

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 February 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject	<b>Local Government and Communities Committee: Call for Views on the Planning (Scotland) Bill</b>
---------	---

## 1. Purpose of Report

1.1 The purpose of the report is to:-

- Seek approval of the Council's response to the Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

## 2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the response contained in the appendix to this report is approved as the Council's response to the Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

## 3. Background

3.1 In September 2015, the Scottish Government confirmed that an independent panel had been set up to carry out a review of Scotland's planning system. The panel sought views from all those with an interest in the Scottish planning system and focussed their attention on 6 key themes – development planning, housing delivery, planning for infrastructure, development management, leadership, resourcing and skills and community engagement.

3.2 In December 2015, the Committee considered and approved the Council's response to the panel. Thereafter, the panel submitted a report to the Scottish Government in May 2016. ('Empowering Planning to Deliver Great Places'). The Scottish Ministers then published a White Paper ('Places, People and Planning') on 10 January 2017 seeking views on 20 proposals aimed at improving the planning system, and covering 4 key areas of change.

- Making plans for the future.
- People make the system work.
- Building more homes and delivering infrastructure.
- Stronger leadership and smarter resourcing.

- 3.3 In March 2017, the Planning Committee considered and approved the Council's response to the consultation. An analysis of all the responses submitted on the proposals was undertaken on behalf of the Scottish Government. Taking account of the results of this analysis and of the views submitted in response to the White Paper, the Scottish Ministers published a position statement. This described the key changes they were considering taking forward through a forthcoming Planning Bill, secondary legislation and other non-statutory approaches. In August 2017, the Committee approved the Council's response to the Ministers' position statement.
- 3.4 Having considered the responses received to this consultation process, the Scottish Government published the Planning (Scotland) Bill on 4 December 2017. The Bill itself is accompanied by a Policy Memorandum (PM) setting out the Government's policy behind the Bill. The Scottish Parliament's Local Government and Communities Committee subsequently, launched a call for written evidence on the Planning (Scotland) Bill on Friday 15 December 2017.

#### **4. Response**

- 4.1 The call for evidence sets out 12 questions in relation to the Bill. The Local Government and Communities Committee required a response to be received by 2 February 2018. Consequently, the response set out in the attached appendix has been sent to the Committee. They have been advised, however, that it had to be considered by the Council's Planning Committee and that the outcome of its consideration would be reported after today's meeting. The following sections summarise the main provisions of the Bill and include brief comments which cover some of the points detailed in the appendix.

#### **5. Planning (Scotland) Bill**

- 5.1 The Scottish Government consider that the Bill can provide a platform for improving, strengthening and simplifying the planning system. In particular they wish to see the planning system give people a greater say in the future of their places and for it to support the delivery of planned development. The proposed changes are set out in the first 5 parts of the Bill. These cover:-
- a. Development planning
  - b. Simplified development zones
  - c. Development management
  - d. Related matters (fees, fines, training and performance monitoring), and
  - e. Infrastructure levy

#### **5.2 Development Planning**

(a) The Bill proposes that the status of the existing National Planning Framework (NPF) be enhanced by having it formally designated as part of the statutory development plan. Scottish Planning Policy (SPP) - the current statement of Scottish Government policy on how nationally important land use matters should be addressed across the country - would also be incorporated into the NPF; and thus also given the status of being part of the statutory development plan.

(b) In addition, as the Bill proposes that the statutory requirement for a Strategic Development Plan to be prepared for Scotland's 4 city regions (including the Glasgow and the Clyde Valley) be removed, the scope and the content of the NPF would be expanded to include a more focused strategic planning element at the regional scale. The Bill, therefore, also includes a requirement for planning authorities to assist the Scottish Ministers in preparing this element of the NPF. The Bill refers to this work potentially having to be undertaken jointly by 2 or more planning authorities, operating as a regional partnership. Beyond the need for regional partnerships to assist with the

preparation of the NPF, the Bill, however, does not set out any details or prescribe how regional partnerships should be formed or operate in order to address their joint strategic planning interests. Existing SDP areas could nevertheless continue to work together and produce plans, but without the mandatory processes dominating. The Scottish Ministers would be responsible for adopting the finalised NPF, following a period of parliamentary scrutiny.

(c) As SPP would become part of the statutory development plan, the Bill, and the accompanying PM, anticipates that the content of Local Development Plans (LDPs) can shift from including the detailed expression or repetition of policies already included in SPP to a greater focus on identifying appropriate development opportunities, in terms of location and scale, and the infrastructure needed to support them. Plus the delivery, at the right time, of developments which can contribute to improving the quality of places.

(d) Taking account of the resulting change to some elements of LDP work, the Bill extends the time periods within which an LDP must be prepared from intervals of no more than 5 years to no more than 10 years. The PM considers, this will allow resources to be focussed on implementation of LDPs rather than their preparation; and reduce the time spent on potentially frequent and repetitive consultation.

(e) The Bill also proposes that the requirement to produce a Main Issues Report be removed; and that a single 'Proposed Plan' be prepared. This would have a longer consultation period and there would be scope for planning authorities to amend the Proposed Plan in response to consultation responses. The Plan would also have to take into account any Local Outcome Improvement Plan covering the plan area.

(f) Prior to the preparation of the Proposed Plan, however, planning authorities would have to produce an 'Evidence Report'. This would be submitted to the Scottish Ministers, who would appoint a Reporter to assess the report. The Proposed Plan could not be prepared until the Ministers were satisfied with the Evidence Report. The detailed content of the 'Evidence Report' will be prescribed in future legislation but the issues to be covered could include the amount of housing land required and the capacity of infrastructure in the plan area. The need for an examination of the plan at the end of the process, to handle unresolved objections, would remain.

(g) The Bill removes the provision allowing planning authorities to prepare statutory supplementary guidance in support of the LDP. The PM refers to the benefits which can be derived from having a plan that can be found in a single document rather than across a series of technical documents.

(h) The existing requirements to prepare an action programme to accompany a LDP would be changed into a duty to prepare a delivery programme. This would be signed off by the local authority chief executive and the full council. The PM indicates that this is to ensure the council is aware of the corporate commitment to the programme, and its aim of delivering the plan and its proposed outcomes.

(i) The Bill introduces a right for communities to produce plans for their places (local place plans), with scope for these to become part of the LDP. Local place plans (LPPs) are to be prepared by either a community controlled body, as defined in the Community Empowerment (Scotland) Act, or a community council. The PM notes that LPPs are to be seen as the community's view about the future development of its place but set within the wider planning context. When preparing LPPs community bodies are to have regard to the LDP and the NPF; similarly the planning authority is to have regard to a LPP when preparing its LDP. The PM points out that LPPs could be linked to Local Outcome Improvement Plans.

**Response:** The Council previously supported the move to a 10 year period for the renewal of LDPs; the replacement of the Main Issues Report with a proposed plan; and the introduction of Action Plans. These are positive measures that can improve community engagement and streamline and refocus the work of planning authorities. However it is considered that a spatial land use strategy is required at the strategic level – particularly in the city regions. Consequently the failure to give the preparation of a land use strategy by Regional Partnerships any formal or recognised status is regretted.

The Council previously acknowledged that preparation of local place plans has the potential to improve the way communities engage with the planning system. It is considered, however, that the Bill does not address some of the procedural matters previously raised - the need for guidance on how a local authority should respond to competing requests to prepare a local place plan, the nature and extent of the consultation community bodies would be expected/required to undertake.

In addition the support needed by all community bodies wishing to develop local place plans is likely to have a significant impact on planning authorities arising from requests for guidance, assistance and support. Similarly relying solely on individual communities to 'self-finance' work on plans is likely to discriminate against those poorly placed to access expertise, knowledge and funds from their own resources.

### 5.3 Simplified Development Zones

(a) The Bill introduces powers allowing planning authorities to designate simplified development zones (SDZs) aimed at improving the existing provisions covering simplified planning zones (SPZs). As with SPZs, an approved SDZ scheme would grant planning permission for all development taking place within the zone which complied with the terms of the scheme; thus removing the need for an application for planning permission for these proposals. The Bill, however, also allows for SDZ schemes to cover road construction consent, listed building consent, conservation area consent and advertisement consent.

(b) If a planning authority wishes to designate a SDZ, the Bill requires engagement and consultation with the public and the consideration of any representations received, including pre-determination hearings. In view of the costs which a planning authority would incur in the preparation of a scheme, the Bill also allows a discretionary charge to be levied in order to recoup the cost of preparing the scheme.

(c) The Bill also obliges planning authorities to periodically report on how they have considered making schemes. It also introduces a duty for them to consider making schemes – if they are requested to do so by other parties, e.g. developers or landowners. If the request is refused by the planning authority the 'applicant' can refer it to the Ministers who could thereafter direct the authority to make a scheme.

**Response:** It is considered this approach would have to take account of the need to ensure submitted schemes addressed all the material issues that would be relevant to a new development; and that this would involve the consideration and of all the transport, environmental and infrastructure implications of the development. Whilst the Bill seeks to ensure there is effective and meaningful community engagement in the consultation process needed to cover all of these factors, it remains the case that undertaking this work will have significant resource implications for Councils. It is considered these must be taken into account when subsequent legislation is being considered, particularly covering the payment of appropriate fees, and the resourcing of Authorities.

It is also considered that the proposal allowing third parties to request a Council designates a SDZ, and that if this is rejected the 'applicant' can then ask Scottish Government to direct a Council to prepare a scheme should not be supported. The

identification of Zones, given the potential impact on communities, is a decision that should be made at a local level and not be one which is imposed on Councils.

#### 5.4 **Development Management**

(a) Applications for planning permission are to be submitted no more than 18 months after the date on which a proposal of application notice is submitted to the Council. The PM points out that this is to ensure the pre-application consultation process has taken place within a reasonable time in relation to the submission date.

(b) The Bill adds prior approvals, certificates of lawful use and advertisement consent to the kinds of consent which can be included in section 43A schemes of delegation. Consequently, appeals arising from the determination of these applications would be considered by the Planning Local Review Body.

(c) The Bill sets a clear default of 3 years for the duration of a full planning permission and 5 years for planning permission in principle – with scope for planning authorities to set longer or shorter periods as appropriate.

**Response:** It is considered that the proposals will allow for more effective pre-application consultation, and set clearer requirements for the implementation of consents, and the processing of applications and appeals.

#### 5.5 **Related Matters**

(a) The Bill increases the scope for flexibility in charging, waiving or reducing fees. It also enables future charging for planning activities by the Scottish Ministers; for example in relation to appeals.

(b) It also enables discretionary charging for services provided by planning authorities – for example charges for pre-application discussions.

(c) In respect of enforcement, the Bill increases the maximum fines for non-compliance with an enforcement notice or stop notice from £20,000 to £50,000. The maximum penalty for failure to comply with a breach of condition notice or a planning contravention notice, and for displaying an advert without consent, increases from level 3 on the standard scale to level 5.

(d) The Bill also enables planning authorities to register a charging order in the Land Register to allow them to recover the cost of any direct action taken to remedy a breach of planning control.

(e) The Bill specifies that members involved in planning decisions, either at committees or at the Planning Local Review Body, will be obliged to attend the appropriate training.

(f) A requirement for statutory annual performance report to be submitted to the Scottish Ministers is included in the Bill.

(g) This would be accompanied by the appointment of a national planning performance co-ordinator to monitor performance standards, support improvements and report to Scottish Ministers on activity and progress. Ministers are also given the power to appoint someone to carry out an assessment of an authority's performance and make recommendations for improvement. It also enables Ministers to subsequently direct improvements be made by a Council.

**Response:** It is considered that the proposed increase in fine levels; plus the opportunity to charge an increased fee for retrospective applications, attach charging orders to properties and charge for some services such as pre-application discussions can be welcomed. However, the proposal to give authorities the option of waiving or

reducing planning fees for processing applications was not previously supported by the Council.

The shift to a formal statutory requirement to prepare an annual performance report, from the current voluntary arrangement could improve the consistency, relevance and value of the process. Similarly, a planning performance co-ordinator could play an important role in ensuring there is more consistent sharing of good practice across Councils.

However, it is considered that the proposal to separately appoint someone to assess authorities and give Scottish Ministers the power to direct performance improvements by Councils should not be supported. The application of a power which introduces a new scrutiny and inspection function and in effect allows Scottish Ministers to take over, at least in part, the operation of a Council service has significant implications for local accountability and governance.

## **5.6 Infrastructure Levy**

(a) The Bill enables the introduction of an infrastructure levy, through regulations, once the proposal has been the subject of further consultation and parliamentary scrutiny. The PM points out that levy would be designed to capture a proportion of the land value uplift created by planning decisions and that the funds realised would be invested in the infrastructure needed to serve growth in the area.

(b) The Bill specifies that the levy would be payable to a local authority to fund infrastructure projects with the potential for authorities to pool the resource for joint funding of regional level projects.

**Response:** The Council has previously supported the introduction of an infrastructure levy as it would provide greater certainty and clarity over the provision of some of the resources required to fund essential infrastructure.

## **6. Next Steps**

6.1 Subject to the Committee's consideration of this report the Local Government and Communities Committee will be advised of the Council's response. These views will then inform the Committee's scrutiny of the Bill prior to its consideration by the Scottish Parliament later this year. Further enabling legislation will then have to be introduced before the proposed changes can be brought into force.

## **7. Employee Implications**

7.1 Any resulting changes to the processes and procedures covering the Scottish planning system could have implications for the Council which would have to be considered when they are detailed. These will be reported back to the Committee.

## **8. Financial Implications**

8.1 Any resulting changes to the fee regime for the Scottish planning system proposed would have implications for the Council which would have to be considered when are detailed. These will be reported back to the Committee.

## **9. Other Implications**

9.1 The Local Government and Communities Committee have requested all interested parties to submit their views on Bill. There would have been a reputational risk if the Council did not respond. There are no sustainability implications in terms of the information contained in this report.

## **10. Equality Impact Assessment and Consultation Arrangements**

- 10.1 The Local Government and Communities Committee are undertaken the consultation on the Bill. Any resulting changes would thereafter be the subject of assessment and consultation by the Scottish Ministers.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

**5 February 2018**

**Link(s) to Council Objectives/Values/Ambitions**

- Accountable, effective, efficient and transparent.
- Achieve results through leadership, good governance and organisational effectiveness.

**Previous References**

- Scottish Government Review of the Planning System – report to 15 December 2015 planning committee
- Scottish Government Review of the Planning System – report to 28 March 2017 planning committee
- Scottish Government Review of the Planning System - report to 15 August 2017 planning committee

**List of Background Papers**

- Call for evidence - Scottish Government's Review of the Planning System.
- Empowering planning – an independent review of the Scottish planning system.
- Review of planning – Scottish Government response.
- Places, people and planning – a consultation on the future of the Scottish planning system
- Places, people and planning – Position Statement
- Planning (Scotland) Bill
- Planning (Scotland) Bill - Policy Memorandum
- Planning (Scotland) Bill – Explanatory Notes

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Gordon Cameron, HQ Manager, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext 4672, (Tel: 01698 454294)

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

## Appendix

Local Government and Communities Committee  
Call for Evidence on the Planning (Scotland) Bill

South Lanarkshire Council

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

**Response:**

The Council supports a number of the measures contained in the Bill; the move to a 10 year period for the renewal of LDPs; the replacement of the Main Issues Report with a proposed plan; and the introduction of Action Plans. These are positive measures that can improve community engagement and streamline and refocus the work of planning authorities, enabling them to play a more active role in the delivery of the kinds of development that can improve the quality of places in their area.

Similarly, proposals to widen the scope of the fees regime and introduce an infrastructure levy will improve the resources available to authorities for delivering positive outcomes.

However the Council is concerned that a number of the proposals may lead to the control of some planning matters pass from Councils to the Scottish Government. These include the preparation and approval regional strategies through the National Planning Framework, the increased role of Scottish Planning Policy in setting policies formerly set out in Council approved LDPs; and the opportunity for Ministers to require Councils to prepare Simplified Development Zone schemes, and to direct how performance improvements are to be made by Councils. The extent to which Councils will participate meaningfully in these decisions needs to be considered.

2. To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

**Response:**

The delivery of new housing developments is influenced by many factors, of which planning is only one. Changes to the way in which we plan for housing may modify the context within which the development process takes place but it cannot, in isolation, secure an increase in the number of homes being built. The factors which influenced the sudden reduction in the number of house being built were primarily economic and financial. Consequently, while the planning system can make a contribution towards improving the number of homes being built it is changes in these factors that will play the most important and significant role in securing an increase.

Streamlining the Development Plan process, as described in the Bill, the introduction of Action Plans and a greater focus on the role of infrastructure in delivering development can ensure that plans are in place which set a more established and consistent framework within which decisions can be made by both businesses and investors. Nevertheless, the decision to invest in will still depend on economic and financial factors which are not controlled through the planning system.

In addition, the proposals to ensure that communities can prepare Local Place Plans and the route by which they are given status, and thus influence planning decisions, will have the potential to introduce an additional requirement into the planning process which may impact on development decisions.

Particularly if, as suggested in the Bill, LPPs are 'to have regard to', but not accord with, the existing LDP then communities may seek to consider but subsequently reject the wider development strategy set out in a LDP. These potential conflicts in land use planning strategies would have to be addressed if the system is to be robust and reliable in its decision making.

3. Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

**Response:**

The Council remains of the view that a spatial land use strategy is needed at the strategic level – particularly in city regions - a view supported by the Glasgow City Deal Cabinet

The proposal to include a regional 'dimension' in the NPF does seek to address the need for a planning framework to be set at this level. However as it will be approved by central government it does not provide a mechanism which can ensure a meaningful and effective regional scale



land use plan, which the local community and stakeholders have prepared and approved, is put in place. In Glasgow and the Clyde valley this process has successfully delivered strategic development plans which have spelt out a clear approach to the region's physical, economic and social development. This regional strategy has been successfully reflected in LDPs; and the joint working of the region's local authorities, as an established partnership, combined with effective engagement with external stakeholders has influenced the way in which the city region has developed. The Bill's failure to give the preparation of a land use strategy by Regional Partnerships (however they may be constituted) any formal or recognised status is therefore regretted. In the absence of a formal status for a regional land use plan, prepared locally and which a local body can be held accountable for, by its communities/stakeholders, it is considered there will be a material and significant gap in the credibility and long term relevance of the land use planning system.

4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

**Response:**

The proposal to move to a 10 year period for the renewal of LDPs; the replacement of the Main Issues Report with a proposed plan; and the introduction of Action Plans are positive measures that can streamline and refocus the work of planning authorities, thus enabling them to play a more active role in the delivery of development.

The Council, however, has found that the option of being able to prepare and consult on statutory supplementary guidance is an effective means of clearly establishing detailed policy guidance directly relevant to our particular local circumstances and environment. This has been especially relevant to guidance on both minerals and renewable energy proposals – particularly onshore windfarms. It is considered that the removal of this option will add considerably to the 'complexity' of the LDP itself and that both communities and developers will not have the advantage of being able to access a document which comprehensively addresses these kinds of planning issues. Similarly, given the potential for the legislative, political and social climate surrounding these and similar kinds of issues to change and evolve relatively quickly, supplementary guidance provides an effective, efficient and inclusive means of responding to and taking account of these fluctuations.

The introduction of the gatecheck process and the need for the production of an Evidence Report will also require careful consideration when more detailed legislation is produced. The Council is concerned that this process may result in certain matters (e.g. housing land) becoming the subject of detailed and prolonged scrutiny at two separate stages in the plan making process – when the Evidence Report is considered and at final examination stage. This will complicate and potentially lengthen the existing process.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

**Response:**

The Council is concerned that the wider application of the SDZ concept – for example to housing proposals – will require the preparation and assessment of significant amounts of very detailed information, particularly if they are to include road construction consents, listed building consent etc..

Consequently, whilst the Bill does seek to ensure there is effective and meaningful community engagement in the consultation process needed to cover all of these factors it remains the case that this will have very significant resource implications for Councils. These must be taken into account when subsequent legislation is being prepared and the resourcing of Authorities is being considered.

The Council however does not support the proposal that third parties can request a Council to designate a SDZ and that if this is rejected the 'applicant' can ask Scottish Government to direct a Council to prepare a SDZ scheme. The identification of Zones, given the potential impact on communities, is a decision that should be made at a local level and not be one which is imposed on Councils. In addition given the very significant resource implications which would be attached to the process of designating an SDZ, and in the absence of any clear obligation on those requesting a SDZ be designated to pay an appropriate fee (rather than the proposed 'discretionary charge') then the Council does not consider it is appropriate for Scottish Government to compel planning authorities to undertake this work. The provisions in the Bill

requiring planning authorities to periodically report on how they have considered making schemes provides an adequate and appropriate mechanism for ensuring that, where appropriate, Zones are identified and designated by Councils.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

**Response:**

The proposed changes to the pre-application consultation procedures will improve the quality and the relevance of this part of the application process for communities.

The replacement of the Main Issues Report by a Proposed Plan will also provide a clearer and more effective basis for consultation with communities and other stakeholders.

With regard to Local Place Plans the Council notes that the Bill states these can be prepared by a 'community body'. This is defined as either a community council or a 'community controlled body'. The Bill, however, does not address how a local authority should respond to competing requests to prepare a local place plan or the nature and extent of the consultation community bodies would be expected/required to undertake. The policy memorandum suggests that the process for preparing a plan should be defined by 'the capacity and preferences of the communities themselves'. However the Council considers that a failure to provide a framework within which plans must be prepared may result in them being neither inclusive nor representative of a community's view.

Not clear how, if at all, the Bill ensures adequate financial and technical support for community bodies wishing to develop local place plans. In the absence of adequate provisions the Council considers that further consideration needs to be given to the potential significant impact on planning authorities of requests from communities for guidance, assistance and support. Relying solely on individual communities to 'self-finance' work on plans is likely to discriminate against those poorly placed to access expertise, knowledge and funds from their own resources.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

**Response:**

The proposed increase in fine levels is welcomed; as is the opportunity to charge an increased fee for retrospective applications and attach charging orders to properties.

Nevertheless, an increase in the fine levels can only be effective if the Procurator Fiscal and Courts take a robust approach to prosecution and punishment of planning offences.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

**Response:**

The Council supports this suggestion as it would provide greater certainty and clarity over the provision of some of the resources required to fund essential infrastructure. It would be important, however, to ensure it was used to support the delivery of new development and not as a means of replacing central funding of 'mainstream' infrastructure.

Provided the method of securing the levy is clearly spelt out in the subsequent legislation it can be factored into any negotiations which developers have regarding the purchase of land at an early stage in the development process. It should not therefore significantly impact on levels of development.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

**Response:**

Yes, but consideration should be given to the resources required to deliver appropriate training.

10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

**Response:**

The existing arrangement requiring the voluntary submission of a Planning Performance Framework has proved to be a successful vehicle for delivering improvements in the delivery of the service. The shift to a formal statutory requirement to prepare an annual performance report should build on this success. However when regulations setting the form and content of the report are prepared they should take account of the resources required for its preparation.

The Council, also consider a planning performance co-ordinator could play an important role in ensuring there is more consistent and effective sharing of good practice.

However, the Council has concerns over the Bill's proposals for the Scottish Ministers having the power to separately appoint someone to assess authorities and subsequently direct performance improvements by Councils. The application of a power which in effect introduces a new scrutiny and inspection function and allows Scottish Ministers to take over, at least in part., the operation of a Council service has significant implications for local accountability and governance.

11. Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high –performing planning system the Scottish Government wants? If not, what needs to change?

**Response:**

The Council welcomes the option of being able to charge for some services such as pre-application discussions. The Council also supports planning fees being set at a level which covers the cost of the Service.

The Council, however, does not favour authorities being given the option of waiving or reducing planning fees for processing applications. This part of the fee regime should be applied consistently across Scotland and a regressive approach, in effect giving 'wealthier' authorities the opportunity secure a development advantage by undercutting neighbours, should not be pursued.

12. Are there any other comments you would like to make about the Bill?

**Response:**

No