OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government, Housing and Planning Committee

Tuesday 25 October 2022

The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 25 October 2022

CONTENTS

LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE
25th Meeting 2022, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

COMMITTEE MEMBERS

*Miles Briggs (Lothian) (Con)
Mark Griffin (Central Scotland) (Lab)
*Paul McLennan (East Lothian) (SNP)
Marie McNair (Clydebank and Milngavie) (SNP)
Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Liz Hamilton (Homes for Scotland)
Craig McLaren (Royal Town Planning Institute Scotland)
Jim Miller (Heads of Planning Scotland)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 25 October 2022

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Ariane Burgess): Good morning, and welcome to the 25th meeting in 2022 of the Local Government, Housing and Planning Committee.

I ask all members and witnesses to ensure that their mobile phones are on silent mode and that all other notifications are turned off during the meeting.

We have received apologies from Willie Coffey, Marie McNair, Mark Griffin and Annie Wells.

Agenda item 1 is to decide whether to take agenda items 4, 5, 6, 7 and 8 in private. Do members agree to do so?

Members *indicated agreement.*

Levelling-up and Regeneration Bill

09:30

The Convener: Agenda item 2 is to take evidence on the legislative consent memorandum for the United Kingdom Government's Levelling-up and Regeneration Bill. We are joined, in the committee room, by Craig McLaren, who is director of the Royal Town Planning Institute Scotland. We are joined remotely by Jim Miller, who is the chair of Heads of Planning Scotland, and Liz Hamilton, who is the head of planning at Homes for Scotland. I warmly welcome you all to the meeting.

We have just a few questions, so the meeting might not take all that long. We will focus particularly on the planning data aspect of the LCM. I am interested to hear, from your perspective, whether Scottish planning authorities' handling of data was raised as an issue with the Scottish Government during the engagement that preceded the Planning (Scotland) Act 2019. If so, at that point, what concerns did you highlight and how did the Scottish Government respond? I will start with Craig McLaren, because he is in the room.

Craig McLaren (Royal Town Planning Institute Scotland): I thought that that might be the case. Thank you for the invitation to speak to the committee this morning.

With regard to the 2019 act, I do not think that we raised any particular issues around planning data, but we did highlight its potential and the need to try and invest in it. In particular, the way in which we can use spatial data has real applications, not just for planning, but across the public and private sectors.

The RTPI was lucky to be commissioned by the Scottish Government to do some research into the benefits of digital planning, which included spatial data. The results of the research went to support the Government's business case for the new digital planning transformation strategy, which is now in place. I think that it has a budget of around £35 million over five years.

One of the five core missions of the digital planning transformation strategy is to make the best of planning data and unlock its value. We are pleased that that is happening. We are engaged in that digital transformation process and we are keen to see it progress as quickly as possible, because of the potential with which it presents us.

The Convener: Does the planning data cover just the built environment? I am very interested in spatial planning. I feel that, at the moment, we in

Scotland do not know how it affects land use, for example. So many critical issues are crunching up against each other, including biodiversity response, renewable energy and housing. All those things are making demands for similar or the same spaces. If we capture that data through the programme that you mentioned, will that help us to understand how we could use our land more appropriately?

Craig McLaren: I absolutely think that it could. Work that we did recently looked at a range of policy objectives that the Scottish Government has and at how a coherent and trusted set of data would help to make them work, particularly if it is done in a spatial way. The spatial approach applies not just to planning but to many different things. Work was done by, I think, the Improvement Service and the British Geological Survey on spatial data for planning, and one of the conclusions was that the range is vast. One of the issues is about trying to see what the core elements are, how they join up and how we can make them all work together. That can absolutely help all aspects of local and Scottish Government.

The Convener: That is great. Does Liz Hamilton want to come in on the question about planning and asking the Scottish Government about it?

Liz Hamilton (Homes for Scotland): I do not think that Homes for Scotland raised issues around planning data specifically. However, anything that creates in the system standardisation or consistency of approach across local authorities should be seen as a good thing. Anything that increases our knowledge base of planning and spatial land use is also a good thing. I can see the positives in what is being proposed. However, without understanding the detail, it is hard to comment, at this stage.

As Craig McLaren said, the Scottish digital transformation strategy is already under way. It would be interesting to see how that could take on enhanced data provisions, although I do not think that we made specific comments on that.

We see data gaps across the planning system; they are not all in spatial planning. There are opportunities to increase the knowledge base across all aspects of planning, to be honest. However, we need to understand the detail of what would be coming through the particular provisions of the bill.

Jim Miller (Heads of Planning Scotland): I thank the committee for inviting me to give evidence.

We have all referenced Scotland's "Transforming Places Together: Scotland's digital strategy for planning". Heads of Planning Scotland has worked closely with the Scottish Government

on that strategy. We attend many meetings with the Government and we also recently set up a sub-committee of our own to look at it in order that we can deliver a world-class digital system. We fully endorse and support that move forward.

There is a requirement within the strategy for local authorities to provide more of their data sets in an easy-to-use consistent format. On that basis, we support the move in principle. However, as Liz Hamilton said, the devil will be in the detail. Some of the explanatory notes to the bill raise questions. For example, only certain data sets will be specified in the bill. Why not specify all of them?

There is another question in my mind that is perhaps due to my regulatory planning background. If we return to planning applicants data sets that do not comply with data standards, does that mean that the application is invalidated and that we therefore delay development? Such questions can perhaps be easily answered; the notes that I have seen so far are raising some questions in my head.

The Convener: Thank you very much. That is very useful information. I am so glad that we are having this conversation.

Paul McLennan (East Lothian) (SNP): Good morning.

The main reason why we are here is the legislative consent motion from the United Kingdom Government. On the principles behind it, would processing of planning data benefit from a Great Britain-wide approach, given the differences in operation of the planning systems across the three nations? That has almost been touched on. Are there benefits or hindrances?

Craig McLaren: That is a good question. It is difficult to say, to be honest. As has been said, there is very little detail in the provisions of the bill. It does not say what the data standards will be or provide any detail on the process that is to be undertaken to take them forward, other than to say that UK Government ministers will need to consult Scottish ministers. There is also no indication of a timetable for implementation.

There is no mention of which stakeholders must be involved in the process, other than the Scottish, UK and Welsh Governments. I wonder whether there is a role there for users of the planning system and for the people who manage it; that is, Jim Miller's members. Liz Hamilton's members are, of course, also users of the system.

The bill also does not define "planning data". There is, therefore, still a bit of work to be done in order to provide clarity about what such data could look like and what the implications would be.

Paul McLennan: That is an important point. The committee needs to take that into cognisance.

I will put the same question to Jim and Liz. Has there been feedback from your members on that?

Jim Miller: We do not deal with much that applies cross-border, but it comes up from time to time. One current application that has come in to my authority is being dealt with by agents from London and there is confusion about the different legislative requirements in processing planning applications, so maybe there would be benefit to doing such work cross-UK, but it would be very small business as far as my local authority is concerned.

Paul McLennan: Liz, on that point, some of your member organisations obviously trade north and south of the border, so have you picked up anything from your members about that?

Liz Hamilton: I have not, at the moment. Although there are national companies that operate north and south of the border, they have different divisions that know the systems that they work in.

Can I see benefits of processing planning data across the UK? I do not know. Without seeing the detail, it is hard to answer the question: we just do not know what the data provisions will be. Would it help businesses? It might. I have not had any direct feedback on that from our members. It could help those that work across the UK; I will not say that it would not, but it is so hard to say, at this stage, without knowing what the data would be.

Paul McLennan: There is a theme of lack of detail coming across.

I want to move on. I will ask Jim Miller my next question, which is about the effectiveness of current information technology systems that are used by Scottish planning authorities. Are the systems a barrier? Do they provide support or is more work needed on them? Do you consider that significant investment is needed in planning departments' IT in order to move the system on as quickly as possible? I ask Jim first, because obviously there is local authority interest in the subject.

Jim Miller: I have a long history of dealing with planning digital systems; you might be able to tell that from my grey hair. I was involved in the first one.

We are working closely with the Scottish Government on its digital strategy, and we welcome the improvements that are coming. Investment in back-office systems will be required to improve the systems because we are all getting a wee bit old. I have said that twice; I had better watch what I am saying. We are all getting a bit old. Investment will be required, but the benefits that will flow from the new digital strategy are

welcome, and the sooner we can get them, the better.

Recently, when working with the Scottish Government, we decided that we will phase implementation—which is also welcome—rather than deliver it at one time. That will give us time to get our heads around working with the new practices. However, we do not expect huge wholesale changes, improvements and enhancements in interpretation and use of the systems.

Paul McLennan: Liz, your members deal with local authorities daily, I imagine. What is the experience of your members in dealing with local authorities? Could you speak specifically about IT issues?

Liz Hamilton: The local authorities are all different; that is probably the biggest issue. Some are better than others.

I can point to three areas in planning in which IT is used. The first is in planning applications. Every local authority is slightly different; there is the e-planning system, but they use it in slightly different ways. Would it be beneficial to have a consistent approach? Yes. Is it beneficial to have it all online and digital? Yes, absolutely.

The second area is local authorities publication of local plans online. How they do that varies significantly. When you look at a spatial plan, it can be difficult to pull up some of the documents that relate to it, depending on which local authority's plan you are looking at.

The third area is how local authorities work with and publish their housing land audits. Digitisation and standardisation of data could be really useful in that, because the documents are so critical to how we forecast and measure delivery and effectiveness of housing sites.

Those are the three areas that I would point to straight away. They are all dealt with slightly differently by local authorities. I say "slightly", but there are some significant differences. As a user of the systems, I think that it would be much better if all authorities were consistent and operated the system as intended. As Jim Miller said, some of the systems are perhaps getting a bit old, to use that word again.

09:45

Paul McLennan: We have discussed housing land audits before, which is an important matter for us to consider. Can Craig McLaren comment on IT systems in Scotland?

Craig McLaren: The RTPI is not at the coalface, but from where I am sitting there is an interesting picture. There are some successes.

The eDevelopment service has been really successful; a very large majority of planning applications are now submitted online, and we have some of the best figures in the UK for that.

My impression is that various platforms and providers are used by the different local authorities—in particular, for development management. There is an issue with local authorities having different lengths of contracts if you are trying to make them all fit into one system. It is a complex picture to put together.

Through its digital transformation strategy, the Scottish Government is trying to work collaboratively with local authorities and others to make that work. One big issue that we have is that although we are talking about planning, digital contracts are often done at corporate level, so they are not always specifically for planning. That is significant for planning data, too. We need to be aware that corporate decisions are not necessarily made for the planning side of things. As you can imagine, that makes it even more complicated to bring everything together in one coherent piece.

Miles Briggs (Lothian) (Con): Good morning.

A number of my questions have been answered, but I want to go into more detail on software systems, because the UK Government is mandating the use of particular software systems for planning authorities in England. Do you have any concerns about what the practical implications of that might be for Scottish planning authorities in the future? You have all touched on that in relation to communicating data, but do you want to raise any specific issues?

Craig McLaren: We do not know what the specifics of the software systems are, so it is difficult to comment on whether they would be useful. It is a difficult question to answer, to be honest. What I have mentioned about how the Scottish Government tries to work collaboratively is important: working collaboratively is key to the issue. We need to make sure that the people who manage and use the system, as well as national Governments, can feed into the process. I would advocate for that approach to be taken as much as possible. I am not an expert on software and we do not know what is planned, so it is difficult to comment on what would be useful and what would not.

Miles Briggs: Does anyone else want to come in on that point, or are you in also in the dark on software systems?

Jim Miller: Reference was made to "Transforming Places Together: Scotland's digital strategy for planning", which will deliver new software for local authorities. The planning portal—you might be familiar with it—is where people submit online applications and is managed by the Scottish Government on behalf of all local authorities. That is being delivered by the Scottish Government and is being enhanced through £35 million of new investment, so it seems to be obscure why it could be changed by the UK Parliament to some other software system, since it is already being used for development.

Again, I am afraid that it is "Do not know" that we come back to in terms of what exactly is being asked. It seems that it applies only to certain data sets, but as I said earlier, why not others?

Miles Briggs: Is it your understanding that the same software providers will provide systems across the UK, so that the systems are compatible? We are not necessarily talking about different providers being chosen separately. I ask that question because I know from a former life on the Health and Sport Committee that different national health service boards chose different IT systems, which meant that they could not communicate, which is why health IT in Scotland is so bad.

Jim Miller: There is one main provider, which I will not name in the committee. I was surprised when Liz Hamilton said earlier that authorities have different systems because my understanding is that most authorities across the UK use the same system for their back-office records management systems.

Miles Briggs: On a wider issue with the Scottish digital strategy, on which you have all touched, are any local authorities likely to do something different, given the different contracts that we have discussed and how those sometimes stretch into other parts of our local government IT systems? Will the strategy resolve the issue and provide for a single system that allows communication not only with Government, but among local authorities?

Craig McLaren: I do not know whether that will happen, but the ambition is certainly to work collaboratively with the various players to come up with solutions. That might mean—I am making assumptions—that some core functions are delivered across the piece and others are done separately by the authorities. As I said, it is a difficult task, because the logistics of managing that and pulling the system together to make it coherent are difficult and will take some time.

We did some research on behalf of the Scottish Government on the preparedness of local authorities and planning authorities to embed digital planning. One thing that came out of it was that there is real enthusiasm to take that forward. There is a feeling that it could help with effectiveness and efficiency and that we could reinvest resources in some of the more important things in the system. People are up for it.

If I am being honest, I will say that there is still a bit of work to be done about trying to ensure that everybody recognises the true potential and does not think just about how we process planning applications in the here and now, but also consider factors that you have mentioned, such as how we join things up—in particular, data. That could be the real game changer in helping us to have a much more effective, open, transparent and robust system.

Jim Miller: The digital strategy embraces not only planning applications; it also includes building standards—it goes across the development sector. You heard earlier from Liz Hamilton about local plans; the strategy will also address local development plans. It applies across the whole regulated development sector for planning authorities. I see no reason why the data sets for housing land audits—HLAs—which are dealt with by housing colleagues, cannot be brought into standardisation across the services.

Miles Briggs: That is helpful. I hope that, given the pressures on planning departments and in relation to access to planning specialists, there might be an opportunity for councils to share decision making and to share people who are in high demand for planning. There might be opportunities, there.

Jim Miller: That is an important point. Timing is an issue, as well. The digital strategy has been phased, which gives authorities time to embrace the changes. If the data standards are introduced in the next year or so, there will be a huge resource issue for us if we are to amend our standards to comply with the legislation. However, their being introduced over a longer period will give us time to bring them in.

Craig McLaren: I was going to say something similar to what Jim Miller said. From the work that we have done with planning authorities and others, we know that the resource issue is still big. Members will know the figures for the problems that we have with the poor state of resourcing in the planning system. I have said in the committee before that 32 per cent of planning officers and 40 per cent of budget have been lost since 2009. The situation is not getting much better, to be honest.

One thing that has come out for us when we talk about embedding digital planning to people who are involved in the system is the resourcing issue. There will be a change-management aspect to the strategy; change management takes time and resource. There is a feeling that planning authorities are already on their knees in terms of resources, and more demands are being put on them through the Planning (Scotland) Act 2019.

There will also be a demand for more planning officers; indeed, according to research from Skills Development Scotland, 700 planners will be needed over the next 10 to 15 years. We will need to handle the situation carefully and ensure that the resources are there. By that, I mean having in place not only people for change management but people who have the skills to work with us on digital applications and so on.

Miles Briggs: Thank you.

The Convener: I have one more question. National planning framework 4, which is in draft form—and which we hope to see soon—is a big piece of work that will set the direction for the next 10 years. However, the Levelling-up and Regeneration Bill is going to dictate things around planning, gathering data and so on. Will it have an impact on the national planning framework or anything else that we in Scotland are doing in terms of planning?

Craig McLaren: Just now, the Scottish Government is moving ahead at a rate of knots with the national planning framework and the digital planning transformation strategy. Quite a lot of work has been going on around data, and groups have been set up to look at how we clean and store data, how we make it accessible and how we can use it interoperably across various aspects of local government.

The digital aspects of the national planning framework could be really interesting and, indeed, quite game changing—in particular, with regard to any delivery plan that comes with the framework. We could have almost a live tool that would let us know where we are and would give us evidence to show what progress has been made against ambitions. That could be really powerful, and I would not want to lose something like that.

The Convener: Does anyone else wish to comment on the NPF4 aspects?

Liz Hamilton: Given the delays with NPF4, we do not need another period of uncertainty or a hiatus in our system. We need to be careful about that, given the new planning data regulations that are coming in. At the moment, however, we are not even clear about how NPF4 will be transitioned into our system, which is causing our members a large amount of concern with regard to live and upcoming planning applications.

There will certainly be opportunities as far as use of planning data is concerned. One issue that I know the committee has already heard about is how NPF4 will be measured and the metrics around it. Is it delivering? Is it doing what it needs to do? There are, as I have said, definitely opportunities on the digital and data side—it is just a matter of how these things merge and how the transition is dealt with to ensure that the system keeps moving in the right direction.

Jim Miller: We have already talked about timing and resources, and everything is now coming to a head, which is no one's fault, I have to say; the delays have come about because of Covid restrictions on officers. Nevertheless, the fact is that it is all coming together at the same time.

As has been raised previously with the committee, a concern for Heads of Planning Scotland has been the skill sets that will be required for new policies in NPF4, which will be embedded in local development plans, and how we upskill staff to deal with that. We are heading into what will be quite a busy time for all of us; that, too, touches on the issues of timing and resources that Craig McLaren referred to.

The Convener: Indeed. We need to get busy and find the 700 new planners.

I do not think that anyone has anything else to say at this time. It sounds as though we need a bit more detail before we can take things further, but it has been important to flag up the issues, note what could be coming our way and highlight the impacts. It has been helpful to hear the witnesses' perspectives, so I thank you very much for joining us.

09:59

Meeting suspended.

10:02

On resuming—

Subordinate Legislation

Council Tax (Exempt Dwellings) (Scotland) Amendment (No 2) Order 2022 (SSI 2022/272)

The Convener: Agenda item 3 is consideration of a piece of subordinate legislation. Because the instrument is subject to the negative procedure, there is no requirement for the committee to make any recommendation on it.

Do members have any comments?

Miles Briggs: I am happy enough with the instrument, but I am a bit concerned about the lack of data on which councils it would apply to. I wonder whether we could request that data and, indeed, look to gather it in the future, given that, with the suspension of the Scottish Government's supersponsor scheme, councils might be facing a higher burden as a result of council tax not being collected.

The Convener: Does the committee agree that we do not wish to make any recommendation on the instrument, and that we will gather the information to which Miles Briggs referred?

Members *indicated agreement.*

The Convener: We agreed at the start of the meeting to take the other items on our agenda in private so, as we have no more public business, I close the public part of the meeting.

10:03

Meeting continued in private until 10:30.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.