Zones (SPZs) for both business locations and a town centre. However The Council fail to see how SPZs for housing sites will make land more development ready for housing than going through a Planning Permission in Principle.

- 5.5 **Key Question D - Stronger Leadership and Smarter Resourcing**
Do you agree the measures set out here will improve the way that the planning service is resourced?

Response:

It is widely accepted that a skilled professional workforce is better able to provide efficient and effective outcomes, and to provide a better service to all users of the planning system. Culture change has been widely adopted across the public sector planning service with the emphasis being less on controlling development and more on managing change and outcomes.

Resourcing will remain key to securing a high performing planning system as only so much can be achieved through a positive approach to encouraging development; there are limits to efficiency savings which can be derived from process changes and ICT; and efficient decision making and extended permitted development rights impose their own challenges.

Culture change also needs to take place within the development sector through a more collaborative and listening approach to public engagement and more generally, development has to be viewed as both a positive and natural process for towns and communities to grow and thrive and for investment to take place.

The broad suite of measures such as raising the maximum level of planning fees, charging for appeals, higher charges for retrospective applications and those on sites not supported by the adopted local development plan, discretionary charging, and charging for pre-application advice, could also help to focus priorities on those activities.

Concern should be expressed however over any suggestion that arrangements for funding central government functions related to planning should be subsidised through the planning fees paid to local authorities (much in the same way that the recent consultation on increasing Building Warrant fees proposed the 'top-slicing' of approximately 43% of any additional fee income generated to be diverted to fund the Scottish Government's Building Standards Division).

6. Summary and Conclusions

- 6.1 The general thrust of the proposals set out in the consultation paper is welcomed. The underlying principles of a planning system that has a positive attitude to sustainable development, operating within a plan-led context, and which seeks to encourage engagement with as wide a range of stakeholders as possible are all worthy of support. Delivering more homes and the infrastructure necessary to service and support them are also worthy ambitions.
- 6.2 It is also accepted that for there to be a realistic prospect of achieving these objectives, the planning service requires to be properly resourced and with the necessary professional skills. The report recognises that this should include high quality and innovative training of the development sector in community involvement.
- 6.3 Performance will also continue to play a key role in how the planning system is perceived to be working; and not only does it continue to be crucial to make good decisions, but also to make them quickly and efficiently.
- 6.4 Renfrewshire Council is concerned at the suggestion removal of Strategic Development Plans and would welcome further input into how Regional Partnership will be formed, the mechanism, roles and responsibilities and geographies of these partnerships along with how they will be resourced.

Implications of the Report

- 1. **Financial** - Given that this is a consultation paper there is no certainty as to what the outcome of the consultation will be and what will be in the final Planning Bill.
- 2. **HR & Organisational Development** – None.
- 3. **Community Planning** – None
- 4. **Legal** – None.
- 5. **Property/Assets**–None.
- 6. **Information Technology** – None.

7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
 8. **Health & Safety** – None.
 9. **Procurement** – None.
 10. **Risk** – None.
 11. **Privacy Impact** – None.
-

List of Background Papers

- (a) Background Paper 6: 'Places, people and planning' - Scottish Government Consultation on the future of the Scottish planning system (January 2017)
<http://www.gov.scot/Publications/2017/01/3486>
-

Author: David Bryce, Development Standards Manager, 0141 618 7892;
david.bryce@renfrewshire.gov.uk
Sharon Marklow, Strategy and Place Manager, 0141 618 7835;
sharon.marklow@renfrewshire.gov.uk

6 March 2017