

**Scottish Government Consultation on the Future of the Scottish Planning System (Places, People, and Planning), Jan 2017**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 The Scottish Government commissioned an independent review of the planning system during 2015 and 2016, in to which Argyll and Bute contributed.
- 1.2 In response to this review, Scottish Government has [published a consultation on the future of the planning system](#). Places, People and Planning includes 20 key proposals, across four themes: Making plans for the future; Empowering people to make the system work; Building more homes and delivering infrastructure; and Promoting stronger leadership and smarter resourcing:
- 1.3 The deadline for responses is 4 April 2017 and a Planning Bill will be published later in 2017. Argyll and Bute Council has been involved in the process through COSLA, officer's attendance at Heads of Planning Scotland and the consultation process organized by the Improvement Service.
- 1.4 This report summarises the tenor of the review and the proposed Argyll and Bute Council responses to it. A detailed set of responses can be found in Appendix A
- 1.5 The general tenor of the consultation reflects the earlier Planning Review and is one which focuses on helping the planning system to ensure delivery of development. It does this by both proposing streamlining and improving efficiency yet further within the planning system, and more crucially it considers ways to align the planning system more closely with the processes of delivering infrastructure which is a fundamental precursor of any development.
- 1.6 The proposals suggested are wide ranging and there is frequently little detail about how they will actually delivered. Some of the most significant suggestions for Argyll and Bute are:
- Statutorily Aligning Community Planning and Development Planning.
  - The creation of new regional partnerships to replace strategic development planning.
  - Adding greater regional detail to the National Planning Framework and creating national planning policies to allow removal of detail from Local

Development Plans. Also setting clear regional aspirations for the numbers of new homes.

- Reviewing the LDP structure by removing Main Issues Reports and Supplementary Guidance, returning to a Consultative Plan process; moving to a ten year rather than five year plan period, and introducing Local Place Plans prepared by communities into the Development Plan, and requiring greater justification technically and financially for development proposals before they are included in Development Plans.
- Using zoning such as Simplified Planning Zones in development plans to give greater certainty to allocations in order to encourage development.
- Discouraging repeat planning applications; Improving planning enforcement and increasing the number of local review decisions as opposed to DPEA appeals.
- Exploring ways in which local authorities can be more proactive in enabling development, particularly by aligning Development Plans more centrally in Local Authorities corporate planning and encouraging greater use of new and extended powers to assemble and buy land
- Better coordination of infrastructure planning at a national and regional level by the potential creation of a national infrastructure partnership and greater commitments to deliver.
- Introduce powers enabling a local levy to be charged to raise finance for infrastructure.
- Increase the resources available to planning authorities through a rise in planning fees and wider abilities for discretionary charges.
- Change the model of planning performance reporting to reflect outcomes and delivery as well as performance statistics.
- Increase the range of permitted development.

1.7 Officers feel the general proposals of the consultation are very positive, and it recognises that whilst the current form of the planning system is fit for purpose, further efficiencies and streamlining can be achieved, additional resources are required to deliver many of them, and alignment with delivery mechanisms for infrastructure is crucial to successfully delivering development.

1.8 The detailed delivery of many of the recommendations is yet to emerge. Some will emerge through further guidance, further consultations on specific issues, and form changes which are not directly to the planning system, but how it aligns with the other mechanisms for delivery of infrastructure. The core changes to the planning system will emerge in detail through a proposed planning bill at the end of 2017.

1.9 Officers believe the most crucial “game changers” are:

- the proposals to better resource planning authorities with increased and more wide ranging planning fees and it is anticipated at least some of these will be implemented shortly;
- moving to a 10 year plan cycle with more streamlined production and greater emphasis on establishing deliverability of sites and facilitating implementation; and
- discussions about how to better align Spatial Development Planning (at a national, regional and local scale) so that it leads, coordinates and ultimately directs the planning of and investment in the multi-faceted infrastructure requirements required to support development.

## **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Members: note the content of the report and endorse the proposed consultation responses attached at Appendix A for submission to the Scottish Government.
- 2.2 It is recommended that members note the particular responses below which would, if taken forward by the Scottish Government, ultimately have potential resource and policy implications for the Council:
- Instead of the proposed Development Levy, consider the optional introduction, to pay for infrastructure, of a surcharge on Council tax or NDR for new development, for a certain number of years, thus spreading the cost and making it more affordable.
  - In order to encourage an increased greater variety of housing, consider the encouragement of, or requirement for all Local Authorities to provide a limited number of serviced plots, and self-build mortgages to go with them.

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**3.0 INTRODUCTION**

3.1 The Scottish Government commissioned an independent review of the planning system during 2015 and 2016, in to which Argyll and Bute contributed. This report summarises the tenor of the review and the proposed Argyll and Bute Council responses to it. A detailed set of responses can be found in Appendix A.

**4.0 RECOMMENDATIONS**

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- Instead of the proposed Development Levy, consider the optional introduction, to pay for infrastructure, of a surcharge on Council tax or NDR for new development, for a certain number of years, thus spreading the cost and making it more affordable.
- In order to encourage an increased greater variety of housing, consider the encouragement of, or requirement for all Local Authorities to provide a limited number of serviced plots, and self-build mortgages to go with them.

**5.0 DETAIL****Independent Review of the Scottish Planning System, May 2016**

5.1 In September 2015, Scottish Ministers appointed a panel to undertake an independent review of the Scottish planning system. They were tasked with providing a 'root and branch' review, and encouraged to explore game-changing ideas for radical reform of the system.

- 5.2 The results of the review are a report published in May 2016 which is entitled “Empowering Planning to deliver great places and is attached at <http://intranet.argyll-bute.gov.uk/sites/default/files/appendix1.pdf>. It sets out 48 recommendations. Argyll and Bute Planning Service provided written input to the report and a copy of this input is included at <http://intranet.argyll-bute.gov.uk/sites/default/files/appendix3.pdf>.

### **Scottish Government Response to Review of Planning, July 2016**

- 5.3 The Scottish Government Response to the Review was issued in July 2016 (<http://intranet.argyll-bute.gov.uk/sites/default/files/appendix3.pdf>), and says:

*“We want to simplify and strengthen the planning system to ensure it better serves all of Scotland’s communities. We have considered the independent panel’s findings and strongly support the six outcomes proposed by the review:*

- *Strong and flexible development plans.*
- *The delivery of more high quality homes.*
- *An infrastructure first approach to planning and development.*
- *Efficient and transparent development management.*
- *Stronger leadership, smarter resourcing and sharing of skills.*
- *Collaboration rather than conflict – inclusion and empowerment.”*

- 5.4 Over Summer / Autumn 2016, the Scottish Government worked with key stakeholders to develop more detailed proposals for all the 48 Review Recommendations (<http://intranet.argyll-bute.gov.uk/sites/default/files/appendix1.pdf>).

### **Scottish Government Consultation on the Future of the Scottish Planning System (Places, People, and Planning), Jan 2017**

- 5.5 This work culminated in the publication of a consultation on the future of the planning system entitled Places, People and Planning. ([Places People and Planning, Jan 2017](#)) . It includes 20 key proposals, across four themes:

- Making plans for the future;
- Empowering people to make the system work;
- Building more homes and delivering infrastructure;
- Promoting stronger leadership and smarter resourcing:

- 5.6 The deadline for responses is 4 April 2017 and a Planning Bill will be published later in 2017. Argyll and Bute Council has been involved in the process through COSLA, officer’s attendance at Heads of Planning Scotland and the consultation process organized by the Improvement Service.

- 5.7 In response to the 20 key proposals, Officers have prepared detailed answers to 34 technical questions which are contained in Appendix 1. Below is a summary of the Scottish Government key proposals in bold and a summary of the Council’s proposed responses (in italics)

- **Statutorily Aligning Community Planning and Development Planning.**

*This is already happening within Argyll and Bute and makes a great deal of sense. There is a need to align the timing / time period of plans and the LDP Action Programme could usefully become a coordinated single investment programme for all Community Planning Partners.*

- **The creation of new regional partnerships to replace strategic development planning.**

*Argyll and Bute can largely carry out its own regional strategic development for land use planning. However there is a case for better coordination and improvement in infrastructure planning at a regional level. There is an opportunity to refresh how HiTrans and HIE work and to revisit regional transport and economic development planning. If regional planning of all fundamental infrastructure (including schools / hospitals etc...) could be coordinated into common geographical areas and time periods, and directed by a single regional partnership, it would greatly aid the planning and alignment of investment. As part of this, HIE should at the very least cover the whole Argyll and Bute area.*

- **Adding greater regional detail to the National Planning Framework and creating national planning policies to allow removal of detail from Local Development Plans. Also setting clear regional aspirations for the numbers of new homes.**

*There is scope for the NPPF to have much greater content at a strategic regional level and this would need to align with the City and Rural Deals. More needs to be said about the rural and island economies and better spatial articulation of policies. However delivery of this would require a greater involvement in the NPPF process for the Local Authorities. Scottish Planning policy could usefully include many national planning policies which do not need to be replicated at a local level such as those protecting the environmentally protected sites. The current model for production of housing projections is nationally approved already. As long as there is flexibility to over allocate within an LDP, this process could save time and work.*

- **Reviewing the LDP structure by removing Main Issues Reports and Supplementary Guidance, returning to a Consultative Plan process; moving to a ten year rather than five year plan period, and introducing Local Place Plans prepared by communities into the Development Plan, and requiring greater justification technically and financially for development proposals before they are included in Development Plans.**

*Removal of the Main Issues Report and Supplementary Guidance are sensible suggestions to simplify the process which has become confusing. A ten year timescale for plan production is more sensible allowing better*

*preparation and identification of more deliverable sites, plus time to work on implementation of the plan prior to its review.*

*Creation of a Local Place Plan runs counter to the aim to streamline the system (creating yet another plan). It would be better to utilise the emerging local community delivery plans as the vehicle for formally aligning Community Planning and Development Plans. A spatial element would need to be introduced.*

- **Using zoning such as Simplified Planning Zones in development plans to give greater certainty to allocations in order to encourage development.**

*Probably not appropriate for large scale housing. There are more sensitive amenity issues to deal with. Allocating a site as an SPZ runs counter to the drive to get greater certainty on site delivery. There is a resource issue in terms of who would do the work to produce the SPZ and the lost planning fees associated with it. How long would it last for? The current pilots for small self-build house plots are considered more suitable in occasional circumstances.*

*Could there be an encouragement or requirement for all Local Authorities to provide a limited number of serviced plots, and self-build mortgages to go with them. Any such duties would obviously have implications for Council's in terms of financial resources and the legal arrangements required to provide finance for self-builders.*

- **Discouraging repeat planning applications; Improving planning enforcement and increasing the number of local review decisions as opposed to DPEA appeals.**

*Better pre-application consultation would assist reducing repeat applications. There is still a resource implication for second applications but a reduced fee could be appropriate. Increased penalties for enforcement and charging double for retrospective applications will be an effective enforcement incentive. The existing Local Review Board arrangements are generally offering the right balance for applications of local concern, and larger more complex applications going to the DPEA. Advertisement appeals could be added to the LRB. There would be resource implications for any significant increase in the number of LRB decisions.*

- **Exploring ways in which local authorities can be more proactive in enabling development, particularly by aligning Development Plans more centrally in Local Authorities' corporate planning and encouraging greater use of new and extended powers to assemble and buy land.**

*Funding is the crux. Closer alignment of Development Plan Action*

*Programmes with Local Authorities capital programmes will assist. The ability and resourcing to financially assist site servicing would make a significant difference. The ability and resources to be more pro-active with land assembly powers would assist.*

- **Better coordination of infrastructure planning at a national and regional level by the potential creation of a national infrastructure partnership and greater commitments to deliver.**

*The key point is **securing the improved coordination** and dissemination of the information to Local Authorities and developers. Infrastructure agencies engagement with plan making is reactive but needs to be proactive, demonstrating where existing spare capacity exists, where most cost effective improvements can be delivered, and being part of a decision making process that evaluates and identifies future growth and investment priorities. The key is how to meaningfully align the awareness of, planning of, and investment in, all the various infrastructure areas. A reduction in numbers of individual plans and investment plans would significantly help to improve coordination as would alignment with common geographical planning areas and time periods.*

- **Introduce powers enabling a local levy to be charged to raise finance for infrastructure.**

*This proposal needs to be sensitive to local conditions, particularly the marginal viability of many remote and rural developments which could not sustain such a levy. Suggest in rural areas a regional levy might raise more meaningful amounts and would be controlled by a regional infrastructure partnership.*

*In order to pay for infrastructure, one possibility which might be less restrictive for development of marginal viability might be an optional surcharge on council tax or NDR of new development for a certain number of years instead of a Levy, thus spreading the cost and making it more affordable. This would need detailed consideration in terms of its financial implications and the ability for Councils to not apply the levy. Possibly not appropriate in rural areas like Argyll and Bute.*

*Whatever framework is adopted, it needs to allow for local intervention to adjust or remove the levy where local markets cannot support it.*

- **Increase the resources available to planning authorities through a rise in planning fees and wider abilities for discretionary charges.**

*Support proposals for increasing the maximum application fees, in the medium longer term the gap between fees in Scotland and England should be closed and potentially oppose the provision to exempt*



*Aquaculture from this provision given the significant resource implications of fish farm applications.*

*Support the introduction of fees for appeals and LRBs, or alternatively the inclusion of these elements within the planning fee. Oppose any proposals to top slice planning fees to provide payment to central government or other Agencies – it is unclear how this would work, and whilst planning fee income continues to be lower than the cost of delivering the planning service this would effectively mean that local government would also be subsidising the service delivery of other public sector Agencies who have a statutory duty (stipulated by central government) to engage in the planning process. The work key agencies do in engaging with the planning process saves money in the long run, ie: avoiding flood plain development, or avoiding unreasonable infrastructure costs.*

- **Change the model of planning performance reporting to reflect outcomes and delivery as well as performance statistics.**

*A more holistic balanced scorecard approach would be appropriate with an emphasis on case studies demonstrating the qualitative outcomes that planning has delivered being included in the evaluation of performance.*

- **Increase the range of permitted development.**

Any extension of permitted development rights should be based upon analysis of where no/little value has been added by the requirement of full planning permission for minor developments (i.e. are there applications for particular types of development where approval is regularly granted without amendment and subject to standard conditions?) It is suggested that there is only limited scope for further extension of householder permitted development rights following significant extension of these provisions in recent years.

## **6.0 CONCLUSION**

- 6.1 Officers feel the general proposals of the consultation are very positive, and it recognises that whilst the current form of the planning system is fit for purpose, further efficiencies and streamlining can be achieved, additional resources are required to deliver many of them, and alignment with delivery mechanisms for infrastructure is crucial to successfully delivering development.
- 6.2 The detailed delivery of many of the recommendations is yet to emerge. Some will emerge through further guidance, further consultations on specific issues, and form changes which are not directly to the planning system, but how it

aligns with the other mechanisms for delivery of infrastructure. The core changes to the planning system will emerge in detail through a proposed planning bill at the end of 2017.

6.3 Officers believe the most crucial “game changers” are:

- the proposals to better resource planning authorities with increased and more wide ranging planning fees and it is anticipated at least some of these will be implemented shortly;
- moving to a 10 year plan cycle with more streamlined production and greater emphasis on establishing deliverability of sites and facilitating implementation; and
- discussions about how to better align Spatial Development Planning (at a national, regional and local scale) so that it leads, coordinates and ultimately directs the planning of and investment in the multi-faceted infrastructure requirements required to support development.

## 7.0 IMPLICATIONS

7.1 Policy – None immediately.

7.2 Financial – None immediately but there is a potential for fee increases for planning applications.

7.3 Legal – Following the planning bill there will be legislative change which will need to be implemented.

7.4 HR – None.

7.5 Equalities – None.

7.6 Risk – That planning isn’t adequately resourced to implement additional Scottish Government objectives.

7.7 Customer Service – Potentially additional coordination between consultation events .

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23<sup>rd</sup> Feb 2017

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## APPENDIX A

### Proposed Responses To Technical Questions for Scottish Government Consultation on the Future of the Scottish Planning System (Places, People, and Planning), Jan 2017

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

Please explain your answer.

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

Yes. This is already happening in A&B. This is one part of coordinating planning activity with all public sector investment plans. Reduction in number and amalgamation of plans would greatly assist, as would the alignment of geographical coverages and the alignment of chronological plan periods. As greater emphasis is suggested on the LDP Action Programme, why couldn't the LDP action programme become a coordinated single investment programme for all Community Planning partners, and indeed other infrastructure agencies. This would have resource implications and Scottish Government will need to finance funding for communities.

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

Argyll and Bute Council falls between different regional areas (Central Belt, Highland, Western Seaboard.) In many respects Argyll and Bute can set its own regional strategy (although the Helensburgh and Lomond area firmly relates to the Glasgow conurbation, Dunoon and Rothesay to a lesser degree the same, and Oban is a strategic gateway for the western seaboard), however there is certainly a case for better coordination and improvement in the planning at a regional level, of infrastructure particularly, and that to do so at an aggregated level may make it easier to align and improve infrastructure investment and draw in financing such as a Rural Deal. There is an opportunity to refresh how HiTrans and HIE (including reviewing boundaries) work and revisit the Regional Transportation Strategy and Regional Economic Planning. All regional planning (land use and physical and social infrastructure) could be coordinated, thus reducing the number of plans and better aligning investment.

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

As above, acting as coordinator and driver of regional infrastructure investment. This would be assisted by creation of a single document to do this, or a statutory duty for all agencies to feed in to the LDP Action programmes. The single document might be something like a regional version of the Community Plan but should include detailed investment priorities.

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

There is scope for the NPPF to have much greater detailed content at a strategic regional level and this would need to align with the City and Rural Growth Deals. This could replace some of the regional planning and plans. More needs to be said about the rural and island economies. The NPPF would need to be island proofed and reflect any changes coming from the islands bill. Delivery of this would require a greater involvement in the NPPF process for the Local Authorities in order to guarantee that regional priorities are being reflected at a national level.

It is certainly the case that one size does not fit all and different strategic partnerships would need to be identified in different areas. However it will be important to avoid confusion by the creation of quite distinct models throughout Scotland. It would be better to have a common but flexible framework established.

If there is to be a national island plan this should ensure it does not replicate the functions of land use planning, nor the infrastructure partnerships which are being considered.

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

Duties, particularly in terms of coordination and alignment of spatial and investment plans.

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

See above. There needs to be alignment of as many Plan geographies as possible to avoid duplication and confusion and to assist planning and investment activities. The City Region Deals and proposed rural partnerships have given a strong direction and are likely to be the sensible basis for aligning regional planning with regional investment.

There is a difficulty in that some Councils are split between two regional areas and this should be addressed.

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

All should be involved and have a statutory duty to do so. Is there an opportunity to replicate local Community Planning Partnerships at a regional scale thus creating Regional Planning Partnerships. This could be an appropriate vehicle for all public sector and infrastructure agencies to convene, with a single common geographical area and time period to consider and plan for strategic delivery and investment.

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

The NPPF needs more content to make it relevant to more decision making at a local level, but yes in time it should have more weight. It also needs to relate better to remote rural areas and small towns (forming a very large part of Scotland) and have a better spatial articulation of all its policies.

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

#### **(NPF) is prepared?**

Generally support proposals. Particularly there needs to be a strong sense of joint ownership of its content at all government levels.

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

Support the idea that the Scottish Planning Policy should have greater detailed national policies that alleviate the need for their duplication in Local Development Plans. This would greatly simplify plans and their production, avoid the need for unnecessary discussion and SEA work and improve speed of plan making.

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

Yes this makes great sense, will have benefits in terms of freeing resources for implementation work. A 20 year plus strategic vision should be the aim of LDPs which allows for the sensible planning of strategic infrastructure.

Removal of the Main Issues Report and replacement with in effect a "Consultation Draft" is sensible, easier for people to understand, and probably less work.

A suggested two year cycle for production of development plans is extremely demanding, and runs contrary to the general ethos of the planning review to promote better engagement in planning from the public. It would also require greater resources over a short period of time to deliver.

Four year preparation time would be more realistic with a focus on change since the last LDP allowing time for more meaningful consultation.

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

Yes things changes, sometimes rapidly. The option to review / amend certain elements of the plan in isolation as appropriate and with streamlined procedural requirements is vital and as the system used to work with the use of "Alterations" .

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

Supplementary Guidance has confused the process and should be removed. Strongly support the idea that content should be either in the Development Plan, in Scottish Planning Policy or NPF.

Otherwise, guidance should be non-statutory and a material consideration with less requirement to adhere to statutory processes and or SEA.

There is a strong argument for nationally standardised sets of guidance and procedure, although the facility to augment them for local reasons should be maintained.

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

Yes, it is difficult to see how removal of this would be in line with the aim to improve engagement in the process and would likely reduce confidence in the process.

Possibly they should focus only on strategic or main issues.

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

Although the aspiration to have a review process earlier in the process seems a good idea, it is difficult to see how this does not add more cost, process and delay. If there is to be a gate check, it could only add value if it ensure that items “checked” are no longer subject to dispute / inquiry. Evidence gathering is a continual task done in tandem with producing a plan not sequentially before it. Therefore it would make sense for a gate check to be done at the *Draft Plan* stage when evidence gathering should have been complete.

The requirements for the DPS to be framed in consultation with the community councils is onerous, especially as we renew the DPS annually. This could delay things.

If we are moving to a set housing land requirement by the NPF or other arrangement, then the housing numbers will have been agreed. If not it is difficult to see how we can agree the level of housing need at such an early time. If the housing requirement has been set in accordance with robust and credible HNDA then it should pass the gate check.

What does a “flood risk appraisal” mean. Is it of the whole plan or all the individual sites. Is the requirement to be fulfilled by site proposers given the cost. Certainly where flood mapping indicates a need it should be carried out and the gate check could verify this.

To require there to have been investment plans put in place to deliver infrastructure before a plan is gatechecked, is a laudable aim. However it is often the case that the Development Plan leads to eventual alignment of infrastructure investment but only because it is in the Plan. ie: chicken and egg. Therefore for the gatecheck to have required that infrastructure commitment at an early stage will preclude much content in many plans unless there is a sea change in the alignment of investment with the Plan process to match.

There should be significant rationalisation of the SEA process which is very resource intensive, and adds little value. If anything is to be outcome focussed this should be it.

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

If there is to be gatecheck it makes sense for it to be carried out by the DPEA (or possibly Scottish Government Planning Department). However it is difficult to see how this streamlines the process, and it also potentially adds extra cost. It is unlikely to stop Examinations as those who object to a plan will take up every opportunity to have their

arguments heard. It should take the form similar to the scoping opinion for SEA rather than a review. It is not clear why there should be community involvement at this stage as it is meant to be independent. The community is well represented through Community Councils, Councillors and Community Planning Partners already.

**5(c) What matters should the gatecheck look at?**

See above. Scoping for validity of process and evidence gathering essentially.

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

The existing process is adequate as it is although there could perhaps be a focus only on strategic and major issues.

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

It is not clear how this would work in practice or what value it would add. In addition it would add a further process, cost and delay. The process of consultation and plan development is in essence a process of mediation in any case, but fundamentally the Local Authority is tasked with making land allocation choices.

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

The existing procedures work effectively without the need for this. It is technically complex, how much detail would be required, what conditions or detail would be specified or conditioned, and how. What actual status would they have, how long would it last and how would it overlap with the existing consenting system.

Strongly agree that planners should be encouraged to identify long term broad zones of development rather than being led by a scatter gun, developer led call for sites approach. This would give strong coherent long term vision and best use of infrastructure resources. However it is inherent that if this approach is taken, it needs to be backed up by the ability to direct and finance infrastructure investment to deliver these zones, and that the legal powers to assemble land are improved and made easier. The credibility of this approach requires adequate research and justification, and more importantly the will, investment and powers to deliver what will not be delivered by the private sector.

In rural areas this solution is much less appropriate because development occurs on a much smaller scale, and the cost of infrastructure development is a proportionally higher burden on small sites.

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

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

Yes this would significantly improve deliverability and confidence in sites and makes sense if there is to be more coordinated infrastructure investment in line with development plans. It will to some degree disenfranchise smaller developers and landowners on the basis of the cost of promoting a site, but that effect will either discourage sites that are unlikely to come forward, or force promoters to ensure that there is a partnership with a builder / developer sufficiently able to bring forward a site.

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

Yes, although care needs to be taken to establish the deliverability and intent to deliver, not just financial and market viability which are only one factor. In fact some of the best developments are not financially viable and the markets they target can be self-generating so a pragmatic and balanced approach is needed.

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

The existing PAC arrangements are adequate.

### **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.**

Strongly support this proposal. This is how the system should already work, there is already engagement with the key agencies as required by the statutory process. The change that is needed is a legislative commitment for key agencies investment plans to align with Development Plan action programmes. That way there would be more meaningful commitment and engagement from them.

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

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

See various comments to various answers. In short the Action Programme of the Development Plan should become the single / focussed "delivery / investment plan" for all the key infrastructure agencies. This would force different areas of investment to be aligned in a spatially coherent manner and to make forward investment decisions and commitments in a manner which supported a planned and holistic growth agenda. There should be requirements on the key agencies to make this happen, both in terms of engaging with this process, but also in terms of aligning their funding and investment with content of the Development Plan Action Programme. This should be part of a process of amalgamating and reducing the number of "plans".

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



It risks creating over consultation and communication. Stronger relations with Community Planning and locality planning along with removal of Statutory SG should bring about a merging of the plans and adding another one is probably a step back and harder for people to understand. Why not require the locality plans to address spatial issues and require LDP to take account of them.

Please explain your answer.

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

Would add better local ownership of plans and can feed into development plans as material consideration for the length of the LDP but would need replacing with the next LDP.

However creating an extra plan isn't simplifying the system. Community Planning is already doing locality plans. Multiple layers of plan making can lead to confusion and over consultation. Would it not be better to strengthen their ability to be part of the statutory planning process and to be involved in the production of a single plan. The more plans there are the more diluted their effect becomes and the more confused communities become. Another tier of plans is definitely not a step forward. A combined community planning locality plan which has a spatial element and would be a material consideration for the life of the LDP would make more sense, although the scale of geographical coverage would need consideration.

There needs to be a definition of what "community is" and probably what the appropriate geographical scale of planning is. What mandate would a community group have to speak for its area if it is to be adopted?

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

What about SEA / HRA requirements? If they are to provide for requirements identified by LDPs, then surely they must follow the LDP. The LDPs don't currently have hanging requirements or gaps, they seek to identify where the needs will be met. Is it proposed to change this leaving an LDP gap for the community place plans ie: will it identify broad brush requirement to be filled by the community place plans?

They could inform the LDP as a material consideration not a formal part of the development plan

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

What happens if two community bodies want to cover the same area, and have conflicting aims. This is likely to occur.

What happens if the proposals are inadequately justified / evidence based and the Local Authority does not therefore adopt.

Are local communities going to have the skills and resources to carry out these plans. Would they be better conceived as local masterplans, and the LDP could identify areas where community masterplanning was going to be undertaken and these would be a material consideration in any planning application, but not a statutory part of the plan. This would be much simpler and more flexible with less requirements such as SEA, less financially onerous for local communities. This term would also avoid the creation of another PLAN. If we are removing SG as part of the LDP why add in something else, contrary to the (all the information should be in one document aim)

Alternatively why not make locality plans address spatial issues and require the LDP to take accord / conform with it.

Improving community ownership of development plans will assist reducing conflict and ultimately smooth and accelerate delivery.

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

It already happens so no problem with it being a requirement.

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

As it is done annually this will suddenly require a great deal extra work and divert resources from delivering the plan and development sites. If it is done once when a new DPS is produced when commencing a new LDP that would be less onerous. There would be cost implications given the number of community councils served by certain councils like A&B.

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

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

Yes support this. We need to use digital media more and seek agreement with the education service to deliver this.

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

Introduce a requirement to address the consultation input and demonstrate if the points made have been taken on board, or if they have not, why not in a simple report as is required of the LA when defending the LDP would suffice rather than a second round of consultation events.

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

See above

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

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

PACs for allocated development sites which reflect the intent of the allocation should have a lesser requirement and avoid discussion of the principal.

**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 but it should be generous as significant technical issues can regularly delay the work of submitting applications as can finances. I would suggest 6 months is not unreasonable.

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

Supportive of the principle of introducing measures which encourage applicants to ensure that their submission is right first time, ideally this involves engagement with a pre-application service in advance of submission to identify constraints and requirements for additional information in advance of the planning application. There is some concern however that the requirement to pay a full fee for a second application could prove counterproductive and act as a barrier to the submission of a revised application which has satisfactorily addressed material failings in the original submission following negotiation with the planning authority. Nonetheless, the processing of a second application will have a resource implication for the planning authority, although a submission which is neither complex or contentious and has had any requirement for amendment agreed informally with the planning authority in advance of submission is likely to be much less resource intensive given the work which would already have been undertaken to get it to that stage – it is suggested that the fees to be applied to a second application might include some discretionary provision enabling the planning authority the ability to reduce fees as an incentive for resubmission following successful negotiations.

It is also suggested that planning authorities would be better positioned to incentivise pre-application engagement if a revised fee structure included discretionary provision to offer discounted fees where an applicant has engaged in successful pre-application discussions. In this respect it is recognised that informal pre-application discussion allows the planning application process to be frontloaded and will often result in a better considered application which requires less resource on the part of the planning authority for assessment and determination within a shorter time period.

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

Yes and importantly increasing the ability to recover costs through charging orders.

Along with proposals for charging double for retrospective applications as a means of introducing a disincentive / penalty for applicants who seek to circumvent the planning process whether deliberate or not.

Increased financial penalties for breaches of planning control are also supported as a deterrent providing greater incentive to fully comply with the regulations.

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

It is suggested that the existing Local Review Body arrangements generally strike the correct balance in allowing relatively simple applications which are essentially of local interest to be reviewed at a local level. It is however suggested that the scope of LRBs could be extended to take in appeals on advertisement applications – these matters generally being of local interest but currently only subject of appeal to the DPEA.

It is suggested that there is value in reserving more technically complex matters to consideration by the DPEA where experienced professionals are employed to undertake the appeal process and where there increased opportunity to engage reporters with appropriate specialist knowledge adds significant value to the outcome of the appeal process which an LRB could not otherwise deliver.

Any intention to significantly increase the volume of Local Review Boards would give rise to concern given existing limitations on elected Member time and the wider resource implications upon the local authority in providing the LRB service.

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

Already at 97% delegated decisions. Only have approx. 12 LRBs per annum. The current balance is appropriate.

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

It would be desirable to either set fees for LRBs/Appeals, or if this were considered a barrier to an applicant exercising their statutory rights, to build this cost in as an element of any revised planning fees.

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

Training is already carried out and there is no problem with it becoming mandatory. Testing would be a step too far, and we do not test any other parties to the decision making process. A nationally provided training course would help to standardise the approach.

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

No, independent reporters should make a balanced, independent professional decision. The appeal process is not meant to be democratically accountable, it is meant to be an independent review.

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

There needs to be consideration of “all island councils”, and authorities with islands which might have a two tier approach.

Locality planning / local place planning is very appropriate on islands

NPF and Scottish Planning Policy need to consider islands, or a specific island policy document be written.

Regional housing targets on islands may not work well. HNDAs are difficult to apply to island settings.

Second homes skews housing markets, and increased construction costs has a strong effect which exacerbates the need to assist delivery.

Windfalls and flexibility have a greater role on islands rather than focusing to heavily of effective housing supply.

Should island authorities be able to determine their own criteria for “major development”.

Should more formal use of IT/visualisations/drones be allowed in the system to overcome expense and logistics of site visits and enforcement.

Explore use of IT for innovative engagement on islands

Need to island proof new national policy and strategy.

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

Upfront infrastructure planning, investment and implementation, aligned with the planned housing delivery is what is required. If the NPPF sets housing land requirements, their needs to be investment in the right areas at a timely point in order to improve delivery. It is delivery of the investment, ie: Scottish Futures Trust, grants to Local Authorities, better coordination and mandate to existing authorities, or some other delivery agency that will make the difference.

If there are mechanisms to recoup some of this investment from private development profit, at an appropriate stage in the development process, ie: when revenue has been generated, that would assist. However there are many locations where development is simply not economically profitable enough to generate such funds and this needs to be taken into account.

Improved abilities to provide public sector lending to fund infrastructure would assist.

All these approaches should be available and tailored for all scales of development as in many areas, smaller scale developments are much more significant.

Should Local Authorities Capital Programmes and funding be directly linked to the contents and delivery of Development Plans Action Programmes.

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

Setting of broad housing land requirements at a National level in the NPF is a sensible approach assuming it replaced the need for the Local Housing Strategy to carry out the same HNDA work. There are many local housing needs, particularly specific needs provision which need to be dealt with locally. It does reduce control from Local Authorities to set their own requirements, but would then place an emphasis on Scottish Government to apportion infrastructure investment resources according to the requirements that had been set. Local Authorities should still be able to allocate more land than required if that was their wish.

**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?**

If there is a requirement it should be a nationally standardised format, it is very easy to manipulate figures to improve viability. Viability is of course enhanced by granting consent which raises land value and improving availability of finance. We need to be cautious to not create a further block to development. Would this evidence not be better presented prior to land allocation, where it will be a more in principle check of the land's development viability? This would then be complimented by the further suggestions in the Planning Review regarding Local Authorities ability to step in to enable development.

In essence the concern is a schemes deliverability, of which viability is one part. Some sort of standardised **deliverability & cost plan (again nationally standardised)** would be more appropriate covering: ie: legal control and lack of or solutions to restriction on title; source of and confirmation of development finance; demonstration and costing of ground and site conditions and solutions; demonstration of timing; costing; commitment to deliver infrastructure by relevant agencies; market assessment etc...

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

Yes but much of it will come down to funding.

**19(a) What practical tools can be used to achieve this?**

The ability to financially assist site servicing of small sites in some manner would make a significant difference in many areas. Grant or loan would be useful.

Encouragement to more pro-actively use land assembly powers.

Could there be a duty of all Local Authorities to provide serviced plots, and self-build mortgages to go with them. Any such duties would obviously have implications for Council's in terms of financial resources and arrangements required to buy and sell land and to provide finance to housebuilders and would need detailed consideration, especially if it was a duty.

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

It is not clear whether zoning means: creating SPZs; or simply more broad zoning of land for long term housing in principle without the commitment / detail an allocation.

Long term "white land" which is in principle suitable for housing / an area for search, would give the ability to do long term strategic planning and delivery of infrastructure.

Certainly for SPZs it is difficult to see how this sits well with the previous issue of development viability and deliverability. If we are to merely say a masterplan as part of an SPZ is ok and doesn't need consent, how do we get all the information regarding its actual deliverability which is also discussed in the planning review.

Would an SPZ be designated independently from the LDP process or only on LDP allocated sites. It would be a significant bypass of due process if the former.

If we are considering treating allocated sites as if they have planning permission in principle is that not largely the same benefit as an SPZ.

Probably only appropriate in certain circumstances where loss of control can be adequately accommodated: ie: small sites, local authority or public sector involvement etc..

In rural areas, the zoning of areas for in principle housing might be useful to create a better mix of housing, : elderly / affordable / rent / for locals / self-build etc...

**20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?**

Use for housing requires greater consideration of localised amenity issues. Also what happens after initial development and further householder extensions etc... required.

They should remain optional.

Should they be prepared as part of an LDP process, or would it be something that could be done outwith that process, but on an allocation?

There should be a fee payable to the local authority for the preparation of the SPZ (ie: drawing up masterplans / consultation etc...) and this would offset the reduction in planning fees. Additionally presumably there would be a compliance check for development as it went ahead? This would also need a fee.

**20(b) What needs to be done to help resource them?**

There should be a fee payable to the local authority for the preparation of the SPZ (ie: drawing up masterplans / consultation etc...) and this would offset the reduction in planning fees. Additionally presumably there would be a compliance check for development as it went ahead? This would also need a fee.

**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?**

Possibly, but the crux is **securing the improved coordination** and dissemination of the information to Local Authorities and developers. Infrastructure agencies engagement with plan making is reactive but needs to be proactive, demonstrating where existing spare capacity exists, where most cost effective improvements can be delivered, and being part of a decision making process that evaluates and identifies future growth and investment priorities.

Transport Infrastructure and Communication Infrastructure needs to be included in this.

Funding, and its targeting is also a very significant part of this.

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

Undoubtedly. The key is how to meaningfully align the awareness of, planning of, and investment in, all the various infrastructure areas as outlined in para 3.36 of the consultation document. Whilst duties to comply / invest might not be possible, the reduction in numbers of individual plans and investment plans would significantly help to improve coordination.

Why could not all the various infrastructure investment plans / programmes have to be included within the Development Plan Action Programmes, with a two way commitment to achieve this between the Planning Authorities and the other infrastructure agencies.

Alignment of geographies between the organisations of various infrastructure agencies would assist more coordinated activity.

Because certain areas such as A&B Council look to more than one strategic planning area this is further complicated in that more than one partnership may be required.

**22(a) What actions or duties at this scale would help?**



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

Yes but reasonably. When a requirement has been properly discharged, or when a different development is genuinely being pursued and the obligations are no longer relevant discharge / variation should be available with the Council's consent.

**24. Do you agree that future legislation should include new powers for an infrastructure levy?**

Yes with caveats. Only where the economy can fund it, unlikely to be appropriate for fragile and rural economies.

If so, .

**24(a) at what scale should it be applied?**

It should be applied at local authority level, and would probably require variation even within a local authority especially the large rural authorities. It should probably apply down to even small scale development, as these incrementally have effect, but should be set at an appropriate level. In addition, an appropriate timing for its levy might be worth thinking about. Instead of a levy how about an optional surcharge on council tax or rates for a certain number of years instead of all at once to make it more affordable and dedicated to providing for infrastructure. This would need detailed consideration in terms of its financial implications and the ability for Councils to not apply the levy. Possibly not appropriate in rural areas like Argyll and Bute

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

Everything that can be considered to have an impact on the infrastructure for which the proposed levy is to be spent on.

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

In larger urban areas, Local Authorities and for spending it. In rural areas, where the fund would generate much less money, and yet pro-rata infrastructure is more expensive to deliver, maybe a rural infrastructure fund for grouping of regional authorities, or delivered by Scottish Government rural infrastructure fund. Applications would be made to this fund.

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

Again this will vary from local authority. It should potentially include a wide variety of infrastructure improvements: schools, health, roads, telecommunications, drainage, sewerage and water etc... The proposals would need to specify the link to what is being spent, and could perhaps be updated as circumstance change. The levels will need to be very market sensitive as many areas, especially rural, are too marginal to stand significant requirements.

However this raises the question, if significant sums can be raised to make it worthwhile, and the fact that the pro-rata cost of infrastructure in rural areas is often higher and requires subsidy if we are to maintain our rural populations.

**24(e) If not, please explain why.**

**25. Do you agree that 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?**

Yes as this is adequately covered by Building Standards.

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

Generally agree that increased planning fees, which should be ring fenced to planning authorities, along with more sharing of resources and expertise, plus a move to measuring performance in a more holistic manner will help. See detailed comments below.

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

RTPI, HoPS, Local Authorities to look at leadership and training courses for all managers.

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

Generally agree with those outlined in para. 4.7 and that skill sharing between authorities for specialist activities is a sensible way forward.

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

Training, benchmarking, publicising best practice.

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

Improved performance will largely require increases in available resources, not just to recover actual costs of the existing planning service which is already performing well and largely efficiently, but to expand it. Support from other key agencies has generally diminished in recent years and there is a greater expectation for self-service from available information. This should be reversed in some circumstances. SEPA and Scottish Water engagement in the planning process is the most fundamental and if there is any cost redistribution that is where it should be.

PPF should be used as a holistic balanced scorecard should be used instead of the key performance markers which are just digits. The PPF case studies gives a good picture with more qualitative measures.

Idea of nationally disseminated examples and experience of improving performance is a good idea and a co-ordinator may help facilitate this, although the HoPS working groups and improvement service seminars are already delivering this.

Financially penalising poor performance will be counter productive. There is no evidence available to suggest planning services have more funding than required and are operating inefficiently. In fact the opposite is more commonly the case, lack of resources is constraining performance.

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

A more holistic balanced scorecard approach would be appropriate as is currently contained in the Argyll and Bute Planning Performance Framework reports with a heavy emphasis on case studies demonstrating outcomes and how places have changed in a qualitative fashion. Care needs to be taken to reflect that such outcomes are qualitative and not based on statistics or measurable by numbers

**30(a) Do you have any ideas on how this could be achieved?**

As above, include the case study element of Planning Performance Reports along with performance statistics to reach a balanced judgement on the performance of a planning authority in terms of outcomes as well as just speed and efficiency.

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

Support proposals for increasing the maximum application fees, in the medium longer term the gap between fees in Scotland and England should be closed and potentially oppose the provision to exempt Aquaculture from this provision given the significant resource implications of fish farm applications.

Support the introduction of fees for appeals and LRBs, or alternatively the inclusion of these elements within the planning fee.

Oppose any proposals to top slice planning fees to provide payment to central government or other Agencies – it is unclear how this would work, and whilst planning fee income continues to be lower than the cost of delivering the planning service this would effectively mean that local government would also be subsidising the service delivery of other public sector Agencies who have a statutory duty (stipulated by central government) to engage in the planning process. This position could only reasonably be reviewed in the event that a revised fee structure fully reflected the cost of delivery to the public purse as a whole (local and central government, and public agencies) including all aspects of the planning process (LDP development, DM, monitoring/enforcement, consultees, e-planning, LRBs, DPEA ... ) Needless to say that the principle of full cost recovery is supported however this would be complicated if costs beyond the local authority are factored in.

Support formal recognition for local authorities to introduce discretionary charging for non-statutory service delivery (e.g. pre-application enquiries) or the provision of an enhanced service standard (e.g. fast track determinations / discharge of conditions).

Support discretionary charges for establishing Simplified Planning Zones – establishing these areas will take substantial DP/DM resource and ultimately a reduction in planning fee income – provision requires to be made to allow the planning authority to recoup its costs where this is desirable.

Support in principle the removal of the right to submit a second application at no cost – it is however suggested that there would be some merit in allowing planning authorities' discretion on allowing a discounted fee in such circumstances where the revised submission gives rise to less resource implications for assessment/determination.

Support provisions for recovering advertising costs as an element within a revised planning fee – this would greatly assist with receipt of electronic applications (at ABC applicants currently have to pay advertisement fees separately from planning fees to accommodate the requirement to pay VAT on adverts) and would also remove a common element for disagreement/invalidation (applicants often submit without the advert fee or seek to argue why this additional cost could be avoided).

Support improving clarity in the fee structure and agree that fees should be proportionate and reflect the types of development; however any revised fee structure should seek to move planning authorities to full cost recovery.

Support the ability to charge higher fees for enhanced service standards and encourage use of processing agreements.

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

Any extension of permitted development rights should be based upon analysis of where no/little value has been added by the requirement of full planning permission for minor developments (i.e. are there applications for particular types of development where approval is regularly granted without amendment and subject to standard conditions?)

It is suggested that there is only limited scope for further extension of householder permitted development rights following significant extension of these provisions in recent years. It is suggested that any intention to increase/amend householder PDR should be balanced by appropriate safeguards to protect privacy and amenity of neighbours from ill-considered proposals which would be removed from the planning system by such changes – it is suggested that inclusion of appropriate elements to address privacy/daylighting within Building Standards Regulations could potentially provide a sufficient safeguard to the rights of neighbours if any increase/amendment to current householder PDR were to be implemented.

Consideration should be given as to whether the current PRD classes which require developers to provide the planning authority with 28 days prior notification add significant value to the planning process. ABC deals with a high volume of Prior Notifications for agriculture/forestry/telecoms/electricity infrastructure which are relatively resource intensive in relation to the small fee charged and given the short period allowed for consideration require to be given a higher priority in workload terms than their status as minor development merits.

Instead of Prior Notification it would be better for Scottish Government or HoPs to define in more detail what areas are not development and therefore do not require any prior notification. Then those areas that are development should if necessary be specified in more detailed within the permitted development order so it is clear that they can be carried out. This would be of benefit to the industry and allow significant resource savings for Council's.

Farm buildings to houses would need qualification as it would not always be appropriate and could be abused. Agreed - unlikely to be required, LDP policies would generally be supportive of the change of use and retention of buildings which are no longer required for their original purpose – this would include traditional farm buildings to dwellings where there are no infrastructure/amenity constraints to suggest the new use is inappropriate.

There needs to be further consultation on this.

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

National Validation Guidance is currently being produced by HOPS and will hopefully be introduced with support of the SG and other relevant bodies (RIBA/RICS). This is however only guidance which seeks to encourage applicants to provide all information required for the determination of the application at the outset and would not introduce any formal change to the current validation standard which essentially requires a form/basic plans/fee for an application to be valid and therefore does not preclude the submission of incomplete applications which require additional time and resources to accommodate repeat consultation/notifications where information is drip fed into the process to the detriment of performance and public trust. Amendment to regulations to introduce enhanced national validation standards in this respect would be welcomed and would again sit well with encouraging applicants to frontload the planning process by engaging in pre-app discussions.

Opportunity to consider a single consenting process where applicants require multiple consents (PP/LBC/ADV) – more efficient for the applicant and the planning authority to submit/process a single submission. Potential to better align planning permission with Road Construction Consents.

Remove the requirement for advertisement of applications in the local press/posting of site notices – potential to reduce service costs if these requirements were replaced by web based publication on local authority websites and encouragement for property owners to sign up to postcode notification services?

Introduce the ability for planning authorities to withdraw applications without offering a formal determination where the applicant has failed, following request of the planning authority, to provide information which is necessary for proper assessment of the impact of the development. The ability to withdraw such submissions from the register of applications would remove the unnecessary use of resources to refuse permission (and potentially defend an appeal) where the planning submission is incomplete and therefore incapable of being approved regardless of its other merits.

**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?**

Unclear what's intended in this respect although it would appear that the introduction of a provision to amend the duration of a PPP after permission has been granted would in essentially allow a developer to extend the time period of their permission by applying to vary a condition rather than applying for renewal of the permission – the main difference being a significantly reduced fee! If this is the case then I'd suggest that we look to resist any such provision in the case of a PPP which has not been partially implemented – this would allow full review of any extended period of consent against any changes to the LDP or other relevant circumstances since PPP was last granted as a fresh application. However, where the PPP has been partially implemented (i.e. AMSC granted for 1<sup>st</sup> phase and this has been implemented) then there would perhaps be some merit in introducing a provision which would allow a developer to simply apply to keep the remainder of the unimplemented PPP permission 'live' where the necessary applications for approval of detail in later phases would fall outwith the initial 3 year time period for submission of AMSC, such a situation would be very similar to a PP with a material start although that would have the benefit of remaining 'live' in perpetuity.

**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?**

Again there isn't anything specific in the consultation paper about this issue so unsure what its driving at – no particular issue with the current process for seeking a variation of condition other than a lot of officers don't appreciate that they are not issuing an amended permission but are in fact providing a fresh decision on the whole development – clarification required perhaps rather than change to legislation?

**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 conditions on a PPP fall in to two camps – instructive conditions which stipulate a specific requirement to be complied with as an when an element of the development is delivered, the second form of condition identifies the requirement for further information to be submitted and approved by the planning authority as an AMSC submission and which have a suspensive effect upon implementation of either the development as a whole or a specified element of the development.

AMSCs are dealt with as a formal application for planning permission requiring payment of a fee, publicity and consultation. Whilst there might be some merits in being able to operate a reduced consultation/publicity process for AMSCs which cover technical matters which are essentially required for approval by statutory consultees (i.e. access layout for approval by Transport Scotland) rather than a more an involving more subjective elements (i.e. siting, design and finishes of buildings) which might be of wider public interest it is likely that any such two tier process would further complicate matters particularly where AMSC submissions cover multiple conditions on a PPP and give rise to additional inconsistencies in the manner in which PPP/AMSC submissions are dealt with by local authorities.

**33(d) Do you have any views on the requirements for pre-determination hearings and determination**

**of applications by full council?**

Councils should be able to determine the scheme of delegation they feel appropriate and efficient and that reflects their committee structures.

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

Strongly support the growth and development of digital technologies integration within the planning process. Development of this is time consuming and resource intensive and it is here that a centrally led coordinator and developer could be of significant assistance to Local Authorities which have little spare resource to dedicate to this. Additionally, a coordinated national approach would make sense which would create economies of scale, improve the ability to share services which are currently limited by technology differences, and create a standardised and seamless customer experience.