

# **Partial Business and Regulatory Impact Assessment**

## **Scotland's Digital Strategy for Planning**

December 2020



Scottish Government  
Riaghaltas na h-Alba  
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Partial Business and Regulatory Impact Assessment  
**SCOTLAND'S DIGITAL STRATEGY FOR PLANNING**

**Purpose and intended effect**

**Background**

A package of work to transform Scotland's planning system is underway, combining far-reaching policy reform and legislative change, a renewed focus on place-based planning and the digitalisation of planning. Together these measures will deliver a forward looking planning system that works for everyone. Scotland's Digital Strategy for Planning sets out proposals for the Digital Transformation of the planning system.

**Objective**

Scotland's Digital Strategy for Planning, defines the long term strategic direction for how Scotland's planning system will digitally transform, embracing the opportunities new digital technologies and data present. It sets out what we intend to deliver, why this is needed and the benefits this transformation will bring. It evidences how we can be confident these changes will produce real improvements by targeting the things that matter most to those involved in planning.

**Rationale for Government intervention**

A resilient and efficient planning system designed to meet the needs of users is vital to enable communities to engage with it. Over the years, the system has often proved challenging to navigate and understand. Across society the rapid increase of digital services has created many enhancements to services and systems that were previously cumbersome. It is appropriate now to bring new digital tools and the opportunities they provide into Scotland's planning system. Bringing data and technology into the heart of the system will provide Planning Authorities with the tools they need to create and shape their places, supporting development in the right areas while protecting our natural and built environment. The current pandemic has strengthened the case for change, as we have used digital to enable communities to continue to flourish despite physical restrictions,

**National Performance Framework Impact**

The planning system has such a broad reach across society that it can be said to have an indirect impact on many of the National Performance Framework objectives. It most closely supports the following NPF objectives:

- Communities
- Economy
- Environment
- Fairer Work & Business

**Consultation**

Over the course of our comprehensive user research programme we have engaged with in excess of 1073 individuals across the public sector, private sector and members of the public covering both the development management and development planning aspects of the planning system.

Research consistently focussed on identifying and discussing what is working well, how the planning system is utilised, what isn't working and opportunities for improvement in each area and for each group across different stages of the development management and development planning processes.

### **Within Government**

Over the course of the user research we have engaged with a number of government and public sector groups covering both development management and development planning including:

- Planning Authorities, through surveys, interviews, and research workshops. Various people were engaged with, including Planning Authority Planning Officers, Tech, Admin, Planners, Heads of Planning and Heads of IT.
- Statutory consultees – Representatives of SEPA, SNH, Historic Scotland, Transport Scotland and Scottish Water took part in two workshops
- Members of the Scottish Government Planning and Architecture Division took part in face-to-face interviews and discussions
- A series of telephone interviews were conducted with members of DPEA (Planning and Environmental Appeals Division) including several Reporters
- Other telephone interviewees included Community Planning Managers, Elected Councillors, Enforcement Officers and representatives of Scottish Green Networks

### **Public Consultation**

Over the course of the user research programme we have engaged with members of the public in the following ways:

- Workshops into the experience of applying for and commenting on planning permission
- Extensive survey of over 800 citizens across Scotland on their awareness and engagement with Local Development Planning
- Workshops into the awareness and experience of engaging with Local Development plans, including motivations, barriers and opportunities for improvement
- Participation in feedback sessions on prototypes illustrating the art of the possible in a planning system of the future.
- Engagement at external public events

Analysis of all the research was conducted and the findings and key themes provide the foundation for the Strategy for Digital Transformation of the Planning System.

### **Business**

The business that took part in our user research came from the following groups:

- Architects from across Scotland took part in telephone interviews (focussing on what is working, what isn't and opportunities in development management) and feedback session on the prototypes.

- Through Homes for Scotland, major developers took part in four workshops (. Representatives of the following organisations took part.
- Bank One Homes
- Barratt Homes
- Dandara
- Hallam Land Management
- Miller Homes
- Persimmon Homes
- Robertson’s Group
- Wallace Land Investments

In addition we spoke to Chambers of Commerce and Federation of Small Businesses as part of an economic advisory group.

- Representatives of energy and telecoms infrastructure groups took part in telephone interviews The organisations represented were:
- Arqiva
- CTIL
- Scottish and Southern Energy
- Wireless Infrastructure Group
- Virgin Media

### **Options**

The Strategy document sets out the key priority areas for a Digital Transformation Programme to take forward in Spring 2021. A full business case will be prepared as part of the process which will include the “do nothing” option. At the moment, the possible options are best summarised through the identified “Five Missions” within the Strategy, setting out 5 year ambitions and key actions to take over the next 18 to 24 months. The Five missions are:

- Data - Unlock the value of planning data
- Digital Technologies - Deliver an end to end digital planning experience
- Ways of Working - Create conditions for digital to flourish
- People - Use digital tools to drive collaboration and engagement
- Innovation - Embed a culture of digital innovation

### **Sectors and groups affected**

The Digital Transformation will affect everyone who uses the planning system. Set out below are the four key user groups and how they may benefit from the Digital Transformation.

#### **Citizens / Communities:**

- An accessible, next generation Planning Scotland Gateway online portal providing easy access, in one place, to all information about planning including ‘what is happening in my area?’ and ‘do I need planning permission?’

- A simpler and easier-to-use smart application process which allows real-time tracking and notifications
- Explore potentially suitable sites which are ready to develop and build on
- Understand how to engage with the planning process by commenting on applications and local development plans to get involved in shaping your place as an individual or community
- Use online visual tools to understand the value and impact of your contribution to planning proposals and decisions
- A more consistent and coordinated planning process across different geographic areas
- Support your community to shape and re-imagine your place with a new digital toolkit providing access to data and digital technology including mapping/visualisation tools at a local level
- Gain the skills, confidence and information literacy required to make the most of digital planning
- Across Scotland, up to 1,600 jobs and £200 million generated in economic benefits

#### **Business owner, developer or investor:**

- Will access location based data, including mapping and visualisation, available on the Planning Scotland Gateway to discover opportunities and inform investment decisions.
- There will be opportunities to build marketplace value-added services for citizens and business on a modular, interoperable platform that combines data standards with new innovative technologies.
- A more consistent, streamlined and coordinated planning process across different geographic areas reducing complexity and resulting in downstream income generation for developers and investors with costs to large house builders reduced by c.£25,000- £30,000 per application.
- Collaborate in partnerships across private, public and academic sectors within a PlaceTech Innovation Lab as a research incubator and an accelerator programme to solve planning and place related technology challenges, improve public service delivery, create economic development opportunities and foster an entrepreneurial mindset within government.

#### **Architects & Planning Agents:**

- Will benefit from a more consistent, streamlined and coordinated planning process across different geographic areas.
- Location based data, including mapping and visualisation, available on the Planning Scotland Gateway to discover opportunities and inform investment decisions
- A simpler and easier-to-use smart application process which allows real-time tracking and notifications, reducing the need to contact planning officials
- Find potentially suitable sites which are ready to develop and build on
- Access relevant existing data to assist your planning and application process

- Reduction of invalid applications and inconsistency across planning systems

### **Central / Local Government and wider Public Sector:**

- Bringing all Development Planning and Development Management information together in one place to allow forward planning data and policies to inform consented developments and enable the effectiveness of policies to be monitored in near-real-time
- A more consistent, streamlined and coordinated planning process across different geographic areas, enabling workflow across local authorities
- Automated reporting - reducing manual intervention and administration
- Reduction of invalid applications
- Increased community engagement without an additional resource requirement to assess, using digital community engagement tools that analyse responses digitally
- Timely availability of information to monitor the impact of policy changes, allowing for targeted interventions and updated policy amendments
- Reduced potential for vendor lock-in so that Scotland's planning technology and data is not bound to any particular provider's proprietary system
- More productive land use in support of the Scottish Government commitment to the place principle, joining up across organisational and policy boundaries to look at the outcomes for places holistically
- Avoid costs of £23 million in the case of doing nothing to update or change the current planning system, with potential income generation of £5.5 million for reinvestment in the planning system
- Streamlining process and workflow - removing time-consuming manual handling tasks and a reduction in inbound calls with estimated savings to planning authorities of up to £20.4 million

### **Benefits**

Benefits have been included above, alongside each of the sectors that will be impacted by the proposals

### **Costs**

The 5 year programme of Digital Transformation is expected to cost around £35m to deliver. Further information on costs will be provided in the business case that will be developed to support the delivery of the Digital Transformation Programme in 2021.

### **Scottish Firms Impact Test**

**Firms of various scales were consulted and able to provide their input to the user research. Where possible these firms have been named in the Consultation section earlier in this document**

Each interview or workshop with business stakeholders focussed on either development management or development planning. For the former the research focussed on the main stages of the process

- Pre-application

- Submitting a planning application and validation
- Assessment of a planning application
- Decision
- Post-decision
- Public engagement/Consultation

For development planning, the research focussed on the main areas of:

- Public engagement
- Preparing and processing the plan
- Monitoring and delivery
- Presenting the plan and making it accessible

In both cases, the questions asked to each group for each stage of the process were - what is working, what isn't working and what are the opportunities for improvement ?

Following analysis of responses, the key themes identified provide the foundation for the strategy for digital transformation of the planning system.

All data, and analysis from each piece of research has been captured for future reference in several hundreds of pages of documentation. Three user research summaries have also been produced. These are in final draft, being reviewed and shortly to be published.

The main themes identified across the research were:

1. Consistency: "34 ways to solve the same problem" – a lack of consistency in many areas impacts users in a number of ways across the system.
2. Engagement and trust: Public engagement across planning is narrow and unrepresentative. Citizens often feel planning decisions are a "done deal" and that their voices don't matter.
3. Knowledge of planning: A lack of knowledge of planning, and impact of planning decisions on the lives and experiences of individuals and communities undermines civic capacity and the ability to participate meaningfully.
4. Communication: For professionals and citizens across the planning system, communications, notifications and updates are poor leading to confusion, frustration, dissatisfaction, inefficiencies, delays and impacts on decision making.
5. Collaboration: Many professional user groups highlighted missed opportunities to contribute and collaborate, undermining the ability to identify and resolve potential issues early, or improve community engagement.
6. Data and technology: Planning professionals consistently highlighted that the technology is "not fit for purpose", as well as numerous issues with the data captured to support effective monitoring and decision making.
7. Knowledge, skills and resources: Across the planning system there are gaps in knowledge, skills and resources that impact on decision making and the ability of staff to deliver the quality of service users expect.

8. Efficiency: A number of areas were identified where efficiency could be improved, often relating to technology issues or staff carrying out unnecessary admin tasks.

### **Competition Assessment**

The Digital Transformation is likely to enhance competition through the availability of data and anticipated increase in opportunities for businesses to provide new customer services. An increase in the number of suppliers is also expected to further create competition.

The CMA questions assessment has been completed below. All of the questions can all be answered “No” so no further assessment is required at this stage. As requested the CMA questions and answers have been included as part of the BRIA.

- The four [Competition and Markets Authority](#) (CMA) competition assessment questions given below can be used as an initial assessment of competition. In doing so, it should be possible to identify whether the proposal falls into one of the areas likely to raise concern. A competition concern may be identified if at least one of these conditions is met.
  - Will the measure directly or indirectly limit the number or range of suppliers?  
No
  - Will the measure limit the ability of suppliers to compete? No
  - Will the measure limit suppliers' incentives to compete vigorously? No
  - Will the measure limit the choices and information available to consumers? No

### **Consumer Assessment**

The consumer test questions can all be answered “No”. For consumers who are not comfortable transferring to the new digitised system, an offline option will remain available.

- Does the policy affect the quality, availability or price of any goods or services in a market? No
- Does the policy affect the essential services market, such as energy or water?  
No
- Does the policy involve storage or increased use of consumer data? No
- Does the policy increase opportunities for unscrupulous suppliers to target consumers? No
- Does the policy impact the information available to consumers on either goods or services, or their rights in relation to these? No



- Does the policy affect routes for consumers to seek advice or raise complaints on consumer issues? No

### **Test run of business forms**

No new forms will be introduced

### **Digital Impact Test**

The digital transformation is intended to prepare the Scottish planning system for the increased use in digital services across the world. A Five year programme is proposed that will take advantage of new technology and access to data, ensuring that the changes proposed should be relevant for many years ahead.

The Strategy for Digital Transformation takes a long term view and recognises the changing landscape around digital technologies and the opportunities that are increasingly available. Although this is a significant upgrade to the planning system, the Strategy recognises the need to continue to provide an offline service for those who are unable to participate in the digitised system. Non-digital interactions will continue to be recognised and valued by the system.

### **Legal Aid Impact Test**

The Legal Aid Impact Test is not applicable to the Strategy for Digital Transformation. There is no Bill or other legislation currently planned as part of this work

### **Enforcement, sanctions and monitoring**

Fuller details of digital tools will become known as the Transformation Programme moves forward in 2021. At that stage a monitoring and evaluation element will be built into the programme. It is too soon in the process to know what that might be currently.

### **Implementation and delivery plan**

The Strategy sets out the long term goals and also some 18-24 month activities. The Digital Transformation programme is expected to launch in Spring 2021 and will be supported by a roadmap setting out further details of the process to come.

### **Post-implementation review**

No set date for review is planned then but will be within 10 years as mandated.

### **Summary and recommendation**

The recommendation is to support the proposals set out in Scotland's Digital Strategy for Planning. Further details will be produced in the business case that will be prepared in advance of the Digital Transformation Programme. That will include firmer details on the financial aspects going forward. Assessments made to this point indicate the 5 year projected cost of delivering the programme is £35m with projected economic benefits of up to £200m.

- **Summary costs and benefits table**

**Option Total benefit per annum:**  
**- economic, environmental, social**

**Total cost per annum:**  
**- economic, environmental, social**  
**- policy and administrative**

• 1 Digital Transformation of Planning System to realise £200m in economic benefits

Cost across 5 years to deliver the programme is £35m

• 2 1600 jobs

• 3 Increased citizen engagement

• 4

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## Declaration and publication

### Sign-off for Partial BRIAs:

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:**
- **Date: 23<sup>rd</sup> November 2020**
- **Minister's name: Kevin Stewart**
- **Minister's title: Minister for Local Government, Housing & Planning**
- **Scottish Government Contact point: [digitalplanning@gov.scot](mailto:digitalplanning@gov.scot)**



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