

Note: Proposed PKC comments in red.

Planning Performance

- 1 Should we set out a vision for the Planning Service in Scotland?
Yes
- 1a Do you agree with the vision proposed in this consultation?
Yes
- 1b Do you have any comments about the proposed vision?
No. The general theme is the service standard which Perth and Kinross Council strive to achieve.
- 2 Is the proposed approach to the content correct?
Yes
- 3 Do you have any comments on the Proposed content of Planning Performance Reports?
The focus of presenting both best practice, excellent outcomes, as well as where lessons can be learnt is important. Guidance will be required in relation to how non-statistical information is to be reported - particularly reference against national outcomes. It is noted that comment on resourcing is to become an integral part of future PPF cycles, again guidance on how this is to be measured and reported would be useful.
- 3a Do you have any comments or suggestions as to how reports should be prepared?
A common template approach, across all authorities, for the bones of any PPF document would create consistency and aid comparison between authorities. However, how this is then visually presented could be left to each authority, to provide individuality. Co-ordination of the process may require an appointed individual within an authority, with a long-term responsibility for PPF, thus allocating adequate resource and giving opportunity to grow as years progress.
- 3b What statistical information would be useful/valuable to include and monitor?
The current range of monitored statistics is relatively targeted towards performance. It may be opportune to now look at statistics which relate to new areas of PPF focus, such as monitoring of engagement; value added, in relation to national outcomes; and financial and staff resources.
- 3c What are the key indicators which you think the performance of the system and authorities should be measured against?
Output and outcomes should be measured, as an understanding of all 7 areas to be covered in reports is important, such that a rounded rating can be presented - rather than a focus on statistics over quality of results.

- 3d Do you have any other comments to make with regards to how the Performance of the Planning System and Authorities is measured and reported?
No.
- 3e Do you have any suggestions about how we could measure the outcomes from planning such as:
- Placemaking
 - Sustainable Development
 - Quality of decisions
- It is considered that this area will require further research to determine an appropriate approach. However, there are tools which can be used to place value on some of these areas. Although how these could be easily and proportionately applied, such that an accurate and worthwhile picture of outcome was achieved is not obvious.**
- 3f Do you have any suggestions about how planning's contribution to the National Outcomes contained in the National Performance Framework should be measured and presented?
As with 3.e. this area will require further research and a standardised approach agrees for all authorities.
- 4 Do you agree with the proposed responsibilities of the planning improvement co-ordinator?
Yes.
- 4a Do you have any comments/suggestions about the role?
No.

Planning Fees

- 5 Do you agree with the proposed planning fees for Category 1 - Residential Development?
Yes.
- 5a Is the proposed method for calculating the fee correct?
Yes.
- 5b Do you have any comments on the proposed fees and for calculating the planning fee?
No.
- 6 Do you agree with the proposed planning fees for Categories 2, 3, 4 and 5 - Extensions and Alterations to Existing Dwellings?
Yes.
- 6a Is the proposed method for calculating the fee correct?
Yes.
- 6b Do you have any comments on the proposed fees and for calculating the planning fee?
No.

7 Do you agree with the proposed planning fees for Category 6 – Retail and Leisure including extensions?

Yes.

7a Is the proposed method for calculating the fee correct?

Yes.

7b Do you have any comments on the proposed fees and for calculating the planning fee?

No.

8 Do you agree with the proposed planning fees for Category 7 - Business and Commercial including extensions?

No.

8a Is the proposed method for calculating the fee correct?

No.

8b Do you have any comments on the proposed fees and for calculating the planning fee?

It would be useful to have further information on how influencing a factor a planning fee reduction would encourage the expansion of small to medium size enterprises, and what the converse result would be. All measured against overall costs associated to such expansion.

9 Do you agree with the proposed planning fees for Category 8 - Agricultural Buildings?

Yes.

9a Is the proposed method for calculating the fee correct?

Yes.

9b Do you have any comments on the proposed fees and for calculating the planning fee?

Although a similar approach is taken to that suggested for Category 7, the potential impact on resources associated to authorities considering such applications is unlikely to be as intensive or impacted by the changes proposed.

10 Do you agree with the proposed planning fees for Category 9 - Glasshouses?

Yes.

10a Is the proposed method for calculating the fee correct?

Yes.

10b Do you have any comments on the proposed fees and for calculating the planning fee?

The reasoning for the approach taken is understood, given this type of development is common in Perth & Kinross. Although it would have been helpful to have more information published in the consultation on the reasoning for this change.

10c Should a separate category be established for erection of glasshouses on land that is not agricultural land?

Yes.

Please provide reasons for your answer.

A separate category could simply apply a fee beginning at a lower size threshold, but excluding more modest 'domestic scaled' proposals.

11 Do you agree with the proposed planning fees for Category 10 - Polytunnels?

Yes.

11a Is the proposed method for calculating the fee correct?

Yes.

11b Do you have any comments on the proposed fees and for calculating the planning fee?

Again, the rationale is understood, however it may be considered that the range of reduced fees and range of increased fees is significant and it would have been helpful to have seen more information published in the consultation on the reasoning for this change.

11c Should a separate category be established for erection of polytunnels on land that is not agricultural land?

Yes.

Please provide reasons for your answer.

Again, a separate category could simply apply a fee beginning at a lower size threshold but excluding more modest 'domestic scaled' proposals.

12 Do you agree with the proposed planning fees for Category 11 – Windfarms – access tracks and calculation?

Yes.

12a Is using the site area the best method of calculating fees for windfarms of more than 3 turbines?

Yes.

12b If not, could you suggest an alternative? In your response please provide any evidence that supports your view.

N/A

12c Do you have any comments on the proposed fees and for calculating the planning fee?

No.

13 Do you agree with the proposed planning fees for Category 12 - Hydro Schemes?

Yes.

13a Is the proposed method for calculating the fee correct?

Yes.

- 13b Do you have any comments on the proposed fees and for calculating the planning fee?
 Guidance should be provided to set out how site areas will be applied. As is inferred in Q13.c. pipework can be extensive but not result in a large surface area, whilst impacts can be significant. It may be more appropriate to apply a fee related to the length of pipework.
- 13c Could the planning fee be set using site area for the generating station and equipment with a separate calculation used for pipework? This could be similar to the fee for Fish Farms where the surface area is subject to a different fee to the seabed.
 Yes. See comment in relation to Q13.b.
- 14** Is the definition and the proposed method for calculating the planning fee correct for Category 13 - Other energy generation projects?
 Yes.
- 14a Do you have any comments on the proposed fees and for calculating the planning fee?
 Examples could be provided as to what type of proposals would fall into this category and how a fee would be calculated, giving an example fee.
- 14b Should a category be created for Solar Farms?
 Yes.
- 14c Do you have any suggestions for how the fee should be calculated?
 Although large in area impacts can often be quantified through reports which would not necessarily increase exponentially in cost. As such a bespoke approach may be appropriate, to avoid disproportionate fees.
- 14d Should a category be created for energy storage developments?
 Yes.
- 14e Do you have any suggestions for how the fee should be calculated?
 The same approach to Category 13 could apply.
- 14f Should a category be created for heat networks?
 Yes.
- 14g Do you have any suggestions for how the fee should be calculated?
 A similar approach to Category 12 could apply, with the way in which fees are calculated separating out equipment and pipework.
- 15** Do you agree with the proposed planning fees for Category 14 – Exploratory Drilling for Oil and Natural Gas?
 Yes.
- 15a Is the proposed method for calculating the fee correct?
 Yes.

- 15b Do you have any comments on the proposed fees and for calculating the planning fee?
No. Although examples could be given of past development, giving a benchmark.
- 16** Do you agree with the proposed planning fees for Category 15 – Fish Farming?
Yes.
- 16a Is the proposed method for calculating the fee correct?
Yes.
- 16b Do you have any comments on the proposed fees and for calculating the planning fee?
No.
- 17** Do you agree with the proposed planning fees for Category 16 – Shellfish Farming?
Yes.
- 17a Is the proposed method for calculating the fee correct?
Yes.
- 17b Do you have any comments on the proposed fees and for calculating the planning fee?
No.
- 18** Do you agree with the proposed planning fees for Category 17 – Plant and Machinery?
Yes.
- 18a Is the proposed method for calculating the fee correct?
Yes.
- 18b Do you have any comments on the proposed fees and for calculating the planning fee?
No.
- 19** Do you agree with the proposed planning fees for Category 18 – Access, Car Parks etc. for Existing Uses?
No.
- 19a Is the proposed method for calculating the fee correct?
No.
- 19b Do you have any comments on the proposed fees and for calculating the planning fee?
An area-based approach, reflective of the scale of development proposed could be applied.

20 Do you agree with the proposed planning fees for Category 19 - Winning and Working of Minerals?

Yes.

20a Is the proposed method for calculating the fee correct?

Yes.

20b Do you have any comments on the proposed fees and for calculating the planning fee?

No.

21 Do you agree with the proposed planning fees for Category 20 - Peat?

Yes.

21a Is the proposed method for calculating the fee correct?

Yes.

21b Do you have any comments on the proposed fees and for calculating the planning fee?

No.

21c In light of the climate emergency do you agree that fees for applications relating to the winning and working of peat should continue to be considered separately from other mineral operations?

Yes.

22 Do you agree with the proposed planning fees for Category 21 – other operations?

Yes.

22a Is the proposed method for calculating the fee correct?

Yes.

22b Do you have any comments on the proposed fees and for calculating the planning fee?

No. Although examples could have been given of past development, giving a flavour for what types of development would fall into this category and provide a benchmark.

23 Do you agree with the proposed planning fees for Categories 22 and 23 – Waste Disposal and Minerals Stocking – does not cover waste management (recycling)?

Yes.

23a Is the proposed method for calculating the fee correct?

Yes.

23b Do you have any comments on the proposed fees and for calculating the planning fee?

No.

24 Do you agree with the proposed planning fees for Category 24 - Conversion of Flats and Houses?

Yes.

24a Is the proposed method for calculating the fee correct?

Yes.

24b Do you have any comments on the proposed fees and for calculating the planning fee?

Although responding as a 'Yes', it is unclear why the fee for proposals for the creation of between 11 and 49 units would be charged at the rate of £400 per unit, thus differing from the £450 fee proposed for Category 1.

25 Do you agree with the proposed planning fees for Category 25 - Changes of Use of a Building?

No.

25a Is the proposed method for calculating the fee correct?

No.

25b Do you have any comments on the proposed fees and for calculating the planning fee?

In certain circumstances, such as the scale of site or impacts of development may see this fee inadequately reflect the resource requirement to process such a proposal. A scale-based approach may be appropriate.

26 Do you agree with the proposed planning fees for Category 26 - Changes of Use of Land?

Yes.

26a Is the proposed method for calculating the fee correct?

Yes.

26b Do you have any comments on the proposed fees and for calculating the planning fee?

No.

27 Please list any types of developments not included within the proposed categories that you consider should be.

None obvious, examples may have helped focus thoughts.

Other Fees

28 How should applications for planning permission in principle and Approval of Matters Specified in Conditions (AMSC) be charged in future?

If the basis of the maximum fee principle is not to change it is difficult to see what approach would be fair to both applicants and authorities.

It may also be worth noting that very large sites granted PPP can result in decades of work for authorities, without fee income. This has been particularly hard hitting when fees have more recently seen significant increases, after low level maxims have been reached. Today and going forward even a 150% limit may not be a significant fee, relative to the scale or nature of development proposed and timelines associated.

On this basis it may be appropriate to limit the time period for the maximum fee principle to apply, perhaps encouraging development to come forward early and also future proof the ability of authorities to resource services.

28a How should the fee for AMSC applications be calculated?

The general approach is sound, other than in relation to concerns over exceedingly large development with long development timelines, and the risk that many years of large complex applications could see no fee income to resource a service. As noted a time limit for the maximum fee principle may be appropriate.

28b Should the maximum fee apply to the individual developers/applicants or applied to the whole development with applicants (if number is known) paying an equal share of the max fee?

Yes.

Further to the above, an approach to reflect the scale and timelines of development is considered appropriate. However, how individual developers/applicants are defined is important, to avoid risk of continuing named applicants, when this is perhaps questionable.

28c Should the granting of a section 42 application lead to the fee calculator being reset?

Yes.

There is a particular issue with determining which planning permission is being implemented, thus what timelines and controls apply, when there are various versions in place. This factor requires to be clarified.

29 Should the fee for cross boundary applications be split between the respective authorities?

- No change
- 100% to authority where majority of development occurs with remaining 50% to other authority
- Fee divided as per how the development is split across the authority boundaries
- Yes.
- Other

Please provide reasons for your answer

A proportionate approach should be taken, reflective of the authority involvement.

- 30** Do you agree or disagree with the proposal that where applications are required because permitted development rights for dwellings in conservation areas are restricted, then a reduced fee should be payable?

Agree.

Please provide reasons for your answer

To encourage development/maintenance improvements and also applications being made, rather than unauthorised works.

- 31** Is the introduction of a fee for applying for Listed Building Consent appropriate?

Yes.

How should the fee be set

A similar fee to that associated to Q30. could be applied, with both reflecting advertisement costs - noting the requirement for LBC applications to have enhanced advertising.

- 32** Should the fees for Hazardous Substances Consent be increased?

Yes.

What levels do you think are appropriate?

Further research is required to determine an appropriate fee scale, as well as clarifying the most appropriate party to consider such applications - Local Authorities or the HSE.

- 33** Are the proposed increases in fees for the categories below appropriate? –

33a CLUDS

Yes.

33b Advertisement

Yes.

33c Prior Approval

Yes.

33d Should alternative schemes remain as it is?

Yes.

Please provide reasons for your answer

It is noted that the CLUD per dwellinghouse unit cost does not take account of the reduction in cost associated to unit number thresholds in the planning permission application fee structure.

- 34** Are there other fees which have not been considered?

None obvious.

Discretionary Charging

- 35 Do you think we should set out the range of services which an authority is allowed to charge for?

Yes.

Please provide reasons for your answer

Consistency of approach across authorities is important, such that there is an overall confidence in the system and to avoid disparities.

- 36 How should the fee for pre-application discussions be set?

A national approach and level of service expected should be set, again in order to create consistency across authorities.

- 36a should the fees for pre-application discussions be subtracted from the full fee payable on submission of an application?

No.

Please provide reasons for your answer

Pre-application advice is not the same as the consideration of a planning application. However, a % discount could be applied related to the subsequent fee - but reaching a level/cap not exceeding the pre-application fee paid.

- 37 Do you think that there should be an additional charge for entering into a processing agreement to reflect the additional resource required to draft and agree the timescales to be included?

Yes.

Should we set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters?

A fee should be nationally set, to create consistency. This may be notional, and with increases or decreases if targets are not met by either the applicant or authority.

- 38 Where a non-material variation is required should an authority be able to charge for each change which is made?

- No charge
- Per Change
- Per Request

Yes.

Should we set the fee for that or an upper limit allowing authorities the flexibility to set their fee within clear parameters?

Regulations should set the fee, again to create consistency.

- 39 Should authorities be able to charge for carrying out the monitoring of conditions?

Yes.

39a Should a fee for monitoring be limited to certain types of monitoring requirements?

Yes.

39b what should this be limited to?

Further analysis will be required to determine an appropriate scope for this fee category.

39c How should the fee be set?

Again, a fee scale should reflect the likely resource implications, inclusive of complexity and time.

40 Do you think there should be a fee payable for the discharge of conditions? -
Yes.

Please provide reasons for your answer

When approving planning permission subject to conditions, often as a result of lack of detail or clarification, or a need to ensure certain actions are undertaken, the resource implication can be significant. However, as such matters are not a formal application, they are not able to be subject to statistical analysis or easy monitoring for compliance. Formalisation of the process, towards an application, is likely to improve customer service, quality of outcomes and transparency.

41 Do you think that Planning Authorities should be able charge for the drafting of planning agreements?

Yes.

Please provide reasons for your answer

In many cases Section 75 Agreements are used to secure financial contributions. But if the applicant made the payment upfront of release of planning consent then no Agreement would be required. The use of a S.75 Agreement is therefore as a result of the applicant's choice and it should therefore be available to Local Authorities to charge for this work. It is acknowledged that there are instances where an Agreement is required which does not relate to finance but with the emphasis on using conditions to secure necessary restrictions the requirement to use a S.75 Agreement can be reduced.

Section 75 (2) states "A planning obligation may- (c) contain such incidental and consequential provisions as- (i) in the case of an agreement appear to the planning authority to be necessary or expedient for the purposes of the agreement,....."

PKC considers the payment of the Council's in house or external legal fees relating to a s75 to be necessary and expedient. It is considered that the existing legislation already allows for fee charging but it would be helpful if this could be further supported through the fees legislation.

If so how should this be calculated?

There is no requirement for the Fees Legislation to set fee levels for undertaking work relating to legal agreements and these should be assessed on an individual basis depending on the complexity of the agreement. In line with a number of authorities across Scotland, PKC undertake the more standard Legal Agreements using the Council's Legal Team with the work carried out for a fixed fee. But this approach does not work with larger and more complex agreements which may require additional expertise. In these cases, the Council engage a commercial planning law practice on the Council's behalf to undertake the drafting of the Agreement. This approach is found to provide better flexibility and improved performance in terms of quality and delivery of the agreements. Defining specific fee levels may restrict this approach and may also not provide enough income to cover the additional costs associated with providing the necessary expertise when drafting more complex agreements.

- 42** Should an authority be able to charge for development within a MCA (building, or changes or use) in order to recoup the costs involved in setting one up?

Yes.

- 42a Should we set the fee or an upper limit?

Yes.

Please provide reasons for your answer

The cost of setting up an MCA should be able to be recouped, although how this could be achieved such that there is a nationally consistent fee level is difficult to confirm. As such it may be that a reduced fee level, compared to that associated to planning permission, for confirmation of compliance with the requirements of the MCA is applied.

- 43** Should the ability to offer and charge for an enhanced project managed service be introduced?

Yes.

Please provide reasons for your answer

A different approach to the processing projects should be clear in why it is separated from general planning applications and the standard fee structure. A specific coding and fee reflective of the differing approach being taken would assist in this, avoiding feelings of 'special treatment' being given to some development proposals - when everyone should be on a level playing field, if paying the standard planning fee relevant to their proposal.

- 43a What if anything should happen in the event of failure to meet timescales?

A review could take place to see where lessons could be learned or where things broke down and if any blame should be apportioned. However, what penalties could be applied would require careful consideration in each case.

- 44 Do you think charging for being added or retained on the register of interested people should be included in the list of services which Planning Authorities should be allowed to charge for?

Yes.

Should there be a restriction of the amount that can be charged?

Yes.

Please provide reasons for your answer

This should be a nominal fee.

At present there is no guidance to Local Authorities as to the form that the Self/Custom Build register should take. Companies such as Buildstore have already developed and maintain a register of interest which they do not charge to be part of. The concern raised is that by charging interested parties to be part of a register which is also being made available free by the private sector would inhibit uptake and make the register less comprehensive.

As the register is being used to gauge demand in a local authority area it is appropriate to charge a nominal fee to register just to ensure that only people who are committed will actually sign up. It is not considered that a restriction on the amount charged should be specified but any fee should be conscious of the aim of the register so as not to be so high as to dissuade people to sign on.

- 45 Do you think that, in principle, fees should be charged for appeals to Planning and Environmental Appeals Division (DPEA)?

Yes.

- 45a Should we limit the circumstances in which a fee can be charged for lodging an appeal?

Fees could relate to scale, perhaps based on: householder type applications seeing a nominal charge; other 'Local' applications, and 'Major' applications seeing a fee structure based on a percentage of the relevant planning fee.

- 45b In what circumstances do you think a fee should be paid for lodging an appeal?

See answer to 45.a.

- 45c Do you think that the fee should be refunded in the event of a successful appeal?

Yes.

- 45d If so, should this follow the same process as is currently set out for awarding costs?

To an extent this is a matter for DPEA or prospective appellants to comment on.

45e What categories of appeals should be considered for charging?

See answer to 45.a.

45f Do you think that a fee scale should be provided in relation to appeals to Local Review Bodies and, if so, should the arrangements differ from appeals to DPEA?

Yes, although the only difference to DPEA arrangement may see a partial refund of the appeal fee. To retain part of an appeal fee would allow the funding of the LRB service to be resourced more directly.

46 Do you have any suggestions as to the circumstances in which authorities could waive or reduce a planning fee?

Parameters should be set at a national level.

46a Should the maximum reduction be set out in regulations?

Yes.

Please provide reasons for your answer

To create national consistency.

Other Issues

47 Should the (Retrospective Applications) surcharge be set at 100%?

Yes.

If not what level should it be set at?

N/A

47a Authorities will need to apply discretion when applying this surcharge. Should authorities need to clearly set out the reasons why the surcharge has been applied or not in each individual case?

No.

Please provide reasons for your answer

No discretions should be applied, as to apply discretion is likely to be very difficult to routinely clearly reason. There should either be a surcharge or none.

48 Given the success of ePlanning, the continuing increase in its use and the savings which are made to both an applicant and authority in submitting an application electronically, do you think it is appropriate to apply an increased fee for submitting a paper application due to the additional work involved?

Yes.

Please provide reasons for your answer

It is important to continue to transition to ePlanning and reduce the resource and public access implications of paper applications. The level of applications still being submitted in paper form is low, with many being from Agents who could easily transition, or first-time users. Perhaps it is now appropriate to use the 'stick' approach, having reached a point where all who are open to the transition have done so.

48a Do you consider the use of rebates, discounts or other incentives, a useful tool delivering a more efficient service?

No.

If so what would you consider to be an effective discount, rebate or other incentive?

This area requires further analysis and consultation to provide a sound evidence base to indicate that a more efficient service would result.

49 Do you consider there should be a single advertising fee?

Yes.

How do you think the cost of advertising should be recovered?

Absorbed within the relevant planning fee. However, consideration should be given to the appropriateness of the current arrangements for advertising and whether this is an approach fit for purpose in 2020 and beyond.

50 Do you consider that submission of an Environmental Impact Assessment (EIA) should warrant a supplementary fee in all cases?

No.

Please give reasons for your answer

The relevant planning fee is likely to generally reflect that the application is more resource intensive, although this may be averaged out over multiple EIA applications. All whilst noting that EIA development is limited in many authorities.

If so what might an appropriate charge be?

N/A

51 Do you think that (Hybrid) applications for planning permission in principle should continue to be charged at half the standard fee?

No.

Should there be a different fee for 'hybrid applications' as described?

Yes.

52 Should the Scottish Government introduce a service charge for submitting an application through eDevelopment (ePlanning and eBuilding Standards)?

Yes.

Impact Assessments

53 Do you have any comments on the Business and Regulatory Impact Assessment?

No.

54 Do you agree with our conclusion that a full Equality Impact Assessment is not required?

The conclusions appear robust.

55 Do you have any comments on the Equality Impact Assessment?

No.

56 Do you agree with our conclusion that a full Strategic Environmental Assessment (SEA) is not required?

Yes.

Please provide reasons for your answer

The conclusion appears robust.

57 Do you agree with our conclusion that a full Children's Rights Assessment (CRWIA) is not required?

Yes.

Please provide reasons for your answer

The conclusion appears robust.

58 Do you agree with our conclusion that a full Fairer Scotland Duty assessment is not required?

Yes.

Please provide reasons for your answer

The conclusion appears robust.

59 Do you have any comments which relate to the impact of our proposals on the Islands?

No.