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Investing in Planning Consultation
Planning, Architecture and Regeneration Division
Scottish Government
Area 2F
South Victoria Quay
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31 May 2024

To Whom It May Concern,

**Response to: Investing in planning – resourcing Scotland’s planning system
consultation (Released February 28, 2024)**

Scottish Renewables (SR) is the voice of Scotland’s renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland’s renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 350 organisations that deliver investment, jobs, social benefit, and reduce the carbon emissions which cause climate change.

Our members work across all renewable technologies, in Scotland, the UK, Europe, and around the world, ranging from energy suppliers, operators, and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can provide solutions to help sustainability heat and power Scotland’s homes and businesses.

Scottish Renewables is pleased to respond to this consultation regarding properly resourcing planning in Scotland. Our members are concerned that this consultation does not address the challenges our planning system is currently facing. What is needed is an efficient, well-resourced planning system which enables renewables deployment in Scotland. Without a sufficient number of qualified planners in planning positions, the questions posed here will likely have no substantial impact on the planning system.

Our members are concerned with the way the questions in this consultation have been posed. Previously, developers have been willing to invest more in planning fees in return for

a better planning service. Planning fees have risen substantially over the last decade, but there has not been a corresponding improvement in service.

For example, an Application for Consent under s36 of the Electricity Act 1989 (with request for deemed planning permission) for a generating station with a rated capacity of 100-200MW:

- Fee in *Electricity (Applications for Consent) Regulations 1990*: **£5,000**
- Fee in *Electricity (Applications for Consent) Amendment (Scotland) Regulations 2005*: **£20,000** (real terms increase of £13,008.20 in 2005, if you take the inflation factor at 2.3% from 1990 to 2005, or 186% increase)
- Fee in *The Electricity (Applications for Consent and Variation of Consent) (Fees) (Scotland) Regulations 2019: (noting thresholds changed)*
 - 50–100 MW = **£125,000**

A real terms increase of £97,393 (353% increase) in 2019 for a 99MW wind farm, taking inflation to be 2.3% between 2005–2019.
 - 100–300MW = **£180,000**

A real terms increase of £152,393 (552% increase) for a 105MW wind farm, taking inflation to be 2.3% between 2005–2019.

For a 49MW wind farm under the Town and Country Planning regulations the costs would be:

- 2004 regs = a fee of £260 per 0.1 ha capped at **£13,000**.
- 2022 regs = a fee of £500 per 0.1 ha up to **£150,000**.

Evidence of the decline in service can be seen in the reduction in pre-application engagement, the long delay in responses to communications and planning authorities regularly asking for extensions to the 16-week period in which they are expected to respond as statutory consultees. On this final point, there are cases where planning authorities have asked for extensions of up to 2 years.

This consultation asks which individual elements of the planning process developers are willing to pay more for. At this point, there is no justification for an increase in planning fees as there is substantial evidence that this does not improve the planning system. Until current fees are ringfenced for planning and can be demonstrated to improve the planning service, the renewables industry will not support increasing fees for the planning process.

For an increase in planning fees to be justified, it is essential that the planning system delivers:

1. **A customer service-led approach**, where planners are accessible and responsive and engage with developers in a constructive, delivery focused way.
2. **Predictability** in term of outcomes, where developers can expect the same outcomes with the same process.
3. **Consistency** in terms of how elements of the planning process are approached, where developers can expect the process to be the same no matter what planning authority they're working with and no matter which planner they are working with.

Despite the increases in fees, developers are not seeing these outcomes. It is not clear how the proposals in this consultation will deliver these outcomes. Some, such as allowing individual planning authorities to charge their own fees, actively removes consistency and predictability. Further, it is unclear how any of the proposals in this consultation will achieve a service-led approach from planning officers.

The planning process could be made more efficient by changing how planning authorities respond to Section 36 (s36) applications as statutory consultees. The only role local authorities play as consultees is to provide the view of their local council and respond to whether an application should receive permission. However, current practice is that planning authority Reports of Handling on s36 applications are consistent with reports made to committees on Town and Country Planning Act applications, which is onerous and time consuming. We ask that the Energy Consents Unit (ECU) give guidance to planning authorities on this topic.

In addition, there are some key points from the consultation we would draw your attention to, with more information provided in response to the consultation questions.

- We strongly disagree with changing the threshold of onshore wind applications that go to the ECU from 50MW. Scotland's ambitious net-zero targets will only be met with a national effort to develop the volume of renewable energy net-zero requires.

The National Planning Framework 4 (NPF4) states that projects over 50MW are of national importance. Only the ECU has the national perspective required to determine such applications in line with national strategic priorities and Ministers' net zero obligations.

There is clear evidence that planning authorities do not have the capacity to deal with more applications. Timelines for responses have been increasing over recent years, with some developers waiting two years to hear back on an application. Increasing the volume of proposals that go through a planning system that does not have enough, well-resourced, trained planners to handle the current load is untenable. This point relates to that made above about the need to streamline and shorten Reports of Handling for s36 applications. The role of planning authorities under the Town and Country Planning Act is much more onerous and time-consuming than being a consultee under s36.

- Our members fundamentally disagree with a fee for appeals. This would create a two-tiered planning system where only those who could afford to move forward with an appeal would have the right to one.
- While a resource hub could be beneficial for planners, especially when dealing with new technologies, an expert hub of professionals that planning authorities and the ECU could pull from when they need specific expertise could go further in reducing the workload on planning authorities.

We look forward to working with the Scottish Government to effectively address the resource challenges in planning as this conversation progresses.

Sincerely,



Megan Amundson
Head of Onshore Wind and Consenting
Scottish Renewables

Summary of Consultation Questions

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

All of the assessments mentioned would benefit from proportionality. The introduction of NPF4 does not negate the fact that most of the information required to be submitted as part of each assessment has not changed in decades, on top of the additional assessments that are being requested as new legislation and guidance are being introduced.

For EIA applications, the Onshore Wind Sector Deal Task and Finish Group is producing a standard format and suggestions for reducing the burden on consultees by the end of June 2024. The Task and Finish Group has made proportionality a central focus.

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

Partially disagree.

A processing agreement is a good tool in concept for creating certainty in planning decision making timescales. However, our members have found that they are rarely adhered to.

It can be helpful to have an agreement in place for both the applicant and the planning authority to refer to. But a processing agreement is useful only if adhered to by all parties, also offered for Section 36 applications, and it includes all statutory consultees for Section 36 applications.

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

Partially agree.

Resource constraints are impacting every aspect of planning. Timelines for planning authorities continue to lengthen. There are instances where planning authorities are delaying decisions up to 2 years for onshore wind projects.

Processing agreements may be adding to the bureaucratic burden on planning authorities without achieving the outcome of predictability in determining the timeframe for an application.

We recommend that planning authorities be clear from the outset that there will be a delay in responding rather than give false timescales, even if these are beyond the statutory timescales, whether a processing agreement is used or not.

[Question 4: Would you be prepared to pay a discretionary fee to enter into a processing agreement?](#)

[Yes](#) | [No view](#) | [No](#)

[Please explain your view](#)

No. Processing agreements have little utility because they are not adhered to.

If processing agreements were adhered to and achieved the outcome of providing transparency and consistency in understanding timeframes for applications, and this fee went directly to planning resourcing, developers might consider it. It would need to be a set fee and not at the discretion of planning authorities.

[Question 5: What additional actions can we take to improve certainty in the planning process?](#)

Statutory consultees should be held accountable to existing timescales, and deadlines for statutory consultee responses should not be treated as flexible. Should statutory consultees fail to respond within the timescales set out in legislation and policy, there should be no extension granted without agreement from the applicant. If the statutory consultee does not respond within the timescales, the opportunity to comment should be forfeited.

A central hub of expertise for large renewables applications could be a solution for planning authorities that suffer from too few resources or have a large number of onshore wind applications in their area. This central hub could be resourced by the Scottish Government and funded by developers or a proportion of the planning fees. This would help onshore wind

farm applications where the planning authority has not determined the application or made a response within the required statutory timescales. In such circumstances, these applications would automatically be referred to the central hub for a recommendation whether to approve or refuse, or whether to object or not object. The recommendation from the central hub would revert back to planning authority's planning committee for a decision and must be on the agenda of the next available planning committee.

Planning authorities must hire more planning professionals and ensure fees paid during the planning process are used to support the planning process and train staff to manage applications.

Not only are timelines for responding to applications currently lengthening, but developers are required to pay for pre application meetings that are either poorly attended or do not add any value to the application as they have been so poorly run.

[Question 6: Do you have further ideas on opportunities for streamlining, alignment or standardisation?](#)

Standard templates should be created for s75 templates to ensure consistent high-quality agreements. In addition, standardised conditions for both s36 and Town and Country Planning consents would free up planning authority resources.

A standard scheme of delegation should be established across all planning authorities. This scheme should set out what types of applications can be determined by planning officers and what circumstances change how an application is determined. Planning authority schemes of delegation should be transparent and available on the planning department's home page.

Planning authorities should not use different approaches to the planning process than that recommended by the Scottish Government or already in use by the Scottish Government. For example, planning authorities should not be allowed to apply a different approach to landscape and visual assessment when NatureScot's requirements are more than sufficient.

There should also be a review of what additional types of development could be classed as permitted development. This would free up resources in the planning departments to deal with more important developments.

[Question 7: Are there any skills actions which you think should be prioritised?](#)

The RTPI and the Scottish Government proposal for a planning apprenticeship or practice based planning degree should be prioritised as this allows new entrants to the sector to gain 'on the job' skills that are more applicable to how planning is applied in real situations rather than theoretical. This expedited process would help address the skills gap quicker than the other ideas suggested and allow local authorities to directly employ the students that would be undertaking their apprenticeship. In addition, meeting management would be an important skill for every planning authority to have in-house.

However, until planners receive a competitive salary, those with experience will be more interested in the private sector. Looking ahead, streamlining systems, increasing delegated powers, and increasing permitted development rights may help free up resources.

An RTPI Scotland Report published in December 2023 found that to cover projected growth across the sector another 730 planners will be required in next 10-15 years. The Scottish Government will however cut spending on planning from £11.7m to £6.6m in the next financial year. Planning has been the most reduced and lowest funded local authority sector across Scotland with expenditure cut by 28.6% since 2010/11. This is the core resource gap planning authorities are facing. Unless planning fees are ringfenced, other proposals will not address the resource problem in planning authorities.

Question 8: Are there any skills actions not identified which you think would make a significant impact?

There is a chasm between nationally focused planners who often drive policy and the practical realities of planning procedures and processing applications in local authorities, which require different skills, such as strong negotiation and project management skills.

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.

Planners could benefit from a resource hub that provides technical background and updates on new technologies. Planning officers are generalists and having a resource that they can go to help inform their work would be a benefit.

Our hope would be that the adoption of NPF4 would make the application of policies much easier and more consistent across the country, enabling planning authorities to focus more of their time on other applications, such as housing. A resource hub could be useful in ensuring less local variability.

More helpful would be a central hub of expertise specifically for large renewable applications should planning authorities not have the expertise to handle such applications themselves. This would be a pool of professionals, not information. Please see our response to question 5.

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

A hub of experts, rather than just an information hub, could take the strain off planning authorities and reduce their workload. It could give more certainty to decision making timescales and give industry confidence in timelines for reducing risk and investment decisions.

In the longer term the value added would be as described within the consultation document.

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

iii. Within a host authority – the resource should be located close to the source of the issues and have the ability to call upon other members of the local authority that feed into planning applications and support decision making. Locating it in a host authority would also make it less likely that the resource would be diverted into Scottish Government or public organisational matters, which would be a risk if the hub was located in either of these areas.

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

Application fees (or part of them) could be reallocated to the new planning hub resource. To ensure a collaborative approach it could also be partially resourced through secondments from the private sector which should have some organisational and operational input from the start.

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

Partially agree.

Over the last few years, planning fees have increased at a much faster rate than inflation. Should planning fees continue to increase, the increase should be capped at in-line with inflation and the fees should be ringfenced for planning departments.

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

Strongly agree.

This is a well-established mechanism for increasing prices in the UK, therefore it is not an unreasonable mechanism to base a pricing structure upon for planning fees and will be understood by all.

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

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

A nationwide approach as currently stands with the Scottish Government continuing to set fee levels should be maintained. If each planning authority is given the control to set fees,

this could lead to the exploitation of certain types of development that are prevalent within that area to an uncontrolled level, with no guarantee of a better service.

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

Rather than salami slicing fees as set out within paragraph 82, the whole fee should be clear upfront upon submission of the planning application (subject to CPI as necessary). The whole fee will have to be paid regardless, therefore there is little point in approaching it in an incremental manner.

Additional fees for processing agreements, etc. for services beyond the application fee are acceptable.

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

None. It is wholly inappropriate to charge for basic services that contribute towards good planning practice and outcomes. Payment for pre-application consultation has brought, at best, variable results. Extending fees to enforcement and appeals would be problematic. With regard to appeals, it would be grossly unfair to limit the right of appeal to only those that can afford to take such a step. In relation to enforcement, the introduction of a fee could undermine the perception of impartiality in the planning authority's actions.

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?

When a fee is paid by an applicant, it should form part of a binding contract with terms stated at the point of "purchase", and refunds should be applicable if the service hasn't reached the required level.

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 disagree.

As stated in paragraph 91, not all types of development are allocated within the development plan. Therefore, an increase in fees for these proposals would be at an unfair disadvantage. For some developments, such as onshore wind projects, it is up to the applicant to provide evidence as to why the chosen area is the best site for the proposal. Therefore, much of the additional information is already provided by the applicant, rather than the planning authority requesting additional requirements as intimated in paragraph 90.

It is worth noting that NPF4 states that wind development anywhere but a National Scenic Area or National Park would be considered through site selection evidence. Therefore, this calls into question allocated sites in the local plan and whether these are still applicable at all to wind development.

An increase in fees could also deter applications for all types of development in more suitable areas that haven't been considered in the local plan and are therefore unallocated.

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

No view

More information is required as to what type of development would 'qualify' for this payment.

Question 22: Do you agree with the types of appeals that should incur a fee?

Yes | no view | No

Please explain your view

No. The Right of Appeal is effectively compensation to a landowner for the loss of development rights and it should not be charged. The right of appeal is a vital part of the Scottish planning system and a fee for appealing will create a two-tier planning system between those who can afford to enter the appeal process and those that cannot.

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 disagree. Our members fundamentally disagree with a fee for applying to appeal. For larger projects, this fee could be substantial. The complexity and amount of work of an appeal is in no way reflected by the size of the project.

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. No more than 5%, given that the size of the project is not an appropriate indicator of the work or cost involved in an appeal.

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

Partially agree.

We agree in principle but would require further information as to what the circumstances for a fee waiver or reduction would be.

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

No separate charge should be applied. This should form part of the overall planning application fee like any other local authority fee e.g. waste collection, council tax. In the long term, it should be less expensive to encourage the efficient use of IT.

[Question 27: What other options are there to resource the operation and improvement of the eDevelopment service?](#)

This should be funded through the government given that it is a public service. We are unsure of the development/operational mechanisms behind this, but a third-party web developer could streamline the operation of the eDevelopment platform. It is intrinsic to the smooth running of the planning process and not having it as a priority for development is a hindrance to progress on expediting the planning process.

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

[Yes](#) | [No view](#) | [No](#)

[Please explain your view](#)

No change. NPF4 identifies projects exceeding 50MW as national developments. The delivery of strategic infrastructure of national importance should sit with the national government and the existing threshold provides that opportunity.

If the threshold was increased, it could effectively block the development of 50-100MW wind farms in planning authority areas that already show a bias against wind development. Political will to build renewables lies with central government, not local government and it would be difficult to see national renewables targets realised if the decision was based more locally. Changing this would increase uncertainty for the investment in and development of onshore wind at a time when we need to meet ambitious net zero targets.

The Climate Change Committee's report released in March 2023 makes it clear that the Scottish Government cannot achieve 2030 targets, and we cannot afford to slow down progress toward adding an additional 12GW of onshore wind by 2030 by putting more applications before planning authorities that are unable to handle the current number of applications before them.

The Energy Consents Unit are specialists, whereas planning authorities are generalists and lack the expertise to evaluate large renewable energy applications. The ECU has a strategic overview of applications across the whole country, which planning authorities do not have. Consenting should lie with the ECU for all applications of 50MW or more.

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

Yes | No view | No

Please explain your view

No

All types of generation contribute to the energy mix and therefore should be treated equally in terms of consideration at the planning stage.

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

Planning authorities are not sufficiently resourced to handle the current influx of applications. Many applications experience significant delays, up to two years. And planning fees are not ring fenced for planning needs, so additional fees paid to local authorities do not result in better resourced planning departments. Adding more applications to planning authority dockets would bring the development of new onshore wind projects to a standstill.

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.

20% as the onshore infrastructure required for offshore developments is relatively small in both scale and impact compared to the offshore development itself.

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 | No view | No

Please explain your view

Yes.

Planning authorities are currently inconsistent in their approach so a new category will provide clarity.

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. The scale and impact for production/storage/distribution are different, therefore considerations within the planning process should be commensurate to the complexity of the application.

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

Yes. It balances the size of the financial contribution to the effort involved in responding.

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.

No.

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

No answer at this time.

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.)

No response.

Question 38: Which proposal would you most like to see implemented?

Please explain the reason for your answer.

The implementation of a resource hub and a planning hub would be beneficial to the planning process as a whole, whereby a pool of experts can be called upon to facilitate a response from planning authorities that are struggling for resource.

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

Costs are a major factor; whilst there are many great ideas here, they all require significant financial input. It is important that more and more fees are not created in an unregulated manner as this may lead to an immediate loss of faith in the 'transparent' planning system. This will be exacerbated if fees become confusing, vary wildly across planning authorities, and improvements aren't seen across the country.

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

A chat bot for the ePlanning would be beneficial to answer some of the more basic queries regarding application requirements, fees and timescales.

Following the direction of the proposed centralised planning hub for renewables projects, planning authorities could look at the potential of planning partnerships where local authorities could share a joint planning resource – perhaps along the lines of a south-west/south-east/north-east and city regions division. Such an approach could enable local authorities to share overheads, increase knowledge sharing within larger planning teams and provide greater flexibility to cover resourcing shortfalls.

The Ayrshire Roads Alliance is a well-established example of a similar approach to address similar issues in another public service provided by local authorities.

Question 41: Please provide any information on the potential impacts of our proposals to assist with preparation of the following impact assessments:

Business and Regulatory Impact Assessment
Equality Impact Assessment

Islands Communities Impact Assessment
Child Rights and Wellbeing Impact Assessment
Fairer Scotland Duty
Strategic Environmental Assessment

None.