

Planning Committee

10.00am, Thursday, 17 August 2017

Scottish Government Review of Planning – update and position statement

Item number	5.2
Report number	
Executive/routine	Routine
Wards	All

Executive Summary

The review of the Scottish Planning system has been underway since late 2015. The Scottish Government published a consultation paper – Places, People and Planning in January this year with the Council response agreed by the Planning Committee on [30 March](#). This report provides an update on progress and a summary of the Scottish Government's position statement on the review.

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Scottish Government Review of Planning – update and position statement

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 Notes the progress to date and the summary of the position statement on the Scottish Government review of the Planning system.

2. Background

- 2.1 In 2015, an independent panel was appointed by Scottish Ministers to review the Scottish planning system. The panel's subsequent report, "Empowering Planning to Deliver Great Places" set out a number of high level recommendations.
- 2.2 The Council submitted written evidence on the review based on issues of importance to Edinburgh such as development planning, housing delivery, infrastructure, community engagement and resources.
- 2.3 The Scottish Ministers' response to the panel report was published in July 2016. This set out their commitment to planning reform, immediate actions, and the scope of future reform and details of further consultation.
- 2.4 The Scottish Government published the 'Places, People and Planning' consultation paper on 10 January 2017 with consultation open until 4 April 2017. The Planning Committee agreed the Council response on 30 March 2017 which was submitted to the Scottish Government. The response agreed by the Planning Committee is laid out in Appendix 1.

3. Main report

The future of the Scottish planning system – progress and position statement

- 3.1 Since the end of the consultation on [Places, People and Planning](#), the Scottish Government have been analysing responses, undertaking independent research and continuing dialogue with groups such as Heads of Planning Scotland.

- 3.2 The Scottish Government published a position statement on 29 June which addresses each of the 20 proposals for change as set out in the Places, People and Planning document.
- 3.3 The statement includes a summary of consultation responses and describes the key changes that Scottish Ministers are considering taking forward through the forthcoming Planning Bill, secondary legislation under existing powers, and other non-statutory means.
- 3.4 Proposals will continue to be developed in the coming months with the Government committed to bringing forward a Planning Bill early in this Parliamentary session. The final content of the legislation is yet to be decided.
- 3.5 In summary, the Position Statement notes the following under each proposal:

Aligning community planning and spatial planning.

- 3.5.1 The Government proposes that a statutory link between development planning and community planning be set out in the Planning Bill and believe this could be supported by local authority Chief Executives ‘signing off’ local development plans.

Regional partnership working.

- 3.5.2 The Government expect to remove the requirement for strategic development plans and replace them with flexible, clearly defined duties and powers.
- 3.5.3 This will be based on working together to address nationally and regionally significant spatial planning, joint evidence gathering and a duty to contribute to the National Planning Framework.

Improving national spatial planning and policy.

- 3.5.4 An enhanced National Planning Framework (NPF) and Scottish Planning Policy (SPP) is supported, although due to the timing of the Planning Bill, a fuller programme will be issued for the next NPF.

Stronger local development plans.

- 3.5.5 Extending the plan period of local development plans to 10 years remains an aspiration, as is replacing main issues reports with a draft plan and removing supplementary guidance. Further clarity is expected on this in due course.
- 3.5.6 The Government supports the use of ‘early gatechecks’ for local development plans which will result in more straightforward examinations.

Making plans that deliver.

- 3.5.7 This proposal suggests measures to ensure allocated land can deliver development. Measures to strengthen delivery programmes are expected to feature in the Planning Bill and secondary legislation.
- 3.5.8 Proposals for adjusting pre-application consultation requirements will be brought forward which will be proportionate to allocated sites.

Giving people an opportunity to plan their own place.

3.5.9 The Government remains committed to 'local place plans' and that they are used to promote appropriate development rather than preventing it. They expect this to feature in the Planning Bill and are looking at how best to deliver this process.

Getting more people involved in planning.

3.5.10 The intention is to bring forward changes to existing requirements for engagement to ensure that young people and children get involved in planning with a shift away from consultation to more meaningful community empowerment.

Improving public trust.

3.5.11 The Government expect to progress changes to pre-application consultation for major and national developments; such as a requirement to provide feedback to communities following engagement. Development plan schemes could be used to get stronger and more locally tailored approaches to engagement.

3.5.12 They also suggest the removal of the opportunity for applicants to submit a revised or repeat application at no cost if an application is refused, withdrawn or if an appeal is dismissed, and measures to strengthen enforcement.

Keeping decisions local – rights of appeal.

3.5.13 Appeals for minor developments such as advertisement consents could be handled differently. A review of the effectiveness of local review bodies and the scope for mandatory training is also potentially supported.

3.5.14 The Government view on equal or third party right of appeal remains unchanged and they reiterate the message that stronger early engagement will be more constructive in the planning process.

Being clear about how much housing land is required.

3.5.15 The Government expect this to be addressed as a priority in policy and guidance, rather than through structural change to the system. This could be through the enhanced role of the NPF and SPP working with housing professionals, planning authorities and developers to identify a solution for how much land is required for housing.

Closing the gap between planning consent and delivery of homes.

3.5.16 The viability of sites and development delivery of sites will be subject to further guidance with changes to Compulsory Purchase Orders, Compulsory Sale Orders and a development land tax being explored separately and not taken forward as part of the Planning Bill.

Releasing more ‘development ready’ land for housing.

3.5.17 The greater use of a ‘zoned approach’ to deliver housing is supported and it is expected that proposals will be brought forward for legislative change to refresh and rebrand Simplified Planning Zones. This will address issues raised about environmental assessment, design quality and community engagement.

Embedding an infrastructure first approach.

3.5.18 The Scottish Futures Trust have been asked to work with the Government to take forward significant stalled sites in combination with the brokerage role of the Chief Planner. Options are being considered for a national delivery group to support the co-ordination of development and infrastructure and could consider any potential changes to duties and powers for inclusion in the Planning Bill.

Creating a fairer and more transparent approach to funding infrastructure.

3.5.19 The option for an infrastructure charge or levy will be considered further before coming to a view on what level of detail can or should be in the Planning Bill.

Innovative infrastructure planning.

3.5.20 A number of other planning priorities in Places, People and Planning included education, transport, green infrastructure, energy and digital infrastructure. This work is being progressed across Scottish Government policy areas.

Developing skills to deliver outcomes.

3.5.21 The Government intend to continue working the Royal Town Planning Institute, Heads of Planning Scotland, COSLA and the Improvement Service on skills development and to explore shared services. This could include expertise in specialisms such as archaeology or environmental assessment.

Investing in a better service.

3.5.22 Responses to the consultation showed agreement that planning is under-resourced with support for any increased income being ring-fenced. The maximum planning fee has already been increased and it is expected that the Planning Bill will include additional powers to allow discretionary charging.

A new approach to improving performance.

3.5.23 The position statement notes that the proposed changes to fees will not reduce Ministers’ focus on a high performing system and work will continue to pursue improved performance.

Making better use of resources: efficient decision making.

3.5.24 Heads of Planning Scotland have progressed work on broadening the scope for permitted development and the Government are minded to take forward improvements to development management procedures, and give further consideration to consultation responses to inform their approach.

Innovation, designing for the future and the digital transformation of the planning service.

3.5.25 A Digital Task Force will be established to lead and shape broad and transformational aspirations, as well as inform more specific ideas and innovation in this key area.

- 3.6 Consultation on the position statement ended on 11 August 2017. The Government noted that views already expressed in relation to the Places, People and Planning consultation do not need to be restated as these will continue to be considered. As the Position Statement introduced no new issues, no response has been made by officers.
- 3.7 The Government acknowledge that the legislative change will take some time to take effect and that there needs to be early actions to support inclusive growth.
- 3.8 As many of the proposals continue to be developed, the Council will continue to work with the Scottish Government to inform these and respond to the forthcoming Planning Bill.

4. Measures of success

- 4.1 The position statement emphasises the core purpose of planning, with the quality of the places where we live and work supporting health and wellbeing, helping to overcome inequality, create jobs and stimulating investment whilst minimising and adapting to the long term impacts of climate change.

5. Financial impact

- 5.1 There are no direct financial impacts as a result of this report. However, the expectation is that the forthcoming Planning Bill will include scope for discretionary charging and extending the range of services for which fees can be charged.

6. Risk, policy, compliance and governance impact

- 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

- 7.1 The Scottish Government are responsible for assessing the impacts on equalities and rights and will submit a Child Rights and Wellbeing Impact Assessment and the Equality Impact Assessment to the Scottish Parliament alongside the Planning Bill. The proposed changes continue to provide the potential to introduce a number of positive impacts including increased and enhanced participation and engagement.

8. Sustainability impact

- 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 sets out the Scottish Government's position statement on 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 the Scottish Government's position statement on the review of the planning system; 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

- 9.1 Public consultation has been underway since the review commenced in 2015 with a number of events, surveys and engagement exercises held by the Scottish Government and professional bodies.
- 9.2 This Council has also undertaken engagement on the review with events held with other Council services, young people and the Edinburgh Civic Forum.

10. Background reading/external references

- 10.1 [Scottish Government, Places, people and planning - Position Statement](#) – 29 June 2017
- 10.2 Planning Committee, 30 March 2017, [Scottish Government Review of Planning – response to the Places, People and Planning consultation paper](#)

- 10.3 [Scottish Government, Places, people and planning – a consultation on the future of the Scottish planning system](#), January 2017
- 10.4 Planning Committee, 11 August 2016, [Review of the Scottish Planning System – progress report and next steps](#)
- 10.5 [Scottish Government, Review of the Scottish Planning System](#)
- 10.6 [Empowering planning to deliver great places - an independent review of the Scottish planning system](#) (31 May 2016)
- 10.7 [Review of Planning – Scottish Government Response](#) (11 July 2016)
- 10.8 Planning Committee, 3 December 2015, [Scottish Government - Review of the planning system](#)

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11. Links

Coalition Pledges

Council Priorities

Single Outcome Agreement

Appendices

1 - The City of Edinburgh Council response to Places, People and Planning: a consultation on the future of the Scottish planning system

Appendix 1 - The City of Edinburgh Council response to Places, People and Planning: a consultation on the future of the Scottish planning system

The following is the response by the City of Edinburgh Council to the Scottish Government review of the planning system.

The response is structured around the four main themes within the review paper and sets out the Council's view on each area and proposal. As more detail on the proposals is brought forward, the Council expects further consultation and discussion on how best to deliver the necessary improvements and seeks to work with Scottish Government on the changes.

The Council recognise that the proposed changes are not necessarily based on legislative change and that delivery goes beyond the remit of the planning authority. Working with other services, partners and the community is key to delivering on the ground. The Council supports a renewed focus for the planning system where, working with others, there is greater opportunity to improve the process and the quality of the places where we live, work and visit.

The Council have engaged in the separate ongoing consultations on planning fees, and reinforce the message that the proper funding of the planning system is critical to further improve the delivery of the service.

Making plans for the future

Proposal 1: Aligning community planning and spatial planning

The Council supports the introduction of a statutory link between the development plan and community planning. Closer alignment between the plans will assist each in taking into account and assisting in the delivery of wider Council outcomes. The community plan can be used as a mechanism to deliver aspects of the local development plan. To achieve closer alignment it is important planning authorities are represented in community plan partnerships.

As a result of improved alignment between the development plan and community planning, the community plan could become a material consideration in the development management process alongside the local development plan. The local development plan would retain primacy in the planning decision-making process. The Council is developing this approach through the preparation of 'locality improvement plans' and evidence from this process will emerge later this year.

The barriers to achieving closer alignment between the development plan and community planning could include timescales of different plans and conflicting issues and priorities.

Proposal 2: Regional partnership working

The Council supports amendments to the current structure and changes to the spatial planning role from strategic development planning authorities to regional partnerships. However, the Council recognises the importance of city regional working and the need for a

robust city regional governance structure supported by legislation and leadership to coordinate and deliver regional priorities. The role, duties and powers of partnerships need to be defined alongside issues such as the coordination of funding for infrastructure projects. Consideration should be given to the point that the city region is founded on travel to work areas and the strategic relationship between transport and land use planning.

Regional partnerships should set targets (including housing), regional priorities and overall spatial strategy through the National Planning Framework (NPF) and coordinate the delivery of these targets amongst member authorities of the city region. The partnership must also play a key role in coordinating and assisting in the delivery of strategic infrastructure and City Deal programmes.

The Council welcomes the review of the National Transport Strategy and consideration of regional partnership working. The Council believes that regional transport partnerships should be repurposed and form part of new single, multi-purpose strategic regional partnerships. This would assist in the identification and delivery of regional infrastructure priorities.

Proposal 3: Improving national spatial planning and policy

The Council supports a stronger National Planning Framework (NPF) with a 10 year review cycle which details regional priorities that are shaped in collaboration with regional partnerships with shared ownership of actions. In the context of Edinburgh, as a growing city and a significant national economic driver, a much longer term planning view should be taken on how the city will change over the next 30-50 years. There should be clarity on where such a strategic plan will sit, exploring issues such as 'city growth corridors' and the how the Edinburgh – Glasgow metropolitan region will develop in the future.

In relation to an increasing role of Scottish Planning Policy (SPP) in local decision making, the transference of policy from the local to national levels could result in undemocratic centralisation and could lack transparency. While there could be some role for policies being applied Scotland wide it would be essential that there is scope:

- a) to allow planning authorities to set their own policies where they see fit, and
- b) Allow Scotland wide policy to be interpreted locally through a planning authority's guidance.

It is acknowledged that no value would be added in the local development plan repeating similar policies in SPP.

The role for Ministers is to be satisfied that the proposed local development plan conforms to the NPF and SPP, with the development plan forming the basis of decision making at a local level.

While NPF and SPP can set national and potentially regional policy and priorities, local plans need to interpret and apply these – to create place solutions. There will still be a need for local knowledge and interpretation – balancing often competing demands at a local level requires locally derived and applied policy which should not be set nationally.

Proposal 4: Stronger local development plans

The Council supports the removal of the main issues report from the plan preparation process. This stage can be confusing for communities, resource intensive, time consuming and could instead be replaced with meaningful early engagement linked with community planning. A clearer approach to engaging at the early stages of plan preparation should be encouraged.

The Council have some concerns about an early gatecheck in the plan preparation process. This is an additional step and could duplicate the work of the examination and lengthen the plan making process. Consideration could be given to the removing the examination process which significantly extends the preparation time and can add little to the process, with there being the possibility of redress to the courts.

Support is given to reviewing the local development plan every 10 years to give more certainty in the development plan. However, the Council are concerned a longer plan cycle could lead to plans becoming dated unless Supplementary Guidance is retained as part of the system. Supplementary Guidance is an effective tool to enable flexibility to adapt to local circumstances and to provide detail missing on local policy aspects, requiring regular review that cannot sensibly be set out in a local development plan lasting 5 or 10 years. The loss of Supplementary Guidance would remove flexibility to adapt policies to local circumstances and would result in lengthier local development plans that rapidly become dated.

Whilst a 10 year plan will help to increase certainty over this period, in the context of Edinburgh as a growing city, flexibility will be necessary to adapt to changing circumstances.

A strategic approach to land assembly and delivery is encouraged through the review. The focus in relation to housing should be a system which enables homes to be built quickly, to meet the needs of people on low to middle incomes.

Proposal 5: Making plans that deliver

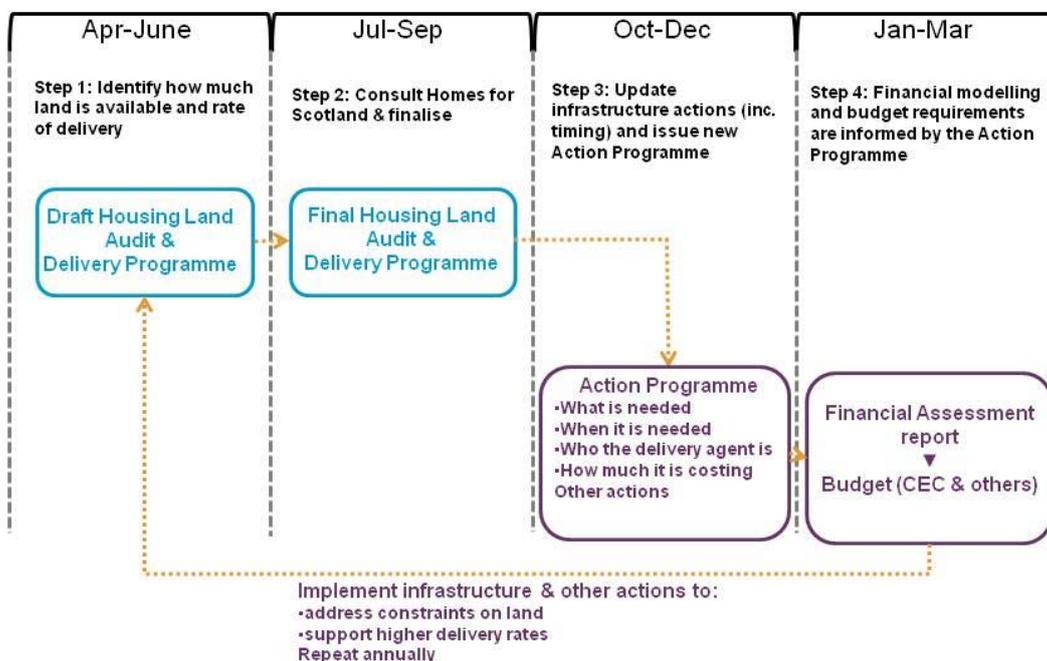
The Council would like to see the proposal for deemed Planning Permission in Principle (PPiP) for sites allocated in the local development plan explored in much greater detail. This could be resource intensive and require master planning, environmental impact assessment and identification of infrastructure requirements through the local development plan process. While there may be advantages to this approach in relation to providing greater certainty for developers and communities there are a number of concerns with this proposal. Deemed PPiP for sites allocated in the local development plan within the historic environment should not apply as it does not give enough detail.

Planning authorities have limited power in increasing the delivery of sites and determining which sites are developed. The delivery of sites is determined by developers with phased build outs, with the planning authority having little power over how much is developed and when. Planning authorities should seek to work with developers to increase delivery. Where developers are failing to deliver sites the planning authority require more power to take action to facilitate development. One tool which could assist is a streamlined process for Compulsory Purchase Orders, coupled with legislative and Government guidance supporting the acquisition by local authorities of sites that developers or landowners have failed to deliver within a local development plan period, to sell on to a willing developer. This would encourage developers or landowners to deliver on sites in the local development plan

period. One aspect to explore would be the use of CPO powers for sites allocated in the local development plan.

The Council recommends local development plan *action programmes* are used more effectively to bring corporate ownership to deliver actions of the Plan. The Council's action programme is updated annually and linked to the Council's housing land audit and delivery programme that is reported to the Council's Finance Committee. This gives corporate ownership of delivering the local development plan action programme through different corporate functions. This also takes account of priorities for infrastructure investment by being linked to the housing land audit and delivery programme. The following diagram shows how this currently works in Edinburgh.

Relationship of Housing Land Audit & Delivery Programme with Action Programme



Sites proposed for development that do not form part of the local development plan should be subject to robust consultation with communities. The planning authority should be a balanced voice between the community and developer and facilitate a collaborative approach to development. Pre-application consultation should be undertaken by a third party to avoid bias. The developer should then report back to the community to demonstrate how they have responded to feedback from communities.

The Council is of the view that simplified planning zones would not lead to a significant increase in the delivery of sites in Edinburgh. While this may be a useful tool in areas in need of regeneration, they are unlikely to be appropriate within this Council area.

People make the system work

Proposal 6: Giving people an opportunity to plan their own place

The proposals for '*Local place plans*' is promoted as an opportunity for local communities to plan their own area with these plans then forming part of the statutory local development plan. There are concerns that adding a further plan-making process could result in the duplication of plans, require additional resource and overcomplicate plan preparation. The ability to deliver change as set out in any local place plan would also be required as part of this process.

Without significant investment in developing community capacity and engagement, this could increase inequality with the most articulate and skilled (communities and individuals) setting agendas within a local planning context and other failing to do so. There is also a risk that localism could override spatial priorities. The Council and its partners is already preparing 'locality improvement plans' and there are opportunities for alignment of plans, joining up the delivery of services and enhancing placemaking at a local level.

The use of the Place Standard has been adopted by the Council's locality teams and has contributed to good and productive dialogue between communities and Council services. This process allows real involvement of communities in shaping their neighbourhoods. Planners can assume a greater facilitating role in bringing together communities, partners and stakeholders.

Giving community councils a stronger role in planning presupposes that there are community councils in place. Local place plans could increase inequalities with less affluent areas and those areas which do not currently have community councils being less likely to engage in this process. There is also a need to increase skills, knowledge and capacity within community councils if they are to step into this new role. The review is an opportunity for the Scottish Government to raise the profile of the equality duties within the planning system and deliver an open and inclusive process.

Proposal 7: Getting more people involved in planning

The review paper sets out proposals to involve a wider range of people in the planning process and in particular children and young people. This is a laudable goal and there are a number of benefits in doing so. The Council views the work on the use of the Place Standard as one means to readily engage a range of people but accepts that more could be done to involve young people in the decisions which will impact future generations. Working closer with schools in areas of change would be one way to improve this level of engagement.

The proposals have the potential to increase community involvement in planning but it will be important to be realistic about what issues communities can and cannot influence and progress. For example, one community may not want to see housing developed on a site which is suitable for, and would generally be allocated for, housing that is needed within the Council area.

Consultation with communities as part of this Council's house building and regeneration programmes show the value and importance of involving communities. Private developers may need support to develop networks and skills which will enable them to engage more effectively with communities.

Proposal 8: Improving public trust

The review paper notes the issues with pre-application consultation and the need to improve this aspect of the process. This proposal to improve this is supported and it is suggested that more could be done at an early stage to reflect the views of communities. In some instances it is accepted that pre-application consultation undertaken by developers can lead to confusion within the local community as to the status of the consultation and how this fits within the planning process.

With the aim of improving public trust in the planning system, the proposal is to discourage repeat applications through the removal of the 'free go' for applications which are refused, withdrawn or dismissed at appeal. This approach is supported and could help to reduce administrative procedures and double-handling with the fee paying for the application process.

An important aspect in improving public trust is the delivery of high quality buildings and places. The planning process should be seen as opportunity to improve the quality of life for existing and emerging communities. Achieving high standards of development would engender greater public confidence in the planning system with the benefits felt by people and the communities in the long term.

To further improve confidence in development management, there are proposals to increase fees for retrospective applications. This would also include making it easier for planning authorities to recover the costs of enforcement through charging orders and substantially increasing the financial penalties for breaches of planning control. The Council would suggest that these issues are explored in greater detail through the next consultation stage on planning fees.

Proposal 9: Keeping decisions local – rights of appeal

The paper proposes 'keeping decisions local' with more review decisions made locally. This would involve reviewing the hierarchy of development with a view to more applications being referred to the local review body. Much more detail is required on how this would work in practice. In the context of Edinburgh, which has a high number of listed building and sensitive development sites, any changes to the decisions making process would be measured against the quality of new development on the ground.

An increased role for local rights of appeal could increase burdens on elected members who already have a significant workload arising from planning application decision making and existing local review body cases. Care would need to be taken with the, type, size and complexity of applications which could be locally reviewed to ensure that the elected members time is used effectively on planning decision making.

There will be much greater emphasis on training for local councillors with the possibility of testing. The Council supports the role of training for elected members and already undertakes regular training and awareness raising sessions. The issue of training and subsequent testing is one which may have resource and management implications with further detail required on the type of cases which could be referred to the local review body.

The Council will be reviewing decision-making processes as part of the makeup of the new administration in May this year. The role of the new locality areas and subsequent Committee structures will form part of these discussions.

Predetermination Hearings

The Council is supportive of the use of hearings for major development proposals. However the requirement of Section 56(6A) of the Local Government (Scotland) Act 1973 that the final decision should be taken by the full Council introduces unnecessary risks into the process as well as being an additional administrative burden that can delay the granting of planning permissions.

Councillors who do not sit on the planning committee receive only minimal training in planning procedures and many have little planning experience. As a result, they feel uncomfortable with the full Council having to take on the quasi-judicial role of deciding major planning applications. In addition, while this has not been a problem in Edinburgh to date, there is an on-going risk that political groups will treat the planning decision in a similar way to other items on the agenda and whip their members to vote in a particular way. The current process is in danger of undermining the quasi-judicial process of determining planning applications and could encourage behaviour that is contrary to the Councillors' Code of Conduct.

The Council submits that such decisions should be taken in the normal way by whatever committee of the Council has delegated powers to discharge the planning function. This would ensure that robust decisions are taken by trained councillors following a quasi-judicial process in accordance with the Councillors' Code of Conduct.

Building more homes and delivering infrastructure

Proposal 10: Being clear about how much housing land is required

The Council welcomes the recognition that change is needed on this issue. However, the removal of a statutory development plan for the city regions will not alter the fact that housing market areas are bigger than the city authority areas where most growth, need and demand is focused.

The review stops short of stating that the National Planning Framework is going to set how much housing delivery output or housing land is required in each authority area. In the absence of a statutory document distributing growth across local authority boundaries, it may be hard to achieve an 'infrastructure-first' approach, or provide clarity and confidence.

Housing supply targets and housing land requirements should be set by regional partnerships and the Scottish Government through the National Planning Framework, taking account of infrastructure capacity matters. However, the areas of land to be included in the local development plan should then be determined by the planning authority. This will allow the local development plan to focus on placemaking and building communities rather than simply numbers.

Once housing supply targets and housing land requirements are set, the Council suggests amendments to how this is monitored in calculating an effective land supply. Housing land and housing delivery are different and need to be measured separately. The Council is currently advocating this change by amending the traditional housing land audit to become a housing land audit and delivery programme. The Council is working with Homes for

Scotland to develop a way of systematically analysing the factors which would increase build rates in the delivery programme.

Proposal 11: Closing the gap between planning consent and delivery of homes

To increase the delivery of planning consents into homes the planning authority requires powers to take action to encourage developers to implement their consents. The planning authority is not responsible for the delivery of homes and can only take steps to facilitate development. This could be an approach of planning authorities taking steps to encourage the timely implementation of sites but also having the powers (such as automatic CPO for allocated sites in the local development plan) to intervene where planning permission is not being implemented.

To encourage the implementation of planning consents the Councils suggests the threshold for development commencing should be substantially increased. Presently a commencement of development can be considered to have happened after very little development. This allows developers to make token moves in order to retain their consents without fully implementing their consents. The Council would suggest that there is further discussion and exploration of issues around a deadline for the completion of a site once works have commenced.

Delivery could also be improved through increasing the opportunities for small developers and through the creation of better vehicles to enable developers to contribute to infrastructure at a suitable level, while also funding infrastructure through other means.

Proposal 12: Releasing more 'development ready' land

The Council supports releasing more 'development ready' land for housing. However, the Council do not believe this is best achieved through the use of simplified planning zones and could mitigate against good design and placemaking. Instead the focus should be on ensuring that sites allocated through the local development plan are free of constraints and capable of being developed in the short term.

There are a range of reasons for delays in the development process, with the planning system being only one factor among many. The focus should be on ensuring that development on land identified for housing is being progressed with the planning application process having the means to bring forward development on the site and avoiding sites being transferable to subsequent owners.

Proposal 13: Embedding an infrastructure first approach

The Council supports embedding an infrastructure first approach to development. In order to facilitate development the local authority should be proactive in the delivery of infrastructure. This can be achieved through linking infrastructure investment and programming to housing land audits and delivery programmes. Infrastructure and services should be seen as what makes a place function and part of placemaking.

There are current barriers to delivering an infrastructure first approach such as land ownership and funding. Funding mechanisms are required to enable the local authority to deliver infrastructure first and make better use of compulsory purchase powers (CPO) to assimilate land for infrastructure. One option could be for a CPO powers to be reformed to

enable a CPO to effectively be in place at the end of consent period as part of a S75. This would deter developers from gaining planning permission to add value to sites and provide an opportunity for the public sector to intervene on stalling or landlocked sites.

Advocating an infrastructure first approach and developing innovative infrastructure solutions is welcome. In Edinburgh, a range of options for financing and delivering infrastructure linked to new tenures is currently being explored with Scottish Futures Trust, the Scottish Government and private sector partners. A one public sector approach which encourages long term planning and funding for infrastructure is required.

Green Infrastructure is well described in the review but should be given an equal status to the other forms of infrastructure. If delivering an infrastructure first approach with 'infrastructure providers' there is a risk that green infrastructure (which is delivered by a much wider range of players) may not form part of the process. A structure is required to bring green infrastructure into all of these discussions and planning processes.

Investors are beginning to recognise the need for adaptation but much of climate change action is still focused on carbon emissions. The shift to a 10-year plan cycle may make it more difficult to deliver green infrastructure other infrastructure priorities with developers.

There is a challenge in looking at infrastructure at a regional (or local) scale where landscape and political geographies do not match up. This may impact on the make-up of regional partnerships and wider partnership working.

Proposal 14: A more transparent approach to funding infrastructure

The Council supports the introduction of an infrastructure levy on development. However, the Council are wary of placing an unaffordable burden on developers. An infrastructure levy should replace a significant portion of S75 agreement funding. S75 should then only be used for infrastructure related directly to the development that cannot be funded through the infrastructure levy. The Council should be able to demonstrate to developers what the infrastructure levy will pay for. For issues such as green infrastructure which has an inherent cost for management and maintenance, consideration has to be given to who will fund this and how?

The Council propose alternative methods are also used to fund infrastructure delivery such as a tax on land with planning permission which is not implemented within a reasonable period. A tax on vacant and derelict land could also be used to fund infrastructure and encourage the redevelopment of this land.

Infrastructure requirements for sites should be clear upfront in the local development plan and linked with the action programme. The planning obligations circular should be updated to ensure this is appropriate for enabling the circular to be appropriate at the strategic level.

The Council currently has a mechanism in place to ensure S75 legal agreements are concluded after applications are minded to grant. However, at the moment there is no legal timescale set for when S75 agreements must be concluded. This process can be a lengthy and the Council would suggest that this issue is explored further to support the delivery of development on the ground.

Proposal 15: Innovative infrastructure planning

In order to deliver innovative infrastructure planning closer partnership is required between all infrastructure providers. Infrastructure providers should have a greater understanding of their role in placemaking. Local authorities should take the lead in working with infrastructure partners and assembling land to deliver infrastructure. Regional partnerships should take the lead in the coordination and delivery of regional strategic priorities.

This requires a corporate approach to planning and delivery of infrastructure in local authorities. This is linked to local development plan action programmes and how these relate to Council funding priorities. This Council is an example whereby various issues and disciplines have been brought under the directorate of PLACE, aligning services which make places function and removing professional silo working.

Flexible solutions are required to address infrastructure issues as they will vary across the country and within planning authority areas. It is encouraging that the proposals recognise the gap in anticipated developer contributions and infrastructure required to deliver developments and housing. In relation to the upfront payment of an infrastructure levy, it will need to be very clear what the levy will pay for, particularly if it does not replace the need for S75 contributions. The Council advocates the approach which includes options for infrastructure costs to be paid up-front to enable developments to commence, with the possibility of costs being recovered through the value generated as part of the development.

Stronger leadership and smarter resourcing

Proposal 16: Developing skills to deliver outcomes

Developing the skills of not only planning authority staff but all those involved in the planning system is to be supported. This includes communities, other Council services and other partner organisations. The Council and its partners have recognised the role of cross sector skill development in the Edinburgh Planning Concordat and would recommend this as a method of local leadership on this issue. The Edinburgh Planning service already provides a strong staff development programme, both internally arranged and through the Planning Skills programme of the Improvement Service. It holds RTPI Learning Partner accreditation to underline the leadership commitment to strengthening service improvement through skills development. . To expand this skills development programme to be a cross sector, multi-disciplinary approach, the Scottish Government could resource the coordination of this 'cultural change' programme across all stakeholders.

Proposal 17: Investing in a better service / Proposal 18: A new approach to improving performance

The proposal to reduce bureaucracy and improve resources is to be welcomed. The proposed increased in planning application fees and discretionary charges will support improvements in the delivery of the planning service and in some instances could help to fund the role of other related services that are fundamental to the delivery of permissions and developer-focused services such as the provision of pre-application advice. However the Council recognises that the significant under-recovery of costs incurred in this area due to the inadequacy of existing fees to meet current costs must be addressed alongside

service development opportunities. Without such additional resources from fee increases, it is likely that further reductions in service provision will be made in the short-term.

Reviewing how performance is monitored, improved and reported to stakeholders is accepted as part of the proposals for changes to resourcing. However, the Council has developed many networks of stakeholder engagement to emphasise that all stakeholders, not just the planning authority, have a role in delivering improved performance of the planning system in the city. The Edinburgh Planning Concordat is a key focus of clarifying responsibilities and this format could be used at national level to define roles and responsibilities. It is important that applicants/developers recognise that their role in promoting good performance of the planning system does not stop at the payment of planning application fees. It is imperative that measurements of performance go beyond the speed and timeliness of planning applications and that the quality of new buildings and spaces is part of this measure of success. The Council uses its annual Planning Performance Framework report promote the value of planning activities in the delivery of corporate objectives and raise awareness of planning and initiatives in placemaking.

Proposal 19: Making better use of resources – efficient decision making

Extending permitted development rights (PDR) is a suggested means to reduce the number of applications handled by planning authorities. In Edinburgh, much of the urban area is designated as conservation area which has meant a limited impact on reducing application numbers. Increasing PDR will require further consideration and how this can in the context of Edinburgh realistically reduce application volumes.

Proposal 20: Innovation, designing for the future and the digital transformation of the planning service.

The greater use of innovation and digital transformation of the planning service has been long supported and championed in Edinburgh. The Council was an early adopter of planning applications being publically available online, has embraced the use of social media to widen engagement, makes good use of GIS/online mapping, data sharing and has actively supported the use of online systems such as ePlanning and eDevelopment.

Linked to the above point about PDR, the Council would be support the development of more innovative ways for customers to find out if they require permission/s for a variety of minor works. The use of an interactive building would be one way to improve this aspect of the planning and building standards services and reduce the high volume of customer enquiries.

Next Steps

The Council acknowledges the work undertaken to date by the Scottish Government, its partners and organisations in the review process and accepts the invitation to work with them to explore how changes can work in practice.