Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

1.1 Barratt North Scotland have previously made comment on the consultation to the update to the Planning Fees (see page 7 onwards). We noted that if the fees are to increase then these should be to the benefit of Planning Authorities if this was to have a positive impact on the performance of the authority in respect of determining planning application. However, that consultation was done in isolation of any potential proposals for improving performance.

1.2 Other than the above, we have not been able to provide specific feedback on the financial implications of the Planning Reform, due to the lack of detail provided in the previous consultation documents.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

2.1 There is insufficient detail for us to provide a response.

3. Did you have sufficient time to contribute to the consultation exercise?

3.1 Yes, we had sufficient time to respond to the Planning Fees consultation in 2017.

3.2 In respect, however, of the FM Consultation Exercise, the lack of detail has meant that it has been difficult to contribute meaningfully and provide consultation feedback. We would welcome the opportunity to discuss in further detail.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

4.1 It is clear that the intention of the Bill is to provide more development site information at an early stage of the Local Plan process. In that, there is an expectation that there will be more collaborative working between developers and Planning Authorities in order to prove that a site is both viable and deliverable.
4.2 Some further in-depth scrutiny of the implications is required to ensure that these figures are credible especially in respect to the potential neutral costs change the FM suggests with the additional joined-up working;

4.3 The Infrastructure Levy is likely to have significant financial implications for developers. The costs associated with the Levy are significant yet there is a real lack of understanding of what the Levy can achieve and when, and as such further detailed analysis will be required to give them credibility;

4.4 Please see annotated table (underlined text) below for some informal thoughts.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

5.1 The Bill proposes a substantial increase in financial costs to developers on the back of the Government and Planning Authorities making savings. The proposed new costs to developers look to be at least ten times, but potentially as much as twenty times, more than the savings that the Government and Authorities will make combined. This is not considered because the additional financial costs which the Development Industry would be burdened with, provides no guarantees or certainty for any potential future developments which we are involved in;

5.2 It is unsustainable to increasingly rely on developers to support the Council’s finances, pay for and deliver infrastructure as well as deliver homes – Developer contributions are already becoming prohibitively high- and combined with increased planning fees, with no guarantee of improved service, the increased burden is not supporting developer’s ability to deliver;

5.3 The cost savings proposed to the Government and Authorities appear over-estimated and without proper scrutiny it would be unreasonable to assume the levels of savings proposed;

5.4 Failure to adequately set out the true financial picture at this early stage will lead to misunderstanding and misinterpretation;

5.5 The costs associated with Local Place Plans appears low and to ensure these are more meaningful tools, there is a need for communities to be adequately resourced;

5.6 It is clear that the planning system needs to be adequately resourced but the FM does not ensure this will happen, rather it puts additional costs onto the developer which will impact on delivery.
6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

6.1 Already, the costs of developing land are under scrutiny. Any additional financial costs to the developer (such as the Infrastructure Levy) are likely to have a negative impact on whether a site is developed or not. As increasing delivery is a key objective of the planning reform, this would clearly be counterproductive;

6.2 As per previous answers, we would anticipate that the enhanced collaborative working to prove site viability and deliverability will mean an increase in costs to Barratt. As yet we are unable to provide exact figures to prove the theory especially given the uncertain nature of the Infrastructure Levy. Uncertainty itself in the meantime can discourage investment.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

7.1 There are a number of aspects of the Financial Memorandum which appear to be under-estimated. Barratt believes that costs should be set out as realistically as possible to better understand the financial implications of planning reform through this Bill. This will ensure that the potential improvements and benefits are realised.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

8.1 The Financial Memorandum seeks to provide cost savings for Planning Authorities whilst increasing costs for the Development Industry. Ultimately, if the industry as a whole is to work better together to ensure deliverability and added value, this will come at an additional cost to all parties.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

9.1 Yes, the impact that secondary legislation could cause time delays as well as additional costs;

9.2 The impact of LPP’s could also add to further uncertainty and indeed a further level of bureaucracy to overcome. Whilst Barratt welcome community involvement, we consider that the implications of allowing members of the public the opportunity to determine the fate of a settlement could be at the cost of
development happening. Communities must be clear on the remit of LPPs and their requirement to comply with the NPF and relevant LDP, therefore proper training and guidance will be required. Provision should also be made for reviewing the LPPs before they are put in place to ensure they are indeed compliant;

9.3 The detail yet to come on several matters in the Bill means the impact cannot be assessed and therefore may incur previously unforeseen costs (or indeed savings).

<table>
<thead>
<tr>
<th>Costs are shown in black, savings in red</th>
<th>Scottish Administration</th>
<th>Planning authorities</th>
<th>Developers</th>
<th>Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development planning: NPF, SPP and SDPs</strong></td>
<td>NPF (para 30) Saving of £255,979 from move to 10-year cycle. Removal of SDPs (para 31): saving of £206,930 on scrutiny and examinations. Total £462,909</td>
<td>(para 36-40) Saving of £2,239,000 from removal of SDP examination and publishing costs.</td>
<td>(para 47-48) No change in costs. Focus likely to shift from SDPs / regional working to NPF. <strong>Uncertainty in the timings of LDP production in the 10-year period will incur costs. Also deals will now need to be longer which will incur costs, but also may stop some landowners from pursuing development</strong></td>
<td>(para 53) No change. Costs depend on approach taken by organisation.</td>
</tr>
<tr>
<td><strong>LDPs</strong></td>
<td>(para 32-34) Saving of £2m from move to 10-year cycle and removal of supplementary guidance. Allowance for detail within LDP on Supplementary guidance topics is required.</td>
<td>(paras 41-46): Saving of £17m to £25.5m from move to 10-year cycle Saving of £4.42m to £6m from removal of supplementary guidance. Total saving £21.42m to £31.5m <strong>expected to be absorbed by requirements to be made under regulations.</strong> <strong>Monitoring of the LDP through the lifetime of the LDP, any modifications throughout its life, plus increased work on delivery need to be allowed for.</strong></td>
<td>(para 49) No change. Costs depend on approach taken by organisation.</td>
<td>(para 54) No change. Costs depend on approach taken by organisation.</td>
</tr>
<tr>
<td>Local place plans</td>
<td>(Para 55-61) Discretionary spend to support communities.</td>
<td>None</td>
<td>(Para 55-61) Monetised cost including volunteer time and practical support: £11,960,000</td>
<td></td>
</tr>
<tr>
<td>Simplified development zones</td>
<td>None (para 68)</td>
<td>(Paras 67-68) Report on review: total cost £330,000 to £660,000. Costs for preparation of SDZs: £15,000 to £200,000 each.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Development management: Local review bodies</td>
<td>(para 73) Saving of £348,000</td>
<td>(para 74-75) Cost of £275,500 to £420,500</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Training for taking planning decisions</td>
<td>(para 78) £10,000 to £15,000 start-up costs.</td>
<td>(para 79-80) No change (£1,020,000)</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Assessment of planning authorities’ performance.</td>
<td>(para 83-84) Cost of £46,250 for co-ordinator. £10,000 for assessments, one every 2 years.</td>
<td>(para 85) None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Infrastructure funding</td>
<td>(para 90) £450,000 start-up costs.</td>
<td>(para 91-93) Cost neutral – income to be spent on infrastructure projects and administration. Monitoring of effectiveness and impact on projects needs to be allowed for.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>£1,026,231 saving over 10 years.</td>
<td>£22,578,500 to £33,133,500 saving over 10 years</td>
<td>£11,960,000 (including volunteer time).</td>
<td></td>
</tr>
</tbody>
</table>
continue to have a huge impact on financial; viabilities of projects and the decisions of whether to pursue applications and indeed some developments. Particularly where they are not linked to an improvement in service.
27 February 2017
Chief Planner
Scottish Government
2 H South, Victoria Quay
Edinburgh
EH6 6QQ

Dear John

Consultation on Raising Planning Fees in Scotland

1.0 Introduction

1.1 This submission has been prepared on behalf of Barratt Scotland. At the outset, it is important to note that this submission should be considered alongside the submission prepared by Homes for Scotland on behalf of the house building industry as a whole.

1.2 In year ending June 2016, Barratt Scotland built and completed 1,556 homes in across the country including opening 12 new sites. We therefore have substantial experience (both positive and negative) of the system and the measures that we believe can be put in place to improve housing delivery which is a key aspiration of the Scottish Government as set out in Places, People and Planning – A consultation on the future of the Scottish planning system.

1.3 Furthermore, the proposed changes to the fees regime will have a disproportionate effect on those developers who pursue proposals in excess of 50 units. For example a detailed planning application comprising 100 units would be liable to a maximum fee of £20,050 in the current regime. However, the same application would attract a fee of £30,050 if the proposals included in the consultation paper are confirmed. Conversely, for applications of up to 50 units the fee would remain the same. Detailed applications for up to 575 units would attract a fee of £125,000 as opposed to the current fee of £20,050.

1.4 Bearing in mind the continuing scarcity of bank funding, it is the self-funding Plc's (like ourselves) who are best placed to drive a step change in housing delivery. However, an increased fee regime will simply be an added constraint to delivery and erroneously assumes that ‘major’ applications ‘soak up’ more of the resources of local planning authorities than ‘local’ applications when research commissioned by the Scottish Government found this not to be the case.
2.0 Planning Performance Statistics 2016/17 Q2

2.1 The latest Planning Performance Statistics published by the Scottish Government on 14th December 2016 make grim reading for the development industry and provide little justification for an increase in planning application fees. For all major applications subject to average time calculations there were 48 proposals decided in Q2 of 2016/17, 13 (21%) less than the 61 decisions in the previous quarter, and 9 (16%) less than the 57 decisions in the equivalent quarter of 2015/16. The average decision time for these 48 major developments was 44.8 weeks, more than 5 weeks slower than the previous quarter (39.3 weeks) and the slowest average decision time since the start of this data collection in Q1 of 2012/13.

2.2 For major housing applications subject to average time calculations there were a total of 19 proposals decided during Q2 2016/17 and the average decision time was 48.5 weeks, slower by one day compared to the previous quarter (48.3 weeks). Equivalent Q2 figures for earlier years are 34.4 weeks in 2015/16, 38.5 weeks in 2014/15, 42.8 weeks in 2013/14 and 34.8 weeks in 2012/13. In Q2 2016/17 there were 18 applications for major developments where planning authorities had planning/legal agreements in place. The average time taken to make decisions on these applications was 76.9 weeks, slower by almost 18 weeks compared to the previous quarter (59.3 weeks). Equivalent Q2 figures are 40.5 weeks for 2015/16, 72.3 weeks for 2014/15, 54.1 weeks for 2013/14 and 61.9 weeks for 2012/13.

2.3 The vast majority of housing applications which are supported are done so on a ‘minded to grant’ basis with final approval dependent on the execution of a legal agreement (usually a section 75). Consequently, irrespective of the number of units involved, developers can look forward to an average determination period of between 10 and 19 months compared to a statutory period of 2 months and 4 months respectively. In other words, current performance is 5 times worse than expected by the Scottish Government.

3.0 Empowering Planning – An Independent Review of the Scottish Planning System

3.1 The house building industry made a significant contribution to this review both through written submissions and via oral evidence provided to the Panel. Notably, the Panel concluded that as performance had improved there was some justification to ‘re-open the debate’ as to fee increases. It is clear from the above statistics that performance has worsened since 2012. Notwithstanding their views on performance, the conclusions of the Panel in relation to application fees were as follows;
Paragraph 7.7 – ‘…most of the evidence points to support for higher fees, providing that a significantly improved service can be guaranteed in return (our emphasis).

Recommendation 37 – ‘…Whilst we accept that ring-fencing fees are not an optimal solution, local authorities must accept that all increases in fees must be directly linked with improved performance…We also recommend a new means of measuring service quality which builds on performance frameworks, and a mechanism for penalties such as a refund in the planning fee to be incurred where this is not achieved.’

3.2 The recommendations of the Panel were broadly welcomed by the industry as it was clear that there would be a link between increased fees and improved performance. Consequently, there was a legitimate expectation that any proposed consultation would set out both the proposed fee regime and the new performance criteria against which local planning authorities would be measured.

3.3 Instead the Scottish Government has chosen to consult on the principle of increasing fees in isolation of proposals for improving performance. The consultation paper addresses improved performance in just two paragraphs with the first paragraph no more than an aspiration to achieve good planning and the second a promise of ‘jam tomorrow’ in terms of improved performance for users of the system.

3.4 This unstructured approach to fee increases is illustrated by the fact that the consultation paper also suggests wider changes to the fee structure, including scope for further discretionary charging taking account of changes to the planning system flowing from the wider review of planning (see paragraph 3.6 below). Consequently, there is absolutely no certainty that the proposed fee increase set out in the current consultation will bring an end to the review process. North Lanarkshire in their response to the consultation has interpreted the two stage approach as follows;

‘However, while recognising the Scottish Government’s desire to ensure that the costs associated with making major planning applications in Scotland are not more than in other parts of the UK, there is no justification provided as to why the proposed fee is half of that applied in England and less than half of the Welsh maximum. It may be the case that to set such a fee would be too great a step to take immediately, and that the matter could be reviewed after a period of operation, and so while accepting the level of fee proposed, it would be appropriate to suggest that the level be reviewed in three years with a view to aligning it more with the English and Welsh levels of fee’.
3.5 Significantly, there is no mention in the North Lanarkshire response to the need to ensure any increase in fees is linked to sustained improvements in performance – a remarkable omission bearing in mind the recommendations of the Panel, as noted in paragraph 3.1 above, and the consultation paper itself.

3.6 It is also noted that the consultation paper - Places, People and Planning – A consultation on the future of the Scottish planning system suggests further ad hoc changes to the fee/consents regime including:

- A revised maximum fee in due course;
- Withdrawal of the rights to a repeat or revised application at no cost;
- Proposed charging for appeals;
- Increased fees for applications on sites not allocated in the adopted local development plan;
- Rights granted to statutory agencies to charge for input into planning applications;
- Charging for the discharge of planning conditions.

3.7 It is not clear why the Scottish Government is consulting on fee increases in two different fora other than to allow the early fee increase to be introduced to coincide with the new tax year (the date from when the new fee regime generally applies). West Lothian Council’s response to the consultation urges the Scottish Government to introduce the increased fee regime from 1st April 2017.

3.8 For the avoidance of doubt, we do not object to the principle of increased planning application fees. However, we strongly object to, firstly, any proposal to any increase in fees without the introduction of a clear and measurable performance framework and, secondly, to the incremental approach currently being suggested by Scottish Government.

4.0 The Current Planning System

4.1 There a number of fundamental issues with the workings of the current planning system as set out below;

- Unnecessary delays in the registration of applications often to mask performance. As an example we are aware of one instance where an application was submitted via ePlanning.Scot on 7 December 2015. Formal confirmation from the Local Planning Authority (LPA) regarding registration was not received until 18 January 2016 and even then the application was deemed as being invalid;
• A lack of continuity in Case Officers within LPA’s, often compounded by late interventions by Line Managers who contradict previously agreed positions;
• Whilst we have no issue with the LPA’s offering flexible working conditions, there is an interruption in project management for those applications being managed by Case Officers who work part time hours;
• Charging for pre-application meetings but with no willingness to ensure attendance by other departments e.g. housing or transportation;
• Determination of AMSC applications at Committee with little scope for the use of delegated powers. At AMSC stage the principle of development has already been agreed and such applications submitted on a phased basis. Whilst the issue being considered could be minor, standing orders or Officer protocol often require referral to Committee where the application has to wait on a Committee cycle. These cycles tend to be monthly with a 2 week lead in period which potentially adds up to 6 weeks to a determination period;
• Delay in the final determination of applications beyond ‘minded to grant’ stage often arising from a lack of a suitable brief to Legal Officer’s in terms of section 75 or an unwillingness to allow a developer’s representative to draft the agreement. Previously produced template agreements are often ignored;
• The exponential growth in supplementary guidance. One local planning authority is currently consulting on SG relating to Health Impact Assessments with the suggestion that developers should collate data on ‘the health status of the local population, especially any particularly susceptible or socially excluded groups’ prior to the submission of any planning application;
• The quantity and scope of additional information required to support an application is, in many cases, completely disproportionate to the development proposed;
• Delays in consultation responses from other Council departments and external stakeholders. There are no sanctions applied to other Council departments or consultees if they do not respond within the requested timescale. They often respond some months after an application is lodged. Planning Officers are generally unwilling to determine an application without input from other stakeholders;
• An unwillingness by Officers to decide whether planning obligations sought by other departments with the Council or by external parties meet the terms of Circular 3/2012. This is the sole reason why there has been such a substantial increase in section 75A applications/appeals;
• The unwillingness of Officers to accept development viability as a material consideration in the determination of a planning application. Councils have varying degrees of understanding of development finance;
• The ability of elected Members to thwart development on the back of often unsubstantiated objection with Planning Officers often unwilling to point out the implications of such an approach. In these instances developers generally succeed on appeal and often secure payment of expenses. The appeal process delays development (often by up to a year) and deprives the Council of both valuable staff and financial resources as they defend their decision;
• The lack of processing agreements and, even if such an agreement is in place, the lack of any sanction if timescales are not met. These agreements often hide
performance figures for applications that are determined beyond the statutory period;

- The inability of the appeal process to be anything more than a destination of last resort;
- Varying approaches to the discharging of pre-start/prior to occupation conditions. Developers may lodge the necessary information but more often than not get no response from the LPA.

4.2 It is our view that only a few of the concerns noted above would be addressed by an increase in planning application fees. It is recognised that there is pressure on resources within planning departments and Officers are often reliant on other departments/consultees providing the information required to determine an application. However, in the absence of any commitment to ring fence planning application fees there is no guarantee that this will result in improved performance. Hopefully, North Lanarkshire Council’s response to this consultation and their failure to acknowledge the need for improved performance is not emblematic of the views of the other LPA’s.

5.0 Measures to Improve Performance

5.1 The current consultation focuses on whether or not the principle of increasing planning fees is acceptable ahead of a wider review of the fee structure. However, we do not believe that it is reasonable to ask a closed question regarding the principle of fee increases without considering how performance could be improved to justify such increases. There needs to be a direct relationship between fees and performance. If there is not a link to application processing we are concerned that increased fees would not be allocated to resource the planning function within local authorities. We set out below our initial thoughts as to how improved planning performance can be incentivised and integrated within future planning reforms.

5.2 The pre-application stage should become an integral part of the application process and be subject to a fee commensurate with the resource needed to service such a process. Developers should complete a pro forma ahead of the meeting and the LPA should identify the main issues and as a result who should attend the meeting.

5.3 These meetings should also be the forum for agreeing the scale and nature of any supporting information required by the LPA in order to determine any planning application. Any information sought should be proportionate and relevant to the proposed development in question.

5.4 The pre-application fee could be discounted from the application fee if submitted within a set timeframe. In theory, the LPA would receive some money upfront, would
be paid for their pre-application time and the application should be processed more quickly because all of the parties know the issues in advance which can be addressed by the developer in their initial submission. Consultees would also have prior knowledge of the proposal.

5.5 Charging for pre-application meetings could form part of a staged application fee. An example of staged payments could be that 20% of the fee is paid upfront and the remaining fee is tied to determination within the statutory timeframe or, where appropriate, conclusion of a legal agreement. The latter could include provision of a further payment if the application was minded to grant. As a performance incentive fees would be reduced, or potentially even returned in full, if timescales are not met. Alternatively, application fees could be returned in part or in full if target dates are not met. These approaches follow the principles detailed in recommendation 37 of the Panel Report referred to in Section 3. This would incentivise the LPA to make decisions more quickly and would hopefully encourage Councils to resource the planning function to ensure potential revenue is not lost.

5.6 Rather than being limited to a target determination date validation letters could set out all relevant dates within the application process based on the data input, major or local application, consultations undertaken etc. This data would be computerised and be regarded as a process agreement. An allowance of 2 months could be made for potential legal agreements. If required a further tranche of the application fee would be tied to the dates set out in the validation letter.

5.7 It is acknowledged that the above proposals place added responsibility on LPA’s and we recognise that there should be scope to adjust the determination date in those circumstances where a developer has failed to respond within a previously agreed time limit. Conversely, if new issues emerge that were not raised at the pre-application stage the developer may incur costs in addressing the issue and there could be a delay in determination of the application as a result. In these circumstances, the application fee should be reduced to reflect any additional cost.

5.8 Where external or internal consultees do not respond within 21 days this should be deemed as ‘no objection’. LPA’s should have the confidence to assess the application in the absence of responses from consultees.

5.9 LPA’s should assist consultees in understanding the use of conditions and legal agreements. Many LPA’s run similar exercises for councillors. As part of the process LPA’s should set a gateway test for planning gain demands.

5.10 GVA produced A Guide to Development Viability on behalf of the Scottish Government in 2009. As noted above LPA’s have differing views on how to consider
viability and responses are inconsistent. In order to address this and the fact that many LPA's rely on input from other Council departments when reviewing viability it would be beneficial if guidance was issued by the Scottish Government.

5.11 Consideration should be given to reduced fees for PPiP applications where less issues are being considered. To off-set this there could be a higher fee for the initial AMSC application. If the initial application costs were kept to a minimum this would allow an appeal to be pursued without excessive cost particularly in those circumstances where a developer wishes to test whether a LPA has an effective land supply.

5.12 Applications that are in accordance with the Development Plan should be determined under delegated powers regardless of size. For example if a site has been allocated for housing and the number of units proposed are either lower than the allocation in the LDP or within 10% tolerance if higher then the application should be determined under delegated powers.

5.13 We would be amenable to the principle of paying a fee to lodge a planning appeal. However if the appeal is upheld the LPA should reimburse this fee to the appellant.

5.14 As noted above the Independent Review of Planning concluded higher fees could be supported where service by the LPA is significantly improved. To demonstrate how improved performance is being targeted LPA’s must be transparent and identify where this additional fee income has been spent e.g. increased Full Time Equivalent positions in development management and associated administration functions.

5.15 Where a site has been allocated in a local development plan and a compliant application has been lodged there should be a system for fast tracking the application. Developers may be willing to accept an enhanced planning fee where such a system existed.

5.16 Where developer contributions are required the system would benefit from the using standard legal agreements where paragraphs regarding the relevant financial mechanisms or physical interventions can be inserted. Few LPA’s adopt this approach at present. Drafting should be undertaken by the developer's solicitor and reviewed by the Council's solicitor.

5.17 There is an increasing trend for LPA’s to deal with matters through conditions and as a result many consented major developments have at least 20-30 conditions
attached. As noted above, authorities deal with the discharge of conditions differently and such activity is a low priority because condition purification will not assist performance figures. It is therefore suggested that conditions are deemed discharged if the developer does not receive a response within 21 days of submission of the requisite information.

5.18 LPA’s and developers should work more closely to agree the wording of conditions with draft Officer Handling Reports circulated in advance of Committee determination. It is our view that many conditions are often duplicated or addressed by other statutory regimes, such as Scottish Water approvals. Subtle differences in wording can also have a huge impact on development delivery, for example matters being agreed before development proceeds above the damp proof course rather than before development commences.

5.19 Specific guidance is required preventing LPA’s from refusing applications and keeping any enhanced fee.

5.20 LPA’s should be discouraged from preparing Supplementary Guidance with the local development plan being the vehicle for setting out policy and any associated contributions regime.

6.0 Further Engagement

6.1 The consultation paper indicates that the Scottish Government will reflect on the need for further changes to resourcing the planning system and will consider, together with the High Level Group on Planning, how the link between fees and performance can be maintained and strengthened.

6.2 The High Level Group on Planning comprises COSLA, SOLACE, SOLAR, HOPS and RTPI, all public sector organisations (RTPI Members are principally Local Authority Planning Officers) with little experience as customers of the planning system. It is remarkable that the Scottish Government do not propose to involve the most frequent users of the planning system (i.e. developers) when considering how to link fees to an enhanced performance. Representatives of the industry should form part of the High Level Group on Planning to allow the views of ‘customers’ to influence any new performance regime.

7.0 Conclusions
7.1 We do not believe it is appropriate for the Scottish Government to propose an increase in planning application fees without clear, specific and measurable criteria being put in place to improve performance at the same time. In the absence of any such linkage, developers will simply end up paying more for the same service. The Independent Panel concluded that it was appropriate to re-open the debate on fees on the back of improved performance. The Scottish Government’s own statistics confirm that, in fact, performance has worsened since 2012.

7.2 The piecemeal approach to fee increases is further illustrated by some of the proposals included within Places, People and Planning – A consultation on the future of the Scottish planning system. This suggests a further revision to the maximum fee in due course as well as the introduction of a wider charging regime.

7.3 As noted above we have no objection to the principle of an increase in fees provided this is undertaken in a coordinated manner and is linked to ‘guaranteed’ improved performance. The most recent consultation paper from the Scottish Government proposes wider ranging planning reform and suggests it is ‘time to have a wider discussion on the resourcing of the planning system’. Any debate about increased planning fees must form part of this process and should not be decided in advance as currently proposed. We remain ready and willing to participate in driving through planning reform and use our unrivalled experience to deliver a planning system which helps growth happen.

Yours sincerely
for BARRATT SCOTLAND

Tommy Hart BLE (Hons) MRTPi
Land Manager