

PLANNING REFORM: NEXT STEPS

Scottish Government's key actions on planning reform



Planning Reform: Next Steps (March 2012) set out the Scottish Government's vision and approach on planning modernisation. The document set out a programme of action to consolidate and intensify planning modernisation. It focused on simplification, streamlining, as well as greater emphasis on place making and quality of outcomes.

To support the priorities of **promoting a plan-led system, driving improved performance, simplifying and streamlining** and **delivering development** the Scottish Government sought views through stakeholder events. In addition it published the following consultations:

- Development Plan Examinations Consultation 2012
- Consultation on Fees for Planning Applications 2012
- Consultation on Miscellaneous Amendments to the Planning System 2012
- Consultation on the General Permitted Development Amendment Order 2012
- Development Delivery Consultation 2012

Current Priorities and Way Forward

The responses to the consultations were analysed and published in September. The table on the following pages presents the Scottish Government's response to the specific items discussed in each consultation paper. We are continuing to provide additional support to planning authorities including sharing Best Practice and piloting innovative ways of working.

Along side this programme, the preparation of Scotland's third National Planning Framework (NPF3) and the review of Scottish Planning Policy (SPP) are on schedule. The Main Issues Report for NPF3, which will be published for consultation in March 2013, will explore what planning can do to help realise our ambitions, by identifying key opportunities and exploring what this will mean for Scotland as a place.

To address the challenges for creating a high quality built environment we will be shortly publishing a policy on architecture for Scotland. Alongside this we will be placing greater emphasis on the successful implementation of the policy Designing Streets. These will help us achieve better place-making.

A record of progress with each of the actions set out in Planning Reform Next Steps is available on the Planning Reform pages of the Scottish Government website www.scotland.gov.uk/Topics/built-environment/planning/reform

Challenge	Consultation findings	Way forward
<p>PROMOTING A PLAN LED SYSTEM In response to users' concerns about their experience of the revised development plan examination process, views were sought on possible refinements and in particular the binding nature of reporter's recommendations in the <i>Development Plan Examinations Consultation 2012</i>.</p>	<ul style="list-style-type: none"> • Few respondents (2%) were in favour of removing independent examinations. • 50% supported retaining the current system with a few improvements. • A general view was that the ability of stakeholders to fully participate in the process is being limited and thus confidence in the system is being lost. • Respondents were divided with regard to the binding nature of the reporters' findings; however, overall slightly more respondents felt the binding nature ensured plans were impartial, met government policy and maintained confidence in the system. 	<ul style="list-style-type: none"> • Our priority will be to ensure development plans are up to date. We will refine the examination process to allow examinations to be completed and plans adopted in a timely manner. Reporters will continue to complete the examination into all issues raised and propose modifications to the plan where appropriate and achievable within a reasonable time frame. Separately from the examination report, they will clearly identify any outstanding deficiencies and identify appropriate actions to resolve them. • This will be delivered by March 2013 through a revised guidance note for reporters and an update to Circular 1/2009. • We will commence a review of Strategic Development Plans in the summer of 2013. Work on sharing best practice, charrettes and project management will continue. • We are preparing Scotland's third National Planning Framework (NPF3) and will consult on our Main Issues Report in March. • Alongside the NPF we are reviewing our Scottish Planning Policy to bring the SPP up to date in light of the economic downturn. • We consulted on an architecture and placemaking policy over summer 2012 and are currently working to develop a policy which responds to the issues raised at consultation.

Challenge	Consultation findings	Way forward
<p>DRIVING IMPROVED PERFORMANCE The <i>Consultation on Fees for Planning Applications 2012</i> took forward the recent findings of the ‘Resourcing a High Quality Planning System: A Consultation Paper’ and Audit Scotland’s review of the impact of Planning Modernisation. An element of the proposed new fee structure was to establish a statutory link between fees and performance.</p>	<ul style="list-style-type: none"> • There was a general concern about the basis of the revised fees, in particular how it related to processing costs, impact on project and organisational viability. • A number of respondents made reference to the need to ensure that there was a direct relationship between increased fees and improved performance. Whilst others felt that the proposed approach could be counter-productive, encouraging rushed decision making and depriving poorer performing authorities of essential resources to improve. • A number of stakeholders to the Next Steps programme said that they would like more clarity on the role of members in particular around early engagement. 	<ul style="list-style-type: none"> • We recognise the resource pressures on planning authorities and will be increasing planning fees by approximately 20% in April 2013. • A high level political group will be established to monitor and improve planning performance. The group will also look at maintaining a link between performance with wider resourcing of the planning system. • We are publishing in early 2013 a Scotland-wide performance report, drawing on the recent reports of the planning authorities, and agencies, under the Planning Performance Framework. Individual feedback will also be given to planning authorities. • We will explore with the Standards Commissioner, COSLA and with SOLAR so that members can have more consistent advice on the issue of early engagement and awareness of developer interest, particularly on major developments. • We are providing funding to support a variety of projects including £673,000 to planning authorities struggling with applications for wind farms; £36,000 to Planning Aid for Scotland to get young people involved in planning; £20,000 to Planning Aid for Scotland to deliver pilot projects to investigate alternative ways to deliver charrettes and £20,000 to Heads of Planning Scotland for training support.

Challenge	Consultation findings	Way forward
<p>SIMPLIFYING & STREAMLINING PROCESSES The <i>Consultation on Miscellaneous Amendments to the Planning System 2012</i> proposed a range of changes to simplify administrative processes, including:</p> <ul style="list-style-type: none"> removing the requirement to carry out pre-application consultation when amending a condition associated with a major development. removing restrictions on delegating council interest cases for decision by an officer. streamlining requirements to advertise planning applications. 	<ul style="list-style-type: none"> A high level of agreement with the majority of changes proposed. Most parties wish to see a fairer and more transparent system. Community groups in particular do not always support the role of planning in facilitating development and attach more importance to its role as a system of control. The views varied about the desirability of a more efficient system, with some concerned that more streamlined procedures may be at the expense of quality of output and community participation. 	<ul style="list-style-type: none"> We have started the processes of amending the legislative framework. We have laid legislation in Parliament to amend the Planning Act. In particular, removing the requirement to carry out pre-application consultation when amending a condition associated with a major development. Once these changes have been through the parliamentary process we will bring forward the other amendments consulted upon. It is proposed that the latter will come into force in June 2013, allowing time to, amongst other things, update ePlanning and re-draft Circulars.
<p>The <i>Consultation on the General Permitted Development Amendment Order 2012</i> proposed amendments to permitted development rights for open air markets, hard standing in caravan sites and work undertaken by local authorities, and to extend permitted development rights to charging points for electric vehicles, disabled access ramps on non-domestic buildings, extensions to shops, offices schools, universities, hospitals, nursing homes and pavement cafes.</p> <p>The proposals included the introduction of controls over agricultural and forestry tracks due to the potential environmental and visual impact of these developments.</p>	<ul style="list-style-type: none"> The majority of respondents support the proposed changes. Many raised concerns around the interpretation and definition of some terms in the GPDO. There was also a cross-cutting theme about consistency. The proposal to withdraw PD rights for agricultural and forestry private tracks attracted substantial opposition from rural business interests who cited concerns around costs, bureaucracy and damage to the economy. There was however strong support from environmental interests who believed much damage was being done to the landscape. 	<ul style="list-style-type: none"> A statutory instrument is being prepared and will bring forward the amendments consulted upon. The revised order will not propose any amendments to the controls for agricultural and forestry tracks, subject to a review. We are working with Scottish Natural Heritage to update their guidance on the construction of tracks, and on developing a monitoring framework for the review.

Challenge	Consultation findings	Way forward
<p>Planning Reform: Next Steps highlighted other actions to help streamline and simplify processes including consenting processes and appraisals and the handling of major developments.</p>		<ul style="list-style-type: none"> • Work on streamlining the consenting process and ensuring appraisals are more proportionate is progressing. • In 2013 we will continue to promote greater proportionality in Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Habitats Regulations Appraisal (HRA). • The ePlanning programme has delivered a more efficient planning system and higher quality of service for applicants, communities and stakeholders. In 2013, the Scottish Government will continue to build on the success of ePlanning through a number of key activities including improving online local development plan systems, driving up usage of ePlanning to maximise efficiencies and agreeing a strategy for the ongoing operation and expansion of ePlanning. • We have published a processing agreement template to encourage a project management approach to processing major developments and will continue to actively promote their use. • We are investigating cases where lengthy delays have taken place to identify why cases have been stalled and to consider solutions to these issues in the future.

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<p>DELIVERING DEVELOPMENT The <i>Development Delivery Consultation 2012</i> sought views on the issues and opportunities for facilitating development and infrastructure provision. The consultation paper also considered the introduction of a development charge system in Scotland.</p>	<ul style="list-style-type: none"> • The analysis of the consultation responses found that there was limited support for introducing a Development Charge System in Scotland. • Upfront funding of infrastructure is a barrier to development. There were calls for government funding to be made available to deliver infrastructure which could then be repaid as development proceeds. • Section 75 obligations take too long to agree; are sometimes used where conditions would be more appropriate; there are other means of securing contributions; viability not taken into consideration. • Development plans need to be more flexible and focus on deliverability through the consideration of site viability and the infrastructure required to support delivery. • Continued concerns about: the time taken for applications to pass through the system and for statutory consultees to respond to consultations; negative attitude from individual officers; and the need to streamline supporting information and impact studies which accompany applications and additional consents. 	<p>Our focus will be on ensuring planning obligations are flexible and proportionate and that greater emphasis is placed on deferred or phased payments. In addition:</p> <ul style="list-style-type: none"> • We are working with planning authorities pioneering new methods of funding infrastructure upfront, and will promote examples of successful practice. • We have revised Circular 1/2010, emphasising the importance on ensuring s75 obligations are concluded quickly and greater consideration of development viability is taken into account, including the use of phased payments. We are working with planning authorities to explore the scope for model s75 obligations. • We are pursuing implementation of the statutory requirement for development plans to be reviewed on a 5-year cycle through the performance framework. • We are working with stakeholders to reduce unnecessary costs and delays through a more proportionate and project managed approach to processing applications.