

“PLACES, PEOPLE AND PLANNING - POSITION STATEMENT”

Report by Service Director Regulatory Services

PLANNING & BUILDING STANDARDS COMMITTEE

7 AUGUST 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 key changes proposed to the planning system in Scotland set out in the Scottish Government’s Position Statement.**
- 1.2 On 29 June 2017 Scottish Government published a Position Statement setting out the measures Scottish Ministers are likely to take forward through the forthcoming Planning Bill, secondary legislation and other, non-statutory approaches. The statement was produced after taking account of the submissions made to the consultation document “Places People and Planning - A consultation on the future of the Scottish planning system” published in January 2017.
- 1.3 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. The changes set out in the statement focus on technical matters and future legislative amendments, but this also forms part of a wider programme of reform and behavioural change in planning.
- 1.4 The report seeks approval for the reply to the current consultation but it is also an opportunity for new members to be briefed on the impending changes to the planning system in Scotland. Responses to the consultation require to be submitted by 11 August 2017.

2 RECOMMENDATIONS

- 2.1 I recommend that the Planning & Building Standards Committee 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 Position statement”.**

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 In response to the report's findings, 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 lead to the publication of a consultation paper in January 2017 "Places, People and Planning" which set out the options for change. The Council's response to that consultation is set out in Appendix C to this report.
- 3.4 After reflecting on the outputs from the research and workshops and analysing the consultation responses Scottish Ministers published in June 2017 the Position Statement on how it is intended to take the proposals forward into legislation and guidance.

4 KEY PROPOSALS

- 4.1 The consultation document, which is attached as Appendix B, sets out options to change the planning system in four key areas and in respect of 20 key proposals set out in the Scottish Government's consultation document of January 2017:

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
A statutory link between development planning and community planning. They 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.
- 2 Regional partnership working
To remove current requirements for strategic development plans to be prepared and replace them with more flexible, but clearly defined duties and powers for authorities to work together and develop regional partnerships, which would contribute to an enhanced National Planning Framework.
- 3 Improving national spatial planning and policy
Improve national spatial planning through enhancement of the status of the National Planning Framework and Scottish Planning Policy, introducing shared responsibility for their production and better integration with other key government strategies and plans.
- 4 Stronger local development plans
That the plan period for Local Development Plans be extended to 10 years, but including provision for plans to be amended or updated more simply between full review cycles. Introducing a more project managed approach to deliver plans including a Gatecheck process to check the evidence base of plans and enable key issues to be addressed early in the process.
- 5 Making plans that deliver
Enhanced engagement where a site that has not been allocated in a development plan is brought forward as an application and a resultant greater flexibility in pre-application consultation requirements for allocated sites. To require clarity on delivery of allocated sites whilst minimising additional investment in assessment.

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
To introduce a new right for communities to plan their own place, and that those plans have the potential to form part of the statutory development plan.
- 7 Getting more people involved in planning
To bring forward targeted changes to existing requirements for engagement to ensure that children and young people are specifically encouraged to get involved in planning. Set out the steps needed to achieve a shift away from consultation towards

more meaningful community empowerment within the planning system.

8 Improving public trust

That Pre-application consultation is improved, including a requirement to provide feedback to communities following engagement and a time limit for submission of applications. To remove the opportunity for revised or repeat application to be submitted at no cost and introduce measures to strengthen enforcement. To introduce training in community engagement, involving not only planning authorities but also the development sector. To use Development plan schemes to secure stronger and more locally tailored approaches to engagement.

9 Keeping decisions local – rights of appeal

Look at how minor developments such as advertisement consents are handled through to appeal. Provide clear guidance and sharing of good practice to encourage greater consistency as well as subsidiarity of decision making. To review the effectiveness of local review bodies and identify scope for future improvement and explore the scope for mandatory training for elected members who are serving on a planning committee or Local Review Body, potentially supported with testing.

It is not intended to pursue the proposal for Ministers to take decisions more frequently, rather than Reporters nor do they propose to introduce fees for lodging either reviews or appeals. The introduction of third party rights of appeal have been negated by stronger early engagement through the extensive measures set out in the proposals

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

That planning for housing be addressed as a priority in policy and guidance, rather than through structural change to the system. Bearing in mind the proposals for enhancing the role of the National Planning Framework and Scottish Planning Policy, 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

To 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, and in a way which strengthens places and quality of life. That fuller information on the viability of sites and development delivery should be part of a planning process. Other

delivery options such as CPO, CSO and a development land tax will be considered out with the scope of the Planning Bill.

- 12 Releasing more 'development ready' land for housing
To promote a zoned approach to support housing delivery. They are progressing four pilot Simplified Planning Zones and aim 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.
- 13 Embedding an infrastructure first approach
To work with Scottish Futures Trust to support significant stalled sites in a government led tasked based approach for short term delivery. They will consider options for a national delivery group to support improved co-ordination of development and infrastructure issues. 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. To develop the regional scale of infrastructure planning in more detail, and explore approaches to regional infrastructure audits.
- 14 A more transparent approach to funding infrastructure
Undertake, with the assistance from the Scottish Futures Trust, further research into options for an infrastructure levy or charge. They are also considering whether changes to Section 75 may be required in connection with future decisions on the role of a levy.
- 15 Innovative infrastructure planning
To progress work involving extensive collaboration across Scottish Government policy areas.

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
To continue to work with RTPI Scotland, Heads of Planning Scotland, COSLA and the Improvement Service on skills development. Explore the scope for shared services, and if there could be particular benefit in developing more effective sharing of expertise in some specialisms.
- 17 Investing in a better service
The maximum planning fee has now been increased. They will not consult on further fee changes until after the Planning Bill has been considered by Parliament, to ensure there is a clear idea of the resource implications arising from the finalised changes to the planning system. However, it is expected that the Planning Bill will 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
To continue to work with the High Level Group and others in pursuit of improved performance.
- 19 Making better use of resources – efficient decision making
To broaden the scope for permitted development arguing that this could play a significant role in making best use of resources in the planning system. Heads of Planning Scotland has progressed work in this area and they will give more detailed consideration to the proposals, along with the priority areas identified in the consultation paper. They are also minded to take forward a range of improvements to development management procedures.
- 20 Innovation, designing for the future and the digital transformation of the planning service
To harness the huge potential that exists through the use of digital technologies and data more effectively and will be setting out their ambitions for a future digital planning service in Scotland. To establish 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.

5 RESPONSE TO CONSULTATION

- 5.1 The 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 and the matters addressed in our more detailed response to the earlier consultation, 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 responses have been incorporated into the 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. 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 present for consideration by the Scottish Parliament by the end of 2017.

- 6.2 The Government will continue to keep stakeholders updated on progress and will undertake targeted engagement on certain proposals. They 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.

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 planning system proposed 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.

Following a separate consultation the Government have increased the maximum fee cap for major applications, which will generate substantial fees for windfarm applications in the Scottish Borders.

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.

Scottish Government has published a Strategic Environmental Assessment (SEA) Environmental Report which forms part of this consultation exercise. Views on it have been invited and our response is set out in Appendix A, 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 the SEA report. 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 into 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 – SBC CONSULTATION RESPONSE

APPENDIX B – “PLACES, PEOPLE AND PLANNING POSITION STATEMENT”, JUNE 2017

APPENDIX C - SBC CONSULTATION RESPONSE on “PLACES, PEOPLE AND PLANNING - A CONSULTATION ON THE FUTURE OF THE SCOTTISH PLANNING SYSTEM”, JANUARY 2017

Previous Minute Reference:

- PLANNING & BUILDING STANDARDS COMMITTEE 6TH MARCH 2017
- SCOTTISH BORDERS COUNCIL 30TH 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.

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