

Places, people and planning – a consultation paper

Briefing Note for Community Councils

Introduction

On 10 January 2017 we published 'Places, people and planning – a consultation on the future of the Scottish Planning System'. It contains 20 proposals for changes to the planning system, based on the recommendations of an independent review carried out in 2016.

The four main areas of change

Our ideas for change are set out under the headings below.

Making plans for the future

1. Aligning community planning with spatial planning
2. Regional partnership working
3. Improving national spatial planning and policy
4. Stronger local development plans
5. Making plans that deliver

People make the system work

6. Giving people the opportunity to plan their own place
7. Getting more people involved in planning
8. Improving public trust
9. Keeping decisions local – rights of appeal

Building more homes and delivering more infrastructure

10. Being clear about how much housing land is required
11. Closing the gap between planning consent and delivery of homes
12. Releasing more 'development ready' land
13. Embedding an 'infrastructure first' approach
14. A more transparent approach to funding infrastructure
15. Innovative infrastructure planning

Stronger leadership and smarter resourcing

16. Developing skills to deliver outcomes
17. Investing in a better service
18. A new approach to improving performance
19. Making better use of resources – efficient decision-making
20. Innovation, designing for the future and the digital transformation of the planning service

You can find out more about the proposals at: <https://consult.scotland.gov.uk/planning-architecture/a-consultation-on-the-future-of-planning/>

What do the proposals mean for community councils?

Our proposals aim to add to the role that you already play in the planning system. We aim to make communities central to delivering great places and a force for positive change. While all the ideas above are likely to be of interest, there are some which are directly relevant to your possible future role.

What happens currently	Our proposal
The planning authority does not have to consult on the development plan scheme. Community groups are encouraged to look at the development plan scheme and provide feedback.	The development plan scheme would set out how the local community would be involved in developing proposals for change, and should be prepared after consulting relevant community councils. (Proposal 4)
Does not apply.	Community bodies (including existing groups such as community councils) would be able to register their interest with a local authority if they want to prepare a local place plan. (Proposal 6)
You are told at each stage of the plan that the relevant documents have been prepared and where you can view them.	You would be given a stronger role in planning by introducing a new duty to consult you when preparing development plans. (Proposal 6)
You must, by law, be consulted on planning applications.	No change proposed. (Proposal 6)
You are consulted before certain planning applications are submitted	We would ask for views on improving the consultation between developers and your community before they submit certain planning applications. (Proposal 8)
Does not apply.	If a site is brought forward which is not in the development plan, the local authority will actively involve you in setting out further ways of consulting the community. (Proposal 8)

We recognise that we need to give you support, training and guidance to help you to fully contribute to planning in your area.

When and how can you get involved?

What?	When?	How?
Consultation paper	Responses needed by 4 April 2017	<i>Send us your comments and thoughts</i>
Public drop in session	27 February	Shopping Centre, Inverness
Public drop in session	28 February	Shopping Centre, Aberdeen (tbc)
Public drop in session	1 March - 9am-4pm	Overgate Shopping Centre, Dundee
Public drop in session	2 March - 9am-4pm	The Gyle Shopping Centre, Edinburgh
Public drop in session	3 March - 9am-4pm	St Enoch's Shopping Centre, Glasgow

Where can you get more information?

You can get updated information on events in your area from our Participation Statement, which you can find at <https://beta.gov.scot/policies/planning-architecture/>. You can also get updates through our Twitter account at @ScotGovPlanning and #SGPlanningreview.

A guide to the planning system

Why do we have a planning system?

Sometimes new buildings, changes to the use and appearance of existing buildings, and other changes in the way land is used are needed. This is called 'development'. The planning system is used to make decisions about future development, and the use of land in our towns, cities and countryside. It decides where development should happen, where it should not happen, and how development affects its surroundings.

The planning system should help build a growing economy, but at the same time protect our environment for future generations and make sure that communities can enjoy a better quality of life.

Different bodies have a role in the planning system. At a national level, we (the Scottish Government) develop legislation, national policy and advice on planning. Ministers develop the **National Planning Framework**, approve strategic development plans and make decisions on certain types of **planning applications and appeals**.

However, how the planning system is run is mainly the responsibility of planning authorities. Their main roles include:

- preparing development plans, master plans and development briefs;
- processing and deciding on applications for planning permission;
- acting as the local review body in certain cases; and
- taking enforcement action if planning requirements are not kept to.

Community Councils have a formal role, too. At each development plan stage they will be told that the relevant documents have been prepared and where they can see them; are consulted by developers on certain applications for major and national developments; and when planning applications are submitted.

There are three main parts to the planning system.

Development plans – setting out how places should change and the policies used to make decisions about planning applications.

Development management – making decisions about planning applications.

Enforcement – making sure that development is carried out correctly and taking action when development happens without permission or when conditions have not been followed.

What are development plans?

A development plan sets out how places should change and what they could be like in the future. It says what type of development should take place where, and which areas should not be developed. It sets out the best locations for new homes and businesses and protects places of value to people or wildlife.

The plan also helps development to take place quickly by describing how any new or improved facilities, such as roads, schools and parks, will be provided.

Councils and national park authorities must prepare a development plan for their area at least every five years. Development plans must keep to the **National Planning Framework**. The law says that the development plan should be the starting point in making any planning decisions.

What is development management?

Development management is the process of deciding whether to grant or refuse planning permission. Your council will normally deal with applications for planning permission. You need planning permission for any new development.

Some developments, for example changes to existing developments such as certain house extensions, are classed as permitted development and don't need permission from the council.

Developments are one of three types: local, major or national. Most applications for planning permission are for local developments and include changes to individual houses and, for example, smaller developments for new retail use. Major developments include those of 50 or more homes, certain waste, water, transport and energy-related developments, and larger retail developments. National developments are mainly large public works, such as the Queensferry crossing, and are set out in the National Planning Framework.

How are decisions on planning applications made?

The way in which the council will deal with an application will depend on whether it is a local, major or national development. In all cases the council must make decisions in line with the development plan, unless '**material considerations**' justify going against the plan.

A **material consideration** is a planning issue which is relevant to the application and can include national policy, comments by the public and by organisations the council has consulted, the design of the proposal, and the effect on the environment. Once the council has reached its decision, it will issue a decision notice (unless the application is to be decided by Ministers).

Enforcement

If you build something without planning permission, or if you don't follow the conditions attached to a planning permission, the council can use their enforcement powers. Enforcement is important because it makes sure that everyone stays within planning law and the conditions of their planning permission. All councils have to publish a planning enforcement charter setting out how the enforcement system works, the council's role in enforcement and the standards it has set itself.

You can get more information on the planning system from the Scottish Government website – <https://beta.gov.scot/policies/planning-architecture/>