

Places, People and Planning – A consultation on the future of the Scottish planning system

RTPI Scotland response

31 March 2017

Contents

<u>Overview</u>	3
<u>The New Urban Agenda</u>	3
<u>Outcomes, Behaviours and Principles</u>	3
<u>Beyond a Planning Bill</u>	5
<u>Response to Consultation Questions</u>	5
<u>Making Plans for the Future</u>	5
<u>People make the system work</u>	11
<u>Building more homes and delivering infrastructure</u>	14
<u>Stronger leadership and smarter resourcing</u>	17
<u>Technical questions</u>	21
<u>Contact details</u>	22



RTPI Scotland

mediation of space · making of place

The Royal Town Planning Institute (RTPI) is the champion of planning and the planning profession. We work to promote the art and science of planning for the public benefit. We have around 2,100 members in Scotland and a worldwide membership of over 24,000. We:

- support policy development to improve approaches to planning for the benefit of the public;
- maintain the professional standards of our members;
- support our members, and therefore the majority of the planning workforce, to have the skills and knowledge they need to deliver planning effectively;
- maintain high standards of planning education;
- develop and promote new thinking, ideas and approaches which can improve planning;
- support our membership to work with others who have a role in developing places in Scotland; and
- improve the understanding of planning and the planning system among policy makers, politicians, practitioners and the general public.

Overview

RTPI Scotland welcomes the opportunity to make a substantive response to this consultation, and acknowledges the open and collaborative approach that the Scottish Government has taken to the ongoing planning review process.

Our response is informed by extensive consultation with our membership. Six workshops have been held across Scotland, each using small group discussion to interrogate review proposals regarding development plans, infrastructure, housing, collaborative planning, and leadership, skills and resources. Our Executive Committee and Sub Committees have discussed the consultation proposals at length. RTPI Scotland also provided a briefing to MSPs in advance of the Government debate on the planning system which took place on 26 January 2017.

We have provided answers to the vast majority of the consultation questions. These answers are led by general comments regarding the behaviours and principles that we believe must be nurtured in the Scottish planning system. It is also essential to emphasise the role for both adequate resourcing and other professions and sectors, in the successful delivery of the ambitions articulated in *Places, People and Planning*.

Finally, a number of RTPI Scotland working groups, led by members of our Executive Committee, have prepared a series of thinkpieces that make more detailed proposals for specific areas of reform. These will be published in the coming days, and where relevant are referenced in our answers to the consultation questions. The thinkpieces consider

- introducing a statutory Chief Planning Officer in local authorities;
- how to realise an Infrastructure First approach to development;
- making local place plans work;
- the new development planning process; and,
- getting housing delivered.

The New Urban Agenda

The United Nations Conference on Housing and Sustainable Urban Development (known as Habitat III) took place in Quito, Ecuador in October 2016. It was the biggest United Nations conference in 20 years and included all UN departments, nation members and civil society groups. The aim was to set a new global development agenda for sustainable, resilient urban development over the next 20 years. This includes cities, towns and villages worldwide; how they are planned, managed, developed, financed and adapted to fulfil their role as drivers of sustainable development and help implement the Sustainable Development Goals and the Paris Climate Change Agreement.

The outcome is contained in the New Urban Agenda and is an extension to the 2030 Agenda. It is not legally binding but provides a framework for how cities should be sustainably planned, developed and managed in future.

The UK Government is a signatory to the New Urban Agenda. The principles and governance that it espouses apply in Scotland. The Scottish planning system will clearly have an important role in implementing the sustainable development measures included in the New Urban Agenda, and so any changes to it should be designed with it and the other international agreements that frame it in mind.

Outcomes, behaviours and principles

As the review of the Scottish planning system progresses it is important to reflect on its original purpose; to improve outcomes while streamlining and simplifying the planning system.

In November 2016 in anticipation of this consultation RTPI Scotland published *Repositioning Planning: Building a more successful and sustainable Scotland*. This vision for the Scottish planning system endorsed the four outcomes for the planning

system as defined by the National Planning Framework and Scottish Planning Policy. They are:

- A successful, sustainable place - supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places
- A low carbon place - reducing our carbon emissions and adapting to climate change
- A natural, resilient place - helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use
- A more connected place - supporting better transport and digital connectivity

There must be a clear line drawn between the changes that are to be made to the system, and the improvements in outcomes they are designed to effect. RTPI Scotland believes that a planning system that achieves these outcomes will need to be underpinned by a certain way of working, and will be:

- a **corporate and collaborative** service that supports and influences investment and policy across local and national government
- a **frontloaded and proactive** system to allow for community and stakeholder engagement and agreement on the priorities for an area and who is going to take them forward
- able to **deliver development** by ensuring the vision for an area is viable and resourced
- recognised as a valuable way of **providing solutions** to complex issues, and **resourced** to fulfil this task

By embedding this way of working in the planning system we believe that planning can be repositioned, enabling the more effective collaboration that is needed between sectors and professions to deliver better development outcomes for Scotland. We want to see the perception of planning transformed, from being seen as:

- A drain on resources
- Creating uncertainty
- Working in silos
- A manager of conflict between different interests
- Unnecessary red tape and regulation
- An overly complex process

To

- A way of working that invests in and adds value to Scotland's assets
- A source of certainty and predictability for all stakeholders
- An instigator of collaboration and integration
- A facilitator for all those who want to make best use of Scotland's land and buildings
- Enabling the right development in the right places
- Proportionate and flexible

In our response to the Scottish Government consultation questions RTPI Scotland has aimed to embed these principles in all of our practical suggestions. In particular, *Repositioning Planning* proposed a number of 'gamechangers'; reforms to the planning system that RTPI Scotland believes apply the principles above with the ultimate aim of realising better and more sustainable outcomes for Scotland. The four headline gamechangers are:

1. Introduce a National Development Plan which looks at how we will resolve national issues, including getting more houses built and keeping the lights on
2. Make sure that every council has a statutory Chief Planning Officer
3. Allow for a Community Right to Plan

4. Introduce full cost recovery for planning applications and ring-fence money raised for development management

Where relevant we have referenced these gamechangers in our answers to the consultation questions, highlighting where these could help the Government to implement its ambitions.

Beyond a Planning Bill

RTPI Scotland is hugely encouraged by the ambition for the planning profession expressed in *Places, People and Planning*. Legislative and policy change will play a role in fulfilling this ambition. We also acknowledge that it demands culture change in the planning system, and framed by the principles outlined in the paragraphs above we will continue to do all we can to support this.

We cannot do this alone, however. Decisions on future approaches to infrastructure, community planning, City Region Deals, resourcing, public finance and community capacity will have an impact on the effectiveness of the system. Indeed, it could be argued that these will be higher-impact gamechangers than those included in the Planning Bill. Given this we would encourage Scottish Government to ensure that the other sectors with which planning works are positioned to take greater account of the role of place in delivering their priorities. Infrastructure, education, health, social care, environmental conservation and enhancement: All are areas where the relationship with planners must be reconfigured, so that places and geography are always taken into account in decisions about the future of communities across the country.

This approach includes cooperation at the national level, and we urge the government to ensure that the coming changes to the planning system are integrated with other elements of its wider agenda. For example, Community Empowerment, Land Reform, the Enterprise Skills Review and the coming review of the National Transport Strategy.

The ambitions outlined in *Places, People and Planning* will not be achieved without collaborative working. But, equally important will be proper resourcing. RTPI Scotland analysis of data in the Planning Performance Framework shows that between 2009 and 2015 23% of planning roles were lost from planning authorities, while 32.5% was lost from planning budgets over the equivalent time period. These figures illustrate clearly the reported trend that local government has fewer planners, working harder. Only 63% of the cost of processing planning applications is recovered by local authorities, and 0.57% of total local authority budgets is spent on planning services. Section D of the consultation raises important issues about delivering a better service for end users. The majority of these users will engage with the development management elements of the planning system. Meanwhile, with a welcome emphasis on frontloading planning processes and decision making, the consultation proposals also include major implications for development planning. RTPI Scotland therefore highlights the need to ensure that costing and subsequent decisions about resourcing any changes to the planning system do not neglect the need for investment in development planning.

RTPI Scotland suggests that following this consultation fully costed plans should be published for consideration. This will help to ensure that the Government's plans for change can be properly resourced and will support a key objective of the planning review; to streamline and declutter the planning system.

Response to consultation questions

Making plans for the future

A. Do you agree that our proposed package of reforms will improve development planning? Please explain your answer

RTPI Scotland agrees that there is potential for the reforms proposed in *Places, People and Planning* to improve development planning. However, careful work will be needed to

ensure that the reforms proposed in this section, and the other areas of the consultation, are both complementary and properly resourced.

1. Do you agree that local development plans should be required to take account of community planning?

RTPI Scotland believes that Community Planning and spatial planning should be reciprocally linked.

In partnership with Nick Wright Planning and DPT Urban Design RTPI Scotland has carried out research examining how spatial planning and Community Planning could be better integrated. The outcome of this research is a routemap developed to support those involved in community planning and spatial planning to recognise practical ways of working together.

The routemap was developed through close examination of three Community Planning Partnership (CPP) and Planning Authority areas: East Ayrshire, City of Edinburgh, and Highland. These were chosen to provide a range of circumstances and scales to maximise the replicability of the lessons learned. The three areas had also demonstrated some existing practice, identified through an initial research stage.

The key opportunities identified for practical action were:

- Community Plans should be the 'Sovereign Plan' for the local authority area. This means that it would be one and the same document as the local authority Corporate Plan, with the Local Development Plan (LDP) seeking to deliver its spatial elements.
- Spatial planners should be recognised as key people in the CPP's in-house delivery team, contributing their land use and infrastructure knowledge and contacts and expertise in project delivery.
- Key engagement stages during preparation of the Community Plan, Local Outcomes Improvement Plan and LDP should be shared so the public sees them as one consultation.
- There is potential to extend the initial stages of LDP preparation to engage local communities as well as developers. Sharing engagement this way would allow frontloading of both Local Development Plans and Community Plans.
- Greater use should be made of Local Development Plan Action Programmes as helpful tools for co-ordinating and progressing delivery of Community Planning Partnership (CPP) projects and infrastructure.
- Local Outcomes Improvement Plans and Locality Plans are good starting points for collaborative working between Community Planning and spatial planning.

RTPI Scotland suggests adding to the above list the importance of training spatial planning and Community Planning participants so that all parties are better aware of others' roles and responsibilities.

As outlined above RTPI Scotland strongly supports closer alignment of Community Planning and spatial planning. It is important however to acknowledge the political and ethical pressures that this could place on planning officers. For example, if a shortfall in education infrastructure is identified by a Community Planning Partnership, all involved in the partnership (including planning) may be concerned about the delivery of new homes while that shortfall still exists. Meanwhile the need for new housing in Scotland continues to be critical. The decision on how to proceed in a situation like this would be extremely complex, and planning officers must retain the independence to make such a decision in the public interest having weighed all material considerations.

2. Do you agree that Strategic Development Plans (SDPs) should be replaced by improved regional partnership working?

Yes. RTPI Scotland understands that the Scottish Government has accepted the conclusion of the independent panel that Strategic Development Plans are not influential enough in all of their areas of coverage across Scotland.

We continue to believe however that strategic planning is essential to achieving the best possible development outcomes across political and geographical borders. *Places, People and Planning* says ‘...we recognise that strategic planning has an important contribution to make to delivering a high performing planning system’. RTPI Scotland is pleased to see this, and looks forward to working with Scottish Government as we and other stakeholders further refine plans for a robust replacement for SDPs.

a. How can planning add greatest value at a regional scale?

At the regional scale planning and planners have a vital role in facilitating collaboration between national and local government, agencies and other stakeholders, with a view to delivery of development whose scope is greater than local. Importantly this can include finding solutions to contentious issues such as where certain types of development, which are in the public interest, should be located.

The strategic overview that planning provides allows a perspective that goes beyond political boundaries to look at a variety of geographies including economic areas, housing market areas, landscape areas and flood risk areas.

b. Which activities should be carried out at the national and regional levels?

Planning at a national scale should establish priorities that apply across Scotland, and guided by desired policy outcomes specify development projects of national importance. RTPI Scotland believes that this approach should be realised through the preparation of a National Development Plan. By including national policy (currently held in SPP) in such a plan, the need for replication across every Scottish LDP would be removed.

At a regional level, we believe that planning has a critical role to play in facilitating collaboration both ‘vertically’ and ‘horizontally’. Vertically, regional planning can broker conversations between the national and local levels, with the end goal of easing delivery of priorities at each respective scale.

Horizontally, planning at the regional level has an important role in coordinating across the many sectoral strategies that direct development in Scotland. These include, in no particular order:

- National Transport Strategy
- National Economic Strategy
- National Energy Strategy
- National Marine Plan
- Land Use Strategy
- Historic Environment Strategy
- City Deals
- Fairer Scotland Action Plan
- National Waste Management Plan
- Regional Transport Partnerships

This list is not exhaustive, but illustrates the broad range of stakeholder conversations that strategic planning has a role in brokering.

c. Should regional activities take the form of duties or discretionary powers?

RTPI Scotland believes that regional activities should be required by statutory duty, and that there should be an obligation for regional planning partnerships to prepare a high level Regional Spatial Strategy. We urge the Scottish Government to refer to and learn from the English experience with the introduction of the ‘Duty to Cooperate’ following the removal of Regional Spatial Strategies in 2010. In Greater Manchester, where the Duty is in part discharged by the voluntary preparation of the Greater Manchester Spatial

Plan, there is strong leadership and political commitment to joint working across the responsibilities of local government. For this reason a discretionary approach to strategic planning works well. However, where there is not political and corporate buy-in to an agreed cross-border approach, some local authorities can be held back by the refusal of others to find agreement on contentious issues. For example, Coventry City Council's Local Plan was refused at examination based on failing to cooperate. The City Council had in fact looked to collaborate with their neighbouring authorities with regard to accommodating housing growth. However, with agreement not reached and the City Council unable to meet housing need and demand inside their boundaries, the Planning Inspectorate deemed that the Local Plan failed to make proper provision for housing growth.

Within a basic statutory framework as described above RTPI Scotland believes that some flexibility in the exact process for collaboration across local authority areas could be beneficial. This would allow each area to pursue the approach that is best based on their particular circumstances.

d. What is your view on the scale and geography of regional partnerships?

As outlined above RTPI Scotland believes that an advantage of the regional partnership approach is the flexibility that it could afford different regions of Scotland to discharge their duties in the context of their particular geographies and circumstances. We therefore suggest that in legislation local authorities are afforded a fixed period to agree the geography of their regional partnership(s). To ensure that all local authorities engage in strategic planning, the Scottish Government could include discretion on their part to designate regional partnerships where agreement is not made between local authorities in accordance with the duty described above.

e. What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?

As with local authorities, all of the stakeholders listed above should have a statutory obligation to participate in regional partnerships, and to find solutions on contentious issues.

Arrangements should also be made for Regional Spatial Strategies to inform a National Development Plan (combined National Planning Framework (NPF) and Scottish Planning Policy (SPP)).

With regard to the role of Scottish Government in particular, RTPI Scotland believes that this should be supervisory. Regional partnership working should be bottom up in nature to best reflect the priorities of the local authorities involved. However, if the Scottish Government were to have legitimate concerns about the geography and scope of a regional partnership, it should have a power of veto over the arrangements proposed. RTPI Scotland anticipates that this power of veto would not need to be extensively used.

3. Should the National Planning Framework, Scottish Planning Policy or both be given more weight in decision-making?

Both. We believe that reshaped SPP and NPF should be combined into a National Development Plan that acts as a vision for Scotland's future spatial development. There is strong agreement amongst our membership that including nationally applicable policies in this plan, with development plan status, would help to streamline local development plan preparation.

a. Do you agree with our proposals to update the way in which the National Planning Framework is prepared?

Yes. We believe that the intention to align SPP and the NPF with the Infrastructure Investment Plan and other national strategies is critical to the success of this review. As we have previously recommended we believe this document would be more accurately termed a National Development Plan.

If Local Development Plans are to have closer ties to a more proactive and visionary National Development Plan, a longer cycle for national policy is desirable. This should match the proposed 10-year timescale for LDPs.

RTPI Scotland supports the proposed extension of Parliamentary consideration of a National Development Plan, as we believe this will better allow the Scottish Government to respond to committee scrutiny of the draft document.

We further propose that following scrutiny the National Development Plan is subject to a Parliamentary vote. Approval by Parliament in this way would raise the profile of planning and place-making in shaping Scotland's future, helping to achieve some of the ambitions to make planning more prominent in corporate decision making at all levels of government.

4. Do you agree with our proposals to simplify the preparation of development plans?

RTPI Scotland agrees that removing the Main Issues Report will simplify and improve the accessibility of the plan-making process.

We sympathise with concerns that a fixed period for plan preparation could be difficult to realise for all local authorities. However, if the ambitions to strengthen the primacy of the development plan included in this consultation paper are to be realised, ensuring up to date, robust plan coverage across Scotland will be essential. We suggest that the Scottish Government considers how it will support planning departments to rapidly prepare a new plan.

There is a need for Scottish Government to consider how the wider changes proposed in this consultation, for example alignment with Community Planning and the introduction of local place plans, will fit with the plan-making cycle.

The RTPI Scotland thinkpiece *Making local place plans work – collaboration rather than conflict*, to be published shortly, makes some suggestions as to how this could be achieved.

a. Should the plan review cycle be lengthened to 10 years?

Yes, on the condition that mechanisms are built in to allow updates if circumstances change notably. RTPI Scotland also advocates greater use of strengthened delivery programmes to focus efforts on delivering key pillars of the plan in a changing context.

b. Should there be scope to review the plan between review cycles?

Yes, if circumstances change notably, for example to the magnitude of 2008. However, there should not be an assumption that the whole plan needs to be updated. Local authorities should be able to update only those parts of the plan affected by the change in question. The obligation to prepare regular monitoring reports could help to fulfil this role.

c. Should we remove supplementary guidance?

RTPI Scotland understands that removing statutory supplementary guidance could help to make the planning system and the guidance and policies it produces more accessible. However, this supplementary guidance can play an important role in updating elements of the plan (along the lines described in our answer to question 4a) where circumstances change within its lifespan. Such guidance can also provide important detail on local issues that allow development management decisions to be made more efficiently. In the context of the Scottish Government's ambition for much simpler and more accessible local development plans, we therefore suggest that national guidance could be provided on this issue. This could assist local authorities in deciding where statutory supplementary guidance may be necessary or not. Likewise it could include detail on the use of non-statutory local advice notes where extra detail is needed but full statutory process is not warranted.

National guidance on this issue could also help to establish good practice in the preparation of non-statutory supplementary guidance, especially regarding community engagement.

- 5. Do you agree that development plan examinations should be retained?
And
a. Should an early gatecheck be added to the process?**

RTPI Scotland supports as much frontloading of the planning system as possible. This means there should be as much early collaboration and decision-making as possible. For this reason we have welcomed the concept of gatechecks, as a means of outlining the context of development planning at an early stage, and reaching agreement on major issues before the development planning process goes into the detail of how these major issues will be delivered on.

If meaningful gatechecks are to be added, to ensure that true front-loading happens and that the workload of all planners and stakeholders is not simply doubled, there will be a need to strongly justify the continued existence of examinations.

- b. Who should be involved?**

A panel representing all relevant stakeholders in the future LDP. This would include but not be limited to the relevant local authority, any applicable Regional Partnerships, key agencies, industry representatives of landowners and developers, community bodies and local schools. The resource implications of gatechecks will need to be taken into account in their design. The process should be one of checks and balances, based on the principle of peer review of both the plan evidence base and the proposals for addressing the implications of that evidence.

- c. What matters should the gatecheck look at? and
d. What matters could the final examination look at?**

The answer to this question will depend on the final decision that the Scottish Government makes regarding the introduction of gatechecks and the possible removal or slimming down of examinations. However, whatever arrangements are put in place the gatecheck and/or final examination should focus on whether the LDP is in conformity with a National Development Plan.

- e. Could professional mediation support the process of allocating land?**

Yes.

- 6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?**

RTPI has supported Planning Permission in Principle for some time, and continues to support the reasoning behind it; that sites allocated in a development plan that have therefore passed through a rigorous process of testing and consultation should be accelerated to delivery. However, we understand that the Government has concerns about the feasibility of implementing the measure, and the scale of the impact it could have. We urge the Government to carry out further research into procedures for easing the delivery of the development plan, including by prioritising the processing of planning applications for allocated sites.

Using 'investment ready zones' could be a way of achieving this. It is good planning practice to target sites allocated in the development plan and explore how the local authority or other public bodies can overcome any obstacles to their delivery.

- 7. Do you agree that plans could be strengthened by the following measures:
a. Setting out the information required to accompany proposed allocations**

Yes. As much information as possible should be available upfront to allow local authorities to make informed and balanced decisions. There should be clarity across

Scotland for landowners and developers regarding the type and detail of information that they will be expected to provide.

b. Requiring information on the feasibility of the site to be provided

RTPI Scotland agrees in principle with this proposal but it is important to acknowledge challenges to its realisation. In particular members working in local authority areas with less buoyant housing markets have highlighted that this could undermine the work of planners in improving the feasibility of sites through working with landowners, infrastructure providers and agencies. Developers are also likely to be reserved about releasing this information for commercial reasons.

If this information is made available, it will be important to ensure that all local authorities have access to the skills needed to assess and make judgements on it.

c. Increasing requirements for consultation for applications relating to non-allocated sites

Yes. RTPI Scotland supports a front-loaded system of development. We therefore agree with all measures targeted at improving the viability of sites allocated, through a plan-led process, in the development plan.

d. Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application

Yes. It would be beneficial to introduce processes that aim to remove potential barriers to delivery early on. We suggest that the need for statutory consultation with key agencies on the principle of development could be removed where this consultation has taken place during the development planning stage.

8. Do you agree that stronger delivery programmes could be used to drive delivery of development?

Yes. There is very strong agreement among RTPI members that the system is itself not responsible for low housing delivery. This is a much more complex issue to do with financing and infrastructure. Stronger delivery programmes; project management plans framed by corporate leadership and collaboration, could be effective tools for overcoming these barriers.

a. What should they include?

Delivery programmes should be project management plans. They should anticipate potential barriers to delivery, and identify the organisations, people and resources needed to overcome those barriers. Sites should not be carried forward into successive LDPs if a delivery programme has been unable to overcome barriers to delivery.

Delivery programmes should have a feedback loop into plan updates and revisions.

People make the system work

B. Do you agree that our proposed package of reforms will increase community involvement in planning? Please explain your answer.

Proposals to link Community Planning and spatial planning engagement could increase community involvement in planning, as could more use of the Place Standard Tool.

RTPI Scotland remains concerned that the framework for local place plans does not address many of the questions that the introduction of a new tier of statutory development plan provokes. In particular, ensuring that more and a greater diversity of communities are able to influence development planning in their areas. Without considerable extra resource, these plans are likely to be prepared by those communities who are already very involved in the planning process.

The RTPI thinkpiece *Making local place plans work – collaboration rather than conflict* is a starting point for resolving some of these issues.

9. Should communities be given an opportunity to prepare their own local place plans?

In principle RTPI Scotland supports this proposal, in line with its support for the principle of ‘a community right to plan’. *Making local place plans work – collaboration rather than conflict*, to be submitted shortly to Scottish Government, offers more detail on how these plans could be brought forward. Two routes for preparation are proposed: In line with our answer to question 1 the first route would be local place plans that emerge from Local Outcome Improvement Plans. The second route would be available to areas designated for ‘major change’ through local development planning.

RTPI Scotland believes that given acute resource limitations in local and national government at present, specifying the routes for preparing local place plans would help to ensure that they succeed in making the planning system more inclusive. These plans will demand considerable investment of both money and professional support. Directing this resource to priority areas would be a means of ensuring fair distribution.

These arrangements would not affect the current ability of other communities who wish to prepare community action area plans that are not local place plans to do so, and for those plans to be used as supplementary guidance where they are in conformity with the local, regional and national planning framework.

a. Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?

Before reaching a conclusion on where local place plans should sit in the plan cycle, more information is needed on how such plans would work. RTPI Scotland recommends that the Scottish Government refers to the experience in England during the introduction of Neighbourhood Plans. While the context in Scotland, especially of Community Planning, is clearly different, there are lessons that can be learned regarding procedure and inclusiveness.

b. Does Figure one cover all of the relevant considerations?

Figure one suggests that local place plans should be ‘generally in line’ with local and national policies and other legislation’. If local place plans are to be treated as statutory we suggest that they should be in ‘full conformity with local and national policies and other legislation’.

Using a referendum system to approve local place plans, while a neat solution to a complex problem, undermines the duty of the planning system to make decisions in the full public interest. In England only those living within the Neighbourhood Area to which the Plan applies vote in the referendum. This arguably denies the right to have a say to those who do not live in an area but have another interest in it.

10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?

Yes, on a similar basis to the requirement to consult with key agencies. RTPI Scotland also supports this duty being extended to any other appropriately ‘registered’ community bodies.

a. Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?

There should be an ongoing dialogue between community councils and other ‘registered’ community bodies as part of the cycle of work associated with Community Planning and spatial planning. This includes notification of the different stages of the Local Development Plan preparation process and the opportunities included in this for participation.

11. How can we ensure more people are involved?

Joining up Community Planning and spatial planning community participation could help to overcome 'consultation fatigue', and therefore encourage greater involvement from a greater number and wider diversity of people. There are several community engagement and participation tools already in wide use in Scotland, including the Place Standard Tool and Charrettesplus. Tools such as these should be used as much as possible to make engagement easier, more relevant, and less time consuming.

a. Should planning authorities be required to use methods to support children and young people in planning?

Yes. There is strong support across RTPI Scotland membership for including children and young people in the planning process more. There has been a suggestion that there should be a minimum quota for the proportion of schoolchildren within a local authority reached through development planning consultation.

Members of RTPI Scotland provide voluntary support for a large number of community engagement initiatives run by PAS, UrbanPlanUK and the Institute's own Ambassadors Programme. 20% of RTPI Scotland members are registered volunteers with PAS, helping to deliver programmes that encourage active citizenship and engagement with place-making among school children.

12. Should requirements for pre-application consultation with communities be enhanced? Please explain your answer(s).

Yes. We are aware of concerns from our own membership and other stakeholders that pre-application consultation too often consists of no more than the minimum statutory requirements. There are however some good examples that show the potential for improvement.

We also support yet further enhanced requirements for applications for development that are not allocated in the development plan. In line with our support for a frontloaded planning system RTPI Scotland believes that positive and proactive engagement should primarily take place during the plan-making process. However, clearly there are circumstances in which off-plan sites come forward for delivery. In this case we suggest that these sites should be subject to the same rigour of assessment, including by the local community, as sites allocated through development planning.

a. What would be the most effective means of improving this part of the process?

As part of preparing development plans local authorities are required to demonstrate how they have taken comments on the plan into account. RTPI Scotland suggests that a similar process should be in place for community engagement surrounding off-plan sites. Introducing a feedback loop could help to reassure communities that efforts have been made to take their suggestions and concerns into account.

b. Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?

We note the suggestion that local authorities and community councils agree procedures for PAC on off-plan sites. To try and make reaching this agreement easier, could Scottish Government, possibly in partnership with Heads of Planning Scotland, provide a loose framework regarding what PAC should consist of?

c. Are the circumstances in which PAC is required still appropriate

If local place plans are introduced any sites allocated in that area will have already been subject to an additional round of community engagement. We therefore suggest that PAC should not be required on any sites included in both an LDP and local place plan.

d. Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?

No comment.

13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?

Yes. RTPI Scotland supports this proposal in all circumstances, but especially where the relevant application is for an off-plan site. This would help to ensure that any sites allocated through the development planning process would be accelerated to delivery.

14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?

Yes. There is consensus among RTPI members that treating breaches of planning enforcement more seriously will help to improve public trust in the system.

**15. Should current appeal and review arrangements be revised:
a. for more decisions to be made by local review bodies?**

It is important to achieve a balance between local democratic decision making and making the best public interest decision. If more cases are to be decided by Local Review Bodies, we suggest that this is subject to more comprehensive training in the context and constraints of planning and place-making for LRB members.

b. to introduce fees for appeals and reviews?

Yes. Given that planning appeals are with respect to the planning balance of a decision, and not a judgement on the legal validity of that decision, RTPI Scotland would support the use of appeal fees in the context of seeking a properly resourced planning system.

c. for training of elected members involved in a planning committee or local review body to be mandatory?

Yes. Training in the technical aspects of the system is important. However, arguably even more important is training in understanding the context and constraints of planning and development. It is important to highlight to local politicians the positive impact that planning can have on an area, through good placemaking and investment. It is also important to highlight that major planning decisions can have an impact well beyond their immediate locality, including on the delivery of agreed national priorities.

d. Do you agree that Ministers, rather than Reporters, should make decisions more often?

No comment.

16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

No comment.

Building more homes and delivering infrastructure

C. Will these proposals help to deliver more homes and the infrastructure we need?

Not alone, no. Planning alone cannot solve the challenge that Scotland faces with regard to infrastructure and housing. These proposals could help, especially combined with other measures aimed at improving leadership and repositioning planning in corporate decision making. But, cooperation and support from other sectors and professions will be essential for success.

It is also important to highlight the support for other sectors that will be essential for success. For example, a discussion at the Cross Party Group on Construction pointed out the shortage of trade skills in Scotland and the impact this has on delivery of housing.

17. Do you agree with the proposed improvements for defining how much housing land should be allocated in the development plan?

Yes. We particularly welcome the development of the HNDA tool to assist planners with understanding housing need and demand under changing circumstances. It will remain important however to ensure that local authorities have access to the skills for using these tools effectively, and understanding the outcomes in their market context. RTPI Scotland would also welcome clarification from the Scottish Government regarding whether national housing aspirations will be 'targets' or 'ranges'.

18. Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application

Yes. As well as the provision of this information, it will be important to ensure that local authorities have the skills available to make judgements on it.

19. Do you agree that planning can help to diversify the ways we deliver homes?

In partnership with other sectors, yes.

For example, as part of the Maryhill Transformational Regeneration Area Glasgow City Council has rolled out the Bantaskin Street Project. This allocated one hectare of land for the development of six self-build homes. The project is led by a Self Build Coordinator sat within the housing team, but working closely and proactively with the planning team to develop the design code for the site. While small in scale to begin with, once procedures are designed for financing and progressing the upfront servicing of this site, it is likely to become more easily replicable on further, bigger, sites. The RTPI is working with the National Custom and Self-Build Association on capacity building for this delivery channel across the UK.

The Scottish Futures Trust National Housing Trust programme is a further example of the kind of tool available to planners to kick start stalled development sites in partnership with colleagues working in housing teams.

a. What practical tools can be used to achieve this?

Changes to the Use Class Order could support allocation of sites for particular types of housing. For example, self and custom-build housing and co-housing could be allocated differently to developer promoted and finished housing, with a different use class again applied to Private Rental Sector schemes. This would not necessarily be easily enforced however, and further research on the potential effectiveness would be beneficial.

Masterplanning of sites could also be used by local authority development planning teams to advance delivery of sites, particularly with regard to supporting investment.

20. What are your views on greater use of zoning to support housing delivery?

There was consensus in the feedback received from RTPI Scotland members that zoning alone is too simplistic, and fails to account for the complexity of the barriers to housing delivery. Nonetheless, the proposals for greater use of 'development ready zones' could be strengthened if used as a tool for promoting the use of development briefs and clearer procedures for agreeing and discharging conditions and section 75 agreements.

a. How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?

RTPI Scotland has concerns about continuing to use the name 'Simplified Planning Zones', as it has negative implications about the role of the planning system in guiding development to the most sustainable locations, and ensuring that that development is of a high quality. We therefore suggest using alternatives proposed such as 'consented development zones' or 'investment ready zones'.

We believe that this phrasing better represents the purpose of the tool, to accelerate the delivery of sites allocated through the development planning process. *Empowering*

planning to deliver great places identified consented development zones as an opportunity to increase use of frontloading and masterplanning to promote key allocated sites, and we support this approach. We acknowledge that it can be particularly useful for securing delivery on smaller sites in rural areas. The success of the approach will however be dependent on the availability of upfront funding to pay for the infrastructure and servicing that will make a site deliverable, especially in weaker market areas.

b. What needs to be done to help resource them?

If consented development zones are to be expanded, it is essential that the Scottish Government puts in place clear arrangements for their resourcing. This will include recognising that a conventional planning fee cannot be charged on these sites, and that upfront funding is likely to be necessary in weaker market areas.

21. Do you agree that rather than introducing a new infrastructure agency, improved national coordination of development and infrastructure delivery in the shorter term would be more effective?

There is strong agreement among RTPI Scotland members that there is a need for a new approach to coordinating infrastructure development. We recognise that the resourcing for a new infrastructure agency is not currently available, but welcome the recognition of the need for an alternative approach to national coordination of development and infrastructure delivery.

A national infrastructure fund able to make upfront loans for delivering high priority projects has been suggested as the basis for the new arrangements. An enhanced role for the Scottish Futures Trust could also help to support national coordination.

The RTPI Scotland thinkpiece *Making an infrastructure first approach a reality* considers two proposals for improving infrastructure planning and delivery processes in Scotland; the introduction of a National Infrastructure Unit or Taskforce overseen by an expert board or panel, and arrangements for the administration of a new infrastructure levy.

22. Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?

Robust arrangements for strategic planning will be critical to the success of a new national approach to infrastructure provision, and RTPI Scotland urges Scottish Government to map out the links and feedback loops between the two. As outlined in our response to question 2, greater horizontal and vertical coordination could be a real strength of the new arrangements. RTPI Scotland has also suggested that regional planning partnerships should be statutorily obliged to prepare a Regional Spatial Strategy. These strategies could have a role in identifying regional infrastructure priorities.

It is also important to consider a possible delivery role for LDPs. For example, could LDPs include investment plans, costing the infrastructure necessitated by development plans, and identifying the role for different organisations and funds in meeting this cost?

a. What actions or duties at this scale would help?

As with our answer to question 2, RTPI Scotland believes that the new regional partnership arrangements should include a duty to reach agreement on outcomes, and to prepare a Regional Spatial Strategy.

The list of bodies bound by the new arrangements will also be important. RTPI Scotland suggests that the same bodies bound by regional partnership arrangements should be bound to participate in forward planning and delivery of infrastructure at the national and regional scales.

23. Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?

Yes. Care should be taken however to achieve a reasonable balance between the interests of local authorities and developers.

24. Do you agree that future legislation should include new powers for an infrastructure levy?

There is overall support among RTPI Scotland membership for an infrastructure levy to fund non-local projects, subject to the resolution of a number of questions. These include the cumulative impact of a new infrastructure levy and existing Section 75 arrangements on developers and development viability. It is also crucial that any new fund will be able to deliver infrastructure up front. The possibility of managing the fund to leverage its value has been raised, so as to introduce a long term solution to Scotland's infrastructure challenge.

More detail on how the fund could be administered, especially in relation to stronger national coordination on infrastructure planning and delivery, is included in the thinkpiece *Making an infrastructure first approach a reality*.

RTPI Scotland is disappointed that the Scottish Government has not made proposals for capturing the land value uplift that is created when sites are allocated for development through the development planning or development management system.

If so,

a. at what scale should it be applied?

We suggest that a schedule should be implemented that determines suitable thresholds for eligibility to access the fund. RTPI Scotland recommends that the fund could be accessed by regional partnerships and a National Infrastructure Unit or Taskforce (as outlined in our thinkpiece *Making an infrastructure first approach a reality*), with the purpose of delivering agreed regional and national infrastructure priorities.

b. to what type of development should it apply?

See answer to part a.

c. who should be responsible for administering it?

The most popular option for administration of such a fund is a board appointed from nation-wide regional partnership members and the National Infrastructure Unit or Taskforce as described above. This would hopefully incorporate the diversity of challenges across Scotland into the functioning of the fund.

d. what type of infrastructure should it be used for?

The fund should be restricted to use for non-local projects, identified through regional and national planning as priority issues.

e. If not, please explain why.

Not applicable.

25. Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

Yes, RTPI Scotland supports the ambition to mainstream zero carbon building.

Stronger leadership and smarter resourcing

D. Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.

We agree that if implemented properly, with a view to medium and long term transformation, the measures proposed could support better resourcing of the planning

service. As with other aspects of this consultation though there remains a lot of detail that is unknown.

Places, People and Planning states that 'We want planning to re-establish itself as a visionary profession, rather than the micro-management of the built environment the panel referred to.' RTPI Scotland fully supports this ambition, and looks forward to working with the Scottish Government, the planning profession, and other stakeholders including Heads of Planning Scotland and the Improvement Service to ensure that planners are equipped for the challenges that they face.

RTPI Scotland responded to the Scottish Government consultation on raising planning fees, supporting the proposals it included. The further proposals for changes to the fee structure made in this paper are also welcomed. We continue to believe however that the full benefit of an increase in fees will not be felt unless any increase is ring-fenced for reinvestment in the development management service.

26. What measures can we take to improve leadership of the Scottish planning profession?

RTPI Scotland has advocated the introduction of 'Chief Planning Officers' in each of Scotland's 32 local authorities. We need to make sure that strategic decisions taken by local authorities and Community Planning Partnerships are not taken in isolation. The implications of new investment and new development need to be assessed and planned for. The role of a Chief Planning Officer for each planning authority should be established in legislation to ensure expertise about place and spatial planning at senior management level. This should set out where they would need to be involved in decision making within and beyond the planning service. It would also establish how and when the Chief Planning Officer would be required to be involved in strategic decision making. We believe that this emphasis on leadership in planning will result in a better planned approach to service delivery and development with benefits for places and people. The thinkpiece published by RTPI Scotland alongside this response, *A statutory Chief Planning Officer in local authorities*, explores this proposal in more detail.

As well as officer leadership RTPI Scotland believes that stronger local political leadership on forward planning is essential. Too often we hear of planning as at best disinteresting to local politicians, and at worst a source of conflict. Planning is one of the most important tools that local politicians have at their disposal to effect real change in their communities. Training for politicians will be essential here. This training should not just focus on process, but also on the context and constraints within which planners and planning operates, along with the opportunities that planning can create for local investment and placemaking.

We recommend that Scottish Government takes a long term view of developing leadership skills in planning professionals, and works with the RTPI and Scotland's accredited planning schools to develop this theme in planning curricula.

27. What are the priorities for developing skills in the planning profession?

Separate to this response RTPI Scotland will submit a paper to Scottish Government, *Developing Skills, Behaviours and Knowledge to Deliver Outcomes*. This paper outlines the importance of key technical planning skills and generic skills including collaboration, leadership and communications. It also states that there is a need to combine skills development with approaches aimed at reinforcing individual and organisational behaviours and culture whilst looking to identify and fill knowledge gaps.

The paper also outlines how there is a need to embed personal and skills development in organisations and that this should be promoted through planning authorities' Planning Performance Frameworks.

Developing Skills, Behaviours and Knowledge to Deliver Outcomes also says that if we are to achieve the transformational change aspired to, there is a need to adequately resource any future skills development programme. In doing this any future programme

needs to work across sectors (public, private, voluntary) and where possible proactively work to bring them together. It should also look to work across disciplines in local authorities and Community Planning Partnerships who have an interest, and who it would be valuable to engage, in place based policy and approaches.

A new approach should be guided by a partnership of key organisations who have an interest in ensuring planners are highly skilled, such as those engaged in the Scottish Planning Skills Forum. Key to the success will be providing a single coordination point that becomes the 'go to' place for information and advice on planning skills and sources of training, expertise and good practice. This should involve creating an online portal 'one stop shop' along with a coordinator(s) to link this with skills development activities. This would also be a focal point for information on training, opportunities to share learning, training providers, good practice, opportunities for joint working, benchmarking and taking forward an enhanced skills development programme.

28. Are there ways in which we can support stronger multidisciplinary working between built environment professions?

At the national policy level a great deal of cooperation and collaboration between different built environment professions already takes place. Among others RTPI Scotland works regularly with the Royal Institution of Chartered Surveyors, the Institution of Civil Engineers in Scotland, COSLA, Homes for Scotland, Built Environment Forum Scotland and EnvironmentLINK Scotland. The Scottish Young Planners Network and RICS Matrics host joint CPD events for both planners and surveyors.

These relationships are formalised through the existence of the Scottish Forum for Planning and the Scottish Planning Skills Forum, and we acknowledge the Scottish Government's continued support of these fora for the exchange of ideas and perspectives.

Ensuring that this collaboration that takes place at the national policy level cascades to decision making – nationally, regionally and locally – is strongly related to leadership. The suggestion of introducing Chief Planning Officers in local authorities, described above, is at its core about ensuring that this multidisciplinary approach happens, and that planners are involved in it.

29. How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?

We refer to recommendations from Heads of Planning Scotland regarding how the Planning Performance Framework can be further enhanced; to provide an even more effective tool for measuring and communicating performance of local planning services. There is a need to embed personal development and skills development in organisations. This should be promoted through an obligation for planning authorities to set out what relevant action they have taken in their Planning Performance Frameworks.

Proposed changes focus in particular on 360-degree feedback from the users of local planning services. RTPI Scotland agrees that this is an important means of measuring the quality, not just speed, of both decision-making and final outcomes.

RTPI Scotland also supports the use of a 'concordat', to agree the behaviours and obligations expected from all professionals working in and with planning.

Places, People and Planning suggests using the Place Standard Tool to measure the quality of outcomes from planning, something that RTPI Scotland strongly supports. While there is clear value in using quantitative means to measure impact and outcomes, The Place Standard Tool offers a qualitative alternative, being based on people's experience of places. If a Place Standard Tool based survey were completed on an annual basis, powerful information on trends over time in people's perception of their environment would be gathered. This information could not only be of use for measuring planning performance, but for informing a whole range of other local government

services, for examples Community Planning Partnerships, economic development and Health and Social Care Partnerships.

It is important here to draw out the link between fees, resource and performance. The Scottish Government's proposals for changes to the fee structure are discussed elsewhere in this response: Here, we reiterate that any extra income must be ring-fenced and reinvested in the development management service, to provide a better service for users.

RTPI Scotland believes that all of the performance, leadership and skills ambitions included in this section of *Places, People and Planning* should be incentivised and encouraged by support for investment in skills and service delivery. We do not believe that the threat of punishment will lead to better outcomes for planners or users of the planning system. We therefore once again urge Scottish Government to remove the Penalty Clause.

30. Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?

Yes.

a. Do you have any ideas for how this could be achieved?

As described above regarding measuring performance, the collection of a consistent data set over time, using the Place Standard Tool, could provide a valuable means of assessing how and whether places have changed for the better or worse.

It may also be possible to use existing data sets to measure to what extent national policies as expressed in Scottish Planning Policy are being achieved. For example, do statistics regarding private car use reflect the Scottish Planning Policy ambition to reduce dependence on this means of transport?

31. Do you have any comments on our early proposals for restructuring of planning fees?

RTPI Scotland supports all of the proposals included in paragraph 4.14 of *Places, People and Planning*. As well as better reflecting the cost to local authorities of running a planning service, if implemented proposals such as charging a higher fee for off-plan applications would serve to strengthen the primacy of the development plan - a stated aim of this review.

We urge the Government to go further however, moving towards ring-fencing of development management fees for the purposes of full cost recovery of development management services. Users of the planning service will understandably insist that the higher fees brought about if these proposals are implemented result in a better service. For this to happen, any extra income must be ring-fenced and reinvested in the skills and resources that an efficient and effective development management service needs.

32. What types of development would be suitable for extended permitted development rights?

RTPI Scotland has no comment on the detail of this question. We do however strongly support the Scottish Government's efforts to extend Permitted Development Rights. This will both free up planners' time to spend on more complex issues, and help to incentivise policy delivery.

33. What targeted improvements should be made to further simplify and clarify development management procedures?

There are strong links to question 34 here. Digital transformation offers opportunities to improve procedures by reducing inquiries from applicants and the public, and improving the quality of application material submitted to planning departments.

In the interests of improving efficiency and reducing workloads RTPI Scotland also supports the introduction of a National Validation Standard.

There is also scope for introducing standardised agreements and conditions on certain issues.

34. What scope is there for digitally enabling the transformation of the planning service around the user need?

RTPI Scotland is convinced that there is huge scope for digital transformation of the way we plan and deliver a planning service. The eDevelopment.scot project has been an unequivocal success and should lead the way for further change in the way that planning information and services are delivered at the local and national level.

The Autumn 2016 issue of *Scottish Planner* looked at opportunities in technology and planning. Included were examples of apps that enable wider community engagement and the (SAQP winning) South Ayrshire Local Development Plan Story Map.

We urge the Scottish Government to convene the expert task force referenced in *Places, People and Planning* to identify opportunities for realising this transformation.

Technical questions

35. Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be?

No comment.

36. What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?

It is important to note that many of the proposals in this consultation have major cost implications for both public and private sector delivery organisations, and that a cost assessment is not included.

In our answers to some of the consultation questions RTPI Scotland has identified some particular likely sources of extra cost, and in some cases proposed where the necessary resource could be found. We urge the Scottish Government however to not bring forward new legislation, policy or guidance without a comprehensive understanding of how the practical and culture changes demanded by these will be realised. Without this understanding, there is a real threat that the improvements targeted by this planning review will not be realised.

The issue of cost also provokes the question of the design of the Bill to be used to implement those proposals that require legislative change. The Planning etc. (Scotland) Act 2006 amended the Town and Country Planning (Scotland) Act 1997. It appears unlikely that the Scottish Government will aim to entirely replace the 1997 Act, and therefore we urge the Government to consider how any further changes included in a future Act will be consolidated with both the original Act and amendments made via the 2006 Act.

37. Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?

No comment.

38. Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.

No comment.



RTPI Scotland

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