

Response ID ANON-BJ8K-JHN3-2

Submitted to **Planning Performance and Fees**

Submitted on **2020-02-14 16:30:13**

Planning Performance

1 Should we set out a vision for the Planning Service in Scotland?

Yes

No

1.b. Do you have any comments about the proposed vision?:

The Institute does not disagree with the principles of the statement proposed in the consultation paper, however, we question whether the proposal is more a statement of values, than a vision. The vision could be an opportunity to assert the added value that planning brings to the economy, environment and society, and this requires some mention of objectives and outcomes as well as process related ambition.

In RTPI Scotland's view the proposed vision should be more ambitious, and extend beyond process to the outcomes that the planning system works to deliver. This could then incorporate a statement of values about the process. While measuring performance necessarily evaluates how effectively process is working, progress towards achieving the outcomes the process seeks to deliver should be the ultimate objective. The consultation paper itself states on page 10 that 'Throughout the parliamentary process of the Act we have been clear that we would like performance reporting to include the outcomes and impacts which planning delivers rather than just the volume of applications and time taken to determine them.' RTPI Scotland suggests that this principle should be reflected in the vision for the planning system.

2 Is the proposed approach to the content correct?

Yes

3 Do you have any comments on the Proposed content of Planning Performance Reports?

Please explain your view.:

RTPI Scotland strongly supports the inclusion of outcomes related measures in Planning Performance Reports. The statistics currently included largely focus on speed and achieving number targets around the "process". Given it is well evidenced that how a service is measured will drive its activity, this risks a focus on an efficient process without a balanced assessment around what it delivered on the ground.

RTPI research into Measuring Planning Outcomes, of which the Scottish Government is a major funder, will provide a framework by which the outcomes from planning could be measured. The research will explore how local authorities and national Governments can go beyond simple metrics like speed of processing applications and number of homes delivered. This means assessing planning on the explicit aspirations of planners and politicians, in terms of placemaking and social, economic and environmental value. It will go beyond principles to actually propose and test methods for measuring outcomes. It will also demonstrate how this information can be used to assess local and national performance.

3.a. Do you have any comments or suggestions as to how reports should be prepared?:

No comment.

3.b. What statistical information would be useful/valuable to include and monitor?:

With a view to broader improvements in the planning system it could be helpful to include data in PPFs about skills gaps in local authorities. This would help to guide training and workforce development programmes.

RTPI Scotland believes there is value in continuing to collect data about resourcing in local authority planning departments. This provides information about trends in staffing, which crucially when analysed alongside fee income data will allow an assessment of whether fee income is being reinvested into the planning service.

3.c. What are the key indicators which you think the performance of the system and authorities should be measured against?:

Indicators chosen will need to provide a baseline against which progress can be assessed. RTPI Scotland suggests that local development plans could provide such a baseline, and performance could be at least in part measured against delivery of LDPs (and the NPF). Complexities in establishing causal relationships, and clarity about where planning has (or has not) contributed to positive outcomes over the short, medium and long term, are well acknowledged. The RTPI Measuring Planning Outcomes research should help to clarify how planning's contribution can be identified and measured.

3.d. Do you have any other comments to make with regards to how the Performance of the Planning System and Authorities is measured and reported?:

The Institute suggests that draft PPFs should be subject to both public and wider stakeholder comments before submission to Scottish Government. Comments received should be submitted with the draft report. For example, PPFs could be required to include a brief assessment from the local health board on the amount of collaboration that has happened around the impact of major applications on delivering public health priorities. As we know measurement drives activity this could help to forge more productive links between public health practitioners and planning authorities.

RTPI Scotland supports the continuation of the PPF peer review process.

3.e. Do you have any suggestions about how we could measure the outcomes from planning such as: Placemaking; Sustainable Development; Quality of decisions?:

The Planning Outcomes research being carried out for the RTPI, and of which the Scottish Government is a major funded, will be a crucial step forward with regards to this question. This research is due to begin reporting in June 2020, and so the Institute would hope to see revised PPFs, informed by the research, rolled out for 2021/2022.

3.f. Do you have any suggestions about how planning's contribution to the National Outcomes contained in the National Performance Framework should be measured and presented?:

As per our response to the last question, ongoing research into measuring planning outcomes will be valuable in this respect. Alignment with delivery of development plans could help to create a baseline against which planning's contribution can be measured.

4 Do you agree with the proposed responsibilities of the planning improvement co-ordinator?

No

Do you have any comments/suggestions about the role?:

If implemented well the National Planning Improvement Coordinator has the potential to raise the profile of planning, and strengthen the ability of the planning system to deliver on many of Scotland's priorities. RTPI Scotland believes the role should be a supportive one, acting as a critical friend to all those involved in planning, in the public, private and third sectors, across Scotland. The role should explicitly not be about 'naming and shaming' areas of the system where improvements could be made.

RTPI Scotland understands the Government position is to appoint for this role within Government, and for it to report directly to the Scottish Ministers. However the Institute maintains that the perception of the independence of the role, not just from local government but other users of the planning system, including the development industry and community interests, will be crucial to its success. We therefore urge the government to consider creating an independent appointment. Possible precedents include Traffic Commissioners and National Coordinator for Child Poverty Action Reports.

If the decision is ultimately made to host the coordinator within government, transparent reporting arrangements will be crucial. In particular, whether and how the Coordinator will report performance in the Planning and Architecture Division.

RTPI Scotland suggests that the role should be defined in close collaboration with stakeholders before the appointment is made. The High Level Group on Planning Performance will have an important role to play here. This should assist with the appointment of the strongest candidate for the role.

Once the parameters for the role have been established a statement such as that published by the Irish Office of the Planning Regulator could be a useful means of clarifying the purpose and functions of the appointment.

There will be a need to maintain a clear separation between the RTPI's role in upholding professional standards, and the Coordinator's role in evaluating and supporting the performance of the system.

Finally, to fulfil the potential to become a useful resource for planners working in all sectors across Scotland, identifying where and how planning services can be improved, and working alongside planners to develop knowledge and skills, the Coordinator will need to be properly resourced. RTPI Scotland suggests that to ensure that the Coordinator has the resources they need to be effective, a 'performance offset' could be attached to planning fee income. A contribution of 1% of planning fee income from across Scotland, for example, would contribute around £250,000/annum. The Coordinator could use this resource to work in particular with a range of organisations, including those who comprise Partners in Planning, to support skills development, knowledge exchange and behaviour change programmes.

For comparison, the Irish Office of the Planning Regulator has a budget of around £2m/annum. While this organisation has a wider remit than that of the National Planning Improvement Coordinator, it highlights the scale of resource possible to support a commitment to improvement.

Planning Fees

5 Do you agree with the proposed planning fees for Category 1 - Residential Development?

Not Answered

Not Answered

5.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

RTPI Scotland makes no comment on the detail of fee amounts. Those who process applications, and applicants, are better placed to comment on this.

In principle however, the Institute believes that fees should be linked to costs, and should achieve 'full cost recovery' for the development management system. The extensive research carried out in recent months and years should enable this, including new costs likely to be incurred by new duties in the Planning Act.

In turn it follows that income from planning fees should be reinvested in supporting the delivery of the development management service. Planning Performance Reports could take a role in reporting where fee income has been spent, as a means of reassuring applicants and users of the planning system that this investment is being made.

6 Do you agree with the proposed planning fees for Categories 2, 3, 4 and 5 - Extensions and Alterations to Existing Dwellings?

Not Answered

Not Answered

6.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

7 Do you agree with the proposed planning fees for Category 6 – Retail and Leisure including extensions?

Not Answered

Not Answered

7.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

8 Do you agree with the proposed planning fees for Category 7 - Business and Commercial including extensions?

Not Answered

Not Answered

8.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

9 Do you agree with the proposed planning fees for Category 8 - Agricultural Buildings?

Not Answered

Not Answered

9.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

10 Do you agree with the proposed planning fees for Category 9 - Glasshouses?

Not Answered

Not Answered

10.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

Not Answered

Please provide reasons for your answer:

Please see answer to 5.b.

11 Do you agree with the proposed planning fees for Category 10 - Polytunnels?

Not Answered

Not Answered

11.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

Not Answered

Please provide reasons for your answer:

Please see answer to 5.b.

12 Do you agree with the proposed planning fees for Category 11 – Windfarms – access tracks and calculation?

Not Answered

Not Answered

12.b. If not, could you suggest an alternative? In your response please provide any evidence that supports your view.:

No comment.

12.c. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

13 Do you agree with the proposed planning fees for Category 12 - Hydro Schemes?

Not Answered

Not Answered

13.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

13.c. Could the planning fee be set using site area for the generating station and equipment with a separate calculation used for pipework? This could be similar to the fee for Fish Farms where the surface area is subject to a different fee to the seabed.:

No comment.

14 Is the definition and the proposed method for calculating the planning fee correct for Category 13 - Other energy generation projects?

Not Answered

14.a. Do you have any comments on the proposed fees for calculating the planning fee?:

Please see answer to 5.b.

Not Answered

14.c. Do you have any suggestions for how the fee should be calculated?:

Please see answer to 5.b.

Not Answered

14.e. Do you have any suggestions for how the fee should be calculated?:

Please see answer to 5.b.

Not Answered

14.g. Do you have any suggestions for how the fee should be calculated?:

Please see answer to 5.b.

15 Do you agree with the proposed planning fees for Category 14 – Exploratory Drilling for Oil and Natural Gas?

Not Answered

Not Answered

15.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

16 Do you agree with the proposed planning fees for Category 15 – Fish Farming?

Not Answered

Not Answered

16.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

17 Do you agree with the proposed planning fees for Category 16 – Shellfish Farming?

Not Answered

Not Answered

17.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

18 Do you agree with the proposed planning fees for Category 17 – Plant and Machinery?

Not Answered

Not Answered

18.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

19 Do you agree with the proposed planning fees for Category 18 – Access, Car Parks etc. for Existing Uses?

Not Answered

Not Answered

19.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

20 Do you agree with the proposed planning fees for Category 19 - Winning and Working of Minerals?

Not Answered

Not Answered

20.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

21 Do you agree with the proposed planning fees for Category 20 - Peat?

Not Answered

Not Answered

21.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

21.c. In light of the climate emergency do you agree that fees for applications relating to the winning and working of peat should continue to be considered separately from other mineral operations?:

Please see answer to 5.b.

22 Do you agree with the proposed planning fees for Category 21 – other operations?

Not Answered

Not Answered

22.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

23 Do you agree with the proposed planning fees for Categories 22 and 23 – Waste Disposal and Minerals Stocking – does not cover waste management (recycling)?

Not Answered

Not Answered

23.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

24 Do you agree with the proposed planning fees for Category 24 - Conversion of Flats and Houses?

Not Answered

Not Answered

24.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

25 Do you agree with the proposed planning fees for Category 25 - Changes of Use of a Building?

Not Answered

Not Answered

25.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

26 Do you agree with the proposed planning fees for Category 26 - Changes of Use of Land?

Not Answered

Not Answered

26.b. Do you have any comments on the proposed fees and for calculating the planning fee?:

Please see answer to 5.b.

27 Please list any types of developments not included within the proposed categories that you consider should be.

Please explain your view.:

No comment.

Other Fees

28 How should applications for planning permission in principle and Approval of Matters Specified in Conditions (AMSC) be charged in future?

Please explain your view.:

No comment.

28.a. How should the fee for AMSC applications be calculated?:

No comment.

Not Answered

Please explain your view.:

No comment.

Not Answered

Please explain your view.:

No comment.

29 Should the fee for cross boundary applications be split between the respective authorities?

Not Answered

Please provide reasons for your answer:

No comment.

30 Do you agree or disagree with the proposal that where applications are required because permitted development rights for dwellings in conservation areas are restricted, then a reduced fee should be payable?

Not Answered

Please provide reasons for your answer:

There is a balance to be achieved in ensuring that the planning system is resourced, and in this case in particular, with the skills and expertise needed to protect and enhance Scotland's built heritage, and the need to ensure that that goal is not undermined by disincentivising building owners from investing in the maintenance and upkeep of their properties. RTPI Scotland therefore suggests that fees for applications in Conservation Areas that would otherwise be subject to Permitted Development Rights could be introduced at a 50% rate, but that a commitment should be made to assess whether this aPPFoach is supporting the development and retention of conservation skills, while not acting as a disincentive to building maintenance.

31 Is the introduction of a fee for applying for Listed Building Consent appropriate?

Not Answered

How should that fee be set?:

The same issues apply to Listed Building Consent as to Conservation Areas. RTPI Scotland supports the principles of introducing fees for LBC, to support proper resourcing of the planning system. However, we suggest that further understanding is needed of the possible unintended consequences before a decision is taken and fees set.

32 Should the fees for Hazardous Substances Consent be increased?

Not Answered

What levels do you think are appropriate? :

No comment.

33 Are the proposed increases in fees for the categories below appropriate?

Not Answered

Not Answered

Not Answered

Not Answered

Please explain the reasons for your answer:

No comment.

34 Are there other fees which have not been considered?

Please explain your view.:

No comment.

Discretionary Charging

35 Do you think we should set out the range of services which an authority is allowed to charge for?

Yes

Please provide reasons for your answer:

Yes, for consistency. Not setting out where discretionary charging is appropriate could lead to unfair competition. One better off authority could, for example, choose to not charge for pre-application discussions in an effort to attract development, thereby contributing to reinforced geographical inequality.

36 How should the fee for pre-application discussions be set?

Please explain your view.:

As with all planning fees, RTPI Scotland believes that pre-application fees should reflect the costs of supplying such a service. It is also suggested that to provide some national consistency guidance could be provided on what level of service might be expected from pre-application discussions.

No

Please provide reasons for your answer:

This could be the case if the full fee were to be calculated based on recovering a certain proportion of costs, including pre-application discussion. But, there needs to be a closer relationship between fees and total costs for this to be a viable option.

37 Do you think that there should be an additional charge for entering into a processing agreement to reflect the additional resource required to draft and agree the timescales to be included?

Not Answered

Should we set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters? :

No comment.

38 Where a non-material variation is required should an authority be able to charge for each change which is made? Or per request?

Not Answered

Should regulations set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters? :

No comment.

39 Should authorities be able to charge for carrying out the monitoring of conditions?

Not Answered

Not Answered

39.b. What should this be limited to?:

No comment.

39.c. How should the fee be set? :

No comment.

40 Do you think there should be a fee payable for the discharge of conditions?

Not Answered

Please provide reasons for your answer:

No comment.

41 Do you think that Planning Authorities should be able charge for the drafting of planning agreements?

Not Answered

Please give reasons for your answer:

No comment.

If so how should this be calculated?:

No comment.

42 Should an authority be able to charge for development within a MCA (building, or changes or use) in order to recoup the costs involved in setting one up?

Yes

Not Answered

Please provide reasons for your answer.:

Yes. RTPI Scotland has argued throughout the planning reform process that for them to be successful, Masterplan Consent Areas must be properly resourced upfront.

43 Should the ability to offer and charge for an enhanced project managed service be introduced?

No

Please provide reasons for your answer.:

It is unclear what this approach would offer that cannot be achieved via Processing Agreements. RTPI Scotland suggests that supporting the development of project management skills could be a more effective means of ensuring that all applications are processed in a timely fashion.

43.a. What, if anything, should happen in the event of failure to meet timescales?:

No comment.

44 Do you think charging for being added or retained on the register of interested people should be included in the list of services which Planning Authorities should be allowed to charge for?

Not Answered

Not Answered

Please provide reasons for your answer.:

No comment.

45 Do you think that, in principle, fees should be charged for appeals to Planning and Environmental Appeals Division (DPEA)?

Yes

45.a. Should we limit the circumstances in which a fee can be charged for lodging an appeal?:

No comment.

45.b. In what circumstances do you think a fee should be paid for lodging an appeal?:

No comment.

Yes

45.d. If so, should this follow the same process as is currently set out for awarding costs?:

Yes. RTPI Scotland suggests that fees shouldn't be refunded as such, but incorporated into costs awarded following the conclusion of appeals.

45.e. What categories of appeals should be considered for charging?:

No comment.

45.f. Do you think that a fee scale should be provided in relation to appeals to Local Review Bodies and, if so, should the arrangements differ from appeals to DPEA?:

As with other charges, a fee scale should relate to costs.

46 Do you have any suggestions as to the circumstances in which authorities could waive or reduce a planning fee?

Please explain your view.:

No comment.

Not Answered

Please provide reasons for your answer:

No comment.

Other Issues

47 Should the surcharge be set at 100%?

Yes

Please explain your view.:

Care should be taken to ensure that local authorities feel confident in applying the surcharge for retrospective applications. National guidance could be useful to

prevent a situation where the surcharge is not made in legitimate circumstances for fear of challenge.

If not what level should it be set at?:

Yes

Please provide reasons for your answer:

Please see answer to question 47. National guidance on appropriate circumstances for applying the surcharge could help local authorities to justify their stance.

48 Given the success of ePlanning, the continuing increase in its use and the savings which are made to both an applicant and authority in submitting an application electronically, do you think it is appropriate to apply an increased fee for submitting a paper application due to the additional work involved?

Not Answered

Please provide reasons for your answer:

No comment.

Not Answered

If so what would you consider to be an effective discount, rebate or other incentive?:

RTPI Scotland believes that efforts to deliver a more efficient and effective service should focus on skills and workforce development. Introducing refunds or rebates could simply place further pressures on local authorities that are struggling to cope. The Planning Coordinator will have an important role in helping to identify and provide the support needed where time-based targets are not being met.

49 Do you consider there should be a single advertising fee?

Not Answered

How do you think the cost of advertising should be recovered?:

No comment.

50 Do you consider that submission of an Environmental Impact Assessment (EIA) should warrant a supplementary fee in all cases?

Not Answered

Please give reasons for your answer:

No comment.

If so what might an appropriate charge be? :

No comment.

51 Do you think that applications for planning permission in principle should continue to be charged at half the standard fee?

Not Answered

Should there be a different fee for 'hybrid applications' as described here?:

No comment.

52 Should the Scottish Government introduce a service charge for submitting an application through eDevelopment (ePlanning and eBuilding Standards)?

Yes

Impact assessments

53 Do you have any comments on the Business and Regulatory Impact Assessment?

Please explain your view.:

No comment.

54 Do you agree with our conclusion that a full Equality Impact Assessment is not required?

Not Answered

Please provide reasons for your answer:

No comment.

55 Do you have any comments on the Equality Impact Assessment?

Please explain your view.:

No comment.

56 Do you agree with our conclusion that a full Strategic Environmental Assessment (SEA) is not required?

Not Answered

Please provide reasons for your answer:

No comment.

57 Do you agree with our conclusion that a full Children's Rights Assessment (CRWIA) is not required?

Not Answered

Please provide reasons for your answer:

No comment.

58 Do you agree with our conclusion that a full Fairer Scotland Duty assessment is not required?

Not Answered

Please provide reasons for your answer:

No comment.

59 Do you have any comments which relate to the impact of our proposals on the Islands?

Please explain your view.:

No comment.

About you

What is your name?

Name:

Kate Houghton

What is your email address?

Email:

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

RTPI Scotland

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

Publish response with name

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

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: