
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

**Title: CNPA RESPONSE TO THE PLANNING
(SCOTLAND) BILL**

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Purpose of Report

To ask the Planning Committee to consider and approve the CNPA's response to the Planning (Scotland) Bill.

Recommendation

That the Planning Committee approve the CNPA's response to the call for evidence on the Planning (Scotland) Bill.

Background

1. The Scottish Government commissioned an independent review of the Scottish planning system in late 2015. The CNPA contributed to the review process and provided evidence to the relevant committee. The report of the independent review panel, *'Empowering planning to deliver great places'*, was published in May 2016 and set out a number of recommendations for change.
2. The Scottish Government published its initial response to the review panel's recommendations in July 2016 and then published *'Places, people and planning: a consultation on the future of the Scottish planning system'* in January 2017. This sought views on 20 proposals for improving the Scottish planning system. The CNPA responded to the consultation on *'Places, people and planning'* in April 2017. In June 2017, the Scottish Government published a position statement taking account of responses to the consultation and proposing a number of changes to existing planning legislation.
3. The Planning (Scotland) Bill, which was introduced to Parliament on 4 December 2017, intends to take forward the Scottish Government's proposed legislative changes to the planning system. The Bill is now being subject to Parliamentary scrutiny, and the Scottish Parliament's Local Government and Communities Committee has issued a call for written evidence on the Bill's proposals. The closing date for submissions of written evidence is 2 February 2018.

Summary of Bill Proposals

4. The Planning (Scotland) Bill and an associated Policy Memorandum, which provides an explanation of the Scottish Government's policy intentions behind the Bill, can be viewed in full at <http://www.parliament.scot/parliamentarybusiness/Bills/106768.aspx>
5. The Bill contains a range of provisions that aim to strengthen processes, engagement and participation rights across the planning system and to improve delivery of the planning service. It comprises five main parts, summarised below, and a final sixth part which deals with other minor and ancillary provisions.
6. Part 1 of the Bill aims to strengthen and reaffirm the role of the development plan in setting a clear and deliverable vision of where and how areas will develop. It aims to enhance the status of the National Planning Framework, incorporating Scottish Planning Policy and bringing it within the statutory development plan. Whilst not directly relevant to the CNPA, this part of the Bill removes the existing requirement to produce Strategic Development Plans.
7. Part 1 of the Bill also makes amendments to the processes for producing Local Development Plans (LDPs). These amendments include: extending LDP timescales from 5 to 10 years; removing the current requirement to produce a Main Issues Report and replacing it with a draft plan stage; introducing an independent examination of the evidence gathered to inform plan preparation via a new early 'gatecheck' process; removing the ability to produce statutory Supplementary Guidance; and replacing existing Action Programmes with Delivery Programmes. Provision is also made for the LDP to be amended between full reviews. This part of the Bill also includes a new right for communities to produce their own plans, called Local Place Plans, which may be incorporated within the statutory development plan in certain circumstances.
8. Part 2 of the Bill makes provision for Simplified Development Zones. A Simplified Development Zone grants planning permission for specified types of development within an identified area, removing the need for an application for planning permission for any development within the scope of the scheme. Although Simplified Development Zones can be introduced under existing legislation, the Bill is intended to enable them to be used in a wider range of circumstances than is currently possible.
9. Part 3 makes a number of changes to development management processes. These include amendments to the requirements for pre-application consultation with local communities on applications for national or major developments. This part of the Bill also aims to provide a fairer and more transparent process for renewing existing unimplemented planning consents.
10. Part 4 of the Bill introduces changes that aim to support performance across a range of planning functions. It widens the scope for charging fees for planning functions as well as enabling higher fees to be set for retrospective planning applications and increasing the maximum fines for failing to comply with enforcement action. This part of the Bill also includes a requirement for members of planning authorities to attend

training and/or complete an examination through an accredited provider before they can be involved in taking planning decisions. Provisions are also made to increase scrutiny of planning authority performance, including: a statutory requirement to produce annual performance reports; the appointment of a national planning performance co-ordinator; and powers for Scottish Ministers to conduct assessments of planning authorities' performance and pursue improvements.

11. Part 5 makes provision for the introduction of an infrastructure levy payable to local authorities, linked to development, which can be used to fund or contribute to infrastructure projects that can incentivise delivery of development.

Proposed Response to Call for Evidence

12. The Scottish Parliament's Local Government and Communities Committee has issued a call for written evidence on the Bill's proposals. Views are being sought in response to 12 specific questions. The proposed CNPA response to these questions is attached at Appendix 1.

Next Steps

13. Following Planning Committee consideration and approval, the proposed consultation response will be submitted to the Scottish Parliament's Local Government and Communities Committee.
14. Officers will provide updates to the Planning Committee as and when further information is available on the Bill's progress through Parliament.

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Appendices

- I. Proposed Response to Local Government and Communities Committee Call for Evidence