



Responses to Scottish Government consultations on Parking, Planning, and the Socio-Economic Duty

Committee Strategy and Programmes

Date of meeting 8 September 2017

Date of report 14 August 2017

Report by Senior Director

1. Object of report

- 1.1 The object of this report is to recommend approval of responses to the following Scottish Government consultations:
- 'Improving Parking in Scotland'¹;
 - 'People, Places and Planning – Position Statement'²; and
 - 'The Socio-Economic Duty'³.
- 1.2 The draft responses are attached at Appendices 1-3. The responses to the Parking and Planning consultations were submitted as draft within their extended deadline⁴ (31 and 18 August respectively) subject to Committee approval. The closing date for the Socio-Economic Duty is 12 September.

2. Background

2.1 Improving parking in Scotland

In May 2015, Sandra White MSP introduced the Footway Parking and Double Parking (Scotland) Bill to the Scottish Parliament as a Private Members Bill. SPT responded to a consultation⁵ at that time but the Bill was not progressed as the Scottish Parliament did not have power to legislate on what was a reserved matter. With the passing of the Scotland Act 2016 however, powers on parking were devolved to Scotland, and the Scottish Government is now keen to progress the matter. The findings of this current consultation will inform the development of the parking provisions in the Scottish Government's proposed Bill on transport and supporting guidance to be introduced in this Parliamentary session.

2.2 People, Places and Planning – Position Statement

Based on the recommendations from the Independent Review of the Scottish planning system in 2016, the Scottish Government has now published a Position Statement setting out how it proposes to progress matters, taking into account responses to a

¹ Consultation paper: <https://consult.scotland.gov.uk/road-policy/improving-parking-in-scotland/>

² Consultation paper: <http://www.gov.scot/Publications/2017/06/1061>

³ Consultation paper: <http://www.gov.scot/Publications/2017/07/8131/2>

⁴ Extensions were granted due to summer recess.

⁵ SPT response to Private Members Bill: http://www.spt.co.uk/documents/rtp111215_agenda10.pdf

consultation undertaken earlier in 2017⁶ which SPT responded to. Given the wide range of views expressed as a result of that consultation, the Scottish Government has decided to seek further views on their current proposals, but have emphasised that there is no need to restate views already expressed in earlier consultations as they say that these have been, and will continue to be, taken into account as they move towards finalising actions to be taken.

2.3 The Socio-Economic Duty

The 'Socio-Economic Duty' (SED) would place a responsibility on specific public authorities to do more to tackle the inequalities of outcome caused by socio-economic disadvantage. In particular, the duty aims to make sure that strategic decisions about the most important issues are carefully thought through so that they are as effective as possible in tackling socio-economic disadvantage and reducing inequalities of outcome. Although not listed within the consultation document as an authority who the SED would apply to, there is a reference to Regional Transport Strategies (RTSs), and therefore it is felt appropriate for SPT to respond. Subject to this consultation, the Scottish Government plans to commence the duty by the end of 2017.

3. Outline of proposals

Draft responses to the consultations are attached at Appendices 1-3. Some of the key points of the responses are noted below.

3.1 Improving Parking in Scotland (draft response at Appendix 1):

- While there is obviously merit in addressing the issues of footway parking, dropped kerb parking and double parking as they cause significant inconvenience for some societal groups, there is a danger of creating a range of unintended consequences in doing so e.g. cars parked on roads blocking the path of other vehicles (including buses); moving the problem on to other streets; cars being parked in inappropriate off-street areas or cycle lanes, and others.
- It is essential that any changes made should prioritise parking for cars with Blue Badges, access for emergency vehicles, patient transport services, and buses (including demand responsive transport vehicles).
- If changes are made, it is essential that there is local/regional flexibility in the new regulations to reflect different circumstances. There should be no 'one size fits all' regulations applied at national level.
- More detailed analysis and quantification of parking issues is needed to provide evidence and to enable the design of appropriate solutions.

3.2 People, Places and Planning – Position Statement (draft response at Appendix 2)

This response was submitted as a joint Regional Transport Partnerships (RTPs) of Scotland response, which SPT officers inputted to.

- A statutory link between development planning and community planning would be welcomed.
- Regional spatial planning strategies, complementary to and supported by RTSs are essential, and that any new such strategies should have a statutory basis to provide them with the necessary power to deliver.
- Strengthened Local Development Plans are to be welcomed, as is the commitment to a plan-led system with a greater focus on delivery programmes.

⁶ SPT response: <http://www.spt.co.uk/documents/rtp310317agenda8.pdf>

- An 'infrastructure first' approach is to be welcomed and RTPs will have a key role to play in this. In addition, the RTPs support creating a fairer and more transparent approach to funding infrastructure.

3.3 The Socio-Economic Duty (SED) (draft response at Appendix 3)

- SPT welcome the proposal to introduce a Socio-Economic Duty, and the references to Regional Transport Strategies within the consultation document.
- As Transport Scotland and local authorities are listed as being subject to the duty, RTPs should be added too. This would ensure the full range of Scottish public authorities who have a role to play in transport policy, strategy and delivery would be subject to the duty.
- Transport is all too often not as high a priority as it should be in decision-making processes, yet is a key tool in addressing socio-economic disadvantage. The SED therefore provides the opportunity to enhance the profile of transport as a useful tool in the policy, planning, budget-setting and delivery decision-making process.

4. Conclusions

The consultations provide an opportunity for SPT to influence national policy. Officers will continue to engage with the Scottish Government on these and other issues and update the Committee as appropriate in future on progress made.

5. Committee action

The Committee is recommended to:

- Note the contents of this report; and
- Approve the draft responses at Appendices 1-3.

6. Consequences

Policy consequences	<i>Responses in line with the RTS.</i>
Legal consequences	<i>None at present.</i>
Financial consequences	<i>None at present.</i>
Personnel consequences	<i>None at present.</i>
Equalities consequences	<i>None at present.</i>
Risk consequences	<i>None at present.</i>

Name Charles Hoskins
Title Senior Director

Name Gordon MacIennan
Title Chief Executive

For further information, please contact *Bruce Kiloh, Head of Policy and Planning* on 0141 333 3740.

APPENDIX 1

IMPROVING PARKING IN SCOTLAND – SPT RESPONSE – DRAFT

General

Q 1. Do you think parking, including on pavement, at dropped kerbs and double parking is a problem in your area?

- **If yes, how have you, your family or friends been affected by parking problems?**
- **Where did this occur (e.g. type of street or area) and how often?**

At the outset, it is worth highlighting that, at a strategic level, parking and its effect on our towns and cities remains a significant issue, along with the wider issue of growth in car use. The negative effects of these will continue to be major problems unless a co-ordinated policy approach is taken in dealing with them. It is important therefore, and as we note throughout this response, that the specific issue of parking should not be considered in isolation.

With regard to Q1; yes, parking is understood to be a problem in some specific locations. The number, extent and specific issues in those areas would require to be surveyed and quantified, including through using Police and council records. Similarly, the impact it is having on people and communities would also need research and evidence.

SPT is aware that it can have significant impacts on those with restricted mobility, buses getting access along routes and serving stops, the freight industry (particularly deliveries or collections), and also the emergency services.

A clear understanding of the extent and varied nature of the problem is required, however, to ensure that any action taken to curtail the practice is appropriate, both to tackle the problem correctly, and to ensure that no adverse issues result from the action taken, and that they are properly controlled.

Legislation

Q 2. Why do you think the motorists may choose to pavement park?

For various reasons, including but not exclusively:

- To enable traffic to pass more easily;
- Fear of having their cars damaged by passing traffic;
- Parking closer to a property (for the above or other reasons) to keep it close and within view of the property (for real or perceived security) and to reduce walk time;
- No other parking availability in the locality.

Q 3. Do you think new legislation is needed?

- **If yes, what areas of the law need to be amended?**

Until the nature and extent of the problem(s) are quantified and understood it is difficult and likely unhelpful to propose what changes are required to the law beyond existing powers to deal with obstruction etc. Suggestions on any necessary changes to legislation need to take account of how and who will enforce the regulations and how the enforcement may be funded.

Current lack of enforcement of obstruction powers (and difficulty in interpretation) fails to discourage inconsiderate parking. This is not as effective as it might be due to (a) a lack of

clarity / quantification of what constitutes obstruction eg available width of pavement for pedestrians / wheel chairs / buggies etc, and (b) it is a criminal offence, requiring police resource to enforce and this would not seem to be a priority for police.

SPT is aware that bus services can have significant difficulties due to pavement parking. It is worth noting that this is not just in relation to local services (with fixed routes) but also demand responsive transport such as SPT's MyBus service, which do not have fixed routes and can serve many different locations in carrying out its service.

Therefore the issue could be tackled by improving the current legislation and how it is enforced, rather than create new legislation. The pros and cons of each required to be fully investigated and evidenced.

Q 4. If a new law is required, should it cover all roads with footways, including private roads that are not adopted by local authorities and trunk roads?

- **If not, why not?**

This is dependent on the extent of the problem. If only a small number of locations require attention then this may be dealt with by specific interventions by local authorities. There requires, however, to be a full understanding of what displacement may occur if specific locations are 'targeted'. Displacement of the same problem or a potential range of other unintended consequences is a real possibility. There should at least be the capability for it to apply to non-adopted roads as necessary, and for it to apply to all 'public' properties eg hospitals, shopping centres, etc.

Q 5. Do you think any new law should apply to all vehicles (e.g. HGVs, vans, taxis, cars, motorbikes, etc.)?

- **If not, which type of vehicles should the law not apply to?**

Generally regulations should apply to all vehicle types. There may, however, be a case for exemptions for specific activities and these may apply to specific vehicle types – e.g. goods vehicles undertaking deliveries / loading (not 'parked') and subject to time limits / controlled periods etc. This should be related to the use not the vehicle type.

Q 6. Do you think there should be exemptions applied to allow pavement parking to take place, particularly due to local concerns about access for vehicles and lack of alternative parking provision?

- **If yes, what should those exemptions be?**
- **If no, why not? (Please be as specific as possible)**

Again this is difficult to answer without a clear understanding of the nature and extent of the problem and how easy it may be to implement exemptions and alternative solutions and what these might be. These issues tend to occur where roads are narrow or there is a high density of housing / car ownership. This should not be a general exemption, but there should be an allowance within any regulations for local flexibility.

Implementation & Enforcement

Q 7. Should there be consistent approach to parking enforcement across Scotland?

- **If yes, how should this be taken forward?**

Yes. The Scottish Government should provide legislation (if necessary) and national framework

guidance, but there should local or regional flexibility to reflect different circumstances.

Local authorities are the most appropriate body to administer and enforce, but this would require dialogue with the Police and others.

Q 8. Local authorities in some parts of Scotland have DPE powers and are responsible for parking enforcement. In other areas Police Scotland retains responsibility.

- **What is your views on rolling out Decriminalised Parking Enforcement regimes across Scotland?**
- **What is your views about the proposal to share services to provide some access to a “traffic warden service” in areas without DPE?**
- **What should Police Scotland’s involvement be in future?**

SPT is supportive of DPE being rolled out across Scotland, as it gives local authorities the capability to prioritise the enforcement of parking relative to their and others (including Regional Transport Partnerships and Transport Scotland) policies, strategies and their identified objectives and priorities. Having said that, it could be argued that little, if any, enforcement appears to take place in many towns and cities.

There appears to be merit in sharing a ‘traffic warden service’ across councils, and in relation to Police Scotland, they should provide greater support during the transition to a DPE scheme and after it is implemented.

Q 9. Currently, moving traffic violations are a matter for the police, however, do you think local authorities should be able use CCTV and/or Automatic Number Plate Recognition (ANPR) systems for enforcement of:

- **parking in areas where safety benefits can be delivered to all road users, around schools for example?**
- **Some moving vehicle contraventions like banned turns?**
- **If not, why not? (Please be as specific as possible)**

It would depend on whether DPE was in place within that local authority area. If yes, then it would be appropriate for the local authority to use CCTV or ANPR.

Traffic Regulation Orders (TROs)

Q 10. Do you think it is a good idea in principle to allow local authorities to exempt specific streets or areas from national restrictions for pavement parking?

- **If so, what is the best mechanism for doing this (e.g. TRO or other form of local resolution)?**

As previously stated, the Scottish Government should provide a national guidance framework for parking and legislation (if necessary) but there should be local / regional flexibility to reflect different circumstances. SPT does not support ‘national restrictions’ for pavement parking.

TROs would seem to be the most appropriate way of implementing exemptions.

Displacement of vehicles

Q 11. Do you think controlling pavement, dropped kerbs and double parking could have unintended or negative consequences in your area?

- **If so, what would the effects be?**

- **Who would be affected?**
- **What type of street or area would experience these consequences?**

Again full survey work would be required and a clear understanding of the extent, nature and consequences of any impacts, and the potential for unintended or negative consequences, needs to be in place before decisions are taken.

It is likely that there will be displacement causing unintended consequences in other locations – e.g. moving the problem on to other streets, inappropriate off-street areas, cycle lanes etc. SPT would also highlight that not only should the street or area be considered, but the vehicle and its use too – cars with Blue Badges, buses, patient transport services, emergency vehicles and others.

Town Centre Regeneration

Q 12. Do you think controls on parking are likely to increase or reduce the costs and impact on businesses in town centres?

- **If yes, what should we be doing to reduce any impact on businesses in town centres?**
- **What other arrangements should be considered to deliver parking improvements that help support town centre regeneration?**

If parking controls are introduced in 'isolation', ie not as part of an integrated strategy there are likely to be negative effects on businesses, town centres and local shopping and business locations.

Any significant intervention that affects parking and traffic management requires to be considered as part of an integrated transport and land-use strategy to ensure there are no unintended and undesirable negative consequences and indeed there are positive benefits for the communities.

Parking controls often provide very positive benefits for businesses e.g. they can ensure turnover of use of parking spaces and therefore deliver increased activity.

If an integrated, evidence-based and objective approach to transport and land use in town centres is taken, any negative impacts can be negated, provided what is stated in a strategy is delivered on the ground.

Disabled Parking Bays

Q 13. Do you think that on-street disabled persons' parking places are being enforced in your area?

- **If not, how could this be done better?**
- **Do you think members of the public should report misuse where it is observed?**

Yes, there should be mechanisms for public to report misuse of parking facilities – disabled or otherwise - and this can assist deployment of police or wardens and effective control of parking.

Q 14. Have you witnessed misuse of a disabled persons' parking space?

- **If so, did you report it?**
- **If not, did anything prevent you from reporting it?**

- **Should disabled persons' parking places be enforceable at all times?**
- **Do you think the level of penalty for misuse of local authority disabled persons' parking space is acceptable?**
- **If not, what level would you consider to be acceptable?**

Most people have witnessed misuse of disabled parking but we are unaware of the level of reporting.

Currently it is generally the case that disabled parking is available at all times, but there may be examples where provision is only required at certain times. This is an area that requires further research. 'Time of day' control would need to be done in relation to specific local or personal requirements.

Enforcement is probably the bigger issue rather than the penalty – penalties need to be considered in relation to those for other parking infringements – although it could be considered that penalty should be higher for misuse of disabled bays, given the significant level of inconvenience this can bring to the person affected.

Q 15. Do you think off-street disabled persons' parking spaces, including private car parks, are being enforced in your area?

- **If not, how could this be done better?**

It should be adequately enforced but SPT does not have data to be able to comment specifically. Further research is required on current use / mis-use and to understand the resource required to enforce.

Q 16. What impact do you think disabled persons' parking space misuse has on Blue Badge holders?

Significant. It may in many cases mean that the trip has to be abandoned if parking close to the destination is not possible. It could also cause difficulty and distress to a Blue Badge holder if they have to make a longer journey on foot (with or without assistance) or by wheelchair.

Emissions Vehicles+

Q 17. Are you supportive of local authorities' trialling or introducing parking incentives (such as discounted, free or preferential parking) for ULEVs?

- **If yes, what should these incentives be?**
- **If no, why not?**

SPT would not be supportive of this, as it may be difficult to reverse as ULEV private car use increases. Parking should not be related to the fuel type / propulsion mechanism of the vehicle.

Congestion remains a significant issue in Scotland's towns and cities at a high cost to our economy. ULEV use is in the minority at present, but as use of ULEV (and the private car in general) rises there will not be the capacity to provide priority for these users. It would also add to congestion and be to the detriment of providing efficient, reliable public transport. Having said that, there may be the opportunity in certain areas to allow preferential time-limited parking for a set period of time to encourage electric car use.

ULEVs are to be encouraged, but other mechanisms for supporting use should be employed.

Q 18. Are you supportive of local authorities trialling or introducing specific measures to help people who, live in flats or tenements (with no dedicated-off street parking) charge their vehicles?

- **If yes, what should these incentives be?**
- **If not, why not?**

The issue of how people who live in flats / tenements could access charging facilities is a particularly vexing one. In principle, we are supportive of increasing availability of charging facilities, but not in such a way as could incentivise modal shift to car, or inconvenience other road users significantly.

If electric vehicle use rises then provision will need to be made for charging in all locations, not just flatted developments. Some pilot projects may be required together with other analysis to understand the potential requirements / level of demand (forecast over a number of years) and to examine how the needs may be accommodated, being mindful of undesirable consequences.

Electric vehicle technology is not the only solution to powering vehicles and equally, or probably more importantly, not the only way people will travel, especially those who do not have access to car. The growth in the sharing / collaborative economy is evidence of this – some car clubs now offer electric vehicles and it may be that this is a more attractive option for those living in flatted developments.

If specific bays are provided for charging at flats or tenements, they will obviously need to be provided in appropriate locations. There is likely to be limited capacity for this as demand grows and the situation will become unsustainable.

Q 19. Do you think the use of ULEV-only charging bays should be monitored and enforced by local authorities?

- **If yes, please say why.**
- **If no, how should they be enforced and who should be responsible for this enforcement?**

Further to our response to Q18, a full examination of the issue needs to be undertaken to understand the forecast level of demand, wider impacts, and other options, prior to decisions about mechanisms for monitoring and enforcement.

Assessing Impact

Q 20. Are there any likely impacts the proposals contained within this consultation may have on particular groups of people, with reference to the ‘protected characteristics’ listed above? Please be as specific as possible.

Potential positive impacts

If parking on the footway, cycleways and dropped kerbs is banned and, importantly, enforced, then this will assist a range of groups who are inconvenienced, endangered or prevented from going about their business due to obstruction at these types of locations:

- Pedestrians – including children / walking routes to schools, access routes to a range of amenities.
- Those with mobility issues – wheelchairs, walking aids, blind, and others.
- Those with prams or buggies

- Cyclists where shared routes and cycle lanes are blocked.
- Buses (including demand responsive transport used by vulnerable groups, and patient transport services) where routes are blocked.

Potential negative impacts

Banning parking on footways, cycleways and dropped kerbs could have the unintended consequence of encouraging parking on roads, which may constrain road width, thereby restricting access by service vehicles, emergency vehicles, public transport, including DRT services and community services supporting those with mobility issues that require pick-up / drop-off 'at the door'- who cannot walk to a bus stop / pick-up point etc.

Displacement of parking may cause a range of displacement issues in locations:

- Parking on other roads or areas of 'spare' ground in the local area.
- Parking on cycleways – most have no TROs in place to prevent this and parking is already an issue in many locations.
- Vehicle crime may increase if vehicles have to be parked away from areas where there is passive surveillance.
- Loading may be a problem for goods vehicle users if they are unable to stop fully or partly on footways in locations where they would otherwise block the carriageway.
- Security for goods deliveries may be a problem if vehicles have to be parked some distance from the delivery point. This also increases delivery times and costs to businesses.
- Restricted road width and hence restricted accessibility for vehicles in local areas, may reduce 'rat-running', but add to congestion on local 'main roads' and create longer circuitous routes to avoid constraints. This will also have an effect on air quality – perhaps improved in some locations, but worse in others contributing to specific hotspots.

Again most of these issues should be fully examined in detail to be able to predict the full effects of such measures and the potential for unintended, and particularly, undesirable, consequences. Pilot projects may be required to gauge impacts of differing solutions.

Q 21. Apart from safety, are there any other aspects of a child's rights or wellbeing that you think might be affected either positively or negatively by the proposals covered in this consultation?

Yes, including:

- Effects on air quality & health – may be positive in some areas, but negative in others.
- Improved ability to walk in some areas, but possible increased risk for cycling if roads become confined / restricted by parked cars.

Again, there should be a more detailed look at evidence in this regard to fully understand any impacts.

Q 22. Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible.

There is the potential for this to place a considerable resource burden on regulatory and enforcing bodies such as councils. It is unlikely that over time there will be sufficient income from penalties to fully finance the operation.

On a wider scale, if there is resultant increased congestion affecting both the streets directly affected by restrictions and those indirectly affected by displaced parking, this will increase travel times and delays for traffic, creating a significant economic cost to local businesses,

freight & logistics, and bus services.

Increases in journey time for bus operation will require more buses to be used on the route to maintain headway which is a significant cost for operators and ultimately could result in reduced or withdrawn services. The knock on effect of this could be further modal shift to car – exacerbating all the associated problems. Moreover, this would come at a time when bus patronage is down significantly over the last 10 years – by around 56million passengers.

Q 23. Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals? Please be as specific as possible.

Any scheme introduced will need to adhere to the latest data protection rules, specifically the new General Data Protection Regulations.

Q 24. Are there any likely impacts the proposals contained in this consultation may have upon the environment? Please be as specific as possible.

Changes in effective carriageway width due to vehicles parking fully on the roadway, both on the streets directly affected by restrictions and those that will then have to accommodate displaced parking (and rerouting traffic), are likely to create more congestion resulting in higher emissions from vehicles. Changes may be insignificant in some locations, but could be significant in others where many streets are affected.

The effects of changes to traffic movement and resultant air quality could bring improvements in some locations and increase emissions in others.

The changes in how vehicles are parked will also change the character of many locations and this may have either positive or negative effects on the amenity and quality of life experience for those who live, work or visit the area.

Again for all of the above this should be examined / modelled and understood and the results taken into consideration before implementing schemes.

A possible environmental disbenefit of any new parking regulation is that there may be a desire to pave gardens (commonplace in England) which could potentially lead to an increase in flooding (and/or flash flooding) during periods of heavy rain, contributing to existing difficulties in this regard in many areas.

Conclusion

Q 25. Do you have any other comments that you would like to make, relevant to the subject of this consultation that you have not covered in your answers to the previous questions?

We would emphasise the need for evidential quantification of the extent of any existing problems, which would then properly inform the need for change, and how to tackle the issues.

Equally, there is little reported evidence from studies of the benefits and dis-benefits following the implementation of schemes to control inappropriate parking in other towns and cities (e.g. those in London).

While there is likely to be benefits for some groups – those with mobility issues, prams and buggies – it is unlikely to be universal, and there is a significant risk that there will be a range of unintended consequences:

- Displacement of parking to inappropriate locations, or merely moving the problem,
- Vehicles being parked fully on the carriageway restricting access by other vehicles,

particularly larger vehicles, including delivery vehicles, service vehicles, buses, emergency vehicles etc.

- Effects on congestion with associated delays, increased travel times and increased emissions (and associated economic and environmental costs) particularly where parking is displaced or rerouting takes place due to restricted capacity on roads directly affected.

There needs to be a full analysis of the issues – range of problems, likely solutions, likely consequences, and piloting of the possible solutions in differing situations before any scheme is implemented.

If proposals are progressed, we believe that the Scottish Government should set the national framework, allowing for local/regional flexibility to reflect differing needs / solutions.

Similarly, any proposal in regard to parking should be developed in conjunction with other transport and land-use strategies. Such proposals cannot, and must not, be implemented in isolation, as there is a high risk of significant undesirable consequences and possible constraints on other road users, if not examined fully and planned carefully.

APPENDIX 2

PLACES, PEOPLE AND PLANNING – POSITION STATEMENT

Response by the Regional Transport Partnerships (RTPs) of Scotland

1. *Aligning community planning and spatial planning*

The Scottish Government is minded to propose a statutory link between development planning and community planning in Planning Bill.

RTP response: The RTPs would welcome a statutory link between development planning and community planning. Greater clarity of how this would work is required. It is also vital that in this greater alignment, land-use planning takes account of the existing plans of community planning partners such as the RTPs Regional Transport Strategies and their associated publications, given the significant impact of origin-destination trips from new housing and other land-uses on regional travel to work/study/service transport networks.

2. *Regional partnership working*

Expect to bring forward changes to remove current requirements for Strategic Development Plans to be prepared and replace them with more flexible, but clearly defined duties and powers at the regional scale.

RTP response: The RTPs believe that regional spatial planning strategies, complementary to and supported by RTSs, are essential for the city regions, and that any new strategy and other outputs from the proposed regional partnerships require to have a statutory basis to give them both clout and momentum. Furthermore, if SDPs are to be removed, then it is important to allow regions the freedom and flexibility to replace them with something equally strong and effective.

3. *Improving national spatial planning and policy*

An enhanced National Planning Framework and Scottish Planning Policy, is promoted as it is considered together they would provide an effective strategic perspective for Scotland.

RTP response: The RTPs believe that a statutory RTS is vital for providing a distinctive picture of priorities for a region. Whilst, understanding the rationale for reducing duplication, there are unique transport issues for each region of Scotland and therefore a continuing need for a strategic and statutory approach to their resolution through an RTS with specific regional policies, contributing to national, regional and local outcomes.

The RTPs accept that an enhanced NPF can provide an effective strategic perspective to all of Scotland, however in its current form the SPP is too detailed. While there are broad principles within it which could be described as ‘strategic’ (for instance the requirement to maintain a 5 year effective housing supply), the document strays into much more detailed considerations which should be best addressed at a local or regional level. We believe that a process of subsidiarity should apply to planning policies in general, and this includes the SPP.

4. *Stronger local development plans*

A key element of the Scottish Government proposals is a shift towards a focus on delivery and implementation. The intention is to bring forward a number of changes including the

replacement of the Main Issues Report with a Draft Plan and the removal of supplementary guidance. Greater clarity on how a 10 year plan would work will be provided. Overall, the prime aim is to create greater confidence that sites allocated will be delivered and that planning authorities will focus more on plan implementation. A gatecheck is promoted to provide reassurance on the evidence base and approach early in the Plan process. This should ensure Local Development Plan Examinations will be more straightforward.

RTP response: The RTPs welcome the principle of strengthening Local Development Plans. As RTPs with responsibility for development and maintenance of statutory RTSs, and also as existing 'key agencies' in the Development Planning process, we would expect to play a strong role in their development and any 'gatecheck' process and indeed, on the issues of examination and gatecheck, it will be critical to look at transport services, routes and capacities at gatecheck to enable prevention of negative or unintended / unexpected outcomes.

5. Making plans that deliver

There is strong support for the plan-led system and it is intended to strengthen Local Development Plan delivery programmes in the Planning Bill and through changes to secondary legislation.

RTP response: The commitment to the plan-led system is welcomed, as is the need for more confidence that allocated sites will be developed. More detail, particularly in relation to the role of stakeholders is required. Furthermore, we support the proposals for enhanced engagement of a site or wider proposal which has not been allocated in the development plan when brought forward as an application. This resonates with RTPs desire to be more involved at an earlier stage (e.g. site selection) in the development process. This would mean transport being considered from the beginning rather than, as is unfortunately so often the case, as an afterthought. Greater community engagement is essential if plans are to get the buy-in they need for delivery as covered by the next point.

6. Giving people an opportunity to plan their own place

The Scottish Government consider that Local Place Plans should be used to promote appropriate development rather than prevent it. The Planning Bill will ensure Local Place Plans are consistent with the Local Development Plan and will be incorporated into the Local Development Plan through an update that will allow for public consultation and independent scrutiny.

RTP response: The RTPs support in principle greater community involvement through Local Place Plans. The key is to encourage community engagement from bottom up and not to be overly prescriptive in terms of who and how people should be involved. Just as important is the management of expectations in the process, so as to ensure ongoing involvement and reduce any potential frustration or chance of future conflict. There is also the potential that those communities who need help the most are the most difficult to engage, and so appropriate resources should be made available to assist with this.

7. More people involved

It is intended to bring forward targeted changes to the existing regulations for engagement to ensure that children and young people are encouraged to get more involved in planning.

RTP response: The RTPs support this proposal, and would highlight the positive long-term benefits for society of involving and educating children and young people in the planning process.

8. Improving trust

Changes to improve trust are promoted including amending the pre-application consultation process, removing the opportunity for 'free' follow-up applications and, the need for wider community engagement training. The Scottish Government is to progress all of the proposed changes.

RTP response: The RTPs broadly support the proposals, and as 'key agencies' in the planning process look forward to having a key role in each as they are taken forward, including the pre-application consultation process.

9. Keeping decisions local – rights of appeal

It is considered that more can be done through consistency in local schemes of delegation and the Scottish Government does not intend for Ministers to take more decisions. There is also no intention to introduce fees for lodging either reviews or appeals. They will however, further explore the scope for mandatory training for Members who serve on a planning committee or Local Review Body. The Scottish Government remain unconvinced on the idea of third party rights of appeal.

RTP response: The RTPs support the Scottish Government's proposals, including stronger earlier engagement rather than third party rights of appeal.

10. Being clear about how much housing land is required

In view of the intention to enhance the role of the National Planning Framework and Scottish Planning Policy, the Scottish Government advise they will continue to work with housing professionals, planning authorities and developers to identify a solution which minimises the level of debate on how much land is required for housing (probably through the NPF and SPP).

RTP response: RTPs welcome any move to give greater certainty to the setting of housing figures and delivery. However, it is essential that this is done at sub-national / regional level and that the impact of major developments on transport demand is a key part of the decision-making process through input from councils and RTPs. This would enable a greater sustainable transport response to the planning for delivery of effective housing land in that region.

11. Closing the gap between planning consent and delivery of homes

Scottish Government advise they will continue to work with others, to ensure that planning does all it can to enable the building of more high quality homes of a broader range of types. They further state that fuller information on viability of sites and delivery should be part of the planning process.

RTP response: The RTPs are generally in broad agreement with these proposals. However, they need to be realistic in recognising that external issues affecting viability can change over time through, for instance, different market conditions and infrastructure requirements.

CPO's can be an effective way of unlocking difficult sites but it needs to be borne in mind that local authorities take on a considerable amount of risk and additional costs in these circumstances. We would ask that consultation takes place on any proposed revisions to CPO guidance.

Lastly, and most importantly, there remains a fundamental need to address the issue of sizeable transport infrastructure or service requirements being identified too late in the development process. The RTPs are keen to play a key role in addressing this issue and would request this is included in the proposals as they progress.

12. Releasing more 'development ready' land for housing

The Scottish Government considers that a zoned approach has the potential to unlock significant areas for housing development including supporting alternative delivery models such as custom and self build. It is intended to bring forward proposals for legislative changes to refresh and rebrand simplified planning zones.

RTP response: The RTPs are in broad agreement with these proposals but would wish to highlight that prior to any large scale zoning of land for housing, there needs to be certainty that it will be well served not only by transport infrastructure but also services and marketing to ensure sustainable travel choices are embedded from the beginning through the planning process. Again, the RTPs look forward to playing a key role in that process.

13. Embedding an infrastructure first approach

Scottish Ministers remain of the view that a new agency is not needed to improve the links between planning and infrastructure. They are however, continuing to consider options for a national delivery group to support improved co-ordination of development and infrastructure. It is suggested that the proposal to move strategic development planning towards regional partnership working can also help to improve infrastructure governance and co-ordination. Scottish Government will also explore approaches to regional infrastructure audits as well as working with infrastructure providers to define how best to facilitate their involvement in the planning system.

RTP response: The RTPs broadly support the approach and proposals by the Scottish Government, particularly the commitment to regional partnership working, a key part of RTPs role. The RTPs would welcome further engagement and involvement on developing these proposals.

14. Creating a fairer and more transparent approach to funding infrastructure

Scottish Government advise they consider a levy or charge merits further consideration and will therefore finalise and publish a research report which identifies options that could be tested further. Work will also continue to explore assistance from the Scottish Futures Trust. Scottish Government is not currently minded to remove the provisions at Section 75A for modifying planning obligations.

RTP response: More detail on the ideas proposed above is required and so the further research being undertaken is welcome. However, no reason is given as to why the Scottish Government is not minded to remove the provisions at Section 75A for modifying planning obligations, other than citing strong opposition from the development sector. If this is the case then changes should also be made to allow Local Authorities, as a co-signatory, to have the ability to apply to modify or discharge obligations based on changing circumstances.

15. Innovative infrastructure planning

The Scottish Government has already taken forward enhanced permitted development rights for telecommunications infrastructure, and will continue to work on education infrastructure planning in the coming months. There has been a change of view regarding the removal of

Section 3f of the Climate Change (Scotland) Act 2009, whereby it is now not the intention to progress this through the Planning Bill.

RTP response: It would be appropriate for further actions to consider how prevention and early intervention could ensure most effective and efficient use of infrastructure planned for delivery in the future, and ensure the longevity of existing infrastructure is as long as possible.

16. Developing skills to deliver outcomes.

The Scottish Government will continue to work with others on skills development as well as explore the scope for shared services.

RTP response: The RTPs welcome the proposal to continue to scope further work on skills development. In terms of developing more effective sharing of expertise in specialisms, RTPs could provide a basis of sharing for skills concerning the transport aspects of planning across a wider regional geography.

17. Investing in a better service

As maximum planning fees have already been increased, there is no intention to consult on further charges until after the Planning Bill has been considered. The Planning Bill is likely to include additional enabling powers that provide scope to widen discretionary charging and to extend the range of services for which fees can be charged.

RTP response: The RTPs welcome the proposals to ensure better resourcing of the planning service and also believe this could be extended to other services such as transport planning where relevant costs are incurred by other public sector bodies such as RTPs.

18. A new approach to improving performance.

Scottish Government will continue to work with a High Level Group and others in pursuit of improved performance.

RTP response: The RTPs support a process of continuous improvement and we would welcome participation in any schemes arising from this.

19. Making better use of resources: efficient decision making

The Scottish Government consider that broadening the scope for permitted development could play a significant role in making better use of resources in the planning system. They also are considering taking forward a range of improvements to development management procedures.

RTP response: The RTPs broadly support the above proposals but believe, given their complexity, further work and detail is required.

20. Innovation, designing for the future and the digital transformation of the planning service

The Scottish Government is moving forward with establishing a Digital Task Force.

RTP response: The RTPs are supportive of these proposals.

APPENDIX 3

The Socio-Economic Duty - SPT Response – Draft

Strathclyde Partnership for Transport (SPT) is the Regional Transport Partnership (RTP) and Public Transport Authority for the west of Scotland, established by the Transport (Scotland) Act 2005. SPT's area covers 11 full council areas and part of one other, with a population of 2.14million people. SPT has a range of responsibilities including preparation of the statutory Regional Transport Strategy, supporting socially necessary bus services, operating the Subway, bus infrastructure including Buchanan Bus Station, and project development and delivery. More information on who we are and what we do is available at www.spt.co.uk .

SPT is a statutory Community Planning Partner through the provisions of the Local Government in Scotland Act 2003, is a listed authority subject to the terms of the Equalities Act 2010, and also the Community Empowerment (Scotland) Act 2015.

QUESTION 1 – The key terms defined in this section are:

- ***Socio economic disadvantage***
- ***Inequalities of outcome***
- ***Decisions of a strategic nature***
- ***Due regard***

Do you agree that the definitions of these are reasonable and should be included within the Scottish Government's forthcoming guidance on the socio-economic duty?

SPT response:

SPT broadly agrees with the definitions, but believes that specifically in relation to 'Socio economic disadvantage' and 'Inequalities of outcome', reference to the importance of transport in relieving this is included within any future definitions. The ability to access transport (whether by active travel, public transport, or car) to access education, work and leisure is an often overlooked key factor in successful economic development, social inclusion, and public health initiatives. Indeed, in the recently published "The Life Chances of Young People in Scotland" report prepared for the First Minister by Naomi Eisenstadt, the Independent Advisor on Poverty and Inequality, it was highlighted that disadvantaged people were less mobile and more reliant on public transport, that transport costs could often be too high for those on low wages, and that lack of transport options limited people's opportunities to access labour markets.

Regarding 'Decisions of a strategic nature', we welcome reference to 'Regional Transport Strategies' (RTS) as these are a key responsibility of RTPs like SPT. Transport networks cut across council and social / economic boundaries, and an RTS provides the ideal opportunity for setting out how, collectively and in an integrated way, public and private sector transport partners are going to assist in addressing socio-economic issues through transport interventions across an area.

QUESTION 2A – Do you agree that the socio-economic duty should apply to the Scottish public authorities named here? If not, please specify which you do not think it should apply to and why?

SPT response:

Yes, SPT believes that the duty should apply to the authorities listed.

QUESTION 2B – Do you think the duty should apply to any other public authorities, similar to those listed in the Equality Act 2010? If so, please name them and explain why you think the duty should apply.

SPT response:

SPT believes that Regional Transport Partnerships should be added to the list of authorities to whom the duty should apply, for the following reasons:

- As noted above, RTPs are already subject to the terms of Acts relating to Community Planning, Equalities and Community Empowerment.
- SPT is the Public Transport Authority for the west of Scotland, covering 11 full councils and part of one other. Responsibilities in this regard include supporting socially-necessary bus services; SPT currently support 30% of bus services in the west of Scotland in whole or in part. This responsibility in other parts of the country is generally undertaken by the local authority. In order therefore to create equity and consistency across Scotland, and to recognise the importance of transport in dealing with socio-economic disadvantage, RTPs should be subject to the duty too.
- Transport Scotland will be subject to the duty, and while they play a leading role in transport in Scotland particularly in relation to trunk roads and the rail network, their impact on local bus services – often the main mode of transport in disadvantaged areas – is not as extensive as Public Transport Authorities like SPT. Bus is the main mode of transport in Scotland – accounting for around 80% of all public transport journeys – and therefore to demonstrate commitment to all modes of transport, it would seem logical to make RTPs like SPT subject to the duty.

QUESTION 3A – Do you have any comments on the steps set out in SECTION 3?

SPT response:

We have provided our comments on each step below:

Step 1: Identifying which strategic decisions public authorities take.

The primary strategic decisions SPT makes are through the Regional Transport Strategy (as referenced in Section 1 of the consultation) so that would be the ideal vehicle for consideration of the socio-economic duty at a strategic level.

An associated Delivery Plan is prepared from the RTS, identifying the actions SPT and partners will take to deliver the RTS, and Transport Outcome Reports (TORs) are prepared for each council /community planning area on an annual basis, highlighting what SPT brings to each area and joint workstreams for the future. These, in turn, guide our budget setting process, ensuring there is a clear link from the RTS through to delivery on the ground.

Step 2: Identifying inequalities of outcomes caused by socio-economic disadvantage.

SPT utilise significant data across a range of issues, including socio-economic, to analyse how best the transport network can serve the west of Scotland. This data and its results are used from policy and strategy development through to business case development and project delivery. SPT do not think it would be necessary to set up a separate body to undertake the above tasks. We would also highlight that we are keen supporters of the 'open data' initiative and would ideally like to be in a position to utilise data on public transport (detailed bus patronage data, for example) which we are currently unable to use for various reasons.

With regard to community involvement, SPT is a committed and active Community Planning partner and participates in various events in this regard every year, as well as engaging with Community Councils and other groups on request.

Step 3: Exercising the duty during decision-making

SPT is required to produce an annual RTS monitoring report for the Scottish Ministers, and a bi-annual update or refresh of our Equalities policies, and it could therefore be appropriate to include detail on socio-economic decision-making within those reports.

In addition, each report for SPT's Partnership Board or Committees has sections on 'Equalities consequences' which must be completed, so again it would be possible to consider socio-economic impacts within that framework. SPT also produces Equalities Impact Assessments for projects and plans which again would seem an ideal vehicle for the consideration of socio-economic impacts.

For bus services, SPT uses a 'Guideline Criteria for Supporting Socially Necessary Bus Services' to make decisions on which routes and services to subsidise, and this could be updated to include any new socio-economic criteria.

Step 4: Monitoring the impact over the long term

SPT is supportive of the position outlined for this step.

QUESTION 3B - What other actions could public authorities take to demonstrate that they are meeting the duty?

SPT response:

An authority could have a section of their website (with contact details) on socio-economic issues and how they are approaching dealing with them.

QUESTION 3C – Could you offer suggestions as to how public authorities could improve budgetary analysis and reporting so as to take better account of inequalities related to socio-economic disadvantage?

SPT response:

As noted above, SPT prepares its budgets guided by the RTS – which has a socio-economic related outcome of 'Access for All' – and reports these to our Partnership Board and Committees every year.

QUESTION 3D – Can you offer examples of how public authorities and others have made best use of the expertise of people with direct experience of poverty?

SPT response:

The very nature of what SPT does (through such activities as providing socially necessary bus services, for example) is often directly related to helping those in poverty have better access to friends and family, jobs and services. This regularly involves meeting local communities, dealing with communications from individuals or groups, or with elected members, to hear of issues which we try to address, subject to budgetary availability.

QUESTION 3E - What kind of guidance and support on meeting the duty would be most useful for public authorities?

SPT response:

The Scottish Government should provide a guidance framework for authorities to follow, in order to allow those authorities to take account of local or regional circumstances. For example, the transport requirements of those in remote rural areas and outlying urban housing estates are very different but no less important to address than the other.

QUESTION 3F – Do you have a view on whether public authorities should use existing monitoring frameworks to track whether the socio-economic duty is making a difference to outcomes over the long term?

SPT response:

Existing monitoring frameworks should be utilised.

QUESTION 4A - Once the socio-economic duty is introduced, the Scottish Government is keen for public authorities to look strategically across all planning processes in place to maximise their impact. What could public authorities and the Scottish Government do to make sure that the links between the different duties are managed effectively within organisations?

SPT response:

This could be covered by the guidance issued by the Scottish Government.

QUESTION 4B – Can you offer examples of good practice in taking an integrated approach to issues such as poverty, equality, and human rights?

Much of what SPT does is seeking to better integrate the delivery of transport services for the travelling public and to ensure the most appropriate use of public funds. Good examples of our work in this area include the Integrated Transport Hub and the West of Scotland Community Transport Network.