

Appendix 1: Investing In Planning Consultation Response

Proportionality

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

West Dunbartonshire Council (WDC) would support sharing best practice on proportionality of assessments for planning applications, including those listed in the consultation paper. While we do not have any specific assessments to suggest, it would generally be helpful to have a high level, standardised approach for assessments needed to meet NPF4 requirements. It would also be helpful if guidance on assessments that currently exists is better publicised, such as the Developing with Nature guidance and templates produced by NatureScot to support the implementation of Policy 3. We have not seen many examples of this being used. In addition, more guidance produced to support the policies of NPF4.

We also find that having early discussions with applicants can help to establish a proportional approach and establish what is required from an early stage so when the planning application is submitted it contains all the required documents.

Certainty

Question 2: To what extent do you agree that processing agreements are an effective tool for creating certainty in planning decision making timescales?

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

Partly agree.

WDC partly agree that processing agreements are a helpful tool. WDC do not use Processing Agreements, however we have developed a Pre-app Framework, which we use to create a form of (less formal) agreement between the planning authority and developers on how applications are taken forward. In West Dunbartonshire the Planning Service frontload all major and significant applications which has resulted in major application timescales being well below the Scottish national average. The Pre-Application Framework is used instead, which is a more informal, flexible tool and includes public engagement, elected member engagement and the Place and Design Panel. There is no requirement to use a processing agreement if detailed pre application discussions take place as all the issues are understood upfront by applicant and officers and can be addressed together with consultee comments. This allows for flexibility, which can be lacking with processing agreements. We have some concern that rigid agreements do not allow for flexibility and can be used to put pressure on planning authorities, possibly in cases where delays are not the fault of the planning authority. It is considered that a processing agreement would just add a further level of bureaucracy.

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

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

Strongly agree.

As a planning authority we would not be willing to enter into agreements where we were unsure if we could deliver the service. As a planning authority, we would not, and do not offer the pre-application framework when we are unsure about our ability to resource it effectively. Presently the Council charge for the pre-application framework and our experience is that applicants are supportive of this charging on the basis that the agreement and service results in better outcomes through the application process.

Question 4: Would you be willing to pay a discretionary fee to enter into a processing agreement? Yes | No view | no. Please explain your view.

Yes.

We are supportive of this in principle. We currently charge for our pre-application framework and our experience is that applicants are supportive of this charging on the basis that the agreement and service results in better outcomes through the application process.

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

Certainty in the system is not just down to applicants and planning services, but also to services and consultees within the council and other agencies. The broader lack of resources across local authorities and within key agencies is also factor in providing certainty within the system. This means that resourcing issues, for example, in environment health and roads and transport departments within councils can have a knock on effect on the timing of planning decisions. It is also not uncommon for consultees (internal and external) to request additional time to provide responses to a planning application. However often planning is seen as the delaying factor when in fact it is a consultee who is struggling to reply in the timescale.

A wider view of the resources in local authorities and agencies involved in planning needs to be considered when addressing certainty and timeliness of decisions. A charge for consultee responses could help to support services who are struggling to resource their responses on time.

Streamlining, Alignment and Standardisation

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

Many small applications, such as householder's applications, raise similar needs and require similar assessments in processing the application. A standardised approach for appraising and reporting some types of development may be helpful.

Skills, Recruitment and Retention

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

The skills strategy to identify specialist skills needed to address NPF4 requirements. Planning authorities have lost a lot of skills and expertise in specialist subject areas due to resource constraints, such as landscape, heritage, urban design and ecology. NPF4 brings in a number of new requirements, such as biodiversity enhancement, sustainability and a greater emphasis on previously existing requirements, such as climate change mitigation and adaptation. These skills need to be resourced.

Question 8 Are there any skills actions not identified

Upskilling existing local authority staff to have an understanding of specialisms that over time been lost or reduced at councils over time (such as landscape, biodiversity and heritage) may also be worth investigating. While this would not replace specialists it would better equip local authorities to deal with these subjects. More formal support could be provided for this, perhaps with collaboration with more professional bodies or sharing skills between local authorities.

Whilst it is recognised that good progress is being made to encourage school leavers to join the profession through the joint work of the Scottish Government, RTPi and HOPS through bursaries and this will assist the profession in the future, more needs to be done to address the lack of experienced planners at present which can disproportionately affect smaller planning authorities. Whilst the larger planning authorities can upskill existing staff this can be difficult in a smaller Local Authority where focus can be in processing of applications to achieve good performance levels and deliver development on the ground.

The government could also investigate the possibility of supporting other built environment professionals to move into planning, such as architects, surveyors and urban designers. These professions may already have some familiarity with, and skills relevant to planning processes. This certainly would help to address the planning skill shortage.

A Planning Hub

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?

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

Partially agree.

West Dunbartonshire Council support in principle the idea of a planning hub and the key priorities identified. In particular this will be helpful to smaller planning authorities with fewer resources. Depending on the overall cost and how it is funded the Hub could provide better value to local authorities than commissioning consultants or agency staff on an ad-hoc basis, which has been a result of the loss of specialists in local authorities. However, at this stage more information is required about how it

would operate and costs. There is also some concern the hub may recruit some planning officers from local authorities thus causing more difficulties.

It should be noted, however, that as well as loss of specialisms within planning authorities there has been a reduction in the resourcing and capability of key agencies, who are not able to support planning authorities in the way they once did. It is reiterated that smooth running of the planning system is not just about adequate resourcing of planning services, but the wider range of public sector bodies that support the system. The need for a solution like the Planning Hub is in part due to lack of resources across the public sector.

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

As well as energy, heat, biodiversity and climate adaptation, it is also suggested that GIS (or other digital planning support), landscape, design, heritage are included.

On energy specifically, support in understanding emerging and expanding technologies (such as battery storage and hydrogen) would be very welcome.

Hosting a Planning Hub

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*

ii. Within a Public Organisation

West Dunbartonshire Councils preference is within a public organisation and would specifically suggest the Improvement Service. The Improvement service already undertakes some of the key priorities identified for the Planning Hub, such as supporting planning authorities on emerging issues and organising training and skill sharing. We also note that paragraph 60 of the consultation paper states that once operational the hub could further expand into areas of performance and improvement. Given the overlap with function it already provides and the established relationship it already has with local authorities, the Hub would be a natural expansion to the Improvement Service.

Financing the Hub

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

An increase to planning fees, would be a simple way to secure funding for the Hub. However, any method of funding will need to be consistent with the Verity House Agreement i.e. it should not be ring fenced. This could leave any funding of the hub which comes from local authorities vulnerable to budget saving exercises. We also wish to reiterate that a hub would be plugging a gap left by reduced resources within planning authorities and key agencies, meaning even if funding was provided by

increased planning fees, this effectively shifts the resource burden from the Scottish Government to local government.

Planning Fees

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

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

Strongly agree.

While this would not provide full cost recovery, it would protect planning authorities against continued rising costs from inflation. It would also provide more certainty to applicants planning their applications than the current, irregular increase in fees.

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

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

No view

Question 15: Should an annual inflationary increase apply to:

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

ii. Individual fees, increments and maximums.

WDC's view is that the inflationary increase should apply Individual fees, increments and maximums, for the reasons stated in the consultation paper; "only increasing the individual fees and increments would potentially lead to more applications reaching the maximum fee quicker and may impact planning authorities' ability to recover their costs in determining applications."

Locally Setting Planning Fees

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

Fee setting by Government is the preferred approach of this Council. Local authorities setting their own fees would require time and resources and could be complex to implement. It would be more confusing for applicants and the development industry who may also compare fees and services between authorities. It could lead to disagreements that lead to longer timescales and uncertainty within the system. Having recently set the fees for the pre application service this was a complex process in order to get correct and reasonable fees. Also, if fees set locally Heads of Finance may influence the setting of the fees too high.

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

There should be a standardised process or method for setting fees. Fees should enable local authorities to reach full cost recovery and be proportionate to the scale and type of planning application.

Increasing Discretionary Charging

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

As mentioned in other parts of our response, other services within local authorities and public sector bodies are essential within the planning process. Fees could also be introduced to resource service areas (such as roads or flooding) where they support determining planning applications, or where external support is needed to determine an application such as landscape and visual impact advice.

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?

Yes.

Fee for Proposals on Unallocated Sites in the Development Plan

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?

*Strongly agree | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

Strongly agree.

Allocated sites have already been assessed to a degree, requiring less assessment to take place at the planning application stage. This will be even more the case with new style local plans, where local authorities are expected to front load more work on sites through design briefs and masterplans. Additional fees for unallocated sites would reflect that the local authority has undertaken site assessment or produced a masterplan or development brief for the site to be assessed against.

Masterplan Consent Areas

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 | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

Strongly Agree.

Given that the cost of preparing a Masterplan Consent Area will vary widely depending on context, complexity, and scope, recouping cost through discretionary

charging is appropriate. The potential for an ongoing workstream associated with verifying development is in line with the scheme, it would be reasonable for charging to support this resource.

Fees for Planning Appeals

Question 22: Do you agree with the types of appeals that should incur a fee? Yes / No view / no. Please explain your view.

No.

WDC agree fees should be payable most of the development types listed. Not all of the development types listed as requiring a fee for appeal require a fee for an application, for example Tree Works Consent. There should be consistency between application types that require a fee and appeal types that require a fee.

It is understood why there is no fee suggested for appeals for non-determination, as it could be perceived as unfair to pay twice in this instance, however there are circumstances where timescales to process an application extend due to the need for applicants to provide additional information. Particularly where a consultee, such as a key agency, request more information or assessments. In cases where it is found that authorities do not have sufficient information to determine an application it may be reasonable to apply a fee for non-determination.

Fee Level

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 / Partially agree / No view / Partially disagree / Strongly disagree. Please explain your view.

Strongly agree.

This will ensure that the fee is proportional to the proposal.

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?

10% / 20% / 30% / 40% / No view / Other. Please explain your view

Other.

It is appreciated that balance needs to be struck between recovering costs and access to justice, however we would expect the level of time and resource in deciding an appeal is similar to that of deciding a planning application. We would consider it appropriate for the fee for an appeal to be at least 50% of the application fee.

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 agree | Partially agree | No view | Partially disagree | Strongly disagree.
Please explain your view.*

Strongly agree

We currently waive fees in certain instances and would be supportive of being able to waive fees for appeals in these cases.

Digital Service Charge

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

We do not agree that there should be a charge for using the portal. We would like to encourage applicants to use the online portal rather than other means and a service charge would dissuade applicants from using it. Other means of submitting applications are more resource intense for the council to process and so we do not believe a charge for the use of the online portal as appropriate.

We also think that applicants would feel it is unreasonable to be charged twice (the planning fee and then use of the portal) which could be perceived as unfair.

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

Other options may include charging the planning authorities subscriptions for accepting planning applications through the portal or taking a portion of planning fees to fund the portal. We would consider both of these to be unacceptable. Charging a fee for authorities to accept applications to use the portal means the subscription could be subject to savings during budgeting. The portal taking a portion of the planning fee would effectively be ring fencing and against the Verity House Agreement.

Energy Generation

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

Yes.

Given the explanation provided in the consultation paper, that the size of equipment in terms of megawatts generated is increasing, it is logical that the threshold is increased to allow local authorities to take more decisions on renewable energy developments. This will also allow a greater level of local control of these developments, more of which are coming forward due to the supportive nature of NPF4 towards energy developments.

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

Yes / No view / no. Please explain your view.

Yes.

Different technologies scale differently in correspondence to the megawatts they produce or store. For example a 50MW wind farm will have a very different footprint and effects to a 50MW battery storage facility or 50MW solar farm. Therefore different thresholds for different technologies would be appropriate.

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

Local authorities already assess Energy Consent Unit applications in a similar way to planning applications, before making a recommendation to the ECU. There may be additional workload in terms of administration with regards to issuing decisions and running committees, however the planning authority would also benefit from the full planning fee, rather than the 50% they currently receive, to process these applications.

Given the evidence in paragraph 125 of the consultation paper, it may be appropriate to introduce a different timescale for determining energy development applications of approximately six months.

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.

WDC does not have evidence to specify a certain level; however the voluntary contribution would be welcomed and should reflect assessments which may be undertaken by a council to come to a position on a proposal, such as:

- assessing visual impact from the shore;
- assessing impact from transport of equipment personnel to the construction site;
- assessing the impact of onshore cable landing sites and subsequent need for electricity grid upgrade or expansion; and
- assessing potential socio-economic benefit.

The contribution should also take into account that these assessments may require commissioning of specialists, planning authorities do not have 'in house'.

Hydrogen

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.

WDC agree that a new category for hydrogen should be introduced. A site area based fee of a similar to category 10 for exploration of oil and gas exploration, or category 15 for winning and working of mineral may be more appropriate. There is

potential risk to these kind of facilities that needs to be taken into account of in calculating a fee. An alternative approach would be to base a fee on the expected volume of hydrogen to be produced and stored at the facility. This would mean the fee scales with potential risk.

Yes

Question 33: Are there different considerations for hydrogen production when compared with proposals which are concerned only with storage and distribution? Yes | No view | no. Please explain your view.

Yes, as hydrogen production is a industrial/ chemical process whilst storage and distribution uses tend to be less process driven.

Prior Notification/Approval

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

Yes | No view | no. Please explain your view.

No

The £100 fee is not commensurate with the level of work involved in processing them. The fee should be much higher.

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.

WDC would suggest a fee should be applied to any PDR class that requires a neighbour notification, as this is then an administration requirement on the council which results in a cost for the Council.

Shellfish Farming

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

N/A

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.)

N/A

Question 38: Which proposal would you most like to see implemented? Please explain the reason for your answer.

Fees increasing with inflation and charging for appeals. We believe that these are the most likely to have immediate impact.

Inflationary increases in planning fees insulate planning authorities from rising costs and provide more certainty than the current way appeal fees are raised.

Addressing the resourcing of Planning Authorities and key Stakeholders. Appeals and Local Review Bodies require resources to carry out, but there is not additional resource for the local authority to do so.

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

Regardless of what solutions the government chooses to pursue, the overall balance should lead to a net increase to planning authority finances and resources. Costs to planning authorities arising from proposals such as funding the planning hub or charging for the online application portal should, on the whole, not come at the expense of existing resources within planning authorities.

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

We have highlighted at multiple points throughout the consultation, that it is not only planning services that are necessary for an effective planning system. Other council services and Key Agencies are also having to manage performing their functions with less resources. Funding needs to be considered for these other parts of the public sector. We would suggest that some kind of fee could be applied, to allow some cost recovery to other parts of councils and Key Agencies when providing their advice to planning.