

**“PLACES, PEOPLE AND PLANNING”  
A CONSULTATION ON THE FUTURE OF THE SCOTTISH  
PLANNING SYSTEM**

**Report by Service Director Regulatory Services**

---

**SCOTTISH BORDERS COUNCIL**

**30 March 2017**

---

**1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval of the response prepared by the Chief Planning Officer on behalf of Scottish Borders Council in respect of the Scottish Government consultation “Places, People and Planning” that sets out the options for the future of the planning system in Scotland.**
- 1.2 The consultation contains proposals to make significant changes to the existing planning system in Scotland. The key thrust of the changes is to have a planning system that helps growth to happen and unlocks the potential of our people and places. The proposals identify four key areas of change:
- Making plans for the future
  - People make the system work
  - Building more homes and delivering infrastructure
  - Stronger leadership and smarter resourcing
- 1.3 The consultation seeks views on 20 proposals for improving the planning system set out within these four key areas. There is also a series of technical questions for each of these proposals. Appendix A sets out the response of the Chief Planning Officer to these proposals and questions.
- 1.4 The proposals seek to refocus the planning system on delivering outcomes, facilitating economic development and Placemaking, whilst enhancing community engagement and reducing and simplifying processes and procedures.

## **2 RECOMMENDATIONS**

- 2.1 I recommend that the Council approves the consultation response set out in Appendix A as the Scottish Borders Council's formal response to the Scottish Government consultation "Places, People and Planning".**

### 3 BACKGROUND

- 3.1 The Scottish Government announced its intention to review the planning system in its programme for government 2015/16. The review was undertaken by an independent review panel, chaired by Crawford Beveridge (Chair of Council of Economic Advisors), and also including Petra Biberbach (Planning Aid Scotland) and John Hamilton (Scottish Property Federation).
- 3.2 The Panel's report "Empowering Planning to Deliver Great Places" was published in May 2016 and Scottish Ministers published their response to its content on 11 July. Ministers considered that the review provided an excellent opportunity to improve Scottish planning's confidence, reputation and ability to deliver real and positive change on the ground. They strongly supported the six outcomes proposed by the review:
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. Stronger leadership, smarter resourcing and sharing of skills.
  6. Collaboration rather than conflict – inclusion and empowerment.
- 3.3 Scottish Ministers set out a number of immediate actions they would undertake to implement the recommendations, and identified a programme of work, including establishing working groups and commissioning research, that would lead to the publication of a consultation paper in early 2017.
- 3.4 This work has now culminated in the publication of the consultation "Places, People and Planning" which sets out the options for change.  
**The deadline for responses to the consultation is 4 April 2017.**

### 4 KEY PROPOSALS

- 4.1 The consultation document which is attached as Appendix B, sets out a range of options to change the planning system in four key areas. These are set out below along with the 20 key proposals:

#### **Making Plans for the Future**

*"We want Scotland's planning system to lead and inspire change by making clear plans for the future."*

Scottish Government proposes:

- 1 Aligning community planning and spatial planning. 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.

- 2 Regional partnership working. We believe that strategic development plans should be removed from the system so that strategic planners can support more proactive regional partnership working.
- 3 Improving national spatial planning and policy. The National Planning Framework (NPF) can be developed further to better reflect regional priorities. In addition, national planning policies can be used to make local development planning simpler and more consistent.
- 4 Stronger local development plans. We believe the plan period should be extended to 10 years, and that 'main issues reports' and supplementary guidance should be removed to make plans more accessible for people. A new 'gatecheck' would help to improve plan examinations by dealing with significant issues at an earlier stage.
- 5 Making plans that deliver. We can strengthen the commitment that comes from allocating development land in the plan, and improve the use of delivery programmes to help ensure that planned development happens on the ground.

### **People Make the System Work**

*"We want Scotland's planning system to empower people to decide the future of their places."*

Scottish Government proposes:

- 6 Giving people an opportunity to plan their own place. Communities should be given a new right to come together and prepare local place plans. We believe these plans should form part of the statutory local development plan.
- 7 Getting more people involved in planning. A wider range of people should be encouraged and inspired to get involved in planning. In particular, we would like to introduce measures that enable children and young people to have a stronger voice in decisions about the future of their places.
- 8 Improving public trust. Pre-application consultation can be improved, and there should be greater community involvement where proposals are not supported in the development plan. We also propose to discourage repeat applications and improve planning enforcement.
- 9 Keeping decisions local – rights of appeal. We believe that more review decisions should be made by local authorities rather than centrally. We also want to ensure that the system is sufficiently flexible to reflect the distinctive challenges and opportunities in different parts of Scotland.

## **Building More Homes and Delivering Infrastructure**

*"We want Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest."*

Scottish Government proposes:

- 10 Being clear about how much housing land is required. Planning should take a more strategic view of the land required for housing development. Clearer national and regional aspirations for new homes are proposed to support this.
- 11 Closing the gap between planning consent and delivery of homes. We want planning authorities to take more steps to actively help deliver development. Land reform could help to achieve this.
- 12 Releasing more 'development ready' land. Plans should take a more Strategic and flexible approach to identifying land for housing. Consents could be put in place for zoned housing land through greater use of Simplified Planning Zones.
- 13 Embedding an infrastructure first approach. There is a need for better co-ordination of infrastructure planning at a national and regional level. This will require a stronger commitment to delivering development from all Infrastructure providers.
- 14 A more transparent approach to funding infrastructure. We believe that introducing powers for a new local levy to raise additional finance for infrastructure would be fairer and more effective. Improvements can also be made to Section 75 obligations.
- 15 Innovative infrastructure planning. Infrastructure planning needs to look ahead so that it can deliver low carbon solutions, new digital technologies and the facilities that communities need.

## **Stronger Leadership and Smarter Resourcing**

*"We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places."*

Scottish Government proposes:

- 16 Developing skills to deliver outcomes. We will work with the profession to improve and broaden skills.
- 17 Investing in a better service. There is a need to increase planning fees to ensure the planning service is better resourced.
- 18 A new approach to improving performance. We will continue work to strengthen the way in which performance is monitored, reported and improved.

- 19 Making better use of resources – efficient decision making. We will remove the need for planning consent from a wider range of developments. Targeted changes to development management will help to ensure decisions are made more quickly and more transparently.
- 20 Innovation, designing for the future and the digital transformation of the planning service. There are many opportunities to make planning work better through the use of information technology. The planning service should continue to pioneer the digital transformation of public services.

## **5 RESPONSE TO CONSULTATION**

- 5.1 The detailed response to the consultation questions is set out in Appendix A. In general, the proposed changes are welcomed. It is considered that, subject to further detailed consideration of a number of issues highlighted in our response, these changes should provide a leaner, more flexible and proactive planning system in Scotland that engages better with its communities and is more able to deliver good quality places.
- 5.2 It is pleasing to note that many of the options suggested in our earlier response to the consultation by the Independent Review Panel have been incorporated into the consultation proposals. There are tensions between the proposals to encourage localism and public engagement and the proposals that have a potentially centralising effect and it will not be until these are developed further that their implications for the Scottish Borders will be fully understood.

## **6 NEXT STEPS**

- 6.1 Scottish Government aims to take forward a positive and ambitious programme of planning reform over the coming months. Some of the proposals for change will be achieved through a Planning Bill and related secondary legislation, but there also is much that will be achieved ahead of these changes. It is anticipated that a Planning Bill will be presented for consideration by the Scottish Parliament by the end of 2017.
- 6.2 Scottish Government will be undertaking further research and testing of some of the proposals in collaboration with stakeholders. They will set up and develop the work of the digital task force and reconvene the six working groups who have helped develop this paper to explore the emerging proposals further. Officers from the planning service have been actively involved in the working groups and events organised by the Improvements Service, Heads of Planning Scotland and Scottish Government and would look to continue our active role in in the review.

## **7 IMPLICATIONS**

### **7.1 Financial**

There are no cost implications arising for the Council in responding to the consultation. However, the proposed changes to the Development Plan system and in particular the removal of the requirement to produce Strategic Development Plans, have the potential to deliver savings. In addition, proposals contained in this consultation may result in increased planning fees being charged, along with the ability to charge for pre-application advice. This could go some way to addressing the budget pressures currently being experienced by the planning service. The potential for higher fees will have to be balanced against the potential loss of fees due to the increase in permitted development rights.

It is encouraging that Scottish Government looks to be moving to a position where, in time, full recovery of the costs for delivering planning services may be possible.

There is currently a separate consultation on increasing the maximum fee cap for major applications, which would generate substantial fees for windfarm applications in the Scottish Borders. A response has been submitted agreeing to the increase in fees suggested.

### **7.2 Risk and Mitigations**

The key risks are considered to be:

#### Risk of not responding to this consultation:

- (i) Failure to respond to the consultation would limit the Council's ability to influence the new planning system in Scotland and reflect and highlight the issues relevant to a rural planning authority.
- (ii) Failure to respond to the consultation would limit the Council's ability to secure an adequate increase in fees to address full recovery of costs for providing the planning services in the Scottish Borders.

#### Risk of responding to this consultation

There are no perceived risks related to the Council responding to this consultation.

### **7.3 Equalities**

An Equalities Impact Assessment and a Children's Rights and Wellbeing Assessment have been carried out on the consultation proposals by Scottish Government and it is anticipated that there are no adverse equality implications. There are key provisions within the consultation that will have a positive impact on equalities as they will improve and enhance community engagement, assist people planning their own place, get more people involved in planning (including difficult to reach groups and young people) and improving public trust in planning.

**7.4 Acting Sustainably**

There are no significant adverse effects on the economy, community or Environment and there will be real potential for the more effective delivery of sustainable economic development.

In mid-2017, SG will publish a Strategic Environmental Assessment (SEA) Environmental Report. Views will be invited at this stage, in line with the requirements of the Environmental Assessment (Scotland) Act 2005.

**7.5 Carbon Management**

There are no significant adverse effects on carbon emissions arising from the proposals contained in this report. See 6.4 regarding SEA carried out. The proposals seek to ensure greater procedural efficiency and a move towards digital delivery of services, reducing reliance of paper/post etc.

**7.6 Rural Proofing**

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

**7.7 Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

**8 CONSULTATION**

8.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer Human Resources and the Clerk to the Council have been consulted and any comments received have been incorporated in the final report.

**Approved by**

**Brian Frater**  
**Service Director Regulatory Services**      **Signature .....**

**Author(s)**

| Name       | Designation and Contact Number |
|------------|--------------------------------|
| Ian Aikman | Chief Planning Officer         |

**Background Papers:**

- Appendix A - CONSULTATION REPNSE
- Appendix B - "PLACES, PEOPLE AND PLANNING" - A CONSULTATION ON THE FUTURE OF THE SCOTTISH PLANNING SYSTEM

**Previous Minute Reference:**



- Planning & Building Standards Committee minute 6<sup>th</sup> March 2017

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email [eitranslationrequest@scotborders.gov.uk](mailto:eitranslationrequest@scotborders.gov.uk)