



The Scottish Parliament
Pàrlamaid na h-Alba

**Local Government and
Regeneration Committee**

3rd Report, 2014 (Session 4)

**Proposed National Planning
Framework 3 and review of
Scottish Planning Policy**

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The Scottish Parliament
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Local Government and Regeneration Committee

Remit and membership

Remit:

To consider and report on a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment.

Membership:

Cameron Buchanan
Mark McDonald
Stuart McMillan
Anne McTaggart
Alex Rowley
Kevin Stewart (Convener)
John Wilson (Deputy Convener)

Committee Clerking Team:

Clerk to the Committee

David Cullum

Senior Assistant Clerk

Fiona Darwin

Assistant Clerk

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Committee Assistant

Ben Morton



The Scottish Parliament
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Local Government and Regeneration Committee

3rd Report, 2014 (Session 4)

Proposed National Planning Framework 3 and review of Scottish Planning Policy

INTRODUCTION

The Committee reports to the Parliament as follows—

Background

1. Since the establishment of the Scottish Parliament in 1999, planning policy in Scotland has undergone a programme of modernisation and improvement. In 2000, the then Scottish Executive announced a review of strategic planning in Scotland. This led to the publication of the *Review of Strategic Planning – Conclusions and Next Steps* in June 2002. As a consequence, the first National Planning Framework (NPF1), was published by the Scottish Executive on 1 April 2004. This was a non-statutory Scotland-wide planning policy document, the purpose of which was to act as a spatial strategy for Scotland, setting out the state of national development across the country in 2004. NPF1 also identified key issues and drivers of change, and set out a vision for Scottish development up to 2025, identifying priorities and opportunities for different parts of the country.
2. The Planning Etc. (Scotland) Act 2006 (“the 2006 Act”) required the Scottish Government to lay a copy of a draft National Planning Framework before the Scottish Parliament prior to its finalisation. This provides the Parliament, and its committees, with an opportunity to consider and report on the draft National Planning Framework before it comes into force. NPF2, the first lodged after the Act, was laid before the Scottish Parliament in December 2008.
3. The Minister for Local Government and Planning, Derek Mackay MSP (“the Minister”), laid a draft of the third National Planning Framework (“draft NPF3”) before the Scottish Parliament on 14 January 2014.
4. In September 2013 the Minister also announced the Government’s intention of revising the Scottish Planning Policy (“SPP”) alongside its consultation on the draft NPF3.¹

¹ Letter from the Minister for Local Government and Planning 13 September 2013.

5. Both the draft NPF3 and SPP are complementary documents which underpin the Scottish planning system. Put simply, the purpose of the NPF is to set out *where* development should take place across Scotland to support the various economic, infrastructural, social and environmental objectives of the Scottish Government. The purpose of the SPP is to set out *how* such developments should be achieved. The NPF also specifies various nationally important developments.

6. This report is one of four committee reports being presented to the Parliament on the current draft NPF3. As the report of the lead committee for the consideration of the draft NPF3, this document sets out the background to the structure and development of the NPF, as well as the developments which have taken place in the planning system since the 2006 Act. Paragraphs 20 to 23 set out in more detail the approach adopted by us, and other committees, on the scrutiny of the draft NPF.

7. The draft NPF3 has been consulted on extensively by the Scottish Government over the last 12 months. We consider this process in more detail in paragraphs 54 to 58. The Scottish Government has announced that, once the draft NPF3 has been considered by the Parliament, it intends to finalise the new NPF3 by the end of June 2014.

8. Given the extensive consultation undertaken, the current draft NPF3 is, to all intents and purposes, a finalised policy document. Consequently, while we do pass some comment on the process, development, and to a limited extent, content of the current draft NPF3, the principle focus of our report is looking ahead to the development of its successor, (NPF4) which should be implemented in or around 2019. We make recommendations as to how the process of developing the draft NPF4, along with planning policy more widely, can be further built upon and improved.

The Scottish planning system

9. The statutory basis for the current planning and development system in Scotland is the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”). As of 2013, there are 34 planning authorities in Scotland from whom individuals, organisations and businesses must seek planning approval for developments. These are the 32 Scottish local authorities and the two current national park authorities.

10. The Scottish Government publishes a variety of key planning documents which sit at the top of the policy structure of the planning system in Scotland. The documents set out the broad policy landscape for the Scottish planning system, indicate how national policy will be realised through the planning system, outline the criteria planning authorities must adhere to when considering planning applications and promote good practice through guidance in the planning sector.

11. Foremost amongst these documents are the NPF and the SPP. Both of these documents are set out in more detail below. Beneath these are other key Government planning documents, such as:

- Planning Circulars, which also provide statements of Scottish Government policy and, contain guidance on policy implementation through legislative or procedural change;
- Planning Advice Notes (PANs), which provide advice on good practice and other relevant information;
- Planning Guides; Letters from the Chief Planner; Design Guidance and Specific Advice Documents/Sheets, which set out other specific guidance in relation to planning or specific developments.

National Planning Framework

12. In 2006, the Scottish Parliament enacted the [Planning Etc. \(Scotland\) Act 2006](#), (“the 2006 Act”). This amended the 1997 Act in various ways in order to update and modernise the Scottish planning system. It places the NPF on a statutory footing. The 2006 Act requires the Scottish Ministers to establish an NPF and set out its purpose. Under the 2006, Act Scottish Ministers are required to review the NPF at least once every five years and, a draft of the NPF must be laid and considered by the Parliament before it can be finalised.

13. The key principles on which the major national development projects are set out in NPF3 are outlined in paragraph 44 of our report. These criteria aim to ensure the planning system achieves a series of overarching policy objectives set by the Scottish Government, such as ensuring Scotland is a low carbon society; a natural place for investment and a successful and sustainable country with high levels of connectivity.

Scottish Planning Policy

14. The Scottish Planning Policy (“SPP”) is a statement of the Scottish Government’s policy on nationally important land use matters. The purpose of the SPP is to set out the Scottish Government’s national policy in relation to planning, reflecting the Government priorities for the development and use of land. The SPP directly relates to:

- the preparation of development plans by planning authorities;
- the design of developments, from initial concept through to delivery; and
- the determination of planning applications and appeals.

15. The SPP is intended to promote consistency in the application of planning policy across Scotland. At the same time it seeks to allow sufficient flexibility to allow planning authorities to reflect local circumstances.

16. Before and after devolution, and right up to 2010, planning policy was set out in a variety of government publications such as various Scottish planning policies and, before that, National Planning Policy Guidelines (NPPG1).² A major change took place in February 2010 with the publication of a single SPP document which consolidated the various specific policy statements into one, more concise

² SPP1: <http://www.scotland.gov.uk/Publications/2002/11/15751/12817>

statement. It also set out the desired outcomes from the planning system. The SPP currently contains—

- An overview of the key components and overall aims and principles of the planning system;
- Cross-cutting policies on sustainable economic growth, community engagement and sustainable development;
- Subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

17. Unlike the NPF, there is no statutory requirement for the Parliament to consider reviews to the SPP. However, as the Scottish Ministers have linked their review of SPP with that of the NPF, we have also reviewed the SPP.

18. The major policy areas which the SPP has implications for are—

- Coordination of the planning system; place-making, development of local and regional plans;
- Major regeneration projects and town centre development issues;
- Transportation infrastructure;
- Housing development;
- Energy generation and transmission;
- Sustainable economic growth;
- Communications and digital infrastructure;
- Carbon emissions and climate change targets;
- Rural development, national parks, coastal areas.

19. In September 2012 the Minister announced a review of the SPP aimed at bringing the policy up-to-date, and focussing it on sustainable economic growth, with an emphasis on place-making.

Scrutiny by parliamentary committees

20. We, as the Local Government and Regeneration Committee (“LGR Committee”) have overall remit responsibility for the scrutiny of planning policy. Consequently, the Parliament appointed us as the lead committee for consideration of the draft NPF3 on 21 January 2014.

21. However, given the expansive effects of planning on other areas of public policy, three other subject committees have also undertaken scrutiny of the draft NPF3 owing to its relevance to their remit. These are the Economy, Energy and Tourism Committee (“EET Committee”); the Infrastructure and Capital Investment Committee (“ICI Committee”) and the Rural Affairs, Climate Change and

Environment Committee (“RACCE Committee”). Those committees are reporting separately to the Parliament.³

22. We also identified various issues arising from our inquiry work on public services reform and local government; the delivery of regeneration policy and scrutiny of the 2014/15 draft budget, which we integrated into our scrutiny of the draft NPF and review of SPP. The other issues section of this report sets out our views on those topics

Our approach

23. As the committee with remit responsibility for scrutiny of planning policy, we set the following criteria for our consideration of the draft NPF3 and review of SPP—

- to take a high level strategic overview in examination of the draft NPF3 and review of SPP, and consider how they relate to each other;
- to add value to the scrutiny process by examining the strategic connections between the NPF and SPP, and other key aspects of Scottish Government policy;
- to examine whether the statutory procedure for the examination of the NPF, and the processes for review of the SPP remain appropriate and fit-for-purpose, and
- to consider various issues relevant to planning arising from our work programme over the last two years, as well as our scrutiny of the Scottish Government’s budgets.

PLANNING IN SCOTLAND

Introduction

24. It is a truism that land use planning and development is, by its very nature, complex, contentious, and laden with real or perceived contradictions. It is one of the few areas of national policy on which almost everyone in society will hold some sort of opinion. Planning is one of the clearest examples of where the often opaque and impersonal process of making difficult decisions for the needs of society at large comes face-to-face with peoples’ everyday individual and family lives in the places where they live.

25. Despite not issuing a public call for written submissions, we received a total of 23 written submissions from groups and organisations on the subject of planning and the draft NPF3. This is an indicator of the strength of views on the subject of planning. These are set out in Annexes B and C.

³ Scottish Parliament Economy, Energy and Tourism Committee. 4th Report 2014 (Session 4) *Report on Proposed National Planning Framework 3* (SP Paper 487). Scottish Parliament Infrastructure and Capital Investment Committee, 3rd Report 2014 (Session 4) *Report on Proposed National Planning Framework 3* (SP Paper 491). Scottish Parliament Rural Affairs, Climate Change and the Environment Committee. 2nd Report 2014 (Session 4) *Report on Proposed National Planning Framework 3* (SP Paper 492).

26. Probably no developed society in the world has yet found a satisfactory answer to the question of how to ensure the fullest possible level of public engagement on land use planning. This is equally so in Scotland. This may result from much of the public debate around planning being framed by the frustrations inherent in the system. When communities and people on a personal level do not feel a sense of ownership of the planning system, and planning appears to be a process which is done 'to' a community rather than 'by' the community, it may often seem as if the views and needs of the community are low in the priorities taken into account when determining planning applications.

27. For many, the complex and detailed process of land use planning decisions is often judged through the lens of seemingly simple arguments such as: 'why do we need a wind farm over there?' 'Shouldn't we just put all high power electricity lines underground?' 'Isn't it wrong to build in the *green belt*?' 'Do we need a new motorway in our area?'

28. The problem of how to fully engage society in the debate and decision-making process on the planning system is an issue which came up throughout the written and oral evidence we received. We consider this further in paragraphs 105 to 113.

Main stakeholders

29. As previously referred to, the planning system can be complex to understand and difficult for people to navigate. This is due both to the broad nature of the subject as well as the number of stakeholders who can be involved in the system. For many, it may not always be clear what are the varying roles the key stakeholders play in the system, and how to assess how their actions/decisions impact on others.

30. The following graph is our attempt to set out, in simple terms, the main stakeholders involved in the Scottish planning system and their roles in terms of its structure and operation. This does not attempt to set out the relationship dynamics between the key stakeholders, rather it is based around what we see as the key questions to be asked by each group of stakeholders in terms of how they engage with, or relate to, the planning system.



First principles

31. Finding a clear means of framing a debate on an area as complex as land use planning and place-making is a major challenge. Indeed, as a parliamentary committee, we find that framing a debate on planning solely in the context of a parliamentary discussion is a challenge. Nevertheless, we were struck by the way the parliamentary debate was originally framed on the introduction of the first National Planning Framework in 2004—

“Planning policies and decisions make a significant impact on our economy, our environment and our communities: get them right and we make real progress on economic competitiveness, environmental protection and social justice; get them wrong and we fail to deliver on our commitment to sustainable development. We must enable things to happen where they should and prevent them from happening where they should not”.⁴

⁴ Scottish Parliament. *Official Report*, 1 April 2004, Col 7284.

32. That debate also framed some of the criticism of the Scottish planning system before 2004, and set out the way in which it was hoped a National Planning Framework would address those issues—

“The planning system is often criticised. Sometimes the criticism is unjust, but sometimes it is justified. I believe that there are real grounds for concern about delays in decision making and failures to keep plans up to date. We know and understand that the planning system in its foundation and operation is crucial to encouraging economic growth. However, we need to be clear that different stakeholders want different things from the planning system. For example, community and environmental groups generally expect councils to take decisions in line with the development plan, whereas business and property interests often argue that councils are too inflexible.”⁵

The role of the Parliament and the Government

Lessons from the scrutiny of NPF2

33. As part of the review process for the NPF, the 1997 Act (as amended) requires the Scottish Ministers to consult on their review of the NPF, and to lay a draft copy of the revised NPF before the Parliament for consideration. The revised NPF cannot be completed until the period of parliamentary consideration has been completed.

34. Section 3B of the 1997 Act (as amended) requires that parliamentary consideration of the draft NPF be completed within 60 sitting days from the date on which it is laid by the Scottish Ministers. This 60-day period includes weekends, but excludes any period when the Parliament is dissolved or “in recess for more than 4 days”⁶. The Scottish Ministers are required to “have regard to any resolution or report of, or of any committee of, the Scottish Parliament made, during the period for Parliamentary consideration, as regards the proposed framework”.

Consideration of NPF2 in 2008/09

35. The first statutory NPF to be drawn up under the 2006 Act was NPF2. This was laid before Parliament by the Scottish Ministers on 12 December 2008. Under the 60-day scrutiny period, the deadline for consideration of NPF2 was 6 March 2009.

36. The laying of NPF2 shortly before the 2008 Christmas recess caused difficulties for subject committees in seeking written evidence, and inviting witnesses for oral evidence, because of the hiatus caused by the Christmas holidays. In its report to the Parliament, our predecessor committee remarked on these difficulties. The Session 3 LGC Committee recommended that, in future, the Scottish Government avoid laying NPFs immediately before a parliamentary recess. This is a recommendation we endorse.

⁵ Scottish Parliament. *Official Report 1, April 2004*, Col 7284.

⁶ Town and Country Planning (Scotland) Act 1997, Section 3B(2)(a) and (b) [as amended by Part 1 of the Planning Etc. (Scotland) Act 2006] Available at: <http://www.legislation.gov.uk/ukpga/1997/8/contents> (retrieved 13 March 2014).

37. Two other committees scrutinised the draft NPF2 in 2008/09,⁷ taking oral evidence and reporting to our predecessor committee, in its capacity as lead committee. This placed further pressures on committees, as their scrutiny has to fit into the overall reporting deadline of the lead committee.

38. On this occasion, we agreed a joint approach with our fellow committees in terms of reporting to the Parliament. While we are the lead committee for the consideration of the draft NPF3, we are not seeking to reflect the views of the other committees taking evidence on it. Instead, those committees are reporting to Parliament in their own right. This has led to a more effective use of the 60-day statutory scrutiny period by committees.

39. When questioned about the current 60-day statutory period available to the Parliament to scrutinise the draft NPF, and whether it might need to be extended in light of the heavy work programme of committees needing to scrutinise the draft, the Minister remarked—

“I would agree with your point if there were only 60 days, but that is simply the total time for the current parliamentary exercise. We kicked off the process last April and we have had the draft national planning framework process and the consultation engagements, so the process has gone on for much longer than the 60-day parliamentary exposure that it will now enjoy. The consultation process has been much wider and has taken longer than the 60-day parliamentary process, but Parliament previously decided, through the Planning etc. (Scotland) Act 2006, that there should be a 60-day period for parliamentary consideration. If there were only 60 days for the whole process that would be unacceptable—you are right. However, the process has been going on for a great number of months beginning last year and going into this year, and it will of course conclude by the summer.”⁸

40. We encourage Scottish Ministers and Government officials to be mindful of the fact that multiple committees of the Parliament may wish to scrutinise draft NPFs and this should be factored into their planning in terms of the timescales for the development and production of the successor to NPF3, as well as reviews of the SPP.

Proactive debate not reactive scrutiny

41. The founding principles of the Scottish Parliament sought to place it at the heart of public debate on issues of importance to the people of Scotland. Therefore, the dictum of the traditional parliamentary system, where the government proposes and the parliament disposes, has never applied to our modern Scottish democracy. As the Parliament of the Scottish people it is incumbent on us to proactively address those issues which most affect the lives of people in Scotland.

⁷ Session 3 Economy, Energy and Tourism Committee and the Transport, Infrastructure and Climate Change Committee.

⁸ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3042.

42. We have noted the Scottish Government's view that the principle objective of the National Planning Framework is to set out *where* development should take place, and the objective of Scottish Planning Policy is to set out *how* development should take place.⁹

43. It is entirely appropriate for the Scottish Government to set out its priorities for planning policy and various nationally important development projects. However, as we will go on to discuss, land use planning is central to the successful delivery of many other areas of public policy such as economic development, social regeneration, public services reform and meeting our climate change commitments.

44. The SPP sets out the Government's broad principles which should underpin the planning system—

- The system should be genuinely plan-led, with succinct up-to-date development plans setting out ambitious, long-term visions for their area.
- The primary responsibility for the operation of the planning system and service is with local and national park authorities.
- Confidence in the planning system needs to be reinforced through: the efficient and predictable preparation of plans and handling of applications; transparency in decision-making and reliable enforcement of the law and planning decisions.
- The constraints and requirements that planning imposes should be necessary and proportionate.
- The system should operate to engage all interests as early and as fully as possible to inform decisions and allow issues of contention and controversy to be identified and tackled quickly and smoothly.
- There should be a clear focus on the quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.

45. We see the key functions of the Scottish Parliament and its committees in terms of national planning policy as being—

(a) to consider and debate the top-level national priorities for land use planning in advance of public consultation by Government on specific draft national planning frameworks;

(b) to scrutinise how the National Planning Framework supports other key policy areas, such as public services reform; preventative spending; sustainable development and growth; environmental and climate targets;

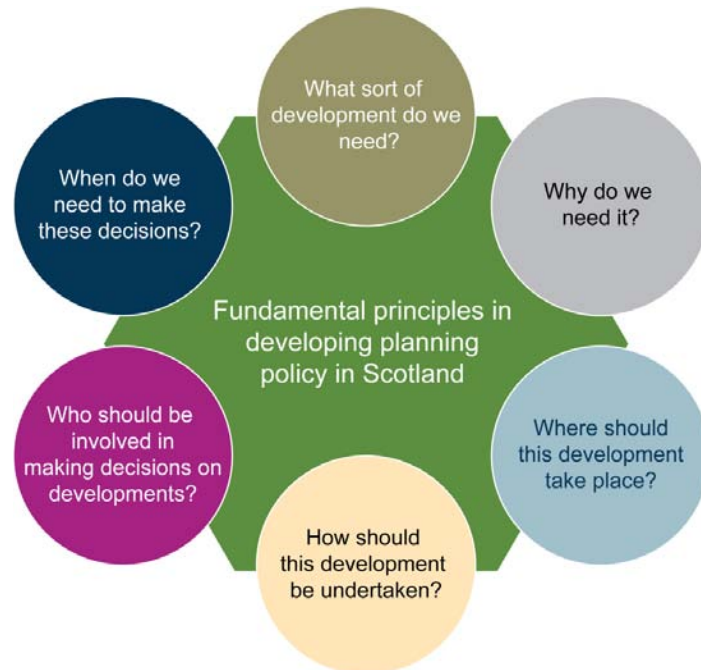
(c) to scrutinise and approve specific draft NPFs, and proposed national developments, and consider how to further improve the planning system.

46. We are mindful of the need for the Parliament to live up to its founding principles in terms of engagement in the public debate on planning. Along with considering the where and how of planning policy, the Parliament must, as well as

⁹ Scottish Government. Written submission, page 3.

engaging, lead the debate on planning policy in terms of agreeing *what* sort of developments Scotland needs; *why* we need them; *who* needs to be involved in the decision making process on these developments and *when* to undertake this debate? We consider that approach should be at the head of the Scottish Parliament's consideration of the National Planning Framework and Scottish Planning Policy.

47. These questions should form the basis by which the Parliament should debate and assess the fundamental principles which need to underpin the Scottish planning system—



48. The Minister informed Parliament on several occasions over the last 12 months on the progress of the Government's consultation on the draft NPF, and the decision to align this process to the review of the SPP. This provided useful opportunities for consideration of planning policy.

49. Central to our role as a parliamentary committee is to ask the question, *when* and *how* should the Scottish Parliament engage in the debate about planning; the development of the NPF – along with the national developments which may be set out in it – as well as the development of the SPP.

50. While the 2006 Act gives the Parliament a clear 60-day framework to scrutinise a draft NPF, we are of the view this should be the conclusion of the parliamentary debate on the planning needs of the country for the coming period, not the sum total of it.

51. Many witnesses commented on the role of the Parliament, and the 60-day statutory timescale for consideration. Some, such as Heads of Planning Scotland questioned whether this was a long enough period for the Parliament and its

committees to consider such an important policy area as the National Planning Framework¹⁰.

52. Many witnesses praised the Scottish Government for the level of public engagement and consultation it has undertaken in drawing up the draft NPF3. Malcolm MacLeod of Heads of Planning Scotland told us—

“The consultation that was carried out in the preparation of the plan was proportionate and reasonable, with a good opportunity for everybody to contribute. The emphasis is on establishing a much more place-based approach that is not just about volumes of texts but is clearer and much easier to understand. I welcome that approach”.¹¹

53. In their evidence to us Planning Aid Scotland supported the Main Issues Report-based approach the Scottish Government adopted on the consultation on the draft NPF3, as well as the decision to review the SPP in tandem with the consultation on the NPF. They stated that “this has made it easier for stakeholders to consider how both documents related to each other.”¹²

Development of the draft NPF3

54. The Scottish Government published the [Participation Statement for NPF3](#) on 2 October 2012. The participation statement set out how and when Scottish Ministers would consult during the development of NPF3. The Scottish Government also issued a public call for proposed national developments, which closed on 14 December 2012. To be considered for inclusion, a proposed National Development had to meet the following criteria—

Mandatory

- The development will be of more than regional significance.

National developments must also make a significant contribution to one or more of the following:

- An 80% reduction in emissions by 2050.
- Achieving the aims of the Zero Waste Plan.
- The Scottish Government’s Renewable Energy Targets.
- Skills development, reducing unemployment and job creation.
- Strengthening Scotland’s links with the rest of the world.
- Improving our digital, transport, utilities or green infrastructure networks.
- Adapting to or mitigating the effects of climate change.
- Improving the quality of the built or natural environment.¹³

¹⁰ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Col 3088.

¹¹ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Col 3078.

¹² Planning Aid Scotland, Written submission, page 5.

¹³ Scottish Parliament Information Centre (2014). *National Planning Framework for Scotland 3*. Available at: http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB_14-05.pdf

55. **We consider that the Scottish Parliament should have a role in considering and agreeing these criteria in advance of consultation being undertaken on specifics flowing from them.**

56. The Scottish Government published its [Main Issues Report and Draft Framework](#) on NPF3 on 30 April 2013. This set out the Government's preferred policy options for inclusion in NPF3 plus possible alternatives. The Main Issues Report set out the spatial strategy for the development of Scotland in the NPF3 under the four main headings we have outlined in paragraph 13. Under each heading, the Scottish Government set out its long term vision along with a series of shorter term opportunities to assist in achieving that vision.

The consultation process

57. There was much praise for the approach the Government has undertaken in the development of the draft NPF3 and how this has set a benchmark for others in terms of consultation. Heads of Planning Scotland stated—

“The Scottish Government made a lot of effort to go out not just to the traditional draughty halls and community centres, but to speak to people in shopping centres and to try to get them to be creative and draw how they would like Scotland to develop. That has been a real step forward, and it has definitely trickled down to how we deliver development plans.”¹⁴

58. However, there were also those who pointed out failings in the current consultation and development process which may need to be addressed. Commenting on the level of transparency and openness with which this process has been conducted, the John Muir Trust pointed to changes which had taken place between the Main Issues Report Stage and the draft NPF3 being submitted to the Parliament—

“...the consultation process of releasing a Main Issues Report (MIR), rather than a consultation draft NPF3, did not give a clear enough indication of what was likely to be included in the parliamentary draft NPF3. There are aspects of the parliamentary draft which are very significantly different from the MIR. How will the public be aware of and comment on new aspects of the NPF3? There is no public document accompanying the parliamentary draft explaining how the changes have been brought forward and included. It does not seem possible for the public to follow and understand the evolution of the NPF3.”¹⁵

How the NPF and SPP relate to each other

59. One of the central themes raised during our consideration of the draft NPF3 and review of the SPP has been why these key documents are separate, and what their strategic connections to each other are. Several witnesses noted that the National Planning Framework has been placed on a statutory footing through the 2006 Act, while Scottish Planning Policy remains a non-statutory policy document of the Scottish Government.

¹⁴ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Col 3088.

¹⁵ John Muir Trust. Written submission, page 2.

60. In evidence to the Committee the Minister set out the complimentary roles of the NPF and SPP as follows—

NPF	SPP
Scotland's long-term development strategy	How nationally important land use matters should be addressed across Scotland
The vision – sets the tone Map based Statutory	The detail – to put into practice Text based – explanatory Non-statutory (flexible)

61. Another aspect of the interconnections between the NPF and SPP is the decision of the Government to review both documents in concert with each other. All witnesses we heard from agreed this was a positive development allowing key stakeholders to consider and comment on the 'where' and the 'how' of national planning policy.

62. Indeed, in referring to why this had not happened to date, along with his decision to take this initiative forward, the Minister remarked—

“As for how the SPP and the NPF come together, they are clearly complementary. As a relatively new minister who has been in post for more than two years, I wonder why this is the first time that both documents have been reviewed together. Others suggested that we should do that, but I think that it is the right thing to do and that it will lead to greater harmony between the SPP and the NPF and to a more joined-up approach. Each serves a slightly different purpose in the same system.”¹⁶

63. Referring to what he saw as the advantages of having the NPF and SPP as separate policy documents, the Minister stated—

“Some people regard the NPF almost as an investment document for Scotland. It is heralded by the planning profession in other parts of the world as an example of a vision and policy document that sets out what we want to achieve in a spatial way. The NPF is about a spatial strategy that brings together the range of Government strategies; it is a spatial expression of Government policy, be that on energy, transport, economic activity or environmental protection. The Scottish planning policy is what planners turn to in order to learn more about the material considerations to apply to local decisions, although it is supplemented by planning advice notes. It is about how to conduct a planning decision and what issues should be taken into account. It is about the how of the planning system, whereas NPF3 is more about the where.”¹⁷

64. Other witnesses spoke of the possible advantages of evolving the NPF and SPP into a single document. Neil Collar of Brodies LLP, commenting on the Minister's evidence, told us—

¹⁶ Local Government and Regeneration Committee, *Official Report*, 29 January 2014, Col 3032.

¹⁷ Local Government and Regeneration Committee, *Official Report*, 29 January 2014, Col 3032.

“I was interested in the committee’s questions this morning and the minister’s explanation. I took from that that the two documents have different purposes. The minister broadly referred to the how and the where, but my feeling from listening to the discussion is that there could be further evolution in the process and that having the two as a single document justifies serious consideration. It strikes me that it would be possible to have one document that addresses both purposes and makes those different purposes clear. That would be easier for all of us to refer to.”¹⁸

65. Robin Holder of Holder Planning also supported the idea of developing a single planning document for Scotland—

“The how and the where are inextricably linked. It appears from reading the two separate documents that they were written by different people, although I do not know that that is the case. Their tones are different. Perhaps that is because of the difference between the how and the where, but I get a different sense of the conclusions and outcomes in the two documents. If anything, the SPP is a little bit more cautious and seeks a little bit more balance here and there. Also, I think that NPF3 extends into policy areas, and where it does so I am not sure that it necessarily says the same as the SPP.”¹⁹

“There is huge complexity in the planning system, which has developed over the years. That is one reason why, as I mentioned, I think that Scotland should have a single national plan, not an SPP and a national planning framework.”²⁰

66. Pam Ewan of TAYPlan also spoke to us of the merits of seeking to develop a single national plan for planning—

“There is merit in looking more seriously at a national plan in which the where and the how are linked with the policy. However, that is probably for four years down the line and the evolution to the next stage. A big step has been taken at this stage. There could be more clarity if there was a much stronger statutory requirement to take account of the SPP policies.”²¹

67. It is clear to us that much progress has been made in developing and improving the operation of the Scottish planning system since the introduction of the first NPF in 2004. The Scottish Government, planning authorities and other key stakeholders are to be commended for their efforts to refine the planning system and make it more inclusive, effective and transparent.

68. We accept the view of the Minister in terms of the current position of having the NPF and SPP as separate, yet complimentary, documents. However, there are those who believe a single more integrated national plan could be developed from the merger of these documents.

¹⁸ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Cols 3049-50.

¹⁹ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3050.

²⁰ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3054.

²¹ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3058.

69. **We recommend the Government include consideration of how the current NPF and SPP could be merged, as far as is practicable, to evolve into a single national plan, as part of its preparation for the successor to NPF3.** Including the provisions of the SPP within the statutorily-established NPF could have advantages, such as ensuring its provisions would form part of the five year review cycle required by the 2006 Act.

European and international context

70. RIAS commented on the decreasing level of focus on how Scotland's spatial planning and development relates to our connections with Europe and the rest of the world. Commenting on the difference from earlier NPFs, the RIAS said—

“One of the initial NPFs—I am sorry; I cannot remember whether it was NPF1 or NPF2—looked at Scotland very much in its European context, as a market that we do business with. It looked at Scotland's position in that market and how national developments at that time did not just look inward; it looked at how we exported and what our growth industries were. ... Things are coming up for Scotland's promotion of food and drink worldwide: there are tie-ins for business in the NPF in a European context. ... A thread of continuity runs through all that, which may have been slightly missed because of the spatial focus purely on our boundaries.”²²

71. RIAS also commented on the level of interest taken by our neighbours in the rest of the UK and Europe in terms of the positive aspects of our planning system. This, the RIAS felt, showed how progressive the Scottish planning system was seen to be and, therefore, it was disappointing that the draft NPF3 did not clearly make the connection between our domestic spatial plans and connectivity to the outside world.²³

72. **We note the comments of the RIAS about the lack of a European and international aspect to the draft NPF3. As one of the main purposes of the National Planning Framework is to support economic growth and competitiveness, this omission seems to be at odds with the need for planning to support Scotland's trade and engagement relationships. We recommend the Scottish Government rectify the lack of both spatial connectivity and recognition to the world outside Scotland in the finalised NPF3 when it is published in June 2014.**

National developments in the NPF

73. Several witnesses commented on the scope and ambition of the draft NPF3 and the process for determining the national developments set out within it.

74. Discussing the process for selecting national developments, the Minister confirmed that 242 proposals for national development had been received by the

²² Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Col 3094.

²³ Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Col 3094.

Government when consulting, and of these, 14 had been finally included in the draft NPF3.²⁴

75. Heads of Planning Scotland remarked on the process by which national developments had been identified for inclusion on the draft NPF, Malcolm MacLeod stated that—

“Some of the national developments that have been proposed by our members have not been taken forward, and there are still areas of Scotland—particularly rural parts of the country— whose role in national development is not as clearly represented as it could be. That is one area of NPF3 that we think could be improved.”²⁵

76. Concern over the provision of rural and remote areas was also voiced by the Royal Incorporation of Architects in Scotland, with Suzanne McIntosh telling us—

“Another issue that much of my work and that of RIAS practitioners is involved with is rural development and acting for people in remote locations, where it can often be particularly tricky to gain planning permission for an existing business or operation to grow. I feel really strongly about that, given the emphasis on sustainable economic growth and the need to resist the depopulation of rural areas.”²⁶

77. The John Muir Trust also spoke of problems created when national developments were included in the final draft NPF3, for which proposals had not featured in the Main Issues Report stage of the development process. Referring to a specific proposed national development they pointed out their concern—

“One such development is pumped storage hydro stations. Although pumped storage was assessed in the April 2013 Assessment of proposed National Developments Report (proposals 26 and 163), this was not assessed at that time as a good National Development candidate nor was it put forward in the Main Issues Report. The only vague indication came under Q5 which asked about what more could be done to improve energy storage. So the public engagement would not have included substantive discussion around this proposal.”²⁷

78. This approach to the selection of national developments in the final draft NPF3, had the added difficulty, they continued, of not providing the public and other stakeholders an opportunity to comment on such a development nor “the lack of a spatial framework in which to consider it”.²⁸

79. Setting out how the consultation process on national developments had improved since the development of NPF2, the Minister told us that

²⁴ Local Government and Regeneration Committee. *Official Report*, 29 January 2014, Cols 3038-39.

²⁵ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Cols 3077-78.

²⁶ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Col 3081.

²⁷ John Muir Trust. Written submission, page 5.

²⁸ John Muir Trust. Written submission, page 5.

“The difference from NPF2 is in how we have engaged. We published and shared our participation statement on how we would go out to the public, interested groups and professions, and other stakeholders. What is different is the use of participatory processes, through the maps, for example. We did not just ask people, “What are you for and what are you against?” We asked about the national need for development and where projects should be located.”²⁹

80. While we commend the levels to which the Government has gone to in terms of consulting on the draft NPF3 and the national developments, we believe there is still room for further refinement and improvement in the process. This is where the Parliament has a central role to play in the development and consultation process on future national development plans, and in particular the national developments contained within them.

81. In terms of the draft NPF3, the Parliament has been confined to the statutory 60-day period to consider the final national developments selected by the Scottish Government for inclusion in the NPF.

82. The process should commence with the Parliament debating what sort of national developments Scotland may need over the coming period for the next NPF, and where such developments should take place, prior to the consultation process leading to the next Main Issues Report and draft NPF. This would provide the open national platform for the Government, planning authorities and all other key stakeholders to consider the broad parameters of national developments required before the detailed public consultation process leading to the Main Issues Report and, finally, the next draft NPF commences.

83. We recommend the Government refine its approach to the development of the successor to NPF3 by beginning with a parliamentary process to consider and debate the types of national developments Scotland will need in the period beyond NPF3. This will provide clarity on the strategy and criteria upon which national developments will be selected by the Government, and allow for an assessment of how effective the national developments set out in the current NPF have been [as per our recommendation at paragraph 55]. It will also ensure the Parliament has the opportunity to consider how such developments support and deliver other key policy areas such as sustainable development, climate change targets and economic growth etc.

Local development plans and strategic development plans

84. Delivery of an effective and efficient national planning system requires all levels of the system to operate in a supportive and complimentary fashion. Key to this is the relationship between national policy, in the form of the NPF and SPP, and the responsibility of planning authorities to draw up local development plans (“LDPs”) and strategic development plans (“SDPs”).

²⁹ Local Government and Regeneration Committee, *Official Report*, 29 January 2014, Col 3033.

85. At a local level, Scotland's 32 local authorities discharge planning functions as the statutory planning authority (alongside Scotland's two national parks whose authorities discharge certain planning functions within their park area).

86. More widely, four strategic development authorities exist for Scotland's four main city-regions³⁰ (Aberdeen City and Shire; Dundee and Tayside; Edinburgh and South East Scotland and Glasgow and the Clyde Valley). Both planning authorities and strategic development authorities have statutory duties to draw up and maintain LDPs and SDPs.

How LDPs and SDPs interact

87. In his evidence, the Minister restated his commitment to try to ensure that there is synchronisation between SDPs and LDPs across Scotland and that the statutory requirement for planning authorities to approve a revised LDP at least every five years is met. This, he stated, was one of the key objectives of the current review the Scottish Government is undertaking on LDPs.³¹ However, he admitted—

“I am not going to tell you that we will achieve absolute harmony in the planning system, because that would simply not be the case. After all, many planning decisions are based on conflict. ... Good levels of engagement and member participation are to be encouraged and as far as any conflict between the strategic development plans and local plans is concerned, I have to say that of course we want them to be more streamlined.

I have commissioned some research into the value of the strategic development plans to find how they are interplaying and the added value that they have brought to the planning process, and I will be happy to share that with the committee when we get it. However, as I mentioned earlier, there is an issue about what comes first. The order is the national planning framework, the local plan and, finally, the interplay with the strategic development plan, and we will try to achieve harmony in all that.”³²

88. Various witnesses commented on what they saw as the difficulties between broad policy at the national level, and the reality of planning and development on the ground at both a regional and local level.

89. The RTPi told us it favours the use of “national indicators to measure and monitor performance and delivery of outcomes, which are linked to Strategic and Local Development Plan indicators and outcomes”.³³ They were not the only witness to discuss the use of indicators as a way of assessing key elements and outputs of the planning process.

90. Another aspect referred to in terms of outcomes was the pace at which the various levels of the Scottish planning system have developed since the NPF was

³⁰ Scottish Government (2009). *Strategic Development Plans in Scotland – The Way Forward*. Available at: <http://www.scotland.gov.uk/Resource/Doc/212607/0084258.pdf> [Accessed 20 February 2014].

³¹ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Cols 3048-49.

³² Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Cols 3048-49.

³³ RTPi. Written submission, page 5.

placed on a statutory footing. Robin Holder of Holder Planning highlighted the issue of delays in the planning system when he told us that—

“Since the [Planning Etc. (Scotland)] Act was passed in 2006, only four local development plans have been approved. There will be more coming through the system in the next year, but that is a lamentable pace at which to move”.³⁴

91. Debate on this point did highlight a difference of opinion on the impact which local and regional housing targets can play in terms of the delays to the finalisation of SDPs and LDPs.

92. Robin Holder questioned the need for SDPs to include regional housing targets and suggested that housing targets should be set at a national level – either by the Parliament or by the Government through the NPF. Mr Holder pointed to what he saw as the delays caused by disagreement on housing levels in terms of SESPlan agreeing an SDP for its area. He commented—

“In the case of SESplan, the recently approved plan was a battleground indeed, and it wasted a lot of the time and energy of the Government, the developers and the six councils that are involved. The battle was all about what the housing requirement should be.”³⁵

93. However, Pam Ewan of TAYPlan did not agree, feeling it was important that local housing needs were addressed at a local-regional level. More broadly though, she stressed the importance of examining SDPs in their wider sense, stating—

“It is important for investors, consultants, developers and communities to get clarity through the plans because that is what they are all about. A lot of people who look at the plans think just about housing. One of my ambitions is to get them to think more widely, because the plans are also about climate adaptation and longer-term issues—they are not just about housing. I am firmly of the view that it is not for the Scottish Government to set national targets. A lot of technical work and local knowledge go into identifying the need and demand. However, more could be done in the Scottish planning policy to develop a more consistent approach throughout Scotland.”³⁶

94. Neil Collar of Brodies LLP agreed with Mr Holder in terms of the lack of detail relating to housing on the draft NPF3. Referring to the study of SDPs currently being undertaken by the Scottish Government, he stated—

“...from what I have heard so far, it is a study of the value of the strategic development plans at a general level, and there is a need for more detailed scrutiny of how they are addressing housing in particular. As Mr Holder said, it is a difficult issue and one that the whole system has to grapple with.

³⁴ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3059.

³⁵ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3063.

³⁶ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3064.

In some areas, it sucks up a lot of time and energy and has caused no end of problems.”³⁷

95. Other concerns regarding the effectiveness of LDPs in delivering on national outcomes were also highlighted. Referring to the NPFs objectives to support environmentally-supportive developments to deliver our climate change targets, Heads of Planning Scotland pointed to the disconnect between national policy as it translates into LDPs, and a clearly identifiable funding stream to ensure this delivery—

“...the green infrastructure part of the NPF is absolutely fantastic. It ticks all the right boxes for how we will deliver a healthier population over the next 20 years and it is absolutely critical. However, when it trickles down—as it inevitably will—to local development plans and to decisions on individual planning applications, there will be questions about the burden that can be placed on individual councils or developers to deliver the plans. It is all a big jigsaw, and if we do not have the bits at the local level, what is in the national plans will never happen. The detail that I would like to see coming out of action programmes is the joint working between local government and national Government.”³⁸

96. As scrutiny of housing policy is principally a matter for the Infrastructure and Capital Investment Committee, we do not wish to comment on this aspect of the interplay between SDPs and LDPs in any detail. However, we highlight this situation as a clear example of where the current planning system is being both negatively impacted by, and is having a negative impact on, other key policy areas.

97. It is a matter of concern that nearly a decade after the Parliament enacted legislative reform of the planning system, 88% of all planning authorities in Scotland are currently in violation of their statutory duty to have an up-to-date local development plan. While we accept the Scottish Government is attempting to address this situation, the impact this creates in terms of delivering a plan-led planning system which has the confidence of policy-makers, developers and most importantly, the public, cannot be overstated.

98. We look forward to seeing the findings of the Government’s review of LDPs and SDPs and will expect an early improvement by planning authorities to meet their statutory requirements.

Supporting key national policies

99. One aspect clear to us from recent inquiry work is the role land use planning plays in the delivery of other key national policies. We have seen the potential benefits which can arise from the physical co-location of various public services. One recent example we saw as part of our inquiry into the Development

³⁷ Local Government and Regeneration Committee. *Official Report*, 29 January 2014, Col 3064.

³⁸ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Col 3087.

of Regeneration in Scotland³⁹ was the Crescent Centre, currently under development by Dundee City Council and NHS Tayside in the Whitfield area of Dundee.

100. Such a facility, which combines NHS community care facilities together with local authority services and a newly developed school complex, can deliver on key priorities relating to the preventative spending agenda, public services reform and effective community-led regeneration, especially amongst our most deprived and disadvantaged communities.

101. In his evidence to us the Minister stated that the Scottish Government “fully expect[s] [local] authorities to ensure consistency between the development plan and other strategies”,⁴⁰ though he noted that approaches would vary according to the circumstances of different local authorities. He pointed to the fact that—

“the new Single Outcome Agreements which Community Planning Partnerships (CPPs) agreed in Summer 2013 with Ministers and Council Leaders are intended to be “plans for place”. They demonstrate a clear understanding of place and communities, including inequalities facing different areas and population groups. They then translate that understanding into a genuine plan to address agreed priorities, based around the ways in which six policy priorities apply in their area and their distinctive local needs.”⁴¹

102. However, the Minister went on to acknowledge that there was “a need to strengthen the links between land use planning and community planning”⁴².

103. Responding to the question on how the draft NPF3 and SPP link to the National Performance Framework/Scotland Performs and support policies such as preventative spending, Heads of Planning Scotland stated—

“The NPF provides a national context and focus to align the work of the Scottish Government, Key Agencies and Planning Authorities. ... The focus on outcomes should bring with it a shared understanding on what needs to be delivered to improve and help achieve these outcomes over a long period [...] strategies for land use planning have a really important role in ensuring that public sector and private sector investment programmes are as well aligned as possible to deliver the kind of preventative spend that can deliver the outcomes we require.”⁴³

104. Given the key role both the Scottish Government and local authorities play in community planning and land use planning, ensuring the full integration of these policy areas must be a key objective for the Government, through the National

³⁹ Scottish Parliament Local Government and Regeneration Committee. 1st Report, 2014 (Session 4) *Delivery of Regeneration in Scotland* (SP Paper 476): http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/Reports/lgr-14-01w.pdf

⁴⁰ Scottish Government. Written submission, page 6.

⁴¹ Scottish Government. Written submission, pages 6-7.

⁴² Scottish Government. Written submission, pages 6-7.

⁴³ Heads of Planning Scotland. Written submission, page 2.

Community Planning Group, local authorities, COSLA, SOLACE and the Improvement Service. **We recommend the Government ensure future analysis of the effectiveness of NPF3, and the preparation for the consultation and development of its successor, clearly set out how effective the planning system has been in supporting and delivering other key national policies such as preventative spending, community-led regeneration, the National Performance Framework and single outcome agreements.**

Planning and the public

What planning means to the public

105. One of the themes to emerge from the evidence we received was the level to which the public at large were informed about the planning system. Various witnesses pointed out that, for many people, their first experience of engaging with the planning system comes in the form of learning of, or objecting to a specific development which may impact on the place they live.^{44, 45}

106. PAS made reference to issues such as the language of planning and how perceptions between professions in the planning and development sectors differs from that of the public at large—

“If we ask the general public what they understand by the term “green belt”, they will think of a green field; they do not understand the implications of the green belt. We are already starting to use planning language that has a specific meaning but which does not mean anything to the general public.”⁴⁶

107. Evidence was also provided on the need to improve the ways in which planning authorities and developers engage with locals and members of the public in relation to specific developments, as well as planning in general.^{47, 48}

108. Several witnesses were keen to stress the potential benefits which could arise by including planning as part of the education programme in schools, or by facilitating more contact by school children and young people with the planning system. For example, TAYPlan pointed out that engagement with the education system might transform the public’s relationship with the planning process—

“The only way that I can see of making a big difference is to take the issue into the education system, whether that is done at secondary schools in geography or in some other context. If we try to entrench it in that way, people through the generations will have a greater understanding.”⁴⁹

Place-making and raising levels of public engagement

109. Several examples were brought to our attention of projects seeking to engage communities more fully in the process of planning and place-making. One

⁴⁴ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Cols 3050-51.

⁴⁵ Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Col 3080.

⁴⁶ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3055.

⁴⁷ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Cols 3054-55.

⁴⁸ Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Cols 3085.

⁴⁹ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Cols 3055.

such example is the charretteplus model developed by PAS,⁵⁰ which builds on the traditional charrette process and ‘its ability to empower people by placing them firmly at the centre of the decision making’ about development plans for the community they live in—

“With the charretteplus process...we have translated [the charrette process], bringing in the community planning team as well, so that we can harness the ideas of and energy in local communities and then say to them, “We can take this on and do it. These are our ideas.” If there is more cross-sectoral working, that helps to realise people’s visions. The traditional charrette process was between communities and built environment professionals, but we are now trying to link it to other local government services.”

110. HOPS referred to the increasing use of gateway reviews, by some local authorities, as well as traditional charrettes and the sharing of best practice amongst local authorities in terms of public engagement.⁵¹

111. The RIAS referred to the need to enhance the capacity of communities both to engage with the planning system, and to deal with the conflicts and tensions inherent in the planning system.⁵² They also spoke of the need to utilise mediation and conflict resolution more effectively in the Scottish planning system—

“Mediation has not taken off in a serious way, but there is an opportunity at the strategic level of thinking to embed conflict resolution in order to get a smoother planning system.”⁵³

112. We are also aware of other initiatives such as Planning for Real, which can demonstrate the potential for innovative models for engaging communities on issues such as place-making, to provide a platform for more community engagement and participation in areas such as community planning.⁵⁴

113. We note the comments made by the witnesses we heard from in terms of improving the way in which the Scottish public is informed about, and engage with, the planning system. It is clear from the evidence we have taken that there is much good work underway to engage with communities. However, given the number of public and private sector stakeholders who are involved in the planning system, we do question how coordinated the overall effort is to make the public a part of the planning system? **We recommend the Government seek to assess the effectiveness of the various public engagement models with a view to developing a more coordinated strategy across all public and private stakeholders.**

⁵⁰ Planning Aid Scotland: <http://www.planningaidscotland.org.uk/charretteplus/>

⁵¹ Local Government and Regeneration Committee. Official Report, 5 February 2014, Col 3096.

⁵² Local Government and Regeneration Committee. Official Report, 5 February 2014, Col 3095.

⁵³ Local Government and Regeneration Committee. Official Report, 5 February 2014, Col 3082.

⁵⁴ Planning for Real; <http://www.planningforreal.org.uk/what-is-pfr/>

FUNDING AND RESOURCES

Mainstreaming annual budget consideration

114. Following our scrutiny of the Scottish Government's 2014-15 draft budget proposals, we agreed to mainstream budget scrutiny across all our work. In line with this decision, we sought views on the levels of resources and funding available to support the planning system in Scotland as part of our consideration of the draft NPF3.

115. The evidence we received on funding and resourcing referred to two separate elements of the planning system. Firstly, several witnesses raised issues relating to the lack of costing information in the draft NPF3, as well as budgetary costing for the 14 national developments set out in it. Secondly, issues were raised in terms of the level of resources available to operate and support the planning system.

Draft NPF3 and budgetary information

116. The Minister was questioned in relation to the lack of budgetary information contained in the draft NPF3 in terms both of the national developments set out in it, and the 'cost' to planning authorities of implementing the requirements of NPF3 at a local level. He replied—

"I am not sure why it would be helpful to do that in the planning document. It is certainly helpful to do that in strategy documents such as those on transport, but I am not sure what it would add to an individual planning document in which we set out policy, sites of national importance, the status that they should enjoy, our timescale—at the end of the document—and the on-going action plan. I am not sure what added value we would have got from attaching to the document the economic value or cost of projects. It is a fair point, but I do not see how that would assist the planners in the decisions that they make."⁵⁵

117. Reflecting on the need for budgetary information to be linked to national planning policy documents, such as the draft NPF3, HOPS told us that—

"Keeping the national planning framework as the spatial representation of where we want to go is the right way to present it at the moment. The action programme that is associated with the NPF or, indeed, other strategic documents that relate to such things as transport schemes, for example, should be where the budget decisions are made."⁵⁶

118. We accept the Government's decision not to include budgetary information in the draft NPF3 in its current form as a spatial strategy. However, the evidence has shown there is a desire for a clearer connection between the requirement for national planning policy documents and the budgetary streams to support and deliver them. We note the views expressed by various witnesses in terms of associating budgetary

⁵⁵ Local Government and Regeneration Committee. *Official Report*, 29 January 2014, Col 3046.

⁵⁶ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Col 3087.

information with national-level planning documents, such as the NPF3, however, we do not support this view.

Transparent monitoring of use of planning fees

119. Key to the success of any policy or service delivery system is the funding and resources which underpin it. Pressure on the resources and funding for the planning system was raised by several witnesses and is an element which impacts both on the delivery of reform of the planning process, and achieving planning outputs.

120. This, in turn, can have a consequential impact on other key aspects of society which depend on an efficient and effective planning system, such as sustainable development, economic growth, public infrastructure, preventative spending and community regeneration.

121. Setting out the place of the planning fee system in underpinning the Scottish planning system, the Minister stated—

“The main source of income for the planning service is planning fees, and that is why we increased them by a record 20 per cent, which was the largest increase in planning fees since the Parliament was created. That income has assisted local authorities, and there have been individual grants to support advisers in the planning system and the planning service itself. Audit Scotland has identified an issue around resourcing of the planning system, but I am convinced that the increase in planning fees has helped, and the high-level group that I co-chair with COSLA has also looked at the resourcing issue in its focused work.”⁵⁷

122. The Minister also told us that the “new planning fee regime will help with incentivising planning authorities”⁵⁸ to get on with updating their local development plans. He is, he stated “fairly confident that, generally speaking, planning authorities are equipped to do their job adequately and that the variance in performance is less to do with resource and more to do with other issues.”⁵⁹

123. In written evidence to us on the Scottish Government’s 2014-15 budget proposals, the RTIP stated—

“It is imperative that planning authorities are given the resources they need if we want them to provide high quality and speedy services. Scottish Government recognised this by agreeing a rise in planning fees in April 2012, averaging around 20%. However, these fees are not ringfenced which means that the uplift may always be directly invested in the planning service. RTPI Scotland is firmly of the view that any increase in planning fees must be passed on directly to planning services to help ensure improvement in performance.”⁶⁰

⁵⁷ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3046.

⁵⁸ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3034.

⁵⁹ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3046.

⁶⁰ RTPI. Written submission on the draft 2015/14 Scottish Budget (pages 1-2):

http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/14_RTPI.pdf

124. They continued—

“The current situation could be said to be unfair to the customers of the planning service who expect their fees to cover the costs of the work involved in assessing their planning application. It could also be said to be unfair on planning authorities who are expected to improve their performance with no guarantee that they will benefit from the fee increase”.⁶¹

125. Speaking of his experience of how well resourced the planning system is, Robin Holder referred to the “huge variation” amongst local authorities in terms of how they fund their planning functions. Referring to the Minister’s suggestion that the latest increase in planning fees in Scotland would have benefits in the form of improvements to service, he stated—

“I have seen no evidence whatsoever of that, and my worry is that the increase in planning fees will fall into the funds of the whole council. I have seen no way to incentivise decision makers to do things quickly and efficiently. There are no sticks and no carrots. Simply increasing fees might mean more money for councils but, unless I am misunderstanding, there will not be any particular requirement for or link to improvements in service.”⁶²

126. Setting out their views on the planning fees regime, HOPS pointed to the fact that the planning system delivers many of the priorities set out by the Christie Commission on public services reform. This, they stated, means the planning system, is “a fundamental component of realising the goal of public services that deliver the best possible outcomes for the communities they serve”⁶³.

127. They informed us of a planning costings project they had undertaken with fifteen local authorities in 2013, the methodology for which was developed by the Planning Advisory Service and CIPFA. They told us—

“There was a very welcome increase in fees last year and there is evidence from across Scotland that that money is being invested in planning authorities, in getting graduate planners and in trying to focus on the types of application that are blocking the system. For example, some authorities have been investing in the renewables schemes side of things. We would like to see further fee increases. ... We hope that the outcomes of [the costings project] will inform the Scottish Government’s approach.”⁶⁴

128. We welcome the work undertaken by HOPS in seeking to measure the cost in the planning system in terms of contributing to the ongoing debate on how the level of fees within the system supports the planning functions of local authorities. **We recommend that HOPS/COSLA, and the Scottish Government, seek to extend the approach across all 32 local authorities.** This could provide a

⁶¹ RTPI. Written submission on the draft 2015/14 Scottish Budget (pages 1-2):

http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/14_RTPI.pdf

⁶² Local Government and Regeneration Committee. *Official Report*, 29 January 2014, Col 3061.

⁶³ Heads of Planning Scotland. Written submission, page 7.

⁶⁴ Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Col 3092.

valuable tool in assessing any future increases in the level of the planning fee required to adequately resource the system.

Loss of senior skilled planners and workload

129. In its evidence to us as part of our scrutiny of the Scottish Government's 2014-15 draft budget proposals in October 2013, the RTPI expressed concerns over the impact the economic downturn and squeeze in public finances was having on the Scottish planning system—

“Last year has seen an unparalleled reduction in professional planning staff in local authorities across Scotland. Although this is as yet unquantified, intelligence received by the Institute tells us that this is beginning to have an impact upon how the service is being delivered. Planning can often be seen as a ‘Cinderella’ service which is not always regarded as a priority for investment. We believe that this is short sighted given the important roles that it can play in creating better places for people. A properly resourced planning system, working within the right framework, is key to achieving ambitions for sustainable development, economic growth and successful places for people across Scotland. It can highlight pressures for change, identify opportunities and build appropriate safeguards.”⁶⁵

130. The RTPI expanded on this in oral evidence to us—

“The issue is partly about the planning system and the resources that exist in planning departments, but it is also partly about skills and the seniority of planning staff. Figures have been provided that show that there has been a reduction in the number of planning staff, but that information does not pick up on the seniority of some of the people who have left the planning process over the past few years. Some very well-informed, skilled people have moved out of planning departments.

The issue is also partly about the work of the other agencies. We must ensure that other agencies across the country all feed into and support the developments that are identified in the national planning framework, SDPs, LDPs and so on. That, too, is crucial.”⁶⁶

131. TAYPlan spoke of the increasing burden of work the planning system has had to deal with over the last eight years—

“Planning authorities have been given additional work to do with the resources that they have, so we are talking about not just the numbers of staff but the amount of work that they have to do and how that has changed over time. Any organisation or business needs to be flexible with its resource and able to respond according to its needs.”⁶⁷

⁶⁵ RTPI. Written submission on the Scottish Government's 2014-15 draft budget, page 1. (October 2013):

http://www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/14_RTPI.pdf

⁶⁶ Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Cols 3090-91.

⁶⁷ Local Government and Regeneration Committee. *Official Report, 29 January 2014*, Col 3062.

132. Responding to questions about the impact of staff losses in planning authorities, and the proportion of skilled planning staff amongst such losses, HOPS spoke of their attempts to map the level of skills loss in planners and planning staff within the local government sector. Outlining the work they were undertaking they said—

“With regard to the loss of staff and perhaps loss of skills, one initiative that we have committed to and which we are keen to progress is around better benchmarking. There has been a tendency to have benchmarking within authorities but not to look at what is happening around them, so this year we have taken forward benchmarking groups in line with the Society of Local Authority Chief Executives and Senior Managers’ benchmarking families, so all our families are now set up. Instead of the discussions being a chat, a very focused discussion takes place about performance, in which we try to pick up best practice from across authorities. That is one way in which we will start to fill the skills gaps. We will be able to see what works in East Dunbartonshire or Orkney and, as a partnership, we hope to translate that within HOPS and along with the Scottish Government.”⁶⁸

133. As a Committee, we have taken a keen interest in the local government benchmarking system⁶⁹ developed by COSLA, SOLACE and the Improvement Service. An examination of the issues which were then delaying the implementation of the LG Benchmarking system, formed Strand 2 of our Inquiry on Public Services Reform and Local Government in Scotland in September 2012.⁷⁰

134. We welcome the initiative of HOPS to utilise the local government benchmarking system in this way, and encourage them, and their partners in COSLA, SOLACE and the Improvement Service to progress this work so that it can produce meaningful outcomes in terms of mapping the skills and training needs of the planning sector across Scotland. We plan to undertake a review of progress on the development, benefits and use being made of the Benchmarking system before summer 2014.

135. As part of our mainstreaming of budget scrutiny we will avail ourselves of the opportunity this review presents to examine how the system can provide meaningful data on the staff resource and skill levels within planning departments across local government. Following this review, we will make further comment in relation to the progress we expect to see in this area.

⁶⁸ Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Col 3092.

⁶⁹ Local Government Benchmarking Framework:
<http://www.improvementservice.org.uk/benchmarking/>

⁷⁰ Public Services Reform and Local Government in Scotland: Strand 2 - Benchmarking and Performance Measurement:
<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/42316.aspx>

OTHER ISSUES

Duties under the Regulatory Reform (Scotland) Bill

136. Some witnesses raised the issue of what they saw as the potential confusion between the duties of planning authorities to take sustainable development into account under the 2006 Act, in terms of development plans and applications, and new duties being imposed by the Regulatory Reform (Scotland) Bill, in terms of sustainable economic growth.

137. In their evidence to us HOPS stated that “it is ... still unclear how the emphasis to be placed on economic growth is to be reconciled with the legal duty on planning authorities to comply with sustainable development objectives”.⁷¹

138. HOPS clarified this position in their oral evidence—

“We certainly welcomed the additional consultation on the sustainable development element and we contributed to it. It will always be a challenge to balance social, economic and environmental factors ... However, although it will always be a challenge to achieve that balance, I think that what has been produced so far and what has been consulted on indicate that we are certainly going in the right direction. Obviously, we await the final version of NPF3. We want to ensure that the process does not become an industry in itself, given the various assessments that are required to demonstrate things such as economic viability, and that there is a proportionate approach.”⁷²

139. The Minister reiterated that local authorities would not be subject to a legal ‘duty’ in terms of sustainable economic growth, as this could lead to a situation where authorities “might have ended up in court every time a planning application was turned down.”⁷³ He went on to say—

“There is an expectation that sustainable economic growth will be delivered. I do not accept the false argument that there is a difference between sustainable economic growth and sustainable development. They are the same thing; they are complementary; and we can design policies in which they can be delivered in harmony. I think that, if I read out the definitions of the two terms, you would struggle to tell me which was which. Given that they are in keeping with each other, we can deliver sustainable economic growth and sustainable development as part of the policy mix rather than introduce a legal duty, which would have been inappropriate and would have been quite separate to the operation of the planning system.”⁷⁴

140. We note the decision of the Government not to place a legal duty to achieve sustainable economic growth on local authorities in terms of their functions as planning authorities. **We recommend the finalised NPF3, and its supporting guidance, provide greater clarity to planning authorities on how to balance**

⁷¹ Heads of Planning Scotland. Written submission.

⁷² Local Government and Regeneration Committee. *Official Report*, 5 February 2014, Cols 3082-83.

⁷³ Local Government and Regeneration Committee. *Official Report*, 29 January 2014, Col 3047.

⁷⁴ Local Government and Regeneration Committee. *Official Report*, 29 January 2014, Cols 3047-48.

the needs of achieving sustainable economic growth with their legal duty in terms of sustainable development.

Public petition PE1469

141. Public Petition PE1469 was referred to us on 10 December 2013 by the Public Petitions Committee. The Petition was lodged by Aileen Jackson on 19 March 2013. The petition calls on the Parliament—

“to urge the Scottish Government to consider a change in planning regulations to enable an increase in the current neighbour notification distance of 20 metres in relation to wind turbine planning applications.”⁷⁵

142. We took the opportunity of evidence-taking on the NPF and SPP, to ask the Scottish Government for its views on the substance of the petition.

Wind farm authorisation processes

143. There are two separate authorisation processes for the development of wind farms and each has separate neighbour notification systems. Proposals for wind farms with an installed generating capacity above 50 megawatts (“MW”) are considered and authorised by Scottish Ministers under the provisions set out in Section 36 of the Electricity Act 1989. Notification and publicity arrangements for such applications are set out in the Electricity (Applications for Consent) Regulations 1990, as amended. These Regulations require a notice of the application for consent to be published for two consecutive weeks in one or more local newspapers circulating in the vicinity of the application, and a similar notice to be published in one or more national newspapers and in the Edinburgh Gazette. Scottish Ministers can also direct the applicant to notify any other person they consider appropriate.

144. Applications for wind farms with a generating capacity of 50MW and under are considered and authorised by planning authorities under the provisions of the Town and Country Planning (Scotland) Act 1997. A planning authority is required to notify those with an interest in “neighbouring land” of a planning application under the provisions of Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2009. Regulation 3 of the 2009 Regulations defines the term “neighbouring land” as “an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed.”

145. In his written submission the Minister for Local Government and Planning stated that the overall aim of the current neighbour notification system was “to provide opportunities for interested parties to comment on applications while not placing disproportionate burdens on planning authorities and applicants”⁷⁶.

146. The Minister pointed out that the current neighbour notification scheme is intended to provide notice to those persons living next to the site of a proposed

⁷⁵ Public Petition PE1469:

<http://external.scottish.parliament.uk/GettingInvolved/Petitions/turbineneighbournotification>

⁷⁶ Scottish Government written submission, page 16.

development. However, he acknowledged this notification may not always provide notice to “everyone who might be affected by or have an interest in an application”.⁷⁷ Where a proposed development may be likely to have an impact on local amenities or the wider community, perhaps as a result of its height (e.g. wind turbines over 20 metres), or noise generating capacity, other forms of publicity are required to be undertaken. These can include publication of notices in local newspapers, as a way of drawing the attention of the community to the application. The Minister went on to state—

“We recognise, however, that guidance on public engagement beyond the statutory minimum can encourage a more tailored approach to individual circumstances and consider this a proportionate response to the particular concerns about wind turbines. We have advised the Public Petitions Committee previously that we will issue such guidance for wind turbine proposals, and we will advise both Committees shortly on the timetable for its production.”⁷⁸

147. In their evidence to us on the draft NPF3, HOPS spoke of some neighbour notification exercises which have been undertaken by various local authorities, for example Highland Council. Commenting on this process they stated—

“At the moment, we send out neighbour notifications at the point of the proposed plan, which is, in many ways, too late. For example, Highland Council sent out 15,000 letters in our recent consultation on the inner Moray Firth local development plan. However, that is done at the last stage of the process, and the notification is in legal and regulatory speak. As a group, the Government and planning authorities could make a big difference by carrying out the neighbour notifications earlier and making people aware much earlier in the process.”⁷⁹

148. The RIAS also referred to the point at which many people get involved in the planning development process—

“...communities are or have been reluctant to get involved at the strategic level of thinking. It is easy for a person to think that, say, a factory is going to be built behind their house only once they get the neighbour notification through their door, and that is the point at which they begin to engage in the process. They do not physically engage at the point in the process at which they should engage—at the plan-making stage.”⁸⁰

149. PE1469 highlights the point which we referred to earlier in paragraphs 105 to 113 in terms of level and timing of public engagement in the planning system.

150. In considering the issue of notification of individuals about proposed planning developments in their communities, the Committee noted the guidance established for developments which require the Scottish Parliament to enact a Private Bill to allow development to take place.

⁷⁷ Scottish Government written submission, page 16.

⁷⁸ Scottish Government written submission, page 16.

⁷⁹ Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Col 3086.

⁸⁰ Local Government and Regeneration Committee. *Official Report, 5 February 2014*, Col 3085.

151. The Scottish Parliament has set out criteria in terms of notification of interested parties which proposers of developments who require a private bill in the Parliament must undertake. Parliamentary guidance sets out the steps the Parliament expects the proposer of a private bill development to have undertaken in advance of seeking to lodge a bill in the Parliament.⁸¹ **We draw this guidance to the attention of the Government and planning authorities as a model of planning engagement with those affected by proposals as one they should examine in terms of any future improvement to the neighbour notification scheme.**

GENERAL CONCLUSION

152. **We, along with the Economy, Energy and Tourism Committee; the Infrastructure and Capital Investment Committee and, the Rural Affairs, Climate Change and Environment Committee, look forward to the final NPF3 and SPP reflecting our views and recommendations. We also look forward to the positive impact both documents will have on our work during the coming years.**

⁸¹ Private Bills guidance: <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/29669.aspx>

**ANNEXE A: EXTRACT FROM THE MINUTES OF THE LOCAL GOVERNMENT
AND REGENERATION COMMITTEE**

3rd Meeting, 2014 (Session 4), Wednesday 29 January 2014

Draft Third National Planning Framework (NPF3) and Review Scottish Planning Policy (SPP): The Committee took evidence on the draft NPF3 and review SPP from—

Derek Mackay, Minister for Local Government and Planning, Scottish Government;

John McNairney, Chief Planner, Scottish Government;

Fiona Simpson, Assistant Chief Planner, Scottish Government;

Helen Wood, Principal Planner, Scottish Government;

Petra Biberbach, Chief Executive, Planning Aid Scotland;

Neil Collar, Partner / Head of Planning Law, Brodies LLP;

Robin Holder, Chief Executive, Holder Planning;

Pam Ewen, SDPA Manager, TAYplan.

Draft Third National Planning Framework (NPF3) and Review Scottish Planning Policy (SPP) (in private): The Committee considered the evidence received.

4th Meeting, 2014 (Session 4), Wednesday 5 February 2014

Draft Third National Planning Framework (NPF3) and Review of Scottish Planning Policy (SPP): The Committee took evidence on NPF3 and SPP from—

Malcolm MacLeod, Chair, Heads of Planning Scotland;

Stephen Tucker, Convenor, Royal Town Planning Institute Scotland;

Hugh Crawford, President's Official Representative, Royal Incorporation of Architects Scotland; and

Suzanne McIntosh, Committee Member, Royal Incorporation of Architects Scotland.

Draft Third National Planning Framework (NPF3) and Review of Scottish Planning Policy (SPP) (in private): The Committee considered the evidence received.

6th Meeting, 2014 (Session 4), Wednesday 26 February 2014

Draft Third National Planning Framework (NPF3) and Review of Scottish Planning Policy (SPP) (in private): The Committee considered a draft report on the Draft Third National Planning Framework (NPF3) and Review of Scottish Planning Policy (SPP) and agreed to consider a revised draft report, in private, at their next meeting.

7th Meeting, 2014 (Session 4), Wednesday 5 March 2014

Draft Third National Planning Framework (NPF3) and Review of Scottish Planning Policy (SPP) (in private): The Committee considered and agreed its draft report on the Draft Third National Planning Framework (NPF3) and Review of the Scottish Planning Policy (SPP).

**ANNEXE B: WRITTEN AND ORAL EVIDENCE RECEIVED BY THE LOCAL
GOVERNMENT AND REGENERATION COMMITTEE**

3rd Meeting, 2014 (Session 4), Wednesday 29 January 2014

[ORAL EVIDENCE](#)

Derek Mackay, Minister for Local Government and Planning;
John McNairney, Chief Planner, Scottish Government;
Fiona Simpson, Assistant Chief Planner, Scottish Government;
Helen Wood, Principal Planner, Scottish Government;
Petra Biberbach, Chief Executive, Planning Aid Scotland;
Neil Collar, Partner / Head of Planning Law, Brodies LLP;
Robin Holder, Chief Executive, Holder Planning;
Pam Ewen, SDPA Manager, TAYplan.

Written Evidence

[Minister for Local Government and Planning \(275KB pdf\)](#)
[Brodies LLP \(187KB pdf\)](#)
[Holder Planning \(224KB pdf\)](#)
[TAYplan \(473KB pdf\)](#)
[Planning Aid Scotland \(341KB pdf\)](#)
[John Muir Trust \(247KB pdf\)](#)
[Planning Democracy \(243KB pdf\)](#)
[Minister for Housing and Welfare \(1817KB pdf\)](#)

4th Meeting, 2014 (Session 4), Wednesday 5 February 2014

[ORAL EVIDENCE](#)

Malcolm MacLeod, Chair, Heads of Planning Scotland;
Stephen Tucker, Convenor, Royal Town Planning Institute Scotland;
Hugh Crawford, President's Official Representative, Royal Incorporation of
Architects Scotland; and
Suzanne McIntosh, Committee Member, Royal Incorporation of Architects
Scotland.

Written Evidence

[Heads of Planning Scotland \(853KB pdf\)](#)
[Royal Town and Planning Institute Scotland \(219KB pdf\)](#)
[Royal Incorporation of Architects in Scotland \(192KB pdf\)](#)

**ANNEXE C: ADDITIONAL WRITTEN SUBMISSIONS RECEIVED BY THE
LOCAL GOVERNMENT AND REGENERATION COMMITTEE**

- [Nestrans \(624KB pdf\)](#)
- [Renfrewshire Council \(541KB pdf\)](#)
- [Aberdeenshire Council \(112KB pdf\)](#)
- [Glasgow City Council \(105KB pdf\)](#)
- [COSLA \(738KB pdf\)](#)
- [Comhairle nan Eilean Siar \(405KB pdf\)](#)
- [Glasgow and Clyde Valley Strategic Development Planning Authority \(2170KB pdf\)](#)
- [Scottish Environment Protection Agency \(1190KB pdf\)](#)
- [Aberdeen City and Shire SDPA \(548KB pdf\)](#)
- [RSPB \(541KB pdf\)](#)
- [Scottish Power \(286KB pdf\)](#)
- [Scottish Association for Public Transport \(309KB pdf\)](#)

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