



the National Trust
for Scotland
a place for everyone

Scottish Government – Independent Review of Planning System

Thank you for the opportunity to contribute to the independent review of the Scottish planning system.

Our planning system affects almost every aspect of our lives, and has evolved over decades to help deliver economic opportunity, social provision and cultural and recreational opportunities. In England and Wales, a similar simplification review had to be reworked, in part because it was perceived to be loaded in favour of developer interests, at the expense of public interests. As such it is important that all affected have the opportunity to contribute and that a robust engagement programme is followed.

General comments

1. The sustainable development of Scotland should be at the heart of the review. Scotland needs a planning system which recognises and protects the value of our natural and cultural heritage, and sustains and enhances this heritage for the enjoyment of all.
2. The planning system must link together all relevant strategies and policies for land.
3. The review must be based on the best available evidence, which should be published to encourage discussions, should engage widely with communities of place and interest, and should take place over an appropriate time period.
4. Streamlining of existing procedures needs to be justified by an explanation as to why the procedure is redundant.
5. The use of permitted development rights (PDRs) must avoid creating loopholes for adverse developments.
6. Re-use of urban areas for housing and other developments should be a first resort. The review should examine any barriers to the re-use of brownfield land.

¹ Including the Land Use Strategy, the 2020 Biodiversity Challenge, A Vision for Agriculture, Our Place in Time, and the anticipated Land Rights and Responsibilities Policy.

7. Where new developments are required, consideration should be given to the creation of communities, rather than simply expanding existing settlements, which leads to pressure on transport and amenity.

8. The protection of good quality agricultural land and green belts around settlements should be considered by the review.

9. Whether the existing planning system remains, or a streamlined system is put in place, success will hinge on an adequate cadre of suitably skilled planners.

Specific comments

1. Development planning

Local development plans have been the bedrock of our planning system in recent decades. In reviewing their efficiency and effectiveness, we would urge the Review Group to consider:

- The role of the National Planning Framework (NPF), and whether sufficient local scrutiny is given to national proposals before they are approved.
- The role of supra-local authority plans, such as Strategic Development Plans, and their effect on local democracies.
- Whether the democratic level of decision-making can be extended below local authority level to benefit from local direction.

2. Housing delivery

Erosion of Greenbelt

We are concerned the erosion of greenbelt within the Lothians² and the implications of this for other parts of Scotland. Communities value green space as a local amenity. This represents both a loss of amenity and of prime agricultural land, affecting our sustainability as a nation.

Greenbelts were also created to contain settlements, preventing them from merging into one another. The example of the Helix, between Falkirk and Grangemouth, shows that a commitment to amenity, to conserving and enhancing the character of a place, rather than surrendering to sprawl, can yield social, economic and environmental benefits.

Barriers to developing existing urban areas

During the Planning Review we would hope that the SG will look at the decisions by local authorities to grant planning on farmland rather than tackle the challenges of building on brownfield or other urban neglected sites or look at housing within potential regeneration sites.

There is also an environmental concern – if we keep building homes which are disconnected from places of work we are creating a commuter culture. Without significant investment in public

² The [Cockburn Association](#)'s analysis has found that between 1949 and 1999 nearly 4,000 acres of greenbelt have been lost to development in Edinburgh and over 8,000 acres have suffered severe and detrimental visual impacts from development.

transport our roads will become more congested which will further affect air quality, amenity and place making.

3. Planning for infrastructure

Energy infrastructure

It is important to consider the visual impact of all energy infrastructure on Scotland's landscapes. Energy providers should be encouraged to choose sympathetic solutions rather than simply the ones which are most cost effective to their company.

We would hope to see a strong spatial strategy which takes into consideration vulnerable landscapes and vital habitats and a stronger consultation process for grid infrastructure which impacts upon national scenic areas, wild land or other key protected and designated sites.

Core Paths

The NPF set out in 4.28 the aim of having a national long distance walking and cycling network yet the local authorities are still unable to implement their core path plans e.g. Drem to Gullane. This should be addressed by the review.

National Ecological Network

Protected areas are in place to conserve priority species and habitats and are able to act as refuges from which those species and habitats can expand into the wider environment. This delivers ecologically coherent networks and robust and resilient ecosystems.

The Trust supports Lawton's approach (Figure 1):

- creation and management of new conservation sites (**more**)
- increasing the size of sites (**bigger**)
- improving the quality of sites through better management (**better**)
- enhancing connections between sites (**joined**)

³ For example, in Dumfries and Galloway, we feel strongly that SPEN should be running power lines below ground. And we support JMT in their challenge to SSE's Stronelaig Wind Farm.

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/218690/201009space-for-nature.pdf

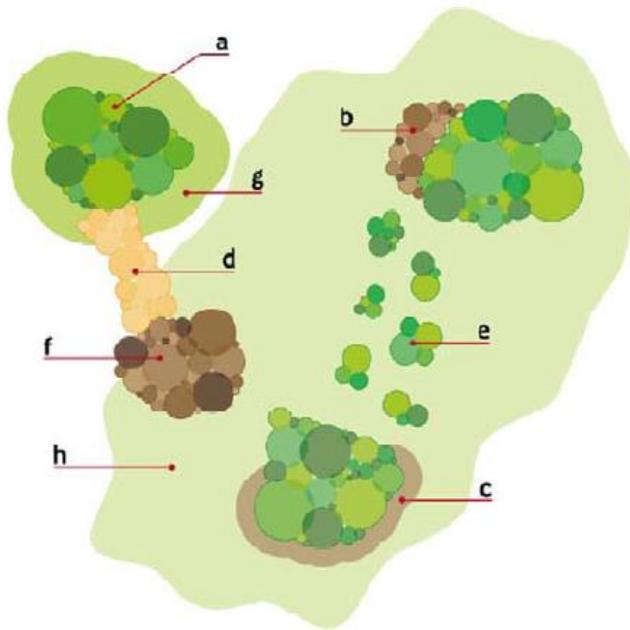


Figure 1⁵

4. Development management

On Permitted Development Rights specifically, we would urge the Review Group to proceed with caution. From our own experience, we know of instances where the PDRs have created loopholes that allow unintended developments. At Culloden, the creation of a barn under PDR paved the way for planning permission for a housing development on the Inventory area of a nationally-significant battlefield⁶.

The creation of unpaved roads in some of Scotland’s wildest and most scenic landscapes has also caused us concern. We have called on the Scottish Government to bring an end to the current unregulated system for vehicular track construction which allows tracks construction, ostensibly for agricultural or forestry purposes, without any public oversight, and bring instead into the planning system.

The SG has committed to keep these issues under review and ensure that these are not used in an inappropriate manner. These commitments should form part of the Review Group’s deliberations.

⁵ Notional, spatial representation of a landscape delivering an ecological network by (a) increasing site quality, (b) and (c) increasing site size through extension or ecotones, (d) and (e) increasing connectivity, where appropriate, using continuous or ‘stepping stone’ corridors, (f) creating new sites, and (g) and (h) enhancing the wider landscape by buffering of sites or general improvements in sustainable management.

⁶ We welcome current proposals by Highland Council to extend the exclusion zone around Culloden.

⁷ Where a small development is permitted the principles applied can then be used to add to this development incrementally and over time the impact is in fact harmful. At first principle the planning system must acknowledge the permanence of change and ensure that it does – as far as can be anticipated – acknowledge the longer term consequences of decision-making.

5. Leadership, resourcing and skills

Advice

We need public agencies which have the expertise required to make timely and well evidenced interventions which support development which is in the public interest, and for these to be given appropriate weight. If the current financial conditions mean that archaeological and environmental services are being scaled back it is crucial that the national bodies are suitably resourced to ensure that these services can be provided to local authorities.

From the work of the IHBC⁸ and the IfA,⁹ we are aware of growing gaps in the local authority skills base. No matter how well designed in the abstract, any planning system will struggle to deliver public benefits if expertise is not available to develop plans and to make appropriate decisions.

6. Community engagement

Places for people – beyond the house

We would hope to see a review of what Scotland's people actually want in terms of housing. What are our expectations in terms of types of housing, location, and access to employment and services? The planning system at present does not have room for this, particularly in relation to large scale housing developments.

The Place Standard currently being developed, whilst not perfect, is an excellent start in putting place-making at the heart of planning and development. We would hope to see a strategy developed which allows local authorities to consult with harder to reach and excluded groups regarding developments which will affect them and allows them to articulate the services and assets they need to build resilient, sustainable communities. Place-making should also build on the experience of those working in and visiting areas, as well as residents, i.e. communities of interest and of place.

Public participation

From our colleagues at Scottish Environment LINK we note:

In the 10 years since the most recent planning legislation has been implemented, there has been:

- No study or research conducted to establish whether the reforms have improved the public's experience of planning.
- No review of whether the reforms have contributed to the aim of restoring public confidence in planning.
- No consideration of how the new frontloading approach affects the final decisions made and the subsequent impact of development on the local environment and people's lives.

⁸ Institute of Historic Building Conservation

⁹ Institute for Archaeologists

- No assessment of public engagement in planning using the national standard of community engagement indicators which were held up as the standard by which participation should be measured.

As noted above, the Review Group will need to draw upon, and where necessary undertake, relevant research if its conclusions are to be grounded in evidence.

Equal rights of appeal¹⁰

Given the desire for local empowerment and community governance it still appears out of kilter that there is no community right to appeal planning decisions. The planning system seems to be lagging behind reform in this respect as well as the Aarhus Convention, and may hinder the impact of community empowerment and land reform legislation.

CONTACT INFORMATION

Diarmid Hearn
Head of Policy
The National Trust for Scotland
dhearns@nts.org.uk
0131 458 2267

¹⁰ <http://ec.europa.eu/environment/aarhus/>