

# **Scottish Government Consultation on Mandatory Training on Planning for Elected Members**

**Analysis of responses to the consultation**

**April 2024**

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# Executive Summary

This report summarises responses to the recent Scottish Government consultation on mandatory training on planning for elected members. The Planning (Scotland) Act 2019 included mandatory training for elected members as part of a package of measures for the planning system; once in force, these will prohibit elected members from carrying out certain planning functions if they have not completed the required training. The specific functions affected and the training requirements that elected members must meet will be set out in subsequent regulations.

The consultation opened on 13 July 2023 and closed on 26 October 2023. In total 120 consultation responses were received, of which 77 were from groups or organisations and 43 from individual members of the public.

## Who should undertake the training?

The consultation first asked whether the determination of planning applications should be the only function that elected members are prohibited from doing until training requirements have been completed. Less than half of respondents (45%) agreed, and the remaining 55% disagreed. Support for the proposal included a view that the more complex, technical considerations involved in determining planning applications mean that this function specifically should be limited to those who have completed the required training. It was noted that elected members may not have the required planning background, and training was seen as important in improving the consistency of decisions.

The most common point raised by those opposed was that mandatory planning training should also apply across other planning functions. Some of these respondents saw a need for more detailed training specifically around the determination of planning applications, but it was suggested that a core level of training should be mandatory across all planning functions. Elected members' role in the development plan process and other planning functions was seen as having potential to significantly impact the local planning system, and it was suggested that training is required to ensure the quality of these functions.

The majority of respondents (64%) did not agree that training requirements should vary depending on whether elected members participate in a planning committee, Full Council or Local Review Body (LRB). Respondents suggested that, although they have distinct functions, planning committees and LRBs are required to deal with the same material considerations and follow the same processes – and therefore require similar levels of planning knowledge.

Those who agreed with varying training requirements suggested that these should reflect the different types of decisions and planning issues being considered. This was most commonly highlighted for elected members who participate in the LRB and/or planning committee; it was suggested that enhanced training may be required in these circumstances.

## **What should the training cover?**

A large majority of respondents (79%) agreed that mandatory training should be focused on the key principles and knowledge of the planning system. This was seen as an appropriate starting point to ensure that elected members have the required grounding in relevant legislation and policy. It was also suggested that this broad focus would ensure that training applies across all planning authority areas. Those in favour of 'higher level' training content also noted that there should be scope for individual authorities to provide more tailored localised training where necessary, and for elected members to access professional advice when making planning decisions.

Other respondents were of the view that training should go beyond key principles and knowledge. It was suggested that this is necessary to ensure that elected members can put their knowledge of planning policy into practice to make informed and reasoned planning decisions.

The majority of respondents (84%) agreed with the proposed list of topics for mandatory training; (i) a plan led system, (ii) planning application process, (iii) decision making, (iv) the role of elected members, and (v) post decision. This included a view that the topics are consistent with the key purpose of mandatory training being to ensure informed and balanced planning decisions. In this context, some saw a potential need for greater emphasis of topics around decision making considerations and processes. Those who disagreed with the proposed list of training topics expressed concern that the relatively extensive set of topics may not be achievable, and saw a need for training to focus on the key areas of most relevance to elected members.

Respondents suggested a range of additions or amendments to the list of training topics, including from those who agreed with the proposed list. These were most commonly focused on decision-making at committee - seen by some as a key focus for mandatory training – including reference to elected member understanding of related processes and assessments, and the implications of planning refusals. Other suggestions related to ensuring elected members understand wider strategic priorities, processes for the different types of planning application and consents, understanding of elected members' role and relevant procedures, and post decision issues around appeals and the LRB.

## **How should the training be delivered?**

Amongst the four proposed options for delivery of mandatory training, the most commonly supported were option 2 (content developed by the Scottish Government and delivered in-person by each local authority) and option 3 (delivered online with the Scottish Government developing or procuring an online course). A substantial proportion of respondents selected the 'none of the above' option including some who suggested 'hybrid' approaches based on combining two or more of the proposed options, for example to incorporate online and in-person elements.

Respondents also commented more broadly on the key principles of whether training should be delivered online and/or in person, and how content should be developed. There was some support for an online option on the basis that this would allow elected members to access training at a time that suits them, and for training to be provided quickly where required. However, others were of the view that an online-only approach will not deliver the required quality or depth of learning, and saw in-person training as a more effective option. This was primarily linked to concerns that online training would deny elected members the opportunity to interact with training providers and share their experiences – although some noted that online training can still be ‘live’ to allow for this kind of interaction.

In terms of how training content is developed, there was support for the Scottish Government developing standard content to be delivered locally. This was seen as having benefits in allowing planning authorities to focus their limited resources on area-specific issues, and ensuring consistency of training content across planning authorities. Others – especially planning authority respondents - suggested that Scottish Government-defined key principles would be sufficient to ensure a consistent approach to delivery of training. Planning authority-developed and delivered training content was also seen as having potential benefits for tailoring content to changing local contexts, elected members’ attendance, and building relationships between planning officers and elected members.

The majority of respondents (83%) agreed with a requirement for elected members to have passed a test before being allowed to undertake a planning decision. This was seen as important in reinforcing learning outcomes, and assessing the impact of training for elected members’ understanding. Several respondents saw a test as especially important where elected members have completed their training online.

Other respondents raised concerns around the principle of a test, including a view that this may encourage participants to simply learn the key facts necessary to pass rather than ensuring elected members have the understanding required for good planning decisions. Reflecting these concerns, some preferred an approach based on continuous learning and assessment, rather than a single test. Potential issues were also raised around the implementation of a test, most commonly related to the proposal that elected members would be able to retake the test until a pass is achieved. Some saw a need for clear processes to deal with circumstances where an elected member fails the test on multiple occasions.

Requiring elected members to retake training at specified periods was seen as important in ensuring that members’ knowledge of planning legislation and policy remains current. The most commonly supported of the proposed options for how often elected members should be required to retake training was once every election cycle (preferred by 40%). This was described as a proportionate approach to minimise the administrative burden, and it was noted that planning authorities could supplement this with more frequent local discretionary training. A further 29% felt that training should be retaken every year, with this seen as necessary to keep pace with ongoing national and local planning policy developments.

## **How will the training be monitored?**

A large majority (91%) agreed that elected member's completion of mandatory training should be made available to the public, with these respondents referring to transparency, accountability and public trust or confidence in the planning system. It was also suggested that the proposal could help to avoid accusations that elected members are not fully aware of the system or competent to determine any application. Those opposed to the proposal noted that mandatory training would mean that elected members cannot sit on planning applications committee or local review committees without having passed, and some saw this as disproportionate to the outcome required.

The majority of respondents (77%) agreed that the information provided within PPF/statutory annual reports and on local authority websites are sufficient if elected members' completion of training is made available to the public. This was described as proportionate, and sufficient to support monitoring and reporting. It was also noted that the approach would avoid development of an additional reporting mechanism. Others were of the view that the proposed approach would not be sufficient, and suggested additional reporting routes. These included via agendas or minutes connected to planning decisions, each sitting of the Planning Committee and LRB, as part of a register of all member's completed training, and in all staff governance committee papers.

Comments around the best ways to monitor the effects of mandatory training for elected members included reference to challenges and/or potential difficulties in monitoring long-term impact. This included, for example, that it would entail defining what 'better' planning decisions would be. In terms of the type of information that could be gathered, there was reference to gathering feedback from elected members, feedback from users of planning services, and to consulting with Community Councils, and planning officers. Possible performance indicators referenced by respondents included elected members' attendance at planning committee, planning approvals in the face of objections and/or against the advice of planning officers, and appeals-related indicators such as the number of planning appeals and the percentage of successful appeals where expenses are awarded.

## **Impact assessments**

Relatively few respondents commented on the impact assessments undertaken as part of the consultation, and some of these simply noted that the impact assessments seem to be comprehensive, rigorous and fair. More substantive comments most commonly related to the Equality Impact Screening Assessment, including that applying the requirement to all elected members involved in planning decisions would mean there is no overarching discrimination against any person with protected characteristics. It was also noted that training must be inclusive so as not to discriminate against elected members with protected characteristics. Other comments included support for the implementation of mandatory training being cost-neutral to planning authorities, suggestions that improving the quality of planning decisions would support a fairer Scotland, and that a full Island Communities Impact Assessment might be of value.

# 1. Introduction

## Background

This report summarises responses to the recent Scottish Government consultation on mandatory training on planning for elected members.

The consultation sought views on the latest in a series of policy proposals developed in response to the 2016 review of the Scottish planning system, and subsequent Planning (Scotland) Act 2019. The Act included mandatory training for elected members as part of a package of measures designed to improve the effectiveness of the planning system as a whole. Once in force, Section 45 of the Act will prohibit elected members from carrying out certain planning functions if they have not completed the required training – the specific planning functions affected and training requirements that elected members must meet will be set out in subsequent regulations.

## The consultation

The consultation opened on 13 July 2023 and closed on 26 October 2023. It asked 13 questions of which 9 have both ‘closed’ and ‘open’ elements, the remaining four questions being entirely open. The questions address various aspects of the proposed approach to mandatory training including the planning functions to which mandatory training requirements should apply, the focus of training content, how training should be delivered, and how the impact of training should be monitored.

[The consultation paper is available here](#) on the Scottish Government’s website.

## Profile of responses

In total 120 consultation responses were received, of which 77 were from groups or organisations and 43 from individual members of the public. Where consent has been given to publish the response, it may be found at [Mandatory training on planning for elected members - Scottish Government consultations - Citizen Space](#).

A breakdown of the number of responses received by respondent type is set out in Table 1, and a full list of group respondents appended to this report at Annex 1.

**Table 1 – Respondents by type**

Type of respondent	Number
Organisations:	
Planning authority	21
Other public body	9
Planning or other professional	7
Private sector – developer	14
Private sector – energy/renewables	6
Private sector – other	11
Third sector - community councils/representative group	4
Third sector – other	5
<b>Organisations</b>	<b>77</b>
<b>Individuals</b>	<b>43</b>
<b>All respondents</b>	<b>120</b>

### **Analysis and reporting**

The report presents a question-by-question analysis of answers to the closed questions and further comments at open questions. Both the proportion of respondents answering closed questions and the number providing written comment varied from question to question, and this is noted in the body of the report. Non-response has been excluded from the analysis of closed questions.

As with any public consultation exercise, it should be noted that those responding generally have a particular interest in the subject area. Therefore, the views they express cannot necessarily be seen as representative of wider public opinion.



## 2. Who should undertake the training?

The Planning (Scotland) Act 2019 states that any elected member who has not fulfilled the specified training requirements will be prohibited from ‘exercising any of the authority’s specified functions on their behalf’. Planning functions undertaken by elected members can include determination of planning applications, the development plan process, and other development management functions.

Prior stakeholder engagement has identified improving consistency in the determination of planning applications as the most important issue to be addressed by mandatory training. The consultation therefore proposes that elected members should be prohibited from taking decisions on planning applications until mandatory training requirements have been met.

It is noted that the requirement to complete mandatory training would apply to elected members acting in their capacity as a member of a planning committee, Full Council or any Local Review Body (LRB). However, the consultation seeks views on whether the specific training requirements and content should vary for elected members depending on whether they take part in planning decisions through a planning committee, Full Council or any other body.

**Question 1: Should the determination of planning applications be the only specified function that elected members are prohibited from doing until training requirements have been completed?**

Responses to Question 1 by respondent type are set out in Table 2.

**Table 2**

	Yes	No	Total
<b>Organisations:</b>			
Planning authority	11	8	19
Other public body	2		2
Planning or other professional		5	5
Private sector – developer		7	7
Private sector – energy/renewables		6	6
Private sector – other	5	5	10
Third sector - community councils/representative group	1	3	4
Third sector – other	2	1	3
<b>Total organisations</b>	<b>21</b>	<b>35</b>	<b>56</b>
<b>% of organisations</b>	<b>38%</b>	<b>63%</b>	<b>100%</b>
<b>Individuals</b>			
	23	19	42
<b>% of individuals</b>	<b>55%</b>	<b>45%</b>	<b>100%</b>
<b>All respondents</b>	<b>44</b>	<b>54</b>	<b>98</b>
<b>% of all respondents</b>	<b>45%</b>	<b>55%</b>	<b>100%</b>

22 of the 120 consultation respondents (18%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

Less than half of those who answered the question (45%) agreed that the determination of planning applications should be the only specified function that elected members are prohibited from doing until training requirements have been completed - the remaining 55% disagreed. Organisations were less likely to agree than individuals, with 38% and 55% agreeing respectively.

**Please add any comment in support of your answer at Question 1.**

Around 80 respondents provided further comment at Question 1.

### **Reasons for supporting the proposal**

A number of those providing comment, particularly planning authorities, took the opportunity to express their general support for elected members being prohibited from determining planning applications unless they meet training requirements. For some respondents, this reflected a broader view that suitable training would be beneficial across all planning functions, such as planning policy creation and development plan processes. However, it was also suggested that the more complex, technical considerations involved in determining planning applications mean that this function specifically should be limited to those who have completed the required training.

It was noted that elected members may not have the planning background required for these functions, and there was reference to the role of training in improving the consistency of standards across these functions. Respondents also referred to planning reform having resulted in significant changes to the planning system, and to development planning in particular. It was suggested that the determination of planning applications – via planning committees and LRB - place an additional burden on elected members as they are required to exercise their judgement in what was described as a ‘quasi-judicial’ process.

Some planning authorities specifically suggested that the determination of planning applications should be the only function that elected members are prohibited from doing until training requirements have been met. These respondents recognised the potential benefits of training across other planning functions, but for example suggested that some discretion would help local authorities to manage delivery of training. It was also noted that elected members have the opportunity to draw on the knowledge and experience of planning officers across other functions such as development plan processes.

In addition to reasoning in favour of the proposal, respondents also highlighted several points for clarification:

- There was a perceived need to ensure that elected members can continue to exercise their democratic mandate, for example by voting on inclusion of a new housing site in their ward area.
- It was suggested that ‘emergency provisions’ may be required for cases where a planning authority does not have sufficient trained elected members to make planning decisions.

## Reasons for not supporting the proposal

The most common point raised by those opposed to the proposal was that mandatory planning training should apply across other planning functions, in addition to determination of planning applications. This included planning authorities, planning/other professionals and private sector respondents expressing a view that elected members should be prohibited from all planning-related decisions until they have completed the required training.

It was proposed that more detailed training may be provided specifically around the determination of planning applications, but that a core level of training should be mandatory across all planning functions. Respondents noted the consultation paper's reference to elected members having a role in the development plan process and other development management functions. It was suggested that these functions could have potentially significant impacts on the local planning system, and that training would be required to ensure that all planning decisions are impartial and based on an understanding of planning legislation and policy.

In terms of specific additional areas where respondents wished to see mandatory training, this was most commonly in relation to elected members' role in Local Development Plan (LDP) progression. This was suggested by planning authorities, planning/other professionals, private and third sector respondents who felt that planning training should be required for all elected members with a role in the Development Plan process. These respondents noted the complexity of the LDP, and its importance for local communities and development management.

Other planning functions and areas where respondents suggested that mandatory training requirements should apply are summarised below.

- Approval of other policies such as Regional Spatial Strategies and Local Place Plans,
- Adoption of statutory or non-statutory planning guidance.
- Other planning-related consents that can involve technical complexity such as Listed Building, Conservation Area, advertisement and consents under Sections 36 and 37 of the Electricity Act 1989.
- The notification process allowing a planning application to be called in to committee.
- Planning enforcement decisions.
- Planning authority responses to planning consultations.

There was also a perceived need for cross-departmental work by local authorities to ensure that other committees and functions have an appropriate understanding of planning policy – for example, transport, infrastructure and education committees.

Concerns were also raised around the potential for elected members being restricted from taking decisions for which they have been democratically elected. This included specific reference to elected members who are not on the planning committee not being sufficiently incentivised to take up training, and the associated

risk of Full Council planning decisions being delayed due to a lack of trained elected members.

**Question 2: Should the training requirements vary for elected members depending on whether they participate in a planning committee, Full Council or Local Review Body?**

Responses to Question 2 by respondent type are set out in Table 3.

**Table 3**

	Yes	No	Total
<b>Organisations:</b>			
Planning authority	9	12	21
Other public body		2	2
Planning or other professional	3	3	6
Private sector – developer		7	7
Private sector – energy/renewables	1	5	6
Private sector – other	4	6	10
Third sector - community councils/representative group	2	2	4
Third sector – other	1	2	3
<b>Total organisations</b>	<b>20</b>	<b>39</b>	<b>59</b>
<b>% of organisations</b>	<b>34%</b>	<b>66%</b>	<b>100%</b>
<b>Individuals</b>			
Individuals	16	26	42
<b>% of individuals</b>	<b>38%</b>	<b>62%</b>	<b>100%</b>
<b>All respondents</b>	<b>36</b>	<b>65</b>	<b>101</b>
<b>% of all respondents</b>	<b>36%</b>	<b>64%</b>	<b>100%</b>

19 of the 120 consultation respondents (16%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

The majority of those who answered the question (64%) disagreed that training requirements should vary depending on whether elected members participate in a planning committee, Full Council or Local Review Body - the remaining 36% felt that training requirements should vary. This balance of views was broadly similar between organisations and individuals (34% and 38% agreeing respectively).

**Please add any comment in support of your answer at Question 2.**

Around 85 respondents provided further comment at Question 2.

**Reasons for supporting the proposal**

Those who supported the proposal to vary training requirements suggested that these should reflect the different types of decisions and planning issues considered by planning committees, LRB and other decision-making bodies. Several planning authorities suggested that a minimum ‘core’ level of training could be relevant for all elected members; for example it was noted that all members are likely to be required to consider a planning application, approve a Local Development Plan

and/or be contacted by constituents on planning matters. However, there was a view that the detail and focus of training could vary dependent on the elected members' specific role.

Varying training requirements was most commonly highlighted for elected members who participate in the LRB and/or planning committee, with a number of respondents suggesting that enhanced training may be required in these circumstances. This included several planning authority respondents and some planning/other professionals. Respondents suggested that elected members making planning decisions on the LRB and/or planning committee will require more detailed development planning knowledge, and that the LRB is required to exercise delegated powers often in relation to complex or controversial applications where applicants have limited scope for further challenge.

A small number of respondents offered a view on how the level and focus of planning training could be varied for planning committee and/or LRB members. This included proposals for more in-depth training around how a planning application is determined (e.g. weight given to policy and how to achieve planning balance, material considerations, design issues, representations, planning conditions, etc), the role of the Local Development Plan, the role of the Planning and Environmental Appeals Division (DPEA), and dedicated local review training for LRB members. Some referred to specific types of planning decisions which were seen as having potential to involve complex legal issues (and where additional training may be beneficial) such as advertisements, certificates of lawfulness of existing or proposed use. It was also suggested that the frequency of training could be varied, for example with more frequent annual 'refresher' training for elected members on the Full Council and/or LRB who are likely to be less frequently involved in planning decisions.

### **Reasons for not supporting the proposal**

A number of planning authority and private sector respondents provided comment in support of an approach where the same training requirements apply to all elected members, regardless of their level of planning decision-making. This included private sector respondents who saw a need for greater consistency of understanding of the planning system across elected members.

Some of the planning authorities providing comment focused specifically on the training requirements for planning committees and LRB. It was suggested that, although they have distinct functions, planning committees and LRBs are required to deal with the same material considerations and follow the same processes – and therefore require similar levels of planning knowledge.

A small number of respondents suggested that a lower level of training may be suitable for other elected members. However, others were of the view that the determination of planning decisions by the Full Council places similar requirements on elected members and has a similar impact for local communities, particularly as Full Council decisions often relate to larger-scale and more complex applications that require a robust knowledge of planning policy. It was also suggested that elected members' role in determining the Development Plan process would benefit

from planning training. In this context there was a perceived need to ensure that all elected members meet the same basic level of training.

Other issues raised by those who opposed the proposal – especially planning authorities - included concern that different levels of training could add to confusion for elected members, and could be challenging for planning authorities in delivering training. Respondents also cited examples of planning authorities where all elected members sit on a planning committee and/or where LRB members are required to be planning committee members, such that varying training requirements would not be appropriate.

### 3. What should the training cover?

The consultation paper indicates that previous desk-based research and stakeholder engagement has identified a consensus view that the content for mandatory training should focus on the key principles and knowledge of the planning system that are likely to be applicable to all types of planning applications. Local authorities would have the discretion to provide additional training on local planning considerations and policies, but this would not form part of the mandatory training.

**Question 3: Should the mandatory training be focused on the key principles and knowledge of the planning system?**

Responses to Question 3 by respondent type are set out in Table 4.

**Table 4**

	Yes	No	Total
<b>Organisations:</b>			
Planning authority	20	1	21
Other public body	6		6
Planning or other professional	6		6
Private sector – developer		7	7
Private sector – energy/renewables	4	2	6
Private sector – other	8	2	10
Third sector - community councils/representative group	3	1	4
Third sector – other	4	1	5
<b>Total organisations</b>	<b>51</b>	<b>14</b>	<b>65</b>
<b>% of organisations</b>	<b>78%</b>	<b>22%</b>	<b>100%</b>
<b>Individuals</b>	<b>33</b>	<b>9</b>	<b>42</b>
<b>% of individuals</b>	<b>79%</b>	<b>21%</b>	<b>100%</b>
<b>All respondents</b>	<b>84</b>	<b>23</b>	<b>107</b>
<b>% of all respondents</b>	<b>79%</b>	<b>21%</b>	<b>100%</b>

13 of the 120 consultation respondents (11%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

A large majority of those who answered the question (79%) agreed that mandatory training should be focused on the key principles and knowledge of the planning system - the remaining 21% disagreed. This balance of views was very similar between organisations and individuals (78% and 79% agreeing respectively).

**Please add any comment in support of your answer at Question 3.**

Around 70 respondents provided further comment at Question 3.

## **Reasons for supporting the proposal**

Those who supported the proposed focus of mandatory training saw the key principles and knowledge of the planning system as an appropriate starting point to ensure that elected members have the required grounding in relevant legislation and policy. This was described as critical to elected members' understanding of the planning system and ability to make good planning decisions.

Several planning authorities were of the view that the content of mandatory training may have to be relatively 'high level'. For example, it was suggested that more strategically focused training content would ensure that this can apply across all planning authority areas, and there was concern that it is unrealistic to expect training to cover all of the policy and procedural aspects of the planning policy framework. It was also noted that elected members have access to professional advisors in the course of making planning decisions, and hence some suggested that training does not need to cover all aspects of planning policy.

A number of planning authorities in particular also noted that there should be scope for individual authorities to provide more tailored localised training where necessary. This was seen as crucial in ensuring that elected members can take account of local planning policies and issues in their decision making. Some private sector respondents and planning authorities expressed concern that these more local considerations should not be considered optional and suggested that this additional, localised training should also be mandatory – albeit content would vary between planning authorities.

Those who supported the proposed focus of mandatory training also referenced specific principles and aspects of the planning system that they wished to see addressed by training:

- The importance of the planning system being plan-led, including the primacy of the Local Development Plan and its relationship with NPF4.
- The importance of decisions being based on planning policy and/or other material planning considerations.
- What constitutes a valid material planning consideration.

## **Reasons for not supporting the proposal**

Other respondents providing comment were of the view that training should go beyond key principles and knowledge. This was seen as essential to ensure that elected members can put their knowledge of planning policy into practice to make informed and reasoned planning decisions. A number of these respondents made reference to specific aspects of the planning policy framework which they wished to see included in mandatory training:

- Some private sector respondents suggested additional training on complex development types, such as renewable energy and marine development.
- Some public bodies and private sector respondents suggested topic-based technical training on other relevant issues such as climate change mitigation and adaption, nature, flood risk and water resilience.



- A planning authority mentioned understanding of common elements of the decision-making process across the planning system.
- Some planning authorities and private sector respondents referred to how elected members should interpret planning policy, apply this to individual applications and weigh policy against relevant material considerations to ensure planning balance in their decisions.
- A private sector respondent referred to the potential impact of planning decisions taken by elected members.
- Some planning authorities and private sector respondents suggested functional processes and procedures, including specifically around planning enforcement.
- Some public bodies made reference to requirements of the Councillor’s Code of Conduct in relation to the planning system.
- A private sector respondent suggested understanding of how the remit of planning authorities sits alongside other regulators.

**Question 4: Do you agree with the list of topics to cover?**

The consultation paper set out a more detailed list of the areas that are proposed to be included in mandatory training, structured around the main topics of (i) the importance of a plan led system, (ii) planning application process, (iii) decision making at committee, (iv) the role of elected members, and (v) post decision.

Responses to Question 4 by respondent type are set out in Table 5.

**Table 5**

	Yes	No	Total
<b>Organisations:</b>			
Planning authority	17	3	20
Other public body	4	3	7
Planning or other professional	6		6
Private sector – developer	7		7
Private sector – energy/renewables	5		5
Private sector – other	9	1	10
Third sector - community councils/representative group	3	1	4
Third sector – other	4	1	5
<b>Total organisations</b>	<b>55</b>	<b>9</b>	<b>64</b>
<b>% of organisations</b>	<b>86%</b>	<b>14%</b>	<b>100%</b>
<b>Individuals</b>	<b>34</b>	<b>8</b>	<b>42</b>
<b>% of individuals</b>	<b>81%</b>	<b>19%</b>	<b>100%</b>
<b>All respondents</b>	<b>89</b>	<b>17</b>	<b>106</b>
<b>% of all respondents</b>	<b>84%</b>	<b>16%</b>	<b>100%</b>

14 of the 120 consultation respondents (12%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

The majority of those who answered the question (84%) agreed with the proposed list of topics for mandatory training - the remaining 16% disagreed. This balance of views was similar between organisations and individuals, with 86% and 81% agreeing respectively.

**Please add any comment in support of your answer at Question 4.**

Around 65 respondents provided further comment at Question 4.

### **Reasons for supporting the proposed list of topics**

A number of those providing comment expressed their general support for the proposed list of training topics. This included comments from planning authorities, other public bodies, planning/other professionals, private sector respondents and individuals.

Support for the proposed list of topics included a view that these are relevant to the key purpose of mandatory training - i.e. to enable elected members to make informed and balanced planning decisions. However, there were suggestions that some topics deserve greater emphasis, including a view that the primary focus should be on the decision-making process rather than more 'strategic' issues. Specific topics highlighted by respondents are summarised below. A number of these respondents also suggested additional topics for mandatory training at Question 5.

- The importance of a plan-led system was highlighted by some planning authorities and other public bodies, including reference to the role of the LDP and understanding of the development plan process.
- Understanding of the planning application process for different types of application and consents.
- Understanding of the decision-making and committee process, seen by some planning authorities and other public bodies as a key focus for training to ensure a consistent approach to decision making. Respondents also referred to understanding of material considerations and the importance of planning balance in decisions.
- The role of elected members, including adherence to rules and procedures.

### **Opposition to the proposed list of topics and suggested amendments or additions**

Those who disagreed with the proposed list of training topics included some who expressed concern around whether the relatively extensive set of proposed topics would be achievable, and who saw a need for training to focus on the key areas of most relevance to elected members. It was also suggested that there may be a need to prioritise key topics to ensure they are deliverable within the 3-hour period for online training suggested in the consultation paper.

Most of those providing comment at Question 4 – including those who agreed and those who disagreed with the proposed list of training topics – suggested addition

or amendment to the list. This included several planning authorities referring to the potential role of additional bespoke training provided by individual authorities, for example around local planning policies and subject-specific issues, and to take account of specific issues facing urban and rural authority areas. These respondents wished to ensure sufficient flexibility to allow planning authorities to supplement the 'core' training content in this way.

In addition, respondents highlighted the following areas to be added to the specific training topics set out in the consultation paper.

- In relation to the importance of a plan-led system, the role of key agencies supporting the preparation of plans and strategies, the planning system's contribution to wider strategic priorities such as biodiversity and nature, and the potential impact of decisions for local communities, economies and the environment,
- In relation to the planning application process, it was suggested that this is an 'operational matter' that is less important for elected members' decision making.
- In relation to decision making at committee, the role of statutory consultees and other stakeholders, notification of Ministers, and the difference between quasi-judicial planning decisions and non-quasi-judicial decisions.
- In relation to the role of elected members, reference to the Councillor's Code of Conduct, the role of expert advice and how to access this,
- In relation to post decision issues, the award of costs in appeals, and enforcement of planning decisions and conditions. Several planning authority, public body and planning professional respondents also saw a need for more detailed dedicated training on the role and remit of the LRB.

**Question 5: Are there any other topics that you think should be covered in the mandatory training?**

Around 85 respondents answered Question 5.

The majority of these respondents referred to specific issues under the five proposed topics that they felt should be covered by mandatory training. These are summarised below.

In relation to the importance of a plan-led system, the area most commonly raised by respondents was ensuring that elected members understand the wider strategic priorities that they should consider in their planning decisions. This was highlighted by a range of respondents including planning authorities, other public bodies, private sector and third sector respondents. Respondents referred to priorities set out by NPF4, and specific policy areas such as climate change and associated net zero commitments, nature, sustainability, and flood risk and water resilience. Other areas highlighted in relation to a plan-led system included:

- Setting out the formal stages of the development plan process, and how elected members can best engage in the process to encourage 'ownership' - suggested by a small number of planning authorities.

- The role of key agencies in supporting the plan-led system.
- The role of the NPF4 Delivery Programme.
- Infrastructure First policies.
- The distinction between statutory and non-statutory planning guidance – suggested by a small number of private sector respondents.
- Site allocation criteria for the Local Development Plan - suggested by a small number of private sector respondents.
- An understanding of housing land supply including the Housing Land Requirement and Land Pipeline – suggested by a small number of private sector respondents.

In relation to the planning application process, several private sector and other public body respondents wished to ensure that elected members have a good understanding of different types of planning application and consents. This included specific reference to Planning Permission in Principle, Approval of Matters Specified in Conditions and full planning application, and reference to consents such as applications for Listed Building or Conservation Area Consent and the potential role of Masterplan Consent Areas. Other issues raised in relation to the planning application process included:

- Consideration of the hierarchy of development, including different types of national planning developments and how planning decisions are taken at a national level (e.g. the role of key stakeholders, and the remit of the DPEA).
- What constitutes Permitted Development.
- The Section 36 and 37 process under the Electricity Act 1989.
- Public Local Enquiry processes.

Decision making at committee was seen by some – especially planning authorities, other public bodies and planning/other professionals - as a key focus for mandatory training. This was seen as particularly relevant given the overall objective of mandatory training to ensure a consistent approach to decision making across planning authorities. Respondents referred to various specific issues, including:

- Ensuring understanding of supporting processes and assessments was mentioned by several planning authorities and planning/other professionals. This included reference to Environmental Impact Assessment Regulations, Strategic Environment Assessment, Habitats, and more generally the approach to assessing the environmental impact of development proposals,
- The role of specific officers and agents including the Planning Advisor and Monitoring Solicitor.
- Processes for pre-determination hearings and full Council decisions.
- Notification of Applications to Scottish Ministers.
- The role of statutory consultees and other stakeholders.
- Managing stakeholder and press communication as an elected member.

- Engaging with 'seldom heard' groups such as children and young people, older people, people with disability, and Gypsy/Travellers.
- The implications of planning refusals was referenced by private sector, planning authority and planning professional respondents. This included in terms of the likelihood (and likely outcome) of appeals and associated costs for the Council, particularly where decisions are contrary to LDP and officer recommendations.

Training on the role of elected members was highlighted by a mix of planning authorities, planning/other professionals and private sector respondents as an important opportunity to ensure that members are aware of and comply with relevant procedures. This included reference to requirements set out in the Councillor's Code of Conduct. Other specific issues included conflicts of interest, awareness of the role of the planning officer (and Chief Planning Officer) including the training that planning officers require, and awareness of current methods to engage with regulators or applicants. It was also suggested that specific training should be provided for the chair or convener on the management of committee meetings and decision-making processes.

Reference to post decision issues related primarily to appeals and LRB. For example, it was suggested that elected members would benefit from training on how the appeals process operates, and how to explain appeals processes to members of the public. Calls for more in-depth dedicated training on LRB (noted at Question 4) were also repeated, and it was suggested that this should allow scope for content to be tailored to local circumstances.

Several planning authorities highlighted enforcement as a key element of the planning system that should be addressed by mandatory training. Respondents noted that elected members will not be directly involved in enforcement processes, but suggested that an understanding of enforcement will be important to ensure that elected members have a complete picture of the planning system.

## 4. How should the training be delivered?

### 4.1 Who will deliver the training?

The consultation paper notes that a range of different approaches could be used to deliver training to elected members, and sets out four potential options:

- Option 1: training developed and delivered in-person by each local authority, based on overarching key principles set out by the Scottish Government.
- Option 2 training content developed by the Scottish Government and delivered in-person by each local authority.
- Option 3 training delivered online, with the Scottish Government developing (or procuring) an online training course.
- Option 4 training delivered online, with the Scottish Government choosing a preferred training provider whom local authorities would appoint.

While noting that further work is required to determine the best option, the consultation paper indicates that the Scottish Government's preferred option is for training to be delivered online on a national scale.

#### Question 6: Which would be your preferred option for how the training could be delivered?

Responses to Question 6 by respondent type are set out in Table 6.

**Table 6**

	Option 1	Option 2	Option 3	Option 4	None of above	Total
<b>Organisations:</b>						
Planning authority	5	4	8	1	6	15
Other public body		1			2	2
Planning or other professional				1	4	5
Private sector – developer		5			2	2
Private sector – energy/renewables		1	4		1	5
Private sector – other	1	5	3	2	2	7
Third sector - community councils/representative group			2	1	2	5
Third sector – other					1	1
<b>Total organisations</b>	<b>6</b>	<b>16</b>	<b>17</b>	<b>5</b>	<b>20</b>	<b>42</b>
<b>% of organisations</b>	<b>14%</b>	<b>38%</b>	<b>40%</b>	<b>12%</b>	<b>48%</b>	<b>100%</b>
<b>Individuals</b>						
Individuals	3	13	11	9	10	30
<b>% of individuals</b>	<b>10%</b>	<b>43%</b>	<b>37%</b>	<b>30%</b>	<b>33%</b>	<b>100%</b>
<b>All respondents</b>	<b>9</b>	<b>29</b>	<b>28</b>	<b>14</b>	<b>30</b>	<b>72</b>
<b>% of all respondents</b>	<b>13%</b>	<b>40%</b>	<b>39%</b>	<b>19%</b>	<b>42%</b>	<b>100%</b>

48 of the 120 consultation respondents (40%) did not answer this question and are not included in the results presented above. Percentages do not sum to 100% as respondents were able to select multiple options

Amongst the four proposed options for delivery of mandatory training, the most commonly supported were option 2 (preferred by 40%) and option 3 (39%). Fewer respondents preferred option 1 (13%) and option 4 (19%). In addition, 42% of those answering the question selected 'none of the above' - this rose to 48% of organisations who answered the question.

**Please add any comment in support of your answer at Question 6.**

Around 85 respondents provided further comment at Question 6.

Most of these respondents referred to one or more of the four options presented at Question 6, and these comments are summarised later in this section. However, respondents also commented more broadly on the key principles of how training should be delivered: for example, whether training should be in-person and/or online, and who should develop and deliver training content.

### **In-person or online training**

A number of respondents expressed support for the online option preferred by the Scottish Government. These respondents suggested that online delivery would enable elected members to access training at a time that suits them, and would allow for training to be provided quickly where required, for example if elected members are appointed outwith the usual committee schedule. This included a view that a continuously accessible online resource would be useful, for example where elected members may wish to refresh their knowledge on specific topics throughout their term. Those in favour of online training also noted that this can still be 'live', allowing elected members to raise issues and interact with the training provider and other participants.

However, other respondents were of the view that online-only training will not deliver the required quality or depth of learning for elected members. This was linked to concerns that online training would deny elected members the opportunity to interact with training providers and share their experiences. Some suggested that any training delivery method must allow for participants to ask questions and raise issues. Those raising concerns around online-only options saw in-person training as a more effective approach in terms of engaging with elected members, including specific reference to this option providing scope for 'more interactive learning'. However, there were some concerns around the potential resourcing implications of an in-person approach, especially if planning authorities are required to deliver training.

### **How training content is developed and delivered**

In terms of how training content is developed, there was support for the Scottish Government developing standard content to be delivered locally. This was seen as having benefits in terms of allowing planning authorities to focus their limited resources on identifying area-specific policies and issues. There was also support for this approach in ensuring consistency of training content across planning authorities, although several respondents wished to ensure that content would be developed in collaboration with planning authorities and other key stakeholders.

Other respondents – especially planning authorities - suggested that Scottish Government setting the key principles for training would be sufficient to ensure a consistent approach, and that this would allow authorities to ensure that content reflects their local context. This reflected a view that the planning priorities and challenges faced by elected members are likely to vary considerably across planning authorities. An approach based on planning authorities developing and delivering training content was also seen as having potential benefits in terms of encouraging elected members' attendance, enabling training to be more responsive to changing local contexts, and building relationships between planning officers and elected members. However, several respondents, including some planning authorities, questioned whether planning authorities would have the capacity to deliver in-person training. In this context, respondents welcomed the consultation paper reference to the need for further assessment of likely resourcing impacts.

### **Comments on specific proposed options**

Reflecting the views noted above around how training should be delivered, respondents made a range of points in relation to each of the four delivery options set out in the consultation paper.

#### ***Option 1***

Several planning authorities noted that option 1 (training developed by planning authorities on the basis of SG principles, delivered by planning authorities in-person) was their preferred approach. This included comments noting that this is the training model currently used for elected members. It was also suggested that this option would provide planning authorities with greater scope to tailor and augment content to local contexts, while ensuring some consistency of content through Scottish Government input. However, there was also concern around the impact of this option on limited planning authority resources, especially for rural and island authorities. This was seen as having potential to divert resources from the ongoing delivery of other discretionary training (e.g. in response to changing local planning policy).

#### ***Option 2***

Support for option 2 (training developed by SG, delivered in-person by planning authorities) included comments from a number of private sector respondents around the consistency of approach ensured by Scottish Government developing training content. This approach was also seen as a more efficient use of resources, reducing the burden on planning authorities,

There was also support for in-person training provision as part of option 2, with this seen by some as essential to ensure genuine engagement and understanding for elected members. It was suggested that local delivery would provide an opportunity for planning officers to build relationships with elected members, although several private sector respondents suggested that training should be delivered by an external provider to ensure consistency of approach.

Those raising issues for option 2 included some who preferred option 1 on the basis that this would provide greater flexibility for planning authorities. It was noted



that planning authorities may wish to retain some autonomy around how training is delivered in practice, for example choosing a mix of in-person and remote provision where this was better suited to local circumstances, or appointing a trainer to deliver the initial programme. There was concern around whether option 2 would allow sufficient scope for planning authorities to tailor training content. While it was noted that this option would place less demands on planning authorities than option 1, some repeated concerns around the potential to limit planning authorities' capacity to deliver other discretionary training.

### ***Option 3***

Those providing comment in support of option 3 (training developed by SG, delivered online for elected members to access directly) included a number of planning authorities and private sector respondents. The option was described by some planning authorities as likely to be the most flexible and cost-effective approach to deliver training at the scale required while minimising the risk of a lack of fully trained elected members delaying planning decisions. There was also reference to positives in terms of minimising the burden on planning authorities and enabling elected members to engage with training in their own time, and support for the option as ensuring the consistency of training content across planning authorities.

Concerns raised for option 3 were most commonly focused on the potential quality and impact of training delivered through an 'e-learning' model, especially the extent to which an online approach could still enable elected members to ask questions, raise issues and share experiences. Several respondents saw these as crucial elements in any training delivery model, and there was concern that option 3 would be lacking in this regard. Some noted that use of 'live' online training could help to address these concerns, and there was also a view that a robust approach to monitoring impact would be required to ensure an online model delivered meaningful training for elected members. On this basis, some suggested that online learning would be useful as a supplement to in-person training but did not support an online-only option.

### ***Option 4***

Comments in support of option 4 (SG procure an independent training provider, appointed by planning authorities to deliver training online) included a view that use of an independent provider would be a positive for the quality of training provision. Respondents contrasted this approach with option 3, suggesting that delivery by an independent provider would enable elected members to raise issues, ask questions and share their experiences with other participants.

Issues highlighted for option 4 included concern that selected training provider(s) may not be of sufficient quality, and that planning authorities would have no role in the procurement decision. Some also noted that their support for this option was based on the inclusion of a test element to monitor quality and impact. There were concerns that it may be difficult for a single provider to manage the pattern of demand from planning authorities, particularly as many authorities are likely to require training at the same time following elections. This was seen as increasing

the risk of planning authorities not having sufficient numbers of trained elected members to make planning decisions, especially for smaller authorities who may be concerned that they would be 'at the back of the queue'. Questions were also raised around how training costs would be met under this model, and there was concern that this could be an additional cost for planning authorities at a time of significant budget restrictions.

### **'None of the above'**

As noted at Table 6, a substantial proportion of respondents selected the 'none of the above' option. This included a small number indicating that they have no preference, or do not have a view on how training is provided. However, for others a 'none of the above' response appeared to reflect some of the concerns noted above in relation to specific options. For example, these respondents referred to resourcing for planning authorities in relation to options 1 and 2, and the importance of ensuring the selected approach can deliver the required training in a timely manner.

In the context of these concerns, some proposed approaches based on combining two or more options. This was most commonly in the form of 'hybrid' models that incorporate online and in-person delivery options, where planning authorities can select the option(s) that best suit their needs.

These proposals were also linked to a view that planning authorities are best placed to select an appropriate training delivery method. For example, it was noted that authorities may wish to take a different approach where a newly formed planning committee primarily comprises returning elected members, than for a committee of predominantly newly elected members. A 'hybrid' model was seen as offering benefits in terms of flexibility to suit local circumstances and elected members' learning preferences. For example, it was suggested that a 'live' online session may be preferable for elected members who are unable to attend a scheduled in-person session, while self-completion online sessions may be a suitable option where individuals require to access training through the year. However, it was noted that even a hybrid approach incorporating a significant online element will require sufficient resourcing to ensure a consistent quality of training experience.

### **Question 7: Do you have any further comments on how the training could be delivered?**

Around 50 respondents answered Question 7.

Most of these respondents – especially planning authorities - reiterated points discussed above, including their preference for specific delivery options. This included reference to concerns around the effectiveness of online training, and the importance of providing an 'interactive' element for elected members to ask questions and raise issues. The importance of flexibility in the training delivery method was also repeated, including 'hybrid' options to better suit local contexts and elected members' learning styles. In this context it was also suggested that

allowing planning authorities to continue to use existing training platforms would be beneficial.

A limited range of other issues were raised at this question – these are summarised below.

- A time limit on training sessions was proposed by some planning authorities to ensure their effectiveness, including a view that multiple shorter training sessions may be more practicable for elected members. However, a private sector respondent wished to ensure that sufficient time is made available to cover all of the proposed topic areas.
- A planning authority saw a need for the selected option to go beyond what planning authorities are currently equipped to provide, to deliver a genuine improvement in elected member training.
- A preference for a collaborative approach to development of training content was reflected in several other public bodies expressing an interest in contributing to this process.
- An other public body wished to see training materials published by planning authorities to ensure all relevant parties are aware of training content, and to support confidence in the process.
- A planning authority suggested a minimum period between publication of any new guidance and the implementation of mandatory training, for example to ensure continuity in decision making.

## 4.2 Test

The consultation paper notes that previous stakeholder engagement has shown strong support for a test element for planning training to demonstrate that the content has been properly understood. It is proposed that a multiple-choice test format should be used, with questions set once training content is finalised and following user testing. A minimum passing score would be agreed, with elected members able to retake the test until a pass is achieved.

**Question 8: Should there be a requirement for elected members to have passed a test before being allowed to undertake a planning decision?**

Responses to Question 8 by respondent type are set out in Table 7.

**Table 7**

	Yes	No	Total
<b>Organisations:</b>			
Planning authority	11	8	19
Other public body	1	1	2
Planning or other professional	4	1	5
Private sector – developer	7		7
Private sector – energy/renewables	6		6
Private sector – other	7	2	9
Third sector - community councils/representative group	4		4
Third sector – other	1	1	2
<b>Total organisations</b>	<b>41</b>	<b>13</b>	<b>54</b>
<b>% of organisations</b>	<b>76%</b>	<b>24%</b>	<b>100%</b>
<b>Individuals</b>			
Individuals	38	3	41
<b>% of individuals</b>	<b>93%</b>	<b>7%</b>	<b>100%</b>
<b>All respondents</b>			
<b>All respondents</b>	<b>79</b>	<b>16</b>	<b>95</b>
<b>% of all respondents</b>	<b>83%</b>	<b>17%</b>	<b>100%</b>

25 of the 120 consultation respondents (21%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

The majority of those who answered the question (83%) agreed with a requirement for elected members to have passed a test before being allowed to undertake a planning decision - the remaining 17% disagreed. Organisations (particularly planning authorities) were less likely than individuals to agree; the proposal was supported by 76% of organisations who answered the question, compared with 93% of individuals.

**Please add any comment in support of your answer at Question 8.**

Around 80 respondents provided further comment at Question 8.

**Views on the use of a test**

Reflecting the overall balance of views, the majority of those providing comment at Question 8 expressed their support for the principle of a test. This included a mix of planning authorities, planning/other professionals, private sector and third sector respondents.

These respondents supported use of a test to reinforce learning outcomes and to assess the impact of training in terms of improving elected members' understanding. Indeed, some planning authorities and private sector respondents saw a test as a crucial element in ensuring that mandatory training achieves the intended outcome in terms of ensuring elected members have a good understanding of the planning system and their role in it, and ultimately results in more consistent decision making. Some planning authorities drew parallels with use of testing in relation to other mandatory training, such as licensing.

Other potential benefits identified by respondents included helping to ensure that training is taken seriously by elected members, and identifying any consistent knowledge gaps to inform ongoing refinement of training content. It was suggested that use of a test may also help to support public confidence in training and elected members' decision making, as a demonstration of quality assurance.

Several respondents saw a test as especially important where elected members have completed their training online, reflecting concerns noted at Question 6 that online training may be less effective for some. One respondent specifically suggested that a test may not be necessary where training is provided in a live and/or in-person format.

### **Reasons for opposing the use of a test**

Some of those providing comment raised concerns around the principle of a test as part of mandatory planning training. This included a view that a test may encourage participants to simply learn the key facts necessary to pass, and may not be effective in ensuring that elected members have a genuine understanding of the planning system and what is required for good planning decisions. There was also concern that a nationally-set test may mean that more localised issues will not be adequately addressed.

Reflecting these concerns, some expressed a preference for an approach based on continuous learning and assessment, rather than a single test. This included reference to existing training approaches having been effective without use of a test. It was also suggested that the effectiveness of training could be measured through ongoing assessment of the relevance of discussion at planning committees and/or the number of planning decisions that are successfully challenged.

### **The practicalities of a test**

Respondents raised a number of points around the implementation of a test, including some who suggested that the consultation paper does not address key practical issues around how a test would be implemented. These comments most commonly related to the proposal that elected members would be able to retake the test until a pass is achieved, including comments that it will be important to enable tests to be retaken quickly. However, some saw a need for clear processes to deal with circumstances where an elected member fails the test on multiple occasions. This included several private sector respondents suggesting a cap on the number of times the test can be retaken, and/or other provisions for the test being failed multiple times, such as additional training or a minimum period before the test can be retaken.

Other points raised around the practical approach to a test included:

- The importance of carefully formulating any test to ensure it provides an accurate assessment of elected members' understanding. This included calls for tests to be inclusive for all abilities, with some expressing concern that the need to pass a test should not deter elected members accepting a place on the planning committee. It was suggested that local authority planning officers should have input to development of questions.

- It was suggested that a relatively short set of questions could be sufficient to ensure elected members have an understanding of key principles and aspects of the planning system.
- There was support for the multiple-choice format, although it was also suggested that this may not be sufficient to assess elected members' planning judgement. 'Scenario-based' or other qualitative question formats were proposed to better demonstrate that elected members can apply training to planning decisions.
- Some wished to see use of time-limited and/or 'closed book' testing to ensure this provides a true assessment of elected members' understanding.
- In terms of setting a pass level for the test, the benchmark of 80% used in relation to licensing board training was cited as a potential option.

## **4.2 Duration and Timing of Training**

The consultation paper suggests that training should not place an unnecessary time burden on elected members. It is proposed that in-person training should require a half or full day, and no more than 3 hours for online training. The paper also notes that elected members could be required to retake training in full or complete a refresher course after a certain time period.

**Question 9: How often should elected members be required to retake the training?**

Responses to Question 9 by respondent type are set out in Table 8.

**Table 8**

	Once every year	Once every election cycle	Should not need to be retaken	Other	Total
<b>Organisations</b>					
Planning authority	1	15		5	21
Other public body	1	2		1	4
Planning or other professional		3		3	6
Private sector – developer	5			2	7
Private sector – energy/renewables	4	1		1	6
Private sector – other	4	5		1	10
Third sector - community councils/representative group	2	1		1	4
Third sector – other	1	3			4
<b>Total organisations</b>	<b>18</b>	<b>30</b>	<b>0</b>	<b>14</b>	<b>62</b>
<b>% of organisations</b>	<b>29%</b>	<b>48%</b>	<b>0%</b>	<b>23%</b>	<b>100%</b>
<b>Individuals</b>					
	12	17	1	12	42
<b>% of individuals</b>	<b>29%</b>	<b>40%</b>	<b>2%</b>	<b>29%</b>	<b>100%</b>
<b>All respondents</b>	<b>30</b>	<b>47</b>	<b>1</b>	<b>26</b>	<b>104</b>
<b>% of all respondents</b>	<b>29%</b>	<b>45%</b>	<b>1%</b>	<b>25%</b>	<b>100%</b>

16 of the 120 consultation respondents (13%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

Amongst the proposed options for the frequency with which elected members should be required to retake training, the most commonly supported option was once every election cycle (preferred by 40%). A further 29% felt that training should be retaken every year, while 25% provided ‘other’ suggestions. This included proposals for a requirement for training to be retaken 2-3 times per election cycle, and/or for ‘refresher’ training to be taken annually or in response to relevant planning policy changes.

**Please add any comment in support of your answer at Question 9.**

Around 85 respondents provided further comment at Question 9.

The majority of those who provided comment expressed support for requiring elected members to retake training at specified periods. This was seen as important in ensuring that members’ knowledge of planning legislation and policy remains current. It was noted that regular refreshment of training is standard Continuous Professional Development (CPD) practice across other policy areas and sectors where individuals require an up to date understanding of regulatory and legislative requirements.

## **Comments on specific proposed options**

Support for training being undertaken once a year included private and third sector respondents highlighting the rate of change across the planning system over recent years. It was suggested that annual 'refresher' training would ensure that provision keeps pace with ongoing national and local planning policy developments, and would provide an opportunity to refine training in response to monitoring of impact for elected members. It was also noted that annual training would be consistent with planning authorities' wider approach to CPD, although there were concerns that this could be too onerous for elected members and planning authorities.

In terms of training content, several respondents proposed that annual 'refresher' training should be relatively short, focusing on key principles and any relevant policy or legislation changes. This included reference to potential for more detailed training updates to be provided less frequently, such as at the start of every election cycle.

Requiring elected members to undertake training once an election cycle was described by some planning authorities as a proportionate approach to minimise the administrative burden, while ensuring elected members have an up to date understanding of the planning policy context. It was also noted that this would be consistent with the approach to Licensing Board training.

Some planning authorities wished to see once-a-cycle mandatory training supported by more frequent local discretionary training delivered by planning authorities. It was also suggested that more frequent refresher training may be required for elected members who carry out their planning functions infrequently; for example, a short refresher was proposed where elected members have not been involved in a planning decision for a year or more. Some also wished to see elected members have access to online training materials throughout the year.

In terms of 'other' options for requiring elected members to retake training, alternative schedules proposed by respondents included at least twice per election cycle, and every two years. It was also suggested that the frequency of training should be linked to planning policy and regulation changes, rather than election cycle.

Several respondents suggested an approach that combines other options. For example, some proposed that comprehensive training should be delivered once every election cycle, and supported by less detailed 'refresher' training delivered more often (e.g. annually or at the mid-point of the election period). This included a suggestion that annual refresher training could be targeted to those who are involved with planning decisions less often.

## **Varying the frequency of training**

A number of respondents highlighted potential circumstances where there may be a need to vary the frequency of training for elected members, including some who expected there to be a continued role for more frequent discretionary training delivered by planning authorities as part of ongoing CPD.



It was suggested that more frequent training may be required in some circumstances, especially if elected members are usually required to repeat training once an election cycle. This was most commonly suggested in relation to any significant change to national or local planning policy such as revisions to NPF4, issue of new planning circulars, or adoption of a new LDP. It was proposed that if an elected member undertakes training late in a council term (for example, if they are newly appointed to planning committee) then they could be excused from repeating this immediately following re-election.

It was also noted that more frequent targeted training could be required if ongoing monitoring identifies members who are not acting in accordance with their training. There were calls for a mechanism to identify the need for additional training in these and other relevant circumstances.

# 5. How will the training be monitored?

## 5.1 Monitoring Completion

The consultation paper suggests that, in order to demonstrate that elected members have fulfilled the training requirements and are not prohibited from exercising the authorities specified planning functions, it will be important to establish and evidence that the specified training has been completed.

The proposal is that the completion of the training will be monitored by Local Authorities and that the training completion status of each elected member should be made publicly available. The consultation paper suggested that the most effective way of making this information publicly available is through individual Local Authorities' websites and by recording it within the Planning Performance Framework (PPF) Reports / statutory annual report.

**Question 10: Should elected member's completion of the training be made available to the public?**

Responses to Question 10 by respondent type are set out in Table 9.

**Table 9**

	Yes	No	Total
<b>Organisations:</b>			
Planning authority	16	4	20
Other public body	4		4
Planning or other professional	3	1	4
Private sector – developer	7		7
Private sector – energy/renewables	6		6
Private sector – other	9		9
Third sector - community councils/representative group	4		4
Third sector – other	4		4
<b>Total organisations</b>	<b>53</b>	<b>5</b>	<b>58</b>
<b>% of organisations</b>	<b>91%</b>	<b>9%</b>	<b>100%</b>
<b>Individuals</b>	<b>38</b>	<b>4</b>	<b>42</b>
<b>% of individuals</b>	<b>90%</b>	<b>10%</b>	<b>100%</b>
<b>All respondents</b>	<b>91</b>	<b>9</b>	<b>100</b>
<b>% of all respondents</b>	<b>91%</b>	<b>9%</b>	<b>100%</b>

20 of the 120 consultation respondents (17%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

The majority of those who answered the question (91%) agreed that elected member's completion of mandatory training should be made available to the public - the remaining 9% disagreed. This balance of views was very similar between organisations and individuals (91% and 90% respectively).

**Please add any comment in support of your answer at Question 10.**

Around 75 respondents provided further comment at Question 10.

### **Reasons for supporting the information being made public**

Respondents who favoured elected member's completion of the training being made available to the public were most likely to refer to transparency, accountability and public trust or confidence in the planning system. There was also reference to the confidence of stakeholders, and planning officers and professionals. These considerations were mentioned by a range of respondents including planning authorities, other public bodies, planning/other professionals, private and third sector respondents, and individuals.

Further comments included that the approach could help avoid accusations that elected members are not fully aware of the system or competent to determine any application. There was also reference to it supporting monitoring and enforcement, and to publication helping avoid Environmental Information Regulations or Freedom of Information requests being made. However, there was also a view that the information should be publicly available by request, including because if the training is mandatory then it could be assumed that all Elected Members who participate in making planning decisions will have undertaken the training.

A number of respondents went on to make suggestions about the type of information that should be made available, or the arrangements and/or requirements that should be in place. On the latter point, there was reference to:

- The approach being overseen by a small group of Elected Members with some input by officials.
- Information being updated annually as a minimum.

In terms of the type of information that should be made available, suggestions included:

- A statement which sets out that elected members are assessed to be competent, rather than the specific training undertaken.
- The relevant accreditation period.
- For each elected member, the number of attempts it took them to pass and their score.

There was also a suggestion that those who have not completed training should be named, but also a contrasting view that it should not become an exercise in identifying individual elected members who have not completed the training.

Other comments or suggestions relating to the requirements and/or arrangements for the training included that:

- It should be a legislative requirement and should be built into local authority standing orders.

- Training should be completed as part of the induction or re-induction following election.

### Reasons for not supporting the information being made public

Points raised by those who did not think the information should be made available to the public were sometimes similar to those who thought it should. For example, these respondents noted that, if the training is mandatory, then elected members cannot sit on planning applications committee or local review committees without having passed the training. Further comments included that publishing results for individual members could be seen as disproportionate to the outcome required.

Suggested alternatives included:

- (As above), that there should be no requirement to publish this information, but it should be available if a member of the public requests it.
- If the requirement is brought in, it should apply only to Committee and LRB members.
- Only the number of elected members who have completed the training should be made public, rather than individuals being named.

**Question 11: If the completion of training is made public, do you think the information being provided within PPF / statutory annual reports and on the Local Authorities website are sufficient?**

Responses to Question 11 by respondent type are set out in Table 10.

**Table 10**

	Yes	No	Total
<b>Organisations:</b>			
Planning authority	17	2	19
Other public body	4		4
Planning or other professional	3	2	5
Private sector – developer	6	1	7
Private sector – energy/renewables	6		6
Private sector – other	7	3	10
Third sector - community councils/representative group	3	1	4
Third sector – other	3		3
<b>Total organisations</b>	<b>49</b>	<b>9</b>	<b>58</b>
<b>% of organisations</b>	<b>84%</b>	<b>16%</b>	<b>100%</b>
<b>Individuals</b>	<b>27</b>	<b>14</b>	<b>41</b>
<b>% of individuals</b>	<b>66%</b>	<b>34%</b>	<b>100%</b>
<b>All respondents</b>	<b>76</b>	<b>23</b>	<b>99</b>
<b>% of all respondents</b>	<b>77%</b>	<b>23%</b>	<b>100%</b>

21 of the 120 consultation respondents (18%) did not answer this question and are not included in the results presented above. Percentages may not sum to 100% due to rounding

The majority of those who answered the question (77%) agreed that the information provided within PPF/statutory annual reports and on the local authority website are sufficient if elected member's completion of training is made available to the public - the remaining 23% disagreed. Organisations were more likely to agree that this information is sufficient; 84% of organisations compared with 66% of individuals.

### **If no, where should the information also be made available?**

Around 55 respondents provided further comment at Question 11.

#### **Reasons for thinking the approach would be sufficient**

In addition to general comments in favour of the proposed approach it was suggested that it would be proportionate, would support monitoring and would allow for consistency in reporting across the country. It was also noted that the approach would enable publication in an existing reporting mechanism without the creation of another report solely tied to Elected Members training.

However, a small number of primarily planning authority respondents reiterated that they did not agree with a requirement for the completion of training to be made public (and hence had answered 'No' at the previous question); they noted that *if* the requirement is brought in, the PPF route would seem appropriate. Further comments from these respondents included that individual Local Authorities should decide if they want to publish the information and where it is published. A specific suggestion was that, if there is an existing method of reporting for other training requirements, such as that for licensing boards by local authorities, it would also make sense to mirror that approach. However, it was also noted that those approaches could vary according to local authority area.

Points raised about the type of information that should be published sometimes reflected those raised at the previous question, including that it would be sufficient to report statistical information, such as percentage or numbers of Elected Members who have completed the training, rather than listing individual names in the PPF or other annual reports.

Other suggestions about the type of information to be provided included that it should not be presented in a pass/fail format and that it would be sufficient to add text along the lines of "XXX has successfully completed training on the Scottish planning system". There was also reference to providing the date of completion of training.

Other suggestions related to other sources through which the information could or should be made available and included that:

- It could also be included as an appendix to any planning reports that are published for committee or LRB decision making. Private sector developers made this suggestion.
- Details of when the training was last completed should also be noted on Councillor information pages on the Council Website.

Finally, a Planning authority respondent reported that their Democratic Services maintain a register of all members' individual training and that completed training for planning could also be included in this register.

### **Reasons for thinking the approach would not be sufficient**

Those who did not think the approach proposed would be sufficient generally suggested additional routes through which information should be made available. Reflecting the balance of views shown at Table 10, these were primarily private sector and individual respondents although a small number of planning authority and other public body respondents also suggested alternative approaches.

- On all agendas or minutes connected to planning decisions, for example through a link to the relevant information elsewhere on the website. There was also a suggestion that, in terms of making the information available on local authorities' websites, it should be on the Planning page.
- At each sitting of the Planning Committee and LRB.
- As part of a register of all member's completed training not only for planning but other relevant areas.
- In all staff governance committee papers.
- In public libraries and on all Council literature, such as newsletters.
- (As above), as part of the information on Elected Members provided on their local authorities' website. Through any publicity materials/websites of the Elected Members themselves. Also, as mandatory in election materials. Through a report to the Scottish Public Services Ombudsman (SPSO).
- On the Transforming Planning website.

## **5.2 Long-Term Monitoring of Impact**

**Question 12: Do you have any comments / suggestions on the best ways to monitor the long-term effects of the mandatory training of elected members?**

Around 75 respondents made a comment at Question 12, with some respondents, including a small number of planning authorities, commenting on the challenges and/or potential difficulties around monitoring the long-term effects of mandatory training of elected members. It was noted, for example, that it would entail defining what 'better' planning decisions would be, as well as setting a standard against which they would be measured. The associated concern was that there may be a tension between decisions reflecting local interests - as expressed by Elected Members on planning committees - and the policy outcomes sought by the Scottish Government.

However, there was also a view, expressed by a small number of private sector developer respondents, that monitoring will be essential to ensure that the success, or not, of the mandatory Elected Member training is reviewed and acted upon. In terms of developing an approach, there were calls for the development industry, including representative bodies, to be involved.

In terms of the type of information that could be gathered, there was reference to gathering feedback from elected members, with suggestions that this might cover any topics it would be useful to add and any topics on which they require additional training.

There was also reference to gathering feedback from the public, and specifically users of planning services, for example by surveying planning customers about whether Elected Members had grasped the fundamentals of their case, and to consulting with Community Councils, and planning officers.

There were also a range of suggestions for possible performance indicators, including:

- Attendance by Elected Members at planning committee and the number of meetings held / decisions made. However, it was noted that it would be difficult to discern if any changes seen were due to the training provided rather than other influences.
- Planning decisions which passed but where there were objections as a percentage of total applications.
- The number of planning approvals that go against the advice of planning officers.
- The number of complaints that are made about a planning committee / LRB.

A number of the suggestions made related to appeals and challenges, including comments from a range of planning authority, planning professional, private and third sector respondents.

- The number of planning appeals, and especially those based on errors in the process. Planning decisions overturned on appeal. Specifically, the number of appeals being assessed by the DPEA each year that have committee decisions in direct opposition to the planning officer's recommendation.
- The percentage of successful appeals where expenses are awarded against the planning authority as a result of unreasonable decisions. However, it was also suggested that as numbers would be small, this would need to be undertaken at a national level in order to identify any meaningful trends and specific circumstances could skew the results.
- Successful court challenges (by statutory appeal or by judicial review against a planning authority decision). SPSO findings of member maladministration and Standards Commission for Scotland findings of breach of the Councillors' Code of Conduct.

It was also suggested that DPEA cases on planning appeals could be reviewed to gain insight into the planning policies and justifications put forward for the planning authority, and the Reporters assessments, analysis and decision on these. It was thought that this approach could flag up areas where further focus or reworking of training is required.

A similar proposal was that a statistically significant representative sample of Scottish local authorities' decisions (which was anonymised and did not make direct reference to particular decisions) could be examined. A similar suggestion was to

have an independent person review planning decisions made over a period of time before the training is undertaken, then have new planning decisions reviewed at intervals afterwards to see what changes occur.

Finally, it was noted that the new Planning Improvement Champion will also have a key role to play in monitoring the effectiveness of the mandatory training.



## 6. Impact Assessments

**Question 13: Do you have any comments on the impact assessments undertaken as part of the consultation on mandatory training on planning for elected members?**

Only around 20 respondents made a comment at Question 13, with those comments tending to be brief. They included that the impact assessments seem to be comprehensive, rigorous and fair. Other general comments included that:

- The environment needs to be given appropriate/equal consideration.
- It will be important to ensure that training reflects the diversity of regional economies, and the role of each planning authority within them.

### **Partial Business and Regulatory Impact Assessment**

In terms of the Business and Regulatory Impact Assessment, there was support for the implementation of mandatory training being cost-neutral to planning authorities, and it was noted that the Assessment states that the Scottish Government will provide the funding for implementation of mandatory training.

### **Equality Impact Screening Assessment**

Issues raised in relation to the Equality Impact Screening Assessment included that, as all Elected Members involved in making planning decisions would be required to undertake the mandatory training, there is no overarching discrimination against any person with protected characteristics. However, it was also noted that the training itself will need to be inclusive so as not to discriminate against Elected Members who have protected characteristics – particularly those with disabilities.

In terms of the impact of the training, there was a suggestion that planning authorities have made short-term decisions in many areas which have disadvantaged those with protected characteristics, and that proper training would help to eliminate this, and other problems, which stand in the way of a fairer Scotland.

### **Island Communities Impact Screening Assessment**

In terms of the Screening Assessment, the points around travel to courses, digital connectivity and the intention that training would not exceed a day were welcomed.

It was suggested that a full Island Communities Impact Assessment might be of value, including to determine whether mandatory training could actually have a positive impact on Island (and rural) communities and businesses.

## **Annex 1: Organisations responding to the consultation**

### **Planning authority**

Aberdeen City Council  
Aberdeenshire Council  
Angus Council  
City of Edinburgh Council  
Comhairle nan Eilean Siar  
Dundee City Council  
East Ayrshire Council  
East Dunbartonshire Council  
East Lothian Council  
East Renfrewshire Council  
Fife Council  
Glasgow City Council  
North Ayrshire Council  
North Lanarkshire Council  
Perth and Kinross Council  
Scottish Borders Council  
Shetland Islands Council  
Stirling Council  
The Highland Council  
West Dunbartonshire Council  
West Lothian Council

### **Other public body**

COSLA  
Ethical Standards Commissioner for Scotland  
Historic Environment Scotland  
NatureScot  
SEPA  
The Society of Local Authority Lawyers and Administrators in Scotland (SOLAR)  
Standards Commission for Scotland  
The Key Agencies Group  
The MGSDP

## **Planning or other professional**

Built Environment Forum Scotland  
Heads of Planning Scotland (HOPS)  
John Watchman and Andrew Ferguson  
Law Society of Scotland  
Planning Aid Scotland  
The Royal Incorporation of Architects in Scotland  
The Royal Town Planning Institute Scotland

## **Private sector - developer**

Barratt Homes  
Campion Homes Ltd  
D J Laing Homes Ltd  
David Wilson Homes  
Hadden Group  
Headon Developments  
McTaggart Construction Limited  
Miller Homes Limited  
Ogilvie Homes Ltd  
Persimmon Homes  
RDK/RobertRyan Homes  
Springfield Group  
Stewart Milne Homes  
Turnberry Homes

## **Private sector – energy and renewables**

RWE Renewables  
Scottish Renewables  
ScottishPower Renewables  
SSE Renewables  
SSEN Transmission  
Statkraft UK Limited

## **Private sector - other**

British Holiday and Home Parks Association  
British Ports Association  
Donaldson Group

George Buchanan Architects

Homes for Scotland

Organic Seaharvest

Pat Munro (Alness) Ltd

Salmon Scotland

ScotIncGrowth

Scottish Land & Estates

Scottish Property Federation

**Third sector - community council/representative group**

Belmont & Kincaidston Community Council

Broom, Kirkhill and Mearnskirk Community Council

Fort, Seafield and Wallacetown Community Council

Fossoway and District Community Council

**Third sector - other**

APRS (Action to Protect Rural Scotland)

Paths for All

RSPB Scotland

Sustrans Scotland

The National Trust for Scotland



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