
NORTH AYRSHIRE COUNCIL

22nd January 2020

Planning Committee

Title: **Scottish Government Consultation on Planning Performance and Fees**

Purpose: To advise the Planning Committee of the Scottish Government's consultation on the proposed introduction of Planning Performance and amendments to Planning fees.

Recommendation: It is recommended that the Planning Committee approves the content of the report, which will form the basis of the response to the Consultation.

1. Executive Summary

- 1.1 The Scottish Government enacted the Planning (Scotland) Bill, as the Planning (Scotland) Act 2019 ("the Act"), on the 20th June 2019. The Act contains provisions requiring annual reporting of performance by Planning Authorities and in relation to the charging of fees for planning applications and similar work by Planning Authorities. A consultation paper has been produced in preparation of the regulations for those provisions and in respect of a vision for the Planning Service in Scotland. The consultation period ends on the 14th February 2020.

2. Background

- 2.1 The Convention of Scottish Local Authorities (COSLA) and Heads of Planning Scotland (HOPS) have been in dialogue with the Scottish Government, for some time, in respect of fully resourcing the planning system, referencing a CiPFA based survey on 'Costing the Planning Service', which has revealed significant underfunding through the current fee regime. There is no indication that the consultation has been informed by the findings of this survey. However, the proposals to increase fees for planning applications and the opportunity to comment are both welcomed.
- 2.1 The consultation comprises a series of questions split into separate parts. The key parts include: Planning Performance, Planning Fees, Other Fees, Discretionary Charging, Other Issues, and Impact Assessments.
- 2.2 Section 1 of the Act sets out the 'Purpose of Planning.' It states that the purpose of planning is "to manage development and use of land in the long term public interest." The consultation asks if an accompanying vision should be set out. A proposed vision is:

The Planning System must provide certainty, consistency and clarity to all those who participate in it, through effective engagement, policy, decision making and communication.

- 2.3 The consultation paper also proposes that performance be measured against the contribution of the Planning System to;
 - 1.meeting the housing needs of people living in Scotland including, in particular, the housing needs
 - 2.improving the health and wellbeing of people living in Scotland,
 - 3.increasing the population of rural areas of Scotland,
 - 4.improving equality and eliminating discrimination,
 - 5.meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
 - 6.securing positive effects for biodiversity.
- 2.4 Planning Authorities would be required to produce a Planning Performance Report on statistics, customer service, engagement, case studies, outcomes, improvement and resources.
- 2.5 The consultation paper proposes changes to the scale of fees for planning applications. The proposals include increasing the fee for a house from £401 to £600. Some householder application fees would increase from £202 to £300 whilst some would decrease to £150. Planning fees for small (c. 5000sqm or less) buildings would decrease whilst larger buildings would see a fee increase. Single wind turbines would be charged according to height. Multiple wind turbines would be charged based on site area.
- 2.6 The consultation paper seeks views on altering the way in which fees relating to conditions are calculated, increasing the fees for Hazardous Substance Consent, Certificates of Lawful Development and introducing a fee for Listed Building Consent.
- 2.7 The consultation paper acknowledges that that some Planning Authorities charge for pre-application advice. Views are sought on whether such charges should be allowed, how they should be set and whether charges should be extended to processing agreements and non-material variation applications. Views are also sought on whether charges should be introduced for monitoring planning conditions, preparing planning agreements, development within Masterplan Consent Areas (MCA), appeals, maintaining registers of interested developers and discretion to waive fees. It is considered that pre-application charges and preparing planning agreements, could be counter-productive, with the submission of resultant poorer formal applications, which could be avoided at the pre-application stage. Further investigation is required on the basis of evidence from other authorities who already use this practice. For monitoring conditions, a charging regime may be appropriate for larger scale applications, given the resourcing issues and ongoing complexities. For MCA and appeals (and Local Reviews), charges would be appropriate, given the resourcing issues of these processes. Finally for maintaining registers of interested developers and discretion to waive fees, neither should be subject of charges as it would create uncertainty and is already addressed for certain types of applications.
- 2.8 The other Issues raised by the consultation includes; proposals for a 100% surcharge on retrospective applications; surcharges for submitting paper applications; surcharges

for submitting electronic applications; and additional fees for submissions with Environmental Impact Assessments.

- 2.9 The section relating to Impact Assessments seeks views on the consultation process and its impacts, or otherwise, on the assessments the Scottish Government has carried out.

3. Proposals

- 3.1 It is proposed that the Council, as Planning Authority, respond in the following;

- i) Agrees with the proposed vision for the Planning System;
- ii) Agrees with the proposed performance measurements and content for Planning Performance Reports.

The Council, as Planning Authority, currently prepares an annual Planning Performance Framework (PPF) and the proposed Planning Performance Report would essentially be a continuation of work already undertaken in relation to the PPF.

- 3.2 iii) Agrees with the proposed changes to the current Development Management fee schedule, subject to clarification of certain details;

The definition of what works would benefit from the varied householder fees is not clear. Some of the proposed decreases in fee for smaller buildings would appear inconsistent with the aim of making the planning system cost neutral.

- 3.3 iv) Agrees with the proposed changes to other fees subject to the following:

Listed Buildings have been designated for their special architectural or historic interest. The introduction of fees for listed building consent applications could be a disincentive and discourage building owners from seeking the necessary consent. However, such applications can be time consuming and complex. The roll back of the guidance service offered by Historic Environment Scotland has added to the pressure on Planning Authorities when dealing with such applications.

- 3.4 v) Agrees with discretionary charging, with the except of processing agreements, maintaining registers of interested developers and any discretion to waive fees.

The Council, as Planning Authority, does not charge for pre-application advice and guidance from the Government would be welcomed. Processing agreements are a useful tool which give the Planning Authority and applicant clarity over timescales for processing applications. They allow complex matters to be dealt with in longer periods by the agreement of both parties with the Planning Authority meeting performance targets and avoiding unnecessary appeals. Registers of interested developers allow the Council to maintain links with those interested in taking on development sites. This supports the Council's regeneration of our area. Discretionary powers to waive fees would bring uncertainty to the fee structure and would appear inconsistent with the aim of making the planning system cost neutral.

- 3.5 vi) Does not agree with 100% surcharge on all retrospective applications or surcharges for electronic applications. Paper applications and EIA submissions should incur additional fees.

Most retrospective applications arise from enforcement investigations and retrospective applications are invited where the development is likely to be generally acceptable. 100% surcharges would likely result in fewer applications and as enforcement is a discretionary power, only to be used where expedient to do so, it is unlikely that further action would be taken. The Scottish Government's advice in respect of enforcement is that it is to remedy any harm being caused and not to punish. A sliding scale of surcharges, dependent on the type and size of development, would appear more appropriate e.g. none or minimal surcharge for householder development to a larger surcharge for industrial development.

Applicants should be encouraged to make electronic submission and the cost of an application should reflect the cost of maintaining the electronic databases. Paper applications require more administration processes than electronic submissions e.g. scanning and postal charges. EIA submissions usually include significant extra work for the Planning Authority.

4. Implications/Socio-economic Duty

Financial:	None in terms of responding to the consultation. Long term potential implications for Planning Authority budgets
Human Resources:	None in terms of responding to the consultation
Legal:	The consultation relates to regulatory requirements in the Planning Acts
Equality/Socio-economic Duty:	The consultation has been subject to impact assessments by the Scottish Government
Children and Young People:	The consultation has been subject to impact assessments by the Scottish Government
Environmental & Sustainability:	Any amendments to fees would have implications for the carrying out of the functions of the Council, as Planning Authority.
Key Priorities:	The functions of the Planning Authority contribute towards Key Priorities including 'Vibrant, welcoming and attractive places and 'A Sustainable Environment.'
Community Benefits:	No direct community benefits

5. Consultation

5.1 None

Executive Director (Place)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

Background Papers

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