

The Review of Planning

Comments by the Institute of Historic Building Conservation, Scotland Branch

The historic environment is a product of change – the people's interaction with the land over millennia. As professionals we see our role as managing such change to protect what is important and special for the people of Scotland now and in the future.

1 Development Planning

- A) yes
- B) generally the current system of development plans is fit for purpose. If there is a query it may be over the effectiveness of Strategic Development Plans and the fact that Local Development Plans may be insufficiently *local*. There may be a need for neighbourhood and/or community plans. This is particularly needed to get development into areas with lower property values and a lack of infrastructure
- C) yes– it provides consistency across Scotland
- D) it seems likely that a system of Local Development Plan and neighbourhood planning might be the most effective.
- E) there should be better integration of plan cycles. There is a clear need better to understand the places which are being planned.
- F) five years may be too short a cycle for fully effective development planning. Perhaps if Local Development Plans were put on a 10 year cycle that would make more sense. Whatever the cycle, Instead of *visions*, plans should be based on a sound footing of rigorous and knowledgeable *survey* and *analysis*.
- G) yes, within a 10 year cycle, with the addition of adequate survey information, and robust aims which are generally not revisited with every plan cycle – there needs to be capability to review actions to achieve key policy and objectives..
- H) hearings might be quicker, and possibly with no significant demerits: if there were no inquiries, would that be such a loss?
- I) development plans can be more flexible, but only at a greater risk of uncertainty. Developers in particular value consistency so they know where they are from the outset
- J) the development plan must arrive at a set of realistic actions. It must include the possibility of deallocation. There must be an easier process of compulsory purchase in the interests of good planning. Perhaps a five-year consent life should be reintroduced.

As far as quality of place is concerned we would like to see more Conservation Area Management Plans and Character Appraisals: if these are well prepared they should have the same weight as the Local Development Plan, possibly as Supplementary Guidance. There should be a revival of townscape and landscape appraisals as key components of the survey stage – significant sites within a development plan should have site briefs prepared for them. These should be clear planning briefs prepared by the Planning Authority to reflect national and local policy and guidance Those working on the development plan must be skilled professionals who understand design issues, design analysis, and design constraints. We

believe Local Design Review Panels can have key roles in both scrutinising design briefs for significant sites and in considering design issues at an early, ideally pre-application, stage of development management.

2 Housing Delivery

- A) the quality and scale of housing delivery would be considerably improved by better site analysis, examining more carefully local context, and making more efficient use of land, which would include any existing buildings. A wider range of housing types and sizes may better reflect the quality and scale of the local area and add to the quality of life of new and existing residents. Any affordable components of a housing development should be tenure-blind and provided within the development.
- B) any barriers to housing delivery are primarily obstructions to badly designed schemes. Sometimes section 75 agreements take too long: we understand that some authorities have prepared model section 75 agreements which should minimise the time taken by lawyers on both sides. There should be no (easy) review of section 75 agreements (freely entered into) at the request of applicants and their lawyers. In England where a community infrastructure levy (CIL) has been introduced there is a current review of the process so far. There, Planning Authorities benefit from standard templates for documents and processes. There may be lessons to be learned from recent experience across the border..
- D) yes there certainly should be a housing needs and demands assessment: the planning of housing in the first instance should be based on need. There does however appear to be some difficulty in the detailed analysis and outcomes, for example in SESplans 1 and 2.
- E) housing numbers should not be defined centrally, but should continue to be based on the housing needs and demands assessment: household sizes must be matched up to existing stock and the provision of housing programmes should meet those needs. Households are getting smaller, so the housebuilders' ideal of 3 bedrooms and a double garage in the suburbs might not meet housing need as well as existing tenement flats, infill developments, and converted buildings in more urban locations.
- F) density needs to be considered – in this as elsewhere context is important – and sustainability. It is not inconceivable that zero parking provision can be possible in town centres where there are townscape and density issues, as well as significant provision of public transport. There have been recent successful 'Homezone' developments with higher density and less parking, such as that at Dundee Royal Infirmary.
- G) House builders over a certain size should produce an annual return of land they hold, and extant permissions.
- H) other planning mechanisms might include compulsory purchase, derelict land grants, land value taxation, the removal of VAT at 20% on existing building repair and restoration, amenity notices, and an empty sites initiative to promote use of suitable brownfield sites..
- I) no, and there should be no Special Planning Zone or other easing of the normal planning regulations in which place and sustainability are relevant. It is important that new

housing is successful in knitting with existing communities or creating sustainable new ones

J) innovative approaches might include Urban Design Panels, Design-qualified staff, architects and designers employed by developers, landscape and townscape contextual analyses, and a general approach to development which involves fitting into the grain of the place where this addition is being made. including higher density schemes

3 Planning for Infrastructure

A) we need to plan ahead, with a 10 year timescale, with a significant landscape and townscape framework, which possibly might include such things as green networks, and a significant coordinating role for planning in regard, for example, to the identification of windfarm sites and other landscape impacts.

B) perhaps the planning authorities ought to take ownership of land, invest in any necessary infrastructure, which can be properly coordinated, and then dispose of sites having established appropriate briefs for development.

C) yes: perhaps land value taxation would be worth examining: in our opinion planning authorities have insufficient staff and skills at present to ensure that the best advantages are being taken of the place making opportunities.

D) section 75 planning obligations should be retained. See above for reference to standard forms of agreements (and fewer lawyers on both sides).

E) section 75 should not be abolished: It is a very necessary mechanism to ensure, for example, that affordable housing and housing to satisfy rural needs can continue into the future in the face of pressures for second homes in National Parks and increasingly unaffordable housing markets.

F) as a generality, the IHBC prefers to focus on planning and place, and not on tax-raising powers or activities. (We suggest that lessons learned from other parts of UK should be examined by the Review Panel before promoting any step in this direction)

G) yes we do see such scope for dedicated funding, both for infrastructure and for other projects, which might include addressing difficulties of Buildings at Risk and more general dereliction of land.

H) infrastructure investment might be prepared on the basis of a 20-year programme, and infrastructure plans which could actually bridge Community planning, land use planning at the genuinely local level, and statutory planning in terms of the development plan and development management.

4 Development Management

We would like to emphasise that skilled professional planners should be proactively planning, not just processing development applications.

A) some tweaking can occur which might produce minor improvements in decision making, whether timely or not: for example, abandoning advertisement in the Edinburgh

Gazette might be an idea whose time has come. Generally the barrier which our members recognise as most frequently encountered is inadequate information submitted with planning applications. This delays decision-making and prolongs the development regulation process. Without a proper grounding in place and an understanding of the best of what can be drawn out of any development, it will not be possible to produce the best quality of decision, and we would argue that it is the need for adequate information from the developer rather than any arbitrary timescale that any Review of Planning should be focusing upon. But these barriers could be overcome by increasing the skills and resources available to the planning service. While in principle the Institute does not believe in planning fees, which sometimes appear to be an end in themselves, if planning fees are indeed in operation then full cost recovery should apply. It has to be recognised that pre-application discussions should be encouraged: we believe that there should be no additional costs for such discussions themselves but, as with development planning, Listed Building Consent (such an additional control is operating in the public interest) and enforcement costs, these should be met by planning application fees (of whatever blend) providing this full cost recovery.

B) some of the notification procedures may benefit from fine tuning or in some cases abandonment. There are some fees which individually or in combination are so large in relation to the scale of development that they may discourage improvement of buildings and sites, for example fees for minor changes to a small shopfront, and, without losing the element of control that is required to encourage integrated schemes, there should be a measure of encouragement on balance within the planning system towards enhancement as well as retention of character and interest.

C) No

D) there is some scope. Certainly a greater focus on quality and integration may be seen as encouraging and better aligning proposals to enhance existing characters of place and appearance. Town Schemes, Conservation Area Appraisals, and Conservation Area Management Plans could, if formally adopted, provide a framework to allow compliant schemes to proceed with no requirement for a planning fee/formal application, as long as proposals work within the adopted framework which the community has established.

E) While there may be theoretical benefits of sharing back office skills and resources, we do not believe such benefits extend to conservation staff, who need to know their patch and be available all of the time so that they can influence positively, and respond to, local communities, developers, and even conceivably professional colleagues

F) the development hierarchy is seen as a somewhat blunt instrument: for example a greater encouragement of pre-application discussions would surely result in improved quality even on medium to small developments and, especially in rural areas, this should be the norm. There could be some forms of management agreements, for Conservation Area Management Plan schemes and the like, which feature as Supplementary Guidance, and again this would be positive encouragement to developers to work within an established planning framework to which communities of place and interest had signed up.

G) IHBC is under the impression that there had already been limits set on repeat planning applications: It may be that this provision for whatever reason is not being taken up by planning authorities, but that is perhaps not an issue for IHBCS at this time.

H) planning enforcement as the third leg of statutory planning might have deserved its own section of questions. We are aware that in the field of conservation of buildings, and of building control more generally, it is often necessary to speak softly and informatively, to offer help and support, but to carry a big stick: if powers of enforcement do not exist and are available as the ultimate sanction then the entire edifice of planning crumbles.

Planning enforcement can be creative and, although it perhaps does not have such a public persona, there have been empty house initiatives recently for example in Perth & Kinross where enforcement has played a significant part in bringing properties back into active use IHBCS is aware of the value of feasibility studies commissioned to address buildings at risk and their repair and reuse, but we also are aware of the difficulty of producing proactive initiatives in the absence of obvious sources of funding from central or local government, with Building Preservation Trusts and others seeking increasingly scarce resources from the Heritage Lottery Fund and other charitable organisations such as the Architectural Heritage Fund.

I) there must be provision for Notification and for call-in, ultimately by Scottish Ministers. It has been suggested that Historic Environment Scotland may not be able to achieve call-in given its new status, and if this is true it is a severe weakening of protection for our most important cultural heritage.

J) procedures for Listed Buildings should be proportionate and fitting. If the development plan is to operate successfully on a five or 10 year cycle, then a five or 10 year cycle of review of Listed Buildings on an area by area basis is necessary to ensure that the qualitative aspects of the built environment are fully considered. **Quality** and not mere speed should be the watchword. It's possible that the extent of **curtilage** could be determined by Historic Environment Scotland and this might ease one of the aspects of planning authority deliberation, But, equally, awareness of curtilage at the individual building level is an important aspect of context of which the local planner or conservation specialist must be aware.

The previous arrangement which involved Listed Building Consents which the authority intended to approve being then sent to Historic Scotland seemed on balance to be the correct one. If it is the case, as it is understood, that all Listed Building Consent applications will be sent to Historic Environment Scotland on registration for an initial assessment then this seems a profligate waste of resources and unnecessary if Planning Authority conservation advice is part of its core service provision – **as it should be**, – to ensure communities, property owners and developers receive speedy advice and good quality decisions.

It should not be possible for Planning Authorities to grant themselves planning permission: if the planning system is to have any credibility with the general public, these regulators must themselves be seen to be above reproach.

There have been suggestions that Conservation Area Consent, Planning Permission, Road Construction Consent and some others could be merged or blended together in some more cunning way. We're not clever enough to imagine a system where this can be done effectively, delivering all aspects of such schemes to an excellent standard, But perhaps we can assist with and be convinced by some rigorously worked examples and a pilot exercise or two.

5 Leadership, Resourcing and Skills

We refer the Review Panel to some research which the IHBC has carried out in Scotland on the provision of conservation skills within planning departments. This has shown that over the years such a resource is a diminishing one, and given what we consider to be the fundamental nature of such knowledge and understanding to sensitive planning and place making, we would expect the Panel to take such steps as to look carefully at these and other skills and consider how they can be built up again or in some cases re-established.

A) planners and planning are increasingly marginalised to the point that the focus is almost entirely on process and not on quality of outcomes. This appears to have taken place to such an extent that there seems little or no confidence held by elected members that the view of planning professionals is any more valued than their own. Perhaps this is an over simplification, but unfortunately it is a fact that the credibility of planners and chief planners in particular appears to be at something of an all-time low.

B) yes: in principle we are opposed to fees for the planning service (which benefits the entire community), but if fees are to be introduced then it should be on the basis that the fees achieved should fully fund the planning service and indeed should be dedicated towards that rather than, as in some cases, diverted to address other pressures within the Planning Authority itself.

C) as indicated above pre-application stages should be considered to be part of the planning service and funded by part of the total fees derived from formal planning applications: it would be crazy to introduce penal taxation on the very pre-application discussions which the system clearly believes will both streamline proposals and improve the quality of development.

D) the penalty clause seems most unfair (and penalising the planning authority by removing planning fee income isn't going to improve the service received by communities, owners and developers), as in general is the assessment of planning performance based on the time taken to process planning applications, (ignoring as it does quality of applications, adequacy of information and complexity of cases), or indeed the idea of a self-evaluated planning performance framework, none of which generally addresses issues of quality of outcome and is therefore at best an irrelevance.

E) not only does spatial planning need to be better integrated with community planning, (or vice versa), it needs to be properly integrated with marine planning, with the land-use strategy, and with other, more neighbourhood- and community-focused physical and other planning frameworks.

L) In the light of recent public funding and attitudes, the current and long-term prospects for the planning profession in Scotland are generally bleak. This is particularly disappointing in a country which produced such notables as John Muir and Patrick Geddes, who still influence planning and the design professions to this day across the world.

6 Community Engagement

We would like to see specific emphasis on the fact that there are communities of place and communities of interest, and to deliver successful planning both of these need to be engaged

within each of the three aspects of planning: Development Planning, Development Management, and Planning Enforcement.

7 Additional bullet points which may not be included in any wider commentary on this Review of Planning, with its generally restricted nature, and its limited timescale.

These are, in no particular order

Hill tracks

Community Planning

Amenity Society consultations

Conservation Management Plans

Buffer zones for World Heritage Sites

Freedom of information requests

Quality of housing consents

Affordable housing

Local energy audits

Fuel poverty

Building condition surveys

Climate change

Biodiversity loss

Independence of planning advice

Links to Marine Planning

Fines for enforcement

Strategic Environmental Assessment

Incentivising communities and Community Councils

Green Belts

Existing stock of buildings

Scotland's Landscape Charter

House conversion and repair grants

Town centres first

Land value taxation

Developer contributions

Links to heritage projects

Conservation Areas with integrated Article 4 powers

Window alterations and permitted development of alterations to flats and the like

Third-party rights of appeal

Urban design panels

The use of housing for holiday accommodation

The abandonment of fees

The introduction of fees for pre-application consultation

National Scenic Area Management Plans

National Parks

Agricultural land

Sustainable development

Faster broadband

The reintroduction of railways

Listed Building Consent for churches in use

Up-to-date listing (5 to 10 years)

Village Design Statements

Local land-use strategies

Toothless inventories of Gardens and Designed Landscapes in Scotland and of Battlefields

Grants and/or purchase provisions for Buildings at Risk

Regional Reports

The Memorandum of Guidance on Listed Buildings and Conservation Areas

Pre-application discussions for all planning applications

Independent environmental assessments

The adequate retention of drawings, files and their archiving for the future

Community Councils

Charles Strang

IHBCS Consultations Secretary

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