



## **CONSULTATION RESPONSE**

### **RESOURCING A HIGH QUALITY PLANNING SYSTEM**

#### **Introduction**

Scottish Chambers of Commerce welcomes the opportunity to contribute to the Scottish Government's approach to resourcing a high quality planning system in Scotland. Planning is an essential tool in ensuring Scotland's economic success and therefore our planning system must be fit for purpose and geared towards delivering a competitive advantage to Scottish businesses and to firms looking to invest in Scotland. The central purpose of the Scottish Government is to increase our sustainable economic growth and our planning regime must be wholly aligned to that purpose.

Over the past five years, steady progress has been made in reforming Scotland's planning system and creating a new planning process fit for the 21<sup>st</sup> century. This process began with the Planning etc.(Scotland) Act 2006 and has continued through numerous items of secondary legislation throughout the course of the current Parliament. Among the key goals of planning reform has been the need to foster culture change throughout all parties to the planning process, the front loading of planning applications, and the structuring of developments into areas of local, regional and national importance.

Business expects a planning system that is geared towards meeting the needs of both the customer and the community. If such a system is to be provided effectively then it is clear that it must be adequately resourced and deliver value for money.

The consultation document contains a comparison of fees of the four constituent nations of the United Kingdom [Figure 1 at page 4 of the consultation]. Whilst this tends to suggest a far more favourable fee regime in Scotland compared to England and Wales, it takes no account of the substantial front loading of the planning process which has been developed following the 2006 Planning Act and the associated up-front costs borne by developers.

Businesses have a right to expect that when they pay a fee for a service, they receive full value for their investment. Any increases to planning fees must be accompanied by an equivalent increase in the standard of service received by the business customer.

SCC has not addressed every question in the list of questions contained in the consultation document. Instead we have restrict our comment to a number of the key issues.

## **Consultation Questions**

### **EFFECTIVE USE OF RESOURCES**

#### **Quality**

*Q1. What measures could be implemented that would improve the quality of application and supporting information?*

A1. There requires to be a more consistent approach by local authorities in terms of their planning functions. A single Scotland-wide approach towards the governance of applications would assist developers in proving a clear and effective approach.

#### **Pre-application Discussions**

*Q2. Would you be in favour of the introduction of a charge for pre application discussions? In considering your response, should this be a one-off payment or should it be discounted against the subsequent submission of a planning application?*

A2. No. Developers are already faced with substantial up-front costs under the existing planning regime. Additional costs would be difficult to justify.

#### **New ways of working**

*Q3. Are you supportive of the ways of working identified above? If so, is there a particular approach that you consider could make a difference to the performance of the planning system? If yes, which one and why?*

A3. Shared services would assist in providing the greater degree of consistency necessary to improve the planning process.

### **REVIEWING PERFORMANCE**

*Q4 What do you consider constitutes a high performing planning system? In considering your response, please reflect on the roles and responsibilities of the various parties in the planning system including developers, planning authorities, key agencies as well as other stakeholders.*

*Are you aware of any existing appropriate frameworks currently being used that could be used? If not, are there any themes or indicators that could be considered as part of a framework to monitor the planning system? In considering your response we would also welcome views on the introduction of such a framework as well as who is best placed to carry out this assessment.*

A4. A high quality planning system is one which measurably assists in growing Scotland's economy. It should provide businesses with an incentive to do business in Scotland, delivering a competitive advantage to domestic businesses and acting as a magnet for inward investment. Developers should have confidence in a consistent and easily navigable planning system designed to meet their needs as customers. Local communities should feel involved in the process from the outset.

It is important that the opinion of developers is sought regarding their experiences of the planning system. Customer satisfaction surveys should be conducted routinely and the results used to improve future customer care.

Planning authorities which fail to meet customer needs should have their services conducted by a better performing authority, easing the path towards shared services.

## **REVIEW OF THE FEE STRUCTURE**

### **Fee options**

*Q5. Do you think the Scottish Government should amend the current fee structure? Which is your preferred option (1, 2, 3, 4 or 5)? (Please give any comments on why these are you preferred/least favoured options)  
Which is your least preferred option (1, 2, 3, 4 or 5)?  
What alternative approaches do you feel the Scottish Government should consider, if any? In considering your response please give any comments on why the option you identified above are you preferred/least favoured.*

A5. Our preferred option would be option 5, an adjustment of the current model. The current fee model is well understood by developers and significant change could prove to be unnecessarily burdensome.

### **Fee Maximum**

*Q6. Do you consider that the maximum fee level should be raised? If so, what would you consider to be an appropriate maximum level and should this higher fee be dependent on a defined service and timescales being delivered by the planning authority?*

A6. We would see no reason to significantly increase the current maximum fee. Although the current maximum looks small in comparison to the English system, this does not take into account the up-front costs borne by developers in Scotland in terms of our front loaded planning system.

### **Allocation of the fee**

*Q7. Do you consider that other consultees should charge the relevant planning authority for their input on planning applications?*

A7. No, this could prove to be an administrative nightmare.

## **Incentives**

*Q8. Do you consider the use of rebates, discounts or other incentives a useful tool in delivering a more efficient service? If so what would be an effective discount, rebate or other incentive?*

A8. Incentives should be focused on helping to achieve fast and effective outcomes in the planning process. Discounts on planning fees could be a useful incentive to planning authorities to reach timeous decisions on applications.

## **Staged / phased payments**

*Q9. Do you think the introduction of staged payments would encourage more efficient service and be helpful to developers? If so, are there any particular stages within the process that should trigger a payment?*

A9. We would prefer the retention of a single fee, but can see some merit in a phased payment process where planning authorities may forfeit the right to a final payment in the event of a planning application failing to be determined within a target time period.

## **One off single fee**

*Q10. Do you consider there should be a single fee?*

A10. We believe that the existing single fee system, which is well understood and has operated for many years, is working effectively, but could be improved by providing a discount to developers for applications which are dealt with too slowly by planning authorities.

## **Regional variances**

*Q11. Should the charging scheme take into account the regional variations in types of applications and the varying nature of local authorities? If so, what factors should be considered?*

A11. No, the planning process should be as uniform as possible.

## **Change of use**

*Q12. Do you consider it appropriate to amend the fees for changes of use? If so, how should this be calculated?*

A12. No, these should remain as they are.

## **Environmental Impact Assessments**

*Q13. Do you consider that submission of an EIA should warrant an additional fee? If so what might an appropriate charge be?*

A13. Yes, but only where the applicant receives an appropriate technical response.

### **Fees for application for planning permission in principle**

*Q14. Do you agree that applications for planning permission in principle should continue to be charged at half the standard fee?*

A14. Yes, most developers would be prepared to accept that.

### **Hazardous Substances Consent**

*Q15. Do you agree that the fees for Hazardous Substances Consent should be increased inline with inflation?*

A15. No comment.

### **Discharge of Conditions**

*Q16. Do you think there should be a fee payable for discharge of conditions? If so, should this be refundable where a decision has not been made within a set period of time?*

A16. No comment.

### **Planning agreements**

*Q17. Do you think there should be a fee payable on the conclusion of a planning agreement? If so, how should this be calculated?*

A17. No, such a fee would be an expense too far.

### **Tailored services**

*Q18. Do you consider that the fee regime should include the ability to offer a tailored service for certain developments?*

A18. Yes, it could make sense to tailor the fee regime to some extent relative to the scale of an application.

### **Windfarms**

*Q19. Do you consider that fees for windfarms should be altered to reflect the nature of this industry? If so, do you agree with developing a scheme similar to that in operation in England, or are there alternative options?*

A19. No comment.

### **Mineral and Landfill Sites**

*Q20. Should the Scottish Government take forward previous proposals to introduce a set fee payable by the operator for each visit subject to a maximum number of visits per annum or do you consider that monitoring costs should be borne by the planning authorities?*

A20. No comment.

### **Aquaculture/ Fish Farming**

*Q21. Do you consider that a single level fee based only on the equipment above the surface, including feed barges and any associated equipment, is appropriate? If so, how should this be calculated?*

A21. No comment.

*Q22. Do consider that a fee charged for the testing of areas for potential shellfish farms is appropriate?*

A22. No comment.

### **Agricultural Buildings**

*Q23. Where an application for an agricultural development under 465 m<sup>2</sup> is not subject to permitted development should a fee be required to be paid based on the development size? Should this be a full fee or part fee?*

A23. No comment.

*Q24. Should fees be reduced for agricultural developments above a certain size?*

A24. No comment.

### **Any other comments**

*Q25. We welcome any other views and comments that you might have on Resourcing a High Quality Planning System that have not already been covered within this consultation.*

A25. This may be a suitable time to examine Scotland's planning infrastructure and determine whether the current system of, in effect, 32 local planning authorities remains fit for purpose. It is in the interests of the Scottish economy that we have a planning service that is accessible, reliable, consistent and cost-effective. Consideration should be given to the replacement of individual local authority planning authorities with a small number of large regional planning authorities in order to maximise the effectiveness of the public sector skills base, deliver a consistent and reliable service to customers across Scotland and maintain the highest possible value for money in services.

**Scottish Chambers of Commerce  
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