

# Planning (Scotland) Bill – Additional duties introduced at Stage 2

## RTPI Scotland briefing

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### Context

In briefing MSPs prior to the Stage 2 debate of the Planning (Scotland) Bill RTPI Scotland outlined our concerns that resource implications of the Bill as laid before Parliament, along with the number of amendments tabled, have not been rigorously costed and will place new demands upon the planning service. We pointed out that Heads of Planning Scotland and COSLA had similar concerns. We therefore urged members to be mindful throughout the Stage 2 debate of the expectation on local authorities to implement considerable reforms, with no new resource committed.

### 88 Additional Duties

These concerns have been heightened by the number of further additional duties and responsibilities that have been introduced at Stage 2. Our analysis shows that recent amendments made to the Planning Bill will place up to **88** new duties and responsibilities on planners without resources required to undertake them: **63 new and unfunded duties will be put on planning departments** with a further **25 responsibilities placed on Scottish Government**.

This additional work comes at a time of severe resourcing pressures for planning departments which have already seen a 23% loss of planning staff since 2010.

The new duties include the need planning authorities to ensure that Local Development Plans assess the need for public toilets, water refill points and for preserving disused railway infrastructure.

Adding these new duties to the workload of already stretched planning departments could see the system grind to a halt. If we are not able to process planning applications and agree development plans this means we won't be able to build more new homes, help regenerate our town centres or protect our most treasured buildings and landscapes."

We believe that the aims of the many of the new duties could be covered by existing processes and so are calling on MSPs to take step back to consider if they really need to be included within the Bill. The alternative would be to make sure that there is funding put in place to enable planning authorities to deal with them but this could cost hundreds of thousands of pounds.

### New Duties

The new duties and responsibilities are set out below.

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Stage 2 Amendments	Scottish Government – 25 new duties in total	Planning Authorities – 63 new duties in total
<b>Section 1 – NPF</b>	<b>13 new duties</b>	<b>8 new duties</b>
30/31	<ul style="list-style-type: none"> <li>- NPF must include targets for the use of land in different areas for housing</li> <li>- NPF must be prepared with regard to other relevant policies and strategies (transport, climate change, marine plan, infrastructure etc)</li> </ul>	
32/33		<ul style="list-style-type: none"> <li>- Planning authorities required to provide evidence on housing need and demand specifically to inform the preparation of NPF</li> <li>- Planning authorities required to provide evidence on education capacity to inform the preparation of NPF</li> </ul>
39	<ul style="list-style-type: none"> <li>- NPF is to be approved through the resolution of Parliament Consultation with planning authorities and key agencies is required.</li> </ul>	
71/72 105/106 170		<ul style="list-style-type: none"> <li>- Planning authorities required to provide evidence on 'cultural' issues to inform the preparation of NPF</li> <li>- Planning authorities required to provide evidence on 'built heritage' issues to inform the preparation of NPF</li> <li>- Planning authorities required to provide evidence on capacity of health services issues to inform the preparation of NPF</li> <li>- Planning authorities required to provide evidence on 'health needs of the population of the area' issues to inform the preparation of NPF</li> <li>- Planning authorities required to provide evidence on 'housing needs of older and disabled people' issues to inform the preparation of NPF</li> </ul>
104/211	<ul style="list-style-type: none"> <li>- NPF has to include a statement that considers health effects of development within the framework</li> </ul>	



	<ul style="list-style-type: none"> <li>- NPF must have regard to the desirability of ensuring that the population of rural areas of Scotland increases, and that resettlement is encouraged in rural areas that have become depopulated</li> </ul>	
160/167 168/169	<ul style="list-style-type: none"> <li>- Requires NPF to have regard to preserving disused railway infrastructure for future reuse</li> <li>- Requires NPF to specify priorities for housing for older and disabled people to meet such housing need</li> <li>- Requires NPF to include targets for housing for older and disabled people and to consult on such targets</li> <li>- NPF participation statement has to include explicit reference to older people, disabled people, carers, developers, planning authorities, and other associated groups</li> </ul>	
186	<ul style="list-style-type: none"> <li>- Ministers are required to consult with the Chief Medical Officer and CE of NHS Scotland on the NPF</li> </ul>	
187	<ul style="list-style-type: none"> <li>- Ministers are to issue guidance on how evidence should be provided to inform the NPF</li> </ul>	
219	<ul style="list-style-type: none"> <li>- Ministers are to consult with statutory bodies on the compliance of the NPF with the Climate Change (Scotland) Act. This advice must be published and if NPF does not comply with Climate Act, reasons why must be published.</li> </ul>	
188/188A	<ul style="list-style-type: none"> <li>- Ministers are required to publish a report every 2 years on how housing needs of older people and disabled people are being met. Requires consultation with older people, carers, etc.</li> </ul>	



171		- Planning authorities are required to prepare and publish an open space strategy.
<b>Section 2 – SDP</b>		<b>1 new duty</b>
42		- Reintroduces the need to produce SDPs for authorities in SDP areas
<b>Section 3 – LDP</b>	<b>2 new duties</b>	<b>29 new duties</b>
9		- Requires planning authorities to extend LDP consultation to 12 weeks (currently 6, indirectly introduces further need for resourcing)
35/36/ 52/54 73/82/ 107/108 109/117		<ul style="list-style-type: none"> <li>- Requires planning authorities to identify sites for self-build within the LDP</li> <li>- Requires planning authorities to include a vision statement which deals with housing needs within the LDP</li> <li>- Requires planning authorities to consider the needs of disabled people, and housing needs for older and disabled people within the LDP</li> <li>- Requires planning authorities to consider needs of older people and disabled people within the LDP</li> <li>- Requires planning authorities to address built heritage issues within the LDP</li> <li>- Requires planning authorities to address cultural issues within the LDP</li> <li>- Requires planning authorities to include a statement of health effect of the LDP within the LDP</li> <li>- Requires planning authorities to take account the capacity of health services in the area within the LDP</li> <li>- Requires planning authorities to take account of the 'health needs of the population of the area' within the LDP</li> <li>- Requires planning authorities to address education facilities, availability of land for housing and availability of and requirements for housing issues within the LDP</li> </ul>
124/126 127		- Requires planning authorities to published the proposed plan and, if



		<p>applicable, modifications, where a section 18 examination is requested</p> <ul style="list-style-type: none"> <li>- Requires planning authorities to prepare a report on modifications made to plan following publication of proposed LDP</li> <li>- Requires planning authorities to seek the views of the public on the LDP participation statement</li> </ul>
<p>161/162 163 172/174 222/223 175/176 190/191 224/224</p>		<ul style="list-style-type: none"> <li>- Requires planning authorities to include statement about policies on providing public toilets within the LDP</li> <li>- Requires planning authorities to include statement about policies on providing water refill points within the LDP</li> <li>- Requires planning authorities to have regard to preserving disused railway infrastructure for future reuse within the LDP</li> <li>- Requires planning authorities to set targets on housing for older and disabled people within the LDP</li> <li>- Requires planning authorities to address how they will meet NPF targets for housing for older and disabled people within the LDP</li> <li>- Requires planning authorities to include summary of action to support and promote disabled people within the LDP</li> <li>- Requires planning authorities to include summary of action to support and promote older people within the LDP</li> <li>- Requires planning authorities to designate land for housing for older and disabled people within the LDP</li> <li>- Requires local authorities to take into account their open space strategy within the LDP</li> <li>- Requires planning authorities to take into account the health of the population within the LDP</li> <li>- Requires planning authorities to take account of rural areas of declining population with the LDP</li> <li>- Requires planning authorities to allocate land for the purpose of resettlement within the LDP</li> <li>- Requires planning authorities to outline how land for the supply of</li> </ul>



		renewable energy could be made available within the LDP
194		- Requires local authorities to promote and facilitate involvement of children and young people in the preparation of the LDP
201	- Requires Ministers to issue guidance on effective community engagement when preparing LDP	
2		- Requires planning authorities to take account of 'culturally significant zones' within the LDP (along with NPF and LOIPs)
227	- Ministers should outline the form, consultation and publication of the play opportunity assessment	- Requires planning authorities to assess play opportunities when preparing the evidence report of the LDP
<b>Section 3 – LDP Evidence Report</b>		<b>11 new duties</b>
118/119/76		<ul style="list-style-type: none"> <li>- Requires local authorities to seek the view of key agencies, other prescribed persons, and the public as well as children when preparing evidence reports</li> <li>- Requires local authorities to seek views of Gypsies and Travellers and children and young people, and state how these have been taken into account within evidence report</li> <li>- Requires planning authorities to set out how communities have been invited to prepare LPPs, and how the authority has supported the production of LPPs within the evidence report</li> </ul>
120		- Requires the local authority to approve the evidence report before it's being submitted to Ministers
195/196 198/202		<ul style="list-style-type: none"> <li>- Requires planning authorities to include statement on consultation, and how views heard have been taken into account within evidence report</li> <li>- Requires planning authorities to make an assessment of need for and provision of student housing within evidence report</li> </ul>



		<ul style="list-style-type: none"> <li>- Requires consultation on draft evidence report including children and young people</li> <li>- Requires planning authorities to consult community councils and access panels on the draft of LDP</li> </ul>
221/226		<ul style="list-style-type: none"> <li>- Brings strategic and cross- boundary policies and proposals in the scope of an LDP</li> <li>- Requires non SDP area local authorities to consider strategic matters, relate them to adjacent planning authorities and how they will collaborate with neighbouring authorities and include them within the LDP evidence report.</li> </ul>
77		<ul style="list-style-type: none"> <li>- Requires planning authorities which are located within Central Scotland Green Network Partnership area to consult with CSGNP as long as CSGNP is part of the NPF</li> </ul>
<b>Section 9 - LPP</b>		<b>4 new duties</b>
78		<ul style="list-style-type: none"> <li>- Requires local authorities to invite communities to prepare LPPs before beginning work on the LDP. This invitation should include how and when LPPs are to be prepared to be taken into account in LDP prep, and what assistance will be available from local authorities to prepare LPPs.</li> </ul>
137/138/139		<ul style="list-style-type: none"> <li>- Requires LDPs to take into account any 'registered' LPPs</li> <li>- Requires any amendment of an LDP to take into account any 'registered' LPPs</li> <li>- Requires local authorities to keep a register of LPPs. Enables regulation making about the availability of the register. Requires local authorities to publish a map of LPPs.</li> </ul>
<b>Section 10 - Masterplan Consent Areas</b>	<b>2 new duties</b>	<b>1 new duty</b>
299		<ul style="list-style-type: none"> <li>- Requires planning authorities to consider the need of masterplan consent areas every 5 years.</li> </ul>



12	- The Scottish Ministers must make regulations on land value capture provisions relating to masterplan consent areas.	
56	- Should Ministers seek to make or alter a MCA it must do it so by providing notification in writing and publish it in a manner Ministers deem appropriate.	
<b>Section 12</b>	<b>1 new duty</b>	<b>1 new duty</b>
113	- Scottish Ministers must make provision about how likely health effects are to be considered before giving planning permissions for national and major development	- Planning Authorities will be required to consider the likely health effects of major development before giving planning permission in accordance with the provision made by Scottish Ministers
<b>Section 14</b>		<b>3 new duties</b>
208		- Planning Authorities cannot grant consent on greenbelt applications unless a statement is included on why the development could not happen on brownfield, and which brownfield alternatives have been considered. Also they may not grant planning permission should application have adverse effect on an intrinsic natural or cultural value. (Although these documents will be prepared by the private sector, it will take additional time for local authorities to assess such documents and require further assessments from the LA side)
307		- Requires Local Planning Authorities to notify councillors, MSPs and House of Commons on major planning permissions, development orders, approval of conditions and S75.
258		- Regardless of the consultation period, the Music Venues Trust must be consulted if development includes a music venue or is on land on which there is a music venue





<b>Section 16</b>	<b>1 new duty</b>	
22	- Requires Ministers to make regulations on circumstances in which applications can be called in	
<b>Section 19 – Planning Obligations</b>		<b>2 new duties</b>
166/320		<ul style="list-style-type: none"> <li>- Requires planning authorities to publish and promote a relevant instrument which is brought to the attention of the area to which the planning obligation relates to</li> <li>- Requires planning authorities to publish an annual report on the number of planning obligations entered that year, planning obligation not expired yet from the previous year and planning obligations not yet complied with as well as the person who has entered the obligation.</li> </ul>
<b>Section 20</b>	<b>2 new duties</b>	
146	- Scottish Ministers are to publish guidance on what similar applications and significant changes are in relation to declining an application	
314	- Scottish Ministers can make regulations on compensations should planning permission on development orders be withdrawn	
<b>Section 21</b>	<b>2 new duties</b>	
264/265	<ul style="list-style-type: none"> <li>- Gives Scottish Ministers the powers to waive or reduce planning fees</li> <li>- Gives Scottish Ministers the power to specific circumstances in which fees can be waived or reduced</li> </ul>	
<b>Section 23 -</b>	<b>1 new duty</b>	<b>1 new duty</b>



<b>Enforcement</b>		
267	- Scottish Ministers are to set out how the charging order should be registered with Minister	- Charging Bodies are to register discharging orders as prescribed by Ministers
<b>Section 26</b>		<b>2 new duties</b>
152		- Requires Local Planning Authorities to notify neighbours should on application for listed building consent
158		- Each Local Planning Authority must have a Chief Planning Officer
<b>Section 32</b>	<b>1 new duty</b>	
277	- Scottish Ministers must consult local authorities and any other person considered appropriate before making any regulations enabled by this Bill	

### RTPI Scotland other inputs

RTPI Scotland [briefing](#) on Stage 1 of the planning (Scotland) Bill

RTPI Scotland vision for a new planning system "[Repositioning Planning: Building a Successful and Sustainable Scotland](#)"

[Response to Scottish Government consultation \*Places, People and Planning\*](#)

[Briefing on Empowering Planning to deliver great places – the report of the Independent review of the Scottish planning system](#)

### The Royal Town Planning Institute

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 2100 members in Scotland and a worldwide membership of over 25,000. RTPI Scotland’s members will in large part be responsible for the successful implementation of the Bill, once enacted.