

# Planning Committee

10:00am, Thursday, 11 August 2016

## Review of the Scottish Planning System – progress report and the next steps

Item number	7.1
Report number	
Executive/routine	Routine
Wards	All

### Executive Summary

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The review of the Scottish planning system is continuing to make progress with a programme to deliver change now emerging. The independent review panel has reported on its findings and made a series of detailed recommendations. Scottish Ministers have now responded to the panel's report and set out a number of immediate actions, the scope for future reforms and details of a proposed White Paper.

This report sets out a summary of the findings from the independent review panel, its recommendations and the Scottish Ministers' response and next steps. The written evidence to the panel from this Planning Authority was agreed by Planning Committee on 3 December 2015.

### Links

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Coalition Pledges	
Council Priorities	CO25
Single Outcome Agreement	

## Review of the Scottish Planning System – progress report and the next steps

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 Notes the outcomes of the independent panel's review; and
  - 1.1.2 Notes the Scottish Ministers' response to the review and their recommendations for future reforms to the planning system in Scotland.

### 2. Background

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- 2.1 In September 2015, an independent panel chaired by Crawford Beveridge was appointed by Scottish Ministers to review the Scottish planning system. Panel members included Petra Biberbach and John Hamilton. The panel gathered evidence from a wide range of organisations and individuals to inform the review.
- 2.2 The panel was tasked with 'providing a root and branch review and encouraged to explore 'game-changing ideas for radical reform of the system'. The panel was asked to consider the strengths and weaknesses of the current planning system and to explore ideas to improve planning in six key areas: development planning; housing delivery; planning for infrastructure; development management; leadership, resources and skills; and public engagement.
- 2.3 The Council as Planning Authority submitted written evidence on the review based on issues of importance to Edinburgh such as development planning, housing delivery, planning for infrastructure, community engagement and resources.
- 2.4 The panel's report "Empowering Planning to Deliver Great Places" was published on 31 May 2016. It contained 48 recommendations under six outcome themes.
- 2.5 The Scottish Ministers' response to the panel report was published on 11 July 2016. This set out their commitment to planning reform, immediate actions, the scope of future reform and details of the proposed consultation on a White Paper.

### 3. Main report

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#### The Independent Review Panel

- 3.1 The independent review panel's report has made a number of recommendations of particular relevance to Edinburgh. These are summarised as follows:

### 3.1.1 Development Plans

- 3.1.1.1 The panel supports a plan-led system but proposes measures to increase certainty, broaden stakeholder support and focus on delivery rather than plan preparation. This is intended to address concerns about the current two-tier Strategic Development Plan (SDP) and Local Development Plan (LDP) system which creates confusion with overlapping public consultations. The panel considers these processes to be too short-term and lacking vision. It also notes that Main Issues Reports are not effective in engaging widely enough and that the role of reporters and plan examinations are too costly and add conflict and undermine ownership of the plan.
- 3.1.1.2 The panel recommends that development plans are aligned with community plans to drive the place agenda. A draft plan should be produced in place of Main Issues Report with Local Development Plans lasting 10 years instead of 5 years with a vision set for 20 years and a focus on place not policy.
- 3.1.1.3 The panel suggests a frontloaded 'gatecheck' to agree parameters rather than an examination at the end of the plan process. Significantly, the panel suggest stopping production of strategic development plans and using the National Planning Framework to address the long term development of the city region alongside infrastructure needs. Strategic planning authorities (e.g. SESplan) would be repurposed to work between government and local authorities to focus on coordinating development and infrastructure to deliver housing and deal with cross-boundary issues.
- 3.1.1.4 The implications for Edinburgh are that plan making and delivery would be accelerated with greater ownership of the plan at a local level. The review brings with it opportunities for a focus on delivery rather than the current two tier process of a city region plan and a local plan.

### 3.1.2 Housing delivery

- 3.1.2.1 The panel proposes to reduce conflict and promote new delivery mechanisms to meet the national priority for new housing. The panel noted the disagreement about effective housing land as a preoccupation on quantity of land rather than meeting the diverse needs of communities and creating good places.

- 3.1.2.2 A multidisciplinary approach to development briefs and masterplanning is supported, as is an approach where public investment in infrastructure is weighted to community benefit rather than private sector gain. Affordable housing is a confirmed priority. Planning should focus on place making, housing quality, tenures and alternative delivery mechanisms for housing.
- 3.1.2.3 The panel recommends regional housing targets are set within the National Planning Framework and linked to deliverability. LDPs should deliver sites in conjunction with local housing strategies. The use of simplified planning zones (SPZ) could be broadened to cover housing areas, to make sites development ready and introduce new mechanisms for planning authorities to assemble land and provide infrastructure upfront. A more responsive approach to housing needs should deliver a step change in affordable housing, private rented sector Build to Rent and self-build.
- 3.1.2.4 Edinburgh is already making progress in the delivery of affordable housing with updated planning guidance introduced earlier this year. This work will continue with housing delivery and placemaking emerging as key aspects of the locality working model.

### 3.1.3 Infrastructure delivery

- 3.1.3.1 The panel seeks a corporate approach to infrastructure delivery with the LDP action programme at its heart, a new delivery mechanism and infrastructure providers involved and committed early in the process, not at the planning application stage. The panel is concerned that City Deals do not link well enough with spatial strategies. Provision of new schools is seen as a key barrier to new development but the panel identifies little alignment of corporate responsibility for delivering the extra capacity. It considers that there is too much reliance on Section 75 agreements which significantly delay the planning application process.
- 3.1.3.2 The panel recommends establishing a national infrastructure agency or working group to bring together all providers, strategic development plan authorities and Scottish Enterprise to provide a clear overview. The need for a national or regional infrastructure levy is suggested which would fund a number of priority projects. Such a fund should capture land value uplift. Transport agencies should support development in accordance with the development plan. Scottish Futures Trust should do the same for school building in growth areas. The panel recommends that a corporate structure requiring all key infrastructure providers to co-operate in delivering the LDP should be introduced.

3.1.3.3 With preparations underway for the Edinburgh and South East Scotland City Region Deal, the review of the planning system is happening at an opportune time. The City Region Deal provides the opportunity for a new approach to policy integration which could bring together strategic planning functions for the region under a new cross-sector partnership model. Potential benefits would include a clear alignment of activities and more efficient working with the delivery of infrastructure unlocking potential areas of growth.

#### 3.1.4 Development management

3.1.4.1 The panel noted that improvement in performance in itself is not enough and that greater consistency in processes is required. The volume and transparency of information act against efficient decision making and community engagement, with much technical supporting information unnecessary. Some procedures are outdated (e.g. newspaper adverts) and more use of IT and social media is required. Project management and processing agreements should be used to improve decision timescales, avoid legacy cases and be linked to fee structures that incentivise good behaviour.

3.1.4.2 The panel recommend efficiencies are delivered through processing agreements for all major developments, powers to remove legacy cases with no pre-application advice given on sites allocated in the development plan. They also recommend that new guidance on minimum standards for validating applications, a review of fixed penalties and effective deterrents in enforcement, significantly extended permitted development rights, greater use IT to replace costly advert and neighbour notification processes are all taken forward. Changing the role of reporters from late scrutiny to early facilitation, with more training and consistency for Local Review Bodies is also recommended.

3.1.4.3 In Edinburgh, there is already recognition that performance is one measure of a sound planning system. The review of new buildings, through the use of the Council's Quality Indicators programme, is one way to assess the outcomes of the planning process. The Scottish Government's Place Standard is also being used to measure the placemaking qualities in various parts of the City.

3.1.4.4 This authority already has a good uptake in the use of processing agreements and this Council has developed local guidance on the validation of applications. This Council works with communities in the decision making process and makes good use of IT and social media to engage as widely as possible. The review brings an opportunity for this experience to be shared across authorities.

### 3.1.5 Leadership, resources and skills

- 3.1.5.1 The panel believes in repositioning planning at the centre of local government by linking spatial and community planning and ensuring locality plans form part of the development plan. Increasing fees for planning applications are justified but must be linked to performance improvements and incentivised through good behaviours. Skills development for planners needs to be matched with that for developers, communities and elected members and a greater shared provision of specialist skills between authorities.
- 3.1.5.2 The panel wants to make planning a leader and innovator in creating good places. It recommends reforming planning application fees and considering discretionary charging but want to ensure increased income is used to resource new roles and improved services. Removing the threat of the penalty clause and promoting a solutions-based approach to performance improvements is also recommended along with mandatory training for elected members.
- 3.1.5.3 In Edinburgh, work continues to link Community Planning and spatial planning as locality planning becomes embedded across the Council. Positioning the Local Development Plan Action Programme at a corporate level is one way to ensure this link is made. Developing the skills of planning staff and elected members has long been part of this Council's approach to delivering a high quality planning service and this will continue.

### 3.1.6 Inclusion and empowerment

- 3.1.6.1 The panel considers that more needs to be done to frontload engagement rather than introduce equal rights of appeal. Links between planning reform and the Community Empowerment Act could overcome tokenistic consultation and build respect for planning on a longer term relationship with communities.
- 3.1.6.2 The panel wants a commitment to early engagement and greater use of innovative methods through using social media and other digital methods. Locality plans should be prepared and delivered by the community and given statutory status as part of the development plan. Community councils should be given the statutory right to be consulted.
- 3.1.6.3 In Edinburgh, the work with community councils, amenity and interest groups continues to develop with the Planning Concordat a key tool to support engagement processes. The Planning service already makes use of online tools such as Twitter and a planning blog and is open to the more innovative use of digital methods to engage communities.

## **Scottish Ministers' Response**

- 3.2 Scottish Ministers provided their response to the panel's report on 11 July 2016. They welcomed the report and strongly support the outcomes proposed by the review with an emphasis on delivering improvements based on immediate actions, setting the scope of future reform and consulting on a White Paper in Autumn/Winter 2016.
- 3.3 A programme of planning reform is now a priority for the Scottish Government based on an 'open, objective and constructive approach' with Ministers committed to working with all stakeholders to deliver this programme.
- 3.4 Immediate actions include:
  - 3.4.1 Helping authorities strengthen skills and capacity for housing delivery through measures such as financial assistance.
  - 3.4.2 Finalising the draft advice on planning for housing and infrastructure delivery, including a clear definition of effective housing land.
  - 3.4.3 Working with Heads of Planning Scotland to identify how permitted development rights could be extended.
  - 3.4.4 Working with Heads of Planning Scotland and COSLA to explore shared services.
  - 3.4.5 Taking forward a pilot Simplified Planning Zones for housing.
  - 3.4.6 Consulting on enhanced fees to ensure planning authorities are better resourced.
  - 3.4.7 Working with the high level group on performance to look for alternative methods of improving performance.
  - 3.4.8 Continuing our commitment not to implement the penalty clause until further work on performance improvement is considered.
  - 3.4.9 Not introducing a third party or equal right of appeal - instead focussing on effective and early methods of engaging people, such as 3D visualisations.
  - 3.4.10 Working with Heads of Planning Scotland to finalise national guidance on minimum requirements for validation.
  - 3.4.11 Withdrawing current arrangements for the recall of housing appeals to avoid unnecessary delays in housing consents and reduce input on current development plans.
  - 3.4.12 Keeping stakeholders up to date through their website and social media

- 3.5 Ministers scope for future reform includes:
- 3.5.1 Establishing working groups to focus on each of the six key themes addressed by the review: development planning; housing; infrastructure; development management; leadership, resources and skills; and community engagement. These groups will involve representatives of the public and private sector, key agencies, communities and other related interests. They will be tasked with exploring options for implementation.
  - 3.5.2 Liaising across Ministerial portfolios and with relevant stakeholders to discuss the panel's recommendations in more detail.
  - 3.5.3 Appointing an IT task force to explore recommendations from the review, such as improving information management and innovative techniques such as the use of 3D visualisations in engagement.
  - 3.5.4 Working with strategic development plan teams to identify options to re-purpose strategic development planning authorities, taking into account their relationship with the National Planning Framework and the wider governance of city region planning, development and infrastructure delivery.
  - 3.5.5 Working with the Royal Town Planning Institute, universities and the Improvement Service to address priority areas for skills development and options for a graduate intern program.
  - 3.5.6 Appointing a working group to identify barriers to involvement in planning.
  - 3.5.7 Taking forward a programme of research where further evidence is required.
- 3.6 Consultation on the White Paper is to commence later this year, with a view to a Planning Bill being brought forward in 2017. The White Paper will seek views on:
- 3.6.1 A reconfigured system of development plans – linked to the extended role and scope of the National Planning Framework and Scottish Planning Policy.
  - 3.6.2 New tools to assist housing delivery and diversification of types of housing.
  - 3.6.3 An approach to infrastructure delivery which recognises the development planning process.
  - 3.6.4 Changes to development management to improve efficiency and transparency with a renewed approach to performance improvement which links to an enhanced fee structure and innovative resourcing solutions.
  - 3.6.5 More meaningful and inclusive community engagement.
  - 3.6.6 Embedding IT and innovation to achieve a digitally transformed planning system.
- 3.7 There will be a number of work strands which will flow from the recommendations and Committee will be kept informed of these as this progresses.

- 3.8 Full versions of the independent panel's report, summary of written and oral evidence and the Scottish Ministers' response are all available on the [Scottish Government's website](#).

#### **4. Measures of success**

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- 4.1 To use the proposed reforms to deliver improvements in the planning system in Edinburgh and to influence the proposed changes as these come forward.

#### **5. Financial impact**

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- 5.1 There are no direct financial impacts as a result of this report.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 The report represents a positive action being taken by the Council in relation to overall Council objectives in terms of securing better outcomes for Edinburgh.

#### **7. Equalities impact**

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- 7.1 The Scottish Government will be responsible for assessing the impacts on equalities and rights as the proposed changes are implemented. Notwithstanding this, there are potentially positive impacts in that the review of the planning system aims to increase participation by encouraging wider public engagement.

#### **8. Sustainability impact**

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- 8.1 The impact of this update report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties has been considered, and the outcome is summarised below.
- 8.1.1 The proposals in this report will have no impact on carbon emissions because the report notes an update on progress and next steps in the review of the planning system;
- 8.1.2 The proposals in this report will have no immediate effect on the city's resilience to climate change impacts because the report sets out an update and next steps position; and
- 8.1.3 The proposals in this report will help achieve a sustainable Edinburgh because they promote meeting diverse needs of all people in existing and future communities, they promote equality of opportunity and will facilitate the delivery of sustainable economic growth.

## 9. Consultation and engagement

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- 9.1 Consultation on the review has been undertaken by Scottish Government which is summarised in the background reading below. No consultation has been undertaken by this authority in the preparation of this report.

## 10. Background reading/external references

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- 10.1 Review of the Scottish Planning System <http://www.gov.scot/Topics/Built-Environment/planning/Review-of-Planning>
- 10.2 Empowering planning to deliver great places - an independent review of the Scottish planning system (31 May 2016)  
<http://www.gov.scot/Resource/0050/00500946.pdf>
- 10.3 Review of Planning – Scottish Government Response (11 July 2016)  
<http://www.gov.scot/Resource/0050/00502867.pdf>
- 10.4 Planning Committee, 3 December 2015, [Scottish Government - Review of the planning system](#)

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## 11. Links

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### Coalition Pledges

**Council Priorities** CO25 – The Council has efficient and effective services that deliver objectives

### Single Outcome Agreement

### Appendices