



Heads of Planning Scotland

HOPS VISION FOR A REPOSITIONED, BETTER RESOURCED, STREAMLINED AND MORE EFFECTIVE PLANNING SYSTEM.

A FURTHER SUBMISSION BY HEADS OF PLANNING SCOTLAND TO THE SCOTTISH GOVERNMENT IN RELATION TO THE REVIEW OF PLANNING AND IN PARTICULAR THE FORTHCOMING WHITE PAPER, APPROVED BY THE HOPS EXECUTIVE COMMITTEE ON 28TH NOVEMBER, 2016.

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OPENING REMARKS BY STEVE ROGERS, CHAIR, HEADS OF PLANNING SCOTLAND

The Planning System in Scotland is recognised internationally as an exemplar of best practice and a system which is solution orientated on the basis of joint working and mutual support across the main organisations and stakeholders. From that starting point, Heads of Planning Scotland (HOPS) believes that currently the Planning System in Scotland is not fundamentally broken but it does need to see some areas of radical change and innovation introduced, as well as minor tidying up and simplification if it is to play its full part in the growth and sustainable development of Scotland's economy, infrastructure and communities.

Our members are uniquely placed to deliver these improvements to the system through leadership at local level and participating fully in the ongoing review processes.

There is a new context for planning in 2016 only 10 years after the system was comprehensively overhauled in the biggest shake up since the Second World War. Despite the new, modernised planning system set out in the 2006 Act, the operating context for planning has shifted dramatically. Financial constraints are occurring at local authority level, planner numbers have reduced in the last few years and expectations on what the planning system can and should deliver have increased. Community engagement and effective participation have also emerged as key local issues. The system needs to be better resourced if it is to meet the aspirations of the current review.

HOPS played a full and active part in the previous modernisation processes and will continue to drive forward further modernisation and review processes triggered by the recent independent Panel Review Report (PRR) on "Empowering Planning to Deliver Great Places". Whilst initially uncertain about the need for another review and the fact that there was no professional planner on the panel HOPS supports the thrust and tenor of the Report and looks forward to supporting and assisting the Scottish Government in the follow up review processes, including the forthcoming White Paper, Planning Bill and related areas of work to focus on detailed implementation.

Planning is a powerful tool if properly resourced, respected and centrally positioned in the local and national areas of operation. It has to be further simplified and streamlined and the collaborative work over recent years on planning performance and quality, planning fees, strategic development, local development plans, development management, design and place making all need to be factored in to the review which is not taking place in a vacuum. Much valuable research and preparatory work already exists and this has to be utilised and optimised to deliver the planning system we want.

This Paper has been prepared by HOPS to contribute to that overall approach and HOPS looks forward to further work and discussions in partnership with Scottish Government and other key players and agencies. We deal with both the macro and micro levels of change required and at the same time we recognise the diversity of our landscapes and communities across Scotland and the need to build in flexibility to offer local solutions to local problems. HOPS welcomes the positive perspective of planning referred to in the PRR and also the inclusive and collaborative approach undertaken by the Scottish Government in identifying different work streams and areas for further research. We look forward to continued working with the Scottish Government and other stakeholders to consider in more detail the options available and the detailed implementation aspects during the next phases of the planning review programme.

Steve Rogers, Chair, Heads of Planning Scotland.

1. INTRODUCTION

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning managers from Scotland's local authorities, national park authorities and strategic planning authorities. The purpose of HOPS is to:

- Promote the profile of public sector land use planning.
- Support and promote excellence in planning leadership.
- Ensure the delivery of a culture of continuous improvement in planning authorities.
- Provide advocacy and coordination to ensure that planning authorities are properly resourced to deliver quality outcomes.

In that context HOPS members play a key leadership role in the delivery and improvement of the planning system. The planning system itself plays a key and critical role in realising the Scottish Government's 5 objectives that underpin its core purpose- to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The planning system balances different and competing interests to make sure that land is used and developed in a way that creates high quality, sustainable places.

Significant improvements have been made to the planning system since 2006 with many examples of innovation, best practice and facilitating the delivery of high quality development on the ground, through a period of difficult economic conditions.

HOPS has an Executive Committee which oversees its activities, supported by 4 sub committees for Development Management, Development Planning, Performance and Practice, and Energy and Resources who are all contributing to different aspects of the planning review discussions.

HOPS has a supportive and a joint working approach with the Scottish Government, the RTPI and COSLA but challenges and questions when necessary. HOPS welcomes the shared and collaborative approach to the Planning Review being followed by the Scottish Government and is delighted to formally set out its comments and views for inclusion in the forthcoming White Paper. Our experience of the last Planning White Paper confirms to us that joint working, collaboration and planning expertise are all important factors in ensuring that the key improvements and changes to be included in the final Planning Bill are all practical, pragmatic and implementable, resource neutral and the end product of the revised system lessens the burden on local authorities and reduces the "red tape" for the customers and stakeholders. It is necessarily a complex and complicated process which also requires vigilance and awareness to avoid any unwarranted changes or changes with unintended consequences.

HOPS has assigned dedicated members to each of the 6 Working Groups set up by the Scottish Government as follows,

1. Development Planning - Bill Lindsay and Stuart Mearns
2. Infrastructure -Ian Aikman and Jim Grant.
3. Housing -Brian Frater and Fraser Carlin
4. Development Management -Jim Miller and Malcolm McLeod
5. Leadership, Resourcing and Skills - David Leslie and Steve Rogers

6. Community Engagement -Gillian McCarney and Karl Doroszenko

HOPS has contracted, Jim Birrell, Chartered Town Planner, to act as Programme Manager to deliver support on the HOPS Planning Review Work Programme , to lead on preparing this submission to the Scottish Government and to carry out the detailed workstream set out in Appendix 5 .

The Scottish Government is committed to ambitious and inclusive planning reform and it is fully committed to taking forward the Review recommendations with pace and professionalism. It has made a call to all parties to work together in contributing to the reform programme and discrete areas of further work have been allocated to HOPS to develop.

This HOPS submission does not cover off every aspect of the Planning Review Report in detail but it highlights the areas where HOPS believes that the biggest improvement impacts can be made to realise our 3 strategic objectives of repositioning the planning system, investing more in the planning system and streamlining many aspects of the planning system.

The next round of consultation will revolve around the forthcoming White Paper on planning reforms but HOPS fully recognises that the combination of impacts and adjustments required will consist of a range of activities involving primary and secondary legislation ,guidance and advice notes and some important areas ,such as repositioning planning ,leadership and culture change, will require personal and professional contributions from everyone engaged in planning and planning related activities across Scotland.

The views set out in this report are the views of HOPS and have been signed off and approved by the HOPS Executive Committee on 28th November, 2016.The report is commended to the Scottish Government for full consideration in the drafting of the White Paper, which HOPS recognises as the next critical stage in the review of the planning system for further HOPS input. HOPS will continue to work with the other key stakeholders and the Scottish Government in further dialogue and discussions as the review process progresses and is relishing tackling the challenges set down for it in introducing changes and improvements. The consultation on the Planning Review proposals and options will be a critical part of the overall process and HOPS will continue to engage fully and effectively during that part of the process and carry out its designated tasks and other related workstreams within the timescales set by Scottish Government.

2. HOPS GAME CHANGERS AND PRIORITIES FOR ACTION

HOPS very much welcomed the early opportunity to contribute to the Review of Planning by the Independent Panel as an opportunity for constructive engagement and discussion to deliver game changing improvements to the system. HOPS outlined the context to the changes which it considers are required as,

- **The culture change agenda which has followed on from the 2006 Act.**
- **The resources required to operate an effective planning system.**
- **The need for maximum flexibility for planning authorities to shape their operations in a manner which best fits with the needs of their local communities.**

HOPS presented a detailed written submission to the Review Panel with 50 key observations. It is pleasing to note that most of these points have been included in the Panel Review Recommendations or have been referred to or developed further. This demonstrates a consensual and collaborative approach which we want to build on and strengthen further through the White Paper, Planning Bill and related changes to legislation and procedures.

HOPS considers that the PRR sets out a powerful message of support for the planning system and the need to refocus on what planning, working with others, can achieve in terms of places, communities and the wider contributions to the Scottish economy and sustainable growth. Its key findings were,

- The Development Plan system is pivotal and is working, but it needs to be made stronger and simplified at the same time.
- Planning for development and growth is a central function of local councils and needs to be integrated corporately with other plans and strategies.
- A more coordinated response to the challenges of infrastructure provision is needed at national and city region level.
- Communities need to engage earlier and more fully with the development plan processes.
- Development management needs to be made more transparent and the bureaucratic elements need to be simplified for the benefit of all parties.
- The 3 tiers of planning need to be better integrated and their respective roles adjusted and expanded to meet, in particular, the challenges of housing delivery and infrastructure provision.

HOPS has previously stated the 3 main strategic objectives of its approach to the Review and the fundamental principles which we feel must be incorporated in and underpin the White Paper. These views were put to the Review Panel during the earlier evidence sessions. HOPS sees these as essential requirements in a modernised, re-energised and reinvigorated planning system.

- **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.

- **Streamlining of planning processes**, including simplification and efficiency improvements.

HOPS Strategic Objective 1-Relocation Planning

In terms of repositioning planning this has to be done at many different levels and with different approaches and styles. Planning has to be and seen to be more influential at Government and Corporate level and seen as the key tool for the delivery of infrastructure and investment. HOPS considers that a critical area for early intervention and clarification is the provision of infrastructure and how its funding and investment can be prioritised and front loaded. HOPS does not see the need for a new national agency but a need for clear leadership by the Scottish Government in repositioning infrastructure provision at the heart of the development agenda. Planning is an enabler not a regulator and this shift in emphasis requires culture changes across all the stakeholders and different agencies.

HOPS supports the idea of a designated Chief Planning Officer in each council, similar to the status afforded to finance and legal officers. This is not about professional self-promotion but about appropriate corporate recognition and the need to see planning as a central and powerful tool in the corporate processes of community planning, economic delivery and the creation of places and spaces. Planning is a multi-faceted system and it needs to be recognised as such. Planners themselves have a large responsibility to promote and communicate what the planning service can and does deliver and this should be given priority. The Planning Performance Frameworks produced annually by all Councils are an opportunity to demonstrate and evidence performance in the planning system and what it can and does deliver locally.

HOPS is clear that a vision with a spatial strategy is fundamental to attracting jobs and investment in to an area and ,attracting support funding in order to deliver what the core of the Local Development Plan is seeking to achieve and deliver in each community.

HOPS feels that the Scottish Government should show leadership in this area by delivering on integrated working across departments and producing a National Planning Framework (Plan) and Scottish Planning Policies which are truly cross departmental and link in to the different and separate national strategies, plans and policies.

HOPS Strategic Objective 2- Investing in the planning system

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. 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.

HOPS is particularly pleased to see the current consultation on the review of Building Warrant fees which sets out an aim of full cost recovery and the provision of a sustainable service and the clear and quick timetable suggested. HOPS is preparing a separate paper on planning fees and charges to better resource planning authorities as requested by the Scottish Government.

HOPS Strategic Objective 3- Streamlining Planning Processes

At the same time 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. We need to 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. HOPS is separately reporting 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 which will contribute to this simplifying and streamlining objective.

HOPS considers that the potential game changers are effective leadership and improved resources and the Review must avoid any over focus on legislative change. HOPS appreciates that some review aspects will require legislative change but many of the improvement actions only need to be introduced, following on from appropriate consultation where necessary. Scotland is a small country with big ambitions and we must ensure that the repositioning agenda 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.

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

These themes are developed further and expanded upon below, using the key outcomes used in the PRR. In addition to this and following on from the HOPS annual conference 5 priorities for early action by HOPS and its members were also identified.

- Leading 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.
- Working with Scottish Government to consider new governance arrangements for strategic planning and its relationship with the National Planning Framework and engagement at regional level.
- Working with the Scottish Government and COSLA on a programme to assess resourcing options, including restructuring planning application fees to make development management self-financing.
- Working with all stakeholders to identify quick wins and longer term changes to streamline development management activities and to promote more permitted development rights.
- Establishing a Working Group to scope good practice and opportunities for ICT innovation as a game changer for more inclusive engagement in planning activities.

Key Outcome 1- Strong and Flexible Development Plans

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. The process for LDPs in particular is over complicated and dictated too much by process, legislation, procedures and the need to avoid challenges from other parties. HOPS wants to see efficiencies built in to the complete plan making cycle to speed up the LDP process in particular and improve engagement and certainty.

1. 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.
2. 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.
3. 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. LDP Examinations are lengthy and costly and the added value they deliver is considered to be minimal. DPEA resources can be used more effectively in earlier work with the LDP process and the LDP
4. It is essential to align the LDP and Local Outcome Improvement Plans 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.
5. The alignment of strategic and local issues in preparing development plans should be simplified in programming, consultation and approval terms to assist stakeholder engagement and understanding.
6. 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 Local Outcome Improvement Plans under the Community Empowerment approach. This also demonstrates the need for related legislative change and working across and with other legal powers and processes.
7. 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.
8. Efficiencies in the plan making cycle need to be introduced to speed up the process and the timescale for a LDP needs to be lengthened beyond 5 years, preferably to a 10 year vision.
9. 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.
10. Sites which are allocated in the final plan should have a recognized and protected status. HOPS is aware of the separate research work being carried out on PPiP by Rydens and awaits the outcomes of this work before finalising comments.

11. Local development plans need to be much simpler and be visually and graphically based. They should involve early stakeholder engagement and enable communities to express their preferences for their area within the overall planning context.

12. The concept of Local Place Plans (LPP) is accepted provided that the LDP sets the framework for the LPP. If the LPP is prepared to reflect community priorities then it complies with the community plan in a true sense of place making and will help to improve community engagement and repositioning planning. HOPS awaits further information and clarification on this concept and how this new community based plan is resourced and what its status would be in decision making terms and who approves it. The link to the statutory planning process also needs to be clarified.

Key Outcome 2- The delivery of more high quality homes

Delivering quality houses across all the tenure groups is a key priority for the planning system. Nationally we have to 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 for the White Paper to clarify.

1. 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.

2. The HNDAS process is unnecessarily long, complicated and difficult and a much more simplified process is required.

3. 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.

4. 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.

5. Master planning and design briefs should be promoted to support the delivery of quality housing outcomes consistent with place making objectives.

6. 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.

7. 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.

8. The housing delivery programme should be informed by the current Housing Delivery Group.

Key Outcome 3- An Infrastructure first approach to planning and development.

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 and it is one of the current research strands by SG. HOPS supports the priority status set out in the PRR and wants to see a clear strategy for infrastructure priorities and provision, starting at the national level.

1. 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.

2. 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.
3. 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.
4. 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.
5. Site viability assessments are effective tools but need to be front loaded into the development plan preparation process.
6. 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.
7. Upfront money to fund upfront infrastructure. Planning is experienced in identifying infrastructure requirements so the co-ordination role of Planning needs recognized and promoted.
8. HOPS considers that there is a need to identify a means to facilitate development that links local infrastructure requirements with a national approach. An example would be a regional/ local infrastructure levy with an Act of Parliament to allow ring fencing.

Key Outcome 4- Efficient and transparent Development Management

Development management is a critical part of delivering development and it needs to be streamlined and simplified. Significant improvements have been made in recent years to schemes of delegation, online planning applications, and there is much good practice and benchmarking across authorities. Further streamlining is required relating to extending permitted development rights, simplifying use classes and advert regulations, and making enforcement more effective. The early introduction of significantly enhanced planning fees is the critical priority area for HOPS and we will continue to drive this matter forward with the SG and Minister.

1. The process for managing development changes needs to be proportionate to the resource available. Fees taken from developers should cover the costs of operating the process.
2. The objective of removing minor developments from the consenting process should be examined further and mechanisms such as permitted development rights or the use of design codes to devolve changes in new housing areas to a factored control could be explored. This would link in with the related work on planning fees.e.g. if the cost of control is disproportionate to the value added by the planning system then it may be recategorised as permitted development.
3. Single development consent, incorporating planning permission, heritage consents, road construction consent, etc. should be considered to seek efficiencies and simplify community engagement. Work was previously carried out in terms of an integrated front end IT solution to multiple consents (One Way) and this should also be revisited and updated.
4. Increased enforcement powers would bring greater respect and confidence in the planning system
 - Currently enforcement is not effective enough
 - Penalties for breaches are not sufficient

Experience from England confirms a more proactive enforcement system where the legal process towards prosecution is much more direct. HOPS will input to the Research paper on Enforcement and will provide further comments when the research is published.

5. HOPS feels strongly that the introduction of any 3rd party or equal right of appeal would bring considerable delay in to the planning system and would increase uncertainty and reduce confidence in investment decisions if introduced into the current development management process .TPRA should not feature in the White paper proposals. The front loading of community engagement into the plan

making process, as well as the 12 week pre-application process for major applications ,should be strengthened for example with the proposals to make Community Councils statutory consultees in relation to LDPs. The Development Plan process effectively affords a right of appeal to communities through the right to object to a Proposed Plan, which automatically triggers an independent Examination if the objection is unresolved. It is HOPS view that introducing a further right at the end of the development consulting process is unnecessary and introduces uncertainty at a time when investor confidence is still fragile.

6. Major development procedures should be flexible enough to respond to local needs for pre-application engagement and we should not seek to repeat engagement carried out in development plan preparation. This particularly applies where the principle of development is involved. This should not be able to be revisited at planning application stage.

7. Planning permission in principle has the potential to make the biggest difference and HOPS supports the notion of allocated sites in LDPs having a status equivalent to PPIP.

8. Permitted development rights are an issue for the majority of applications albeit not major ones and HOPS supports an overall review to simplify what needs planning permission, in particular to seek to remove the burden from businesses with a review of industrial and commercial permitted development rights. **(HOPS Action programme)**

Key Outcome 5- Stronger Leadership, smarter resourcing and sharing of skills.

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. 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 will be set out in the separate HOPS paper on Fees and Performance.

1. Spatial development plans can show greater leadership for community planning if they are

- prepared in a corporate multi-disciplinary manner
- provide a focus on place making
- increasingly engage with all sections and groups in community development and the longer term vision for a community and place.

2. 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.

3. 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. In particular, the legal status for the charging of discretionary fees should be clarified and altered to enable LPAs to charge for relevant services.**(HOPS Action Programme)**

4. Training for elected members taking part in decision-making on development proposals should be prescriptive and structured in a manner similar to other quasi-judicial processes.

5. 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

6. 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. **(HOPS Action programme)**
7. Re-positioning Planning is a critical component of this review if we are going to change the existing culture and mind sets.
8. Improving performance is seen as 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 (links in to 6 above).
9. 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. **(HOPS Action Programme)**
10. Skills for planners and elected members need to be developed further. This has to tie in with the aspirations of the new, enhanced system and would need to include, collaborative place making and community engagement,
11. 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 and particular circumstances. **(HOPS Action Programme)**

Key Outcome 6- Collaboration rather than conflict – Inclusion and Engagement.

Planning has always championed the participation of people and communities in developing its plans and strategies. The recommendations in the PPR can further improve effective engagement with local communities and HOPS supports this stance. 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 would like to see the further development of this idea in the White Paper.

1. Community engagement should remain a central principle in the planning system but
 - should be structured to encourage representative and effective engagement
 - avoid consultation fatigue
 - remove multiple opportunities to revisit the principle of proposals by front loading the process
2. 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.
3. 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.
4. Maximise the use of social media to engage a more representative sample of communities and provide continuity of dialogue on local needs and issues.
5. The practical role of local place plans needs further debate on how they link to development planning and Community Planning
6. 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.

7. New standards for planning engagement need to be put in place by the Scottish Government with any statutory requirements designed to allow maximum flexibility at local level.

Other matters identified by HOPS not specifically covered in the Panel Review Report.

There are other areas of interest where HOPS feels that further work is required and we will continue to identify the concerns of planners and local authorities as the next consultation process gets underway. The list below is not exhaustive and it also links in to our 3 strategic drivers set out at the beginning of this statement. HOPS will further develop this list as the next consultation process starts with the publication of the White Paper/Consultation Paper.

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 much reduced resources available to the Improvement Service in Scotland by comparison. HOPS suggests that the PAS model for finding and resource availability to LPAs /HOPS should be explored further by SG to identify enhanced resources for the Improvement Service.
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” is revisited to ensure that the development planning position and legislation is clearly set out and the Planning Authority inputs are not minimized or curtailed in any way.
3. The Advert Regulations need to be streamlined and brought up to date in a simpler and more straightforward style and this will be developed further in the 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 considered to be 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.
6. The areas covered by prior notice 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 will include further commentary 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 experiences in Building Standards need to be assessed as a part of that process.
9. Retrospective planning applications to be charged at double normal fee to send out message to the wider community about the need for compliance with the planning regulations.

3. SUMMARY AND CONCLUSIONS

HOPS welcomes and supports the tenor and thrust of the Review Panel report and notes the general consensus view from key stakeholders. It is important to continue to build on the key improvements introduced in 2006 and since, and retain the same primary objectives of simplicity, efficiency and value for money.

In the new financial and culture change landscape, planning requires to be **repositioned** at the core of local authority activity and needs to be recognised within national and local government as a critical contributor to the economic and environmental agendas as well as a key player in corporate matters locally. It has to be seen as a strategic enabler as well as a statutory, regulatory function.

HOPS would like to see the Planning Performance Framework and its approach to performance and quality outcomes strengthened and updated following its successful adoption and adaptation over the first 5 years since its introduction. The continued focus on performance and quality improvements is essential and the White Paper can set out the repositioning agenda and the need to change across the planning system to better enable local planning authorities to manage performance more effectively.

Investing in the planning system to properly resource a high performing system capable of delivering the outcomes we aspire to nationally and locally is a critical game changer for HOPS. HOPS considers that the move to full cost recovery through planning fee increases is essential and should not be delayed any further, following on from all the previous strands of research work. It is equally critical that this income is retained by the planning authority for planning expenditure and reinvestment and the ability to charge discretionary fees is clarified and confirmed. HOPS benchmarking visits to LPAs in England and Wales brings the differences in fee levels in to sharp focus and confirms how underfunded the LPAs are in Scotland in direct comparison.

HOPS is clear that there are areas of planning activity which could benefit from simplification and **streamlining** to make them more efficient and effective and these all need to be tackled.

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HOPS considers that the recommendations set out by the Independent Review Panel provide a strong and powerful case for effective and efficient planning. The introduction of radical changes to the National Planning Framework, Scottish Planning Policies, strategic planning coupled with the need for integrated infrastructure funding, a move away from housing statistics to housing delivery, shorter and streamlined development plans and a reduction in the red tape and bureaucracy in development management will all contribute to a leaner and fitter planning system better placed to contribute to the economic and environmental challenges which lie ahead.

HOPS has welcomed the inclusive and participatory approach taken by the Scottish Government and is committed to continue to work jointly on the agreed areas of further work and will continue

to offer assistance to the Scottish Government in identifying, testing and evidencing best practice where this can provide wider benefits to the planning system.

The publication of the White Paper on Planning will present the next opportunity for engagement and consultation and HOPS will participate in the next stages to argue constructively for the HOPS game changers to be implemented in the subsequent Planning Bill. The “devil in the detail” now needs to be tested against options before final decisions are reached but HOPS feels that the general support and consensus around the Review Report and its recommendations will mean the publication of a White Paper which will deliver on the 6 key areas identified for change and the planning system will be refreshed, reinvigorated and repositioned, taking full account of this HOPS submission, HOPS previously expressed views, HOPS inputs to the Working Groups and our current work on the allocated workstreams.

The HOPS expectation is that the White Paper will not be a detailed and prescriptive description of a new planning system but it will set out the clear options to be considered, including the preferred Scottish Government options where this is possible, a timetable for legislative change and other procedural changes and an appropriate period for consultations and discussions to continue. It is expected that this period will be from January 2017 to March 2017 as a minimum, assuming an end of year publication date.

APPENDIX 1 – A SUMMARY OF THE REVIEW PROCESS

In September 2015, an independent panel was appointed by Scottish Ministers to review the Scottish planning system. The report of the panel, “**Empowering Planning to Deliver Great Places**” was published on May 31, 2016. A statement from the panel is set out below.

Scottish Ministers published their response to the report of the independent planning review panel on July 11, 2016. Further information on the programme of collaborative work to be undertaken by the Scottish Government can be found on the Planning and Architecture blog.

As part of the review process the panel encouraged the participation of all those with an interest in planning. As part of the review process the panel encouraged the participation of all those with an interest in planning through a call for written evidence, which received over 400 responses.

Oral evidence sessions were held with over 100 individuals, representing around 70 organisations. Running through a call for written evidence, which received over 400 responses.

A report prepared by Kevin Murray Associates analysing submitted written evidence was published in February 2016 and formed a part of the evidence base considered by the panel. In addition, responses posted to an online discussion forum hosted on the Scottish Government platform Dialogue, also informed the thinking of the panel.

Planning Review Panel Statement

“Today (May 31st. 2016) we have published our planning review report Empowering Planning to Deliver Great Places. We are extremely grateful to all those who took part in the review process, through the call for written evidence, the oral evidence sessions and the online discussion forum. The evidence was vast and spanned a large number of subjects. **Whilst views differed on the priorities and the solutions, we were impressed by the collective will from all stakeholder groups to improve Scotland’s planning system.**

From the outset, it was clear to us that **the main structure of our planning system is not broken.** However, it was also clear that **for the potential of planning to be realised, a strong commitment to change existing practices and culture and to re-focus the profession’s improvement agenda will be required.** The Scottish Ministers set out 6 themes for us to address and as the review progressed it was obvious that those were the right areas for priority action. Our report builds on these themes and proposes a package of measures for change. **Some of the recommendations represent large scale and in our view, game changing, proposals. Others are smaller scale improvements to ensure existing processes are as effective as possible.** Some would require legislative change, others could be done quickly and easily with collective buy in and co-operation and embed a culture of inclusion..... **we are confident that these changes would significantly improve the operation and reputation of Scotland’s planning system”.**

APPENDIX 2 – THE 6 THEMES IDENTIFIED IN THE PRR FOR PRIORITY ACTION

The 6 themes identified for priority action are set out below and the stated outcomes and recommendations are set out in Appendix 3 to provide context to the HOPS comments and formal submission. HOPS appreciates that there are many linkages and inter dependencies between the themes and the individual recommendations and they do not exist in exclusive silos. It is however useful to use these as the key reference points and retain them as a reference framework.

THEME1. Strong and flexible development plans. Aspirations for a plan-led system can only be achieved if development plans provide more certainty, are widely supported and have a much sharper focus on delivery. Our recommendations aim to give national recognition to strategic level planning across the city regions, whilst placing control of local development plans firmly in the hands of communities.

THEME2. The delivery of more high quality homes. We propose new ways of working to replace conflict with collaboration. We recommend fresh thinking on housing, with planning pioneering ideas that increase flexibility and stimulate investment. New and innovative delivery mechanisms are required. Our recommendations aim to ensure that planning does all it can to deliver on this national priority.

THEME3. An infrastructure first approach to planning and development. We want to see planning regain confidence in infrastructure delivery. Infrastructure investment should be proactively managed and directed towards areas of growth. We believe this will significantly increase housing delivery. Our recommendations aim to achieve co-ordination and collaboration and to provide new funding options

THEME4. Efficient and transparent development management. Whilst improvements have been made in recent years, public and investor confidence in the system depends on consistency and transparency. Our recommendations aim to create a much stronger link to the development plan and to standardise parts of the process where practice is currently unpredictable.

THEME5. Stronger leadership, smarter resourcing and sharing of skills. We want to incentivise positive behaviour by all those involved in planning. There is scope to reconfigure resources and direct efforts to areas where they can produce the greatest benefit. Our recommendations aim to ensure that planning is recognised as a central corporate function within local authorities. We want to strengthen public sector confidence and ensure that private sector investment is rewarded with greater certainty and quality of service.

THEME6. Collaboration rather than conflict- inclusion and empowerment. We want to make planning fairer and more inclusive and to establish much more committed and productive partnership working. Our recommendations aim to achieve real and positive culture change and significantly improve public trust in the system. These changes would broaden the appeal and relevance of planning and make better use of existing and emerging community interests.

APPENDIX 3 - THE PANEL REVIEW STATED OUTCOMES.

The Panel set out a suite of 48 recommendations set against a series of predicted outcomes as follows,

STRONG AND FLEXIBLE DEVELOPMENT PLANS -11 recommendations.

- A plan led system which is widely supported and has a much sharper focus on delivery.
- National recognition to strategic level planning across the city regions.
- Place control of LDP's in the hands of communities.

DELIVERY OF MORE HIGH QUALITY HOMES -5 recommendations.

- New ways of working to replace conflict with collaboration.
- Fresh thinking and pioneering ideas to increase flexibility and stimulate investment.
- New and innovative delivery mechanisms needed.
- Planning to do all it can to deliver on this national priority.

AN INFRASTRUCTURE FIRST APPROACH TO PLANNING AND DEVELOPMENT - 9 recommendations

- Planning to regain confidence in infrastructure delivery.
- Proactively manage infrastructure investment and direct towards areas of growth.
- Achieve better co-ordination and collaboration and provide new funding options.

EFFICIENT AND TRANSPARENT DEVELOPMENT MANAGEMENT- 10 recommendations

- Public and investor confidence depends on consistency and transparency.
- Create a much stronger link to the Development Plan.
- Standardise parts of the process where practice is unpredictable.

STRONGER LEADERSHIP, SMARTER RESOURCING AND SHARING OF SKILLS- 7 recommendations.

- Incentivise positive behaviour by all those involved in planning.
- Reconfigure resources and direct efforts to areas where they can produce the greatest benefit.
- Planning as a central corporate function within councils.
- Strengthen public sector confidence.
- Greater certainty and quality of service for private sector investment.

COLLABORATION RATHER THAN CONFLICT-INCLUSION AND EMPOWERMENT- 6 recommendations

- Make planning fairer and more inclusive.
- Establish much more committed and productive partnership working.
- Real and positive culture change.
- Improve public trust in the system.
- Broaden the appeal and relevance of planning and make better use of community resources.

APPENDIX 4 - THE SCOTTISH GOVERNMENT'S RESPONSE TO THE REVIEW REPORT AND RECOMMENDATIONS

The Scottish Government published its response to the Review of Planning in July, 2016. The Government welcomed the report and agreed with the Panel that the planning system could be significantly strengthened to ensure that the aspirations which underpinned the 2006 Act are fully met. The 6 outcomes proposed by the Review Panel are strongly supported. A series of Immediate Actions were set out, including some with direct HOPS involvement.

- Work with HOPS to identify how permitted development rights could be extended.
- Work with HOPS and COSLA to explore to establish shared services.
- Work with HOPS to finalise national guidance on minimum requirements for validation.

The timescale for the White Paper was outlined as autumn/winter 2016 with a view to presenting a Planning Bill in 2017. The expectation is that the White Paper will seek views on proposals for,

- A reconfigured system of development plans linked to proposals to extend the role and scope of the National Planning Framework and Scottish Planning Policy.
- New tools to assist housing delivery and diversification of types of housing.
- An approach to infrastructure delivery which recognises the development planning process.
- Changes to the development management process to improve efficiency and transparency.
- A renewed approach to performance improvement which links with an enhanced fee structure and more innovative resourcing solutions.
- More meaningful and inclusive community engagement.
- Embedding IT and innovation to achieve a digitally transformed planning system.

APPENDIX 5 – A COLLABORATIVE APPROACH TO THE PLANNING REVIEW AND REFORM.

Scottish Government research work

- The use of Digital and 3D Visualisation Technology in Planning.
- Planning Permission in Principle for Sites allocated in the Development Plan.
- The introduction of an Infrastructure charging Mechanism.
- Barriers to Involvement in Planning.
- The use of Planning Enforcement Powers.

HOPS lead areas with Scottish Government

- Identify how permitted development rights could be extended.(REC31)
- Explore the potential to establish shared services. (with COSLA)(REC 41)
- Finalise national guidance on minimum requirements for validation. (REC 29)
- Application fees and charges to better resource planning authorities. (RECS 37 and 38)
- Planning Performance Framework to identify alternative methods of improving performance. (REC 39).

RTPI lead areas with Scottish Government

- Options for the introduction of a graduate intern scheme.
- Priority areas for skills development.

Working Groups set up by Scottish Government

- Development Planning
- Development Management
- Infrastructure
- Housing
- Leadership
- Community Engagement

NOTES AND COMMENTS

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