

# **Investing in Planning - A consultation on resourcing Scotland's planning system**

## **Impact Assessments**

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## **What are the impact assessments?**

### **What is the Child Rights and Wellbeing Impact Assessment (CRWIA)?**

The Child Rights and Wellbeing Impact Assessment (CRWIA) is used to identify, research, analyse and record the impact of a proposed policy on children's human rights and wellbeing. CRWIA helps the Scottish Government consider whether it is: advancing the rights of children in Scotland; and protecting and promoting the wellbeing of children and young people.

CRWIA is a Ministerial duty under the Children and Young People (Scotland) Act 2014 and in relation to the United Nations Convention on the Rights of the Child (UNCRC).

### **What is an Equalities Impact Assessment (EQIA)?**

An EQIA aims to consider how a policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.

The Equality Act 2010 harmonised existing equality legislation. It covers the characteristics of age, disability, gender reassignment, sex including pregnancy and maternity, race, religion and belief, and sexual orientation.

The Equality Act 2010 includes a public sector equality duty ('the general Duty') which requires public authorities to pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation or any other prohibited conduct;
- Advance equality of opportunity; and
- Foster good relations between different groups – by tackling prejudice and promoting understanding.

In 2012 Scottish Ministers made regulations that placed specific duties on Scottish public bodies to help them meet the general Duty. These include a requirement to assess the impact of new policies or practices.

### **What is the Fairer Scotland Duty (FSD) assessment?**

The Fairer Scotland Duty is set out in legislation as Part 1 of the Equality Act 2010, and came into force in Scotland from April 2018. The aim of the duty is to help the public sector to make better policy decisions and deliver fairer outcomes. The duty focuses on socio-economic inequality issues such as low income, low wealth, and area deprivation.

The Fairer Scotland Duty applies to 'decisions of a strategic nature' – these are the key, high-level choices or plans that the public sector makes.

### **What is an Island Communities Impact Assessment (ICIA)?**

An Island Communities Impact Assessment (ICIA) tests any new policy, strategy or service which is likely to have an effect on an island community which is significantly

different from the effect on other communities. This became a legal duty in December 2020 under the Islands (Scotland) Act 2018.

### **What is Strategic Environmental Assessment (SEA)?**

In Scotland, public bodies and private companies operating in a public character, such as utility companies, are required to assess, consult on, and monitor the likely impacts their plans, programmes and strategies will have on the environment. This process is known as Strategic Environmental Assessment (SEA), and is required under the Environmental Assessment (Scotland) Act 2005.

SEA helps to better protect the environment, aims to ensure that any development is sustainable, and increases opportunities for public participation in decision-making. It ensures that expert views are sought at various points in the preparation process from the public and the consultation authorities, who are:

- Scottish Natural Heritage (now known as Nature Scot)
- Scottish Environmental Protection Agency
- Historic Environment Scotland.

### **What is the Business and Regulatory Impact Assessment (BRIA)?**

A Business and Regulatory Impact Assessment (BRIA) looks at the likely costs, benefits and risks of any proposed primary or secondary legislation. It also covers voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector.

The BRIA explains:

- the reason why the Scottish Government is proposing to intervene;
- options the Scottish Government is considering, and which one is preferred;
- how and to what extent new policies may impact on Scottish Government, business and on Scotland's competitiveness; and
- the estimated costs and benefits of proposed measures.

## **Child Rights and Wellbeing Impact Assessment (CRWIA)**

### **Disclaimer**

This draft document is an initial assessment of the impact of proposals included in the Investing in Planning Consultation and the Scottish Government will continue to review and update this document where required during the decision making process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

### **Brief Summary**

The Scottish Government is committed to working with all stakeholders to ensure that the planning system is better equipped to deal with current and future challenges.

This consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system, in particular in planning authorities, in the coming years. It responds to current and future challenges, with a view to identifying a set of short and medium term actions that could improve the capacity of the planning system by helping build resilience and by strengthening cross sector collaboration.

The changes that are being proposed are to ensure that the planning system operates effectively and in a way that is compatible with the Scottish Government's wider policy objectives for the planning system.

### **Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18?**

The consultation includes the following new proposals:

- A central planning hub to support authorities
- Short term working group to look at proportionality of assessments
- Taking stock of the use of processing agreements
- Improved cross council working to better align consents
- Developing templates for Section 75 agreements
- Devolving power to authorities to locally set planning fees
- Introducing an annual inflationary increase in planning fees
- Increasing discretionary charging including processing agreements, sites not allocated in the development plan and masterplan consent areas
- Introducing fees for appeals
- Service charge for submitting applications online
- Considering the potential to alter the threshold for applications under the Electricity Act
- Introducing a fee category for hydrogen projects
- Increased fees for prior notification and approval categories.
- Consistent approach to fees for shellfish farming

It is considered that the proposals included within the consultation will not directly impact children and young people, as the proposals relate primarily to processes and procedures which support the effective determination of applications for planning permission and the fees and charges which may apply. The proposals are likely to primarily affect planning authorities and those applying for planning permission.

**Which groups of children and young people are currently or will be affected by the relevant proposal?**

As indicated above it is considered that the proposals included in the consultation will not directly impact children or young people.

The consultation does include reference to raising awareness and encouraging young people to consider and take up a career in planning which is part of wider work being taken forward by a range of stakeholders including Planning Authorities and the Royal Town Planning Institute and it is not a consultation proposal.

**Declaration**

Is a Stage 2 Children’s Rights and Wellbeing Impact Assessment required?

CRWIA required  No explanation required, please complete questions 5 and 6

CRWIA not required  Please explain why below and contact the children’s rights unit to discuss this decision [crwia@gov.scot](mailto:crwia@gov.scot)

**Explanation why CRWIA is not required:**

We do not consider that the proposals included in the consultation will affect children or young people under the age of 18 and therefore a Children’s Rights and Wellbeing Impact Assessment is not being completed.

The proposals included in the consultation are aimed at improving the resources and skills available to planning authorities in order to improve the process of determining planning applications and are expected to impact, primarily, local authorities and those who submit applications for planning permission.

We will use the consultation process as a means to explore fully any potential equality impacts. Comments received would be used to determine if any further work in this area is needed, including full assessments.

**Sign & Date**

Policy Lead Signature & Date of Sign Off:

Chris Sinclair – 8 February 2024

Deputy Director Signature & Date of Sign Off:

Dr Fiona Simpson, Chief Planner & Director of Planning Architecture and  
Regeneration Division – 8 February 2024

## Equality Impact Assessment - No EQIA Required Declaration

Only complete this section if, after carrying out and considering your screening exercise, you have concluded and can demonstrate that no EQIA is required, and that people are not impacted by your policy directly or indirectly.

Please refer to the [EQIA guidance](#) before making a decision not to conduct an EQIA. If, after reading the guidance you are satisfied that an EQIA is not required, please confirm the following:

- ◆ Will individuals have access to, or be denied access to, a service or function as a result of your policy or the changes you propose to make? Yes  No
  
- ◆ Will the implementation of your policy, directly or indirectly, result in: individuals being employed; a change in staffing levels, terms and conditions, employer or location? Yes  No
  
- ◆ Is there a change in the size of budget, or an impact on resources, and will this change (potentially) impact on individuals? For example, will a service be withdrawn, changed or expanded? Yes  No
  
- ◆ Will your policy impact on another policy that affects people? Yes  No

If you have answered **yes** to any of these questions, your policy does affect people and you should undertake an EQIA.

If you have answered **no** to all these questions, considered the EQIA guidance and are completely satisfied you do not need to complete an EQIA, please complete and retain the EQIA not required form on the following page.

The form should be completed by the official responsible for the decision, and then authorised by the relevant Deputy Director, or equivalent. The completed declaration must be filed as a corporate record on eRDM.



## **EQUALITY IMPACT ASSESSMENT – ASSESSMENT NOT REQUIRED DECLARATION**

Policy title: Investing in Planning

Policy lead responsible for taking the decision: Chris Sinclair

Communities: Local Government, Housing and Planning: Planning, Architecture and Regeneration Division

Which National Outcome(s) does the policy contribute to?

The planning system in Scotland contributes to all of our National Outcomes. Ensuring we have a well-resourced and skilled planning system is critical to delivering on our ambitions and achieving the outcomes set out in the National Performance Framework. Planning fees can have a demonstrable impact on the service provided by an authority and in particular contribute to the following indicators under the Human Rights and International outcomes:

### **Human Rights**

- Public services which treat people with dignity and respect
- Influence over local decisions
- Quality of public services

### **International**

- Trust in public organisations
- Scotland's reputation

### **Economy**

- Economic Growth

### **Environment**

- Energy from Renewable Sources

### **Communities**

- Perception of Local Area

Please record why you are not carrying out an EQIA and what your justification is for making that decision.

As with previous consultations on planning fees, we are currently of the view that an assessment is not required. Whilst our aim is to improve resourcing, this will provide a better planning service, rather than a new service with direct effects on individuals. We will, however, revisit this conclusion to consider if a full EQIA is required for any individual proposals following the consultation.

The Investing in Planning Consultation includes a wide range of ongoing and new proposals.

The new proposals include:

- A central planning hub to support authorities
- Short term working group to look at proportionality of assessments
- Taking stock of the use of processing agreements
- Improved cross council working to better align consents
- Developing templates for Section 75 agreements
- Devolving power to authorities to locally set planning fees
- Introducing an annual inflationary increase in planning fees
- Increasing discretionary charging including processing agreements, sites not allocated in the development plan and masterplan consent areas
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- Introducing a fee category for hydrogen projects
- Increased fees for prior notification and approval categories.
- Consistent approach to fees for shellfish farming.

The proposals cover a broad range of areas which primarily focus on the Development Management function undertaken by planning authorities. It would be difficult and disproportionate to impact assess such a broad range of issues which cover ways of working and the fees and charges which an authority can collect. We also consider it useful to revisit this decision when we have more details on which proposals will be taken forward and how they will be phased. The main objective of the consultation is to seek stakeholders' views on proposals which are aimed at improving the people, skills and financial resources available to planning authorities.

The previous consultation on Planning Fees in 2019 indicated our view that a full EQIA was not required where it related to planning fees. Of the respondents who answered the consultation question 84% supported this conclusion.

It should be noted that in relation to fees/charges, exemptions are in place where the proposed development is intended to improve access safety, health or comfort for a disabled person who is living in a house. Applications for operations in connection with a building to which the public have access are also exempt from payment of a fee if the planning authority is satisfied that the proposed development is intended solely to provide means of access to or within the building for disabled persons. The exemption is not confined to those buildings where there is a statutory obligation to provide such access.

For the reasons set out above we consider that a full EQIA is not required.

**I confirm that the decision to not carry out an EQIA has been authorised by:**

**Name and job title of Deputy Director:** Dr Fiona Simpson, Chief Planner and Director of Planning, Architecture and Regeneration Division

**Date authorisation given: 8 February 2024**

## **Fairer Scotland Duty - Assessment not required declaration**

Policy title: Investing in Planning – A Consultation on Resourcing Scotland’s Planning System

Policy lead responsible for taking the decision: Chris Sinclair, Local Government, Housing and Planning, Planning, Architecture and Regeneration, Planning Improvement

### **Rationale for decision**

The Scottish Government is committed to working with all stakeholders to ensure that the planning system is better equipped to deal with current and future challenges.

This consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system, in particular in planning authorities, in the coming years.

The consultation includes the following new proposals:

- A central planning hub to support authorities
- Short term working group to look at proportionality of assessments
- Taking stock of the use of processing agreements
- Improved cross council working to better align consents
- Developing templates for Section 75 agreements
- Devolving power to authorities to locally set planning fees
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- Considering the potential to alter the threshold for applications under the Electricity Act
- Introducing a fee category for hydrogen projects
- Increased fees for prior notification and approval categories.
- Consistent approach to fees for shellfish farming.

This consultation responds to current and future challenges, with a view to identifying a set of short and medium term actions that could improve the capacity of the planning system by helping build resilience and by strengthening cross sector collaboration.

The changes that are being proposed are to ensure that the planning system operates effectively and in a way that is compatible with the Scottish Government's wider policy objectives for the planning system.

As these relate to a range of different proposals, including work being undertaken in partnership with others, it is considered that the consultation paper as a whole does not require to be subject to a Fairer Scotland Duty Assessment at this time.

However, in taking forward individual proposals further, consideration will be given to if these meet the requirements to carry out a Fairer Scotland Duty Assessment.

**I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:**

**Name and job title of Deputy Director (or equivalent):** Dr Fiona Simpson, Chief Planner and Director of Planning, Architecture and Regeneration Division

**Date authorisation given:** 8 February 2024

## **Islands Communities Impact Assessment**

### **Step One – develop a clear understanding of your objectives:**

The Scottish Government is committed to working with all stakeholders to ensure that the planning system is better equipped to deal with current and future challenges. We must build capacity and skills to enable good quality development that improve places, benefit our quality of life, and help us grow a wellbeing economy and transition to net zero.

This consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system, in particular in planning authorities, in the coming years.

It responds to current and future challenges, with a view to identifying actions that could improve the capacity of the planning system by helping build resilience and by strengthening cross sector collaboration.

The consultation paper includes a range of proposals which are currently underway and new proposals which could be taken forward in order to improve the financial resources available to authorities.

It should be noted that the proposals are considered to be options and it is intended that the consultation will provide some feedback on which proposals should be progressed and how these should be prioritised.

In Scotland there are 34 planning authorities with 6 authorities covering island areas these are: Argyll & Bute, Western Isles, Orkney, North Ayrshire, Highland and Shetland.

### **Step Two – gather your data and identify your stakeholders:**

The consultation paper acknowledges the challenges faced across the planning service as a whole. Key points include:

- Local authorities continue to face financial pressure and planning services have not been immune to this, with reductions in budgets leading to reductions in staff.
- There are growing demographic challenges for the planning workforce.
- The wider jobs market for planning professionals is also challenging, with similar shortages in other parts of the UK and Ireland.
- Compounding these challenges, the development sector, business and industry are facing significant challenges arising from the economic context.
- The pace of change is also a significant factor.

Previous research and consultations have acknowledged that the income generated through planning fees in more rural authorities can be lower than those in more urban locations due to the different nature and scale of developments which occur in those locations. However, the proposals in the consultation paper are wide ranging and include proposals to increase fees for development types that are more commonly, as well as less commonly, located in the island authorities' areas.

### **Step Three - consultation:**

During the Places, People and Planning Consultation which was undertaken in 2017 no island-specific recommendations were made.

The Planning Performance and Fees consultation in 2019 asked respondents to provide comments on the impact of or proposals on the islands. The responses to the consultation did not raise any specific issues which required to be addressed in the subsequent Town and Country Planning (Fees for Applications) Regulations 2022.

This consultation will again seek stakeholders' views on the particular impacts of the proposals on island authorities. The proposals include providing further discretion for authorities to set fees and charges in relation to planning and in particular whether there are specific considerations to take account of regarding the impacts on island authorities.

### **Step Four – assessment:**

At this stage it is not considered that a full ICIA is required.

However, as island authorities are known to face particular resourcing challenges, it will be important to continue to consider how any proposals that emerge from the consultation will impact on these circumstances.

Fee changes and improved resourcing could benefit island authorities to different extents, depending for example on whether certain changes relating to renewable energy are made. The same varying benefits might also be expected between planning authorities in other parts of Scotland.

Following the consultation, further work will be required to implement any proposals. We will discuss the finalised proposals with all planning authorities including island authorities to establish whether further consideration of specific impacts is required. This will inform development of the proposals and if a fuller Islands Communities Impact Assessment is required.

ICIA completed by: Chris Sinclair

Position: Policy Manager

Signature: Chris Sinclair

Date completed: 8 February 2024

ICIA approved by: Dr Fiona Simpson

Position: Chief Planner

Signature: Fiona Simpson

Date approved: 8 February 2024

## Strategic Environmental Assessment

**Responsible Authority:** Scottish Government

**Title of the plan:** Investing in Planning – A Consultation on Resourcing Scotland’s Planning System

**What prompted the plan:** (e.g. a legislative, regulatory or administrative provision)

Work to improve resourcing in planning has been underway for some time. However, the planning system is now operating within a very different and challenging set of circumstances. Planning services have experienced reductions in budgets leading to reductions in staff. In addition:

- There are growing demographic challenges for the planning workforce.
- The wider jobs market for planning professionals is also challenging, with similar shortages in other parts of the UK and Ireland.
- Compounding these challenges, the development sector, business and industry are facing significant challenges arising from the economic context.
- The pace of change is also a significant factor, particularly as a result of net zero commitments.

**Plan subject:**

Town & country planning.

**Brief summary of the plan:** (including the area or location to which the plan related)

The Scottish Government is committed to working with all stakeholders to ensure that the planning system is better equipped to deal with current and future challenges. We must build capacity and skills to enable good quality development that improve places, benefit our quality of life, and help us grow a wellbeing economy and transition to net zero.

This consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system, in particular in planning authorities, in the coming years.

It responds to current and future challenges, with a view to identifying actions that could improve the capacity of the planning system by helping build resilience and by strengthening cross sector collaboration.

The consultation paper includes a range of proposals which are currently underway and new proposals which could be taken forward in order to improve the financial resources available to authorities.

**Brief summary of the likely environmental consequences:** (including whether it has been determined that the plan is likely to have no or minimum effects, either directly or indirectly)



The main objective of the consultation is to improve the resourcing, capacity and skills of planning authorities and to improve the financial position of planning authorities in the longer term. Therefore we consider these to be procedural changes with no environmental effect.

**Brief summary of how environmental principles have been considered:**  
(including whether any of the guiding principles, as set out in section 13 of the Continuity Act, are relevant to the plan)

As the consultation proposals are not expected to have any environmental effects, it is our view that the environmental principles are not relevant.

**Contact details:**

Chris Sinclair

Planning, Architecture and Regeneration Division

Local Government and Housing Directorate.

[chris.sinclair@gov.scot](mailto:chris.sinclair@gov.scot)

**Date of opinion:** 08 February 2024

## Partial Business and Regulatory Impact Assessment

### Purpose and Intended Effect

The Scottish Government is committed to working with all stakeholders to ensure that the planning system is better equipped to deal with current and future challenges.

This consultation sets out a range of options which have the potential to improve the capacity of the Scottish planning system, in particular in planning authorities, in the coming years. It responds to current and future challenges, with a view to identifying a set of short and medium term actions that could improve the capacity of the planning system by helping build resilience and by strengthening cross sector collaboration.

The changes that are being proposed are to ensure that the planning system operates effectively and in a way that is compatible with the Scottish Government's wider policy objectives for the planning system.

### Consultation

- **Within Government**

The responsibility for these issues lies with Planning, Architecture and Regeneration Division (PARAD) and the proposals have been developed by a core team with assistance from colleagues across the Division. The consultation paper has also been drafted in collaboration with the relevant interests within Government including Building Standards, Energy, Marine and Local Government.

- **Public Consultation**

Since planning fees were increased in April 2022 we have been in continued discussion with COSLA and Heads of Planning Scotland to identify how planning fees can move closer towards covering the full cost of their determination. In November 2023 we invited 50 cross sector stakeholders to a workshop to identify practical solutions to support efficient and effective operation of the planning system. The workshop outputs include a series of actions and proposals which will help to address short term issues and build in longer term resilience. A summary of the workshop discussions can be viewed at: [Resourcing the Planning System Workshop - November 2023 | Transforming Planning](#)

The outputs from the workshop were presented to the High Level Group on Planning Performance in December and it was agreed that they would oversee progress and delivery. The consultation paper also seeks views on implementation of the identified actions and provides updates on progress where appropriate.

Resourcing and skills was also a common theme throughout the preparation of National Planning Framework 4 (NPF4).

During the public consultation period and beyond we will continue to engage with relevant parties including COSLA, Heads of Planning Scotland, agencies and

business organisations, primarily through the High Level Group on Planning Performance and the Applicant Stakeholder Group.

## **Options**

The consultation includes a range of separate proposals which are intended to improve the resources available to and capacity of local authorities. It is not intended that all proposals will be taken forward and there will be a need to prioritise interventions subject to the outcome of the consultation. Individual impacts will be considered at that time.

Option 1 - Do nothing

Option 2 – subject to the outcome of consultation we will consider what proposals should be taken forward, the route to implementation and the delivery timescales. The new proposals highlighted in the consultation are:

- A central planning hub to support authorities
- Short term working group to look at proportionality of assessments
- Taking stock of the use of processing agreements
- Improved cross council working to better align consents
- Developing templates for Section 75 agreements
- Devolving power to authorities to locally set planning fees
- Introducing an annual inflationary increase in planning fees
- Increasing discretionary charging including processing agreements, sites not allocated in the development plan and masterplan consent areas
- Introducing fees for appeals
- Service charge for submitting applications online
- Considering the potential to alter the threshold for applications under the Electricity Act
- Introducing a fee category for hydrogen projects
- Increased fees for prior notification and approval categories.
- Consistent approach to fees for shellfish farming.

## **Sectors and Groups Affected**

This is an Partial BRIA and is not intended to be a definitive statement or a full assessment of impacts.

### **Local Authorities**

The main objective of the consultation is to improve the resourcing, capacity and skills of planning authorities. Part one of the consultation may require authorities to invest time in identifying areas where they can provide greater certainty to applicants through better alignment of consenting processes, streamlined and standardised practices and sharing and learning new skills and knowledge. Part two of the consultation may require authorities to invest time in either developing new approaches or to introduce new services or charges. It is expected that any new

charges are intended to improve the financial position of planning authorities in the longer term.

## Business

Part one of the consultation outlines the range of work which is being carried out in order to improve the capacity and skills of planning authorities. This should result in benefits for business and in particular applicants, through improved certainty and customer service provided by planning authorities. Proposals and options in Part 2 of the consultation will likely lead to increased costs for applicants. It is not proposed that all options will be implemented at the same time and, subject to the outcome of the consultation, work will be required to prioritise the proposals and develop an implementation plan. We would expect that any increases to fees or the introduction of additional charges by authorities are expected to improve planning services and meet customers' expectations that if they are to pay more, then improvements in performance will be expected.

## Benefits

Option 1 – Costs will remain the same, providing certainty for applicants.

Option 2 – The proposals within the consultation are wide ranging, covering areas from skills and streamlining processes to the introduction of new fees and charges. It is not expected that these will all be implemented at a single point in time. The implementation of proposals should lead to incremental improvements in planning service provision.

## Costs

Option 1 – As outlined above costs will be expected to remain the same. However, potential benefits for applicants of an improved planning service would not be realised.

Option 2 – The consultation includes a combination of high level and detailed proposals. Many of the high level proposals are seeking to establish if there is support for the principle and therefore, further work will be required to work up the detailed costs. However, for some proposals we have sought to provide some indication of the likely costs involved in order that respondents can make an informed response. It should also be noted that the proposals should not be viewed as a package as they may be required to be taken forward at separate times which will be informed by the outcome of the consultation. Set out below is an indication of where some figures have been provided and the potential impact of any changes on costs.

- **A central planning hub to support authorities** – An indicative cost for the overall running of the Hub has been provided based on the Building Standards Hub. If there is support for the principle, further work is required to identify demand, running costs, and how to finance.

- **Short term working group to look at proportionality of assessments** – It is expected that the initial impact will be officer time. This should in future lead to efficiencies for both applicants and authorities.
- **Taking stock of the use of processing agreements** – It is expected that the initial impact will be officer time. This should in future lead to efficiencies for both applicants and authorities.
- **Improved cross council working to better align consents** – It is expected that the initial impact will be officer time. This should in future lead to efficiencies for both applicants and authorities.
- **Developing templates for Section 75 agreements** – It is expected that the initial impact will be officer time. This should in future lead to efficiencies for both applicants and authorities.
- **Devolving power to authorities to locally set fees** – This would enable authorities to set their own fee levels and therefore we are unable to provide an estimate of what changes may be at this stage. Depending on the outcome of the consultation, further work to define any the parameters within which local fees could be set would be required. This would in turn require further consideration in relation to potential costs to business.
- **Introducing an annual inflation increase in planning fees** – Whilst this would increase the cost of submitting applications, an annual inflationary linked increase would provide some certainty and predictability to authorities and applicants. Previous changes to planning fees have been carried out on an ad-hoc basis, for example previous changes to fees have occurred in 2014, 2017 and 2022. Further work will be required if this proposal is supported - for example whether this should be applied retrospectively to the fee levels introduced in April 2022.
- **Increasing Discretionary Charging** – We are unable to provide further information at this stage. Authorities would potentially identify what services they introduce and could be responsible for setting the fee level/charge applicable, this may include sites not allocated in development plan and development within a Masterplan Consent Area.
- **Introducing Fees for Appealing Planning Decisions** – Examples of increased costs have been provided in the consultation paper, based on current planning application fees.
- **Service Charge for submitting applications online** – We have not provided any costs at this time as the consultation seeks views on a potential method of fee setting, rather than the likely amount that would be chargeable. Further work will be undertaken on potential fee levels which will be informed by the outcome of the consultation.
- **Considering the potential to alter the threshold for applications under the Electricity Act** – No examples have been provided at this stage as the consultation is focusing on the principle of change. Should this proposal progress, further work focusing on more specific proposals to establish costs and benefits will be undertaken.

- **Considering whether Scottish Ministers should provide a voluntary contribution to planning authorities who are asked to comment offshore electricity generation** – No examples have been provided at this stage - stakeholder views are being sought on the potential level of contribution to be provided to authorities. This would impact on Scottish Government income rather than directly affecting business. Planning authorities would benefit from additional income for a service which is already provided.
- **Introducing a fee category for hydrogen projects** – We are seeking views on the establishment of a new fee category for Hydrogen Developments. If it is progressed, further work will be undertaken on potential fee levels which will be informed by the outcome of the consultation.
- **Consistent approach to fees for shellfish farming** – Some information has been provided to demonstrate what the current fee is and seeks views on if that should be amended using a set example. We envisage the proposals, if taken forward, would provide a fairer and more consistent means of charging for this type of application.
- **Increased fees for Prior Notification/Approval** – Current fee levels have been provided. We are seeking views on current fee levels and if there should be any changes.

#### **Intra-UK Trade**

This policy is not likely to impact on intra-UK trade.

#### **International Trade**

This policy is not likely to impact on international trade and investment.

#### **EU Alignment**

This policy is not likely to impact on the Scottish Government's policy to maintain alignment with the EU.

#### **Scottish Firms Impact Test**

We hosted a cross sector workshop with 50 delegates in November 2023.

We will consider how best to engage with business both during and post consultation to inform our approach to implementing any proposals.

#### **Competition Assessment**

It is not envisaged that these proposals will impact on competition between companies.

Having reviewed the four competition filter questions provided within the Competition & Markets Authority (CMA) guidelines for policy makers on competition assessment we are satisfied that the proposals contained within the consultation will not impact on competition within the marketplace.

## **Test Run of Business Forms**

It is unlikely that additional business forms will need to be completed however local authorities may take it upon themselves to introduce additional forms as part of this development. If additional forms are created nationally, we will test run these forms with those who will be using them.

## **Digital Impact Test**

To apply for planning permission, customers can access the eDevelopment Portal from the local authority website or through a Google search. Customers are then directed to a national planning application portal where they can submit their planning application as well as their building warrant application.

This is a digital process, accessible to all users of the planning system. This online process will not inherently change, however, it may be updated in areas to reflect changes to fees. Where users cannot access the online platform, local authorities can be contacted for further assistance. Downloadable versions of forms are also available from the Scottish Government website. They can be downloaded, completed and submitted in paper format to local authorities if required.

## **Legal Aid Impact Test**

It is not expected that there will be any greater demands placed on the legal system by this proposal. Accordingly, it is not considered that there will be any effect on individuals' right of access to justice through availability of legal aid or possible expenditure from the legal aid fund.

## **Enforcement, Sanctions and Monitoring**

The Town and Country Planning Fees for Applications (Scotland) Regulations 2022 stipulates a fee shall be payable by the applicant to the planning authority on submission of an application for planning permission. Schedule 1 of the Regulations, provides a breakdown of the chargeable fees for different types of application.

Planning application fees are currently set nationally and will be the same in whatever local authority you submit an application.

The consultation paper highlights the new role of the National Planning Improvement Champion and the pilot of new National Planning Improvement Framework as a means to embed continuous improvement into the delivery of planning services.

## **Implementation and Delivery Plan**

An implementation plan will be developed following the closure of the consultation taking account of responses.

Any changes to planning fees will require changes to regulations and be accompanied by a full BRIA with more detail on potential costs.

## **Post-implementation Review**

n/a

## **Summary and Recommendation**

n/a

## **Declaration and Publication**

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

**Signed: Joe FitzPatrick**

**Date:**

**Minister's name: Joe FitzPatrick**

**Minister's title: Minister for Local Government Empowerment and Planning**

**Scottish Government Contact point: Scottish Government Chief Planner**

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