



## THE PLANNING BILL

Heads of Planning Scotland (HOPS) has submitted detailed responses to the Financial Memorandum and also the Call for Evidence. Linked to the Planning Bill. The full responses can be found at:

[Response to the Local Government and Communities Committee Call for Evidence on the Planning \(Scotland\) Bill \(February 2018\)](#)

[Response to the Finance and Constitution Committee on the Planning \(Scotland\) Bill Financial Memorandum \(January 2018\)](#)

HOPS has also prepared a set of more detailed Topic Papers which respond to each of the questions posed in the Call for Evidence. These provide more context and analysis and will be used by HOPS as supporting information at the evidence session on Wednesday, 14<sup>th</sup> March, 2018.

The Topic Papers include the submitted response to the Call for Evidence at the beginning of each question. Sometimes these are very similar, but in some cases the Topic Paper is much more detailed.

The Topic Papers have deliberately been set out on separate pages for ease of reference and space has been allocated to enable notes to be added at the Parliamentary evidence sessions.



Prepared by  
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February, 2018

### Call for Evidence Question 1

**Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?**

#### What we submitted

**“YES.** HOPS considers that the balance of needing to secure the appropriate development, taking account of community’s views and protecting the built and natural environmental assets is a crucial factor in the planning system. The system is underpinned by the need to act in the public interest and to take decisions which comply with the Development Plan and National Policy, unless material considerations indicate otherwise. The balance of these decisions and the weighting afforded to the different elements in the overall assessment is always the crucial and defining aspect in every planning decision taken.

Proposals include earlier proactive and more integrated engagement with communities and stakeholders at the local level, fuller and longer consultation processes at the national level which will see integrated strategies and policies set out for Scotland, and the new Simplified Development Zones approach will target growth and investment areas without sacrificing environmental safeguards. Existing “protection” processes for Environmental Assessment, specialist consultations and publicity for Listed Buildings, Conservation Areas etc. will continue.

The speed of decision making is vital for economic growth and HOPS considers that more effective, upfront community engagement will assist in achieving the Government’s aims”.

**What we drafted.** HOPS considers that the balance of needing to secure the appropriate development, taking account of community’s views and protecting the built and natural environmental assets is the crucial factor in the planning system.

The system is underpinned by the need to act in the public interest and to take decisions which comply with the Development Plan and National Policy, unless material considerations indicate otherwise.

The balance of these decisions and the weighting afforded to the different elements in the overall assessment is always the crucial and defining aspect in every planning decision taken.

The Bill has set out to include earlier proactive and more integrated engagement with communities and stakeholders at the local level, fuller and longer consultation processes at the national level which will see integrated strategies and policies set out for Scotland, and the new Simplified Development Zones approach will target growth and investment areas without sacrificing environmental safeguards.

Existing “protection” processes for Environmental Assessment, specialist consultations and publicity for Listed Buildings, Conservations Areas etc. will continue.

HOPS believes that the Planning Bill continues to respect the balance between competing interests for development and environmental protection and strengthens the role of communities in the planning process.

## **Call for Evidence Question 2**

**To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?**

### **What we submitted**

The proposals will not achieve this automatically but are positive supportive measures. The provision of more, quality housing was a key issue to be addressed in the planning review consultation process. There are many initiatives which will assist in creating a supportive planning environment for this objective to be met but the planning system is only one part of the complex processes linked to housebuilding activity.

The housing “toolkit” in the Bill will make a positive contribution to the complex issue of creating more, quality homes but it will require to be combined and complemented with other interventions and initiatives.

- Possible options for an infrastructure levy which may clarify the funding requirements for house building in a more transparent manner. This is critical to providing infrastructure upfront.
- The change to Delivery Plans makes provision for the local authority chief executive and full council to sign off the delivery programme, raising awareness, corporate commitment and deliverability
- A streamlined refocus at national level for the National Planning Framework and Scottish Planning policy with the inclusion of regional housing targets and greater clarity and certainty.
- The statutory development plan for any area, consisting of the NPF and the LDP, will give a clearer, simpler structure and, where appropriate, consistency to the development plan. By doing so it will improve confidence in where and how Scotland will develop and reduce the need for repeated and frequent debate on implementation of well-established policy principles.
- The new approach to Development Planning will ensure decisions about future development are guided and influenced at appropriate national, local and community levels, to secure greater certainty for investors and communities alike.
- New streamlined Local Development Plans will include more community engagement and span a 10- year horizon which should provide more certainty and confidence for housing investors. The proposed simplified measures for updating/amending are critical to producing more responsive plans which can change more quickly in response to changing economic/market conditions.
- The “frontloading” of the planning system has long been an aspiration, but the Bill provisions aim to ensure it can be better achieved through fuller and more meaningful collaboration, reduced procedure and a clearer focus on outcomes and delivery.
- Simplified Development Zones which will attract housing investment in to growth areas without the need for planning consents through the normal routes.

These individual changes and improvements, together with the exclusion of an equal right to appeal, will help to encourage a more efficient and responsive planning system which should generate and stimulate more confidence and certainty in housing investments and housing delivery. Other areas such as compulsory purchase, land reforms, land values and uplifts, clearer and consistent guidance on Housing Land Audits and Housing Land Supply definitions to avoid unnecessary challenges and appeals, also need to be tackled in tandem. Although there are no “game changers” it is critical to integrate and provide mechanisms to deliver strategic infrastructure upfront to enable housing to come forward.

### **What is proposed in the Planning Bill?**

The Bill proposes to strengthen the strategic role of planning in coordinating and supporting the delivery of infrastructure needed to support development, including much-needed housing.

### **HOPS comments**

The provision of more, quality housing was a key issue in the planning review consultation process, but the Bill does not set out any housing specific proposals, which would increase house building levels.

There are many initiatives which will assist in creating a supportive planning environment for this objective to be met but the planning system is only one part of the complex processes linked to housebuilding activity.

HOPS believes that the housing “toolkit” set out in the Planning Bill, and summarised below will be a positive contribution to the complex issue of creating more, quality homes but it will require to be combined with other interventions and initiatives.

- A streamlined focus at national level for the National Planning Framework with the inclusion of regional housing targets.
- The statutory development plan for any area will consist of the NPF and the LDP. This will give a clearer, simpler structure and, where appropriate, consistency to the development plan. By doing so it will improve confidence in where and how Scotland will develop and reduce the need for repeated and frequent debate on implementation of well-established policy principles.
- Development planning will be restructured to ensure decisions about future development are guided and influenced at appropriate national, local and community levels, to secure greater certainty for investors and communities alike.
- Local Development Plans which are streamlined, include more community engagement and span a 10 year horizon should provide more certainty and confidence for housing investors.
- Development planning will be restructured to ensure decisions about future development are guided and influenced at appropriate national, local and community levels, again securing greater certainty for investors and communities alike.
- The "frontloading" of the planning system has long been an aspiration, but the Bill provisions aim to ensure it can be better achieved through fuller and more meaningful collaboration, reduced procedure and a clearer focus on outcomes and delivery.
- Simplified Development Zones which will attract housing investment in to growth areas without the need for planning consents through the normal routes.
- Possible options for an infrastructure levy which may clarify the funding requirements for house building in a more transparent manner.

The intention is to significantly strengthen the role of action programmes by changing them into delivery programmes that are agreed by the local authority as a whole, kept updated and reviewed regularly. Specifically, section 6 of the Bill makes provision for the local authority chief executive and full council to sign off the delivery programme, thereby raising awareness and corporate commitment to its content.

Simplified development zones can support the delivery of LDP strategies and particular local priorities, by providing upfront approval of planning permission for development that has been subject to community consultation and so supporting investment in those planned developments. Linking to the LDP in this way can also allow efficiencies in assessment time and costs.

Taken together these individual changes and improvements will help to encourage a more efficient and responsive planning system which should generate and stimulate more confidence and certainty in housing investments and housing delivery.

HOPS believes, however, that more intervention mechanisms are required although these are not solely in the remit of the planning legislation. E.g. land values, compulsory purchase orders (which are being overhauled separately), combined consenting regimes to reduce bureaucracy and a review of the related studies and assessments associated with housing developments to ensure that they are relevant and proportionate, and not excessive.

### **Options**

The Planning Bill has included improvements, but the real challenges lie across all legislations, as well as the need to drive leadership and performance initiatives across all stakeholders.

### **Challenges**

The provision of more housing is complex conundrum and needs to be tackled in a holistic manner with the joint involvement of all the key stakeholders.

### Call for Evidence Question 3

**Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?**

#### What we submitted

“HOPS has a balanced view on this but we support the direction of travel that frees up time away from bureaucratic plan preparation and processes at all scales, to enable a focus on implementation and delivery. HOPS also supports strategic planning as an **“essential element of the overall planning system”** as stated in the Policy Memorandum.

HOPS has previously expressed concerns that the replacement of SDPs with a regional partnership approach, requires clearer evidence to justify the case for change, clarification of the actual expectations for the new arrangements, and clarification of how these objectives are to be delivered. Unfortunately given the lack of evidence and specification around the future arrangements, these matters remain concerns and emphasis the need for clear transitional arrangements to avoid a vacuum.

This lack of specification is in part a response to the differing regional partnership arrangements that are emerging around the country and is therefore in part a deliberate feature of the proposals to enable bespoke regional partnerships to be formed. However, given that most of these regional partnerships are embryonic or do not yet exist, and those that do exist are economically led and focused, whether or how a role for strategic planning will be addressed within these regional partnerships, is not clear.

What the Planning Bill intends is the removal of the Strategic Planning Authorities without replacement by an alternative vehicle to deliver this “essential element” of the Planning System. The authorities will require to revisit/consider afresh, how they will cooperate to fulfill the Bill’s intended requirements to cooperate to provide information to assist in the preparation of NPF. HOPS wants to seek early clarification as to how Scottish Ministers intend to utilise the powers to direct 2 or more authorities to work together as it is unclear as to whether this will be enacted as a duty on the authorities or a Ministerial power of intervention. Is it intended for example, that a series of directions follows the Bill’s enactment?

**City regions, city deals, partnerships and other arrangements, such as regional transport partnerships, all need to be integrated in spatial, economic and transportation models which work locally. Alignment of strategic planning, transport and economic development are key requirements moving forward.”**

#### What is proposed?

##### The Planning Bill

The National Planning Framework (NPF) is to become a spatial plan for Scotland setting out policies and proposals for the development and use of land in Scotland.

Section 2 of the Planning Bill as proposed would remove the requirement to prepare strategic development plans within the 4 city regions, creating a two-tier development plan based on NPF and Local Development Plans (LDPs), with the additional potential for a third tier in the form of Local Place Plans.

In place of Strategic Development Plans (SDPs) Scottish Ministers may direct 2 or more planning authorities to provide information to assist in the preparation of NPF and to cooperate with one another in so doing.

##### The Policy Memorandum

The scope and context of the NPF will expand to incorporate a more focused strategic planning element at regional scale.

The provisions are intended to remove the mandatory detailed processes from strategic development planning, delivering authorities the scope and flexibility to determine the best ways for them to work together in bespoke regional partnerships alongside their duties to participate in the production of NPF.

##### The Financial Memorandum

Further detail is provided within the document stating that regional priorities will be set out in the NPF with SDPs removed from the system.



### HOPS comments

HOPS is fully supportive of a direction of travel that frees up time away from bureaucratic plan preparation processes at all scales, to enable a focus on implementation and delivery. HOPS also supports the in-principle support for strategic planning as an “essential element of the overall planning system” as stated in the Policy Memorandum.

However, HOPS has previously expressed concerns in comments on the Position Statement (June 2017), that the replacement of SDPs with a regional partnership approach, requires clearer evidence to justify the case for change, clarification of the actual expectations for the new arrangements, and clarification of how these objectives are to be delivered. Unfortunately given the lack of evidence and specification around the future arrangements, these matters remain concerns.

Clearly this lack of specification is in part a response to the differing regional partnership arrangements that are emerging around the country and is therefore in part a deliberate feature of the proposals to enable bespoke regional partnerships to be formed. However, given that most of these regional partnerships are embryonic or do not yet exist, and those that do exist are economically led and focused, whether or how a role for strategic planning will be addressed within these regional partnerships, is not clear.

Essentially therefore, what the Planning Bill intends is the removal of the Strategic Planning Authorities without replacement by an alternative vehicle to deliver this “essential element” of the Planning System. The authorities will require to revisit/consider afresh, how they will cooperate to fulfill the Bill’s intended requirements to cooperate to provide information to assist in the preparation of NPF.

HOPS would wish to seek early clarification as to how Scottish Ministers intend to utilise the powers to direct 2 or more authorities to work together as it is unclear as to whether this will be enacted as a duty on the authorities or a Ministerial power of intervention. Is it intended for example, that a series of directions follows the Bill’s enactment?

### Options

The option to retain and improve existing arrangements, for example moving to a 10-year timeframe, with the advantage of retaining and building upon the established joint working structures, appears not to have been explored.

### Challenges

- The dissolution of the existing SDPAs.
- The establishment of new partnership arrangements perhaps for the first time in areas outwith SDPAs.
- The potential requirement for support in forming partnership arrangements.
- The appetite of the emerging partnerships to adopt a non-statutory spatial planning role.
- The diminished regional planning expertise. There are currently less than 10 full time employees engaged in regional planning across Scotland.
- It will be crucial that the current investment by local councils in strategic planning teams is maintained in the interim period and during formal transition to maximise the potential that the new regional partnerships could bring to local areas and to ensure continuity of skills, collaboration and data.
- The skills and resources required to support a delivery orientated approach within development planning at all scales.

### Costs

The savings to be achieved through dissolving the existing SDPAs and removing the plan preparation and examination costs are not of any significant scale.

Given the lack of clarity around what is required in support of the development of NPF and any other non-statutory regional planning activities, the costs are not yet known.

The costs of forming the new partnerships are not known and may be largely hidden as they are likely to come from the existing local authority establishments.

Supporting NPF development could be procured through Consultancy commissions which may become an option for some authorities who lack skills or resource.

### Timescales

Given the aim to produce the NPF in 2020, this has some immediate implications for authorities either singly or working in partnerships, and their ability to support the national Plan's development. There are immediate implications this year for the existing SDPAs, with currently no clarity around their future administrative and governance arrangements.

### Amendments Sought

HOPS remain unconvinced that the proposals will result in more effective behaviours and the focus on delivery and infrastructure that we all support. Previous reviews have concluded that for (strategic) planning to fulfil a more effective role, further alignment with transport and economic delivery is required along with the duties, powers and resources. In fact, a fuller review of regional governance arrangements would seem appropriate. In the absence of such a holistic review, the option to retain and amend the existing strategic planning functions should be considered.

Initial draft prepared by Dorothy McDonald.

#### **Call for Evidence Question 4**

**Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focused on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?**

#### **What we submitted**

**YES.** HOPS supports the changes being proposed for the Local Development Plan process and believes it will bring better clarity and focus and a simplified process. The emphasis on early and fuller engagement, a front- end gate check process and an emphasis on delivery rather than action are all positives measures. The proposal to have a quicker and simpler updating/amendment process to allow elements of a plan to be updated without a full replacement is crucial. Where there is no significant change in an area there is no need to review a plan earlier.

A streamlined and simplified process is always to be welcomed and the additional elements on early engagement, evidence gathering, checking and monitoring will all contribute to an enhanced and more transparent system for all the major stakeholders. Reviews will still be necessary but the proposals are supported.

HOPS supports the changes being proposed for the Local Development Plan process and believes it will bring better clarity and focus. The emphasis on early and fuller engagement, a front- end gate check process and an emphasis on delivery rather than action are all positives measures. Extending the timescale to 10 years rather than 5 is also a positive step.

A streamlined and simplified process is always to be welcomed and the additional elements on early engagement, evidence gathering, checking and monitoring will all contribute to an enhanced and more transparent system for all the major stakeholders.

#### **What is proposed in the Planning Bill?**

- The Bill changes the way Local Development Plans (LDPs) are prepared.
- It removes the requirement for a vision statement in LDP areas not covered by an SDP.
- It applies issues previously dealt with by Strategic Development Plans to LDPs.
- The life span of an LDP is extended from 5 to 10 years.
- The LDP is required to take account of a Local Outcome Improvement Plan (LOIP).
- The Main Issues Reports (MIRs) have been removed.
- An Evidence Report will need to be prepared in advance of the LDP and submitted to Ministers.
- Ministers will appoint a person to decide if the report is an adequate basis for LDP preparation (referred to as "gate check" procedure). If it is not adequate, recommendations will be sent to Ministers and the Local Authority(LA). Resubmission by the LA is then required.
- Scottish Ministers may regulate to cover costs, prescribe procedures, and the issues to be assessed.
- The Bill requires the LDP to take account of the Evidence Report.
- It also requires publication of a report explaining modifications made to the LDP as a result of representations received.
- The LDP advertisement date for Examination has been extended from 28 days to 8 weeks.
- Ministers can require LDP modification, not just the consideration of a modification.
- Allows Ministers to constitute a plan following modification, in part or in whole.
- Allows Ministers to appoint a person to 'report to them' on any issue relating to the LDP, and to regulate as to the procedure for this.

#### **HOPS comments**

HOPS supports the changes being proposed for the Local Development Plan process and believes it will bring better clarity and focus. The emphasis on early and fuller engagement, a front- end gate check process and an emphasis on delivery rather than action are all positives measures.

A streamlined and simplified process is always to be welcomed and the additional elements on early engagement, evidence gathering, checking and monitoring will all contribute to an enhanced and more transparent system for all the major stakeholders.

The option to leave the LDP process as is not considered to be viable as it would not enable the package of enhancements to be delivered and it would leave us with a short- term plan focus, different stages of engagement at different times, and a complexity of process which is legalistic and bureaucratic.



## Challenges

HOPS sees the major challenges as:

- Having the correct mix of skills and experience to manage and monitor the new processes.
- Creating a new planning approach which is adequately resourced.
- Ensuring that the means of engagement adopted are truly participative and a range of views and contributions are included from different age groups, community interests and different sections of the local community.
- Effectively integrating the different roles of spatial and community planning, with or without the added dimension of Local Place Plans.
- Leading and managing a process which is properly front-loaded and is focused on design, quality and delivery aspirations.
- The LDP has a pivotal role in the planning hierarchy and will need to adapt to the new arrangements at National and Regional level to ensure the degree of “fit” and integration is appropriate.
- LDP work streams will require to contribute to and influence both National and Regional planning levels and this will require careful and sensitive management and leadership.
- There may well be a resource challenge for planning authorities as there are various elements in the new process which will require additional resources e.g. more upfront and early engagement, better quality mapping and graphics, utilisation of new technology, such as 3D modelling and digital functions.

## Costs

The simplistic view taken is that a more streamlined system, managed over a longer time period (10 years rather than the current 5 years) will result in financial savings. HOPS considers that the costs and resources required in adapting to the new system, which requires more effective and wider engagement processes and a new “gate check” procedure should not be underestimated as the whole “end to end” process will require significant project management involvement and more staff time.

The initial costs for LPAs will be dependent on where they are currently in their LDP cycle and how many “step backs” they may need to undertake. This will be subject to the detailed transitional arrangements and when they will be introduced but it is acknowledged that existing legislative requirements remain in force. The anticipated timescale for implementation is likely to be 2020 to tie in with the adoption of NPF 4. The longer plan cycle will not automatically produce savings as the process for updates and regular monitoring/examination will continue.

**Overall, HOPS believes that there will be a range of hidden costs of skills, re-skilling and retraining relevant to development planning activities at all tiers.**

## Call for Evidence Question 5

### **Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?**

#### What we submitted

“**YES.** This is a measure to update and refresh the existing system of Simplified Planning Zones (SPZs). SDZs are given particular prominence within the Bill with more detail and prescription than any other topic. This signals a step change in direction by the Scottish Government to focus on growth and investment areas in support of the priority for economic growth.

The take up of SPZs across Scotland has been extremely poor and it is not certain whether SDZs will fare any better as they are discretionary. **HOPS view is that they will not be widely used.** SDZs should be identified and progressed as part of the Local Development Plan process, to ensure a plan-led approach to development and not an ad hoc process which is solely investment driven. The Bill allows Ministers to create an SDZ in a local authority area which appears to be a “centralising” power but the criteria for establishing them is unclear.

The prospect of widening the scope to include conservation areas, green belts and national scenic areas is also welcomed, provided that there is no weakening of standards to be applied.

The proposal to include other consents (road construction consents, listed building consent, conservation area consent, and advertisement consent) is also welcomed as it will provide a better and more efficient service to applicants and developers.”

#### What is proposed in the Planning Bill?

- Makes provision for new simplified development zones, which will front load scrutiny of potential development sites, delivering consents through the zoning of land
- Enables a more proactive lead in planning and consenting for future development
- Similar approach to existing powers (Simplified Planning Zones) but improves and enhances them
- Includes scope for SDZs to include RCC, LBC, Conservation Area Consent, Advertisement Consent.
- Make the procedures more straightforward enabling schemes to be progressed in a wider range of circumstances
- Extends the scope of consenting beyond planning permission to include wider consents
- Requires that LAs consider where making an SDZ might be desirable: the outcomes of this must be reasoned and published.
- Enables regulations to be made with regard to land excluded from SDZs.
- Allows Scottish Ministers to direct LAs to make an SDZ.
- Requires LAs to consider 'valid' requests for an SDZ to be made.
- Sits well with the principles of master planning to deliver pre-approved consents subject to engagement with the community and statutory consultees.
- Creates ability for 'valid' requests refused by LAs to be referred to the Scottish Ministers. Ministers will then decide the referrals based on written representations.
- Enables regulations to be made regarding consultation and publicity of proposed SDZs.
- Requires that any amendments to existing SDZs that limits their scope may only be implemented one year after consultation on the proposed amendments has ended.
- Enables the Scottish Ministers to call in proposed SDZs.
- Enables Scottish Ministers to alter SDZs.
- Allows Scottish Ministers to recover costs of determining SDZs where proposals are referred to them.
- Allows Scottish Ministers to exclude certain types of development from SDZs.
- Allows Scottish Ministers to make further regulations with regard to the form and content of SDZs.

#### HOPS comments

SDZs are given particular prominence within the Bill with more detail and prescription than any other topic. Presumably this signals a step change in direction by the Scottish Government to focus on growth and investment areas in support of the priority for economic growth.

Earlier in the planning review consultations, proposals were considered for a simplified Planning Permission in Principle (PIP), but research confirmed that this was legally complex and complicated. This approach was focused on individual sites linked to the status in the Local Development Plan and was therefore only a partial approach.

HOPS supports the idea of SDZs to replace SPZs but is unsure what the rate of take up will be, based on the previous SPZ approach.

HOPS agrees that the new development zones can help to support the delivery LDP strategies and particular local priorities.

The proposals to introduce strong engagement through publicity, consultations and pre-determination hearings is welcomed by HOPS

The prospect of widening the scope to include conservation areas, green belts and national scenic areas is also welcomed, provided that there is no weakening of standards to be applied.

The proposal to widen the scope for other consents (road construction consents, listed building consent, conservation area consent, and advertisement consent is also welcomed as it will provide a better and more efficient services to applicants and developers.

### Options

There is an option to retain the existing arrangements for Simplified Planning Zones, but they have not proved successful and changes and improvements were necessary. The existing limitations and coverage are being removed and this will make them less restricting and more pro-active.

### Challenges

The promotion of this new version of simplified planning zones requires careful handling, particularly with local communities who may see this as an attempt to short-circuit normal planning controls.

Linking across a series of different statutory consenting regimes will be problematical and requires changes and adjustments to a range of different legislative provisions and regulations.

There are many enabling powers to Scottish Ministers set out referring to SDZs and the details of these interventions require careful thought to avoid accusations of the centralisation of planning powers.

### Costs

Existing costs are considered to be a deterrent to the take up of the existing schemes for simplified planning zones and HOPS welcomes the intention to introduce discretionary charging in the future review of planning fees.

HOPS however, considers that fees should be mandatory and not discretionary, and it is not necessary to await a full review of planning fees and resourcing planning authorities, which appears to be unlikely in 2018.

## Call for Evidence Question 6

**Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?**

### What we submitted

“**YES.** HOPS welcomes any initiative which contributes to early and meaningful engagement with the community and feels that more needs to be done to improve and enhance existing engagement processes. Spatial and community planning need to be integrated at the corporate level and linked in to community planning. The critical issue in all of this is the ability of local communities and individuals to be involved in the early and proactive preparation of plans, but this needs to be better thought out and properly resourced to ensure that it reduces inequalities and is accessible to all parties who want to be involved. This links in to other initiatives where we are creating a surge in opportunities for community involvement in governance and service delivery in Scotland.

HOPS is positive about Local Place Plans (LPPs) in principle, provided it is not an additional layer of planning. Our main concerns are about resourcing, timetabling and the need for compliance with the LDP. Better managed and wider engagement, consultation and participation is definitely required, and this can also be accommodated within existing spatial and community mechanisms. The Bill reinforces the existing legislative requirement for spatial planning to take account of community planning outcomes and HOPS considers this to be the critical element. We need to avoid having too many “layers” of planning at community level to avoid confusion, cluttered diaries and duplication of scarce resources. **We need to integrate and simplify not complicate and clutter and our concerns are;**

- how the critical links with community planning and Locality Plans would work in practice
- how we would support communities which would most benefit from LPP but perhaps don't have the capacity or resources to undertake such a project
- that councils would inevitably be expected to support or fund LPP and LPAs do not have the budgets to facilitate LPPs. The resource implications need clarified.
- managing expectations.”

### What is proposed in the Planning Bill?

- A new plan which is the community's vision for its future.
- Flexible approach to allow communities to define best way forward.
- Must be consistent with/generally be in line with the Local Development Plan (and NPF/SPP)
- Suggested 4 stage process
- LPPs need to be inclusive and deliver on development and growth
- LPP needs to be submitted to the LPA - for approval/adoption in to LDP
- Details still to be fully developed by SG but needs better and tighter definitions and must be in compliance with the LDP

### HOPS comments

HOPS has consistently felt that this is an unnecessary additional layer of planning but if implemented properly it could be a positive contribution to enhanced community engagement and participation. It should preferably be part of the Local Outcome Improvement Plans (LOIPS) and be integrated with spatial and community planning. Needs to be open and inclusive and not anti - development  
Priority areas for LPPs should be determined by the LPA in their LDP programme

### Options

There is an option to improve the statutory links and connections between statutory development plans and community planning processes so that an effective Local Community Plan is put in place.

If the new LPPS are to be introduced they should be in pre-defined, priority growth and development areas, deprived areas and areas requiring regeneration and redevelopment

### **Challenges**

The introduction of LPPs may add to confusion at the local level with a feeling of “too many plans” Although the fine details are still to be fully developed by SG, HOPS considers that it needs better and tighter definitions and the LPP must be in compliance with the LDP and not just “have regard to.” There is a real danger of duplication of processes and more workloads for communities The LPP must be confined to planning matters only.

### **Costs**

The costs and expectations are unknown, and it may impact adversely on Councils in terms of resources required to support local communities. This proposal may well be a duplication of costs already incurred by local Councils relative to their corporate work on community planning partnerships, local development plans and the local community work.

### **Timescales**

The introduction of LPPs will require secondary legislation to be prepared and agreed so 2019/20 is seen as a realistic timescale.

No transitional arrangements are required as this is a new measure being introduced.

### **Any Amendments likely/required?**

Some parties may see this as a blunt attempt to justify no need for Equal Rights of Appeal May not go far enough for some communities who will see this as “their Local plan” not the Councils

## Call for Evidence question 7

**Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?**

### What we submitted

“**YES.** HOPS supports the changes proposed in the Bill to strengthen enforcement powers in this way, but further procedural and process changes are required. HOPS believes that the toolkit of enforcement powers has been strengthened by the new measures, but it is essential that local authorities use these powers, in order to gain that trust and confidence from local communities referred to above.

The integrity of the planning system is undermined if breaches are not enforced and planning conditions not complied with as members of the public feel let down. Without adequate resourcing and Council support the quality elements of developments are not delivered. As part of the comprehensive review of fees charging for enforcement activities needs to be included.”

### What is proposed in the Planning Bill?

Part 4 deals with changes required to support effective performance across a range of planning functions. This Part strengthens planning authorities’ ability to effectively use their powers to ensure appropriate enforcement of unauthorised development

- Enforcement fines are to be increased from £20,000 to £50,000
- Section 23 of the Bill will introduce new powers enabling a planning authority to register a charging order in the Land Register of Scotland or to record such notice in the Register of Sasines as appropriate, requiring payment to be made to secure discharge of the order on the property.
- The Charging Orders are to include, administrative expenses and interest charges
- The Court is to have regard to any financial benefit that the convicted person may have accrued as a result of the breach of planning.

### HOPS comments

Whilst HOPS welcomes the increase in the fine level, we need to remember that planning enforcement is about resolution rather than punishment, and it is the structure, quality and resourcing of enforcement services that has to improve. This will have a far greater impact on public confidence in the planning system than increasing the level of fines.

HOPS supports the changes proposed in the Bill to strengthen enforcement powers in this way but feels that further changes are required in the following areas, as part of a wider review of enforcement processes:

**Environmental Courts** – HOPS considers that we may need to consider a separate specialist environmental court which has the expertise to deal with the offences (This could also include other environmental matters from SEPA/SNH).

Although the issue of environmental courts was looked at some time ago and rejected it has been successful in other countries and the case for them should be re-examined.

Planning authorities should not see the courts as a way of avoiding using powers, such as direct action, and enforcement cases should only be sent to them where the authority has no other option; some authorities have sought to obtain a prosecution for very minor breaches such as non-compliance with the removal of a satellite dish and this devalues submissions to the PF of breaches of significant importance.

The integrity of the planning system is undermined if breaches are not enforced and planning conditions not complied with as members of the public feel let down. Without adequate resourcing the quality elements of developments are not delivered. Notice of Intention to Develop (NID’s) should only be submitted once evidence is provided that all suspensive conditions have been discharged and if work starts then it should be an offence in a similar fashion to Building Standards.

**Fixed penalty fines** – The use of fines is not considered to be a sustainable, long term solution as a workable enforcement tool. Even at the increased rates fines are still relatively low and an offender may choose to pay it to be immune from further enforcement action. A solution may be to allow the planning



authority to impose repeat/increasing fines until the breach has been remedied. At the same time planning authorities may need additional powers to make it easy to recoup any unpaid fines.

**Planning Contravention Notices- PCN/S.272 notices** – Under existing legislation the failure to comply with PCN/s.272 notices should be referred to Procurator Fiscal but in practice this is not a realistic option as it is not seen as a serious offence. Without proper sanctions, PCN's/S.272 are ignored which slows up the investigation process and can cost taxpayer money as the planning authority has to gather the necessary information itself. A possible solution would be to introduce a fine that can be served quickly and easily in the same way as a parking ticket.

**Retrospective applications** – Circular 10/2009 suggests that we should be seeking retrospective applications for breaches that require permission but are otherwise generally acceptable. However, there is often little value in the planning authority seeking an application given we have already spent resources investigating the breach and satisfying ourselves that any harm is likely to be minimal. If the authority is to seek an application, it should be allowed to charge a higher fee for such applications in order to cover its costs. The fact that the offender has to regularise the unauthorised development (at a higher than normal fee) may also help to improve public confidence in the system.

**Powers to decline to determine a retrospective application** – some offenders submit retrospective applications when enforcement action is being taken. In some circumstances, the offender can be playing the system to prolong the unauthorised use/development. To prevent this, the planning authority should have the discretionary power to refuse to accept applications where enforcement action has been taken. The statutory means to decline to determine an application would help to improve public confidence in the system.

**Quality of Reports** – The quality of many of the reports that are sent by planning authorities is often below the burden of criminal proof, and a sheriff is not going to accept poor evidence simply because it comes from a local authority rather than the police. There is current I am working group, including with Police Scotland and HES, amongst others, to improve the reporting of 'heritage crimes'. As part of this work a course is being prepared that will assist in the preparation of criminal reports and help enforcement officers to become more proficient in this area. HOPS would be happy to support such an initiative with the Scottish Government.

### Options

The only option was to leave the level of fines unchanged and not to introduce Charging Orders. One of the key elements of the planning reforms in general is to improve public confidence and trust in the planning system and the ability to take appropriate action and for non-compliance to be subject to significantly higher levels of fines, which have not changed in 20 years is seen by HOPS as a positive measure.

There are already extensive powers available to local authorities in the pursuit of planning offenders, but the consultation exercises provided substantial support for action. Challenges did come from the business and development sectors who countered that the existing powers are sufficient but under used.

HOPS believe that the full toolkit of enforcement powers has been slightly strengthened by the new measures but it is essential that local authorities use these powers, in order to gain that trust and confidence from local communities referred to above.

### Challenges

The crucial issue facing most authorities is resourcing and backing from councillor. Only a few planning authorities appear to have a dedicated budget for direct action, but we seem to be one of the very few that has this. Where authorities, don't have a budget this can cause real problems in terms of public confidence, as a breach will often remain unresolved indefinitely.

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HOPS believes that the full toolkit of enforcement powers has been slightly strengthened by the new measures, but it is essential that local authorities use these powers, in order to gain that trust and confidence from local communities referred to above.

As breaches of planning control are not an offence when they occur they still require the expediency question to be addressed and this means that that developers do not take breaches seriously especially conditions. The courts have no experience of dealing with breaches and compared to other offences planning breaches seem minor.

### **Costs**

Unfortunately, due to recent financial challenges many planning authorities do not have the resources to carry out an effective enforcement service as well as monitor all planning conditions. Some Councils do not have the resources to employ one Enforcement Officer and are using Planners when they could be better employed doing other work. For example, condition monitoring is resource intensive and in terms of cost it is underestimated. For example, wind farm applications can have approx. 50-60 planning conditions attached and it can take hours to discharge and monitor these. This service is not the subject of a separate charge despite the profits these companies are making.

### **Timescales**

These changes are welcome and are likely to take effect after the Planning Act is published in the autumn of 2018.

## Call for Evidence Question 8

**Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?**

### What we submitted

“The Bill enables regulation for a new infrastructure levy that will complement the existing system of planning obligations. We support this in principle, but don’t think that this is enough to address the huge shortfall in infrastructure provision that we’re currently seeing in Scotland. We are urging the government to consider how there is going to be improved horizon scanning for infrastructure needs, and in the absence of statutory regional planning the drive needed to ensure that key projects are delivered. The Scottish Government also seems interested in exploring capturing land value uplift, and HOPS supports this approach, especially through the Land Commission.

The introduction of an Infrastructure Levy and subsequent Regulations are broadly supported, but these measures alone will not be sufficient to fund the local/ strategic infrastructure required to deliver development ready residential and commercial land allocations. Principally this is because there is a responsibility on local authorities to provide infrastructure which in most cases is front funded with the recouping of funds through developer obligations reliant on the completion of commercial/ residential units completions.

Infrastructure funding and the relationship between infrastructure and development delivery has been widely debated and consulted on by the Scottish Government. While the need for change is not being challenged, cognisance needs to be taken of the limitations to revenue generation by means of a levy, the resource implications for planning authorities, impact on development viability and consequently the delivery of development. **Strategic infrastructure is needed upfront to unlock and facilitate economic growth and HOPS supports the Scottish Futures Trust as the national body to be responsible for working with all parties to deliver this strategic infrastructure.”**

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### What is proposed in the Planning Bill?

Part 5 of the Planning (Scotland) Bill 2017 establishes powers for Scottish Ministers to introduce an infrastructure levy. The infrastructure levy is defined by Section 27 as a levy payable to a local authority in respect of development wholly or partly within the authority’s area to be used by local authorities to fund, or contribute towards funding, infrastructure projects.

Section 29 confirms the types of infrastructure that can be secured by the levy as communications, transport, drainage, sewerage and flood-defence systems, systems for the supply of water and energy, educational and medical facilities, and facilities and other places for recreation.

The Bill also defines Infrastructure Projects as a project to provide, maintain, improve or replace infrastructure and gives Ministers the power by way of regulations to modify or clarify the meaning of infrastructure.

The Bill establishes powers for Scottish Ministers to issue guidance to local authorities. Such guidance may include how the infrastructure levy functions conferred on local authorities are to be discharged and how infrastructure-levy income should be spent. These powers also extend to some or all local authorities being given specific direction by Scottish Ministers if required.

Details of the approach to be taken are set out in Schedule 1 of the Bill as follows,

- An outline of the instructions that infrastructure-levy regulations should contain. Schedule 1 states that the regulations may specify:
  - (a) Who pays the infrastructure-levy?
  - (b) How much do they pay?
  - (c) When do they pay?
  - (d) How do they pay?
  - (e) Who is exempt?
  - (f) What happens if they don't pay?
  - (g) A right of appeal
  - (h) Accounting requirements
  - (i) Aggregating levy income
- Highlights that should the new legislation regarding an infrastructure levy be approved by Parliament a new mechanism for securing payments may also be introduced. It is anticipated that this would replace the existing mechanism for securing contributions through the Planning Act (Section 75 Planning Obligations). While there may still be a requirement to enter into Section 75 Planning Obligations in certain site-specific circumstances i.e. they would still be need for affordable housing contributions. The levy payments would be collected independent of the statutory development management process and after planning permission is granted.
- Under the sub-heading Aggregating Levy Income, Schedule 1 of the Bill introduces powers by way of regulations that may require local authorities to transfer to Scottish Ministers some or all of their infrastructure-levy income as well as powers to distribute infrastructure-levy monies received amongst local authorities.

Council's will have the option to opt out of the infrastructure levy should it be approved by Parliament. This means that Councils would still be able to secure contributions using the current developer obligations process.

### **What is CIL and how has it impacted on infrastructure and development delivery?**

A detailed explanation of the Community Infrastructure Levy, its preparation and implementation can be obtained from the [Ministry of Housing, Communities and Local Government](#). However, in summary the Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Following 5 years of implementation a review of CIL was commissioned in 2015 by the Department of Communities and Government. The findings of the review and how it can be incorporated in to an Infrastructure-levy for Scotland were summarised by Appendix 3 of Stage 3 of the Introduction of an Infrastructure Charging Mechanism in Scotland: research project and have influenced the content of Part 5 and Schedule 1 of the Bill.

The findings of the CIL review are summarised as follows:

- CIL is not delivering as much as anticipated by the Government and Local Authorities;
- Charge set at low levels in many local authority areas to accommodate development, though this has resulted in lower payments compared to previous system;
- CIL is not raising enough revenue to effectively support the funding of infrastructure needed to support development;
- Confusion between S106 and CIL was not as pronounced as previously thought;
- Mixed evidence with respect to the impact of affordable housing;
- Regulations were viewed as too complex;

- Charge setting process is lengthy and expensive, at broadly £15,000 to £50,000 per local authority. Outcomes of charge-setting process also different in places where expected to be similar due to local economic conditions;
- Exemptions produce a significant amount of bureaucracy for no compensation; and
- CIL has had little impact on development viability.

The Review concludes by proposing to adapt CIL through the introduction of a Local Infrastructure Tariff (LIT)/ Strategic Infrastructure Tariff (SIT) and hybrid LIT/CIL/ S106 system (as proposed by the Planning Bill).

### Alternative approaches/Options

#### Local Infrastructure Tariff

The **Local Infrastructure Tariff** is recommended by the CIL review to replace CIL. However, unlike CIL, LIT operates without there being a relationship between the cost of infrastructure and the amount of LIT that is charged. This system uses a blanket charge based on gross floor space. It is calculated centrally and is applicable across local authorities, with few exemptions, to reduce bureaucracy and make it easier for planning authorities and developers to implement the charge.

Given the clear evidence requirements for the current Developer Obligations process in Scotland and CIL in England and Wales, it is unclear how, without costing infrastructure need, an adequate amount can be raised to meet local and regional infrastructure requirements.

The LIT charge is based on **a percentage** of the sales price of residential developments across local authority areas, worked out to a per SQM charge. Therefore, in terms of securing proportionate and reasonable LIT income this methodology takes account of for market variations.

In terms of commercial development, LIT charges are tied to but do not exceed residential rates. This is significantly different to current CIL charges where charge rates for commercial development are greater than residential development per SQM.

#### Combined Authority Strategic Infrastructure Tariff

The CIL review recommends the creation of a regional tariff, applicable to a small number of large-scale developments. It would presumably apply to cross-boundary infrastructure and would operate in a similar way to the former Aberdeen City and Shire's Strategic Transportation Fund.

#### Infrastructure Growth Contribution

Stage 3 of the Introduction of an Infrastructure Charging Mechanism in Scotland: Research Project has concluded that the most effective method of securing infrastructure funding from development is through the "Infrastructure Growth Contribution" (IGC).

The purpose of the IGC mechanism is to raise funds for infrastructure that is not directly associated with a particular development so that the necessary services and amenities are available to enable additional land to be developed or that is needed to serve the additional growth within an area.

The contribution would be based on the open market capital value per square metre of net additional floor space given consent by a planning authority for all buildings that are used by people (other than for the maintenance of the building or structure or for the operating and maintenance of equipment within the building or structure).

It would apply to all residential buildings of any tenure, retail buildings, offices, and buildings for light industrial, other employment, educational, transport and leisure uses. This could be scheduled to align to planning use classes. The status of the owner, controller, tenant or occupier of the building is not relevant to this option, for example it applies equally to private for profit, as to not-for profit, or public uses.

Like CIL, items suitable for funding would be detailed in an infrastructure plan (either regional or tied to a local development plan). The types and location of infrastructure to be funded are not pre-determined in advance of or at the point of collection. Ministerial guidance to an agency, or local authority discretion, could set out priorities to be met within which the agency or local authority may distribute funds. Funds may be applied in any area, not necessarily in the area in which they are raised. The above options have been incorporated into Part 5 of the Planning Bill.

The contribution rate would be set by a predetermined formula of the capital value of the floor space created at the point that the floor space is able to be used. The valuation would include any common facilities, amenities, or land uses (e.g. parking spaces) that are available to the users of, and associated with, that floor space.

To give certainty and clarity to the level of charge required developers can estimate the potential charge well in advance so that this can be taken into account when the price to be paid for land is calculated. The final actual charge will be based on the outturn value of the development. IGC can be enacted centrally or at a local level.

- A Central Coordinated Option (i.e. developed centrally and governed by an arms-length agency); and
- A Local Coordinated Option that would likely rely on local planning authorities to collect and administer a levy. This option would allow for Local Authorities to contribute to infrastructure bodies (e.g. Transport Scotland – other public body, or Scottish Power – private body) for required strategic infrastructure, and to strengthen the duty to co-operate with nearby planning authorities so that “shared” needs can be met across neighbouring authorities and levied across these.

The Planning Bill makes provision for an infrastructure-levy in the form of IGC with local and centrally coordinated approaches possible.

### **HOPS comments**

Unlike current legislation and guidance, the Planning Bill seeks to relax the range of infrastructure which planning authorities can fund and deliver. However, it is important to note that if levy payments are to be secured through Section 75 legal agreements the existing case law requiring funds to be used only to mitigate the impact of development would restrict the range of infrastructure that the levy could fund threatening the creation of development ready land and the delivery of Local Development Plans. In this regard, a new mechanism for securing infrastructure-levy payments should be explored and consulted on.

There is evidence of good working practices in Scotland where, for example, planning authorities issue Developer Obligations invoices through Section 69 of the Local Governments (Scotland) Act 1973 **after** the planning decision has been issued rather than engage in legal agreements under Section 75. This practice is



similar to the issuing of a CIL Charge Notice and does not impact on the timescales for determining planning applications. However, in circumstances where the level of contribution is significant the payment of Developer Obligations is based upon unit completions and is often secured and controlled through Section 75 Legal Agreements which limit the range of infrastructure that can be funded and also impact on planning performance, due to the timescales involved in the negotiations process.

It is anticipated that the definitions and range of infrastructure that could be funded by the infrastructure levy along with regulations governing the creation, management and payment of the levy has the potential to allow Council's to proactively aid the delivery of development through the provision of essential infrastructure. However, the introduction of powers to Scottish Ministers to centralise infrastructure-levy funds could undermine investment in local infrastructure essential to the delivery of local development plans and the creation of sustainable communities. The parameters governing the use of this power need to be clarified. For example, are these powers required to fund regional/ national infrastructure?

The level of funding that can be generated by an infrastructure levy will vary across Scotland. Existing packages of developer obligations would remain valid once a levy is in place. Existing developments would continue to pay these contributions as the work progresses on site with only new developments paying the levy charge. Therefore, through a transition period, authorities would continue to generate income towards infrastructure provision. However, like the CIL experiences of authorities in England and Wales, levy income generation will take time to amount due to the time period between granting planning permission and development commencing on site.

### Challenges

The environment in which planning authorities are currently operating in is very challenging. The financial circumstances are extremely constrained and this is coupled with staff reductions and the loss of experienced staff due to retirement.

There are concerns that the IL is based on an economic model which assumes that the Land Value is reduced by the value of the levy and that there is a willing seller. Evidence from some LPAs is that where the land sits with a small number of land owner's developments will stall as they are unwilling to accept less for their land than they previously received. What can be achieved does not cover the cost of the infrastructure and the LPA has to subsidise this, otherwise there would be no housebuilding.

The IL proposal on its own does not resolve this. If it replaced Developer Obligations it is just a different process, where we already have a well-developed system for S75 Agreements. The proposal may be considered easier, but it will not result in increased money due to the land owner's unwillingness to accept less for their land and the aggregation potential for Scottish Government to direct spend elsewhere, which would reduce the money currently available to LPAs.

Although other related matters, such as land reform, compulsory purchase, development values and development uplift have all been discussed there is a concern that a holistic solution is still not being considered and it perhaps will be an opportunity missed if it is not addressed.

Perhaps we need to consider a system similar to that in Germany and much of northern Europe where the increase in value of land allocated for development is pegged. We also need to ensure that the value created by development is captured to fund local infrastructure, improve the quality of development, and secure better balanced neighbourhood.

Development viability, the viability of local development plans in terms of the cost of providing the infrastructure required to deliver development on allocated sites and the amount of funding that can be generated by an infrastructure-levy are all challenges that shall impact on the ability of planning authorities to implement a levy. The skills required by Planners to overcome these challenges are not in abundance and are situated within only a few authorities in Scotland. While knowledge and resource sharing between authorities can go some way to addressing this issue further methods of upskilling planners is required. HOPS recommends to the Scottish Government that they may wish to jointly consider requesting a series of pilot projects addressing the above challenges to demonstrate the true resource implications of an infrastructure levy in Scotland.

### Costs

It is anticipated that planning authorities will incur costs in setting up and introducing an Infrastructure levy. While there is provision within the Bill for the levy methodology to be centrally coordinated the time and resource implications for local authorities evidencing infrastructure projects and their costs will vary depending on a number of factors.

### Timescales

No specific timescales have been set for implementation as the Scottish Government still to consider other possible options before finalising the approach to be taken.

Initial draft prepared by Paul Macari

### Call for Evidence Question 9

**Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?**

#### What we submitted

**“YES.** HOPS strongly supports the proposals set out in the Planning Bill to introduce mandatory training for all councillors who sit on Planning Committees or Local Review Bodies. In particular, the introduction of a national training agenda and examination/course completion for those councillors. This will ensure national consistency and will provide a comprehensive training manual which will be kept up to date. It will provide a minimum national standard of training which will require to be supplemented by local requirements, illustrated by local examples and case studies to be more meaningful and relevant to the councillors. HOPS considers that there should be an emphasis on much more detailed training for those involved in Local Review Bodies. There are specific and unique differences between a member being part of a planning committee and a member being on the LRB. The proposed training has to be customised to suit. More informal training for MSPs to assist them in their parliamentary duties on planning matters is also recommended by HOPS.

This new provision will bring planning training in to line with the current arrangements for training for councillors on Licensing Boards which has proved workable and successful.”

HOPS strongly supports the proposals set out in the Planning Bill to introduce mandatory training for all councillors who sit on Planning Committees or Local Review Bodies.

In particular, HOPS supports the introduction of a national training agenda and examination/course completion for those councillors. It will ensure national consistency and will provide a comprehensive training manual which will be kept up to date. This will provide a minimum national standard of training which will require to be supplemented by local requirements, illustrated by local examples and case studies to be more meaningful and relevant to the councillors.

Importantly, doing the training through a national programme will have cost efficiencies for planning authorities.

HOPS considers that there should be an emphasis on much more detailed training for those involved in Local Review Bodies. There are specific and unique differences between a member being part of a planning committee and a member being on the LRB. The proposed training has to be customised to suit.

HOPS also considers that it is worth highlighting the need for more informal training for MSPs to assist them in their parliamentary duties on planning matters. This should also be carry out on national basis and could be a discrete part of the national training manual.

We consider that this measure will assist in bringing more consistency to local decision making and it will improve confidence levels as seen by the public and other stakeholders. It will not however, in itself, be able to guarantee that local decisions will be taken in line with the professional advisers recommendations or that the decision will be the one favoured by the local community.

This new provision will bring planning training in to line with the current arrangements for training for councillors on Licensing Boards which has proved workable and successful.

#### What is proposed in the Planning Bill?

Regulations are to be introduced to set out the training requirements for councillors and to specify requirement for attendance and/or completion of an examination by council members **before** they make any planning decisions.

The Regulations will allow for arrangements to be introduced to ensure continuity of the planning service, where, due to members not having completed training, an LPA is unable to complete its decision- making responsibilities.

### Options

The options available are to do nothing and leave the existing ad hoc and variable training by Councils to continue. The current training of councillors has no quality control or consistency across Scotland. It is normally carried out "in house" or by appointed consultants but attendance can be variable and there is no formal examination or test to confirm the knowledge level reached.

### Challenges

The key issue for HOPS will be to ensure that the planning guidance is comprehensive and includes all aspects of the required training requirements including the Councillors Code of Conduct, material planning considerations and the grounds for review, appeal and judicial challenges, over and above the key legal requirements and the areas of Development Management and Development Planning.

Important questions to be resolved in the Regulations will also include;

- Who defines the valid period following training e.g. valid for an election period?
- Who monitors the training outcomes?
- What are the arrangements for retraining?
- Who agrees the minimum content of training and who determines the test results authentication?

HOPS suggests that a Working Group of experienced and senior planning representatives is assembled by the Scottish Government to oversee the training procedures and subsequent monitoring.

### Costs

HOPS welcomes the training requirements being hosted and funded by the Scottish Government and notes the likely appointment of specialist consultants. This will reduce/eliminate the costs for Councils which is currently estimated to be about £3K-£5K per Council. This may be a reasonable estimate for a single session of training but allowances will need to be made for refresher training and follow up training, and any bespoke training for specific local councils.

At the time of the last Planning Bill in 2006 a manual for training was prepared by the Improvement Service, and this was widely used. This training manual has recently been updated by the Improvement Service and HOPS and it would seem sensible to use this as a basis for the revised version, incorporating the new elements from the current Bill and subsequent Planning Act. This is another area where the suggested Working Group could play an important role and minimise the costs incurred.

HOPS would be happy to contribute to this process to ensure the final manual and procedures are supported by the Local Planning Authorities and be represented on the Working Group or similar.

### Timescales

Similar to most aspects of the Bill, the precise timing for this measure is not detailed, as it will require the preparation and publication of separate Regulations and will presumably include a consultation and engagement period. HOPS does however hope that the proposal will be implemented as timeously as possible.

The actual timing for training to be carried out, for both councillors and MSPs will be influenced by national and local government elections in 2019 and beyond, to avoid any mismatch in training requirements relevant to the updating of councillors standing again for re-election and new councillors/MSPs with no planning experience.

## Call for Evidence Question 10

### **Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?**

#### What we submitted

“**YES**, although the proposed measures appear to be formal and centralised. HOPS is committed to the continued provision of and enhancement of planning performance assessments and introduced Planning Performance Frameworks (PPFs) in 2011 where all LPAs submit, on a voluntary basis, an annual report on performance measures, key indicators and proposed improvements. Planning performance levels have improved year on year supported by HOPS and the Improvement Service.

The new roles of Assessor and Coordinator need careful consideration before implementation. The Coordinator needs to sit separately from the SG and also separate from the Assessor post.

HOPS has previously highlighted to the Scottish Government the extensive work on performance undertaken by the Planning Improvement Service in England and Wales and the key role and activity they undertake in assisting authorities in identifying best performance and improvements. We have requested that this support function is critical to improving performance on a consistent and sustainable basis and should be examined in more detail on a joint basis between the Scottish Government, COSLA, HOPS, RTPi and the Improvement Service.

The Bill proposals put the current arrangements in to a more formalised 3 tier structure and provide for Directions and Regulations by Ministers, which we anticipate will be prepared on joint basis with key stakeholders, including HOPS. We are concerned about these provisions which are akin to an external audit by Ministers in a detached way from current planning performance requirements and improvements.

**It is also critical that the performance of the Scottish planning system is measured and not just the performance of the LPAs as there are brakes on performance outwith the control of Councils. This will require additional resources to LPAs and the ability to reinvest.”**

#### What is proposed in the Planning Bill?

Part 4 of the Bill deals with changes required to support effective performance across a range of planning functions and takes a more structured approach to performance improvement across planning services. It is a significant new change by the Scottish Government to signify how seriously it takes the performance of planning authorities.

- A requirement for Local Planning Authorities (LPAs) to prepare a report on the performance of their functions after the financial year on an annual basis - 1st April-31st March.
- Reports to be submitted to Scottish Ministers (SMs) and published.
- Ministers to regulate on the form and content of the report and how it is to be prepared and published.
- Ministers can appoint a person (a National Planning Performance Co-ordinator -NPPC) to monitor the service of LPAs, how they carry out their functions, and provide advice on improving performance.
- The NPPC will report directly to Ministers on planning activities and provide any recommendations.
- A separate Performance Assessor (PA) may also be appointed by Ministers to conduct an assessment of a planning authority's performance or all/any functions as specified by Ministers.
- All LPAs are to be notified of the assessment and scope of the assessment.
- All premises, documents and all information are to be made available to the Assessor, within 3 days from notice.
- Any person who, without reasonable cause, fails to comply with the requirements of the Assessor is liable to summary conviction at Level 3 on the standard scale
- The Assessor will require to prepare a report, known as a Performance Assessment Report (PAR), including any recommendations, and submit it to Ministers, issue it to the relevant LPA and publish it.
- The LPA needs to prepare a report (Response Report- RR) and submit it to Ministers to show how it proposes to implement any recommendations and within what timescale.
- The timescale for the Response Report will be set out in the PAR or can be extended by SMs
- The RR is to include comments on any recommendation from the Assessor which is being declined including reasons.
- An RR is only prepared if there are recommendations from the Performance Assessment Report.

- Ministers may issue a Direction to an LPA if a PAR recommendation is declined, if SMs are not satisfied that the response in the RR will effectively implement the recommendation, or if there is a delay in implementation.
- Any Direction from Ministers will require the submission of a further Response Report.
- Ministers will publish any Direction or variation or revocation of any Direction.
- The Bill repeals existing measures for the assessment of discharge of functions.

### HOPS comments

HOPS is committed to the continued provision of and enhancement of planning performance assessments. Following the introduction of the Planning Performance Framework (PPF) in 2011 all LPAs have submitted, on a voluntary basis, an annual report on performance measures and key indicators.

HOPS has previously highlighted to the Scottish Government the extensive work on performance undertaken by the Planning Improvement Service in England and Wales and the key role and activity they undertake in assisting authorities in identifying best performance and improvements. We have requested that this support function is critical to improving performance on a consistent and sustainable basis and has previously recommended that this role should be examined in more detail on a joint basis between the Scottish Government, HOPS, RTPI and the Improvement Service.

It is also worth drawing the attention of the Committee to the supporting work that is currently undertaken by the Improvement Service for HOPS including the planning skills series and the Planning Performance Frameworks.

The changes being proposed in the Bill put the current arrangements in to a more formalised structure and provide for Directions and Regulations by Ministers, which we anticipate will be prepared on joint basis with key stakeholders, including HOPS.

The appointments of an independent Co-ordinator and an independent Assessor will be crucial appointments, and it will be essential to ensure that the persons appointed are sufficiently experienced, independent and trusted by LPAs to enable the new performance process to be transparent, fair, reasonable, proportionate and effective to all parties.

### Options

There is an option to leave the existing voluntary arrangements for PPFs in place as these have worked well year on year and have been improved and influenced by peer reviews and benchmarking exercises on an annual, basis. HOPS accepts that the proposals take planning performance assessment to the next level of maturity and in general are to be welcomed and supported.

### Challenges

The Scottish Government has to avoid the feeling/notion that these new arrangements are akin to the introduction of a national Inspectorate regime which is centralised and designed to “punish” an individual LPA as this approach will be resisted and opposed.

HOPS would like reassurances that the new procedures would be aimed at identifying improvements and enhancements set against a jointly agreed set of factors and characteristics, which include measures of quality, quality of design and places, as well as the traditional measures of speed of planning decisions.

HOPS is also concerned that to be effective any performance measurement of the Scottish planning system has to include the other principal stakeholders in a similar assessment and co-ordination process. e.g. The key agencies, the business and development industry, house builders and the national agency, Home for Scotland, and the Department of Planning and Environmental Appeals. Crucially, planning performance outcomes are not in the sole control of the LPAs and performance results can be heavily influenced and constrained by applicant/agent behaviours and procedure, as well as legal complexities and the lack of comprehensive information at the start of the planning assessment process.

HOPS considers that the greatest challenge in this area is how to accurately and correctly define any areas of concern related to “underperformance” or unsatisfactory performance in such manner as to be fair,



proportionate and balanced and to take in to consideration the geographical and operational context of each LPA which are intrinsically different and diverse.

The Scottish Government and COSLA currently jointly host the High-Level Group on Planning Performance with HOPS, RTPI, SOLACE and SOLAR and it is anticipated that the remit and make up of this group may require to be re-assessed in the light of the proposed changes to planning performance assessment. Nevertheless, this group will continue to play a critical role as the provisions set out in the Bill are taken forward to implementation.

### Costs

The costs set out in the Financial Memorandum (FM) indicate a high level of central government funding is to be allocated to this new monitoring process, and this appears to be an unnecessary and extravagant method of assessing and improving planning performance measures.

Table 1 in the FM indicate a cost over a 10-year period of £846,250 for the Co-Ordinator and £10,000 for assessments, based on 1 every 2 years.

No costs are identified for LPAs, but this will require funding over and above existing budgets for the existing PPF approaches, which is indicated at £2K-£3K per authority.

The basis of the changes is to be of mutual benefit and is aimed at “more proportionate than current arrangements” and therefore additional costs will only be incurred if there is an identified aspect of “unsatisfactory” performance.

### Timescales

HOPS has not identified any specific timescales for the introduction of these new arrangements which requires to be subject to separate secondary legislation, and presumably pre-consultation and discussions.

HOPS concedes that it is unlikely that changes will be introduced before 2019 and therefore current arrangements for the publication and reporting of PPFs will presumably continue in the interim period.

## Call for Evidence Question 11

**Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high – performing planning system the Scottish Government wants? If not, what needs to change?**

### What we submitted

“**YES.** The introduction of Discretionary Fees is essential, although they will not fill the gap in funding that HOPS considers is required. They must be nationally agreed and placed on a statutory basis. This will not be significant enough or sufficient to fund local councils to the level required to create a sustainable and sufficiently resourced planning service to deliver increasing customer and stakeholder expectations and to improve performance and quality in response to the new planning system.

The adequacy of funding levels for planning services has been widely researched and consulted on by the Scottish Government over the last 10 years. What is not in doubt is the requirement for a comprehensive assessment of the resources and funding required for planning services and a commitment from the Scottish Government to carry out the necessary improvements, including a radical approach to increasing planning fees to enable full cost recovery. Fundamental to this wider approach is a guarantee that the funding and income received via planning applications and other charges, both discretionary and mandatory, are retained solely by the planning service. This will ensure that the requisite budget control and the ability to reinvest in planning skills, resources and improved performance actions is directly managed and implemented outwith the normal corporate budget process.

The introduction of Discretionary Fees are minor charges essentially and therefore on their own they will not fill the gap in funding that HOPS considers is required.

These changes in the Planning Bill and subsequent Regulations are, however, welcomed by HOPS. Clearly, they will not, in themselves, be significant enough or sufficient to fund local councils to the level required to create a sustainable and sufficiently resourced planning service to deliver increasing customer and stakeholder expectations and to improve performance and quality in response to the new planning system.

The adequacy of funding levels for planning services has been widely researched and consulted on by the Scottish Government over the last 10 years. What is not in doubt is the requirement for comprehensive assessment of the resources and funding required for planning services and a commitment from the Scottish Government to carry out the necessary improvements, including a radical approach to planning fees.

Fundamental to this approach is a guarantee that the funding and income received via planning applications and other charges, both discretionary and mandatory, are retained solely by the planning service. This will ensure that the requisite budget control and the ability to reinvest in planning skills, resources and improved performance actions is directly managed and implemented outwith the normal corporate budget process.

HOPS accepts that this approach is not universally supported within the wider public sector thinking but if the desire is to improve and reinvest in planning services then it is the only realistic and viable approach to take.

### What is proposed in the Planning Bill?

Section 21 of the Bill amends section 252 of the 1997 Act, which gives the Scottish Ministers powers to make regulations providing for the payment of fees and charges to planning authorities.

Subsequent Regulations can make provision for a fee or charge to be payable in respect of the performance of functions by a person appointed by virtue of a scheme of delegation.

Enables the Scottish Ministers to provide by regulations for the payment of a charge or fee to the Scottish Ministers for their activities in relation to planning.

Fees or charges may be specified in respect of the performance by the Scottish Ministers, or a person appointed by them under schedule 4 of the 1997 Act, of functions under the planning Acts and any associated subordinate legislation, including anything which facilitates, is conducive or incidental to the performance of those

This could include where the Scottish Ministers, in performance of their planning functions, deliver a service for the benefit of local authorities or where the Scottish Ministers have a role in dealing with planning casework. Subsection (4) makes a consequential modification so that section 252(1A) of the 1997 Act, which clarifies what provision regulations may make, applies to regulations about fees payable to the Scottish Ministers too, instead of only applying to fees payable to planning authorities.

A regulation-making power includes the ability to make provision allowing a planning authority to determine how the fee or charge is to be calculated.

The Scottish Ministers to make provision within the regulations permitting a planning authority to decide whether to charge an applicant the full fee, a reduced fee or waive the fee entirely and the Scottish Ministers to set limits on that discretion.

The regulations may set out steps the authority would be required to take before or after reducing or waiving a fee; for example, they might be required to publish a statement of the circumstances in which they would do so.

Regulations to make provision about how the charge or fee is to be calculated.

Planning authorities may only recover the cost of actually providing the function for which the fee is charged. This rule applies equally to the Scottish Ministers.

The Bill enables the regulations to impose a surcharge in the case of applications for retrospective planning permission.

### **HOPS comments**

Discretionary fees are minor charges essentially and therefore will not fill the gap in funding that HOPS considers is required.

HOPS has consistently, and over a long period of time, argued for the comprehensive review of all funding for the sustainable resourcing of planning services across Scotland. Planning fees are an important part of that resourcing and it is imperative that the Scottish Government overhaul the existing fee regime, implement planning fees for a much wider group of applications and developments and set out the criteria for discretionary charging outwith the statutory provisions.

It is comforting to note that the Policy Memorandum accompanying the Planning Bill states that,

“Scotland ‘s planning services must be effectively resourced to ensure they efficiently support a high-performing planning system that will deliver on a more ambitious, enabling agenda. Income from planning applications does not currently meet the costs of delivering development management services, and there is a need to move towards full cost recovery to be able to appropriately fund the reformed planning system”.

Both Heads of Planning Scotland (HOPS) and the Royal Town Planning Institute in Scotland (RTPI) have recently published background papers and survey data in 2013, 2014 and 2015. Figures provided by HOPS indicated that, in 2015, planning fees covered only 63% of the cost of handling applications.

Further stakeholder engagement and a detailed public consultation exercise will be carried out following the Bill, to develop and finalise proposals for new fees regulations relating to the decision-making aspects of the planning process, with a view to moving those aspects towards full cost recovery by planning authorities. These regulations will be built around the resource implications arising from the finalised changes to the planning system led through the Bill and subsequent secondary legislation.

### **Alternative approaches/Options**

The detailed proposals for charging will need to be considered in light of the finalised shape of the reformed planning system. The Bill ‘s provisions anticipate aspects of the system for which fees may be charged in future, to ensure it is appropriately resourced.

Consideration had been given to including scope for the regulations to enable agencies to charge for their services through their role in the planning system. However, this has not been taken forward on the basis that agencies are already provided with core funding which has been set in relation to their statutory roles.

The only other alternative would be to not make changes to the current system, and so not widen the scope for charging and aligning fees to match costs. This would not meet the policy intention of effective resourcing of a planning system focused on delivery.

Consultation

The Independent Panel recommended that planning fees on major applications should be increased substantially, so that the service moves towards full cost recovery; also noting the link to improving performance and that planning authorities **must** accept the requirement to invest in the resourcing of their planning services.

The Independent Panel also suggested consideration be given as to whether fees for retrospective applications should be substantially increased to provide a more effective deterrent.

From the consultation, there was agreement across sectors that planning is currently under-resourced, with many suggesting that fee increases should be ring-fenced to resource more effective planning services and improved performance.

The Consultation Paper had set out a range of options for which additional fees could be charged; including discretionary charging, fees for appeals and local reviews, charging for central government and agency services and higher fees for retrospective applications. Views were mixed on these options and will need to be looked at again and consulted upon in more detail in developing the new fees regulations.

HOPS believes that consideration should be given to the discretionary fee charging which is currently undertaken by English and Welsh planning authorities. Whilst there are elements of this that are set nationally there is largely discretion at a local level. Our experience confirms that in England there are some authorities, generally where development activity is very high, that will maximise their discretionary fees, and other planning authority areas where development pressure is less so that they do not charge for many discretionary fees. This element of flexibility is crucially important and it should be left to the discretion of Local Planning Authorities.

It is clear to HOPS that all of this fee related work requires to be tackled at the same time to ensure around and holistic approach is taken. Whilst HOPS is acutely concerned at the further delays in introducing a more radical and effective charging regime, it understands the logic of waiting until the new powers in the Bill and the subsequent Planning Act are implemented to ensure that the relevance, context and rationale is up to date.

### **Challenges**

The real challenge is to provide a high performing planning system across Scotland which includes;

- significantly increased funding on a fair, equitable balanced and proportionate basis so that all planning authorities benefit
- sustainable to applicants
- market sensitive assessment
- fees being paid direct to the local planning authority
- flexible discretion
- comprehensive coverage of all development applications and consenting regimes
- scope for reinvestment in service improvements and performance enhancements
- performance levels identified for all stakeholders and not just planning authorities

The context in which planning services are currently operating in is very challenging. The financial circumstances are extremely constrained, and this is coupled with staff reductions and the loss of experienced staff due to retirement.

The existing provisions limit the scope of charging only to planning authorities, and the fee levels are set nationally, with no scope for local choice.

The maximum planning fee levels for major planning applications were increased through amendment regulations in June 2017 and HOPS is currently conducting a survey of all Scottish Councils to determine the impact this has had and how, if at all, the additional money has been reinvested in planning services. The

survey is due to end on 31st January, 2018 and the findings will be shared with the Scottish Government and other relevant stakeholders.

There is a significant difference in the statutory planning fees between Scotland and England and Wales, including the first increase recently, mentioned above. HOPS considers that this is where the changes need to be made to ensure across planning authorities that they are achieving greater income for processing of all planning applications

### Costs

It is not anticipated that there will be any additional costs for local councils in relation to more flexible fee structures and the further consultation and review processes post the Bill.

### Timescales

HOPS notes that further stakeholder engagement and a detailed public consultation exercise will be carried out following the Bill, to develop and finalise proposals for new fees regulations relating to the decision-making aspects of the planning process, with a view to moving those aspects **towards full cost recovery by planning authorities**. These regulations will be built around the resource implications arising from the finalised changes to the planning system led through the Bill and subsequent secondary legislation.

HOPS urges the Scottish Government to carry out this review of funding and resourcing process as a priority action given the overall financial and resource situation in planning services and the current budgetary constraints within local government.

## Call for Evidence Question 12

### Are there any other comments you would like to make about the Bill?

#### What we submitted

“**YES.** The Planning Bill is small component part of the overall package of reforms being considered and proposed by the Scottish Government and needs to be seen in that context. **Critical areas to achieve real transformational change include, leadership, culture, behaviours, more simplification and streamlining measures, review of planning funding, land value uplifts, compulsory purchase, Use Classes, additional Permitted Development, shared services, community engagement initiatives, climate change, energy and place- making etc.**

**HOPS and the RTPI supported the statutory designation of a Chief Planning Officer and we are disappointed that this is not being proposed at this stage.** It would help to strengthen and reposition planning at local government and corporate level and be a new indicator for the linking up of spatial and community planning, taken together with the new sign-off responsibilities for Chief Executives.

**HOPS does not support an Equal Right of Appeal as it would increase delay and uncertainty through to the end of the planning process running counter to the whole thrust of the Bill and wider review of planning in streamlining and front-loading the system.** It could discourage investment and could be used to block or delay development which is needed in the public interest. The challenge here is for the SG to provide balance in the system to ensure that inward investors and developers are attracted to Scotland and there are no excessive hurdles/disincentives, such as uncertainty and slower decision making.

HOPS submitted a formal response to the Finance and Constitution Committee on the Financial Memorandum highlighting concerns about the costs and estimates set out, the lack of detail and certainty, and the confusion between cash costs and productivity costs. **HOPS has consistently campaigned for a comprehensive review of planning fees and resources towards a full cost recovery model.**

**Successful city region planning is the keystone for wider economic growth and prosperity for Scotland, particularly and focused on Glasgow and Edinburgh and they may require a bespoke solution.**

The introduction of Local Place Plans may not be the only solution to generate greater community engagement and trust in the planning system. HOPS believes that existing plans at the spatial and community planning levels are sound, provided they are better integrated and joined up.

The possibility of an infrastructure levy is one way of assisting local authorities to provide much needed infrastructure, but the sums generated will not be sufficient. **National funding for key projects will be required as well as an overhaul of all existing funding mechanisms.”**

#### HOPS additional comments

HOPS acknowledges that the Planning Bill is only one aspect of the planning reforms being proposed but it has to be seen in that wider context and not in isolation. The Bill is changing the legislative basis for planning at national, regional and local level, together with minor adjustments to processes and procedures and these matters have been clearly set out.

The Bill itself is clear in identifying the key change areas but because the detail has to follow in many cases the actual operational and financial impacts are difficult to fully appreciate. The broad direction of travel of simplifying and streamlining the current system is supported by HOPS.

During the review process the 2 main issues were identified as **Infrastructure Provision** and the **Adequate Provision of Quality Housing**. HOPS does not feel that these priority areas have been adequately addressed and requests that both these areas are subject to further work, consultation and scrutiny.

The 2 areas where HOPS disagrees with proposals set out in the Bill, **Local Place Plans and Regional Partnerships**, should be the subject of further Parliamentary scrutiny, following a revised approach which allows for more options and alternatives to be considered. HOPS believes that these are unnecessary changes which will unnecessarily complicate an already complicated policy landscape.



There are no changes proposed in the Planning Bill to the existing appeal arrangements and this is seen as a missed opportunity to better balance the rights of appeal or to consider very limited rights of appeal. HOPS does not favour an Equal Rights of Appeal procedure, formerly known as Third Party Rights, but strongly supports the notion of earlier and fuller engagement with all parties, a new vetting and scrutinising element in plan making, which should lead to decision making being taken locally, by the local planning authority and more limited interventions by Scottish Ministers and DPEA Reporters.

As we have said earlier the planning system does not exist in splendid isolation and it must integrate and respond to other local government reviews, changes to related legislation and we must avoid the tendency to create “unintended consequences” across different legislative themes. E.g. The implementation of the new socio - economic duty, the legislation which sets out early years targets/provision in education.

Land reform issues have been well documented recently and HOPS believes that this is priority area of intervention to influence/control inflated land values if our agreed targets and aspirations for more new housebuilding, across all sectors/groups is to be achieved.

## **HOPS CONCLUSIONS**

HOPS considers that the Scottish Government has consulted widely and in a participative manner throughout the review process, and HOPS has contributed positively, with support, queries, recommendations and criticisms where appropriate. We will continue to work proactively with SG. The direction of travel outlined in the Bill is welcome and partly responds to the 3 strategic objectives identified by HOPS on page 1. More needs to be done however and HOPS looks forward to continuing to work jointly with the Scottish Government and other key stakeholders to ensure we achieve our joint aims for wider improvements and enhancements to the planning system.

Our shared ambitions include,

- A properly resourced planning system with the capacity to deliver the improvements we all believe are needed
- Further reducing bureaucracy and processes
- Enhancing public engagement, participation and involvement using current exemplars
- Creating more trust and confidence for all parties
- Re-focusing on people, places and quality
- Planning as a facilitator and investor rather than negative and controlling
- Planning as the springboard and catalyst for economic growth and prosperity across Scotland

These have to be assessed against the Planning Bill and wider Planning Review and related proposals.

## **ADDITIONAL NOTES:**

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