

Planning and Architecture Division
Scottish Government
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Victoria Quay
Edinburgh
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21 February 2020

Dear Sir/Madam,

Consultation on Planning Performance and Fees – 2019

Scottish Renewables is the representative body for the renewable energy sector in Scotland, working to grow a sustainable industry which delivers secure supplies of low-carbon, clean energy for heat, power and transport at the lowest possible cost. We represent around 260 organisations ranging from large suppliers, operators and manufacturers to small developers, installers and community groups, and companies right across the supply chain.

We welcome the opportunity to respond to this consultation. In Scottish Renewables' view, the structure for charging planning fees should be proportionate, fair and ultimately sustainable. We are supportive of any proposals which provide a clear and consistent approach to planning across Scotland, reduce bureaucracy and deliver a greater emphasis on the certainty of outcomes and delivery of development. We believe this consultation provides an opportunity for coordinated action to meet these objectives. A clear, positive vision for the planning service in Scotland would be welcomed across the renewables industry and will ensure engagement from relevant stakeholders. Any unnecessary increases in fees, or the introduction of additional processes and procedures should be resisted, with an emphasis placed on supporting the achievement of our net-zero target through the delivery of low-carbon developments.

Climate Emergency

In 2019 the Scottish Government declared a climate emergency and set an ambitious goal of reaching net-zero greenhouse gas emissions by 2045. In order to reach this objective, the effort to limit emissions by supporting the development of low-carbon technologies must be a key priority in all government policies.

Planning plays a key role in enabling the development of infrastructure and projects which will allow Scotland to achieve its objectives and address the climate emergency. Financial support mechanisms for renewables in the UK are currently limited to less established technologies. In this context, Scottish

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Government should be particularly aware of the impacts that increases in fees and uncertainties in the planning process can have on potential investment in new renewables capacity.

We would argue that the maximum fees proposed for different technologies will not support the development of new onshore wind projects through an efficient and non-excluding planning service. The consultation paper proposes to set the maximum fee for an application for Exploratory Drilling for Oil and Natural Gas at £100k, whereas the proposed fees for onshore wind developments can be up to £150k, the same amount as Other Energy Generation Projects. In a climate emergency this is nonsensical.

Scope of the Consultation Paper

We agree that measures are required to improve performance for all users of the planning system. However, we feel that the scope of proposals should be expanded.

The consultation paper focuses on resourcing the planning system and suggests fee increases for various types of developments and services as a solution. We would argue that, while this is a fundamental issue, Scottish Government should also consider the underlying reasons for planning fees currently only accounting for “on average 63% of the cost of determining an application” and why planning applications take so much time and resource to determine.

The consultation paper does not provide a breakdown of how this percentage is calculated. For example, it is unclear whether this includes costs for appeals and planning inquiries which many applications for wind farms are subject to. Further clarity on this is needed before an increase in fees can be considered.

Wider Planning Context

The Ministerial Foreword states that the Minister wants “Scotland’s planning system to be efficient and effective, facilitated by skilled and experienced planners.” This is against a backdrop of the Planning (Scotland) Act 2019, which added 49 new duties for planning authorities, and a backdrop of cuts which saw planning services diminished across the whole of Scotland.

Planning fees paid by developers do not go directly towards planning services, but instead to local authorities to decide how they should be apportioned. In recent years planning authorities across Scotland have increasingly cut staff numbers and taken on new staff with no planning qualifications to work in planning departments, often replacing experienced retiring staff. With planning courses significantly reduced across Scotland, the pipeline of qualified planning trainees is shrinking. At the same time, costs have continued to rise for developers.

These fundamental issues must be addressed, and fees must be ring-fenced for planning authorities to help improve the planning service and make it fit for purpose, ensure we achieve the net-zero target and address the climate emergency.

If you have any questions on the comments set out in this response, please do not hesitate to get in touch.

Yours sincerely,

Stephanie Conesa

Policy Manager - Development, Planning and Heat

Consultation Questions

Planning Performance

1. Should we set out a vision for the Planning Service in Scotland?

Yes

1.a. Do you agree with the vision proposed in this consultation paper?

Yes

1.b. Do you have any comments about the proposed vision?

We agree that “the Planning System must provide certainty, consistency and clarity to all those who participate in it, through effective engagement, policy, decision making and communication.”

However, we are very far off meeting this vision and the work required to achieve this should not be underestimated. For example, the application of the planning process is not consistent between local planning authorities.

We are supportive of any proposals which provide a clear and consistent approach to planning across Scotland, reduce bureaucracy and deliver a greater emphasis on the certainty of outcomes and delivery of development.

We believe this consultation provides an opportunity for coordinated action to meet these objectives. A clear, positive vision for the planning service in Scotland would be welcomed across the renewables industry and will ensure engagement from relevant stakeholders.

Any unnecessary increases in fees, or the introduction of additional processes and procedures should be resisted, with an emphasis placed on ensuring we achieve the net-zero target and address the climate emergency.

2. Is the proposed approach to the content correct?

No

3. Do you have any comments on the Proposed content of Planning Performance Reports?

We support the idea that PPF reports are consulted on more widely and that lessons learned are explained and incorporated into the final reports.

We note that the time taken to determine applications is not included in the list of issues, however PPFs currently include this information. More focus should be given to these timescales, including information on whether local planning authorities are exceeding statutory timescales and why.

A wider range of case studies should be included within PPF reports, including case studies focused on renewable energy technologies.

3.a. Do you have any comments or suggestions as to how reports should be prepared?

No comment

3.b. What statistical information would be useful/valuable to include and monitor?

Better data and statistics on how resources have been used on applications should be concentrated on larger proposals which have added complexity. With some larger developers being expected to pay larger fees, it will be important to demonstrate what they are getting in return.

3.c. What are the key indicators which you think the performance of the system and authorities should be measured against?

Any increase in planning fees should be reflected in performance improvements by ensuring improved predictability of planning determinations. Some measures of performance assurance could be a Code of Practice, an annual review, performance indicators, statutory timescales or customer satisfaction surveys. Timely determinations are key to enabling the right projects to be delivered and reduce unintended costs from construction delays.

3.d. Do you have any other comments to make with regards to how the Performance of the Planning System and Authorities is measured and reported?

The application of planning policies is not consistent across planning authorities. For example, the Approval of Matters Specified in Conditions process and the way material variations are applied varies widely across planning authorities. Some authorities, such as Dumfries and Galloway, are also much more flexible than others. These inconsistencies have implications on the ability of developers to forward plan and can also have cost implications. A consistent, joined-up approach would also help facilitate development across multiple jurisdictions.

3.e. Do you have any suggestions about how we could measure the outcomes from planning such as: Placemaking; Sustainable Development; Quality of decisions?

No comment

3.f. 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?

We propose that planning performance is linked to planning authorities delivering on enabling low-carbon developments that help achieve the net-zero target. In a plan-led system, the success of the plan, and therefore the planning authority, could be measured in the number of low-carbon developments that are built out and the total annual carbon savings delivered.

In terms of measuring outcomes in relation to the Planning (Scotland) Act 2019 requirement for the National Planning Framework to include a statement regarding meeting greenhouse gas emission reduction targets, we propose that this should be linked to the number of renewables schemes built and operating as an outcome, rather than planning consents for such schemes.

Developers and planning authorities, including Scottish Ministers, will need to be realistic regarding project viability as part of the process of consideration and determination of applications, particularly in the current financial environment. This would ensure that, while acceptable developments are

consented, they have a realistic prospect of being constructed and contributing to national targets. This is especially important to meeting our net-zero ambitions.

4. Do you agree with the proposed responsibilities of the Planning Improvement Co-ordinator?

Yes

Do you have any comments/suggestions about the role?

Ensuring the planning system is enabling the achievement of Scotland's net-zero target should be central to the role of the National Planning Improvement Co-ordinator. The National Planning Improvement Co-ordinator role should come with powers to implement change based on the statistics and data produced from planning authorities.

Clarity on whether processes and procedures from the consultation exercise will have any impact on s36 and s37 applications moving forward, and whether this will be considered by the Planning Improvement Co-ordinator, would be welcomed given the overlap at various stages of the planning process. Although we acknowledge the separate legislative and procedural requirements for s36 and s37 applications, there are many improvements to processes and procedures that could be applicable to all scales of renewable development that would provide clarity to developers.

Planning Fees

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

No

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

No

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

Charging fees for windfarms based on site area is not an appropriate method for calculating fees. Windfarm sites are often very large but with limited actual ground works. For example, where an option area covers a hill, a large portion of the land may be undevelopable due to the gradient. In other cases, windfarm sites will be wide with large proportions of the site areas being comprised of access tracks and land management measures rather than the turbines themselves.

If Scottish Government were to use a per ha approach, it would be more appropriate to apply the price per ha to the physical infrastructure, as opposed to the total land area. However, depending on the site and layout of a given windfarm, it would likely be difficult and time-consuming to determine exactly what area is covered by physical infrastructure. Such a determination is also likely to be open to dispute.

A more appropriate fee structure should be based on the MW capacity of the proposed windfarm as this is an easily determined figure. As turbines increase in size, so does the rated capacity of each machine. A fee of between £2-3k per proposed MW would mean that an application under the Town

and Country Planning Act would be more proportionate to fees for larger developments under the Electricity Act.

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

An increase by 50% is unreasonable given the uncertainty still faced by many developers in terms of timescales and outcomes associated with the determination of planning applications.

We support the Minister's opening remarks to make Scottish planning "efficient and effective," therefore any increase in planning fees should be reflected in performance improvements by ensuring timely responses.

In order to incentivise timely responses, we would suggest a multi-stage approach to paying the planning fee.

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

Yes

13.a. Is the definition and proposed method for calculating the planning fee correct?

Yes

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

Some guidance on how to apply the £401/0.1 ha value would be useful for changes to existing operational sites (i.e. adding storage or catchment diversions). This should be based on the footprint of the above-ground structure, rather than a red-line boundary covering a buried pipe or cable.

13.c. 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

14. Is the definition and the proposed method for calculating the planning fee correct for Category 13 - Other energy generation projects?

Yes

14.a. Do you have any comments on the proposed fees for calculating the planning fee?

We note that the consultation document states that the proposed fees cover "...other energy generation projects which are not windfarms." We would recommend that the final fee structure should establish distinct categories for solar farms and energy storage for clarity over planning fees and processes.

We would also seek clarification that this definition also covers other projects which do not provide electricity generation for supply, but rather provide services to the grid (such as inertia, voltage control and grid stability) for example, synchronous compensation sets. Despite the different purpose of these projects, we would still consider these applicable to the "other energy generation projects"

category and therefore subject to the same level of fees. To avoid confusion, we would suggest the use of the term “other energy related applications” rather than “other energy generation projects”.

14.b. Should a category be created for Solar Farms?

Yes

14.c. Do you have any suggestions for how the fee should be calculated?

Differentiating between site size/floor space appears confusing, although we assume this is designed to address site size for solar developments and floor space for energy storage developments. This should be clarified when the categories and fees are established. We would also question the suggested costs per 100m² and why the first 100m² is set at a higher rate than the remainder.

To provide clarity, we would suggest that clear fee tables for solar and energy storage developments with reasonable ratio of site size to fee and a reduced maximum fee are provided. It may be that the 100m² is an error and should be 1000m² (0.1 ha), which would give a more realistic/reasonable site size to fee ratio. This would also be more consistent with other fees in the consultation paper.

14.d. Should a category be created for energy storage developments?

Yes

14.e. Do you have any suggestions for how the fee should be calculated?

Category 7 shows that fees for warehousing space is less than storage developments and this does not seem justified given that the external infrastructure is essentially the same.

There is a further discrepancy regarding the winning and working of minerals. This has a proposed maximum fee of £150,000 for 109 ha of development. Under the proposals for other energy generation projects which are not windfarms, based on the first 100m² of site size/floor space to be created it will be £1,000 with £500 for every 100m² thereafter. The proposed fee for solar/energy storage would be £150,000 for 2.99 ha of development.

While a 2.99 ha solar farm may be possible, the fee proposed should be much lower. Additionally, a 2.99 ha energy storage development by floor space is very unlikely and again should not be subject to a proposed fee of £150,000.

It is essential that the role of storage is recognised in achieving our net-zero targets. As such, it is essential that these anomalies around the planning fees for storage are addressed.

14.f. Should a category be created for Heat Networks?

Yes

14.g. Do you have any suggestions for how the fee should be calculated?

We do not believe that the proposed approach to planning fees for heat networks is correct, and that it risks placing unnecessary and unacceptable costs on these developments relative to high carbon

alternative, effectively acting as a disincentive for developments to choose a low-carbon heating source. This will seriously compromise our ability to reach our net-zero target.

We would make the following recommendations:

- Only the energy centre (providing the heat supply to the heat network) should require planning fees. These fees should be based on the size of the energy centre building (m2) and administrative costs of handling such an application/notification, not as a revenue-generating exercise for planning authorities.
- Heat network pipes should enjoy permitted development status (as those for gas and water industries do), as a heat network does not alter visual aspect or amenity value of our townscape. Some form of this could be implemented through the proposed Heat Networks Bill.
- Where a heat network is planned as part of a new housing development or similar, there should be no additional fee for including the heat network within the planning application for the housing development. This would encourage developers to include heat networks in the first place. This would put the heat network on a level playing field with individual building level boilers (e.g. fossil gas) and encourage their adoption. At present, a housing developer would pay no additional planning fee to fit a gas network and individual boilers to a new housing development, whereas the heat network option (which would enable lower carbon heat supply) could potentially pay fees for both the pipes and the energy centre.
- If it is felt necessary to impose a planning fee on heat network pipes, this should be simply based on a linear meterage of network. At a planning stage it is very difficult to fix the precise alignment of a heat network within a street until the construction is underway. Therefore, it is usually necessary to define a wide planning boundary to include the full width of the road and verges, even though the trench may only be 1m wide within this. Multiplying this by several km of pipe quickly produces a very large “site area” and hence very large fees under the method proposed. The cost per unit should also reflect the size of pipework— a typical scheme may require many thousands of meters of small diameter pipework to connect to individual houses; the fee for this smaller pipework should be much less per linear meter than the fee for a 250mm diameter trunk main that serves hundreds of properties.

18. Do you agree with the proposed planning fees for Category 17 – Plant and Machinery?

Yes

18.a. Is the proposed method for calculating the planning fee correct?

Yes

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment

21.c. 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

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)?

No comment

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

No comment

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

No comment

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

No comment

Other Fees

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

No comment

Please explain your view.

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

No comment

28.b. 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?

No comment

Please explain your view.

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

No comment

Please explain your view.

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

Yes

Please provide reasons for your answer

If an approach can be agreed to share applications fee based on percentage of the site area, then that would be workable solution. However, we can foresee situations where 75% of a site (for example) has no issues and is less onerous for the local planning authority to process. The relevant planning authority would receive 75% of the fee, while the other local planning authority received 25% of the fee but had to process the controversial part of the site.

Given the prospect of such situations, an equitable division of the planning fees between all local planning authorities involved may provide a better solution.

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

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

We would suggest such charging for services should be regulated, as at present local authorities can charge for ad hoc services via the Local Government Act, and these are leading to a significant disparity of charges and services between authorities with very little proof to date of service improvement.

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

Please explain your view.

We would suggest that pre-application discussions should be freely available, as efforts for front-loading engagement should be encouraged by Scottish Government as a means of improving the quality and efficiency of planning applications.

If fees were charged for pre-application discussions, they should be based on the service level provided and the scale of development. They should be set against specified service-level agreements and refunds should be given if these are not met. If planning authorities are going to be given powers to levy such fees these must be regulated to ensure consistency and quality of service.

Any pre-application fee should be based on a percentage of the application fee (capped).

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

Yes

Please provide reasons for your answer

The resources necessary to provide pre-application advice will not require duplication at application stage. The issues identified at pre-application discussions should be addressed in the application, making its progression through the planning system less resource intensive. If issues identified have not been addressed, the planning authority could move to a determination of it as submitted.

The Scottish Government is trying to encourage front loading of the planning system, and this approach may encourage developers may engage in pre-application services if they thought they were getting a good service and value for money.

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?

Planning Performance Agreements, currently used effectively in England to allow developers to expedite the planning process, should also be rolled out in Scotland.

If Scottish Government were to adopt an additional charge for entering into a processing agreement, consistency across all authorities would be key. Additionally, if a local planning authority does not comply with the requirements of the Agreement, there should be a mechanism for the fee to be repaid to the Developer.

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

Per Request

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

We would suggest that a small fee per request is charged such as Sec. 96A amendments in England (i.e. £25 for householder, £195 for others). Again, this should be linked to an agreed service-level agreement.

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

No

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

No

39.b. What should this be limited to?

Where planning conditions are imposed requiring some form of environmental monitoring, these usually require an independent Ecological Clerk of Works appointed during the construction phase, reporting to the planning authority. The cost of this is borne by the developer. As such, developers should not be required to pay twice for monitoring.

Additionally, any increase in application fees should be used to cover monitoring of conditions, rather than applying an additional fee.

39.c. How should the fee be set?

There should be no additional fee for monitoring because, if this is required, the local planning authority is able to secure monitoring costs through appropriate Planning Agreements.

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

No

Please provide reasons for your answer

Our members feel that charging for discharge of conditions should be avoided and that planning application fees should include consideration for condition discharge time. Paying for groups of individual conditions could lead to an administrative burden on planning authorities, adding additional time and expenditure.

If Scottish Government were to set a fee payable for the discharge of conditions, we suggest this should mirror the English system in terms of cost per application for discharge (where multiple conditions can be included in one application) and a clawback clause allowing for a refund if not responded to in 12 weeks. A higher fee and shorter timescale for decision and refund may be preferable in order to encourage planning authorities to respond within the required timescale.

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

No

Please give reasons for your answer

There should only be a fee paid for drafting planning agreements if planning authorities could meet required service level agreements. This is unlikely given their legal services input. Therefore, we would disagree with this proposal.

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

Should we set the fee or an upper limit in the regulations?

Yes

Please provide reasons for your answer.

Fees for Masterplan Consent Areas would be understood by developers and should be shared amongst those involved in the planning process (i.e. planning authorities, agencies and developers) if replacing standard consenting methods. These should be relative to the scale of the MCA.

Some developers are currently investigating the scope of MCAs and practical application to renewable energy development. These members would in principle support any streamlining of consenting and have suggested MCAs may be a suitable approach. Fees for development within MCAs would be anticipated if this process were to replace the traditional consenting model for renewables.

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

Yes

Please provide reasons for your answer.

We support the introduction of an enhanced project management service and would anticipate that this would be included in the remit of the National Planning Improvement Coordinator, particularly for projects requiring an EIA. This would allow developers to expedite the planning process and have greater certainty that timescales will be met. This role should be secured as an enhanced level of service within the context of the increase in fees proposed.

This proposal will enable Scottish Ministers to achieve their target of improving planning to an efficient and effective level.

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

We support the idea of developers being able to hold back a proportion of the planning application fee until service is delivered on time. This would have benefits in terms of incentivising local planning authorities to engage fully and would act as an “insurance policy” under the scenario where there are delays on the behalf of the local planning authorities, with developers retaining the portion which was originally held back and not being required to pay the full fee.

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?

No comment

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

No comment

Please provide reasons for your answer.

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

No

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

Charging of appeals should be avoided given that the reasons for appeals are often beyond applicants' control. As such, it would be very difficult to apply this charge fairly.

It could be that the local planning authority has failed to determine the application within the statutory timescales and the developer has appealed on the grounds of non-determination. There should be no charge to developers for such appeals.

In other instances, there could be a disagreement in terms of a subjective matter, such as landscape and visual impacts. Planning applications, particularly for onshore windfarms, are frequently held up during the determination process and often go to planning inquiries because of this. This results in significant financial implications to the developer which should not be further increased by charging for appeals, particularly at a time when there is debate over the weight planning authorities should give to subjective matters.

Given that there is no financial support mechanism for established renewable technologies and the Scottish Government's 2045 net-zero target, such additional costs should be avoided to prevent low-carbon developments becoming unviable.

It should also be noted that charging for appeals may have a very large impact on the number of viable small-scale renewables projects that go through Local Review Bodies. Some of these may be submitted as a result of non-determination and may already have been subject to long determination periods. The introduction of additional fees could result in the unviability of these developments. This could then result in further negative socio-economic impacts for the developer and the local area that the development is located within.

Charging for appeals may also encourage local planning authorities to go down this route, increasing the number of appeals and therefore increasing uncertainty and time.

Additionally, where planning operates in the public interest, the taxpayer should incur the cost of some parts of the process rather than requiring the developer to pay all costs. To require developers to pay for an appeal on top of a costly application fee removes the impartiality from the process. It also enhances public distrust of the planning system. Where an appeal is sustained by the Reporter,

it could be perceived as if the appellant has paid for the decision. To retain a transparent and impartial planning system appeal fees should be resisted.

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

No comment

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

No comment

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

No comment

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

No comment

45.f. 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?

No comment

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

Please explain your view.

We would disagree with the proposal that individual authorities should be put in the position of setting different practices for reducing/waiving fees. This would have to be heavily regulated and good advice provided to planning authorities to prevent vast inconsistency of approach and inequality. It is unclear what additional categories this would cover.

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

No comment

Please provide reasons for your answer

Other Issues

47. Should the surcharge be set at 100%?

No comment

Please explain your view.

If not, what level should it be set at?

47.a. 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 comment

Please provide reasons for your answer

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?

No

Please provide reasons for your answer

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

No

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

Applicants pay for a service, so any refund should only be for the part of the service not provided. This could be difficult to assess and regulate and would not necessarily result in service improvements. It has been suggested that this could cause additional costs for local authorities.

The uncertainty in the length of time it takes decision makers to determine an application leads to increased costs for developers. As such, incentives such as the Planning Guarantee or other incentives to determine an application within statutory timescales would be welcomed.

There should be guidance setting out specific circumstances where local planning authorities do/do not have to refund (i.e. obvious mismanagement of the application process by the local planning authority, or obvious delay from a developer/consultee). It has been suggested that Planning Performance Agreements, currently used effectively in England to allow developers to expedite the planning process, should also be rolled out in Scotland.

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

No

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

We welcome the proposal to include advertising fees as part of the planning application fee, rather than having two separate fees.

A standard fee could increase consistency, but it would need to be proportionate. As there is disparity over advertising costs between different newspapers in different authorities, it could result in some authorities not covering their costs or developers paying more than necessary.

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

Most EIA developments will attract significant application fees (maximum in category). The report is submitted as a tool for decision making at the applicant's significant expense and should not then be subject to a further fee for submission, particularly as most are submitted digitally and are not resource intensive to provide to consultees.

While some planning authorities and stakeholders have the relevant expertise on most subjects to consider the EIA report, we would suggest that further training be available to focus on proportionate EIAs and impacts that are likely to lead to a significant effect (in line with the 2017 EIA regulations). Planning authorities often ask for assessments that are not necessary for the determination of an application. These training costs should not be borne by the developer.

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

Hybrid Applications

Yes

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

We agree with the lower fee for PPP and for clarity would suggest hybrid applications have a category of their own or are clearly defined as falling within the PPP fee category or full application fee category.

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

The Planning Portal only recently introduced an administrative fee following a period of significant improvements to the service. In our members' experience, the portal is a much better system than ePlanning and we would not agree to the proposed service charge for the very limited service improvements suggested. Instead these service improvements should be taken on in line with the Government's wider national outcomes.

Impact assessments

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

Please explain your view.

No comment

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

Yes

Please provide reasons for your answer

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

No comment