

Consultation Response

Investing in Planning Consultation

Response Summary

We are delighted to input into the Scottish Government's consultation about investing in Scotland's planning system. We are particularly pleased that this consultation represents an important acknowledgement that resourcing the Scottish planning system goes beyond increasing planning fees. As a professional body, learned institute and key stakeholder representing the planning system and planning professionals in the UK and Ireland, the Royal Town Planning Institute (RTPI) believes that this is a vital consultation to support the successful implementation of the Planning (Scotland) Act 2019 and NPF4. We also believe that this consultation represents part of a much larger conversation that we hope to continue to be a part of with the Scottish Government and other stakeholders.

RTPI Scotland's response to this consultation has been informed by our expertise as Scotland's professional planning body and our involvement in other working groups and forums. It has also been informed by an online workshop involving RTPI members and other stakeholders which took place on 1 May 2024.

A summary of the key points we wish to raise through this consultation are as follows:

The need for a Resourcing Framework

Our members have voiced to us that, in their experience, when new measures are introduced to improve, streamline, or speed up the planning system, this has invariably pushed further responsibilities and duties onto local planning authorities, exacerbating capacity and resourcing challenges.

We understand the complex nature of Scotland's current planning resourcing crisis, and for this reason it is our recommendation that it be approached through the development of a detailed Resourcing Framework. In our view, such a Framework is critical to help us avoid some of the potential unintended consequences of the proposals set out in the consultation paper, and to enable us to fully grasp and navigate the complexities of the planning resourcing crisis in Scotland. It would also help us to understand each of the proposals as a small part of a broader network of solutions required to tackle this crisis in the short, medium and long terms across multiple governance and spatial scales. In addition, the Framework would enable the setting of action, review and monitoring responsibilities that would support us in tracking our progress and the impact of the proposals in a coordinated and collaborative way in line with the Place Principle.

Beyond Development Management

Scotland's planning system cannot be resourced through the development management process alone. Actions to address the resourcing challenges of the planning system must also include consideration of the other duties and activities undertaken by local authority planning officers, including evidence gathering, plan-making, engagement practices, enforcement action (to name just a few).

It is also important to understand the key role of actors and agencies external to planning, but who are also key to plan- and decision-making. For example, it is vital

that key agencies and statutory consultees (that are also experiencing resourcing pressures) are supported and resourced to strengthen communication and collaboration between them and local planning authorities in delivering decisions in a timely manner.

Beyond Planning Fees

The planning system cannot be resourced through planning fees alone. The introduction of new planning fees will not automatically bring about increased capacity in local planning authorities or enhanced service provision.

Any increase to existing or introduction of additional planning fees must have regard to the fine balance which exists between what planning fees are meant to achieve and understanding that the economic benefits of planning extend beyond fee generation.

We believe it is important for any fees generated through the planning system to be ringfenced so that they are redirected back into resourcing the planning system. However, this cannot be the only funding for planning, given that RTPI Scotland's latest [resourcing research](#) revealed that planning application fees only cover 66% of the processing costs of applications.

Data and Digital Tools

We believe more importance should be placed on data and digital tools, skills, and innovation within the broader discussions around resourcing the planning system. Data and digital could have positive impacts on streamlining working practices and alleviating many of the resourcing challenges facing the Scottish planning system. RTPI Scotland were delighted to have partnered with the Scottish Government on the creation of a Digital Planning Skills Portal and handbook, which was launched earlier this year. We believe our continued monitoring of this portal will assist with ongoing discussions around how digital skills and tools can help to alleviate resourcing pressures on local planning authorities.

We strongly recommend that the objectives of the Scottish Government's digital planning strategy should continue to be the golden thread that runs through the Scottish Government's current workstreams in order that the bold ambitions of the strategy can still be achieved in a holistic manner, despite the recent budget cuts.

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

We agree proportionality in the decision-making process is important. Many of our members have anecdotally shared their experiences that the size and scale of application submissions have increased significantly over the last decade (contributing to capacity pressures) and so we are pleased to see this highlighted in the consultation paper as an issue that needs to be addressed within the broader discussion around resourcing the Scottish planning system. We also welcome the proposal to convene a short life working group to contribute expertise and share examples of proportionate approaches.

Understand and engage with current work on proportionality

Notwithstanding the above, some of our members have expressed the view that there is a need to avoid duplication with current ongoing workstreams. For example, there is currently a review underway under the Onshore Wind Sector Deal looking at the proportionality of the EIA assessment process. This review potentially has wider applicability across the planning system, so it could be beneficial for the Scottish

Government to have regard to the emerging recommendations in its broader look at proportionality in the planning system.

Too much focus on Development Management

Our members have also expressed the view that the consultation focuses primarily on the decision-making process carried out by planning authority development management teams. The question of proportionality is not just important with respect to DM decision making, but also with respect to other of the duties and activities undertaken by local authority planning officers, including evidence gathering, plan-making, engagement practices, enforcement action etc. It is also important to understand the close relationship between proportionality and the way we embed the Place Principle into our working practices to enhance collaboration and to break down organisational and sectoral boundaries. This relationship is important. Proportionality and collaboration go hand in hand so that the result is not a reduced level of scrutiny or engagement, but rather a balanced and holistic approach that best utilises available skills both within the planning profession and beyond.

The need for a Resourcing Framework

In order to undertake such a holistic approach to tackling the planning resourcing crisis in Scotland, it would be our recommendation that we approach it through the development of a detailed Resourcing Framework. Figure 1 of the consultation paper includes a list of actions and proposals that have the potential to contribute to the creation of a more streamlined and better resourced planning system. However, in our view, the consultation paper is missing some vital pieces of the resourcing puzzle. For example, it is difficult to ascertain at this time how these proposals will work together with current processes and with the broad range of actors that comprise the many layers of the planning system to tackle the current resourcing crisis. It is also unclear if Figure 1 represents a first stage approach that will be followed by other initiatives focusing on other areas of the planning system, or if it is a definitive list of actions. An assessment of anticipated impact within specific timeframes is also missing from the consultation paper. Without such an assessment, it is difficult to gauge the likely cumulative impact of these proposals on the ground and over what time- and geographic-scales.

Our members have voiced to us that in their experience when new measures are introduced to improve, streamline, or speed up the planning system, this has invariably pushed further responsibilities and duties onto local planning authorities, exacerbating capacity and resourcing challenges. We suggest that the development of a broader and more detailed Resourcing Framework would help us to avoid this scenario and to fill the current gaps and unanswered questions within the consultation paper. It would also enable us to draw the necessary links between the actions and proposals set out in Figure 1, underpin them with a robust analysis and a strong evidence-base, and to identify the potential cumulative impacts across the various geographic and governance scales and timeframes to better prioritise the introduction of changes.

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

Partially Agree

We believe that processing agreements can be a useful tool to set expectations and engage early with applicants.

However, such tools are only useful in increasing efficiency if they are backed up with the necessary resources that give planning authorities the confidence to commit to a specific decision-making timeframe. Although these agreements are not legally binding, they will only have the positive impact of creating certainty and confidence in

planning decision making if planning authorities, applicants, and statutory consultees adhere to the timescales set out therein.

An agreement between a planning authority and applicant alone fails to have regard to external factors that are beyond the control of planning authorities. For example, statutory consultees are also experiencing resourcing pressures that are putting a strain on their ability to respond to applications in a timely manner. Unless they are also able to agree to the timeframe set out in the processing agreement, we can foresee that such agreements could lose all meaning and simply create additional work for planning authorities if they are then required to negotiate extended timescales within an amendment to the agreement.

For processing agreements to be an effective delivery tool that enhances certainty in the decision-making process, there must be buy-in from all those involved in the application assessment process.

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

Strongly Agree

Our members did not comment on their use of processing agreements or how successful they have been.

However, as per our response to the previous question, we believe that for processing agreements to be an effective tool, they need to be backed up with adequate resourcing to give planning authorities the confidence to enter into such an agreement in the first place. They also need to have sufficient buy in from all stakeholders to a planning application – including statutory consultees whose input into the decision-making process is vital for the agreement timescales to be met.

Without the resources to back up adherence to the agreement, processing agreements have the potential to exacerbate the challenges planning authorities are already experiencing – i.e. if planning authorities lack capacity to decide the application within the prescribed timescale, further valuable time and resources is then required to negotiate an alteration of the agreement.

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

Yes

If there was a sufficient level of confidence that entering into such an agreement would provide the required certainty for applicants, we believe there could be scope to introduce a discretionary fee.

If a discretionary fee was introduced, this would need to be accompanied by a greater commitment from all parties (including planning authorities, applicants and statutory consultees) to adhere to the timescales set out in the agreement. Without this buy in from all stakeholders, it could be very difficult for the agreed timeframes to be met in practice.

It is also important that there be transparency regarding where the fee is going – i.e. would it be plugged directly into the resources required to assess that particular planning application? Given that applications also rely heavily on input from statutory consultees, would some of the fee go to assisting them with the resources required for their assessment?

We suggest that any proposal to introduce additional discretionary fees be considered within a broader Resourcing Framework, in order that its likely impact can be assessed following a robust analysis and backed up by a strong evidence-base. It would also enable such proposals to be considered alongside other of the actions and proposals within the Framework to establish potential interlinkages, including the work being undertaken by the National Planning Improvement Champion to create a new National Planning Improvement Framework. For example, the effectiveness of processing agreements could form part of the new peer review process of the NPIF, identifying where improvements need to be made to enhance the effectiveness of this tool.

We would not support penalties for non-compliance with processing agreements (which would only further exacerbate the resourcing challenges planning authorities and statutory consultees are currently facing). Rather, we believe that if the proper resources are in place for both planning authorities and statutory consultees, and that this is supported through the NPIF, it is more likely that agreed timescales will be met.

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

It is important to clarify that when we talk about “certainty” in this context, we are referring to decision-making timescales, and not the outcomes of those decisions.

We also note that the consultation paper appears to define “planning process” as development management decision making. We would highlight that this is not the only aspect of the planning system, which includes plan making, enforcement, and all the additional duties required by planning authorities to engage with communities and other key stakeholders in delivering the outcomes of NPF4.

We also do not believe that planning should be thought of as a “process” alone. Doing so oversimplifies the important role of planning in delivering the homes, services, infrastructure, and environment that are needed for communities and nature to thrive and for planning authorities “to manage the development and use of land in the long-term public interest” in accordance with the purpose of planning.

Notwithstanding the above, we would recommend the following actions should be taken to further enhance certainty in the decision-making process (which is the focus of this question):

- The timely publication of government guidance to avoid inconsistent approaches to the implementation of policy. Our members have expressed the opinion that certainty could be better achieved through clear and consistent direction from the Scottish Government. An example given was the lack of clarity that exists around the interpretation of certain NPF4 policies, for which planning authorities and applicants are still awaiting government guidance. The current lack of clear national guidance has led, we have heard, to different and (in some cases) inconsistent application of NPF4 policies across local planning authorities, further exacerbating levels of applicant and planning authority uncertainty. This is not to say that there should not be local variations to policy application, but that the timely publication of guidance would help to ensure that there is a consistent approach to planning authorities’ application of policy to the local context.
- Planning authorities must have sufficient staff and in-house expertise (or access to external expertise) to appropriately carry out their duties in a timely and efficient manner. Although all local planning authorities are experiencing resourcing challenges, we recognise that these challenges are not all the same across all local authorities. For example, we are aware that whilst certain local authorities have access to in-house biodiversity and conservation expertise, this is not the case across the board.



- Enhance opportunities and capacity for frontloading decision making. We are aware that there are existing mechanisms in place to do this – for example, the pre-application process. We are also aware that Masterplan Consent Areas will provide another mechanism for the frontloading of decision making. However, our members have told us that such mechanisms are not always as effective as they could be. This is largely due to issues of capacity within local planning authorities, but it is also related to the capacity of other stakeholders who are required for the frontloading process to work effectively. For example, we heard from one member that a response to a pre-application from a statutory consultee took over 12 months to receive – rendering the purpose of the pre-application process largely redundant. The result was that the applicant abandoned the proposal for their 9-unit development.
- Understanding the key role of actors external to planning, but who are also key to planning decision making. For example, it is vital that statutory consultees are supported and resourced to strengthen communication and collaboration between them and local planning authorities in delivering decisions in a timely manner.
- In addition to the above points, our members noted that they were generally supportive of standardised templates for Section 75 agreements. However, they highlighted that templates exist for other processes, but that this has not necessarily prevented delays in the past.

The above points are just a few ways we believe certainty could be enhanced in planning decision making, but we reiterate our recommendation that these sit within a broader Resourcing Framework if they are to be actioned effectively and holistically with the other actions and proposals set out in the consultation paper.

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

We take this opportunity to highlight the importance of data and digital tools and skills to the streamlining, alignment and standardisation of the planning system. In our view, you cannot have a conversation about resourcing without including this topic.

Although digital innovation is touched upon in the consultation paper, we believe more importance should be placed on data and digital tools, skills, and innovation within the broader discussions around resourcing the planning system. Data and digital could have positive impacts on streamlining working practices and alleviating many of the resourcing challenges facing the Scottish planning system. RTPI Scotland were delighted to have partnered with the Scottish Government on the creation of a Digital Planning Skills Portal and handbook, which was launched earlier this year. We believe our continued monitoring of this portal will assist with ongoing discussions around how digital skills and tools can help to alleviate resourcing pressures on local planning authorities.

We strongly recommend that the objectives of the Scottish Government's digital planning strategy should continue to be the golden thread that runs through the Scottish Government's current workstreams in order that the bold ambitions of the strategy can be achieved in a holistic manner, despite the recent budget cuts.

We also believe that the objectives of the digital planning strategy should sit within a detailed Resourcing Framework alongside the other actions and proposals, so that they are intricately connected to the broader resourcing discussions and seen as part of the wider network of solutions required to tackle this deeply embedded issue.



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

We consider that the actions identified in the consultation paper are equally important but that their timescales will vary in terms of both implementation and impact. For example, the campaign toolkit published by HOPS is a short-term action with potential long-term impacts. Whereas the action to further promote planning in secondary schools is a medium-term action with (once again) long-term impacts.

Whilst we would not seek to prioritise these actions in terms of importance (as we believe they are all equally important), we do believe it will be important to prioritise them in terms of delivery timescales and to monitor their progress. We note that the [Future Planners report](#) does this at Section 5.2 – prioritising the actions in order of proposed timescales. In our view, the Future Planners report could be a starting point for the development of a detailed Resourcing Framework in which the actions would sit as part of a wider network of solutions, underpinned by robust analysis and a strong evidence-base. In this way, Table A of the Future Planners report could be adapted and integrated into the Resourcing Framework to act as a live document to assist with ongoing monitoring and to ascertain the effectiveness of actions over time, including any requirements for them to be reviewed/refreshed.

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

We reiterate our response to Question 6 above that enhanced attention needs to be given to the digital skills that planners will need to support them in carrying out their duties into the future.

RTPI Scotland were delighted to have partnered with the Scottish Government on the creation of a Digital Planning Skills Portal and handbook, which was launched earlier this year. We believe our continued monitoring of this portal will assist with ongoing discussions around how digital skills and tools can help to alleviate resourcing pressures on local planning authorities.

Although digital innovation is touched upon in the consultation paper, data and digital could have positive impacts on streamlining working practices in many areas of the planning system and we believe more importance should be placed on this within the broader discussions around resourcing the planning system. We strongly recommend that the objectives of the Scottish Government's digital planning strategy should continue to be the golden thread that runs through its current workstreams in order that the bold ambitions of the strategy can still be achieved in a holistic manner, despite the recent budget cuts.

We also believe that the objectives of the digital planning strategy should sit within a detailed Resourcing Framework alongside the other actions and proposals, so that they are intricately connected to the broader resourcing discussions and seen as part of the wider network of solutions required to tackle this deeply embedded issue.

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

Partially Agree

In our view, the idea of a central planning hub has considerable potential. However, this will depend on its purpose and how it is set up and managed into the future. Some of our members suggested that it could help smaller authorities access

specialist knowledge and support (e.g. on biodiversity and more complex renewables applications), and that it could help with acute staff shortages.

However, our members expressed concerns that the current proposal lacks sufficient detail and clarity, and that it does not take into account the magnitude of the challenges local planning authorities are currently facing. For a planning hub to address all of these challenges, its scale would need to be vast.

Additional concerns/questions raised by our members included:

- That a national hub could work against the place-based approach to planning decision making. Some members felt that different policy approaches require different attention in different areas of Scotland, which could be lost if the hub is created at a national level.
- That there is a lack of clarity around what purpose the hub would serve, who it would serve, and how it would be resourced and staffed. If the hub would take staff from already understaffed planning authorities, then it may only exacerbate the resourcing issue. It is vital that the establishment of a hub is linked to a strategy to increase the pipeline of planners and other expertise required to make it work in practice.
- Could the hub also have a role in terms of development planning?
- That the Building Standards hub which has provided inspiration for this planning hub idea is notably more well defined and, perhaps, easier to deliver compared to a planning hub – which could potentially have such a vast remit that it would quickly become unviable.

It is our view that a Planning Hub will be an important part of the broader resourcing puzzle but is not the answer to the complex and varied resourcing issues facing the planning system. It is important that the hub forms part of a much broader Resourcing Framework developed to identify the issues, factoring in their spatial complexities, so that it can be part of a network of solutions (which must include timeframes and implementation and monitoring responsibilities) that can adequately address these issues in a holistic manner.

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

There are many ways that a hub could potentially add value and provide support in both the short and longer terms. However, unless this is developed as part of a network of solutions within a broader and more detailed Resourcing Framework, we struggle to see the value it will add at this stage.

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

Within public organisation

We reiterate our recommendation that this question be answered as part of an appropriate Resourcing Framework which identifies where the planning hub will sit within the broader picture of resourcing the planning system. There is currently insufficient clarity to appropriately identify where the planning hub should sit and who should be responsible for its funding, delivery, monitoring and maintenance.

Notwithstanding the above, it is important for any future planning hub to have independent and neutral status. Therefore, we do not believe it should sit within the Scottish Government. We would also have reservations about the hub sitting within a host authority – given the resourcing pressures local authorities are already facing.

However, this will largely depend on the funding structure of the hub and its intended purpose.

Some of our members expressed the view that the hub could sit within the Improvement Service as an appropriately independent organisation, but this will (as previously stated) depend on the function that the planning hub ultimately serves.

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

We acknowledge that a planning hub could be resourced in multiple different ways, including through funding from the Scottish Government. However, the appropriate resourcing mechanisms will depend on the Hub's purpose, who it benefits and in what ways, and where it sits within the broader resourcing question.

We again reiterate our recommendation that this question be answered within the context of an appropriate Resourcing Framework that identifies where the planning hub will sit within the broader network of solutions to the planning resourcing crisis. Without such a Framework, there is insufficient clarity to appropriately identify how the hub should be resourced.

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

Strongly Agree

We support the proposal to annually increase planning fees in line with inflation as a minimum benchmark. [RTPI Scotland's 2023 update to the Resourcing the Planning Service research](#) found that the April 2022 fee increases, when adjusted for inflation, did not result in a significant increase in the real term fees generated by applications. Consequently, it could reasonably be argued that the fee increases that have been applied in previous years have merely been playing catchup with what has already been lost by not having annual inflationary fee rises.

In the above regard, we believe that introducing annual inflationary increases should not preclude additional fee reviews being undertaken to ascertain if additional fee changes are warranted to further support the planning system and associated services. This is on the understanding that inflationary rises simply keep the service running to the same standard as the previous year. They do not seek to increase revenue such that it could improve the standard of service.

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

No View

Question 15 – Should an annual inflationary increase apply to:

Individual fees, increments and maximums

If the inflationary increase was only applied to individual fees and increments, this would simply mean that applications would reach the maximums sooner, which we do not believe is the intention of this proposal.

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

There are various ways that planning fees could be set in the future. There is a fine balance here between what planning fees are meant to achieve and understanding that the economic benefits of planning extend beyond fee generation. We believe it is important that any fees generated through the planning system are ringfenced so that they are redirected back into resourcing the planning system. However, this cannot be the only funding for planning, given that RTPI Scotland's [resourcing research](#) revealed that planning application fees only cover 66% of the processing costs of applications.

The consultation paper states that giving authorities the power to set fees locally would "enable them to meet local needs and demand, achieve full cost recovery and increase accountability for the service they provide". Whilst we understand this point of view, this places the focus principally on Development Management processes and fails to have regard to all the other planning authority duties that comprise the Scottish planning system. We also note that the term "full cost recovery" has not been clearly defined in the consultation paper and is one that has been hotly debated for many years with no agreement yet having been reached. The consultation paper states that "we would not wish to support the use of planning as a disincentive to development and investment by increasing planning fees to a level which is not economically viable", but we would question how this could realistically be prevented. Conversely, the consultation paper advises that this would enable authorities to reduce or waive fees for certain types of development to act as an incentive and attract development and investment in that area. Whilst we can appreciate there may be situations where this would be desirable and bring about wider benefits, this would not necessarily assist with the resourcing challenges within local planning authorities. We would also question how these benefits are then linked back to planning to ensure the planning authority that waives the fee is appropriately funded to enable them to waive that fee.

We reiterate our recommendation that this question be carefully considered as part of a broader Resourcing Framework. Without such a Framework to carefully and accurately determine what we need to (and can) achieve through planning fees, it is impossible to determine what a preferred approach would be that would bring wider benefits to the planning system as a whole (as opposed to individual users and delivery partners of the planning system). The purpose of planning is to "manage the development and use of land in the long-term public interest". It is important that the planning fee structure reflects this overarching purpose.

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

It is difficult to establish key principles without first understanding what we are trying to achieve through the devolution of fee setting powers. Although the consultation paper sets out various approaches to how this could be done, it lacks the detailed analysis required to pin down the benefits and negative consequences that could arise from each of these approaches.

It is important that planning fees be understood as only one element of a much bigger resourcing question. In line with our responses to previous questions, we do not believe it will be possible to accurately set key principles for devolving fee setting powers until a broader and in-depth Resourcing Framework is developed to establish where this potential solution sits within the broader network of solutions for resourcing the Scottish planning system, to ensure we are taking a holistic approach.

We also reiterate that the concerns that came out of the 2010 consultation, including that different fees across the country may add confusion and encourage unhelpful comparisons to be drawn between authorities, remain valid.



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

We agree that there is potential for enhanced powers to set discretionary fees to create additional and much needed income for planning authorities. However, for this approach to have a positive impact on tackling Scotland's planning resourcing crisis, we recommend that it be considered and actioned as part of a broader Resourcing Framework so that it can work holistically with the other proposals to achieve maximum benefit and impact.

The introduction of new planning fees will not automatically bring about increased capacity in local planning authorities or enhanced service provision. To understand the potential impact (positive and negative) of enhancing discretionary fee setting powers, we first need to understand the deeper underlying issues that currently act as a barrier to becoming a high performing planning authority. The work of our National Planning Improvement Champion to create a National Planning Improvement Framework feeds into this question and, once it is properly established, could go a long way to identifying some of these barriers and associated solutions as part of a broader Resourcing Framework.

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

We understand why applicants would expect a refund on discretionary fees charged if they have not received the required level of service. However, rather than supporting planning authorities to enhance their capacity, we fear that this would further set planning authorities on the back foot to tackling their resourcing challenges.

We strongly believe that the question of refunds in this consultation paper only reinforces that the introduction of additional discretionary charging cannot, by itself, resolve Scotland's planning resourcing crisis. If this proposal is to be successfully implemented, it must form part of a wider Resourcing Framework that clearly identifies its purpose, appropriate implementation, and how it will work together with the other proposals set out in the Framework to resolve the resourcing challenges of the Scottish planning system as part of a network of solutions.

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

No View

The answer to this question would very much depend on where this proposal sits within a wider Resourcing Framework, which would carefully identify and analyse the range of and varying issues facing Scotland's planning system in each local authority area. As the consultation paper acknowledges, although this proposal could assist in generating additional income to account for the additional work of planning authorities to assess such proposals, it could also have a disproportionate impact on particular local authority areas and/or individuals who are more likely to bring forward unallocated sites – such as SME housebuilders and remote and island communities who are more reliant on windfall housing developments.

The potential positive and negative outcomes identified in the consultation paper only reinforce the need for this proposal to sit within a broader Resourcing Framework that

can ensure it is considered and (where appropriate) carried forward holistically as part of a network of solutions.

In addition to the above, we also wish to highlight that fees may not only be beneficial to the development management process. Some of our members have pointed out to us the extensive resources required to assess sites for allocation through the preparation of the Local Development Plan, and the potential benefits of introducing fees associated with this process. Once again, this type of proposal is best considered holistically as part of a broader Resourcing Framework.

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

Partially Agree

In our response to the MCA Regulations consultation we expressed concern that Masterplanning is a resource intensive exercise, including the work required to put together a team and project manage a MCA scheme. We also expressed concern about the lack of clarity set out in the MCA regulations consultation paper about the intended purpose of MCA schemes. If MCA schemes are to add value to the system, their unique role needs to be clearly established in comparison with other existing mechanisms which allow for the frontloading of decision making – for example, the pre-application process.

Given this current lack of clarity, it is difficult to determine the best approach to resource MCA schemes. The option to introduce discretionary charging would provide local planning authorities with the flexibility to determine what cost recovery is appropriate for each individual scheme. However, this could vary drastically between each local authority area as well as between each MCA scheme depending on its scale and location. We reiterate our concerns expressed in our response to the MCA regulations consultation that this desire for flexibility is being placed at the expense of the clarity that is needed for MCA schemes to work in practice. Our members expressed concerns that if the charging for MCA schemes is left too flexible, that this could further deepen issues around service expectations. One example of where this issue currently exists is in the pre-application process, where discrepancy exists between local planning authorities in terms of both cost and quality of service, leaving this process open to much criticism as to its effectiveness in practice.

Our members have also expressed concerns that while this approach could work well for sites with market and developer buy-in, discretionary charging to achieve full cost recovery could prove more difficult for sites in areas that have experienced past market failures and where there is not the same level of private sector support (for varying reasons), regardless of the potential merits of introducing MCA schemes in these areas.

It is also unclear how this proposal to introduce discretionary charging for MCA schemes takes into account the work required by key agencies and statutory consultees who would also need to input into this process, and who are also experiencing resourcing challenges.

In line with our previous responses, we believe it is imperative that MCA schemes have a clear resourcing strategy in place that sits within a broader Resourcing Framework. This Framework should analyse the vast array of resourcing challenges facing the Scottish Planning System, and the way that proposals (including MCA schemes) can work holistically to tackle these issues across varying scales and timeframes.



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

No view

Our members did not express a particular view on this question. However, as previously stated, we feel this proposal needs to be considered within a broader Resourcing Framework to ascertain how it will work with other proposals as part of a network of solutions to address the current planning resourcing crisis.

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

No view

Our members did not comment on this question, but we can see the logic in applying this approach. We believe this is a small component of a much broader resourcing question which should be addressed as part of a broader Resourcing Framework.

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

No view

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

No view

We believe the merits of this proposal should be further assessed through the development of an in-depth Resourcing Framework that applies a careful balance between what fees are meant to achieve and the economic benefits of planning that extend beyond fee generation.

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

Our members highlighted to us the need for transparency in terms of where the money generated from a service charge would then go – understanding that the planning process relies on various actors from different local government departments and external agencies.

Our members also voiced concern that the introduction of a service charge could go hand in hand with increased service level expectations by applicants which may be difficult for local planning authorities to meet having regard to current resource challenges which will not be resolved in the short-term. Once again, we believe such a proposal should be carefully considered as part of a broader Resourcing Framework.



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

We believe this is difficult to fully determine before it is captured and considered within a broader Resourcing Framework.

Notwithstanding the above, we would take this opportunity to highlight the importance of data and digital tools and skills more broadly, beyond that of the eDevelopment service.

Although digital innovation is touched upon in the consultation paper, we believe more importance should be placed on data and digital innovation within the broader discussions around resourcing the planning system. Data and digital could have positive impacts on streamlining working practices and alleviating many of the resourcing challenges facing the Scottish planning system. RTPI Scotland were delighted to have partnered with the Scottish Government on the creation of a Digital Planning Skills Portal and handbook, which was launched earlier this year. We believe our continued monitoring of this portal will assist with ongoing discussions around how digital skills and tools can help to alleviate resourcing pressures on local planning authorities.

We strongly recommend that the objectives of the Scottish Government's digital planning strategy should continue to be the golden thread that runs through the Government's current workstreams in order that the bold ambitions of the strategy can be achieved in a holistic manner, despite the recent budget cuts.

We also believe that the objectives of the digital planning strategy should sit within a broader Resourcing Framework alongside the other actions and proposals, so that they are implemented as part of the wider network of solutions required to tackle this deeply embedded issue.

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

Yes

We acknowledge that there are good arguments for this, as the threshold was established at a very different time (Electricity Act 1989) and should be updated to reflect the differences in technologies and impacts that are now routine today. There would be a resource benefit to local authorities who would get the full fee for the work they do, rather than 50% of the fee when a decision is determined by the energy consents unit.

Notwithstanding the above, some of our members have expressed concerns that the threshold for Electricity Generating Stations is not a devolved matter and that increasing the 50MW threshold should not be seen in isolation as a solution to the resourcing challenges. Instead, we recommend that it sit within a broader Resourcing Framework of proposals that can work holistically to support local authorities in the determination of these complex applications.

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

No View



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

Whilst we agree there are good arguments for increasing the threshold, some of our members voiced concerns that this should not be seen in isolation as a solution to resourcing challenges. Increasing the threshold will redirect a large volume of electricity generation station applications to local planning authorities. Whilst this will see a resource benefit to local authorities who will receive the full fee for assessing these applications, it would also result in additional resourcing pressures for which planning authorities must have the resources in terms of staff, skills and knowledge to undertake these assessments.

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

We would support the introduction of a voluntary contribution to enable local authorities to recover some of the costs required to comment on these applications. Our members have not expressed a view to us as to what would be an appropriate percentage, so we have no further comment at this time. However, we would be happy to engage in further discussions around this topic with our members to feedback to the Scottish Government and help inform a final decision.

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

No View

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

No View

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

No View

Whilst we have no specific view on this question, we have heard from some of our members that £100 does not cover the time required to complete these assessments.

We suggest that this question be further considered as part of a broader Resourcing Framework which analyses in more detail the work required by local authorities to assess such applications.



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

No comment

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

No comment, but we would reiterate our recommendation that this question be considered as part of a broader Resourcing Framework.

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

No comment, but we would reiterate the point in our response to Question 36 above.

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

There is no one proposal that is the silver bullet to resolving the planning resourcing crisis in Scotland. Although they are given equal weight in the consultation paper, each of these proposals will likely have varied impacts having regard to their governance-, spatial- and time- scales. Instead, we recommend that all proposals work holistically within a broader Resourcing Framework as part of a network of solutions in tackling the resourcing crisis.

Such a Resourcing Framework would allow us to better navigate the complexities of the planning resourcing crisis in Scotland, which is so vast that it is difficult to see how any one proposal could adequately address the challenges faced by local planning authorities, key agencies, statutory consultees, and the development industry.

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

We agree that the proposals will have cumulative impacts and should not be considered in silos.

Some of the concerns voiced by our members having regard to certain of the proposals include that:

- Increasing fees will not automatically improve service levels within all local planning authorities across Scotland.
- Whilst local planning authorities are facing many similar challenges, some local planning authorities are facing unique challenges that cannot necessarily be addressed through increased fees or through the creation of a central planning hub. We were told that although some planning authorities would benefit from increased resources to pay additional salaries and increase their staff numbers, other planning authorities are struggling to recruit additional staff regardless of having the available funding.
- If the proposals are not implemented alongside a strategy for increasing the pipeline of planners (and other expertise), we run the risk of exacerbating

rather than alleviating the issues. For example, our members acknowledged that the planning hub could be a great initiative, but not if it pulls planners and expertise away from local planning authorities that are already struggling.

- Increasing and introducing additional fees could have the effect of simply placing increased and unrealistic expectations on local planning authorities. It is important that any income generated by the planning system be directed back into supporting the planning system, albeit on the understanding that planning fees are unlikely to cover the full cost of the planning system.

The above concerns illustrate that the challenges facing the Scottish planning system are complex, varied, and intricately connected. That is why we recommend that these proposals be considered holistically as part of a network of solutions within a broader Resourcing Framework that more clearly assesses their purpose and cumulative impacts across government and geographical scales as well as timeframes.

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

We reiterate our recommendation that a holistic approach be taken to tackling the planning resourcing crisis in Scotland through the development of a detailed Resourcing Framework. This Framework would enable us to draw the necessary links between the actions and proposals set out in consultation paper, underpin them with a robust analysis and a strong evidence-base, and to identify the potential cumulative impacts across the various geographic and governance scales and timeframes to better prioritise the introduction of changes. It would also enable the setting of action, review and monitoring responsibilities that would enable us to track our progress and impact in a coordinated and collaborative way.

Such a Framework should not just include actions to generate income through development management processes. It should also include:

- Other of the duties and activities undertaken by local authority planning officers, including evidence gathering, plan-making, engagement practices, enforcement action (to name just a few).
- The resource requirements of other agencies and expertise upon which the planning system relies – including key agencies and statutory consultees.
- The pipeline of planners and other expertise to ensure we have a sustainable workforce into the future.

We acknowledge that the development of such a Framework will itself require the investment of time and resources by the Scottish Government and other stakeholders. However, we believe this will be a necessary and valuable investment to help us grasp and navigate the complexities of the planning resourcing crisis in Scotland and to understand each of the proposals set out in this consultation paper as a small part of a broader network of solutions required to tackle this crisis in the short, medium and long terms across multiple governance and spatial scales.

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

- **Business and Regulatory Impact Assessment**
- **Equality Impact Assessment**
- **Islands Communities Impact Assessment**



RTPI Scotland
Royal Town Planning Institute

- **Children's Rights and Wellbeing Impact Assessment**
- **Fairer Scotland Duty**
- **Strategic Environment Assessment**

No comment