



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
28 MAY 2024**

**SUBJECT: INVESTING IN PLANNING – A CONSULTATION ON
RESOURCING SCOTLAND’S PLANNING SYSTEM**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform and seek Committee approval to submit a response to the Scottish Government’s consultation on Investing in Planning and resourcing Scotland’s planning system.
- 1.2 This report is submitted to Committee in terms of Section III E (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) **note and agree the response attached at Appendix 1 to be submitted to Scottish Government regarding the consultation on Investing in Planning – resourcing Scotland’s planning system; and**
- (ii) **note the National Planning Improvement Framework and revised timetable for submission.**

3. BACKGROUND

- 3.1 The Scottish Government is committed to working to ensure that the planning system is better equipped to deal with current and future challenges. The consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system with specific focus on local authorities. A set of short and medium actions have been set out to respond to current and future challenges facing the planning system by building resilience and strengthening cross sector collaboration.

- 3.2 The changes that have been put forward as options are to ensure the planning system operates effectively and in a way that is compatible with the Scottish Government's wider policy objectives for the planning system.
- 3.3 Since the planning fees were increased in April 2022 discussion has continued among Scottish Government, COSLA and Heads of Planning Scotland to identify how planning fees can move closer towards covering the full cost of their determination. A workshop was held in November 2023 attended by 50 cross sector stakeholders to identify practical solutions to support efficient and effective operation of the planning system.
- 3.4 Resourcing and skills were also a common theme that was raised throughout the preparation of National Planning Framework 4 (NPF4).

4. OPTIONS

- 4.1 The consultation, see **Appendix 2** sets out two options. The first option would be to make no changes and the system of setting planning fees by Scottish Government for all Local Planning Authorities would continue.
- 4.2 The second option considers proposals to be taken forward, how they can be implemented and delivery timescales. The ideas put forward cover the following proposals:
- A central planning hub to support authorities
 - Short term working group to look at proportionality of assessments
 - Taking stock of the use of processing agreements
 - Improved cross council working to better align consent
 - Developing templates for Section 75 agreements
 - Devolving power to authorities to locally set planning fees
 - Introduce an annual inflationary increase in planning fees
 - Increased discretionary charging including processing agreements, sites not allocated in the development plan and masterplan consent areas
 - Introducing fees for appeals
 - Service charge for submitting applications online
 - Considering the potential to alter the threshold for applications under the Electricity Act
 - Introduce a fee category for hydrogen projects
 - Increased fees for prior notifications and approval categories
 - Consistent approach to fees for shellfish farming
- 4.3 The key to ensuring the planning system is well resourced requires devolving power to planning authorities to set fees locally. This will enable individual planning authorities across Scotland to ensure staff resources and investment align with demand, driving forward a planning service that can deliver on local outcomes in a sustainable way.

- 4.4 The other proposal that has significant implications for resources relates to altering the threshold for energy related proposals determined under the Electricity Act. The threshold is currently set at 50MW for planning applications and anything above this is determined by the Energy Consent Unit (ECU), where the local planning authority are a consultee. Currently only half the fee paid by the applicant is received by the planning authority. If the threshold was raised this would result in more major planning applications being determined locally and receiving the full fee paid by the applicant.
- 4.5 **Appendix 1** provides responses to the 41 questions to put back to Scottish Government.

5. **NATIONAL PLANNING IMPROVEMENT FRAMEWORK UPDATE**

- 5.1 The background guidance and support materials for cohort 1 of the pilot was issued in early April 2024, **Appendix 3** attached. Moray has opted to be part of cohort 3 and commences in December. This will require the completion of the self-assessment template part of which will be informed by the submissions from cohort's 1 and 2. The template sets out 12 attributes to assess the performance of a planning authority covering:

- Sufficient resources and skills to maximise productivity
- Values and supported workforce
- Embedded continuous improvement
- Sound governance
- Effective leadership
- Robust policy and evidence base
- Makes best use of data and digital technology
- Effective and efficient decision-making
- Good customer care
- Effective engagement and collaboration with stakeholders and communities
- Delivery of sustainable, liveable and productive places,
- Supports the delivery of consented development

6. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The planning service is fundamental to supporting and facilitating the Council's Corporate and Community Planning objectives, prioritising economic growth and tackling the climate crises and safeguarding and enhancing biodiversity. The planning service aims to deliver other key objectives including the delivery of affordable housing, provision of land for employment purposes and conservation and enhancement of our high quality natural and historic environment. The Moray Local Development Plan is corporate document key to achieving these aims.

(b) **Policy and Legal**

The Town and County Planning (Scotland) Act 1997.

(c) Financial implications

There are no direct financial implications arising from this report.

(d) Risk Implications

There is a risk if this authority doesn't continue to drive change in terms of resourcing the planning service there will be an impact on supporting sustainable economic growth.

(e) Staffing Implications

No staff implications as a result of this report. However, staffing restrictions across all services across the Council intrinsic to the deliver the planning system would also need to remain well resourced.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Climate Change and Biodiversity Impacts

None

(i) Consultations

Depute Chief Executive (Economy, Environment & Finance), Strategic Planning & Development Manager, the Legal Services Manager, Development Management & Building Standards Manager, Principal Climate Change Officer, the Equal Opportunities Officer, Principal Accountant, the Democratic Services Manager, have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

7.1 The consultation Investing in Planning is an opportunity for Local Authorities to provide a consultation response to the Scottish Government setting out how the planning system can adapt to be more efficient, streamlined and sustainability in the long-term. Appendix 1 covers the responses in the consultation issued.

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Background Papers: