

Transforming Planning in Practice Regulations and Guidance Subgroups

Evidence report and Gatecheck

Meeting 1, 29 September 2020 - notes

Output 1

1. What are the key stages, milestones and outputs in the process of preparing an Evidence Report?
2. What would be the relationship between the gatecheck and the examination of the plan? And how can we avoid duplication between them?
3. What should the gatecheck focus on?

Need to consider Evidence Report right from Development Plan Scheme – stakeholders need to know the timing to review their plans and strategies to be included.

Good to have high level outcomes/objectives to inform development of plan against which policies/proposals/sites can be appraised/assessed.

Eg, want to promote active travel – this is the current network – allows assessment of sites against that background.

Also to look at SEA, EQIA etc issues at an early stage.

Identify and engage with sources of evidence (key agencies, etc). Understand the baseline to demonstrate understanding of an area and agree it before then move forward-

- Any initiatives on-going in an area that can help to identify issues and opportunities
- Tie into the Strategic Environmental Assessment process?
- Use SEA scoping to gather evidence for baseline
- Use monitoring info from previous plan
- Delivery status of current LDP
- Any relevant growth deals, for e.g.
- Infrastructure overview particularly important. Currently done on a site by site basis, therefore site promoters don't know the baseline from the outset
- Digital infrastructure needs to have the same prominence as other types of infrastructure
- Appreciate that information reflects 'a point in time', not necessarily an ongoing situation - this should be acknowledged by all participants. Links to need to move quickly from evidence report to plan and delivery.

Scoping issues

- Build on monitoring and re-assess - has it worked?

- Mapping out of planning problems & opportunities - evidence for these & gaps which need to be addressed and when in the process

How would sites be assessed?

- Be clear that is not just rolling sites forward from previous plans – all to be assessed,
- Evidence report is an opportunity to agree assessment methodology before moving forward, eg for transport appraisal.
- Connect this with SEA methodology so that assessments do not contradict or follow different approaches
- Detailed site assessment may not be at this stage - agreeing baseline and methodology should be key
- Developing the methodology means aims / outcomes of the plan can be fed into site assessment so is more transparent and clearer decision making process.
- Infrastructure info at early stage to embed infrastructure first approach – digital infrastructure as well as hard infrastructure
- Resource and capacity needed to undertake appraisal work

How will effective land supply be established?

- What is the status of existing sites? Need to review deliverability of existing sites and not automatically carry forward
- Look at vacant and derelict land and buildings at risk as key opportunities

How do we get the best out of different participating groups?

- Tailored approaches needed for different groups.
- Be clear on what are asking of the exercise
- This isn't just something for the 'evidence report' stage, it needs to be an ongoing approach – could be covered in each section of the guidance
- It may be harder to engage some groups before spatial strategy is being developed

Need to avoid duplication between gatecheck and examination – issues should be agreed by stakeholders and settled by Reporter at Gatecheck.

- Aim not to re-visit matters at the end of the process as well
- Expectations to be defined around a 'point in time'
- Depends on all parties being involved in that agreement – good for utility providers to be engaged at that stage (and landowners? Are sites included at this stage?).
- Where is the line between the evidence report and the plan – is the evidence report a baseline or forward look?

Output 2

1. Who is responsible – inside and outside of local authorities - for producing the Evidence Report?
2. How can stakeholder involvement take place and their views on the evidence be demonstrated? Are there other people or groups who should be specifically prescribed and/or recommended for engagement?
3. What is an appropriate indicative / average timescale for preparation?
4. How can the statutory requirements of the Evidence Report be met, while also meeting its broader purpose?

Key agencies

“Key agencies” are defined in legislation – the current list is available here

<https://www.gov.scot/groups/key-agencies-group/#:~:text=%20Planning%20regulations%20define%20Key%20Agencies%20as%3A%20,in%20crofting%20counties%29%209%20Health%20Boards%20More%20>

They have a right to be consulted at various stages and a duty to co-operate with Scottish Ministers in preparing NPF and with planning authorities in preparing LDPs. This has resourcing implications.

At present key agencies can only be public bodies. The 2019 Act changes this so they can also be private companies or individual office-holders. This was intended to support the infrastructure-first approach by potentially including certain infrastructure providers.

There are also various provisions where Ministers may prescribe that particular people or groups must be consulted at different stages of the process, without imposing duties on them to co-operate. The subgroup may wish to propose bodies or groups to be prescribed in this way. This will normally be done in general terms (eg “organisations representing [sector]”) to avoid problems should a particular organisation change its name.

Needs to be corporate and ensure everyone contributes in line with timescales

- Aligning strategies across LA and externally, eg NHS, agencies, and tying in to same timescales. (Some good examples, eg Moray, but needs to become universal)
- Opportunity to pull together engagement along with Community Planning
- Also high level management buy-in
- Guidance needs to explain who needs to be involved and when – need to be very clear with other parties what is required
- Stakeholder mapping – helps with being clear what is being asked of groups at an early stage

Timescale – suggested:

8 weeks early engagement

24 weeks for prep of report

4 weeks for corporate buy in
8 weeks for finalisation and adoption
16 weeks for gatecheck

- HOPS suggesting that a longer timescale is needed, to ensure that ER and gatecheck lays the groundwork well for preparing the plan
- Would early engagement period coincide with SEA Scoping or is that later in the process?
- Should be an ongoing process, with evidence held in an established format and rolled out at particular points in time – should not be a case of starting from scratch on everything, therefore shouldn't take so long.
- Noted that changes due to pandemic mean it may not be possible to stay wedded to what's in plans at present – baseline info on different transport modes will be of greater significance in future (walking / cycling / public transport / rail / trunk road)
- Need to move quickly from baseline to plan and be clear at what point evidence is considered fixed.

Advice on meeting requirements

- Caution about application of NPF policies locally - they could be too high level?
- Equally caution about local departures, which could weaken action on key targets
- Geographic sensitivity - flexibility where necessary
- Drafting of NPF4, incorporating revised policies, is considering which should be more fixed and which need more local flexibility.

Output 3

5. How should the Evidence Report connect with the critical evidence relating to housing and transport?
6. How do we ensure this stage of plan preparation is proportionate given our aim of reducing plan preparation times to allow a greater focus on delivery?

Need to be conscious that we are keeping the debate about housing supply, but moving it to the gatecheck instead of examination

- Examination will then focus on site specifics
- Concerned about suggestion of reducing time spent on agreeing land supply, it is a critical stage
- If the housing land audit is agreed, then should there be a debate during the gatecheck about supply? Debate should not be re-opened once agreed, either at gatecheck or examination.
- Makes sense that baseline would be agreed at the HLA stage
- Problem is that HLAs are not inclusive of all relevant actors, so they don't have the chance to raise issues. HLA should involve more relevant people.
- Audit part of evidence base -scrutiny through evidence report and consultation arrangements for that or limited to current agreement process?
- Support for there being the potential for a hearing at Gate Check

Concerns over how 5 yr HLA will fit with 10 yr plan? Need to bear in mind that NPF policies and housing methodology remain under development.

Aim is to agree housing numbers / land required at gate check stage, and consider sites at plan stage. But locations will be showing up earlier, including sites from previous plans etc.

- ER needs to set out parameters for plan
- From an engagement POV, people are interested in locational issues. But, is that important for the ER stage?
- Need to appreciate that where evidence directs development isn't necessarily where people want to live, in e.g. of housing
- If site specific will be prior run of examination - baseline spatial evidence and parameters for future assessment of options/spatial strategy- to avoid duplication?
- Need to know how much development can go in a place before the infrastructure is overloaded.
- Environment is changing - transport opportunities of sites will be a crucial part of their consideration

Strategic view can be provided showing hot spots (transport, utilities – other?) to help balance constraints / benefits of different sites in a transparent way

How much is enough information to be prepared in a timely manner / to be robust without being OTT.

Important to establish a 'cut off' point for the Evidence Report - it needs to set up subsequent stages of the plan process. Forward planning is for the Plan.

People are interested in 'location' – how tight does location need to be: site / neighbourhood / town / authority area?

PA to build a spatial strategy based on the evidence + aspiration