

## **Planning Review written submission by Heads of Planning Scotland (HOPS)**

Heads of Planning Scotland welcomes this opportunity to contribute to the review of Planning by the Independent Panel as an opportunity for constructive engagement with all stakeholders to deliver game changing improvements to the system especially:

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

HOPS is the representative organisation for senior planning managers from Scotland's local authorities, national park authorities and strategic development planning authorities. As such, our members play a key leadership role in the delivery and improvement of the planning system. The planning system itself plays a key role in realising the Scottish Government's five 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 system balances different interests to make sure that land is used and developed in a way that creates high quality, sustainable places.

The Scottish Planning system is held in high regard generally, including internationally, and is not in our view broken. Significant improvements have been made in recent years following the previous reform of the system in 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. One such innovation has been the introduction of annual Planning Performance Framework (PPF) reports which provide evidence of the continued improvement in performance across many Planning Authorities and Scotland as a whole. This has been achieved at a time of resource constraints and an unsustainable gap between the costs of the service and the levels of income received from fees. The latest PPF assessments received by Planning Authorities indicate that average timescales across all application types have reduced in 2014/15 compared with the previous year.

The recent report by RTPI Scotland "Progressing Performance :Investing in Scotland's Planning Service" highlights the very real challenge facing Planning Authorities as we strive to deliver performance improvements within a diminishing resource environment.

Turning to the specific issues identified as the focus for the review, HOPS has the following comments to offer:

### Development Planning

- A spatial development plan is required and should remain the primary consideration when managing new development.
- More flexibility should be given to planning authorities to deliver their own LDP

- Main Issues Report stage could be removed from development plans as it is not delivering the original objectives for this stage, with one option being to replace with a Draft Plan stage to promote better public understanding and involvement.
- Limit the DPEA role to considering only the plan's strategy and not detailed site consideration issues
- Alignment of the LDP and Single Outcome agreement for Community Planning would help to reduce unnecessary and often confusing consultation
- The alignment of strategic and local issues in preparing development plans should be simplified in programming, consultation and approval terms to assist stakeholder participation

### Housing delivery

- 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.
- HNDA process is unnecessarily long and difficult. A simplified process would be welcomed.
- 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.
- Masterplanning and design briefs should be promoted to support the delivery of quality housing outcomes consistent with place making objectives.

### Infrastructure

- The action programming approach introduced in the current round of development plans is now being tested in practice and evidence suggests it could be strengthened by becoming more of a corporate delivery programme. Action programmes should be used to align priorities and place a duty of engagement on government agencies and utility providers
- The alignment of strategic planning and transport in city-region areas should be facilitated by a single responsible body for each area
- 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.
- Section 75 planning obligations remain a useful tool but the negotiation process needs to be shortened (perhaps by the use of a standard local charge for different infrastructure needs) and the appeal process should be removed to provide certainty for funding.

### Development Management

- 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.
- 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.
- A single development consent, incorporating planning permission, heritage consents, road construction consent, etc should be considered to seek efficiencies and simplify community engagement.
- Increased enforcement powers would bring greater respect and confidence in the system
  - Currently not effective enough
  - Penalties for breaches are not sufficient
- 3<sup>rd</sup> party right of appeal would bring considerable delay and reduce confidence in investment decisions if introduced into the current development management process.
- Major development procedures should be flexible enough to respond to local needs for pre-application engagement and not seek to repeat engagement carried out in development plan preparation, in particular where the principle of development can be revisited.

### Leadership, Resourcing and Skills

- 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 young people in community development
- 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.
- 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.
- 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.
- 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 further and used flexibly at local level to provide a robust performance reporting mechanism for stakeholders.

### Community engagement

- 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
- Community planning can facilitate corporate approaches to engagement, avoiding silo working and helping local communities engage without needing to understand plan processes.
- 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.

In conclusion, whilst it is HOPS view that the planning system is not broken, there are many areas in which improvements could be made with the aim of speeding up and simplifying the system to make it more effective. Our members are uniquely placed to deliver improvements to the system through leadership at local level, and to contribute to the further development of any recommendations for change which may arise from the work of the Panel. It is important that the review recognises the diversity of our communities and landscapes across Scotland, and offers the flexibility of local solutions to local issues. We already work closely with Scottish Government on a range of topics and would be willing to contribute to new work streams alongside other stakeholders.