

## Responding to this Consultation

We are inviting responses to this consultation by 31 May 2024 2024. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space by accessing and responding to this consultation online at: <https://consult.gov.scot/local-government-and-communities/resourcing-scotlands-planning-system>. You can save and return to your responses while the consultation is still open.

If you are unable to respond using our consultation hub, please send your response, together with the Respondent Information Form, to: [investinginplanning@gov.scot](mailto:investinginplanning@gov.scot)

or

Investing in Planning Consultation  
Planning, Architecture and Regeneration Division  
Scottish Government  
Area 2F South  
Victoria Quay  
Edinburgh EH6 6QQ

## Handling your response

If you respond using the consultation hub, you will be directed to the "About You" page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

## Next steps

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be published at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email. An analysis report will also be made available.

## Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at: [investinginplanning@gov.scot](mailto:investinginplanning@gov.scot).

## Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

**Respondent Information Form**

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:  
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

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

- Publish response with name
- Publish response only (without name)
- Do not publish response

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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
- No

## Summary of Consultation Questions

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

A – Transport, Flood Risk Assessments, socio-economic, carbon, biodiversity and community wealth building assessment would all benefit from national standard of proportionality and thresholds.

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

Please explain your view

A - Processing agreements are an effective tool in decision making timescales on the basis that they are regularly updated.

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

Partially agree

Please explain your view

A – Processing agreements take up resources that can be directed to determining applications. Process agreements can sometimes be seen by developers to delay inevitable refusals, or (more often) support badly prepared submissions lacking in information.

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

Not relevant to LPA.

Please explain your view

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

A – Scope out levels of supporting information required to support a planning application. Stricter validation standards set at a national level consistent across all planning authorities would ensure sufficient information was present to enable an efficient and certain planning process. Masterplan Consent Areas and additional frontloading of planning applications via pre application planning advice.

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

A – Additional guidance to support the implementation of National Planning Framework 4. As all planning authorities are having to prepare their own guidance (as with MLDP's) this undermines the point of having a nationally consistent suite of policies.

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

A – Scheme viability and use of compulsory purchase orders. Development Management courses/learning at university needs to be improved, many graduates have minimal knowledge about the legal/assessment process. Urban design/placemaking, viability and site development economics, carbon and biodiversity are all skill sets which planners will need trained on and supported to utilise.

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

A – Achieving net carbon zero and biodiversity assessments.

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

Please explain your view

A – Technical specialists could be used to deliver improvements.

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

A – A hub could be used as a central training centre.

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

- i. Within Scottish Government
- ii. Within public organisation
- iii. Within a host authority
- iv. Other
- v. No view

A – Within a host authority.

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

A – A percentage of the planning fees based on how many each LPA receives and divided by type.

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

Strongly agree

Please explain your view

A – This would assist with increase in staff costs.

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

Strongly agree

Please explain your view

Question 15: Should an annual inflationary increase apply to:

- i. Individual fees and increments
- ii. Individual fees, increments and maximums
- iii. No view

A – ii)

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

A – Devolve power to LPA's to set own fees.

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

A – The overall value of development could be a key principle in line with Building Standards fee calculations.

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

A – A requirement for all major applications to be taken through a pre-application process and gate check before being validated. Powers and funding to outsource expert advice where necessary such as ecology, landscaping and arboriculture for example.

Question 19: Do 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?

A – No.

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?

Agree

Please explain your view

A – Applications on unallocated site attract a higher level of representations and take more staff resources to assess.

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

Strongly agree

Please explain your view

A – Staff resources will be required to prepare masterplan consent area, which will in effect act as a planning decision and require similar (if not more) resources than a planning application.

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

Yes

Please explain your view

A – Staff resources are used to determine an appeal. Significant staff resources are required for LRB and any participation in appeals, particularly hearings/PLIs etc.

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?

Strongly agree

Please explain your view

A – This would be proportionate to the work required to deal with the appeal.

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?

30%

Please explain your view

A – To cover the administration and staff resources dealing with the appeal.

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?

Strongly disagree

Please explain your view

A –The reasons for waving the planning fee are is out in fee regs, but should extend to the appeal process where additional work is generated.

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



A – No as this needs to be covered by the main fee as we don't want to discourage online submissions.

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

A – This needs to be funded through planning fees.

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

Yes

Please explain your view

A – This would increase local decision-making and increase fees to LPA's.

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

No

Please explain your view

A – One threshold would make the process simpler to manage in terms of resources.

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

A – The time taken on S.36 application consultation and planning application are similar and therefore having access to the full fee would support resourcing in the planning service.

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 justification for your answer.

A – 75% to cover the staff resources required to make a robust consultation response.

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

Yes

Please explain your view

A – Fee based on power levels.

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

Yes

Please explain your view

A – Beyond any specific building/safety standards, and the location of hydrogen storage/distribution, the other considerations would relate to sustainability of water resources being used to produce the hydrogen, impact on integrity of ground surface if using groundwater sources.

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

No

Please explain your view

A – This fee doesn't cover staff resources to process prior notifications, which can vary in scale of development – from windows in conservation areas to very large forestry developments.

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.

A – The PDR for telecommunications, agricultural and forestry buildings (the latter having no upper limit in floor area), forestry and farm tracks.

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

A - Yes

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.)

A – Not relevant to Moray

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

Please explain the reason for your answer.

A – Increasing the threshold for energy applications and devolving fees to the LPA.

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

A – Phasing is important with the fee review being a high priority.

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

A – All bids for sites withing a LDP should be supported by a planning fee. Stop advertising planning applications in local press, whilst fees are recoverable in most instances, they entail significant cost and resources and are rarely read. This is combined with falling circulation of printed press.

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

A – No other comments

Business and Regulatory Impact Assessment

Equality Impact Assessment  
Islands Communities Impact Assessment  
Child Rights and Wellbeing Impact Assessment  
Fairer Scotland Duty  
Strategic Environmental Assessment