



## **HEADS OF PLANNING SCOTLAND'S RESPONSE TO THE SCOTTISH GOVERNMENT'S CONSULTATION PAPER ON PLANNING REFORM, "PLACES, PEOPLE AND PLANNING", JANUARY, 2017.**

**"Planning should be central to the delivery of great places and a force for positive change. Scotland's economy needs a planning system which is open for business, innovative and internationally respected. Our people need a planning system that helps to improve their lives by making better places and supporting the delivery of good quality homes.**

**We want,**

- **Scotland's planning system to lead and inspire change by making clear plans for the future.**
- **Scotland's planning system to empower people to decide the future of their places.**
- **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.**
- **To reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places."**

**Extracts from the Scottish Government Consultation Paper, "Places, People and Planning",**

**Report compiled for Heads of Planning Scotland by**

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## EXECUTIVE SUMMARY

### GENERAL COMMENTS

Scotland is a small country with big ambitions and we must ensure that the repositioning agenda set out in the Scottish Government's Consultation Paper, "Places, People and Planning" (SGCP) involves all stakeholders and the Scottish Government can lead the way in reforming and better integrating the various national plans and strategies to be a more effective context for planning and to avoid the prospect of a cluttered and over-planned landscape.

**HOPS shares the Minister's view that, "Scotland needs a great planning system".**

The Consultation Paper builds on the solid foundations of the recent Independent Review (2016) and develops the suggested improvement areas in some more detail. There are no real surprises and nothing radically new which has not been discussed in the last 12 months amongst the various professionals, LPAs and planning representative groups, such as HOPS, RTPI, COSLA and SOLACE.

The SGCP follows on directly from the Independent Review, and not surprisingly, given the broad consensus it received, it follows up on all the main recommendations and suggestions made.

**It is comprehensive, ambitious and innovative in its aspirations but it is still light on detail in many areas confirming more specific consultations will be required and further work areas need to be followed up.**

There are no detailed timings for the new changes being implemented, there are no indications of how these are to be resourced and there is no indication of transitional arrangements. HOPS feels that these are weak points within the Consultation Paper which could have taken the opportunity to clarify timescales, legislation and resourcing to allay fears about uncertainty and delayed outcomes, and those areas not reliant on new planning legislation.

Many of the proposed improvements go beyond or are outwith the planning system and will need buy-in from other parties. It is clear that not all the changes necessary can be achieved through legislative changes, and these are the most challenging areas for reform, which will require culture change and strong leadership across all the relevant bodies and organisations.

HOPS agrees with and supports the direction of travel set out in the SGCP but it will require to be resourced adequately and more detail fleshed out before we can say with certainty whether the reforms are sufficient to deliver the new, improved planning system we all know is required to deliver the repositioning of planning which we all consider is necessary.

Some of the options identified can be delivered in different ways and it is important that we do not over complicate the system accidentally and suffer from any unintended consequences of complexity, uncertainty and confusion.

**The Consultation Paper sets out a bold vision for planning with high aspirations for delivering, empowering and resourcing and it is critical that these ambitions are realised in a pragmatic and streamlined manner.**

**HOPS wants to play a full, participatory and engaging role in the important next stages of review, re-assessment, consultation and research.**

### **PROCESS**

The process has included extensive engagement, consultation and participation by many parties affected by planning and this has been welcomed.

The next steps beyond the Consultation Paper are critical and will require much more detailed thinking where there are options for change to be considered.

### **STABILITY**

We do however need to bear in mind that we will all need a period of stability once the changes have been finalised and implemented as this will be the second major change to the planning system within 10 years. This dictates that we must resolve the main issues confronting us so that we do not return to the same change agenda in another 10 years' time.

### **KEY CHANGE AREA 1- MAKING PLANS FOR THE FUTURE**

**HOPS agrees that all our Plans need to be made simpler and sharper** and SG needs to take the lead in developing and strengthening its NPF/SPP work. A new National Development Plan combining both aspects of national policy and strategy and setting regional targets for housing will be a big improvement on the current position. All SG agencies and departments must contribute to the Plan to align timescales for projects and investment, so that it is a truly national strategy and policy document.

**HOPS endorses the new approach proposed at national level** provided it is based on broader consultation and agreement with local authorities and not seen as further centralisation of local decision making.

SDPs cover the 4 main city regions in Scotland where most of the growth and investment is located. SDPs were independently reviewed as recently as 2014 and it was concluded that they were not "broken" but they were not realising their full potential. **HOPS does not support the removal of SDPs but we do support a stronger and better integrated approach to regional strategic working** but the precise form of this should be a matter for local partners discretion. Such work should perform a co-ordinating role across the key elements of housing, economy, transport and infrastructure. They must add value to the planning process and restrict their focus to key regional matters and matters which transcend LPA boundaries only.

HOPS is concerned that there is an apparent lack of connectivity between ongoing Scottish Government reviews of Planning, Enterprise and Skills, and Transportation and sees this as a cause for concern if they are not co-ordinated and linked in to a joined up approach.

The reasoning behind a Local Place Plan is understood, but based on the English experience of Neighbourhood Plans, HOPS is not convinced that it will work in practice, and it may be an extra layer of planning which is not actually required. If LDPs and Community Plans are to be better aligned and co-ordinated, which HOPS supports, then we already have Locality Plans and similar plans in place at the local community level. These just need to be integrated more in spatial terms and linked in to the LDP. (Figure 1 summarises the new planning hierarchy in Scotland as envisaged by HOPS, which we see as a simplified and streamlined 3 plan hierarchy).

As well as being shorter and sharper LDPs do need to make better use of digital technology, interactive mapping, 3D visualisations and all other techniques which can stimulate and encourage more participation and engagement.

**A 10- year local plan cycle is supported** provided the plan is not allowed to get out of date and not reflect any changing circumstances. A mid-term mini appraisal will be required and amended plan/part plan if required, using a fast track process.

**The concept of gateway checks is supported** and HOPS feels that this can be put in place at different stages in the process to avoid any lengthy and costly Examination, unless the LDP is not in compliance with national or regional policies or strategies. HOPS has provided some examples of how “gatechecks” may work, later in the report.

HOPS sees a more distinct and reduced role for the DPEA and Scottish Ministers to ensure more decisions are taken locally and appeals are restricted to decisions which are contrary to the NPF or SPP.

### **KEY CHANGE AREA 2 - PEOPLE MAKE THE SYSTEM WORK**

More people should engage early in the process and this needs to be a fundamental pre-requisite of any LDP. The local community in all its forms should be represented, particularly young people and children, to influence the future of the place they are going to grow up in.

**HOPS supports better alignment between community and spatial planning and HOPS believes it can be achieved by utilising what already exists, without creating additional plans.**

Confidence in the planning system can only happen if the system is independent, fair, transparent and fit for purpose. DM processes need to be streamlined as suggested in the SGCP.

Permitted Development Rights (PDR) needs to be grossly simplified and made clearer to all parties, as it is one of the main customer interfaces in Development Management which takes up a lot of staff time.

The system should not be weighted in favour of the applicant/developer in terms of reviews and appeals. More decisions should be taken locally with relatively few requiring an appeal to DPEA, and only if national or major planning issues are at stake.

Ministerial call ins and determinations should not be necessary in a proper plan led system and the LPA should retain the responsibility for implementing the strategy and policies set out in its own LDP.

**HOPS does not support the need for an equal right of appeal** as it would be cumbersome and slow up decisions. More needs to be done for earlier and fuller engagement and sites in the LDP should enjoy “protected” status so that when a detailed application is submitted the principle is not at risk.

### **KEY AREA OF CHANGE 3 – BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE**

These are the 2 priority areas of the review as they cause the most frustrations for planners, developers and communities. The fixation on housing numbers and need needs to be abandoned as it is resource consumptive, complicated and there never is a “right” answer anyway! The new National Development Plan and regional strategies must set out the minimum requirements for housing provision, in terms of numbers, broad locations, and tenures to align with national housing strategies.

**Funding for infrastructure is the biggest single issue to resolve and must be resolved.** Ideas on “roof taxes” per new house, Infrastructure Levy, prudential borrowing, tax incremental financing and other fiscal innovations, such as used in the Aberdeen City Deal, all need to be harnessed to provide certainty and deliverability.

HOPS supports the principle of an infrastructure levy subject to further details on role, scope and scale being developed.

Infrastructure providers need to work better together and to co-ordinate investment strategies in growth and high demand areas. The proposal to move to Delivery Programmes will assist in this co-ordination provided all parties contribute and are “locked in” to the implementation and phasing.

HOPS agrees that we need to move away from never ending and never resolved debates about increasingly complex housing equations for need and demand and focus on enabling and delivering a mix of quality homes across Scotland.

This is a critical area to tackle at the start of the new Local Development Plan process and brings together the elements of wider and earlier community engagement, buy-in from key agencies, infrastructure providers and developers, and joint agreement on the housing numbers to be planned for.

**HOPS supports the use of SPZs in appropriate circumstances** and once the pilot studies have reported back on the assumed benefits. Other methods used by LPAs currently include designating “Strategic Development Areas” linked in to masterplans and design briefs can also achieve a framework for large scale housing growth and quality of place.

**HOPS does not consider that a new infrastructure agency is required** and the current proposal to create a national infrastructure and development delivery group is welcomed in principle subject to more details coming forward on membership, funding and its relationship to local councils and wider partnerships but it would need to demonstrate what added value it will bring and will it be funded to be able to deliver, rather than simply co-ordinate.

**An infrastructure levy is supported** alongside all the other possible means of financing infrastructure that are currently used by LPAs in an increasingly innovative manner.

Spatial planning is seen as critical to the successful implementation of the “innovative infrastructure planning” outlined in the SGCP. It needs to be better integrated in to place planning and the quality of place ambitions. E.g. broadband and digital connectivity, electric car provision, district heating networks etc.

HOPS supports the other measures outlined such as, viability assessments for sites, speedier compulsory purchase powers, streamlined planning obligations, restricting the ability to modify planning obligations etc.

#### **KEY CHANGE AREA 4 - STRONGER LEADERSHIP AND SMARTER RESOURCING**

Another critical area but a difficult area to tackle, which cannot be improved with legislation, is the whole aspect of **culture change, improved leadership, repositioning of planning from regulator to deliverer, and more corporate presence within each Council.**

Links in to community planning can assist here but Councils will need to ensure that the planning function is at the heart of the Council's business and corporate strategies and the LDP is an important corporate investment document. This transition could be assisted if the LDP was renamed to something more upbeat and marketable e.g. Council Growth Plan, Council Development Strategy, Local Investment Plan, etc.

**These key elements of leadership, culture change and repositioning planning at the heart of place making and delivery are critical components in the review of planning and ultimately success in these areas will depend on the cumulative will and actions of all the players in the planning system working together on a coherent action plan.**

HOPS considers that planners and planning need to lead by example and, planning leaders and senior managers need to lead and promote planning within individual corporate structures in each council to raise awareness of the "repositioning" opportunities for the leadership of spatial and community planning links, joined up work and delivery.

Legislative change is critically important but it cannot be fully implemented without strong leadership in promoting and enhancing planning and demonstrating what planning can deliver and achieve. **Planning is a powerful tool and needs to be properly resourced to fulfil the expectations placed upon it.** Training and equipping the key players with the appropriate skills and knowledge is critical to all our ambitions. We need to think smarter and leaner, share best practice, benchmark and learn from the best, and look at using shared or collaborative services where this is appropriate.

Planning is grossly under resourced and requires **a major uplift in planning fees across the board and the ability to levy a range of discretionary fees, which should be made mandatory.**

**Fees must be retained by the planning service to achieve full cost recovery where this is possible.** This is not an easy task and the promised further consultation on planning fees in 2017 will need to tackle this in detail.

**Top slicing of planning fees to central government and other agencies is not supported**, but it would be beneficial if the LPS could reinvest any "additional monies" in performance and service improvements.

In the future, there may well be a skills shortage as experienced planners retire and the age profile of LPAs shows an inadequate intake of younger planners. This needs to be tackled from all sides- university, college, school, LPA and professional organisations to promote planning as a career choice. Hand in hand with this is the need for more collaboration and sharing across LPAs, including shared services, secondments, partnerships, joint working and more standardisation at national level to avoid 34 varieties being produced, which is unnecessary and expensive. E.g. validation (being done by HOPS), planning conditions, policy guidance, supplementary guidance etc.

HOPS is supportive of the focus on substantially increased fees and the suggestions for more comprehensive fee coverage, including the setting of discretionary fees, to enable full cost recovery.

**We have consistently argued for the essential need for the enhanced fee income to be paid to and retained by the planning service to contribute to full cost recovery and then reinvestment in performance improvements and enhancements if resources permit. This aspect must be addressed urgently if reinvestment in improved services is to be delivered.**

**HOPS opposes the Penalty Clause in the Regulatory Reform Act, as unnecessary, divisive and counterproductive and agrees with the IRP recommendation for its removal.**

The other proposed initiatives on skills, shared services, simplifying and streamlining procedures and digital transformation are all supported by HOPS and HOPS will continue to work with the Government and other agencies and input further ideas and suggestions for consideration of the detailed options and proposals prior to final decisions and subsequent implementation.

HOPS continues to champion and support the Planning Performance Framework (PPF) which has proved successful, but it now needs to be updated with experience and lessons learned via the benchmarking, peer review and workshop exercises which HOPS has carried out. All stakeholders need to buy in to this process more and become involved in supporting and being a "critical friend" to consider the quality of service alongside the quality of outcomes. It is important that a balanced approach to performance reporting is achieved by the PPF, as originally intended, rather than being dominated by considerations of the speed of decision-making of planning applications.

**A "Performance Champion" type role is supported** but it may require to be backed up with an Independent Panel of advisers drawn from public and private sectors, with community representatives, which can identify under-performance on a defined basis and can support an LPA with mentoring and improvement ideas and actions.

In HOPS view the Performance Champion should participate in the current High- Level Group discussions and the Group remit should be revised and strengthened, with a more strategic focus on the planning system's delivery of national outcomes.

**HOPS supports the designation of a Chief Planning Officer**, in a similar statutory manner to the Finance and Legal Officers within a council, to help underpin the role of spatial planning within a council and to assist in the repositioning of planning at the corporate level.

The Scottish Government needs to take on the lead role of making more use of digital technology and bringing up to date all its planning Circulars, legislation, Advice Notes etc.

Planning must continue to innovate and make use of the latest technology and techniques, including social media. Plans now should be interactive and use 3D visualisations.

Many of the larger Government publications need to be broken down in to customer sized bits so that we can truly engage and inform the public simply and effectively. E.g. The Circular on Householder Permitted Development- It would be much more helpful to all users if we had a short leaflet on porches, one on decking etc. and there was an electronic and interactive version available online. Hopefully the new Digital Task Force will be able to prioritise such matters, with the Scottish Government leading by example.

**In summary, HOPS would like to see a better resourced, simpler and more effective planning system across Scotland that delivers valued and understood outcomes for the economy and our local communities. It is about building on all the existing strengths and best practice in local planning authorities and making the new, enhanced planning system in Scotland the best system that it can be.**



## FIGURE 1- NEW HIERARCHY OF PLANS AND STRATEGIES IN SCOTLAND

HOPS believes that a strengthened and simplified planning system for Scotland can be achieved which could be equipped to deliver the radical change agenda outlined in the Consultation Paper. A schematic summary of the HOPS preferred approach is shown below for further discussion and consideration.

### **1. NATIONAL DEVELOPMENT PLAN**

- **A reconfigured combination of NPF and SPP**
- **Broader remits and wider integration across SG departments**
- **Joined up national strategies and investment plans**
- **Additional and more extensive consultation processes**
- **Allowance for local flexibility and circumstances**
- **Setting regional targets for housing**
- **Parliamentary approval to provide scrutiny**

### **2. STRATEGIC DEVELOPMENT PLANS/REGIONAL PARTNERSHIPS**

- **Retain SDPA if it is working and is fit for purpose- rework if not**
- **Co-ordination of funding for infrastructure projects**
- **Alignment with City Deals and city region planning**
- **Flexible geographies to fit city, non-city, rural, urban and islands configurations**
- **Critical elements of housing, economy, transportation and infrastructure**
- **Based on reality of funding and delivery**
- **Retain SDPA if it is working and is fit for purpose**
- **Housing delivery and infrastructure provision are essential ingredients**

### **3. LOCAL DEVELOPMENT PLANS**

- **Draft Plan and no Main Issues Report**
- **Shorter, sharper, with more graphics and interactive mapping**
- **Gatecheck processes at different stages in the LDP**
- **10- year cycle with review and amendment triggers**
- **Links with and into Community Plan priorities and strategies**
- **More inclusive approach, with wider engagement with different communities of interest**
- **No repetition of NPF/SPP policies**
- **Focus on Delivery Plan**
- **Only relevant supplementary guidance agreed nationally**
- **Integration with Locality Plans and other local action plans to avoid the need for a separate Local Place Plan**

## INTRODUCTION

0.1 The Government states quite clearly in its Consultation Paper, “Places, People and Planning” that, **“Planning should be central to the delivery of great places and a force for positive change. Scotland’s economy needs a planning system which is open for business, innovative and internationally respected. Our people need a planning system that helps to improve their lives by making better places and supporting the delivery of good quality homes”**

0.2 Heads of Planning Scotland (HOPS) has a clear and influential role to play in the planning review process and its members have worked together to establish clear views and options for future consideration by the Scottish Government regarding the planning review and consultation processes. In addition, HOPS has relished the various strands of work remitted directly to it from the government and welcomes the degree of collaboration and joint working which has taken place throughout the planning review process.

0.3 There is a shared recognition by the Government and HOPS about the unique contribution that the planning system can make to shaping the future of our places and it confirms that Scotland needs a planning system which helps growth to happen and unlocks the potential of people and places.

0.4 HOPS is particularly pleased to see that the 3 strategic themes it set out in its earlier Vision Statement, published in 2016, are all integrated in to the proposed changes suggested by the Scottish Government.

- **Repositioning planning** as a strategic enabler as well as a statutory, regulatory function.
- **Investing in the planning system** to properly resource a high performing system capable of delivering the outcomes which we aspire to, both nationally and locally, and the
- **Streamlining of planning processes**, including simplification and efficiency improvements.

**These are the 3 essential requirements in a modernised, re-energised and reinvigorated planning system which HOPS is calling for.**

0.5 In its Vision Statement, HOPS requested clear options, preferred options and a timetable for legislation and changes to be implemented but disappointingly these details are not provided in the Consultation Paper. There is no reference to how the proposed changes are to be resourced and by whom. Many of the changes proposed do not require new planning legislation and it would have been helpful and informative to have this made explicit, with a likely order for the changes and the transition arrangements required. This is especially relevant as much of the proposed change agenda is not within the scope or sole scope of planning legislation.

0.6 HOPS is fully supportive of the intentions behind the review to place planning in a more central and co-ordinating role with respect to delivery and infrastructure, but many of the proposed changes are a big ask for lightly resourced services, and the larger burden will fall to development planning teams, which are often very small.

0.7 One of the critical tasks in being able to deliver in relation to upscaling delivery activity will require planning activities to be repositioned within the context of wider corporate activities, skills and resources at both local and regional partnership scales. Lightly resourced planning teams will not on their own be able to effect the change and delivery outcomes sought and appropriate support is likely to be required.

This also ties in with the related workstreams on Skills and Shared Services and HOPS would be happy to work further with the SG, Improvement Service and RTPI to identify and develop the required training and support needs.

0.8 HOPS is acutely aware that the suite of proposed planning reforms cannot and must not be assessed in isolation from other change and review agendas taking place at national and regional levels, which all require to be carefully co-ordinated and synchronised if the full impacts of the planning changes are to be realised. E.g. Review of enterprise and skills, regional transportation project review.

0.9 The Consultation Paper sets out 4 key areas of change which HOPS supports and agrees with in principle as high - level ambitions which are difficult to disagree with, subject to further detailed work, discussion and clarification before implementation.

- Making plans for the future
- People make the system work
- Building more homes and delivering infrastructure
- Stronger leadership and smarter resourcing.

0.10 From the outset of the current planning review HOPS has been very keen for the planning review to identify “game changers” to radically alter the key components of complexity and confusion in the planning system and to build on the last, successful major reforms in 2006, rather than to introduce more incremental change and minor adjustments. The planning system then needs a period of prolonged stability following on from the reforms free from any further radical change.

0.11 HOPS is critically aware that the planning system in Scotland does not exist in isolation and it cannot deliver the wide ranging change agenda being proposed on its own. There must be widespread support for the proposals from all the relevant agencies and partnerships, and crucially the private sector and local communities need to be supportive and co-operative if the laudable aspirations set out by the Government and supported by HOPS are to have any real chance of overall success.

0.12 As a starting point HOPS has identified the following significant “game changers” from the Consultation Paper which we can support in principle subject to developing the detailed follow up matters. We identify these in our position statements on each of the 4 key areas of change and the 20 specific proposals, and develop further in the detailed responses to the individual key questions and technical questions posed in the Consultation Paper.

- Strengthen the critical roles of strategic and regional planning across Scotland to suit local circumstances
- Clearer national and regional strategies for new homes and infrastructure, with an emphasis on funding and delivery
- Less time and resources on plan making and more focus on the delivery and implementation of the actions set out in the strategy
- More community involvement and people involved in local decision making but within the existing frameworks for community and spatial planning, using the full array of the current toolkits for engagement and participation
- A radical overhaul of the manner in which the development management service is funded to achieve full cost recovery

- Agreement that performance levels and levels of service need to be improved where identified and maintained at a high level to address concerns on under performance and delays
- More developments need to be taken out of direct planning control where they are considered to be an unnecessary control, a matter of minor significance or can be more appropriately controlled or managed in a different manner
- New options for delivering houses and providing infrastructure provision are strongly supported provided that the emphasis is placed firmly on the availability of finance and resources and the delivery of outcomes
- Digital transformation of the planning system as an integral part of wider digital transformation changes across the public sector
- Introducing measures for improving public trust and confidence in the planning system but recognising that this is an inexact science and can be a difficult area to influence and improve where the role of planning is to balance a wide range of competing interests on behalf of the public interest
- A recognition that planning has to be re-positioned from a regulator and controller to a placemaker and deliverer of growth and investment, and is given a more crucial central and corporate identity at all levels of government

0.13 The Scottish Government commissioned an independent panel to review the Scottish planning system in September 2015. The report, **“Empowering planning to deliver great places”**, was prepared by Crawford Beveridge, Petra Biberbach and John Hamilton, and was published in May 2016.

0.14 The Review, which was to be a “root and branch” review, set out “game changing “ideas, and set out 48 recommendations set around 6 key themes,

- Strong and flexible development plans
- Delivery of more high quality homes
- An infrastructure first approach
- Efficient and transparent development management
- Stronger leadership, smarter resourcing and sharing of skills
- Collaboration rather than conflict- inclusion and empowerment

0.15 HOPS played a full and active part in the review process, including providing oral and written evidence to the Review Panel prior to the publication of the review report. HOPS also issued a detailed submission to inform the Consultation Paper, **“HOPS Vision for a Repositioned, Better Resourced, Streamlined and more effective planning system”**, which was published in November, 2016 and submitted to the Scottish Government for consideration.

0.16 Following on from the review the Government set up a series of themed workshops involving a range of stakeholders, including HOPS representatives, to discuss and assess the review proposals. Scottish Ministers published their response in July 2016 setting out their commitment to reform, immediate actions, the scope of future reform and the details of the next steps and further consultation.

0.17 The Government subsequently published its Consultation Paper on the future of the Scottish planning system, **“Places, People and Planning”**, on January 10<sup>th</sup>, 2017 with a closing date for the submission of comments by 4<sup>th</sup> April 2017. The Paper adjusts and amalgamates the 6 outcomes

in the Independent Review outlined above to 4 key areas of change, but retains the overall direction of travel and impetus for change and sets out 20 detailed proposals for consideration. On a positive note, all the recommendations set out in the Independent Review, which received broad approval and consensus across the planning community, have been followed through in some way or another.

0.18 During the intervening period between the Independent Review Report and the Scottish Government Consultation Paper, HOPS were specifically tasked by the Scottish Government to submit a series of scoping and input papers, setting out conclusions and recommendations on a range of related planning matters, for the consideration of the Scottish Government as part of the HOPS inputs to the overall planning review programme.

- An input paper to the workstream on **Planning Fees and Planning Performance**.
- A paper to explore the potential to establish **Shared Services**.
- Finalised proposals for delivering guidance on **National Validation Standards** in planning in Scotland.
- A scoping paper on the **Extension of Permitted Development Rights (PDR)** and the options to remove the need for planning permission for more development types.

0.19 These papers have been formally submitted to Scottish Government to inform the next steps in the planning review process, which will, incidentally, include wider consultations on PDR and Fees and Performance matters, later in 2017.

0.20 A separate consultation paper was issued by the Scottish Government, "**Raising Planning Fees**", in December 2016 and HOPS submitted a separate, detailed response on 23<sup>rd</sup> February, 2017.

0.21 As a democratic organisation, HOPS has consulted fully through its 3 sub-committees on Development Planning, Development Management and Performance and Practice to provide detailed inputs to this response, which is formally endorsed and approved by Heads of Planning Scotland.

0.22 In this formal response to the Scottish Government's Consultation Paper (SGCP) HOPS has set out its position and provided comments on the 4 key proposals for change, the 20 specific proposals for these areas of change and improvement and HOPS has responded in full to the 38 questions posed in the SGCP.

0.23 It has structured its response to each of the areas of change as follows, to set out the overall context and background, and to provide continuity across the themes,

- Summarising the key recommendations and conclusions from the Independent Review Panel (IRP) to ensure coverage and to identify any areas or recommendations not followed up in the consultation process.
- Setting out the previous HOPS position from its Vision Statement to ensure key points are reflected in the Consultation Paper.
- Providing a HOPS Position Statement on each of the 20 proposals in the SGCP.
- Setting out the HOPS responses to each of the questions posed in the SGCP in the Appendices.

0.24 HOPS considers that the Consultation Paper provides a comprehensive and logical follow up from the earlier Independent Review conclusions and recommendations and it sets out an

ambitious programme for change and reform, subject to further consultation processes, research areas and areas for further joint working.

0.25 HOPS is disappointed however that we are still considering many of the same questions and issues raised in the Independent Review and workshops without firming up more on the proposals and options being presented. We said previously that “the devil is in the detail” and there is still little detail for some of the critical proposals. This makes it difficult to fully respond to some of the questions posed as there are still options and different approaches to consider which will impact on any final judgement. Where practical HOPS has set out possible solutions or examples for further discussion (for example in relation to Local Place Plans within the community planning and local development plan frameworks, and also a possible additional role for a second gatecheck which would reduce the role of the DPEA).

0.26 HOPS believes that the overall aspirations and ambitions for the new planning system are innovative, radical and deliverable but much more detailed work is required before appropriate legislation can be drafted and the change measures implemented.

0.27 HOPS accepts the Government's invitation to participate fully in the continuing dialogue, which needs to happen quickly and in a collective and collaborative spirit of respect, mutual interests and understanding and co-operation and confidence in looking forward, to ensure that Scotland gets a “great planning system”, as set out in the Foreword to the SGCP by the Minister for Local Government and Housing, Kevin Stewart MSP.

## KEY AREA OF CHANGE 1. MAKING PLANS FOR THE FUTURE

Scotland's planning system should lead and inspire change by making clear plans for the future and to achieve this, we can simplify and strengthen development planning. We propose:

**Proposal 1. Aligning community planning and spatial planning.** This can be achieved by introducing a requirement for development plans to take account of wider community planning and can be supported through future guidance. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 2. Regional partnership working.** We believe that strategic development plans should be removed from the system so that strategic planners can support more proactive regional partnership working. **HOPS SUPPORTS THIS PROPOSAL IN PRINCIPLE SUBJECT TO FURTHER CLARIFICATIONS**

**Proposal 3. Improving national spatial planning and policy.** The National Planning framework (NPF) can be developed further to better reflect regional priorities. In addition, national planning policies can be used to make local development planning simpler and more consistent. **HOPS SUPPORTS THIS PROPOSAL IN PRINCIPLE WITH DETAILED OBSERVATIONS AND OPTIONS SET OUT IN THE RESPONSE**

**Proposal 4. Stronger local development plans.** We believe the plan period should be extended to 10 years and that "main issues reports" and supplementary guidance should be removed to make plans more accessible for people. A new "gate check" would help to improve plan examinations by dealing with significant issues at an earlier stage. **HOPS SUPPORTS THIS PROPOSAL IN PRINCIPLE WITH DETAILED OBSERVATIONS AND OPTIONS SET OUT IN THE RESPONSE**

**Proposal 5. Making plans that deliver.** We can strengthen the commitment that come from allocating development land in the plan, and improve the use of delivery programmes to help ensure that planned development happens on the ground. **HOPS SUPPORTS THIS PROPOSAL**

**HOPS believes that the national planning hierarchy requires to be radically changed to ensure that the process is simplified at all 3 levels and that local development plans are truly local action plans which deliver for local communities. The processes all need to be streamlined without losing any democratic accountability. A National Development Plan which integrates the current NPF and SPP national priorities, strategies and investments with clear regional targets and ambitions is essential, as summarised in Figure1.**

**Strong strategic and regional partnerships are considered crucial to deliver investment, infrastructure and economic growth across Scotland but HOPS would like to see more detailed consideration of the available options and flexibility to suit local circumstances.**

**Community planning and spatial planning must co-ordinate more effectively and avoid overlapping consultations and timescales. There are great opportunities here to seize the initiative and create a truly integrated and cohesive family of plans and strategies each with its own clear role and a maturity of partnership and collective responsibility.**



## THE INDEPENDENT PLANNING REVIEW (IPR)

1.0 The first outcome in the IPR was for **“strong and flexible development plans”**. The planned system was supported strongly in the IPR with changes proposed to both the National Planning Framework (NPF) and Scottish Planning Policy (SPP) for enhancements, broader coverage and better co-ordination.

1.1 Clear messages were set out for, simplified plan processes, a 10-year plan cycle, a frontloaded “gate check”, alignment with community planning and rebalancing control between central and local ownership

1.2 The Development Plan system was seen by the IPR as pivotal and working, but it needed to be made stronger and simplified at the same time. Communities need to engage earlier and more fully with the development plan processes and the 3 tiers of planning need to be better integrated and their respective roles adjusted and expanded to meet the challenges of housing delivery and infrastructure provision.

## THE HOPS VISION STATEMENT

1.3 In its Vision Statement HOPS stated that Development Plans are the cornerstone of the Scottish planning system and they are valued and respected. For a small country, Scotland has a multi-layered system which can confuse customers and overlap workloads. There can also be built in inconsistencies and complexities. The logic of the current trilogy of plans at National, Strategic and Local levels is sound but it needs freshening up, better integration within a more transparent and simpler framework.

1.4 HOPS considered that the process for LDPs was over- complicated and dictated too much by process, legislation, procedures and the need to avoid challenges from other parties. HOPS wanted to see efficiencies built in to the complete plan making cycle to speed up the LDP process and to improve engagement and certainty.

1.5 The key components of change identified by HOPS were,

- A spatial development plan is a fundamental requirement and should remain as the primary consideration when managing new development and officers and committees taking decisions accordingly.
- More flexibility should be given to planning authorities to deliver their own LDP and the Main Issues Report stage should be removed from development plans as it is not delivering the original objectives for this stage. LPAs should focus on the areas of greatest change and growth and not cover every settlement.
- The role of the DPEA should be radically overhauled and limited to considering only the main issues and compliance with National policy (SPP) and a possible “gateway” role. There should not be any detailed site consideration issues by the DPEA.
- It is essential to align the LDP and Local Outcome Improvement Plans (LOIP) for Community Planning to reduce unnecessary and often confusing and overlapping consultation processes and to ensure that LDPs are playing a full part in delivering local outcomes and priorities.
- Aligning Community Planning and Local Development Plans needs to be central to the place making agenda and could for example include the use of the Place Standard toolkit. It is critical that spatial plans are rooted in to the local community priorities



established through LOIPS under the Community Empowerment approach. This also demonstrates the need for related legislative change and working across and with other legal powers and processes.

- The role of the NPF needs to be strengthened and it needs to address the long-term city-region context ensuring that there is no “democratic deficit” if we continue to deliver local leadership of strategic planning. HOPS is attracted to the idea of a National Development Plan which has a much stronger context for housing, infrastructure and economic investment. It should also be integrated with the other national spatial strategies such as the Infrastructure Investment Plan and the National Transport Strategy.
- Efficiencies in the plan making cycle need to be introduced to speed up the process and the timescale for a LDP needs to lengthen beyond 5 years, preferably to a 10-year vision.

**Integrated delivery of transport, economic investment, infrastructure and spatial planning at a national and regional level is essential. This is not a simple change to planning legislation but a challenging area of reform which the Scottish Government requires to lead on as it is a national game changer which would make a huge difference to the current overlaps and disjointed arrangements and would significantly contribute to a repositioned planning system.**

### THE SCOTTISH GOVERNMENT CONSULTATION PAPER

1.6 The Scottish Government has followed up on the IPR suggestions in its change area “Making Plans for the future” by supporting the main findings and recommendations set out in the IPR and also the HOPS change components outlined above so that there is broad consensus on this aspect.

1.7 A substantial shake up and reorganisation of all the plans in the planning system is proposed at all levels.

- An enhanced role for the National Planning Framework (NPF) and Scottish Planning Policy (SPP) is envisaged, in to a new National Development Plan (NDP).
- Strategic Development Plans (SDPs) currently prepared for the 4 city regions are to cease.
- New Regional Partnerships across Scotland will be formed to set out national and regional priorities.
- Local Development Plans (LDPs) will move to a 10-year cycle with shorter processes and a suggested early “gatecheck” to replace detailed scrutiny at the end of the plan.
- A greater role for Scottish Ministers is suggested.
- Linking of spatial planning and community planning.
- Delivery Plans to emphasise the move from regulation to delivery.
- The introduction of Local Place Plans

### HOPS POSITION STATEMENT

#### **Proposal 1. Aligning community planning and spatial planning.**

Community planning and spatial planning need to be better connected and aligned and work better together in a mutually inclusive manner. The integration has to be real and meaningful and it has to be a 2-way process.

There is no need for new legislation as it already exists and HOPS would seek the SG to develop on what already exists rather than create additional legislation and impose further duties on the LPAs.

It is clear that the Community Empowerment Act and the Community Planning partnerships already have responsibilities for local outcomes, community engagement and involvement and the last thing required is another layer of consultation for another new plan, however well-intentioned that may be.

The corporate arm of Councils needs to be better focused on the wider role of planning, in terms of growth and investment, place making and delivery and this is a key area for leadership and culture change for individual officers and Councils to tackle.

Many councils produce locality plans or similar, and HOPS does not consider that there is any need for new Local Place Plans, as this would further confuse the public and developers, and it would create another planning layer to clutter the policy and planning landscape.

### **Proposal 2. Regional partnership working.**

When the SDPAs were researched a few years ago (The Strategic Development Plan Review, Kevin Murray, 2014) improvements and suggestions were mooted for strategic planning rather than not retaining them. The conclusion then was that strategic development planning was not “broken” but rather it was not realising its full potential. In responding to the review the Scottish Government stated that the success of strategic development planning will centre on the effectiveness of engagement across all relevant stakeholders. **HOPS does not support the removal of SDPAs** but considers that this area of strategic/regional arrangements needs to be further discussed and assessed before any detailed provisions are confirmed for any new regional partnerships.

This is an area of the Review which has attracted mixed views from the HOPS membership, which is not surprising given the different roles and responsibilities which currently exist between the LPAs and the SDPAs.

SDPAs work and just need to be refocused on key strategic/regional matters. The original reasoning of basing SDPAs on city regions was well researched and based on the growth models in Europe, particularly Germany, where the city regions are the driving force of the economy.

It may well be the case that areas not within a current SDPA feel “left out” or disadvantaged in some way but existing City Deals and partnership working demonstrate that where local areas want to collaborate and co-ordinate key regional activities then they can implement joint arrangements. e.g. Tay Cities Region

Political relationships will be the key to any future arrangements as it has been demonstrated with existing SDPAs and defining artificial “geographies” is not the way forward. HOPS supports the joint working and collaboration on key economic and infrastructure investments at the regional level but feels that these arrangements should will be made locally/regionally to suit individual circumstances and context.

### **Proposal 3. Improving national spatial planning and policy.**

National policy needs to improve and be more inclusive and HOPS supports a more expansive role for the NPF provided it restricts itself to genuine matters of national and regional importance.

The SG needs to avoid any dangers of over centralisation and becoming less democratic in such a move, but the logic behind combining NPF and SPP in some form with clear guidance on housing targets and infrastructure investments is considered to be an enhanced process.

### **Proposal 4. Stronger local development plans.**

Shorter, simpler and more effective LDPs are a shared objective, coupled with more and wider community engagement. The LDP Regulations and requirements need to be simplified and the rules of governance made less complicated. The Plan should be all about a strategy for delivery and not about the process of plan making per se.

HOPS supports the drive towards more effective use of graphics and interactive mapping etc. and the best examples which currently exist should become the norm for all LPAs.

There are many good practice examples of how to engage with local communities using workshops, charrettes, facilitated sessions with specialist providers (e.g. PAS) and HOPS welcomes the development of more and better ways of involving the public in contributing to their plan and place.

Plans should be approved locally and not centrally because they are **local plans** and HOPS feels that any referral to the DPEA for an Examination should be very limited and based on contraventions to national or regional policy only, especially if the "gatecheck" system of review, compliance and competence is introduced.

The 10-year cycle is supported provided that there is flexibility to review and modify when circumstances change, to avoid any circumstances when the Plan becomes unresponsive or out of date.

How supplementary guidance fits in to the new process needs to be carefully considered in order to declutter LDPs but to retain the supporting controls and advice which are essential requirements of the plan and strategy.

### **Proposal 5. Making plans that deliver.**

HOPS supports the emphasis being placed on delivery and delivery programmes but it has to be recognised that often the delivery of the Plan is in the hands of others and delivery cannot be guaranteed in every circumstance.

More onus should be placed on the infrastructure providers and developers and house builders to work together better to integrate investment schedules and to work within the terms of the approved LDP. This will require early engagement in the process in a collective manner.

Active participation by the key agencies is essential to ensure the LDP is based on real investments and delivery programmes and this commitment has to be managed by the SG

and include synchronised consultation processes and investment cycles, which are aligned with each other.

## SPECIFIC QUESTIONS: MAKING PLANS FOR THE FUTURE.

### KEY QUESTION

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

**YES**, to the majority of the proposals but not all of them. HOPS is clear that the plan making processes require to be streamlined and simplified with an emphasis placed on earlier and more effective engagement and participation from the wider community. The role of the planner should be to implement and deliver the plan for future investment in the local communities rather than preparing a lengthy report covering all aspects of the planning system.

HOPS supports the general proposition within the review that development planning activities, within all tiers in the system, should become more delivery focused and effective. However, without clarity around what is being proposed in each tier, it is premature to fully comment on whether the proposed reforms will result in an improved development planning system.

**The proposals to remove SDPs (which cover 19 individual planning authorities) and replace them with an alternative approach of regional partnerships is not supported by HOPS.**

HOPS agrees that the plan period should be extended, provided regular monitoring and updating takes place where unplanned change or context occurs.

Restricting the grounds for challenge and reducing or eliminating lengthy and expensive DPEA examinations are also required to make the system sharper and more effectively left in the hands of the Local Authorities.

HOPS considers that any changes to the “front end” of the system require careful thought to avoid additional burdens on planners and any unintended consequences.

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

**YES**, HOPS agrees with the principle that development plans should take account of community planning, but the relationship between community planning and development planning should be two-way and community plans should equally be required to take account of development plans.

Community Planning Partnerships (CPPs) need to be better focused on the wider role of the planning system and the reciprocal benefits it can provide in supporting community planning priorities and vice-versa. This starts with ensuring that development planners are formally embedded within the process preparing community plans (LOIP and Locality Plans). Equally, the Development Plan needs to be placed on a formal footing within CPPs to ensure that partners and Council services take greater ownership of its preparation, implementation and monitoring. With reference to paragraph 1.6 of Places, People and Planning the “value of the development plan in realising corporate objectives” should apply

equally to all community planning partners, and to some extent local communities, and certainly not just to the local authority.

There are several examples of CPPs/Councils across Scotland who have embraced the development plan as a principal component of their approach to shaping places and service delivery, and to provide a stronger framework for delivery, and these should be seen as “good practice” studies. Some councils are even looking to combine community plans and land use plans. This represents a new standard for development planning that formally places community partners, the community and the Council as more equal partners in the process of shaping places and how services are delivered.

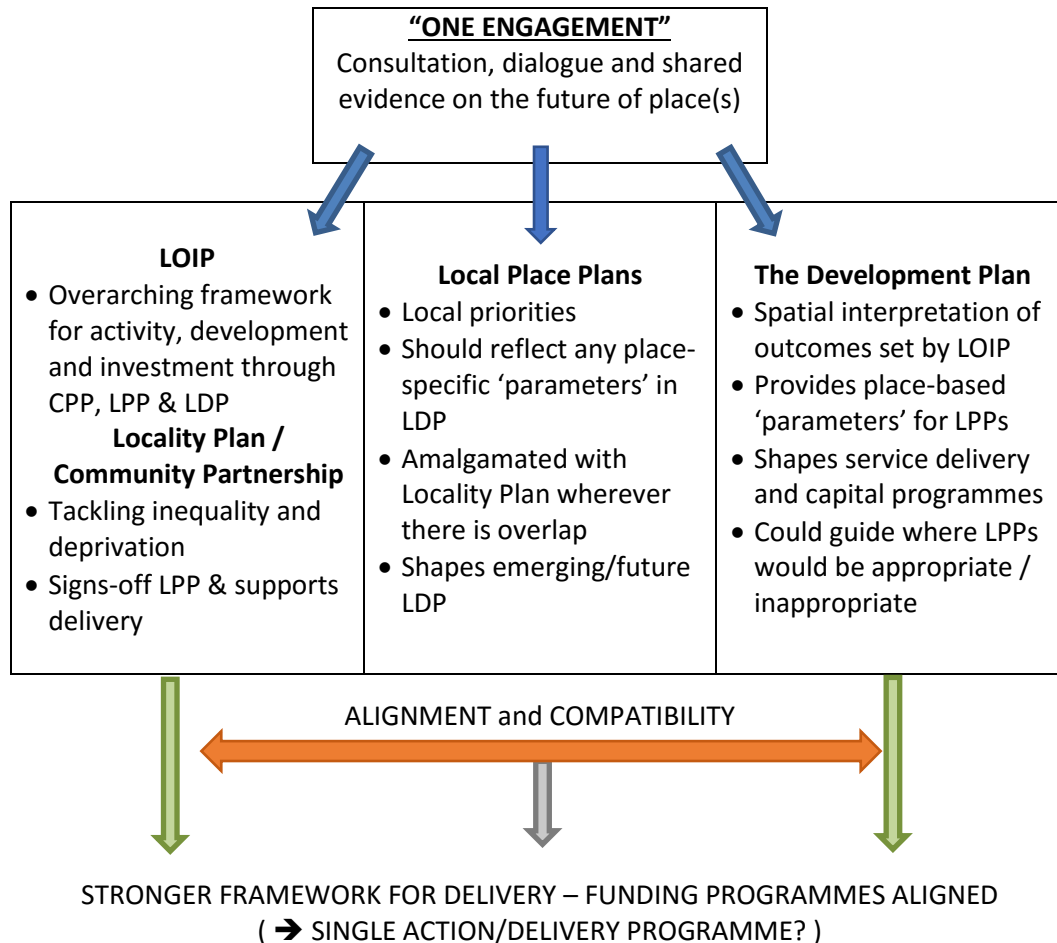
To introduce this approach on a formal basis, HOPS believe that at the national level there should be fundamental changes to the framework within which community plans (LOIP, Locality Plans), the development plan and the proposed Local Place Plans (LPPs) will operate. Since these plans will play a role in shaping places we believe there should be greater clarity on the role each plan plays, as well as the partners’ roles in preparing them, along with a duty for community planning partnerships to ensure alignment and compatibility between each plan.

Figure 2 overleaf illustrates one way in which these plans might relate to each other.

Wherever possible the timescales for preparing such plans should be brought together. For example, there is a major opportunity to simplify and consolidate the arrangements for consultation and evidence gathering for these plans, where under current arrangements such exercises are typically carried out independent of each other. With a transparent approach to sharing information, background evidence and local intelligence, all plans can be prepared with a common understanding. The outputs from such consultation can then be directed towards the most appropriate channel.

The combined effect of such an approach would be greater collaboration in preparing community and land use plans and shared ownership in delivering them. Enabling and empowering communities to do more for themselves would in turn free up development plans to focus on the areas where co-ordination is required the most to bring partners together to deliver development and infrastructure, using the Action Programme as a manual for delivery. The requirements for community planning partners should then also extend to aligning their asset strategies and funding programmes with the LDP and Action Programme and Community Planning priorities.

Further details on this approach, and in particular the potential role and benefits of the Local Place Plan, are set out in our response to Proposal 6/Question 9.



**FIGURE 2- RELATIONSHIP OF LOCAL PLANS-ONE ENGAGEMENT**

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

**NO**, but both types of plan could co-exist if local councils want to develop further partnership working. Any new regional partnership approach needs to provide a more efficient and effective focus on regional planning, flexible enough to cater for the different local and geographical circumstances and not just concentrate on the city region concepts. HOPS considers that SDPs should not be removed, but regional partnerships may be required in non-city region areas where there are cross -boundary shared interests.

HOPS considers that the emphasis should be on the need to consider spatial planning and sustainability considerations within community planning decisions.

The development of a regional land use spatial strategy should be a key requirement of any regional partnership work.

The identification of a 10-year period for planning for housing removes opportunity for flexibility and change.

However, within HOPS there are a range of views which have been expressed:

- outwith SDP areas existing partnership working at a range of scales also works well

- removing the obligation to produce Strategic Development Plans from Local Authorities has some support, as this would free up resource to focus on other activities.

Overall there can be no doubt that the future prosperity and function of planning is greatly enhanced by improved regional partnership working. as stated within the consultation, “Planning should contribute to wider regional activities, including economic and social infrastructure delivery, as well as supporting a clear dialogue between national and local tiers of government”. The view from the HOPS members was not unanimous with some members advocating that Strategic Development Plans should be removed, but with the majority of members, particularly those working within SDP areas advocating their retention.

Existing SDP’s provide a very useful existing means of co-ordinating joint working in a formal setting, with the advantages of established governance and joint working that this brings. Effectively to recreate a voluntary mechanism to achieve this aim would result in a set of functions that duplicates the current work of most SDPA’s. Looking back, the reason for the establishment of the SDPA’s as separate authorities should not be forgotten. Joint working on Structure Plans to achieve a common vision was not always possible.

The question of removing the obligation to produce Strategic Development Plans from Local Authorities has some support, and would reduce the bureaucracy and effort around plan making. Clarity on a stripped down function, purpose and content of strategic plans themselves may free up resources to assist with the spatial elements of others plans.

HOPS finds it difficult to see how the NPF could articulate the spatial priorities of all authorities in Scotland in sufficient detail. Only through identification of regional priorities by a dedicated locally based resource will there be opportunity for the NPF to add value to the process.

HOPS is concerned that a move to a 10-year period in planning for housing (within NPF and LDPs), may be a retrograde step as it would reduce longer term planning activity currently undertaken, both within and outwith SDPA areas, which look to both a 10 year and 20-year horizon post LDP adoption.

Across most of Scotland regional partnership working is a matter of fact, and it is difficult to understand how the introduction of a different statutory vehicle for co-ordinating plan-making with all the other functions carried out within Council Areas would achieve a better outcome for spatial planning.

Spatial policy is a key output that should be sought from improved regional working, but it is misleading to suggest that other elements of community based planning can be achieved only through land use planning mechanisms. Placing a burden on the strategic planning system to deliver regional co-ordination belittles this wider perspective. There are few topics on regional planning referred to in para 1.13, page 8 in the SGCP, that are not already actively pursued by most planning authorities, whether co-ordinated by a SDPA or not, except for co-ordinating funding and phasing of infrastructure programmes.

Whatever strategy is finally concluded it remains of the utmost importance that the development of a regional land use spatial strategy should be a key requirement of any regional partnership work. To this end a wider perspective is required through community planning routes to ensure that the spatial implications of Community Planning Partnership decisions is a mandatory obligation and that, where necessary, Strategic Planning Authorities are a key agent in any such decisions.

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

The key to this question is how spatial planning conflicts can otherwise be resolved between regional partners. Frequent examples can be quoted of decisions taken for operational reasons which do not respect Scottish Government policy on land use distribution.



Regional planning, whether within or between local authorities, requires comprehension and understanding of the role and function of places and sustainability considerations which may not be common with other partners. Planning professionals are well placed to marry community, business and environmental concerns, particularly in relation to setting a strategic vision for an area to allow the coordination of other plans and strategies.

HOPS agrees that there is a role for strategic planning to “help develop a strategy and delivery programme as part of the National Planning Framework and to co-ordinate housing and business land supply”. As acknowledged within the review, a Strategic Planning role to coordinate funding of infrastructure projects is likely to be more problematic when private sector bodies and Scottish Water have their own, carefully considered programmes. For example, Grampian Health Board only thinks “strategically” for a 3-year financial programme and no assurances can be obtained on longer term planning. The National Transport Strategy would seem to be proceeding on the basis of what Ministers have agreed with Transport Scotland should proceed, not strategic planning priorities.

Suggesting that a “partnership whose membership extends beyond planning to include all those with a role in planning, prioritising and delivering regional economic development and investment in infrastructure” will take town and country planning into uncharted territory and would require very clear governance arrangements that reflect local democracy.

The role of longer term planning horizons and key strategies for infrastructure, housing and economic development investments on a spatial plan which is in compliance with and takes direction from the new style NPF/SPP. It should be high level and strategic in nature.

The emphasis should be on the need to embed spatial planning and sustainability considerations, within wider community planning decision making given that it is unlikely that spatial planning will lead the work of regional partnerships.

Planning authorities can bring an understanding of the role and function of places and assist with sustainability considerations, to regional decision making provided that coherent regional structures are in place.

Effective regional partnerships will require appropriate powers, duties and resourcing.

As recognised within the consultation, Planning Authorities cannot co-ordinate funding of private sector and arms-length infrastructure providers, and therefore further consideration requires to be given as to how planning can have more influence within this area including in respect of duties, powers and resourcing.

Appropriate governance structures will be required to avoid regional partnership working being viewed as lacking local democratic accountability or being seen as as part of a centralisation agenda.

Delivery Programmes could provide a mechanism for bringing regional partners to the table and consideration should be given to placing these on a statutory footing.

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

As previously identified by HOPS, one size does not fit all and the roles at a regional level will vary according to the success of other regional partners in progressing their remit. In some parts of the country a major role may exist to co-ordinate matters associated with Climate Change Adaptation, or even

Regional Transport Strategies, whereas in others there may be separate groups performing at a sufficiently high level to accommodate these roles.

No matter what the success of other bodies created and defined by other statutes, the key role of strategic planning should remain the consideration of the spatial distribution of land uses alongside sustainability considerations. Care needs to be taken that a reform of the planning legislation does not assume an enhanced role for strategic planning that does not reflect existing legislation.

The key national themes of infrastructure, housing and economic development, together with national transportation priorities.

The key role of strategic planning at a regional scale should remain consideration of the spatial distribution of land uses and related sustainability considerations.

As noted within the SGCP, different approaches to regional working are evolving in different parts of the country and one solution will not fit all.

A co-ordinated approach to further integrate planning, transport, economic development and potentially other services at a city region scale, is likely to require a fuller review of local and regional governance structures, which is beyond the scope of this planning review.

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

Regional activities should take the form of statutory obligations placed on the local authorities as this will secure not only buy in and ownership of the outputs but also require consideration of the processes required to deliver them. In this context, a “duty” may have significant issues in practical application and consideration will have to be given as to whether insufficient commitment to the views of one partner could be construed as having insufficient regard to a statutory obligation. Currently development plans are required to be based on an obligation to seek the views of, and have regard to any views expressed by key agencies or other prescribed persons. This would seem to be a suitable control on the actions of the planning authority.

HOPS believes that for this new arrangement to function properly it requires to be a statutory duty. To do otherwise runs the risk of disjointed approaches and the risk of non-co-operation on areas where there is limited agreement or differences in view or emphasis between authorities. There is no “one size fits all” and there needs to be built in flexibility to reflect local circumstances.

For spatial and sustainability considerations to be taken into consideration within wider community planning activities, regional partnership working must be placed on a statutory footing.

Regional activities should take the form of statutory obligations placed on local authorities to secure buy in and ownership of outputs.

Current obligations in the 1997 Act to seek the views of other partners are sufficient in this regard.

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

In relation to all partnerships that may need to be serviced a one-size-fits all approach may not be appropriate across Scotland. It is difficult to envisage partnerships in major urban areas that do not cover the whole conurbation, and beyond. Regional partnerships will require “glue” in the form of statutory provisions to hold them together and recent examples such as the RTP, marine planning and regional

education boards, all have the geography specified. In a rural context the partnership could be trans-authority, or relate to specific areas of geographic interest. All circumstances would require spatial planning issues to be addressed, no matter what the scale.

HOPS endorses both the flexibility associated with paragraph 1.20 bullet 1 (Local definition of partnership areas depending on the issues being considered) and, for particular issues and in particular circumstances, bullet 3 (NPF identifies priority areas). NPF 3 approach for areas of co-ordinated action has been beneficial and does not require statute to assist Local Authorities identify topic based areas of partnership working.

The city regions and city deals areas need to be retained, but coverage should extend beyond these to reflect non-city groupings and other relationships. E.g., Ayrshire, Scottish Borders and Dumfries and Galloway. The working arrangements may differ depending on the theme and require to reflect other natural boundaries such as Housing Market Areas, and Retail Catchment Areas. These may not all fit neatly in to the same geographical space.

Scale and geography will vary according to the theme or topic at hand. Areas of coordinated action, highlighted in NPF are endorsed, and this approach could be extended to reflect the output from regional partnerships.

Although it is HOPS view that one size will not fit all, it is noted that most examples of regional partnerships (e.g. marine planning, transport partnerships, regional education boards), have a clearly defined geography within statute, and HOPS would again take the opportunity to emphasise that appropriate statutory mechanisms will be required to achieve commitment to the setting up of any new regional partnerships in respect of a spatial planning.

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

HOPS is clear that local input is required to identify the strategic priorities within the NPF. General duties need to be incorporated into legislation across the board, and applying to all partners, to achieve the national outcomes.

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

**YES.** HOPS agrees that a National Planning Framework based on even greater joint working and involvement is a worthwhile objective and supports this initiative. The aim that NPF becomes a more directional document bringing together wider Scottish Government policies and strategies and providing a framework for the alignment of resources, is supported.

Great care will be needed to ensure that the “Regional Partnerships” remain democratic and able to make difficult decisions. Allowing a further 30 days parliamentary scrutiny of the NPF, will add little to transparency and democratic accountability. Greater emphasis should be placed on local and regional democracy.

The question of the benefits of stronger status for the NPF and SPP was discussed at length within HOPS and views expressed regarding where the justification and technical background for the adoption of the

policies would be found. Previous options of including model policies in development plans were supported, including reserving the opportunity to vary national policies where there was good reason.

Frequently the criticism levied at Local Development Plans is the fact that there is relevant information in a range of places, and that each Authority says the same thing but using different words. Core policies within SPP, tested through an examination process, could facilitate consistent policy and elucidate the form and content of the policies themselves to a best practice model.

In all cases it should be recognised that due to the diversity of places within Scotland the need to avoid the “one size fits all” approach remains paramount.

Such an approach, and clear guidance from the Scottish Government on the form of policies in development plans, would result in the function of SPP remaining “advisory” (as suggested by SPP para v. “...it reflects Ministers expectations of an efficient and effective planning system”) rather than becoming statutory. In any event the opportunity for a gatecheck process on compliance (and the need for variation from) Ministers policies provides an early review of the justification of any variation from the national position and whether there is scope for examination review.

Repetitive policies may be a perception from a top-down assessment, but there would be no repetition from a users’ perspective.

- The proposal to give more weight to the national policy context and free up plans and planning to focus on the spatial implications and a delivery focus is generally supported. However, this should be undertaken in a considered and evidence based manner and therefore further research/consultation on the scope for this is recommended.
- Importantly, the aim that NPF becomes a more directional document bringing together wider Scottish Government policies and strategies and providing a framework for the alignment of resources, is supported.
- HOPS believes that the scope for policies in Local development plans must be retained.
- A National Planning Framework based on even greater joint working and involvement is a worthwhile objective.
- There is little benefit for an additional 30 days to be made available for parliamentary scrutiny.
- Guidance on the form and content of policies in Local Development Plans would be welcome but there will still be a need to depart from national policy occasionally, even if this leads to repetition at a national and local level.
- As the context for planning for housing may be changed significantly, with amongst other matters the removal of SDPs from the system, very careful prescription will be required to ensure that whatever new approach is introduced, it provides a clear and improved context.

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

**YES.** The chief concern HOPS has regarding the preparation of the NPF relates to how local authorities and communities gain a realistic input into that document. Selective use of regional partnerships is likely not to give the wide perspective required to form the national strategy.

The 10-year preparation cycle for the NPF is considered to be unrealistic. The rapid and accelerating pace of economic, social, environmental and technological change will demand that the NPF is kept under constant review and updated more frequently. The need for an up to date, relevant and credible NPF is particularly important given the proposal to increase its status and enhance its role.

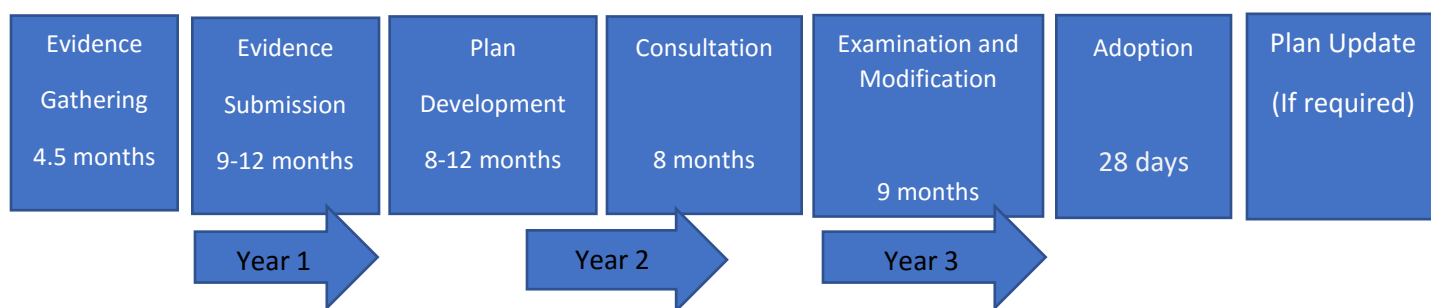
#### 4. Do you agree with our proposals to simplify the preparation of development plans?

**YES.** HOPS has strongly supported the move towards the streamlining and simplification of the development plan processes. HOPS believes that the test of these reforms for local development plans will be whether they produce stronger and simpler plans through a more streamlined preparation as advocated in the HOPS Vision Statement in December 2016. HOPS wants to see efficiencies built into LDP preparation to quicken plan preparation while improving engagement. We take the view that the local development plans (LDPs) can be prepared and reviewed with interim updates by following a number of stages as follows:

- Evidence gathering- With gatecheck 1.
- Evidence submission- With gatecheck 2.
- Plan development- Leading to a draft plan which consultees clearly recognise as the consultation draft.
- Consultation
- Examination
- Adoption

Thereafter, monitoring, implementation and updating is required. These stages are described in the summary process map below.

**FIGURE 3- A POSSIBLE LDP PREPARATION PROCESS**



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

**YES.** HOPS supports a planning cycle of 10 years but recognises that there are likely to be some practical difficulties not least because the personnel involved in plan making is likely to change over that period and so experience of the process will be difficult to retain. Similarly, for communities, ‘community memory’ – that is, the collective knowledge and recollection in communities of why they first raised issues or participated – will be lost; community organisations already lose track of the matters they deal with the relatively short period between Main Issues Report stage and plan examination. HOPS is not convinced that shorter plan preparation periods followed by lengthy implementation periods are likely to work without regular updates and changes.

HOPS is pleased to note that the consultation paper makes a distinction between 10 year reviews and updates within that review period. A plan's vision and spatial strategy should look ahead at least 10 years; indeed, that is a necessary timescale to encourage investment in infrastructure and development. Interim updates can be prepared to maintain the relevance and currency of plans within 10 year replacements. Those interim updates can be achieved, as now, by focusing on only those parts of a plan that needs to be updated. It is important not to review whole plan – additions and modifications. We do not want a 2-year period to adopt with a 10-year plan.

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

**YES.** Triggers for updating a Local Development Plan within the 10-year review cycle should include: housing land supply falling below the 5-year effective land supply threshold; a significant change to national or regional policies and priorities; specific local circumstances which need to be accommodated in an updated plan – as long as they do not change the spatial strategy – such as measures emerging from the community planning process or economic development interventions; There are likely to be other factors to be identified which could also trigger a review.

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

**NO,** not in its entirety. This is a qualified NO as relevant and strategic supplementary guidance is required. There should not be a collection of customer guidance and advice notes added in to the LDP “disguised” as supplementary guidance. More should be done to consolidate and rationalise customer guidelines and practice across the country given that Scotland is a relatively small scale nation and there is no need to repeat common customer planning guidance across 34 planning authorities. A clear distinction should be made between customer guidance which offers customer information and advice on process, and supplementary guidance which explains the application of policy.

Planning authorities should retain the ability to produce and maintain non-statutory guidance for topics requiring a level of detail or explanation that, if included in LDPs, would make the plans more complicated and unwieldy. Such guidance would need to comply with the LDP strategy and policies and would become a material consideration following consultation and approval by the planning authority.

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

**YES.** HOPS sees the need for an independent and impartial examination at the end of the process but this needs to be smarter and sharper and only have elements of national or regional divergence within its remit. It should not involve a policy by policy assessment and must not include a site-specific assessment.

#### 5(a) Should an early gate check be added to the process?

**YES.** In responding to this, HOPS recognises that Main Issues Reports were not popular and were often misunderstood by the public, some politicians, and other stakeholders. They do, however, provide a stage where options and alternatives can be tested and so meet environmental assessment requirements. An early “gatecheck” stage can accommodate that.

HOPS is taking this suggestion further and proposing 2 “gatecheck” stages for consideration: one based on ensuring the evidence base of the plan is sound; a second one based at the plan development stage where there will be plan content to assess. The first “gatecheck” should include an assessment of the options and alternatives and be the evidence base on which the draft plan can be produced. Evidence

signed off at this stage in the process should not normally be revisited. External validation would apply at this stage and be relied upon at the examination stage. It is suggested that the costs of this “gatecheck” stage should be absorbed by the Scottish Government as part of its contribution to front-loaded plans.

The second “gatecheck” would not involve external sign-off; the planning authorities would carry out conformity tests. At this stage key agencies are required to comment and must have a duty to co-operate. HOPS recognises that this could create resource capacity issues for key agencies if they are required to contribute to a large number of concurrent LDP “gatechecks”. This stage would then become a transparent project management record but not a barrier to plan preparation or burden on the speed of production.

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

Community planning partners, key agencies, citizen’s panel (or equivalent) representatives, and the plan project team/board need to be involved in the gatecheck, as proposed above.

### **5(c) What matters should the gate check look at?**

#### **First “gatecheck”**

- Set out the scope of the plan or its changes, and how it will be prepared. This would be reported in a manner similar to a participation statement but addressing scope and content;
- Project planning and governance – project board (or equivalent) arrangements. There would be an annual update in the development plan scheme of plan progress measured against the project plan;
- Proposed plan outcomes;
- Check against national and regional requirements to be met in the LDP;
- Check against community plan, picking up spatial elements from local community plans;
- Baseline information and assessments are agreed such as flood risk, infrastructure capacity agreed (baseline), transport modelling current capacity;
- Housing land and employment land requirements are agreed;
- Call for content – issues and ideas.

#### **Second “gatecheck”**

- The planning authority tests the LDP’s conformity against national and regional planning policy, community planning, and corporate policy;
- Key agencies’ duty to co-operate is mandatory are required to comment;
- No DPEA input at this stage;
- Identifies areas of agreement and, where there is disagreement, risks. The project board signs off the risks
- This gatecheck also allows the LDP project board (or equivalent) to identify areas of agreement and, where there is disagreement, risks. The project board would assess and sign-off the risks.



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

The cost and length of time taken to carry out examinations will, naturally, vary according to the plan and issues being examined, but HOPS is concerned that with timescales extending to over a year and costs exceeding £200,000 at a time of limited planning budgets, the value and benefit of the system as currently operated has to be questioned.

It is accepted that examinations offer some public reassurance that there is independent scrutiny of issues raised through representations. Nevertheless, if examinations are retained, it needs to be made clear that they are not an open invitation to maintain objections on matters already discussed or agreed at the earlier stages of plan preparation. There has to be a clearly defined scope for the final examination otherwise it is simply adding an additional stage to plan preparation and defeats the concept of streamlining.

There are some suggestions to delete the examination process in its entirety but HOPS feels that this would make court challenges more likely, and it would be more likely only to be available to sections of the community with available finances. Any examination should be restricted to non-compliance with national and regional policies and nothing else.

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

**YES.** HOPS believes that mediation can have a role in helping to resolve differences provided the mediators are accepted as honest brokers by all parties and the outcome of the process is respected. We acknowledge that mediation can help to identify issues and benefits to inform site selection and related requirements for sites when they are developed, but we believe that mediation in planning matters is not fully developed and tested.

There is no indication in the consultation of who would bear the cost of mediation and we note the consultation recognises that mediation skills training as an area to explore further. HOPS would be happy to contribute to this further area of work.

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

**YES.** HOPS supported the notion of allocated sites in LDPs having a status equivalent to planning permission in principle (PPiP) but recognises the practical complexities associated with that and the impact on plan preparation. The implied need for a level of scrutiny and assessment equivalent to planning applications for PPiP, needs to be balanced against the likely benefits of quicker delivery at a later stage. In practice, many PPiP applications are more complex and accompanied by a volume of supporting information than was perhaps envisaged at the time of their introduction. In many ways they are closer to full planning applications. This could have a major impact both on the time taken to produce a draft LDP.

There may be greater benefits in requiring those submitting proposals for inclusion in LDPs to provide a minimum level of information to allow a plan level assessment of viability (see response to the following questions). Developers will be well placed to have the skills and resources to provide this but communities submitting their own proposals will need support to achieve that minimum requirement.



Thereafter, provided there is a good level of community engagement by the site proposer and that a subsequent planning application is consistent with the allocation in the development plan included in a LDP, there may be scope to relax a requirement for a proposal of application notice and lengthy pre-application consultation.

## **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.** The LDP preparation stage would be assisted by accepting submissions for development proposals to be included in the plan which meet minimum requirements for information on site assessment and viability. The basis of that information already exists in housing land site effectiveness tests which can be adapted for other land uses such as employment and commercial development proposals. Planning authorities may need to adapt team structures and roles so they can resource this stage of plan preparation and ensure the necessary set of skills are available – for example, to evaluate market appraisal information – or there will be a need to share or buy-in that expertise as some authorities do for retail assessments.

The delivery (action) programme role can play an important role by defining what additional information is required and by whom ahead of a planning application. This should be a key monitoring role in determining site effectiveness and likely delivery which allows interventions or updates to the plan if sites cannot demonstrate that they remain deliverable within the plan period.

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

**YES.** It is not acceptable that planning authorities are expected to undertake all the necessary due diligence on plan submissions that amount to little more than ‘red lines’ around a site with a basic land use description. The burden of proof must lie with the site proposer.

This is welcomed and has long been sought by HOPS and members of the public. The Draft PAN on Housing and Infrastructure explored this issue but has yet to be published in its final form. Clearly there are significant resource issues, both in terms of capacity and skills, attached with this up-front work, but it is important to ensure that the level of information required is proportionate and does not present an undue burden on either site promoters or the planning authority. This may also be an area for possible additional income if LPAs were to charge for this.

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

**YES.** This is welcomed and where planning authorities have sought such information the response was varied with some landowners / developers providing comprehensive information and others paying lip-service to the request. Support for this approach from the Scottish Government will assist planning authorities in gaining the required information however it should be made clear that failure to provide the required information would be justification for rejecting a proposal and potentially outweigh the right to be raised at examination.

HOPS supports a broader, zoned approach to meeting short and longer-term housing needs. This process is resource intensive and consideration requires to be given to how this can be properly funded. There also needs to be a more specific requirement to ensure in multi- landowner / developer site that the various

parties work together potentially through a legally binding equalisation agreement. Whilst the use of professional mediation may be required it would be incumbent upon the planning authority to more actively utilise CPO powers to bring land allocations together if individual landowners cannot agree this voluntarily.

The plan-led system and front-loaded consultation is undermined by planning applications for proposals which have not been subject to the same level of early consultation and assessment, unless they are fully compliant with the LDP policies. In these cases, there should be no relaxation on proposal of application notice and pre-application consultation stages.

It is not recommended that the developer requirement for consultation should be removed or reduced. But it should be made explicit that consultation of an allocated site should be confined to the detail not the principle.

**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**

**YES.** This will involve close continuous involvement with key agencies and utility companies through the evidence gathering and plan development stages, and through their involvement with the delivery (action) programme.

By imposing a duty on key agencies to contribute to the evidence gathering, plan preparation, and delivery (action) programme, early dialogue should mean there is no reason to object to the principle of a planning application provided it is substantively as proposed in the plan.

Working with the statutory key agencies to make sure that their engagement at the development plan allocation stage is meaningful and informed by appropriate evidence. If they have agreed to a site being allocated in a plan, the key agencies and other infrastructure providers should not be in a position of advising against the principle of development on the site later, unless there has been a clear and significant change in circumstances. Further front loading of engagement and evidence gathering in this way could have resource implications that will need to be considered further

This provision is welcomed however it needs to be strengthened to ensure that any proposal included in a Development Plan, which has been subject to independent scrutiny, even where the key agency has objected to the proposal, is accepted as a committed project by the agency.

In addition to the proposals put forward by the Scottish Government it is suggested that greater use of masterplans prepared by the planning authority in conjunction with landowner / developers would add to certainty and allow greater public involvement in the process.

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

**YES.** Making this a national requirement would remove the need for a specific policy in the LDP and emphasise the need for developer co-operation.

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

The preferred approach would be to require landowners / developers for each site identified in the plan to produce and agree with the planning authority and other essential infrastructure providers, a delivery and phasing programme demonstrating a realistic programme of delivery through the plan period.

These ‘Delivery Strategies’ would identify how the development will be implemented, the programme, any matters to be resolved such as land assembly and preparation, infrastructure requirements and delivery, development phasing and the likely need for development contributions. They would also identify when public sector intervention is likely to be needed, by which agency and when. The inclusion of key steps/responsibilities required for implementation and a risk analysis would record issues inside and outside the control of the key partners. The identification of key milestones would allow the planning authority to assess whether the timetable is on track and the reasons for any slippage.

Failure to produce a Delivery Strategy, or significant slippage in the programme, may result in either the site being proposed for removal from a subsequent Plan or a decision by the planning authority to progress the acquisition of the site, through compulsory purchase legislation, for subsequent development by the Council and / or an alternative private developer.

This policy would not be applied in cases where the slippage was outwith the developers/landowners control i.e. where an infrastructure provider had failed to deliver their services in line with the agreed phasing programme. Progress would be monitored on a 6-monthly basis in line with the review of the LDP Action Programme. This approach would be promoted through a new policy and is often referred to as a “use it or lose it” approach.

Whilst delays in the delivery of sites can arise due to unforeseen circumstances, the preparation of a risk analysis as part of the Delivery Strategy should help minimise this. To ensure sites are delivered and housing land requirements are met, consideration will be given to the enforceable mechanisms which could be placed on planning permissions to ensure a) development commences within a specified period of consent being granted, and b) that phasing is tied to the Delivery Strategy.

The Delivery Strategy needs to be realistic and involve engagement with all parties and stakeholders throughout the process, and include: methods of delivery for the public or private sectors; timescales; likely sources of funding; cash flow; and return on investment.

## KEY AREA OF CHANGE 2. PEOPLE MAKE THE SYSTEM WORK.

Scotland's planning system should empower people to decide the future of their places and we propose:

**Proposal 6. Giving people an opportunity to plan their own place.** Communities should be given a new right to come together and prepare local place plans and these plans should form part of the statutory local development plan. **HOPS BELIEVES THAT IN ORDER TO BETTER SUPPORT COMMUNITIES TO DO MORE THEMSELVES THE COMMUNITY RIGHT TO PLAN SHOULD BE BETTER INTEGRATED WITHIN COMMUNITY PLANNING ARRANGEMENTS RATHER THAN WITHIN THE PLANNING SYSTEM IN ISOLATION.**

**Proposal 7. Getting more people involved in planning.** A wider range of people should be encouraged and inspired to get involved in planning. Introduce measures that enable children and young people to have a stronger voice in decisions about the future of their places. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 8. Improving public trust.** Pre- application consultation can be improved, and there should be greater community involvement where proposals are not supported in the development plan. We also propose to discourage repeat applications and improving planning enforcement. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 9. Keeping decisions local – rights of appeal.** We believe that more review decisions should be made by local authorities rather than centrally. We also want to ensure that the system is sufficiently flexible to reflect the distinctive challenges and opportunities in different parts of Scotland. **HOPS SUPPORTS THIS PROPOSAL IN PRINCIPLE BUT WITH DETAILED OBSERVATIONS AND CONCERNS**

HOPS is clear that more people and more people from different sections and parts of each local community should be involved in planning at all stages, but particularly in the early stages of developing a Local Development Plan. This not something that can be forced or guaranteed but there are many excellent examples across Scotland of different ways of engaging more fully and with all sections of a community. The challenge for all of us is to make the best practices the norm.

Community planning and spatial planning need to work more effectively together and Councils have a key corporate leadership role here to drive and implement joint working and co-ordination. Locality Plans and Local Plans should be mutually inclusive and carry out joint work and consultations. Although HOPS understands and appreciates the thinking behind Local Place Plans it is seen as unnecessary and a further layer of planning which is not needed.

Building more trust and confidence into the planning system are recognised areas for improvement across the board and clearer and simpler processes, consistent procedures and decision making, more effective engagement by planners, more effective and meaningful consultations by developers in pre- consultation and speedy enforcement follow ups are all factors which can assist in achieving this objective. The challenge here is for all parties to lead by example and demonstrate mutual respect, trust and high standards.

## THE INDEPENDENT PLANNING REVIEW (IPR)

2.0 Section 8 of the IPR was titled rather extravagantly, **“Collaboration rather than Conflict - Inclusion and Empowerment”**. Its focus was on the need for communities to be empowered and a more inclusive approach taken to planning engagement. It featured the twin aspects of active citizenship and local democracy and confirmed that planning does provide for this but in varied ways across the country.

2.1 Participation, consultation, engagement and empowerment are often used terms in planning but they have different and distinct meanings and relevance. The IPR was influenced by neighbourhood planning in England as well as Scottish examples of charrettes, social media and interactive plans.

2.2 The key recommendations were,

- Front loaded engagement with smarter use of technology and social media.
- The concept of Local Place Plans by local communities.
- A statutory right of consultation for community councils.
- No introduction of Third Party (Equal) rights of appeal.
- Need to identify barriers to greater involvement in planning.
- A statutory right for young people to be consulted on the LDP

## HOPS VISION STATEMENT

2.3 Planning has always championed the participation of people and communities in developing its plans and strategies. Many communities feel “over consulted “by councils on a variety of different plans and more joined- up approaches would benefit everyone. This is particularly the case with Community Planning and Development Planning which requires better co-ordination and synchronisation. The possible introduction of Local Place Plans is one option for taking engagement further and HOPS wanted to see the further development of this idea in the Consultation Paper before confirming its position.

2.4 HOPS previously stated views were clear,

- Community engagement should remain a central principle in the planning system but it should be structured to encourage representative and effective engagement, avoid consultation fatigue and remove multiple opportunities to revisit the principle of proposals by front loading the process
- Community planning can facilitate corporate approaches to engagement, avoiding silo working and helping local communities engage without needing to understand plan processes. The link between community planning and spatial planning requires to be built in to the guidance for both LDPs and LOIPs.
- Site specific proposals should continue to use a front-loaded approach to engagement with neighbour notification of options for sites at MIR/draft plan stage and remove consultation on points of principle later in the development process.
- Maximise the use of social media to engage a more representative sample of communities and provide continuity of dialogue on local needs and issues.
- The practical role of the proposed local place plans needs further debate on how they link to development planning and Community Planning
- Embedding community engagement effectively in to the planning system needs to be achieved to remove as much as possible the tension and conflict at planning application stage when the principle of development has already been established. This links in directly with the need for allocated sites in the LDP to have a different and enhanced status.

## THE SCOTTISH GOVERNMENT CONSULTATION PAPER

2.5 The Government has taken forward the ideas and suggestions from the IPR and developed them in slightly more detail by including some of the key considerations for Local Place Plans. There is also a recognition that the capacity and ability of community councils varies and this is to be addressed by additional support, training and guidance.

2.6 The role of community councils is to be strengthened by introducing a statutory duty on LPAs to consult them, but the wider “community of interests” needs to be more engaged in planning with an emphasis on children and young people.

2.7 A more difficult area to tackle is improving public trust and confidence in the planning system but several changes are recommended to improve this situation.

## HOPS POSITION STATEMENT

### **Proposal 6. Giving people an opportunity to plan their own place.**

The logic and thinking behind this concept is sound but HOPS considers that Local Place Plans need to be placed within the context of community planning arrangements rather than the planning system in isolation, as reflected in our response to Proposal 1. This fits well with the proposal to place more emphasis on the corporate leadership of Councils and community planning partners to work better with communities. This will help to ensure that communities are empowered to do more themselves with support from the most relevant and appropriate community partner to deliver against their priorities. Equally, it will help to ensure that Development Plans can focus on the areas of greatest anticipated change and the issues of greatest priority.

HOPS believes that more effective and thorough consultation, participation and engagement are necessary requirements in any modernized planning system.

HOPS is particularly keen to support engagement with the local community through locality planning and the local development plan, using the best of the existing toolkits, such as charrettes, SPEED process, mediation, peer review and independent panels. This is particularly relevant for the new system of “gatechecks” which need to be seen to be independent and impartial.

In addition, the Place Standard needs to be promoted to communities and CPPs as a very simple and intuitive tool for assessing “place” and in providing evidence for the preparation of all place-based plans- The Locality Plan, Local Place Plan and the Local Development Plan.

### **Proposal 7. Getting more people involved in planning**

There are already lots of people involved in planning processes but it is also clear that sections of the community are often not represented, such as young people and schoolchildren, particularly in the preparation of local plans. Often it is only the parties with vested interests for and against development proposals which actively engage. The challenge for all parties is to widen the quality and quantity of the engagement to make it more comprehensive and inclusive.

### **Proposal 8. Improving public trust.**

Public trust has to be earned and planning and planners need to be able to demonstrate a consistency of approach across the country in key areas such as validation, delegation, planning reviews based on a shared understanding of the role of planning and the significance of the Development Plan and its policies.

Interactions with the public must be transparent and correct and communicated in an unambiguous manner. Responses should be speedy and maximum use made of social media and digital communication channels.

The role of applicants, agents and developers is crucial here to avoid the “drip feed “of information during the lifetime of an application which can fuel mistrust.

Other aspects of planning where this lack of confidence or mistrust are demonstrated, such as retrospective applications, enforcement actions not followed through, misunderstood decisions of local review bodies and the DPEA all require to be explained in clear language and communicated to the public.

Consistent national guidance and standardisation on matters such as validation, planning conditions, legal agreements, policy guidance would help to move away from local versions and variations.

### **Proposal 9. Keeping decisions local-rights of appeal.**

The possible expansion of the role of LRBs requires careful consideration as the experiences differ widely across Scotland. The set ups are different and the council Schemes of Delegation are different. A first priority should be to revisit the role and nature of LRBs to ensure a better consistency of style and decision making.

They are democratic and locally accountable and minor applications can be added to their current workload, including adverts and enforcement appeals.

Taking appeals to the DPEA is often seen by the public as anti- democratic and it provides the applicant with a further chance to be given a favourable decision. Local councils are the planning authority responsible for producing the local plan and they should be the final arbiters in the decision on a planning application unless it is a national development or a development which breaches the NPF or SPP.

ALL other application should be determined by the planning authority.

The interest in equal (third party) rights of appeal is understood but HOPS feels it is unnecessary and would inevitably lead to delays in development and investment being delivered. Better, more inclusive and early engagement in the local plan is paramount as is the need to act consistently in accordance with the approved plan and to use planning processes and procedures in a transparent and understood manner.



## SPECIFIC QUESTIONS: PEOPLE MAKE THE SYSTEM WORK.

### KEY QUESTION

**B: Do you agree that our proposed package of reforms will increase community involvement in planning? Please explain your answer.**

**YES.** The measures being proposed should enable more community engagement and involvement to take place, but it cannot be guaranteed. It is not possible to force people to participate if they do not want to.

### Optional technical questions

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

**YES**, but as an integral part of the community planning processes and linked in to the LDP. HOPS recognises and supports the Scottish Government's aim to empower communities to do more to shape their future and Local Authorities are already making significant efforts to engage and collaborate with communities in development planning. In our response to Proposal 1 HOPS put forward a proposition that would strengthen the relationship between community planning and land use planning and simplify the interaction between the various plan outputs (LOIP, Locality Plans, LDP and Local Place Plans) that will all have an influence on the future of place. See the diagram on the next page for further explanation.

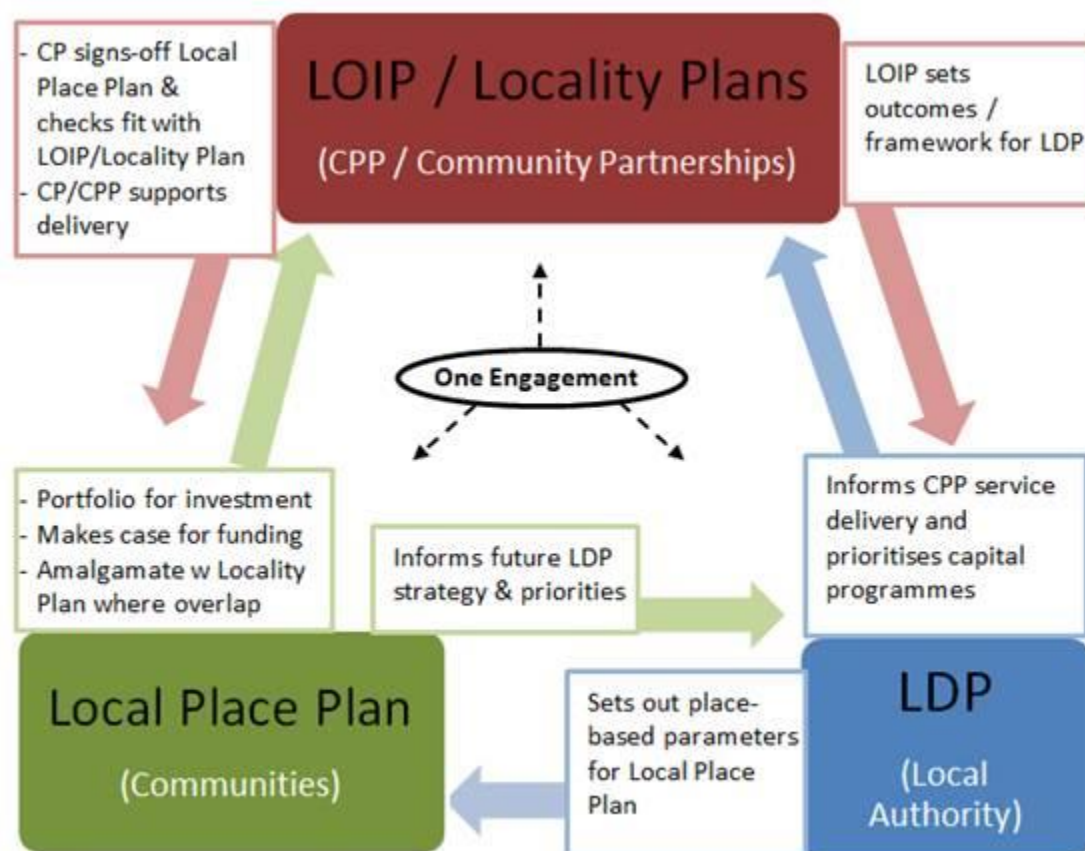
For Local Place Plans we think this structure would better support communities by embedding LPPs within wider community partnership arrangements rather than simply being placed in the context of the development plan. Under this approach communities would be better supported and empowered to do more themselves, in collaboration with all community partners, whilst allowing the development plan to fulfil its statutory obligations but also taking input from communities on the priorities it should reflect.

More work is required in this respect to see if LPPs are required or can they be subsumed in to the LOIP and LDP framework which is the preferred HOPS position. HOPS would be pleased to be part of this workstream and develop a joint approach to this important suggested improvement.

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

See Figure 4 overleaf and the explanatory text.





**FIGURE 4 -LINKS BETWEEN LOCAL AND COMMUNITY PLANS**

The diagram above shows the possible role that LPPs could play alongside other community plans and the development plan. For communities, LPPs could serve as portfolios for local priorities and investment and assist in making the case for funding projects identified. Critically, they could also provide an opportunity to shape more strategic matters covered by the Local Development Plan. LPPs would ideally provide all the background evidence and information needed to influence the LDP, but at the very least they could provide an effective starting point for dialogue on future priorities to be addressed by the LDP, irrespective of when they were prepared.

The optimum arrangements would be for Place Plans to feed directly into LDP preparation and be finalised after taking account of any parameters set by the LDP. Oversight and sign-off of LPPs would rest with the Community Partnerships who would be examining compliance with the LOIP and Locality Plan, and ensure that the LPP and Locality Plans are prepared as a joint document wherever boundaries merge or overlap.

Meanwhile, for local authorities, this approach would allow for development plans to continue their role in balancing community issues/priorities against all other interests and would avoid any overlap or undue interference in satisfying statutory requirements and assessments.

Further work would be needed in terms of the precise timescales and process of preparing and finalising the LPP alongside the LDP, as well as how it interacts with the LDP. In exploring this issue further we would encourage Scottish Government to explore the principle of LAs highlighting in their LDP where LPPs could be prepared to supplement the LDP, and equally where LPPs would not be appropriate or had

to be confined to certain issues, for example where masterplans / Development Briefs are proposed or where charrette work might set the framework for growth.

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

**NO.** There are a number of criteria that would need to be updated in light of the proposal put forward by HOPS in this response.

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

**NO.** HOPS believes that there is no requirement to introduce a new duty to consult community councils on preparing the statutory development plan. Planning authorities are already working well with communities and community councils in involving and engaging them in the development plan process. The introduction of such a requirement is therefore unlikely to alter any current practice and add value but rather result in a further procedural requirement. It is this wider engagement that is more effective.

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

**NO.** Consultation with communities in the preparation of the DPS is likely to divert resources away from the actual engagement in the preparation of the Plan itself.

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

Using recognised best practice and being proactive in our approaches to wider sections of the community. Making maximum use of social media and media channels will also help to engage with other communities of interest, particularly younger age groups. There is also a role for the Scottish Young Planners Network to assist with more widespread engagement.

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

**YES.** HOPS fully supports the involvement of more people within the planning process however it does not feel that legislative changes or regulations are required to provide a defined set of requirements, particularly in light of other proposals for closer working with community planning.

Involvement should be focused on using a wide variety of engagement practices to inform plan preparation. Often the most difficult to engage are not just children and young people or hard to reach groups but in fact working people. There are already a variety of practices being taken forward and planners are well skilled in taking on board views from a different variety of perspectives. As planners, we also need to ensure we are engaged with developers and feel that a greater focus on delivery of development plans will assist with this.

Any engagement needs to be closely linked to delivery. Whilst many of the charrettes have been successful in the proactive involvement of communities these have also raised challenges around the level of aspirations, capacity of communities to deliver and also the expectations placed on local authorities. Any involvement needs to be closely tempered with the ability to deliver outcomes and the availability of financial resources to take these forward.

Digital technologies also offer scope for involving a wider range of people through opportunities for online engagement and interactive engagement via graphical means such as mapping and 3D visualisations and mapping. Whilst there are tools available there are challenges around the resources within local authorities to be able to take these forward which are covered under Proposal 20.

HOPS supports the view within the SGCP, (para 2.22) that issues around engagement with young people can be more effectively addressed through promotion of examples rather than the introduction of a statutory requirement. However, HOPS feels that more could be done through both resources and inclusion as part of the school curriculum to develop tools and programmes for involving children and young people in planning.

HOPS has some concerns about the introduction of a test of the steps taken to engage children and young people in preparing development plans where efforts have been made but there is a failure to engage due to public apathy. Any tests would need to be looked at in the context of possible post adoption challenges.

**12. Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s).**

**YES.** This is an area often quoted by communities as being “weak” and some developers only pay lip service to the consultation and do the minimum required. HOPS has set out some suggestions for consideration below.

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

Reducing the time period from 12 weeks and introducing a second round of consultation (on detailed proposals) to demonstrate how comments have been taken into account would enhance the consultation arrangements. Consultation arrangements could be extended to include pupil forums from local High Schools/Colleges. Community Councils could be responsible for co-ordinating the youth aspect.

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

**NO.** HOPS considers that the procedural aspects are clear.

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

If a site is allocated for residential use in a local development plan a PAC should not be required for an application in principle (no details submitted) as the principle has already been established and consulted upon.

**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?**

A maximum time-limit of 3 years could be introduced to keep the consultation relevant, meaningful and up to date.

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

**YES.** There are mechanisms in place now in the form of processing agreements to extend the life of planning applications subject to agreed timescales on submissions of additional information etc. Applications that are withdrawn contribute nothing to the planning system and should either be refused or covered by a processing agreement. If an application is withdrawn and a new one re-submitted a new fee should be payable to cover costs.

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

**YES.** The current penalties for non-compliance with enforcement notices are not sufficient to deter serious breaches of planning control occurring. There should be a scale of fees that is appropriate to the nature of the breach and a high level fine introduced for breaches relating to highway safety and contaminated land (imposed automatically). Repeat fines for housebuilders and commercial companies could be introduced. An environmental court should be set up to deal with prosecutions rather than referral to the fiscal.

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

**YES**

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

More decisions should be made locally subject to mandatory training for members and agreed categories of referral.

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

**YES.** The right of appeals and reviews take up significant staff resources and the costs are not covered by a planning fee as it requires the re-assessment of the application again. New fees should be introduced for reviews and appeals.

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

**YES.** Training for all members making decisions on planning committees and local review boards should be mandatory and carried out centrally with support from PAS and IS. Local sessions can be held to pick up on specific local development plan policies, delegation schemes etc.

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

**NO.** HOPS believes that this would lead to unnecessary centralisation of decision making, which should remain in local control. It would also lead to further delays and uncertainty for the development industry.

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

HOPS believes that due to their particular planning challenges, island councils and planning authorities should jointly assess and propose any changes which would be of particular and specific benefit to them.

It may well be that local solutions need to be developed which are different but proportionate to the national planning system.

HOPS believes that island authorities, due to their scale, remoteness, and different challenges and opportunities are best placed to offer alternative approaches to the planning norm.

## KEY AREA OF CHANGE 3. BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE.

Scotland's planning system should help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest and we propose:

**Proposal 10. Being clear about how much housing land is required.** Planning should take a more strategic view of the land required for housing development. Clearer national and regional aspirations for new homes are proposed to support this. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 11. Closing the gap between planning consent and delivery of homes.** We want planning authorities to take more steps to actively help deliver development. Land reform could help to achieve this. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 12. Releasing more "development ready" land.** Plans should take a more strategic and flexible approach to identifying land for housing. Consents should be put in place for zoned housing land through greater use of Simplified Planning Zones. **HOPS SUPPORTS THIS PROPOSAL IN PRINCIPLE WITH DETAILED COMMENTS**

**Proposal 13. Embedding an infrastructure first approach.** There is a need for better co-ordination of infrastructure planning at national and regional level. This will require a stronger commitment to delivering development from all infrastructure providers. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 14. A more transparent approach to funding infrastructure.** We believe that introducing power for a new levy to raise additional finance for infrastructure would be fairer and more effective. **HOPS SUPPORTS THIS PROPOSAL IN PRINCIPLE WITH DETAILED COMMENTS**

**Proposal 15. Innovative infrastructure planning.** Infrastructure planning needs to look ahead so that it can deliver low carbon solutions, new digital technologies and the facilities that communities need. **HOPS SUPPORTS THIS PROPOSAL**

**HOPS sees these two challenges as nationally critical and practical and workable solutions must be found to identify adequate resources, joint partnership working and the ability to deliver on the ground within harmonised timescales. Planning is only one element in the system and other agencies, providers and developers must all pick up and respond to the same challenges.**

**Due to its criticality HOPS believes that the Scottish Government requires to demonstrate national and strategic leadership to cut across the separate areas of interest and isolation to plan for Scotland as a whole. Proposals such as an enhanced and joined up National Development Plan, agreed regional housing targets, regional and strategic partnership working, coordination and timing of government funding and investment in infrastructure are all key requirements to tackle these two considerations.**

**Clarity on the "cocktail of funding" options available to local councils and central government needs to be provided and current best practice in City Deals and partnership initiatives needs to be harnessed. Certainty and simplicity need to replace uncertainty and complexity and resolution in this area is the key to a repositioned and invigorated planning system in Scotland.**

## THE INDEPENDENT REVIEW REPORT (IPR)

3.0 The IPR devoted distinct and separate sections on Housing and Infrastructure. It correctly identified that much of the housing debate focus was on abstract numbers and formulae rather than delivery and place making. Culture change was seen as a requirement, together with a greater confidence being placed on providing more, quality homes.

3.1 Key housing recommendations highlighted in the IPR were,

- NPF to define regional targets
- Redefine effective housing land
- A rebranded SPZ approach
- Land assembly by LPAs
- Housing delivery aligned with LDPs

3.2 Infrastructure provision was identified as **“the most significant challenge for the Scottish planning system”**. The IPR promoted the idea of a new corporate approach to delivering infrastructure, with planning playing a central role. The coverage in the IPR was extensive and it featured,

- A National Infrastructure Agency, or working group with statutory powers
- A national or regional infrastructure levy
- A Development Delivery Infrastructure Fund
- All providers to co-operate to deliver the LDP
- Review transport governance arrangements
- Focus on housing growth areas and school provision
- Bolder approaches needed from LAs for investing in infrastructure
- Review 75 obligations approaches
- New approaches to low carbon infrastructure planning and delivery

## HOPS VISION STATEMENT

3.3 In its earlier Vision Statement HOPS commented on housing and infrastructure separately to reflect the format used in the IPR but the Scottish Government has usefully combined both aspects in the Consultation Paper.

### Housing

HOPS identified delivering quality houses across all the tenure groups as a key priority for the planning system. Nationally we must move away from the statistical approach to HNDAS which is complex and complicated and simply delays the provision of houses on the ground. National and Strategic context, early infrastructure provision and funding and an emphasis on build quality and design are important factors needing clarified.

The key considerations identified previously by HOPS were,

- The role of spatial development plans in identifying new sites for housing should remain and the call-for-sites exercise should align all interests in defining selection criteria which seek to deliver balanced sustainable communities.
- The HNDAS process is unnecessarily long, complicated and difficult, and a more simplified process is required.



- Once defined in the approved development plan, the housing sites should be prioritised in the action programme to ensure that delivery is balanced across the different local needs in terms of factors such as location, tenure and affordability.
- The role of the Scottish Government in facilitating social housing needs to ensure that funding mechanisms address the scale and speed of housing delivery at local level.
- Master planning and design briefs should be promoted to support the delivery of quality housing outcomes consistent with place making objectives.
- NPF or SG to set regional housing **requirements** (not targets) and acknowledge that it is not the planning system that is failing on delivering housing.
- The role of planning in land assembly requires to be updated and refreshed. This requires simplification of existing Compulsory Purchase powers and procedures and an ability for local councils to be able to deal with land banking issue, including powers to enable multi agency regeneration or public sector intervention.
- The housing delivery programme should be informed by the current Housing Delivery Group.

### Infrastructure

3.4 In the current financial climate and context this is a critical area for clarification and certainty for planners, developers, agencies and communities. Research has been carried out in to alternative methods of funding and infrastructure provision. HOPS supported the priority status set out in the IPR and wants to see a clear strategy for infrastructure priorities and provision, starting at the national level.

3.5 The HOPS key considerations were,

- The action programming approach development plans needs to become more of a corporate delivery programme, although this is about local leadership and culture change rather than legislative change.
- Action programmes should be used to align priorities and place a duty of engagement on government agencies and utility providers. HOPS considers that the Scottish Government has to direct the statutory agencies to align their investment programmes and timescales in order to provide a settled context for local planning authorities.
- The alignment of strategic planning and transport in city-region areas is required to replace the existing separation of activities and different timescales. Infrastructure should also be a key strategic component.
- Strategic infrastructure funding models require Scottish Government front loaded assistance in managing risk for local authorities and developers due to their scale and time periods.
- Site viability assessments are effective tools but need to be front loaded into the development plan preparation process.
- Viability also needs to be embedded into SPP and all issues i.e. planning policy requirements, land values, etc.
- Section 75 planning obligations remain a useful tool but the negotiation process needs to be shortened and the appeal process removed to provide certainty for funding.
- Upfront money to fund upfront infrastructure.
- Planning is experienced in identifying infrastructure requirements so the co-ordination role of planning needs recognised and promoted.
- Additional/new money is needed to fund infrastructure, otherwise viability will become a significant issue which will threaten and slow down delivery of development.

- HOPS considers that there is a need to identify a means to facilitate development that links local infrastructure requirements with a national approach.

## THE SCOTTISH GOVERNMENT CONSULTATION PAPER

3.6 Section 3 in the SGCP prioritises the twin topics of housing and infrastructure and sees these components as crucial to creating better places and better lives. Both are complex areas involving public and private sector agencies and planning is only part of the overall process of delivery and implementation.

3.7 There is unanimous agreement on the need to move away from statistical targets and complex assessments of housing need to provide more quality houses across all tenure groups, where the most need is.

3.8 Finance, funding and deliverability are critical elements which require to be improved considerably if the aspirations of the review are to be realised.

## HOPS POSITION STATEMENT

### **Proposal 10. Being clear about how much housing land is required.**

Planning needs to take a more strategic view of the land required for housing and HOPS supports the move to simplify HNDAs and move the arguments away from house numbers and ranges of housing targets.

The suggestions for more certainty on housing numbers being set out in national and regional strategies, particularly the new NPF will greatly assist this process.

The proposed “gatecheck” system for LDPs will also assist in identifying housing land requirements at an earlier stage with all parties.

Improved monitoring of housing land availability and the scope for publishing an active housing sites register online will also be helpful.

### **Proposal 11. Closing the gap between planning consent and delivery of homes.**

There is an opportunity for LPAs to use their existing powers for land assembly and compulsory purchase but these procedures would benefit from further streamlining and removal of uncertainty and excessive costs.

If a site has consent but is not being acted on by the developer there should be a fast track method available to the LPA to purchase the site to develop it out or to pass on to another house builder.

There should be more pre- application discussions and agreement on the type of housing to be provided and the quality expected. This should include early Masterplanning and design statements to enable planners to be more involved in the design and expectations for the site, rather than being responsive to a proposal which comes in as a fait accompli.

Land and sites being proposed for development in the LDP should be accompanied by full information on availability and viability with broad costs set out and appropriate evidence.

More use of powers to unblock sites which have stagnated is welcomed and a national compendium of advice would assist this process.

Considerations of a development land tax type approach are difficult to agree on but HOPS is pleased that this is to be consideration.

**Proposal 12. Releasing more ‘development ready’ land.**

It is agreed that plans need to be more strategic and flexible in identifying land for housing and each LPA has to ensure it is covering as wide a range of possible sites as possible.

The selective use of an SPZ type approach is supported which is seen as an effective way of consenting masterplans to support development. It is not without its difficulties but HOPS sees merit in such an approach where the specific site circumstances require this.

The move suggested in the SGCP to rebrand and rename SPZs to “Ready Planned” or “Consented Development Zones” is supported. Many LPAs have already taken such an approach and identified areas such as Strategic Development Zones/Areas, requiring Masterplanning and full public consultation.

**Proposal 13. Embedding an infrastructure first approach.**

Infrastructure is currently the most significant challenge and we need to have in place a system which can fund and deliver the necessary development infrastructure.

Better co-ordination and synchronisation is required at national and regional level and the suggestion for a national infrastructure and development delivery group is supported, provided it has the responsibility to actually fund and deliver. Co-ordination of existing programmes is not enough.

The various funding streams available all need to be identified and used by LPAs as appropriate. Key to this is a new infrastructure levy which needs to be given priority status.

The key to successful infrastructure provision at the moment is for LPAs to harness all available means, including Tax Incremental Financing, City Deals type arrangements with Central Government, developer contributions from legal agreements etc. Clarity and certainty in this area would be welcome.

The new emphasis on Delivery Programmes in the LDP will assist in this quest for better co-ordination from the key infrastructure providers and they must participate in the LDP process from an early stage.

**Proposal 14. Creating a fairer and more transparent approach to funding infrastructure.**

HOPS supports the creation of a fairer and more transparent approach and the proposal to restrict the ability to modify and discharge terms of planning obligations.

The processing of Section 75 agreements needs to be simplified and a national “model” would be helpful. HOPS has contributed to previous research and workshops on this topic to develop the 10 good practice principles and is happy to further contribute with HOPS representation already in place.

The question of a levy has generated much discussion and HOPS believes that introducing powers for a new levy would be fairer and more effective. It is recognised that this will be for infrastructure across a wider area and will not replace site specific contributions or the national level infrastructure investment.

At the local level many authorities are attracted to the idea of a simple “roof tax” type proposal which would be easy to operate and would provide developers with an early indication of possible costs.

**Proposal 15. Innovative infrastructure planning.**

The alignment of Education and Transport infrastructure projects at the strategic level is supported as these have a significant impact on the delivery of development, particularly in terms of funding. An enhanced NPF and the Infrastructure Investment Plan should reflect these requirements as they form an essential part of strategic infrastructure planning.

The alignment of national policies and other legislative networks should be explored further. At present, national policy for education on school placing requests can have significant implications for infrastructure planning and developer obligations. Similarly, the review should consider whether it is appropriate for Local Authorities to seek developer obligations for external agencies as they have no control over these Investment Plans and they can place an administrative burden on the Council.

The suggestion that green infrastructure should continue to be a key placemaking priority is welcomed. The benefits cited in the consultation paper are supported, particularly in terms of health and economics as green infrastructure is often considered to be a cost by the development industry.

Infrastructure planning in its broadest sense, needs to look ahead much further so that it can deliver effectively in areas such as low carbon energy solutions, digital connectivity, particularly broadband and fibre optic connectivity. These should all be planned in to communities and particularly new developments rather than being retrofitted.

Green infrastructure is often forgotten about and needs to be an integral part of this initiative. It is critical in supporting quality of life and also quality of place.

## SPECIFIC QUESTIONS-BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE.

### KEY QUESTION

**C: Will these proposals help to deliver more homes and the infrastructure we need? Please explain your answer.**

HOPS believes that Planning is an important component in creating an environment to support and enhance housing delivery but it is not solely responsible for enhancing delivery which is of course dependent on many other factors including the economic and fiscal context.

Whilst we support measures to improve the planning context for supporting housing delivery, the proposed changes are not fully coherent. Given the importance of this agenda, particularly in how the changes will affect planning of housing within the 4 city regions currently covered by SDPs, it is imperative that, whatever changes are introduced, they are implemented seamlessly with the required guidance in place to support transition to the new approach.

HOPS will continue to support the Government in the development of the new approach and would be happy to offer direct support in this regard.

The key principles which should be reflected within any new approach are as follows:

- functional housing market areas – the new approach provides the opportunity to create a coherent system that reflects how housing demand arises and is met at functional housing market area level;
- housing need – reflection of housing need which can best be identified from a local perspective.

HOPS supports:

- Recognition of the need for some improvement.
- An early gatecheck of HNDA.
- An early gatecheck of adequacy of land supply. We suggest a role for peer review alongside industry engagement.
- Recognition of the distinction between land supply and delivery output.
- Proposal for online register of housing sites.
- Alignment of land use planning and housing strategies.

### Identifying Supply Targets and Land Requirements

- It should be noted that the proposed removal of a statutory development plan for the 4 biggest city regions(which is not supported by HOPS) will not alter the fact that functional housing market areas are bigger than the 4 city authority areas where most growth need and demand is focused.
- The statements in the SGCP (e.g. paras 3.7, 3.9) stop short of stating that the NPF is going to set how much housing delivery output or housing land is required in each authority area. In the absence of a statutory document distributing growth across local authority boundaries, it may be hard to achieve an 'infrastructure-first' approach, or provide clarity and confidence.

- The preference would be for local authorities (regional partnerships where they exist) to estimate need and demand at the level of the functional housing market area and for this to inform the NPF (or a regional development plan if these were to be retained in some form).

HOPS considers that:

- Housing Market Partnerships should be retained as part of local authority and regional working partnerships. They help working collaboratively to address housing need and demand within housing systems that crosses LA boundaries within the functional housing market area framework.
- The next iteration of HNDAs has the potential to provide a more proportionate response including streamlined reports; a focus on outcomes; clearer links between housing estimates and targets; clearer definition of ‘affordable housing’.
- The Scottish Government’s HNDA Tool introduced in 2014 should continue to be used to inform housing targets and developed and improved to reflect functional housing market areas and the appropriate geographies of any regional partnerships.
- National guidance should be refreshed to support the new approach, for example to update some definitions.

#### Comments on Delivery and Infrastructure

- A simpler, clearer way to identify amount and location of housing land and associated infrastructure needs to be accompanied by efforts to develop an understanding of the factors influencing delivery itself. Some of these can be addressed by local authorities in their non-planning functions, as well as community planning partners and the private development industry.
- The proposals in respect of infrastructure could go further:
  - We note that the government has recognised the difficulties in coordinating the delivery activities of bodies that have differing corporate structures and would support the government in going further to explore measures, that will result in a better alignment of development phasing and infrastructure delivery.
  - The proposed infrastructure levy, if well designed could assist, however in addition the proposed measures should include continued support for authorities to identify, fund and implement, direct delivery e.g. City Deal style infrastructure projects and local authority house building.

#### **Optional technical questions**

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

**YES.** HOPS supports the change to a more integrated national and regional approach, and most importantly, a move away from the wasted arguments and debates over the precision of the number of houses to be built.

Award winning approaches by LPAs have been successful in this regard. e.g. Moray Councils award at SAQP 2015 for taking a longer- term approach to housing land controlled through a series of triggers ensuring that a reserve of land is available and can be brought forward to ensure an effective supply of housing land can be delivered.

Publishing housing land audits online should be carried out by all LPAs and HOPS supports the current HNDA process being signed off by the Centre for Housing Market Analysis.

In all of this work to deliver more houses it has to be appreciated that housing land supply and housing unit supply targets are different, although they are obviously closely linked. The important difference between aspirational and achievable and deliverable.

**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?**

**YES.** This should be a natural follow up to the detail now being required at the early LDP stage for the first “gateway” check. Very often this information is commercially sensitive and it must be treated by the LPA accordingly. This can bring problems in the LPA being transparent and open with the local community but the information must not be compromised.

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

**YES.** Planning can be innovative and creative and intervene where it is necessary to “unlock” a site.

An understanding of the development viability and feasibility is necessary to be able to suggest alternative proposals, particularly linked to housing types and mixes of tenure.

Enlightened planning policies and design guidance can also contribute to creating different housing environments and achieve an overall sense of place.

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

- Time limiting consents could be considered but is unlikely to yield improvements in delivery in the private sector where if the builder cannot find buyers, they simply won’t build. This is not generally an issue in the social sector where consents get built out rapidly.
- Builders could perhaps provide intended delivery/phasing schedules as part of applications to indicate their intentions which may be useful for both the planning authority and wider stakeholders including the general public. Phasing schedules are particularly relevant for larger scale developments.
- A significant element of the current issue with regard to delivery is reduced rates of delivery, a matter which is outwith the control of planning.
- Masterplans and development briefs could be required for all development plan allocations.
- Smaller builders require support to access smaller sites including refurbishments, and to navigate through the complex planning and consenting regime.
- Small sites registers are used in some authorities.
- Quota policies could be used to inform the delivery of a range of housing types to meet diverse needs including those of the ageing population although it is recognised that not one solution will fit all circumstances.
- Closer working relationships between housing and planning, should be encouraged to ensure that the correct range of products and delivery activities are developed. Perhaps the action/delivery programmes of LDPs and LHS become conjoined or, as per the Edinburgh example, the delivery programme becomes a corporate activity.
- Delivery of housing could become a corporate issue with annual housing land audits and related covering delivery statements, becoming key business for chief executives.



- Land reform/land assembly has a potentially key role to play. Consideration could be given to the application of a development tax to encourage land to be developed, also supported by compulsory sales orders. In the interests of a reasonable and balanced approach, there will be circumstances where exemptions would apply.
- Compulsory purchase to acquire sites.
- Removing LDP designations if sites remain undeveloped and show no signs of progressing.
- Direct interventions including land assembly and the funding of the provision of development ready sites (cleared, decontaminated and infrastructure costs borne up front)
- Innovative funding models including TIFS, the use of prudential borrowing and the development of public/private joint venture models.
- In practical terms, the skills and resource for the required enabling activities, are unlikely to be available within strategy or development planning teams and therefore fundamental consideration requires to be given to restructuring public sector skills and resources across services, around a delivery focus.

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

Plans should take a more strategic and flexible approach to identifying land for housing. Consents could be put in place for zoned housing land through greater use of Simplified Planning Zones.

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

The success of already established SPZs as a tool for marketing and promotion is recognised. Mechanisms to facilitate promotion and marketing that directly increase delivery of development and infrastructure must be supported, as this is a fundamental objective of the planning review. It should, however, be noted that no legislative change is required to establish SPZs.

HOPS considers that the introduction of a pilot scheme for simplified planning zones for housing development is an opportunity to measure the success of simplified planning zones for housing. The output and success of the pilot SPZs should act as a guide on whether SPZs can be an effective mechanism to stimulate house building, or how the concept may be developed to be most effective.

Notwithstanding this, HOPS does not consider that an SPZ alone will likely not act as a stimulant to development that wouldn't otherwise occur. In allocating land for development, the development plan process inherently addresses delivery issues, particularly relating to the assessment of the viability of development land and how infrastructure constraints can be overcome – and this process is only likely to be strengthened through the planning review.

The consideration of deliverability of land will be core to the development plan process, and will be more significant in determining whether a site is deliverable or not, than SPZs. Any substantial 'roll-out' of the use of SPZs for housing should promote SPZs as a promotional and supporting tool rather than a mechanism to fundamentally change the deliverability of land.

There may be scope for SPZs where there are unique circumstances relating to a site that would benefit from planning relaxations (e.g. a strategic urban expansion site where an established masterplan is in place; or for small-scale and rural development, including self-build elements). This could assist to promote the

allocation, where infrastructure and constraints have been identified and it is clear that they can be (or have been) overcome. In such instances, the SPZ should be considered alongside development plan preparation.

The preparation and implementation of SPZs will have a resource impact, both in terms of resources required to prepare the SPZ, and in terms of impact on fees. If SPZs are to become a mainstream part of the planning process, it is essential to ensure resources are available to planning authorities preparing and implementing SPZs.

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

Central government funding to support the establishment of SPZs as set out in the SGCP would assist in this regard.

#### **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?**

**YES.** There have been various attempts to co-ordinate the delivery of infrastructure. The various infrastructure providers are driven by different required outcomes. Some have shareholders and therefore are more driven by the need to demonstrate a profit. Few, if any, of the infrastructure providers see any benefit to themselves in investing in infrastructure before development happens. It is the lack of infrastructure which very often delays delivery. Attempts at national co-ordination should continue, but that is not a substitute for a local infrastructure levy. Both potential improvements to the current system should be carried forward in tandem.

There are examples, e.g. Aberdeenshire, Aberdeen City and Moray Councils, and throughout Scotland where proactive authorities have set up infrastructure delivery groups to identify infrastructure capacity, need, prioritisation of investment in infrastructure and co-ordination of delivery. This allows for the effective allocation of land for housing and industry and prevents planning permission being granted on sites that cannot be delivered due to infrastructure capacity/ costs. The success of infrastructure delivery groups is dependent on the right people being round the table (Council Services/ Departments and Statutory Consultees), members having decision making ability and the time/ resources to commit to this remit.

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

There is probably no single partnership model which would suit every authority in Scotland. The creation of local partnerships should be encouraged to co-ordinate the provision of infrastructure and link it to spatial development plans. There are clear advantages to neighbouring authorities working in close partnership on issues of regional planning, transportation, education and housing. It is best left to authorities themselves to produce a model which co-ordinates the economic development strategy with the land-use transportation and housing strategies and focuses on improving delivery.

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

It is agreed that infrastructure is the most significant challenge to planning and embedding an infrastructure first approach to development is welcomed by HOPS.

Placemaking is a key priority for the Scottish Government and successful places are highly dependent on delivering infrastructure that is planned and implemented in a timely manner. For example, education and recreational infrastructure often act as catalyst for community cohesion whilst well-designed active travel routes encourage modal shift, all of which, positively influence the health and well-being of people. Co-ordinating the delivery of infrastructure therefore has a key role to play in creating successful places.

Existing infrastructure capacity must be properly understood to identify where additional investment should be prioritised to help co-ordinate delivery. At present, this does not appear to be the case as most Local Authority departments, key agencies and private bodies tend to have differing priorities, and as a result, investment plans. To enable the better co-ordination of infrastructure delivery across Scotland, the proposal to enhance the National Planning Framework (NPF) to be informed and inform, the Infrastructure Investment Plan (IIP) is welcomed as this would reflect the important link between planning, growth and infrastructure delivery. The realisation of this proposal depends on all infrastructure providers working together to align investment plans. Whilst the Scottish Government recognises that all infrastructure providers should be behind their commitment to growth and development, it is unclear how the Scottish Government will ensure this happens if there is scope to not adhere to this proposition.

The proposal to establish a national infrastructure and development delivery group is welcomed. Representatives must reflect the wide range of agencies, and public and private infrastructure providers and be well-informed of the key infrastructure issues across each Local Authority area, including barriers to planned and future development and funding shortfalls. Success will be heavily reliant upon filtering information through each representative's respective organisation to ensure that this co-ordinated approach is embodied at all levels, and discussions take place between those tasked with implementing delivery on the ground.

Some Local Authorities have already undertaken steps to ensure infrastructure delivery is co-ordinated at the local level. Aberdeenshire Council and Aberdeen City Council operate a Future Infrastructure Requirements for Services (FIRS) Group and Moray Council has set up an Infrastructure Delivery Group (IDG) to proactively co-ordinate development and infrastructure delivery. The IDG is led by Development Plans and consists of representatives from NHS Grampian, Transportation and Education and other departments and agencies, as and when required. NHS Grampian has embraced the opportunity to work closely with policy planners and this co-ordinated approach and strong working relationship needs to be delivery consistently by all parties involved in future infrastructure planning. This needs to be embedded in the Delivery Programme and all agencies sufficiently resourced and trained to do this as this longer-term perspective often loses out to staff who are too busy doing the 'day job'.

The SGCP sets out the duties of the national infrastructure and delivery group. Whilst it is recognised that these duties will aid infrastructure delivery and growth at a national level, further clarity on their execution is necessary to understand the implications for Local Authorities and the development industry. For example, it is unclear the method by which the group will help broker solutions on key housing sites between local government and the development industry (e.g. advisory or financial). Brokering solutions should also not solely apply to housing sites as the delivery of many employment sites are impeded due to infrastructure cost/delivery. Employment sites represent a continual supply of potential jobs for the local economy.

The co-ordination of infrastructure planning and investment at regional scale is welcomed. This 'bottom-up' approach will allow planners at a regional level to advise on spatial priorities for infrastructure investment and inform co-ordination at a national level. A regional audit of infrastructure capacity will provide a holistic view of infrastructure capacity within a region which will provide valuable information to those working across Local Authority boundaries and aid joined-up working. The suggestion that the Strategic Transport Projects Review should work alongside spatial planning to form an essential part of strategic investment planning at both regional and national scale is welcomed as transport is a key infrastructure requirement.

Greater commitment needs to be given to the delivery of the development plan by key agencies and infrastructure providers. Equally, this must be recognised within Local Authorities and community organisations. Development is inhibited where there is little or no ‘buy-in’. For example, Scottish Water’s reluctance to forward invest inhibits development regardless of the commitment given by others to deliver. It is also accepted that development plans must provide further certainty for infrastructure investment such as proposals set out in this consultation paper (i.e. affording allocated sites planning permission in principle status).

A significant amount of work is currently being undertaken by Planning Authorities to provide greater certainty to infrastructure providers and developers. As an example, Moray Council is undertaking an extensive programme of masterplans, jointly preparing an Education Strategy with Education Services, working closely with Transportation Services on a Transport Strategy and the NHS on a Delivery Programme for health care infrastructure in Moray, all with a timeframe of 2035 and beyond. This work is helping to align infrastructure delivery and inform the developer obligations required.

Greater commitment to the delivery of the development plan means that there is a need for the planning profession to have a wider understanding of infrastructure, particularly the impact on land values and viability. The skill set of planners needs to evolve to incorporate a better understanding of development economics, and resources should be provided to enable Local Authorities to undertake the necessary training.

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

**YES.** HOPS considers that a Section 75 agreement should not be changed unless it is agreed to by all the signatories. The Section 75A clause which allows agreements to be modified has been used by developers to get out of agreements which no longer suit their business needs. Without the Section 75 agreement however the development proposal would have been unacceptable. Section 75A could be replaced by some form of mediation prior to the signing of the Section 75 agreement when the authority and the developer cannot find an agreed way forward, but this would need to be used with caution to ensure no unnecessary delays.

Section 75A gives developers security that contributions sought by Council’s to mitigate the impact of development can be revisited later should circumstances relating to their development change. However, this places considerable financial risk on the local authority and the process of front funding infrastructure which allows land to be released for development. Taking this into account, Section 75A could be restricted to circumstances where the period for spending secured contributions has or is about to expire.

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

The proposal to restrict the ability to modify and discharge the terms of planning obligations introduced by the 2006 Act is welcomed as this has created significant uncertainty and delays in the delivery of development. Developers are able to obtain planning permission with little or no intention of delivering the infrastructure necessary for the development. This has inhibited the ability of Local Authorities to plan for infrastructure with any certainty given the significant risk that developers may not pay their developer obligations. It is considered that the ability to modify and discharge a Section 75 agreement should be removed, or if not, then a charge introduced to cover the Council’s costs.

When a developer seeks to modify or discharge the terms of planning obligations this should only be permitted where there is agreement from all signatories. Without a Section 75 Agreement the proposal

may not have been satisfactory. This creates significant risk to the Local Authority, particularly when front-funding infrastructure. Should the ability to modify and discharge planning obligations not be removed, then Section 75 Agreements should only be revisited when they have or are about to expire.

Local Authorities often front-fund infrastructure. This is necessary to deliver development. The Local Authority usually seeks payment from developers in arrears through phasing as advocated in Circular 3/2012. Therefore, it is the Local Authority rather than the developer that bears the cost of interest payments on capital borrowing to deliver infrastructure. This mechanism creates further financial risk to the Local Authority as an economic downturn would result in a longer period over which developer obligations are paid with additional interest payments incurred. These cash flow implications should be built into front-funding infrastructure (i.e. an interest charge applied if developer obligations are taken in arrears) or alternative models for front-funding infrastructure (e.g. Growth Deals) provided. Front-funding infrastructure is necessary to deliver development and should be protected from as much risk and uncertainty as possible.

The opportunity to share lessons learned about Section 75 obligations more widely across the Scotland is welcomed. Working with Local Authorities will provide the Scottish Government with a valuable insight into the practicalities of the system and how it can be improved to reduce timescales. **The HOPS Development Management Sub-Committee has recently set up a Developer Obligations Forum and this is considered to be a valuable mechanism through which lessons can be learnt and information shared.**

The proposal to introduce a new infrastructure levy for Scotland through future legislation is supported. This infrastructure levy should be at a regional scale to be administered by regional partnerships for strategic improvements such as trunk road improvements and regional waste projects). There is also potential to introduce the levy at a local level for schools, local road network improvements, healthcare, open space, etc. The advantages of an infrastructure levy are: increased certainty to Local Authorities and the development industry over the type and level of contribution sought; reduction of time and resources expended during negotiation at planning application stage and preparation of Supplementary Guidance (e.g. methodology, rates, etc.); and a stronger link between the co-ordination of infrastructure delivery and the LDP.

The introduction of an infrastructure levy will be dependent on the submission of a business case prepared by Planning Authority/Authorities to be granted permission to adopt by the Scottish Ministers. It is anticipated that this will be resource intensive as officers from the Planning Authority will have to co-ordinate and align Investment Plans/Strategies of Local Authority Department and possibly Community Planning Partners (e.g. NHS). These Plans/Strategies will need to be up-to-date and reflect long-term growth as set out in the LDP, which may require considerable work. Local Authorities need to be equipped with the resources to enable them to carry this out. If the business case is not fully informed or an additional infrastructure need arises then it is unclear the scope for reviewing the business case and associated infrastructure levy.

Whilst the infrastructure levy has many benefits as outlined above, there are concerns that it may inhibit development in areas of lower demand where land values and market conditions are less favourable. This applies at both the regional and local level. For example, a development within a school catchment for which there is currently no developer obligation requirement would be subject to the infrastructure levy. This may reduce the land value to a level where the landowner was unwilling to sell. It is anticipated that this would be more likely to affect rural areas or areas in need of regeneration. At a political level, it may also be unpopular where developers in depressed areas were perceived to be supporting developers in more buoyant areas.

The key barrier to the delivery of infrastructure is the availability of funding. Whilst the introduction of an infrastructure levy may help provide certainty in the delivery of development, it is still unclear where additional funding for infrastructure, particularly at the regional scale, will come from if the developer obligations (or new infrastructure levy) cannot be achieved. This cannot impact on Section 75 requirements.

Local Government budgets cannot provide the infrastructure necessary to deliver growth, particularly housing, which the Scottish Government aspire to. Additional funding for Local Authorities from new sources and focused Growth Deals are required to address this funding ‘gap’ and support economic growth.

**If so,**

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

It should be applied by local authorities for all or part of their area or in conjunction with neighbouring authorities as appropriate.

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

It can be applied to all types of development, but it is particularly appropriate to housing development as the impact housing has on schools, healthcare or roads is relatively predictable.

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

The levy should be set locally, collected locally and spent locally. It may be administered by the local authority or by a regional partnership.

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

The levy is particularly appropriate for education provision as each child has to be provided for by the local authority and a standard charge across the local authority area (or part of its area) could be set. Cognisance can be taken of school roll projections and school capacity within a particular area. This can be done without reference to current individual school capacities and would allow the local authority time to consider its options in terms of rezoning proposals, building new schools, replacing older premises or extending schools taking into account all developments in an area. This could be done by the local authority without the fear of challenge that any school building does not have a direct relationship with any particular development site.

The levy would also be appropriate for transport issues. It would be particularly useful in dealing with the cumulative impact from a number of developments on the road network. It would allow developers to focus their transport assessments on local issues such as site access. The impact on the wider network and identifying inappropriate interventions would be a matter for the local authority in conjunction with Transport Scotland.

There should be consultation with the development industry on the amount required through the levy and on interventions proposed by the authority which the levy would contribute towards. Some form of scrutiny



by central government to ensure that the levy has been set at an appropriate level and will be used for appropriate purposes would be helpful.

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

N/A

**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.** The proposal to remove the requirement for development plan policies to require new developments to install and operate low and carbon-zero generating technologies is supported as this has become out-of-date with building standard regulations. The development plan should focus on areas that can most benefit climate change by focusing on strategically planning for low carbon energy infrastructure such as district heating systems. This will have greater impact on climate change, particularly where the requirement is brought into an infrastructure first approach.

The Scottish Government's desire to support digital connectivity is welcomed. The extension of permitted development rights may help achieve digital connectivity for additional homes and allow existing copper networks to be upgraded to fibre optic without planning permission. However, the aspiration for digital connectivity is largely dependent on the infrastructure provider planning for future new growth. To ensure homes are connected it may be more appropriate to include digital connectivity along with other services (e.g. gas, electric, water) as part of a Building Standards Completion Certificate.

The Sullivan report concluded that energy conservation is best dealt with through the Building Regulations. The use of the Building Regulations has been demonstrated to be a more successful approach than the use of planning conditions. The use of renewable technologies should continue to be encouraged but not necessarily through the existing planning legislation and the building standards service is technically better equipped than planning to move this agenda forward.

Placing this element in to Building Standards also provides more certainty of delivery if it is part of the mandatory requirements prior to obtaining a building warrant.



## KEY AREA OF CHANGE 4. STRONGER LEADERSHIP AND SMARTER RESOURCING.

We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places and we propose:

**Proposal 16. Developing skills to deliver outcomes.** We will work with the profession to improve and broaden skills. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 17. Investing in a better service.** There is a need to increase planning fees to ensure the planning service is better resourced. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 18. A new approach to improving performance.** We will continue work to strengthen the way in which performance is monitored, reported and improved. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 19. Making better use of resources.** We will remove the need for planning consent from a wider range of development. Targeted changes to development management will help to ensure decisions are made more quickly and more transparently. **HOPS SUPPORTS THIS PROPOSAL**

**Proposal 20. Innovation, designing for the future and the digital transformation of the planning service.** There are many opportunities to make planning work better through the use of information technology. The planning service should continue to pioneer the digital transformation of public services. **HOPS SUPPORTS THIS PROPOSAL**

HOPS believes that this change area is critical to the 3 strategic outcomes set out by HOPS for repositioning, resourcing and streamlining planning and it is pleased to see the proposals being put forward to help achieve this position.

How the development management service is funded requires a radical new approach based on all previous research and HOPS has set out previously some detailed points for consideration. HOPS understands that planning is not alone in facing budget challenges in the public sector and wider considerations can come in to play re council budgets and spending priorities. It is however fundamentally necessary for councils to commit to invest in their planning services if the aspirations in the SGCP are to be delivered.

Critical areas on skills, shared services, experience, expertise, joint working arrangements, joint procurement etc. are all included in the proposals and HOPS will continue to play a lead role with others to support new initiatives.

HOPS will continue to support and drive the planning performance framework approach across all LPAs, acknowledging that it has to widen its scope and focus on delivery and quality of outcomes. A "champion" type role is also supported and HOPS will progress the other initiatives highlighted with the other partners.

A decluttering of PDR is welcomed and HOPS is reporting back on this, and other related matters in a separate input paper. The continued digital transformation of planning will inevitably happen and HOPS is happy to lead on this within the new Digital Strategy and work with the new Digital Taskforce to ensure our areas of interest are pursued and implemented.

## THE INDEPENDENT PLANNING REVIEW (IPR)

4.0 The IPR theme 7 was for stronger leadership, smarter resourcing and sharing of skills. The focus was to change perceptions, to make planners recognised as enablers and not regulators. The key recommendations covered,

- The journey to become leaders and innovators with the Scottish Government and Key Agencies leading by example.
- Substantial increase to major application fees to move towards full cost recovery for the planning service.
- Scope for further discretionary charging.
- Removal of the Penalty Clause and identify alternative mechanisms.
- Priority for skills development and shared services.
- Establish graduate intern programme.

4.1 Theme 6 concentrated on what is needed to provide an efficient and transparent development management system and included recommendations on national guidance on validation, extending PDR rights, further study on the scope for combined consents and more use of information technology.

## HOPS VISION STATEMENT

4.2 HOPS set out its position in its Strategic Objective 2- Investing in the planning system in its Vision statement. HOPS is clear that the planning system needs to be properly invested in to achieve full cost recovery which would allow reinvestment in key planning work areas. Much previous research and consultation has been carried out and this work all needs to be concluded swiftly and integrated in to a coherent end statement by the Scottish Government to deliver an enhanced fee structure which ensures that the money generated is directed to further improving the planning service and the ability to levy discretionary fees is made clear.

4.3 Investing in the new planning system is a clear commitment by the Scottish Government that it is investing in the added value which planning can deliver and it will strengthen the ability of the planning system to deliver on the Government's key outcomes of,

- Scotland as a successful and sustainable place.
- Scotland as a low carbon place.
- Scotland as a natural, resilient place.
- Scotland as a more connected place.

4.4 Legislative change is critically important but it cannot be fully implemented without strong leadership in promoting and enhancing planning and demonstrating what planning can deliver and achieve. Planning is a powerful tool and needs to be properly resourced to fulfil the expectations placed upon it. Training and equipping the key players with the appropriate skills and knowledge is critical to all our ambitions. We need to think smarter and leaner, share best practice, benchmark and learn from the best, and look at using shared or collaborative services where this is appropriate.

4.5 The Planning Performance Framework remains a critical part of the planning culture and cycle and will be enhanced and strengthened to further assist SG in advancing enhanced planning performance levels nationally and evidencing a range of quality outcomes. An updated approach to planning performance has been set out in the separate HOPS paper on Fees and Performance.

4.6 In addition, the HOPS Vision Statement set out the following key requirements to be included in the new planning reforms,

- Resources are required from central and local government resources to prepare and monitor development plans and associated guidance which facilitates the delivery of good place making. Such resources should not be diverted to fill a gap in the costs for managing development proposals. There is also an opportunity to better join up existing resources used for strategic planning in the public sector e.g. planning and community planning.
- Fees and charges for providing advice, assessing and determining development proposals and managing appeals and reviews should be structured to cover the full costs of delivering the service. The legal status for the charging of discretionary fees should be clarified and altered to enable LPAs to charge for relevant services
- Training for elected members taking part in decision-making on development proposals should be prescriptive and structured in a manner like other quasi-judicial processes.
- The future skills requirements for planners should be addressed through support for higher education courses and mainstreaming of place making issues into the school curriculum
- The Planning Performance Framework needs to be developed and refined further and used flexibly at local level. The PPF should be a document with a wider audience to demonstrate the achievements and outcomes in planning. It should not simply be a document for reporting performance to the Scottish Government.
- Re-positioning Planning is a critical component of this review if we are going to change the existing culture and mind sets.
- Improving performance is critical and HOPS sees various ways in which the PPF can be enhanced and introduce more rigour and scrutiny, self-assessment, peer review and also the need for specialist, independent support where required to assist an authority with its Improvement Plan and Actions.
- Planning fee increases are essential and should be introduced with the minimum of delay to make the Development Management system self-financing and enable reinvestment in planning to be implemented.
- Skills for planners and elected members need to be developed further. This must tie in with the aspirations of the new, enhanced system and would need to include, collaborative place making and community engagement,
- There is an opportunity to identify shared services in planning, as has been done in other services. This is an area which is linked to wider public sector reforms and can be carried out in a variety of ways to suit local circumstances.

4.7 HOPS Strategic Objective 3- Streamlining Planning Processes stated that we all need to work smarter and leaner, maximise the use of ITC and mobile technologies and recognise that planning adds value and is not a barrier or an inhibitor of development aspirations and growth and investment. It is vital that we simplify and streamline in all areas of our activities. Planning authorities across Scotland demonstrate their approaches to innovation, added value, new ways of working, best practice in processes and plans, and their ability to deliver outstanding results on the ground and to achieve quality standards on a regular basis as showcased in events such as the annual Scottish Quality Awards in Planning.

4.8 HOPS has already reported to the Scottish Government on national standards for validation, the extension of Permitted Development Rights, revisions to the Use Classes Order

and the potential to establish shared services and these inputs will contribute to this simplifying and streamlining objective.

## THE SCOTTISH GOVERNMENT CONSULTATION PAPER

4.9 The IRP themes 6 and 7 for, "Efficient and Transparent Development Management" and "Stronger Leadership, smarter resourcing and sharing of skills" were combined by the Scottish Government in to its Change Area 4 - "Stronger Leadership and Smarter Resourcing".

4.10 The Scottish Government has accepted the IPR recommendations in both themes in their entirety, except for the removal of the penalty clause. The Government confirms that whilst it has no current plans to implement it they have no plans to remove it, and it will remain as a "back stop" position if performance is consistently poor and improvement actions are not being taken by a LPA.

4.11 Re-establishing planning as visionary profession and redesigning the planning service to better reflect the principles of public service reform are laudable aims which are supported by HOPS. There is an emphasis placed on the need for consideration of the capacity and resilience of the planning profession and the need for more joint working, co-operation and collaboration on aspects of skills, shared services and making the best use of digital technology.

4.12 The proposals set out by the Scottish Government are coherent and appropriate but there is a lack of detail and further research and consultations to take place before finalised proposals are set out.

## HOPS POSITION STATEMENT

### Proposal 16 Developing skills to deliver outcomes.

Need to assist the SG in defining and co-ordinating the provision of the necessary place making skills required across all sectors of stakeholders in the planning system.

Promote multi-disciplinary opportunities for professionals contributing to place-making through collaboration between professional associations and with representative bodies in the development sector, e.g. Scottish property Federation and Homes for Scotland.

Consider how shared or joined-up arrangements could be used to maximize the benefits of available skills and expertise for planning authorities e.g. use District Valuer for assessing development viability, or Economic Development colleagues.

Use the current Planning Skills Forum more effectively and reconsider its remit and membership to ensure full coverage. Provide direct links to the Planning Skills Programme so that its coverage is cross -sector and targeted to identified priorities.

More joint work is needed with colleges and universities, including non-planning disciplines, such as Information Technology and Digital Communications.

Planning needs to be promoted more effectively in the media, schools and colleges. The place-making agenda could be promoted through a joined- up approach to contributory subjects in the mainstream curriculum and requires an SG lead in setting the agenda. Practitioners from all sectors in the planning system should be incentivised to

bring real life examples into the classroom and develop awareness of issues and engagement opportunities in community life. The Place Standard could be a useful tool in this agenda.

At university undergraduate level there should be joint courses/working between architecture, design, building, energy and planning students with the construction industry. There is a need for more joint working and understanding on how we can work together to deliver better places and how the different roles/disciplines overlap.

More emphasis should be placed on planning as a career with more co-ordination across different professional groups and more direct involvement of planners and planning authorities. E.g. Scottish Association of Geographers, RTPI volunteers, PAS, Scottish Young Planners Network etc.

Co-ordination of published literature would be helpful.

More emphasis to be placed on planning as a career with more co-ordination across different professional groups and more direct involvement of planners and planning authorities. E.g. Scottish Association of Geographers, RTPI volunteers, PAS, Scottish Young Planners Network etc.

There is a need to define a development programme for staff in local authorities to address service development and succession planning issues. Recruitment issues are already evident in some areas and the ability to develop staff qualifications, skill, and knowledge is restricted by the lack of part time planning courses to support professional and technical qualifications in Scotland.

### **Proposal 17 Investing in a better service.**

Fees need to be set higher to reflect the actual costs of providing development management services for applicants. These include, the substantial value added by pre-application advice and the negotiations to achieve added value for the community.

Options for fee restructuring should explore costs in all areas of development management, including types of applications which are currently excluded. E.g. Listed Building Consent and Conservation Area Consent. New areas for fees should be identified. E.g. Planning Completion Certificates, Enforcement actions and site visits, as some English LPAs currently do.

Discretionary charges must be given a statutory backing so that they are not contestable and have a formal basis if an authority chooses to use them to support service improvements.

Planning fees should reflect the costs of the local planning authority and in principle should not be disbursed to other agencies or to central government. An exception may be in areas where shared services or joined up working of authorities would maximise the effectiveness of an activity. e.g. skills development or performance support. Flexibility and local needs require to be factored in.

Previous research by HOPS costing statistics for all Scottish LPAs has proven to be valuable but will need updated. HOPS would be willing to co-ordinate further work on

this, including an updated sample survey, subject to adequate resourcing. However, there is no evidence that setting the mainstream application fees at local scales rather than a consistent national scale would be beneficial for the Scottish planning system as a whole.

Consideration could be given to fees being charged for developers making a bid into a local plan in light of the rise in land value given following the publication of the plan.

The whole question of “full cost recovery” needs to be examined carefully as it is difficult to separate the fee earning DM process from the DP service as DM is reliant on up to date and well-resourced plans and guidance for robust decision making.

### **Proposal 18 A new approach to improving performance.**

Performance needs to be redefined to clarify that all stakeholders in the planning system have a responsibility to develop a new culture to improve performance. HOPS will lead on the contribution that planning authorities can make to improving the performance of their own services. Overall, there needs to be more emphasis on quality of outcome and less emphasis on the process to achieve them, even if the former requires longer term performance measures.

HOPS agrees with suggestions of further enhancements to the PPF and is already progressing discussions and support arrangements to assist planning authorities consider how to implement more stakeholder engagement, 360 Degree reviews, benchmarking and peer review. Customer feedback and consultations should form a greater part of PPF work. Other areas for improvement and rationalisation will also be considered by HOPS including a possible Action Plan for setting specific measure targeted at improving performance levels.

HOPS supports the proposal of a “Performance Champion”, but it needs to be independent, neutral and respected if the impact is to be cross-sectoral and not just targeted at planning services’ performance. A narrow approach, ignoring the potential of culture change across sectors, will not realise the potential of an outcome driven planning system. A refreshed role for the Improvement Service, with additional resources to support performance improvement, would be welcomed. E.g. the model of the Planning Advisory Service in England.

Overall, HOPS fully accepts that there is a need to provide confidence and assurances to the Planning Minister and the development industry that the provision of additional resources has to be matched by the delivery of measurable improvements in the quality of planning services.

### **Proposal 19 Making better use of resources.**

There is a need to simplify PDR and other DM processes and HOPS has a separate workstream on this matter for submission to SG by the end of March, 2017.

There are strong views within HOPS that prior notification processes are not considered necessary and they consume resources needlessly. This is an area for further discussion to identify alternative options, including their removal from the planning system.

Aligning consents has been discussed for many years but nothing practical has transpired and HOPS is keen to see this area of work taken forward as a priority.

Building Standards and Planning overlap areas should be considered for rationalisation, particularly in the fields of energy and climate change requirements, householder development etc.

HOPS does not see the need for planning applications to go to Full Council and the role of the Planning Committee should be sufficient to determine major applications which are contrary to the Development Plan.

**Proposal 20 Innovation, designing for the future and the digital transformation of the planning service.**

This is a vital component of change moving forward and the role of technology should increase and HOPS sees no need for the submission of paper plans, site notices etc.

This is a fast-changing area and private sector software solutions must be fully investigated to seek advantages for planning system and opportunities for joint purchasing, possibly on a national scale. E.g. Digital by Design.

HOPS believes that a national Scottish Government or UK Government approach for digital transformation would provide opportunities for savings/efficiencies across Scotland.

A national online planning portal should be created to reduce burdens on LPAs. E.g. Interactive PDR house, which did not go ahead. (Example in England is very useful)

There is an increasing role for technology in more public engagement and early engagement and HOPS supports the work on making LDPs more technologically based and interactive.



## SPECIFIC QUESTIONS: STRONGER LEADERSHIP AND SMARTER RESOURCING.

### KEY QUESTION

**D: Do you agree the measures set out here will improve the way that the planning service resourced? Please explain your answer**

**YES.** The measures set out in the SGCP include proposals and objectives which will improve the resources available to LPAs. HOPS has previously set out its comprehensive views in the consultation response to the paper, “**Raising Planning Fees**” and in its input paper on “**Planning Fees and Planning performance**”. Both these responses require to be included as part of the HOPS overall response on resources and performance. In summary, the HOPS position is set out below.

- Full cost recovery of development management services.
- The legitimisation of discretionary planning fees.
- Fee payments must be made directly to the LPA and not the Council so that reinvestment is made possible.
- No top slicing of planning fees to central government or other organisations.
- Fees for planning appeals and planning reviews are supported, as well as higher fees for retrospective applications.
- Section 36 and 37 application fees should be paid to the LPAs and not central government.
- Links to improved performance levels and continuous improvement.

### Optional technical questions

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

Aspects of culture change, innovation and enhanced leadership within the planning profession are inter linked and require co-ordination and linking at national as well as local level. In its Vision Statement HOPS was clear in its first strategic outcome on the re-positioning of the planning service from regulation to delivery, and supports the related aspects below,

- Statutory Head of Planning.
- Enhanced corporate roles and influence, and demonstrating leadership behaviours
- Statutory links between spatial planning and community planning with the spatial plans being given the “higher status” in that relationship.
- Key role for Chief Executive engagement in the LDP processes as well as formal sign off to upgrade and reinforce the corporate status of the plan and planners.

Planning needs to demonstrate the added value it brings to the development and delivery processes and include areas such as, planning prevention, social inclusion, longer term visioning and master planning and the co-ordination of investment and infrastructure.

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

The separate papers by the RTPi on planning skills, and HOPS on shared services outline starter options on both these aspects which feed directly in to the skills challenges being faced by LPAs. This is

compounded by staff reductions and ageing staff structures which are proving an imbalance in planning skills and experience. Not all LPAs can be or necessarily should be self-sufficient in the breadth of planning skills they have, and not all planners can be expected to have experience, or the necessary skill sets to undertake the range of tasks involved in all planning applications. There are huge differences in terms of staff numbers and overall resources between the largest and smallest planning authorities and this means that local solutions need to be developed and joint working arrangements introduced where possible.

Key areas previously identified include, development economics and viability, land values and negotiations, option appraisals and project management. Complex areas of the legislation also require to be included such as, Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), Habitats Regulation and Appraisal (HRA) and Compulsory Purchase powers.

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

**YES.** HOPS believes that the range of environmental professional experience and expertise available across the different disciplines, and the work being carried out and promoted by the respective professional bodies can and must work better together to share skills, expertise and skills development for the benefit of all.

There is a responsibility on all the related professional disciplines to work and co-operate together and to co-ordinate initiatives and it may require the Scottish Government to initiate a more formal multi-disciplinary network, perhaps on a regional basis like the RTPi chapters, with key themes such as masterplanning, infrastructure, and design and quality of places as a focus.

If the concept of SPZs is implemented this could also be a focus for inter-disciplinary work.

The move away from Action Plans and Programmes to Delivery Programmes is also an opportunity for a range of public sector agencies to work together on joint delivery and implementation.

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

Performance can only be delivered through adequate resourcing of planning teams and ensuring skills and experience are a priority for workforce planning. Key internal consultees, for example Transportation and Flood Risk management, also need to be fully resourced.

A joint and co-ordinated approach to development proposals can deliver high performance and high quality outcomes.

A body of experts should be created that can be used by all planning authorities to avoid duplication and make more effective use of resources and minimise the use of consultants.

HOPS believes that LPAs who may not be performing to their full potential, however that is defined, require support and assistance which can come in a wide range of ways, rather than receive a financial penalty. For example, focused peer reviews, geographical and similar size benchmarking, joint visits and mutual, agreed improvements.

HOPS has strongly and consistently campaigned against the enforced use of the “penalty clause” for underperformance as it is seen as essentially punitive and selective, and will act as a disincentive and a

brake on performance rather than an opportunity to learn and improve, if it reduces the resources available for reinvestment by the LPA.

The work being carried out by HOPS to refresh and reinvigorate the Planning Performance Framework approach will be a key contributor to this and HOPS also supports the idea of a "performance champion" and/or a panel of performance leaders across different stakeholder groups to promote, innovate and to assist LPAs who require a new Improvement Plan to better achieve higher performance targets.

The most difficult area of this overall continuous improvement cycle is co-ordinating the actions of the stakeholders outwith the direct control of the LPAs, such as landowners, developers, agents, key agencies and others. In a previous HOPS joint publication between planning stakeholders, "Modernising the Planning System- Unlocking Planning's Potential" following on from the 2006 Act the different roles and responsibilities of the key players were identified with a focus on working together to secure a planning system that is

- Fit for Purpose
- Efficient
- Inclusive
- Sustainable

**HOPS suggests that this document should be updated and re-badged to better fit the current and proposed planning system and it should set out clearly the different roles and responsibilities of all the parties.**

Planning performance levels are not under the sole control of LPAs and this needs to be recognized and restated when performance is being measured and comparisons made.

More work across the professional disciplines is essential and this could include Masterplanning

The High-Level Group on Planning Performance, attended by the Planning Minister, Scottish Government officials, COSLA, SOLACE, RTPi Scotland and HOPS needs to be recast with a renewed remit and focus on performance enhancements, critical and independent assessments of LPAs performance set against settled and mature measures, outcomes and outputs.

The Scottish Government's suggestion of including "quality of place" as an outcome, using the Place Standard as a possible tool, is welcomed by HOPS but other criteria also need to be identified if the position on overall performance is to be truly comprehensive and holistic.

Improved performance and financial resources are inter-linked and must be taken together if the ambitions of the reforms are to be realised. Adequate resourcing and appropriate skills and experience levels are pre-requisites to support performance improvements.

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

**YES.** It is important that measures are both quantitative and qualitative, and more emphasis needs to be placed on monitoring and measuring quality outcomes. The Scottish Government's suggestion of including "quality of place" as an outcome, using the Place Standard as a possible tool, is welcomed by HOPS but other criteria also need to be identified if the position on overall performance is to be truly comprehensive and holistic.

Case studies and “before” and “after” scenarios would assist, in addition to public surveys and questionnaires after development has taken place. If the focus is on delivery, investment and the quality of places new indicators require to be introduced to sit alongside independent appraisals, critical friend submissions and the co-ordinated view of the performance champion/panel.

HOPS has a crucial and pivotal role to play in this process with its partners (RTPI, COSLA, Improvement Service) to ensure that the PPF continues to be fit for purpose and a new matrix for categorising the performance of LPAs is developed. (As HOPS set out in its Paper on Fees and Performance this could possibly be based on the typology used by Arup in its study of LPAs in the North West of England, “Striving, surviving and struggling”. (Investing in Delivery- How can we respond to the pressure on Local Authority planning, Research Report No 10 for the RTPI, Arup, 2015).

Assessing outcomes must also involve other professionals, such as architects, engineers and developers and should not sit solely with planners. This would also assist with the joint working and multi-disciplinary approach outlined under Question 28.

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

**YES.** Quality auditing process can be used and checklists for defining “added value” or planning interventions are also useful tools. It would be preferable if there was a national standard or specification which all LPAs could utilise and this could be an additional improvement to the PPF processes. (Placemaking audits or the Place Standard may be useful in this regard).

In addition to the above comments, more focus could be placed on the role and coverage of the enhanced PPF. Initiatives could include, summarised and customised versions could be published to discuss with community councils and local groups, developers and key agencies. Case studies in design and delivery could be used to highlight the role played by planning and the before and after scenarios.

A special category in the Scottish Awards for Quality in Planning for PPFs and their content/approach could further promote the actual outcomes achieved. HOPS welcomes the intention to commission further research to develop a radical plan to achieve these goals and looks forward to contributing further ideas and suggestions in due course.

All the professional disciplines, professional magazines, the Scottish Government and some LPAs promote design and quality of buildings and places in their respective award schemes, normally on an annual basis, and a synthesis of the categories and results could be a useful additional indicator.

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

**YES.** HOPS set out its position on fees at the beginning of this section. It is important that fees remain comparable with the other UK Administrations and HOPS considers that the minimum ambition of the Scottish Government should be to seek parity with England in terms of overall resourcing.

The current consultation on raising the fees for major planning applications is only a short term, interim solution which will not benefit all LPAs. The sustainable and longer term solution is to radically overhaul the current structure, including all the suggestions outlined in the SGCP set against full cost recovery, the additional costs of the new planning reforms once finalised, and measured against comparative fee levels in England.

If higher fees for retrospective applications are to be introduced then they should be for all applications, even if they are supported by the development plan, as this would be very difficult to judge at validation stage at the point a fee would need to be paid.

Charging for appeals and reviews is something that should be carefully considered as it results in the application being assessed afresh and takes up a significant amount of staff resources. The fee should be proportionate to the proposal and therefore 50% of the full fee should be charged again.

Pre-application charging for major planning applications should be introduced, whereas other pre-applications for local applications should be non-chargeable. If an application is received then this amount should be deducted from the overall planning fee, on the basis that a significant amount of staff input has already taken place on the proposal.

Revised and repeat applications should be the subject of a planning fee and should not attract a free go.

Charging for advertisements should be the subject of a planning fee and should not attract a free go.

Funding of central government departments supporting the planning service in Scotland at this point in time, before a new fee structure is introduced and seen to be covering all the costs of the local authority planning service and sections working on planning consultations is not supported by HOPS.

All applications should be fast tracked with enhanced service standards not just those ones which are the subject of a higher fee. Applicants who submit large volumes of applications could contribute separately to a scheme to support planning graduates gain experience in local authorities releasing experienced staff to work on major developments. (This has been done in England).

If key agencies and other statutory consultees were to charge for their input in to the development management process this would be a heavy burden from the administrative point of view and should be funded centrally.

The discharge of conditions for S36 applications should be covered by a separate fee due to the staff time required to undertake this task.

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

The types of development listed in the SGCP appear to be appropriate but there is an inherent danger in continuing previous processes of incremental change and adaptation rather than considering more radical solutions, particularly if the focus of the reforms is to streamline and simplify to release resources to other parts of the planning system.

HOPS suggestions include, agricultural and forestry developments, Local authority school proposals, sporting facilities and playing fields, and change of use of upper floors in town centres to be used for housing.

Some aspects of digital telecommunications and renewable developments can also be taken out of the system.

The detailed HOPS Paper on increased PDR has been submitted to Scottish Government for consideration as an initial input to this area of work. HOPS agrees that it requires wider and fuller consultation as mentioned in the SGCP for later this year, so that all interested parties can contribute to the possible radical options and solutions, particularly at a time of continuing budget pressures and reductions in staff numbers.

HOPS considers that rather than taking an incremental approach to PDR changes the time may be right, due to existing resource and financial pressures, set against future ambitions and levels of service, to consider radical solutions, previously mooted but rejected, including transfer of householder PDR (or some of it) to Building Standards linked in to building codes or similar. This suggestion could be explored further in the work to be undertaken on the “alignment of consents”.

In terms of further simplifying and streamlining planning processes HOPS considers that the areas of prior notification and prior approval require to be re-assessed so that development either needs planning permission or it does not need planning permission.

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

The ongoing work on further PDR will help to simplify and streamline development management. Other matters such as the introduction of a National Validation Standard for the validation and determination of planning applications and related consents will also contribute. HOPS considers that there are other areas where a national standard can be introduced, without losing any local flexibility and diversity. Areas such as national planning conditions, standardised legal agreements and policy/practical guidelines on planning matters such as dormers, extensions, shopfronts, adverts etc. would provide the benefit of a single document source for applicants and developers, with the ability to add in any changes to reflect local circumstances or factors.

HOPS feels strongly that the existing arrangements for the publication and updating and version control of legislation, Circulars, Statutory Instruments etc. needs to be overhauled and maximum use of digital techniques and online sources must be used, in addition to any paper/manual updates.

Serious consideration should be given by the Scottish Government to set up a national online portal to “gatecheck” planning queries and to provide advice on PDR to ensure a national and consistent basis, in conjunction with HOPS (A national planning “one stop shop”).

The advertising of planning proposals in local newspapers should cease and social media and digital communications should be used instead.

Reduce the time for major planning applications from 12 weeks to 6 weeks after receipt of a PAN.

Re-assess and improve the role and use of Completion Notices so that they are more meaningful.

HOPS is happy to work with the Scottish Government on these initiatives and any others identified by other contributors to the consultation process.

#### **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?**

**YES.** PPIP has been looked at in recent research, including the link to allocated status in the LDP.

In terms of its duration HOPS feels that it would be simpler if PPIP was granted for 5 years, as this would reduce the number of renewal applications submitted. It would also provide more time for developer funding, site purchase and Masterplanning/design work etc. to be commenced.

If after 3 years (or 5 years) a planning permission in principle (PPIP) is required to be extended then it should just be the subject of a fresh application to allow any changes in circumstance to be addressed again. By making it easier to extend permissions in principle is not delivering development on the ground.

**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?**

**YES.** This is not an acceptable practice, as it causes confusion and uncertainty, and takes up unnecessary resources. A new planning permission should not be granted and only the conditions applied for should be amended against the original consent.

The main issue is with resources and the fact that a fee payable to vary a condition in effect grants a new planning permission with a lot of re-assessment work that is not proportionate to the resources required.

**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?**

HOPS does not consider that any changes for public consultation on this matter are required. The matters of details should not be the subject of further consultation. If the proposal has been through the LDP process and been granted planning permission in principle subject to conditions, then that should be sufficient.

Applications will still be subject to the normal procedures of neighbor notification and advertising and the LPA can, at its discretion, arrange for further consultation if the particular circumstances required this.

The detailed matters applied for in a PPIP can be more relevant to individual neighbours rather than the wider community. There should be consultation with the Community Council.

**33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?**

**YES.** HOPS considers this to be an additional and unnecessary procedure. Planning Committee members are experienced and trained, whilst Full Council members may not sit on a Planning Committee, or a Local Review Body and may not have been trained in planning matters.

Referral to Full Council runs the risk of a perception of a “political” decision being taken, rather than a decision taken on planning considerations by the appropriate Planning Committee.

HOPS does not see any logic or added value in the current arrangements.

No real need for the pre-determination procedure as the role of the Planning Committee should be sufficient.



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

HOPS believes that this is an undeveloped area of the planning reforms and there is considerable scope to expand and advance initiatives.

HOPS is encouraged to note the setting up of a Digital Task Force/ITC Working Group which will initiate and promote such an approach. Suggestions above for the transfer from paper processes to electronic processes should be included in the remit. Phase out the submission of all paper submissions and require all applications to be submitted online.

HOPS view is that there is also significant scope for applying digital solutions to the preparation, presentation and delivery of local development plans.

Innovative approaches to presenting development plans have been coming forward and been well received. Our view is that legislative changes may therefore be required to provide more flexibility as to what constitutes a “Plan”. Whilst paper based documents are likely to remain in the short term if we are to develop this innovation further and provide more responsive data there needs to scope to allow this.

There are opportunities to improve the use of digital technologies used as part of the development plan process, where there have been mixed results (e.g. online local development plan) and often local solutions requiring to be procured or developed. This is a key area where the Scottish Government can procure on a national basis in appropriate circumstances to benefit from economies of scale. This is seen as another priority area for the Digital Task Force.

Any scope for development or purchase of digital tools is likely to be restricted by pressured local authority budgets for the procurement of hardware and software. Additional financial resources are therefore required or opportunities for shared procurement solutions.

Whilst covered under the resources section the skills of planners also need to be developed in social media, GIS and the use of these new technologies.

## HOPS ADDITIONAL MATTERS FOR CONSIDERATION

**As HOPS identified in its earlier Vision Statement there are other areas of planning and related interests where HOPS feels that further work and discussion is required. The list below is not exhaustive but it links in to our 3 strategic drivers set out at the beginning of this paper. HOPS will continue to further develop this list and work with Scottish Government as the continuing dialogue on the SGCP continues towards the drafting of a Planning Bill.**

1. In terms of overall resources and support to the planning services in Scotland HOPS was impressed by the resources available to the Planning Advisory Service (PAS) in England following on from recent benchmarking and best practice visits by senior HOPS members. This compares with the reduced resources available to the Improvement Service in Scotland by comparison. HOPS suggests that the PAS model for funding and resource availability to LPAs should be explored further by SG to identify enhanced resources for the Improvement Service to help meet the overall objective of an enhanced and modernized planning system.
2. HOPS considers that Local Review Bodies have become successfully embedded in the system and they are an expression of local decision making. Nevertheless, HOPS feels that their “modus operandi” needs to be revisited to ensure that the development planning position and legislation is clearly set out within the review assessment process and the Planning Authority inputs are not minimized or curtailed in any way. It is also necessary to look at the different approaches and variations being taken across LPAs in the conduct of the LRBs and the reasons for site visits etc.
3. The Advert Regulations are cluttered and outdated. They need to be streamlined and brought up to date in a simpler and more straightforward style as developed further in the separate HOPS paper on PDR and UCO.
4. LPAs have commented adversely on the need and use of Section 42 consents which can be time consuming and create uncertainty. This is an area where HOPS feels that further revision and simplification is required.
5. Applications under Sections 36 and 37 of the Electricity Acts are undemocratic, confusing and have their own set of material considerations. HOPS considers that Section 36 and 37 applications should be part of the planning system and the fees for Section 36 and 37 applications should be included in the overall review of planning fees and resources. (This is also set out as a recommendation in the HOPS Paper On “Planning Fees and Performance”).
6. The areas covered by prior notification and approval require to be revisited. HOPS would prefer a simpler solution where development is either permitted development or it is not permitted development. This is another area worthy of streamlining and simplifying and HOPS has included further comments in its separate paper on Permitted Development Rights.
7. Sections 207 and 208 concerning Stopping Up and Diversion Orders need to be revisited as they often follow on from planning decisions, again causing confusion in two separate processes taking place at different times.

8.The opportunity to take direct action and to use charging orders in enforcement matters requires to be further clarified and reviewed. The previous and current experiences in Building Standards need to be assessed as a part of that review process.

## THE NEXT STEPS

The Scottish Government is committed to an ambitious and progressive programme of planning reforms and has reconvened the original 6 working groups who initially considered the IPR report and recommendations and helped to inform the consultation paper to explore the emerging proposals further.

In mid-2017 the Government will provide an update on the outcome of the consultation.

During 2017, the following additional work will be undertaken:

- Publish the National Planning Framework (NPF) 3 Monitoring Report later in 2017 and thereafter consider the timing of NPF4 and the revision of Scottish Planning Policy. (SPP).
- Set up and develop the work of the proposed Digital Task Force.
- A consultation on more detailed proposals for enhanced planning fees.
- Consultation on extending PDR, informed by the ongoing work of HOPS.
- Publication of a Strategic Environmental Assessment (SEA) Environmental Report.
- Commission further research to inform proposals for Local Place Plans, alignment of consents and monitoring the outcomes.
- Pilot Simplified Planning Zones (SPZs) and encourage involvement.
- Work with the Directorate for Planning and Environmental Appeals (DPEA) to explore proposals for an early gatecheck to support the LDP examination.
- Further explore ways to strengthen the development plan action programme and explore the extent to which proposals can be more fully specified, costed and linked with sources of finance.
- Invite the Scottish Futures Trust to explore the extent to which proposals can be more fully specified, costed and linked with sources of finance.
- Design the 2017-2018 Charrette Programme to reflect the opportunities for place planning and wider involvement.

The Scottish Government will continue to work with Heads of Planning Scotland (HOPS), COSLA, the Improvement Service and the Royal Town Planning Institute Scotland (RTPIS) to,

- Design and launch a graduate intern programme.
- Establish a skills database.
- Design a training programme for the planning profession in Scotland, extended to the development sector, communities and key agencies.
- Identify priorities for shared services.
- Revise the guidance on the Planning Performance Framework (PPF).

**The Scottish Government has invited expressions of interest from organisations wishing to be involved in exploring how the proposals could work in practice and HOPS is keen to play an active part in these important next steps.**

**HOPS has also set out some options for consideration in relation to, for example, LDP gatechecks, the work of community planning partnerships and local planning authorities relative to Local Place Plans, and the relationships between strategic and regional planning models which will require further joint dialogue.**

## CONSULTATION QUESTIONS

**35. Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be?**

HOPS does not consider that there will be any negative impacts on equalities. Some proposals suggest additional inclusion in planning processes for other groups in society and this should include, for example, young people, school children elderly and people with disabilities and dementia. This will provide a more open and inclusive approach which should have positive impacts.

**36. What implications including potential costs) will there be for business and public sector delivery organisations from these proposals?**

There will be direct and indirect costs stemming from the proposals and it is important that these are identified.

**37. Do you think any of these proposals will have an impact, positive or negative, on children's, right? If so, what impact do you think that will be?**

As indicated above young people are increasingly becoming involved in planning matters in their communities in initiatives such as charrettes, and this will be further encouraged and enhanced with the introduction of new engagement and participation measures.

**38. Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.**

HOPS does not consider that there will be significant environmental effects from any of the proposals outlined but there is a considerable amount of detail still to be fleshed out and it is at that stage that possible environmental effects and impacts will require to be assessed. For example, in looking at relaxing PDR it is necessary to look at the balance between control and relaxation and to ensure that the **balance** remains proportionate.

