

Investing in Planning: Consultation

31/May/2024

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's existing built environment. BEFS is a supporting member of the [Climate Heritage Network](#).

Other relevant consultation responses from BEFS can be seen below, as many issues overlap and demand associative consideration:

- [AMBITIONS FOR THE PLANNING SYSTEM \(01/12/23\)](#)
- [MANDATORY TRAINING ON PLANNING FOR ELECTED MEMBERS \(26/10/2023\)](#)
- [DRAFT NATIONAL PLANNING FRAMEWORK 4 \(NPF4\) CONSULTATION \(31/03/2022\)](#)
- [LOCAL DEVELOPMENT PLANNING – REGULATIONS AND GUIDANCE CONSULTATION \(31/03/2022\)](#)

BEFS statement:

BEFS welcomes the opportunity to comment on the consultation on Investment in Planning. We note that consultations on the [National Planning Framework and local development plans - proposals for amending regulations](#) and [Masterplan Consent Areas Regulation](#) are running concurrently, and would highlight the interconnected nature and dependencies of the areas being consulted on within the planning system – in particular the questions that they raise about wider resourcing of the proposals, to which this consultation is especially pertinent.

BEFS recognises that investment in planning is a topic presenting both challenges and opportunity. We would note that for positive change to occur, a substantial review of the approach to investment, and how investment is viewed may be required. The consultation paper states an approach to investment that is not solely financial. However, the reality of (a lack of) funding can't be overlooked when discussing issues of capacity and resourcing. Further though – and crucially - meaningful investment will involve a significant culture shift; requiring an investment in skills and a commitment to an aligned and holistic policy landscape; to enable smarter working, to avoid conflicting remits within planning authorities, and to ensure that a streamlined approach, maximising expertise and capacity, can happen.

It is noted that the focus of this consultation paper is largely on income generation around fees. Arguably, this approach hasn't worked in the past, and raises the question of what could make this work now? It is felt that there is a disappointing focus on development management; resourcing the whole system requires investing in and resourcing *all* interconnected aspects. New ways of working are needed.

To support this consultation response, BEFS would note relevant views given in response to the recent consultation on 'Ambitions for the Planning System' which are pertinent to this consultation and merit repeating in full:

'BEFS considers a key and impactful outcome of the planning system is a holistic understanding of what makes good places for people and communities. We support the RTPI's view that in order for holistic planning to work, reinforcing outcomes agreed and already consulted on is key and that 'the outcomes we need the planning system to deliver are already set out in existing legislation, policy, frameworks and guidance including:

- *The Planning (Scotland) Act 2019*
- *National Performance Framework and associated national Outcomes*

- *The National Planning Framework 4*
- *The UN sustainable Development Goals*

Further we would consider that good outcomes for people and places recognise the National Planning Framework 4 (NPF4) view that ‘Scotland’s rich heritage, culture and outstanding environment are national assets which support our economy, identity, health and wellbeing’ within decision making, whilst delivering against the spatial principles within NPF4, supported by the Historic Environment Policy for Scotland and the new strategy for the historic environment, Our Past, Our Future.

Another impactful outcome for the planning system would be better engagement from communities at an early stage in the process through access to information and guidance; to fully and meaningfully integrate Local Development Planning and Local Place Plans, recognising the role of communities in shaping their places as well as taking into account the issues of stretched resources within Local Authorities towards delivering the required consultation and engagement.

BEFS would highlight the need for the appropriate skills and training within planning teams to enable appropriate consideration of the needs of communities and an understanding of the value and contribution of historic and existing buildings as assets towards outcomes set within NPF4 and Scotland’s National Outcomes. Here BEFS would reiterate previous comments made by Historic Environment Scotland that ‘Good management of the historic environment and its component parts (including designated and undesignated heritage assets) is central to the delivery of economic, social, environmental and wellbeing outcomes, especially through place-based planning and action’.

Alongside this BEFS would support the RTPI’s view that ‘for local planning authorities to achieve high levels of performance it is imperative that they have a proper resourcing strategy in place ...As well as budgetary considerations, the resourcing strategy should also consider the skills, tools, and knowledge currently available to make the best use of what local authorities already have at their disposal, and the potential for cross-departmental and cross-sectoral joint and collaborative working practices to be implemented’

These outcomes should be measured beyond internal targets - with a holistic and outward looking view - and against National Outcomes. Here BEFS would agree with the RTPI that ‘monitoring needs to take a whole-system approach that looks beyond simple numerical metrics of (for example) housing units delivered, towards the wider cumulative place-based and systemic outcomes of planning and the quality of these outcomes in delivering wider social, environmental, and economic benefits.’

The collection and collation of data, working nationally and collaboratively, must be consistent across Scotland, as well as between local authorities, to provide a whole-nation picture to measure against.’

General points arising, from BEFS Members and sector feedback:

- Local authority planning - the focus is on fulfilling the statutory function, with less time for the ‘nice to do’. New obligations across the wider policy landscape are not all in alignment, which has a negative impact on capacity and planners’ time.
- Investment could and should be framed in terms of support for interpretation of the policies: e.g. How to interpret ‘material benefit’? This perceived lack of clear interpretation adds to issues around meeting targets.
- BEFS has heard that planners have less time available for their role, due to fulfilling other statutory obligations, and rely on other departments of their local authority for help sourcing

information – which can create a backlog. The perception is that the role has become more about process, moving away from a holistic approach to place.

- A Planning Authority should demonstrate that it understands and works to the Place Principle.
- There is a lack of resources and support for Local Place Plans.

BEFS will be responding only to relevant questions of the consultation, as below:

Question 1: Which assessments might benefit most from improved proportionality?

No view

Question 2: To what extent do you agree that processing agreements are an effective tool for creating certainty in planning decision making timescales?

No view

Question 3: Do you consider that current resourcing issues are impacting on the use of processing agreements?

No view

Question 4: Would you be prepared to pay a discretionary fee to enter into a processing agreement?

No view

Question 5: What additional actions can we take to improve certainty in the planning process?

No view

Question 6: Do you have further ideas on opportunities for streamlining, alignment or standardisation?

Meaningful investment will involve a significant culture shift; requiring an investment in skills and a commitment to an aligned and holistic policy landscape, to enable smarter working, to avoid conflicting remits within planning authorities, and to ensure a streamlined approach, maximising expertise and capacity.

BEFS would flag here that the current consultation on Masterplan Consent Areas – the mechanism for which relies on working with key agencies and other stakeholders - has a stated focus on collaboration. However, it is felt that these mechanisms are being developed without the requisite resources in place. BEFS would highlight the strong view from the sector that the current consultations, whilst not sitting in isolation, are however not being approached holistically.

BEFS is also keen to note a related issue around resourcing in relation to Permitted Development Rights, considering insights shared by local authority planners, reflecting on the potential unintended consequences of PDR3 amendments in relation to Conservation Areas:

- There are around 670 Conservation Areas in Scotland*.
- Knowledge of historic environment matters is limited within some councils, and so additional time and research may be needed to make these new decisions. One large local planning authority has processed 210 window applications in the year 2023-2024 – across Scotland this is a significant numbers of decisions.

- Local authority planning is recognised to be under resourced, as is demonstrated within [this RTP1 paper](#). Permitted development, whilst intended as a timesaving and streamlining tool has, in this case, the potential to put extra burdens on planners with a huge influx of planning enquiries. PDR3 in relation to Conservation Areas currently contradicts individual Local Planning Authority guidance, which would need time to be effectively reworked. Guidance is needed to ensure appropriate steps are understood across all 670 Conservation Areas.
- Research on Conservation Area Management Plans and appraisals show around 54% have a Management Plan and this increases to 64% which have appraisals/management plans/statements in place*. These are expected as part of the process in updating Article 4 (a mechanism being considered by many LPAs to ensure better protections and conservation principles than PDR3 would provide).
Many of these Conservation Area plans and assessments were within scheduled workstreams as part of new Local Development Plan procedures (ongoing within many LPAs) and cannot be effectively resourced within the timeframe now presented.
- The suggested Prior notification process with a 28-day turnaround is too short a timeframe given the volume/pipeline of work predicted.

Question 7: Are there any skills actions which you think should be prioritised?

BEFS has previously highlighted the need for the appropriate skills and training within planning teams to enable appropriate consideration of the needs of communities and an understanding of the value and contribution of historic and existing buildings as assets towards outcomes set within NPF4 and Scotland's National Outcomes. Here BEFS would reiterate previous comments made by Historic Environment Scotland that *'Good management of the historic environment and its component parts (including designated and undesignated heritage assets) is central to the delivery of economic, social, environmental and wellbeing outcomes, especially through place-based planning and action.'*

Question 8: Are there any skills actions not identified which you think would make a significant impact?

As above; this is an issue – the lack of conservation officers (and other disciplines such as landscape architects, ecologists etc) needs investment.

Question 9: Do you think that the concept of a 'planning hub', modelled on the Building Standards Hub would support authorities and deliver improvement in the system?

Partially agree

Please explain your view

BEFS would note points raised by Members and Associates:

- Would this be a national hub or a regional hub? Raises the question of one size fits all and difficulty/desirability of standardisation towards streamlining.
- A Planning Hub is a new and interesting idea which is welcome, but does it represent enough of a new idea/approach to investment in planning?
- Long term skills issues - there isn't the required pipeline of planners. How might a Hub meaningfully address this?
- The creation of a Hub must be appropriately resourced and provide additionality – its implementation should not leave a capacity vacuum elsewhere

- A Hub could also provide an opportunity for Key Agencies to link into providing resource to all planning authorities.

Question 10: Are there other ways a hub could add value and provide support in the short and longer term?

There was some feeling from Members that Planning Hubs could be a positive initiative, depending on purpose and development. Questions remain however as to where the required funding and resources for this would come from. BEFS notes comment made by Members that Planning's strength is in local decision making and listening to communities. Nationalised Hubs could make this harder and detrimentally impact regional input and use of local knowledge. Further, planning needs earlier proactive public engagement, not – as is often the case - reactionary. What role could a Hub play here?

BEFS would note interest in clarity and further information about the proposed Hubs and suggests that an options analysis would be useful to enable the sector to provide more informed comment.

Question 11: Which of the options do you think is most suitable, and why?

ii. Within public organisation

BEFS considers there to be benefits for a Hub hosted outwith at SG or a local level. Is there a role for the Improvement Service here?

Question 12: How do you think a Planning Hub could be resourced?

No view

Question 13: Do you agree that planning fees should increase annually in line with inflation?

Partially disagree

Please explain your view

BEFS Members question whether there needs to be a wider conversation around a baseline for fees - maintaining the status quo or reviewing completely? Local Authorities charge different amounts, which could be felt not to be transparent/streamlined.

Question 14: Is a calculation based on the 12 month Consumer Price Index the most appropriate mechanism?

No view

Question 15: Should an annual inflationary increase apply to:

No view

Question 16: What would be your preferred approach to how planning fees are set in the future?

As above: BEFS Members question whether there needs to be a wider conversation around a baseline for fees – maintaining the status quo or reviewing completely?

Question 17: Are there key principles which should be set out in the event that fee setting powers are devolved to planning authorities?

BEFS would note points raised by Members and Associates:

- There could be unintended consequences if pricing created a barrier and reduced amount of pre-application advice. This could mean fewer applications or increased resources managing poor applications.
- Could service charging raise expectations of what is being paid for, and perpetrate assumptions about the planning system and Local Authority funds more generally? Would the process benefit from greater transparency as to where the fees go?
- Proportionality, noting the difference in fees for large scale household developer and fees on small household extension.

Question 18: What other processes that support the determination of a planning application could authorities be given powers to charge at their discretion?

No view

Question 19: Do think the circumstances where a refund can be requested is set out as part of any published information regarding the introduction of a discretionary charge?

No view

Question 20: Do you agree with the principle that authorities should have discretionary powers to increase fees for a proposal on an unallocated site within the development plan?

No view

Question 21: Do you agree that planning authorities should be able to recoup the costs of preparing a Masterplan Consent Area through discretionary charging?

Partially disagree

Please explain your view

Lack of clarity on Masterplan Consent Area funding in general, including who should undertake MCA.

Question 22: Do you agree with the types of appeals that should incur a fee?

No view

Question 23: Do you agree that setting the fee for applying to appeal the refusal of planning permission (to either DPEA or the planning authority) is set as a percentage of the original planning application fee?

Partially agree

Question 24: If a percentage of fee approach to appeal charging was considered most appropriate, what level do you consider would be most appropriate to reflect volume of work by DPEA or the LRB?

Page | 7

No view

Question 25: Do you agree that an authority should consider waiving or reducing an appeal fee where they have offered such a waiver on the related planning application?

No view

Question 26: Do you have views on how a service charge for applying for planning permission or a building warrant online could be applied?

No view

Question 27: What other options are there to resource the operation and improvement of the eDevelopment service?

Digital Planning reform has stalled, which is felt to have increased inefficiencies.

Question 28: Should the current threshold of 50MW for applications for electricity generation which are to be determined by authorities be altered?

No view

Please explain your view

Question 29: Should different thresholds apply to different types of generating stations?

No view

Question 30: What would be the resource implications of increasing the threshold for the determination of applications for onshore electricity generating stations?

Regional challenges should be noted, for example those Islands that rely on wind for individual houses, not large-scale development. There is recognition that cost is prohibitive for this scale of development.

Question 31: If Scottish Government were to make a voluntary contribution equivalent to a percentage of the offshore electricity fee to authorities, what level of contribution would be appropriate to support some recovery of costs? Please provide justification for your answer.

No view

Question 32: Should we introduce a new category of development for applications for hydrogen projects? If so, how should these fees be set/calculated?

No view

Question 33: Are there different considerations for hydrogen production when compared with proposals which are concerned only with storage and distribution?

Page | 8

No view

Question 34: Do you agree that the standard £100 which applies to most prior notification and approval applications is appropriate?

No view

Question 35: Are there particular PDR classes where you think the current fee should be amended? If so, please explain why that is considered to be the case.

No view

Question 36: Would a reduction of the current fee (£200 per 0.1 hectare) be an appropriate approach to resolving this issue?

No view

Question 37: What would you consider to be a reasonable fee for shellfish farm applications? (Please elaborate on your answer using an average shellfish farm development (5 x 220m twin-headline longlines at 20m spacing with 30m end moorings) as an example.)

No view

Question 38: Which proposal would you most like to see implemented?

Work with innovation funding and universities is a positive, however that system is not well set up to work with the Local Authority context and a lot of work is needed to understand and manage co-working.

Question 39: Do you have other comments on the cumulative impact of the proposals?

No view

Question 40: Do you have other ideas to help resource the planning system? Please set out how you think the proposal could be resourced.

No view

Question 41: Please provide any information on the potential impacts of our proposals to assist with preparation of the following impact assessments:

No view

BEFS responses to a number of Consultations in relation to the Built Environment can be found at:

<https://www.befs.org.uk/resources/consultations/>

RESPONDENT INFORMATION

Name: Hazel Johnson, Policy and Strategy Manager

Email: hjohnson@befs.org.uk

Responding on behalf of an Organisation - **BEFS** (Built Environment Forum Scotland)

Address and Postcode: 61 Dublin Street, Edinburgh, EH3 6NL

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **YES**

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. **I CONSENT**