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Section of Act	Requirements	Implications for Moray Council	Recommended Action
Purpose of Planning	<p>The purpose of planning is to manage the development and use of land in the long term public interest.</p> <p>Anything which;</p> <ul style="list-style-type: none"> <li>a) contributes to sustainable development, or</li> <li>b) achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015.)</li> </ul>	<p>This provides a focus for decision making and a more proactive approach to address issues “in the long term public interest”, including planning for climate change, redevelopment of vacant/ derelict sites.</p>	<p>LDP Action Programme already takes a more proactive approach.</p> <p>Closer alignment between Community Planning and spatial planning is required and closer alignment between Climate Change planning and spatial planning</p>
National Planning Framework	<p>National Planning Framework will set out a spatial plan for Scotland, which will set out the Scottish Ministers policies and proposals for the development and use of land. NPF4 will include Scottish Planning Policy and will remove the need for LDP’s to set out national policy. NPF4 will form part of the Development Plan which each authority should determine proposals against and will introduce greater consistency of policies. Supplementary Guidance is removed and planning authorities are required to produce more place based plans.</p> <p>New sections will be added, including;</p> <ul style="list-style-type: none"> <li>• targets for the use of land in different areas of Scotland for housing</li> <li>• an assessment of the likely impact of each proposed national development’s lifecycle greenhouse gas emissions on achieving national greenhouse gas emissions reduction targets..</li> </ul> <p>The outcomes are;</p> <ul style="list-style-type: none"> <li>• meeting the housing needs of people living in</li> </ul>	<p>Nationally set targets for housing delivery could cause concern, if significantly different to current development levels and existing Housing Need and Demand Assessment. However, the Local Development Plan identifies a generous supply of land for housing and a LONG term reserve supply.</p> <p>The Local Development Plan also includes Policy DP2 which requires provision of accessible housing and Policy PP1 Placemaking which sets out health and wellbeing policy</p>	<p>Officers are currently working on a joined up climate change spatial framework, identifying opportunities for food production, renewable energy and woodland expansion.</p> <p>LDP2020 has moved towards a more place based approach, reducing the amount of Supplementary Guidance and policies. Under the new legislation, the Council will have the opportunity to introduce its own local planning policies where justified and care will be required to ensure the</p>

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	<p>Scotland including, in particular, the housing needs of older people and disabled people.</p> <ul style="list-style-type: none"> <li>• Improving the health and wellbeing of people living in Scotland</li> <li>• Increasing the population of rural areas of Scotland</li> <li>• Improving equality and eliminating discrimination</li> <li>• Meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009 Securing positive effects for biodiversity.</li> </ul>	<p>requirements have been included throughout the Local Development Plan. Policies support rural housing and employment opportunities in the right place and to the right design. The Council are currently preparing a Climate Change Strategy to be reported to Council in March 2020. The Local Development Plan includes a standalone policy on safeguarding and promoting biodiversity.</p>	<p>aspirations for better quality outcomes in our LDP2020 policies are not lost or diluted.</p> <p>Closer links between Climate Change and Local Development Plan.</p> <p>Closer links between Moray Economic Strategy LDP, which will happen as a result of changes to staffing structures.</p> <p>Consultation on content of NPF4 anticipated Q1 2020, with formal consultation on a draft in Q3 2020. An initial Call for Ideas has been launched which is subject to a separate report to this Committee.</p>
<p>Open Space Strategy</p>	<p>Prepare and publish an open space strategy setting out a strategic framework for green infrastructure in the district including open spaces and green networks.</p> <p>Note: Scottish Ministers <b>may</b> make provision about how planning authorities conduct audits and assess current and future requirements.</p>	<p>There is no specific detail on the scope of an open space strategy i.e. size of open spaces assessed, size of settlements etc.</p> <p>The current strategy does not cover the whole of Moray and there could be a resource implication if this</p>	<p>Need to keep up to date with any guidance on assessment methodology that is published and potential impact on the Open Space Strategy refresh.</p> <p>There is no explicit reference to the Open</p>

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		<p>has to be undertaken across other settlements.</p> <p>There is the possibility of additional requirements relating to the assessment methodology being set by Scottish Ministers but no detail on what this would entail.</p>	<p>Space Strategy forming part of the evidence report, but it would be useful for the survey work to inform the environmental evidence base.</p> <p>In terms of a strategic approach to green infrastructure this could be linked to any work on compensatory planting or potential plans for increasing woodland cover across Moray to address the Climate Change emergency.</p>
Housing Needs, including older people and disabled people	The Act requires the LDP to take account of the housing needs of the population of the area, including, in particular, the needs of persons undertaking higher education, older people and disabled people.	<p>The Council already has innovative policies for Accessible Housing provision which addressed two aspects of this requirement.</p> <p>A better understanding of the housing needs of people in higher education is required and further discussion with Moray College/ UHI would assist.</p>	Further discussion with Moray College/ UHI re student accommodation, especially to support any related projects arising from the Moray Growth Deal.
Regional Spatial Strategies	Planning authorities individually or acting jointly are to prepare and adopt a regional spatial strategy, which is a long term spatial strategy in respect of the strategic development of an area. It should specify the need for	The Scottish Government has suggested that Moray, Highland and Cairngorms National Park jointly prepare	Ongoing discussion on this matter.

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	<p>strategic development, the outcomes that strategic development will contribute, priorities for delivery and proposed locations for strategic development.</p> <p>A draft should be published along with a statement inviting representations. Copies should be sent to key agencies and other interested parties.</p> <p>In amending the NPF, Scottish Ministers must have regard to any adopted regional spatial strategies. Similarly, planning authorities must do likewise when preparing local development plans.</p> <p>A regional spatial strategy must be adopted as soon as reasonably practical after section 5 of the Act comes into force and it must be kept under review and replaced as required, but must be reviewed within 10 years of adoption.</p> <p>Scottish Ministers may direct a planning authority or two or more such authorities to prepare and adopt a strategy. Scottish Ministers may issue guidance in relation to preparing and adopting a regional spatial strategy</p>	<p>a regional spatial strategy. However, Moray has planning, economic and transportation issues and partnerships to east/ west and south.</p> <p>Further discussion between authorities is required. If the strategies are intended to be prepared based upon City/ Region deals, then Moray would prepare its own regional spatial strategy.</p> <p>While Moray shares similarities with Highland and Cairngorms, there are also common issues with Aberdeenshire and other rural planning authorities.</p> <p>This is new, additional work and cannot be resourced within current staffing levels.</p>	
LDP Evidence Report	<p>Prepare an evidence report before preparing a local development plan that must be approved by the planning authority prior to submission. This will be assessed by Scottish Ministers to assess whether the report contains sufficient information to enable the planning authority to prepare a local development plan.</p> <p>Scottish Ministers <b>may</b> make regulations relating to costs of</p>	<p>The evidence requirements reflect the changing and widening role of future local development plans, to give a greater focus on infrastructure planning and ensure effective and wider engagement as well as a</p>	<p>Replacing the Main Issues Report stage of Plan preparation is welcomed. The Gatecheck provides an opportunity to agree baseline evidence prior to moving to plan preparation.</p>

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	<p>assessment of evidence, procedures etc.</p> <p>Content:</p> <p>Seek views of key agencies, children and young people, others persons as prescribed and the public at large.</p> <p>Set out view on all matters specified in section 15(5) relating to form and content of local development plans (e.g. housing land supply, education infrastructure, population demographics, infrastructure capacity).</p> <p>Summary of actions to support and promote the construction and adaptation of housing for older/disabled people.</p> <p>Accommodation needs of Gypsies and Travellers and analysis of the extent to which the action has helped to address those needs.</p> <p>How communities have been invited to prepare local place plans and the assistance provided to local communities to prepare local place plans.</p> <p>Statement on steps taken to seek views of disabled persons, Gypsies and Travellers and children and young people and community councils and how their views have been taken into account within the report.</p> <p>If, having completed the assessment the appointed person is satisfied that the evidence report contains sufficient information to enable the planning authority to prepare a local development plan, the person is to notify the Scottish</p>	<p>strong evidence base. While Moray Council’s record of preparing monitoring and evidence such as housing and employment land audits, some authorities do not and will find this new requirement even more challenging.</p> <p>Moray Council was a pilot for the Gatecheck process in partnership with the Scottish Government and a DPEA Reporter.</p> <p>There was discussion around LDPs being submitted without Strategic Flood Risk Assessments but there is no explicit requirement within the evidence report to provide one. There is a clear ambition to strengthen links to health and prevention planning.</p> <p>To prepare the evidence report the Council will need to work closely with key agencies and internal services such as HES, SEPA, Housing, HIE, Flood Team, Education and Transport. This relies upon good</p>	<p>The benefits of this approach include: a more transparent approach; a focus on delivering positive outcomes; encouraging buy-in and stakeholder scrutiny; clarity about agreement or areas of dispute; potential simplification of the examination process.</p> <p>Need to give early consideration to how to collate some of the new requirements, specifically some of the data around education needs and understanding the intention of statements like “the desirability of allocating land for the purposes of resettlement”</p> <p>The evidence report requires closer links to the LOIP and delivery of the Council’s corporate priorities and elevating the status of the plan as a key delivery mechanism requiring appropriate resourcing.</p>
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	<p>Ministers and the authority accordingly. In any other case the appointed person is to prepare a report “the assessment report” setting out the reasons for not being so satisfied and recommendations for improving the evidence report.</p>	<p>communication and relationships which currently exist in Moray, although there are still improvements to be made linking with some partners and encouraging longer term strategic planning. There is no reference to a sign off from key agencies which is seen as an important element of building consensus and a shared vision for the LDP.</p> <p>There is an emphasis on engaging with traditionally hard to reach stakeholders with reference to Gypsies and Travellers and disabled persons.</p> <p>There is reference to collating information that previously may not have been considered as part of the LDP preparation including the health of the population, identification of rural areas that are in substantial decline in population, desirability of maintaining an appropriate number of cultural venues</p>	<p>The Evidence Report must be in a format that is engaging and easy to understand for target audiences including community councils and young people and avoid dry, technical jargon.</p> <p>Additionally how do we make this meaningful engagement? Need to have more detail on the relationship between the Evidence Report and local place plans especially if there is a focus on local place plans as an integral part of engagement.</p> <p>There is a need for a strategic overview to understand how all these elements of local place plans, engagement and evidence gathering come together to create a process that is realistic and achievable.</p> <p>There is an emphasis on front loading the system</p>
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		<p>(live music venues). This has potential resource implications in terms of creating and maintaining the evidence base.</p> <p>It is unclear who is going to meet administrative costs of assessment of evidence report. Does this mean the Council will incur costs? There is a significant amount of information being gathered how long would an assessment take?</p> <p>There is no information on thresholds i.e. minimum requirements.</p> <p>From a public point of view this could be seen as a laborious process and if it is about statistics such as dry housing land numbers what is the benefit. Need to think creatively about engagement.</p> <p>The preparation of an evidence report is clearly linked to other requirements set out within the Act e.g.</p>	<p>which has resource implications. There is also reliance on working closely with other key agencies and internal Council services so involving them at the start and committing them to timescales is required. This needs buy in from some agencies such as Scottish Water.</p> <p>There is little information on consultation on the evidence report prior to submission. Need to consider how this would work as the reference within the Act is only to seeking views of. This needs to be clarified so we are not stuck in an endless loop of disagreement.</p> <p>There is a danger that this initial process could be resource intensive and time consuming and have little benefit in terms of reducing the Examination process. 12 month timeline desirable but does this include the Scottish Ministers</p>
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		<p>youth engagement and local place plans. This raises issues of how all these elements will successfully merge together.</p> <p>It is important that this doesn't become a tick box exercise as the pilot project demonstrated it could be an excellent opportunity to demonstrate how planning can be an enabler and to embed the infrastructure first approach from the very early stages of plan preparation.</p> <p>While this may be a significant resource burden for some planning authorities, it is intended to replace the Main Issues Report stage and much of the information required is already collated in Moray, meaning that it will require additional staff resources, but this duty itself is not considered to be overly onerous.</p>	<p>assessment?</p> <p>Need to consider monitoring and tracking evidence base. There is a distinct lack of reference to tying this up with SEA requirements and is there potential for this to be explored?</p> <p>Although the Gatecheck replaces the current Main Issues Report stage, it potentially requires even more resources to gather evidence and consult as widely as envisaged in the Act.</p>
Participation of	Promote and facilitate participation of children and young	A youth engagement strategy	Youth engagement strategy



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<p>Children and Young people</p>	<p>people under 25, in first instance by means of contact with schools, youth councils and youth parliament representatives across their district.</p> <p>Arrangements for youth engagement must be published and kept up to date.</p>	<p>is currently being developed.</p> <p>There is nothing particularly onerous within this section of the Act that cannot be incorporated into the strategy.</p> <p>There are however linkages with other strands primarily local place plans and effective community engagement guidance.</p> <p>This however is unlikely to impact on the timescale for the engagement strategy currently being developed.</p>	<p>has to demonstrate identified representatives have been engaged.</p> <p>Take account of need to engage children and young people in preparation of evidence report.</p> <p>Identify the opportunities resulting from local place plans going forward into the preparation of the next LDP?</p> <p>Remain aware of potential implications of the effective community engagement guidance, which <b>may</b> be issued by Scottish Ministers.</p> <p>Prepare monitoring framework to capture key information and demonstrate impact.</p>
<p>Effective Community Engagement/ Local Place Plans</p>	<p>Before preparing a local development plan, a planning authority is to publish an invitation to local communities in their district to prepare local place plans in accordance with schedule 19. The planning authority will provide information on the manner in which and date by which such local place plans are to be prepared in order to be taken into account in the preparation of the local development plan and details of the assistance available for local</p>	<p>It is unclear the specific role of the planning authority in this process. Supporting preparation of local place plans could be particularly onerous for the Council and it also unclear exactly what status local place plans will</p>	<p>The staffing implications of this requirement will need to be carefully considered, primarily for the Community Support Unit and Strategic Planning and Development Services as it is likely they will be</p>

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	<p>communities to prepare local place plans.</p> <p>Within 7 years of the Bill for the Planning (Scotland) Act 2019 received Royal Assent Scottish Ministers will carry out a review of local place plans and present to the Scottish Parliament.</p>	<p>have in being “taken into account” in the local development plan.</p> <p>Planning authorities are currently unclear on the role and function of local place plans and what they will cover.</p>	<p>required to support communities in preparing local place plans. Further reports as details emerge on the purpose and content of local place plans will be reported to this Committee, the Community Engagement Group and Community Planning Partnership.</p>
<p>Play sufficiency assessment</p>	<p>Assess the sufficiency of play opportunities in the area for children in preparing an evidence report.</p> <p>Scottish Ministers must by regulations make provisions about form and content, persons to be consulted and publication.</p>	<p>This is an additional piece of work for the evidence report. Information is vague and therefore it is difficult to assess resource implications at this stage.</p> <p>What is sufficiency? Is it beyond having a number of play areas, within a certain distance of communities, but also about different types of play experiences, bouldering climbing, opportunities for making dens etc.</p> <p>Need further information relating to the form and content of the assessment, consultation arrangements and publication of assessment.</p>	<p>Consider best means of collating data. The LDP2020 Delivery Programme will incorporate this requirement into a revised Open Space Strategy which will also consider researching and devising a methodology for securing developer obligations towards open space, play facility, sports and recreation and core path provision and improvements.</p> <p>Investigate what data is currently held by Lands and Parks.</p> <p>Consider how play sufficiency links into QA</p>

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			process and placemaking generally.
Examination of housing land	<p>Where an Appointed Person completes an examination of a proposed Local Development Plan (LDP) and is unsatisfied the amount of land allocated for housing is sufficient to meet the targets, they may issue a notice requiring the Planning Authority to prepare another proposed LDP. A notice is issued stating that the proposed LDP is unsatisfactory due to its failure to address the identified housing needs and the reason for the Appointed Person coming to that conclusion.</p> <p>On receiving a notice, the Planning Authority may not take any further action in respect of the proposed LDP and must prepare another proposed LDP. Evidence report(s) prepared as part of the unsatisfactory proposed LDP may be reused.</p>	<p>Council currently does a lot of evidence gathering as part of the preparation of the LDP and was the pilot for the 'Gatecheck'.</p> <p>New requirement has the potential to have big implications for Council. It therefore encourages the Council to frontload the process via 'Gatecheck' to avoid having to redo the whole LDP process. The current requirement for Council to prepare a Housing Need and Demand Assessment could be replaced if regional housing targets are set.</p> <p>However, Moray has a generous housing land supply and a LONG term reserve which is controlled through the annual housing land audit process. This is a model of good practice which other authorities could follow if it was embedded into NPF4. The Council</p>	<p>Continue to frontload evidence gathering as part of the preparation of the LDP by identifying long-term sites for housing and maintaining an updated HLA.</p> <p>Ensure strong representation to published guidance on Gatechecks and Evidence Report.</p>

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		<p>therefore needs to continue identifying long-term sites suitable for housing. Maintaining an updated Housing Land Audit (HLA) will provide evidence base for required land to meet targets.</p> <p>The scenario of a Local Development Plan not providing sufficient housing land however, suggests a failing in the Evidence Report and Gatecheck process. If the Evidence Report highlights how much housing land is required and that has been “signed off” by Scottish Ministers and Homes for Scotland, then the planning authority should be clear as to how much land is to be identified in the Plan for housing. During the Gatecheck process, there was discussion around the need for a two stage Gatecheck and perhaps this scenario highlights the need for that, with a second check prior to publishing the Proposed Plan, ensuing</p>	
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		compliance with the outcomes of the first check Evidence Report. A scenario of having to “redo” a Proposed Plan after Examination would be at odds with the aspiration to streamline the planning system.	
List of persons seeking land for self- build	<p>Planning Authority to prepare and maintain a list of persons who have registered an interest with Authority with the intention of acquiring land in their area for self-build housing, List to be published in manner considered appropriate by Authority (i.e. online).</p> <p>Currently being piloted and guidance on maintaining lists expected by Q4 2020. Local Development Plans to have regard to published lists.</p>	<p>New duty.</p> <p>Potential to be linked to a more proactive housing project being developed by officers to unlock constrained sites and provide a mix of affordable housing and self- build plots.</p>	<p>No action at this time.</p> <p>Guidance on maintaining lists to be published by Q4 2020.</p>
Development Plan Schemes	<p>Planning authority is to seek views on the Participation Statement to accompany the Development Plan Scheme.</p>	<p>This is an additional, albeit, limited consultation step added to the Development Plan Scheme.</p>	<p>This has some, albeit, very limited staffing implications.</p>
Delivery Programmes	<p>Delivery programme to be prepared, replacing the current Action Programme, taking account of the views of key agencies and such persons who may be prescribed. Delivery programme should set out how an authority proposes to implement the plan, which will be set out in Regulations.</p> <p>The Delivery Programme should be adopted and published within 3 months of the plan being constituted. Programme must be kept under review and updated as or when required. Copies should be sent to Scottish Ministers and placed in libraries.</p>	<p>The Action Plan being published with the Local Development Plan 2020 already has a strong delivery focus and will act as a focus for future monitoring.</p> <p>Some clarity over desired outcomes could be set out to make future monitoring sharper.</p>	<p>Review LDP2020 Action Programme and clarify desired outcomes for each action. Report Action Programme to P&amp;RS Committee summer 2020.</p> <p>Use Action Programme as the basis for future monitoring.</p>

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<p>Amendment of LDP</p>	<p>A planning authority may, at any time, amend a local development plan, or may be directed to do so by Scottish Ministers. In preparing an amendment a planning authority should take into account;</p> <ul style="list-style-type: none"> <li>• The NPF</li> <li>• Any local outcomes improvement plan</li> <li>• Any registered local place plan</li> </ul> <p>Regulations will be published about the procedures to be followed, consultation to be undertaken, when amendments are to take effect and publication of amended plan.</p>	<p>This appears to re-introduce the “alterations” approach which previous legislation supported, allowing an update of aspects of a local development plan, without reviewing the whole plan.</p> <p>This could be used to address issues such as housing and employment land supply or take account of unforeseen circumstances. This will also assist the new 10 year Plan cycle, although planning authorities consider it unlikely that there will be 10 years between each Plan.</p>	<p>This power is welcomed.</p> <p>No action at this time until procedures and regulations are consulted on.</p>
<p>Masterplan Consent areas</p>	<p>Masterplan consent areas are being introduced to provide consent in advance for specified types of development, in carefully defined circumstances, in a particular area. This aims to provide certainty and reduce risk for developers.</p> <p>A number of pilots are currently being undertaken using the Simplified Planning Zone mechanism. These will be used to provide the details to design the procedures and regulations for Masterplan Consent Areas. It is expected that these will be in place by Q4 2021.</p> <p>As such, the Act as it stands is currently very vague. A scheme will consist of a map, a written statement and illustrations. Conditions, limitations, and exceptions can also be added. Each Planning Authority must every 5 years</p>	<p>The Council currently allocates LONG sites which has the requirement for a masterplan through the LDP process. Discussion papers on Masterplan Consent Areas discussed how their preparation could be aligned with the LDP process and would therefore be consulted upon as part of this process.</p> <p>Topic papers discussed the need for engagement with</p>	<p>No action at this time until the procedures and regulations are produced in Q4 2021.</p>

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	<p>consider whether it would be desirable to consider introducing schemes.</p> <p>Before introducing a scheme a consultation on possible proposals must be undertaken. Scottish ministers are to prescribe the regulation requirements regarding the consultation process.</p>	<p>local communities. It was discussed that if they were to be introduced outwith a plan cycle then charrette like activities could be undertaken on specific sites which could have potential resource implications.</p> <p>However, without the details and limited case studies it is currently hard to determine what the implications for introducing masterplan consent areas would be at this stage.</p> <p>The implication of masterplan consent areas is that there will be significant upfront work. No detail has been provided as to how this up front work would be funded. The implementation of a consent area would likely require significant work from local authorities to prepare and implement and a major disadvantage would be the loss of planning application fees in the process.</p>	
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<p>Notification of Major Planning Applications to all Councillor’s, MSP and MP</p>	<p>The regulations were laid on 8 November 2019 and came into force on 20 December 2019 and apply to all Major Planning Applications received by the authority on or after 1 March 2020.</p>	<p>Formal notification to be set up to cover all major applications and to be kept updated for all Councillors. MSP and MP.</p>	<p>Officers are in the process of setting up standard formal notification procedures to be implemented from 1 March 2020.</p>
<p>Noise Sensitive Developments - Agent of Change Principle</p>	<p>The regulations commence this provision for all applications received by the authority on or after 20 December 2019 and applies to applications for planning permission for “noise sensitive developments” where residents are likely to be affected by significant noise from existing activity in the vicinity.</p>	<p>Introduces a requirement for Noise sensitive developments to be take particular account of whether the new development includes sufficient measures to “mitigate, minimise or manage” the effect of noise between the development and any cultural venues or facilities, dwellings or businesses in the vicinity.</p> <p>Any review of LDP to take this into this principle into account.</p>	<p>Officers are working with Environmental Health Officers to ensure this principle is addressed in consultation responses.</p>
<p>Level of Fines – Enforcement Notices</p>	<p>The maximum level of fines to be increased and will apply to notices served on or after 20 December 2019.</p>	<p>The increased level of fines and the provision for courts to take into account any financial benefit gained from the offence will hopefully be</p>	<p>Officers have updated standard templates to be used for serving notices.</p>



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		a deterrent to anyone carrying out unauthorised development.	
Short-term lets	The Act will allow local authorities to designate short term let control areas, within which the use of a dwellinghouse for short term letting is deemed to involve a material change of use, and therefore always needs planning permission.	Scottish Government aim to have regulations of short term letting in place by Q4 of 2020.	No Action required until regulations and guidance issued. Consideration to be given as to whether to designate short term let control areas. Separate committee report to be prepared.
Pre-consultation for major planning applications	The Scottish Ministers must make regulations about pre-consultation in particular to allow them to make provision about the content of the report developers must produce following their consultation.	Wait for regulations to be laid and guidance.	Officers have attended a Scottish Government workshop on the implications of changes to pre-application consultation.  No further action at present.
Changing Places Toilets	Regulations are being prepared to bring forward the requirements for certain large developments to include Changing Places Toilets.	Officers will agree with Building Standards templates for consultation to ensure alignment with Building Standard legislation.  Any review of LDP to take this into account as policy.	No action at this time. Procedures to be updated once regulations are in force.

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Specific reference to Biodiversity	Introduces specific reference to biodiversity and net positive effects on biodiversity in the power to make regulations on environmental impact assessment.	The current 2017 regulations already require the consideration of impacts on biodiversity and there are no plans for these regulations to be updated.  LDP policies cover this provision.	Officers to be aware of 2017 regulations and requirements of LDP policies with specific reference to biodiversity.
Call-in Planning Applications	Ministers to lay a statement in the Scottish parliament setting out the circumstances in which they consider it would be appropriate to call-in planning applications.	Await guidance and regulations on call-in of planning applications.	No action to be taken at present.
Pre-determination hearing Requirements	Removes the requirement for full Council to make decisions on applications where there has been a pre-determination hearing.	Pre-determination hearing procedures to be amended.	Officers are preparing a separate report to planning committee and standing orders will need to be amended. To be implemented from 1 March 2020.
Duration of Planning permission and completion notices	Regulations and guidance to be in place by Q1 2021. The Act changes the arrangements for setting the duration of planning permission and for challenging a notice requiring development to be completed.	Standard templates to be updated for issuing decision notices and guidance to be produced for Officers.	No action required. Await regulations and guidance.
Similar applications & Significant Change in relation to declining to determine 'repeat' applications.	Regulations and guidance to be issued by Q1 2020. Extending the time period in which authorities can decline to determine an application from 2 to 5 years.	Templates to be reviewed following to receipt of guidance.	No action required until regulations and guidance issued.

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Planning Fees Review	The Act expands the powers to make regulations about fees. In particular, it allows for discretionary charging and discounts, extends the range of services for which fees can be charged, allows for a surcharge to be imposed for retrospective applications, and makes it possible for authorities to charge a higher fee for a premium service.	New fee regulations to be introduced in Q2 of 2020.	Officers returned consultation on Planning Performance & Fees – 2019. Await new regulations.
Charging Orders	The Act introduces provision for charging orders, allowing planning authorities to place a charge on the property to recover the costs of taking direct action to implement the requirements of an enforcement notice. Regulations are required to set out the forms for registering and discharging charging orders.	These will be provided by Q4 2020, together with guidance for local authorities on the new powers.	No action required until guidance issued.
Enforcement Charters	The Act introduces provision for charging orders, allowing planning authorities to place a charge on the property to recover the costs of taking direct action to implement the requirements of an enforcement notice.	Regulations are required to set out the forms for registering and discharging charging orders. These will be provided by Q4 2020, together with guidance for local authorities on the new powers.	The Enforcement Charter has been reviewed and priority recommended to be given to dealing with monitoring conditions on major planning applications.
Decision Notices and statement on whether or not development is in accordance with the development plan and their reasons for taking that view.	The change will apply to all decision notices issued after 1 March 2020 regardless of when the decision is made.	Decision notices templates to be reviewed to ensure the statement on accordance with the development plan is clear, alongside any other reasons for the decision.	Officers are reviewing decision notice templates to be implemented by 1 March 2020.
Notice of applications for listed building consent.	Powers to make regulations about giving notice of applications for listed building consent. This would allow similar notification requirements to be imposed for listed building consent as for planning applications.	Await regulations and guidance. Resource implications on extending notification to listed building	No action required.

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		applications.	
Assessment of health effects	The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development.	<p>The Local Development Plan 2020 includes a number of innovative policies aiming to ensure new developments support the aspirations of public health reform.</p> <p>These policies are embedded in the Council’s Quality Audit process which means that health effects will be considered as part of that process, with developments required to achieve a green rating on health and well-being.</p> <p>There is also scope to consult with NHS Grampian health practitioners on individual applications to ensure this legislative requirement is met. It is important that this doesn’t become just a tick box exercise involving a health impact assessment checklist.</p>	<p>Council officers have met with NHS Grampian to consider their role in supporting the planning authority in this duty.</p> <p>There is scope for NHS Grampian staff to participate in the Council’s Quality Auditing process for larger planning applications (e.g. 50 or more units) and in proposals located within areas of deprivation.</p> <p>NHS Grampian has also offered to host training for Council planning officers to assist with implementing public health issues through the planning system.</p> <p>Officers to set up separate consultation arrangements with nominated contacts once guidance has been published.</p>
Toilet facilities	The LDP is to include a statement of the planning authorities policies and proposals as to the provision of public toilets.	This would be a new requirement. Decisions relating to the provision and maintenance of public toilets	No action at this time.

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		are currently taken by elected members.	
<p>Planning Obligations- publication/ annual reporting/ modification and discharge</p>	<p>After the end of each financial year (beg 1 April), Local Authority (LA) to prepare and publish a report with the number of planning obligations</p> <ul style="list-style-type: none"> <li>• Entered into in that year</li> <li>• Entered into a previous year and not yet expired</li> <li>• Entered into a previous year and not yet complied with</li> </ul> <p>The report is to set out which development they relate to and the name of the person who entered into the agreement.</p> <p><i>Modification and discharge</i> Any modification or discharge must be by agreement in writing between the planning authority and the person/persons who are liable for paying the obligations.</p> <p>If LA propose to discharge or modify the agreement in a way that is not being sought in the application, they must obtain the applicant`s consent. If that includes putting or increasing a burden on any non-applicant, the LA must obtain that person`s consent.</p> <p>LA to give notice of their decision to any non-applicants as well as the applicant against whom the planning obligation is enforceable.</p> <p>LA to publish agreement and notice of determination relating to modification or discharge in such a manner as they consider sufficient to ensure that it is brought to the attention of the residents of the area to which the relevant planning obligation relates.</p>	<p>This could be included within the Annual Monitoring Report, which is already prepared by the Section and reported to Committee.</p> <p>Modifications and discharge applications are already considered by agreement in writing between the planning authority and the applicant and by obtaining the consent of persons who are liable. The legal agreements and modifications are published on the Planning Portal. Modifications/Discharge could be part of the Annual Report for further publishing.</p>	<p>No action at this time until guidance is published for consultation (Q2 2020).</p>

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<p>Promotion and use of mediation</p>	<p>Scottish Ministers may issue guidance in relation to the use and promotion of mediation for a variety of planning matters including the preparation of local development plans and the evidence report. This guidance will be published within two years of the Act gaining Royal Assent.</p> <p>No details or procedures as to how this this will be done at this stage.</p>	<p>The Council’s role in this process is not yet clear. Local Authorities will be consulted on any future guidance.</p>	<p>No action required until guidance is published for consultation.</p>
<p>Annual report on performance</p>	<p>As soon as reasonably practicable after the end of each financial year, Planning Authorities are to prepare a report on performance of their functions during that year.</p> <p>Acknowledgement that if seeking higher fees, there is a need for new approach to improving performance and services. Stronger focus on customers’ experiences, quality of outcomes and an improved peer review amongst areas being considered. High Level Group on Planning Performance currently looking at defining how performance should be measured.</p>	<p>Currently done through the Planning Performance Framework (PPF).</p> <p>Outcomes have been identified to monitor and assess the performance of proposed policies. These will help ensure that development is meeting the purpose of the policies.</p> <p>A Quality Audit 2 has been developed and will be adopted along with the Local Development Plan 2020. Development will be monitored before/after to ensure high quality, safe places that promote good health.</p> <p>Feedback forms are provided as part of any consultation and/or exhibition run by the</p>	<p>No action at this time. Regulations on annual reporting of performance to be published by Q4 2020.</p>

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		Service. Responses are reviewed and any required changes implemented ahead of the next event.	
National Planning improvement co-ordinator	<p>Scottish Ministers may appoint a person to monitor Planning Authorities' performance of their functions and provide advice to Planning Authorities and others on improving their performance. Intend appointing an Improvement Co-ordinator by Q2 2020.</p> <p>Opportunity to make further provision about appointment and functions of the Co-ordinator, but Scottish Ministers do not intend on expanding these at this time.</p> <p>Co-ordinator will become a member of the High Level Group on Planning Performance.</p>	New (national) duty. Impact on Council will be dependent on outcome of performance reviews.	No action. Scottish Ministers intend on appointing a Co-ordinator by Q2 2020.
Chief Planning Officer	<p>Each planning authority must have a Chief Planning Officer, a person with appropriate qualifications and experience.</p> <p>Supporting improved performance and enhance the ability of planning to support outcomes across the authority, the role will be to advise the authority of functions conferred by planning Acts and any other enactment where it relates to development.</p>	<p>New duty, but impact not fully clear until guidance is published by Scottish Ministers (Q4 2020).</p> <p>Most elements likely to be currently done by Head of Economic Growth &amp; Development and Monitoring Officer.</p>	Await guidance on role, qualifications and experience from Scottish Ministers (Q4 2020).
Forestry and Woodland Strategy	<p>Planning Authority to prepare and publish a Forestry and Woodland Strategy, identifying woodlands of high nature conservation value and set out policies and proposals as to:-</p> <ul style="list-style-type: none"> <li>• The development of forestry/woodlands;</li> <li>• Protection and enhancement of woodlands;</li> <li>• Resilience to climate change of woodlands; and</li> <li>• The expansion of woodlands to provide multiple</li> </ul>	<p>Already done, in line with existing guidance.</p> <p>Strategy adopted in January 2018. Discussions to be progressed with Scottish Forestry to oversee the</p>	No action required.

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	<p>benefits.</p> <p>Must consult Scottish Ministers, organisations with an interest and any such persons as considered appropriate.</p> <p>Ability for two or more Planning Authorities to jointly prepare a Strategy.</p>	<p>implementation of the Strategy.</p> <p>Consideration to be given to how Strategy can link with the Food Growing Strategy.</p>	
Infrastructure Levy	<p>Although the Land value uplift capture is continuing to be explored by the Scottish Government before exploring new approaches such as the infrastructure levy. A package of proposals that address how local authorities can effectively assemble land, tackle problem properties and capture land value uplifts will be developed. However it is not expected that these issues will be legislated in this Parliament.</p> <p><i>Infrastructure levy</i> is a levy payable to the Local Authority (LA) in respect of development wholly or partly within the LA area and is used by the LA to fund/contribute towards infrastructure projects.</p> <p>Scottish Ministers may issue guidance to LA on how they are to discharge the infrastructure levy functions and how the income should be spent.</p> <p>Infrastructure includes:</p> <ul style="list-style-type: none"> <li>• Communications, transport, drainage, sewerage and flood-defence systems</li> <li>• Systems for the supply of water and energy</li> <li>• Green and blue infrastructure</li> <li>• Educational and medical facilities</li> <li>• Facilities and other places for recreation</li> </ul> <p>Infrastructure project definition: to provide, maintain, improve or replace infrastructure</p>	<p>Further information to be published by the Scottish Government about options to capture land value uplift.</p>	<p>No action required.</p>



	<p>Infrastructure levy regulations may set out who, when, kind of developments and the amount payable.</p> <p><i>Relief</i>          Might be a provision to grant relief from paying the levy where:</p> <ul style="list-style-type: none"> <li>• S75 has been entered into</li> <li>• LA considers the liability of paying the levy would cause duplication in any form</li> </ul> <p><i>Local exemptions/discounts</i>          LA might have the power to waive or reduce the levy within their areas or set conditions on the exercise of any power conferred.</p> <p><i>Collection/enforcement</i>          The regulations might have a provision about:</p> <ul style="list-style-type: none"> <li>• collecting the amounts and penalties imposed</li> <li>• enable LA to confer powers of entry for the purpose of investigating liability for the levy and powers to seize things found during the investigation</li> <li>• make it an offense to evade or reduce liability to pay the levy by withholding information, providing misleading/false information, otherwise obstructing the investigation of liability for the levy and causing another person to do any of those things.</li> </ul> <p><i>Financial penalty</i>          The regulations may allow or require LAs to charge financial penalty if the levy is not paid within the specified timescales. Penalty might be a specified amount or calculated as a proportioned of the payable levy or both.</p>		
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	<p><i>Stopping development</i> The regulations may empower LA to stop development until the levy or any financial penalty has been paid fully and prescribe the consequences of not stopping development when directed to do so. The regulations might make it an offence not to stop development when directed.</p> <p><i>Remission/Repayment</i> Might be a provision for remission or repayment of the whole or part of the payable amount and financial penalty.</p> <p><i>Appeals</i> Regulations may:</p> <ul style="list-style-type: none"> <li>• establish a process for appealing against decisions that the levy is payable and what the amount is</li> <li>• appeal will be made to the Scottish Ministers or appointed person by them</li> <li>• Set rules about the conduct of the appeal</li> <li>• Prescribe fees and provision allowing expenses to be awarded</li> </ul> <p><i>Accounting requirements</i> Account LAs to keep with the exercise of their functions under the levy regulations and their expenditure of levy income.</p> <p><i>Expenditure of levy</i> The regulations may make a provision about the particular purposes for which LA may apply the levy income.</p> <p><i>Use of planning and development powers</i> Regulations may make a provision about how any of the</p>		
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	<p>following powers may or may not be exercised:</p> <ul style="list-style-type: none"> <li>• S75</li> <li>• S53 of the Roads (Scotland) Act 1984</li> <li>• Any other power relating to planning or development</li> </ul> <p>This provision is only made if the Scottish Ministers consider it necessary for the purpose of enhancing the effectiveness of the levy or preventing/restricting powers other than the power to charge the levy where it is felt that the levy would be more appropriate.</p> <p><i>Maximum penalties</i></p> <ul style="list-style-type: none"> <li>• For a summary-only offence Fine not exceeding level 5 of the standard scale or Term of imprisonment not exceeding 12 months or Both</li> <li>• For either-way offence Fine, which doesn't exceed the statutory maximum or Term of imprisonment not exceeding 12 months or 2 years on conviction on indictment or both.</li> </ul>		
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