TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP

14 MARCH 2017

PLANNING REVIEW

REPORT BY DIRECTOR

> This report seeks the Partnership's approval of a proposed response to the Scottish Government's Places, People and Planning consultation.

1   RECOMMENDATION

1.1   That the Partnership approves the proposed response to the Scottish Government's Places, People and Planning consultation, as detailed in Appendix B.

2   BACKGROUND

2.1   The Scottish Government published Places, People and Planning: A Consultation on the Future of the Scottish Planning System on 10 January 2017, with consultation responses to be submitted by 4 April 2017.

3   DISCUSSION

3.1   The Scottish Government has developed proposals for changes to the Planning system. These have been developed in response to the independent review of the planning system which was published in May 2016, as reported to the Partnership on 14 June 2016 (Report RTP/16/23 refers) and 13 September 2016 (Report RTP/16/31 refers).

3.2   Four key areas of change have been identified, as follows:

- Making plans for the future. We want Scotland's planning system to lead and inspire change by making clear plans for the future. To achieve this, we can simplify and strengthen development planning.
- People make the system work. We want Scotland's planning system to empower people to have more influence on the future of their places. To achieve this, we can improve the way we involve people in the planning process.
- Building more homes and delivering infrastructure. We want Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest. To achieve this, planning can actively enable and co-ordinate development.
- Stronger leadership and smarter resourcing. We want to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. To achieve this, we can remove processes that do not add value, and strengthen leadership, resources and skills.

The full list of changes proposed is shown in Appendix A.

3.3   The consultation comprises four key questions and a series of more detailed questions. The questions and proposed responses are detailed in Appendix B, with a number of key issues highlighted below.

3.4   There is a need to ensure that the proposals recognise and give greater effect to the close link between land use and transport planning, including recognition and development of the role of RTPs as statutory partners in Community Planning and as Key Agencies in the planning process. There is potentially a larger role for RTPs as the consultation promotes the development of regional partnerships, in part as replacement for Strategic Development Plans.

3.5   Proposal 1 in the consultation correctly identifies the need for close alignment between Community Planning and spatial planning. Tactran, and the RTPs generally, already play a supportive and proactive role in seeking to ensure close alignment of strategic objectives with desired outcomes, as evidenced by the work undertaken on this by the Partnership in refreshing and updating the statutory Regional Transport Strategy and the RTS Delivery Plan.

3.6   Proposal 2 in the consultation promotes enhanced regional partnership working. This renewed recognition of the role of regional partnerships and approaches to strategic policy development and delivery is to be welcomed and supported, as is the recognition of the need for alignment of regional geographies in order to maximise effective and consistent regional collaboration, cooperation and delivery. In this regard the emerging proposals for aligning strategic planning in the Tay Cities Deal region is highlighted in section 1.17 of the paper. It is important that any new regional partnerships and geographies develop and build upon existing strengths, whilst also ensuring that these are coherently defined and aligned to support delivery of the key objectives highlighted in the paper, including making best use of resources; more effective decision making; stronger coordination of regional planning and associated infrastructure delivery; and reducing bureaucracy. The potential for creating new, potentially disjointed or overlapping regional geographies must be avoided.

3.7   The various elements and proposals for regional partnership working; making plans deliver; embedding an infrastructure first approach; and innovative infrastructure planning also need to be consistently and coherently aligned with wider existing statutory roles, responsibilities and duties, and with other evolving national, regional and local processes, including proposals for new regional governance models through emerging City Deals and, crucially, with the Scottish Government's previously stated and repeated commitment to review transport governance and guidance as part of the National Transport Strategy review.

3.8   The Partnership is asked to consider and approve the draft response at Appendix B, amended as necessary to reflect any further comments, for submission to Scottish Government.

4   CONSULTATIONS

4.1   This report has been developed in consultation with the Transportation Officers Liaison Group, Public Transport Officers Liaison Group, Chief Officers Liaison Group and Proper Officers.

5   RESOURCE IMPLICATIONS

5.1   This report has no additional financial or other direct resource implications.

6   EQUALITIES IMPLICATIONS

6.1   This report has been screened for any policy implications in respect of Equality Impact Assessment and no major issues have been identified.

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Director

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<u>NOTE</u>

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:

Places, People and Planning: A Consultation of the Future of the Scottish Planning System, Scottish Government, January 2017

Report to Partnership RTP/16/23, Director's Report, 14 June 2016

Report to Partnership RTP/16/31, Development Planning Consultations, 13 September 2016

Changes proposed to Scotland's planning system

Making Plans for the Future

1. Aligning community planning and spatial planning. This can be achieved by introducing a requirement for development plans to take account of wider community planning and can be supported through future guidance.

2. Regional partnership working. We believe that strategic development plans should be removed from the system so that strategic planners can support more proactive regional partnership working.

3. Improving national spatial planning and policy. The National Planning Framework (NPF) can be developed further to better reflect regional priorities. In addition, national planning policies can be used to make local development planning simpler and more consistent.

4. Stronger local development plans. We believe the plan period should be extended to 10 years, and that 'main issues reports' and supplementary guidance should be removed to make plans more accessible for people. A new 'gatecheck' would help to improve plan examinations by dealing with significant issues at an earlier stage.

5. Making plans that deliver. We can strengthen the commitment that comes from allocating development land in the plan, and improve the use of delivery programmes to help ensure that planned development happens on the ground.

People make the system work

6. Giving people an opportunity to plan their own place. Communities should be given a new right to come together and prepare local place plans. We believe these plans should form part of the statutory local development plan.

7. Getting more people involved in planning. A wider range of people should be encouraged and inspired to get involved in planning. In particular, we would like to introduce measures that enable children and young people to have a stronger voice in decisions about the future of their places.

8. Improving public trust. Pre-application consultation can be improved, and there should be greater community involvement where proposals are not supported in the development plan. We also propose to discourage repeat applications and improving planning enforcement.

9. Keeping decisions local – rights of appeal. We believe that more review decisions should be made by local authorities rather than centrally. We also want to ensure that the system is sufficiently flexible to reflect the distinctive challenges and opportunities in different parts of Scotland.

Building more homes and delivering infrastructure

10. Being clear about how much housing land is required. Planning should take a more strategic view of the land required for housing development. Clearer national and regional aspirations for new homes are proposed to support this.

11. Closing the gap between planning consent and delivery of homes. We want planning authorities to take more steps to actively help deliver development. Land reform could help to achieve this.

12. Releasing more 'development ready' land. Plans should take a more strategic and flexible approach to identifying land for housing. Consents could be put in place for zoned housing land through greater use of Simplified Planning Zones.

13. Embedding an infrastructure first approach. There is a need for better co-ordination of infrastructure planning at a national and regional level. This will require a stronger commitment to delivering development from all infrastructure providers.

14. A more transparent approach to funding infrastructure. We believe that introducing powers for a new local levy to raise additional finance for infrastructure would be fairer and more effective. Improvements can also be made to Section 75 obligations.

15. Innovative infrastructure planning. Infrastructure planning needs to look ahead so that it can deliver low carbon solutions, new digital technologies and the facilities that communities need.

Stronger Leadership and Smarter Resourcing

16. Developing skills to deliver outcomes. We will work with the profession to improve and broaden skills.

17. Investing in a better service. There is a need to increase planning fees to ensure the planning service is better resourced.

18. A new approach to improving performance. We will continue work to strengthen the way in which performance is monitored, reported and improved.

19. Making better use of resources – efficient decision making. We will remove the need for planning consent from a wider range of developments. Targeted changes to development management will help to ensure decisions are made more quickly and more transparently.

20. Innovation, designing for the future and the digital transformation of the planning service. There are many opportunities to make planning work better through the use of information technology. The planning service should continue to pioneer the digital transformation of public services.

Places, People and Planning consultation: Proposed Response

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

No comment

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

Yes, it is essential that LDPs should reflect planning at a community level and the priorities that have been identified by Community Planning Partnerships and in emerging LOIPs. LDPs should recognise the inextricable links between land use and transport planning and the policies and proposals contained within statutory Regional Transport Strategies.

2. Do you agree that strategic development plans should be replaced by improved regional partnership working?

Improved regional partnership working, reflecting the regional approach to transport planning already adopted through RTPs, should be promoted and strengthened, through a consistently aligned approach within and between current strategic reviews and proposals, including the review of the National Transport Strategy and associated review of national, regional and local transport governance; emerging City Deals and associated models of regional governance to support economic growth; and the proposal for the NPF to set out regional planning priorities. In respect of the latter it is considered that regional priorities are better determined at a regional level rather than through the NPF, in line with the principle of empowered devolution. Effective regional partnership working and delivery requires to be underpinned by statutory powers and duties rather than based on voluntary relationships.

2(a) How can planning add greatest value at a regional scale?

By ensuring that cross-local authority boundary issues, such as travel to work, access to key facilities and services etc. are properly considered within a framework of appropriately devolved powers and duties to deliver across a coherently defined regional geography.

2(b) Which activities should be carried out at the national and regional levels?

As indicated in response to Q2 above, it is considered that regional priorities are best determined at regional level. These should include maintenance of existing statutory powers and duties as defined in the Transport (Scotland) Act 2005.

2(c) Should regional activities take the form of duties or discretionary powers?

As indicated in response to Q2 above, to be fully effective regional activities should take the form of statutory powers and duties and should not be discretionary. They need to recognise that transport planning taken forward through Ministerially approved RTSs is currently a statutory requirement.

2(d) What is your view on the scale and geography of regional partnerships?

A consistent and coherent approach to the geography of regional partnerships is essential, including avoiding/removing overlapping areas and addressing the different geographies of RTPs, City Deals, and Development Plans and, potentially, other strategic organisations including the NHS. Any changes to RTPs will need to be undertaken in compliance with or by amendment to, current primary legislation.

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

These should reflect the priorities of each regional partnership.

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

Yes, as these reflect national priorities. Decision making should respond also to the planned review of the NTS and STPR in alignment with the National Planning Framework (NPF4).

3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?

Yes.

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

Yes, so long as the role of Key Agencies, including RTPs, are properly reflected.

4(a) Should the plan review cycle be lengthened to 10 years?

Yes, but it should be flexible enough to reflect changing priorities, such as those emerging from the planned review of the NTS and STPR. Consideration will need to be given to the differing time scales that may emerge from the NTS and STPR reviews and ensuring that these use the same ten year cycle. Greater flexibility should apply in relation to the updating of associated plan Action Programmes, which could include review and updating on a shorter cycle of, for example, 5 years.

4(b) Should there be scope to review the plan between review cycles?

See answer to 4(a).

4(c) Should we remove supplementary guidance?

No. Supplementary guidance is considered to be a useful mechanism for defining detailed policy standards and non-statutory advice and requirements.

5. Do you agree that local development plan examinations should be retained?

Yes, this ensures issues that are not necessarily adequately addressed in the proposed LDPs can be reviewed independently.

5(a) Should an early gatecheck be added to the process?

No comment.

5(b) Who should be involved?

No comment.

5(c) What matters should the gatecheck look at?

No comment.

5(d) What matters should the final examination look at?

No comment.

5(e) Could professional mediation support the process of allocating land?

No comment.

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

Yes, provided the relevant Key Agencies, including RTPs, have been engaged in the decision-making process and that any such approval in principle does not conflict with or prejudice delivery of the statutory Regional Transport Strategy.

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

Yes.

7(b) Requiring information on the feasibility of the site to be provided

Yes, including compliance with the statutory Regional Transport Strategy.

7(c) Increasing requirements for consultation for applications relating to non-allocated sites

Yes.

7(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, including consulting specifically with the Regional Transport Partnership.

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

Yes. See also response to Q4a above.

8(a) What should they include?

Transport infrastructure of national or regional importance as identified in the STPR and Regional Transport Strategies.

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

No comment.

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

No comment.

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

If communities are to be given the opportunity to develop local place plans then these must these must not be in conflict with the statutory Development Plan or Regional Transport Strategy and must have due regard to any consequential public service delivery costs and impacts.

9(b) Does Figure 1 cover all of the relevant considerations?

No comment.

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

No comment.

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

No comment.

11. How can we ensure more people are involved?

No comment.

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

Yes.

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

No comment.

12(a) What would be the most effective means of improving this part of the process?

No comment.

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

No comment.

12(c) Are the circumstances in which PAC is required still appropriate?

No comment.

12(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?

No comment.

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

No comment.

15. Should current appeal and review arrangements be revised:

15(a) for more decisions to be made by local review bodies?

No comment.

15(b) to introduce fees for appeals and reviews?

No comment.

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

No comment.

15(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.

Key Question C: Will these proposals help to deliver more homes and the infrastructure we need? Please explain your answer.

While accepting that there is a need to support the delivery of homes these must be supported by suitable and sustainable infrastructure and services at both a local and regional level, and by processes set up to ensure that, where necessary, developments contribute to the delivery and maintenance of supporting local and regional infrastructure and services. An infrastructure first approach, supported by a regional audit of infrastructure capacity, should help to achieve this so long as key agencies, including RTPs, are fully embedded in the process.

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

No comment.

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?

No comment.

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

No comment.

19(a) What practical tools can be used to achieve this?

No comment.

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

No comment.

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

No comment.

20(b) What needs to be done to help resource them?

No comment.

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

Yes, existing agencies are capable of undertaking these functions, subject to transport governance arrangements being addressed.

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

Yes, subject to earlier comments made in response to questions 2; 2a; 2b; 2c and 2d above.

22(a) What actions or duties at this scale would help?

Clarification of transport governance arrangements, as referred to in paragraph 3.47, is essential*.*

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

No comment.

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

Yes, so long as this supports regional as well as local infrastructure provision and recognises the statutory role of RTPs and relationship between Development Plans and Regional Transport Strategies and delivery.

24(a) at what scale should it be applied?

As indicated in the answer to Q24, at both local and regional scales.

24(b) to what type of development should it apply?

All developments that contribute to the need for enhanced infrastructure provision.

24(c) who should be responsible for administering it?

This will require to be considered in the context of, and reflect, the need for coherent and effective regional partnerships and governance as indicated in earlier responses.

24(d) what type of infrastructure should it be used for?

Any infrastructure that needs to be enhanced to cater for the additional demands placed on it. This could include, for example, public transport infrastructure and services in lieu of new or improved roads.

24(e) If not, please explain why.

N/A.

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?

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

Yes.

30(a) Do you have any ideas on how this could be achieved?

No comment.

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

No comment.

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

No comment.

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

No comment.

33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?

No comment.

33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?

No comment.

33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?

No comment.

33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?

No comment.

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

No comment.

Next Steps – Consultation 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?

No comment.

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.