

**To: Communities, Housing and Planning Policy Board**

**On: 16 January 2018**

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**Report by: Acting Director of Development and Housing Services**

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**Heading: Planning (Scotland) Bill 2017**

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**1. Summary**

- 1.1 Throughout 2017, reports have been provided to the Planning and Property Policy Board and the Communities, Housing and Planning Policy Board updating members on the Scottish Government's review of the Scottish Planning System.
  - 1.2 On the 4 December 2017, the Minister for Local Government and Housing introduced the Planning (Scotland) Bill 2017 to the Scottish Parliament setting out how the Bill will underpin improvements to the Planning System.
  - 1.3 The Bill is now under the control of the Scottish Parliament's Local Government and Communities Committee. It is anticipated that there will be a Call for Evidence early in 2018 to inform its scrutiny.
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**2. Recommendations**

- 2.1 It is recommended that the Board:-
  - (i) Notes that the Planning (Scotland) Bill has been presented to the Scottish Parliament for scrutiny; and,
  - (ii) Authorises the Acting Director of Development and Housing Services to submit views on the Planning (Scotland) Bill if requested.

### **3. Background**

- 3.1 In September 2015, the Scottish Ministers appointed a panel to undertake an independent review of the Scottish Planning System. The panel reported in May 2016. The Scottish Government's response to the Review of Planning was issued in July 2016.
- 3.2 On the 10 January 2017, a consultation document on the future of the Planning System in Scotland, 'Places, People and Planning' was issued by the Scottish Government. Renfrewshire Council along with a range of other stakeholders provide a response to the consultation on the 4 April 2017.
- 3.3 Taking into account the wide range of views expressed in the consultation, the Scottish Government published a Position Statement on the 29 June 2017 setting out potential changes to the Scottish Planning System. Although the Position Statement set out the key changes, no final decisions had been made on the content of the proposed new planning legislation.
- 3.4 The Planning Bill was introduced to the Scottish Parliament on the 4 December 2017. The Minister for Local Government and Housing made a statement to the Scottish Parliament on Planning and Inclusive Growth, setting out how the Bill aims to underpin improvements to the Planning System, with new legislation to simplify and improve the system.

### **4. Planning (Scotland) Bill 2017**

- 4.1 The Bill aims to focus planning and planners on delivering development rather than focusing on the continuous writing of Plans. It seeks to empower people and communities to get them more involved and influence future development in their areas.
- 4.2 It sets out a new way to fund infrastructure development and aims to reduce complexity, while improving accountability and trust in planning processes and decision-making.
- 4.3 The Bill is part of a wider programme of reforms to the planning system, responding to the review of planning that has ongoing since 2015. It also includes changes to secondary legislation as well as non-legislative changes.
- 4.4 In summary the Bill seeks to:

#### **Development Planning**

- Remove the requirement to prepare Strategic Development Plans;
- Enhance the status of the National Planning Framework and Scottish Planning Policy. Together they will set out policies and proposals for the development and use of land as well as set the framework for Local Development Plans;
- Allow the Scottish Ministers to direct a planning authority, or two or more planning authorities to co-operate with one another in informing the National Planning Framework;

- Ensure that Local Development Plans have a greater emphasis on delivering developments with a duty to prepare a Delivery Programme;
- Require that the National Planning Framework and Local Development Plans to be prepared at least every 10 years rather than every 5 years;
- Remove the requirement of Local Planning Authorities to prepare a Main Issues Report when preparing a Local Development Plan;
- Remove the ability for Local Planning Authorities to prepare Supplementary Guidance;
- Require Planning Authorities to take account of Local Outcomes Improvement Plans (the Community Plan);
- Encourage communities to prepare Local Place Plans for their area and for Planning Authorities to have regard to Local Place Plans when preparing a Local Development Plan;

### **Development Management**

- Refresh Simplified Planning Zones, replacing them with Simplified Development Zones which should be less resource intensive to prepare, with more powers to alter once the zones are in place;
- Changes to Schemes of Delegation with new provisions to extend and expand what could be determined under delegated powers with a wider range of applications able to be reviewed by Local Review Bodies;
- There is to be specified training requirements for elected members on Planning Boards. The training requirements may mean attendance on a training course and/or an examination. Where training has not been undertaken, there will be powers allowing the Scottish Ministers to transfer the functions of the Board to another Planning Authority or to the Scottish Ministers;
- Provision for widening the scope of Planning Authorities being able to charge for planning functions;
- There will be new powers to introduce an infrastructure levy in respect of a development. The income from levy must be used to fund or contribute to funding infrastructure projects.

## **5. Next Steps**

- 5.1 The Bill is now under the control of the Scottish Parliament's Local Government and Communities Committee. It is anticipated that there will be a Call for Evidence early in 2018 to inform its scrutiny. If and when called, Renfrewshire Council will provide views on the Planning (Scotland) Bill to the Committee.
- 5.2 Further reports will be provided to the Board as the legislative changes and detailed proposals on the review of the planning system emerge.

## Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None.
3. **Community Planning – Our Renfrewshire is thriving** – The Planning Bill would assist in achieving Inclusive Growth helping to make sure Renfrewshire's investment and opportunities deliver for all.
4. **Legal** – None
5. **Property/Assets** – None
6. **Information Technology** - None
7. **Equality & Human Rights** -
  - (a) 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. 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
12. **Cosla Policy Position** – None

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**List of Background Papers** – The Planning (Scotland) Bill 2017 can be found on the Scottish Parliament's web pages at:

<http://www.parliament.scot/parliamentarybusiness/Bills/106768.aspx>

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