

Response ID ANON-86WF-763W-2

Submitted to **A consultation on the future of the Scottish Planning System**

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About You

What is your name?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

The Architectural Heritage Society of Scotland (AHSS)

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Making plans for the future

Key Question Do you agree that our proposed package of reforms will improve development planning?

No

Please explain your answer.:

A principal objective of the Architectural Heritage Society of Scotland (AHSS) is the protection of the built heritage of Scotland. This is fulfilled by the examination of applications for listed building consent and applications for planning permission within conservation areas. Overall, members of the AHSS are dismayed that there is no mention of the protection of the built heritage of Scotland or of the role of Historic Environment Scotland (HES) in the consultation on the future of the Scottish planning system. We would like to see a more co-ordinated approach to land use planning, service delivery and place-making, with stronger linkages between local development plans, community plans and the National Planning Framework. We consider it essential that Scottish Planning Policy is supplemented by local guidance, eg conservation area appraisals, within local development plans. We are concerned that planning is focusing exclusively on economic considerations, instead of taking a broad view of development, recognising its social, cultural and environmental dimensions and the importance of good design. The proposals need to articulate more clearly the contribution that the planning system makes to Scottish Government outcomes set out in the National Performance Framework. We are concerned too much is being loaded onto the National Planning Framework which sets out a long-term vision and identifies developments of national importance. The consultation is couched very much in terms of new development rather than enhancing and sustaining the existing built environment. AHSS members would welcome some contextual information on the impact of previous, fairly recent, changes to planning legislation when Ministers bring forward a planning bill.

1 Do you agree that local development plans should be required to take account of community planning?

Yes

Do you agree that local development plans should be required to take account of community planning?:

There are cultural differences between the community planning and land use planning processes. There are also possible tensions between the proposed requirement to take account of Community Planning Partnerships and the commitment (in section B) to community empowerment. Planning Advice Note 81 Community Engagement Planning with People (2007) recommended that planning authorities strengthen links between the Community Planning Partnerships and land use planning; it would be useful to investigate the effectiveness of this Note. Proposals do offer opportunities to mainstream the historic environment through earlier engagement with spatial planning across a wider range of stakeholders (1.6) but the mainstreaming of the historic environment is not stated explicitly.

2 Do you agree that strategic development plans should be replaced by improved regional partnership working?

No

Do you agree that strategic development plans should be replaced by improved regional partnership working?:

Further detail is sought on how, with the proposed withdrawal of strategic development plans, agreement will be reached on regional priorities and spatial strategies. We would not wish to lose the tradition of planning at a regional level which can reflect Scotland's diverse regions which are not all focused on cities.

2a How can planning add greatest value at a regional scale?

How can planning add greatest value at a regional scale?:

2(b) Which activities should be carried out at the national and regional levels?

Which activities should be carried out at the national and regional levels?:

2(c) Should regional activities take the form of duties or discretionary powers?

Not Answered

Should regional activities take the form of duties or discretionary powers?:

2(d) What is your view on the scale and geography of regional partnerships?

What is your view on the scale and geography of regional partnerships?:

2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?

What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?:

3 Should the National Planning Framework, Scottish Planning Policy or both be given more weight in decision making?

Scottish Planning Policy

Should the National Planning Framework, Scottish Planning Policy or both be given more weight in decision making?:

Giving statutory weight to Scottish Planning Policy would allow for greater scrutiny by Parliament – this is welcome.

4 Do you agree with our proposals to simplify the preparation of development plans?

No

Do you agree with our proposals to simplify the preparation of development plans?:

The removal of supplementary planning guidance (1.29) is a significant concern to the AHSS, since this plays an important role in informing development (particularly in circumstances where more specialist advice is needed). The availability of this guidance is key to the successful maintenance of the historic environment and it will surely be significantly diminished without it. The potential loss of guidance is a particular concern when coupled with the lengthening planning timeframe for Local Development Plans.

3(a) Do you agree with our proposals to update the way in which the National Planning Framework is prepared?

Not Answered

Do you agree with our proposals to update the way in which the National Planning Framework is prepared?:

4(a) Should the plan review cycle be lengthened to 10 years?

Not Answered

Should the plan review cycle be lengthened to 10 years?:

4(b) Should there be scope to review the plan between review cycles?

Yes

Should there be scope to review the plan between review cycles?:

4(c) Should we remove supplementary guidance?

No

Should we remove supplementary guidance?:

Supplementary guidance performs a valuable role -

The removal of supplementary planning guidance (1.29) is a significant concern to the AHSS, since this plays an important role in informing development (particularly in circumstances where more specialist advice is needed). The availability of this guidance is key to the successful maintenance of the historic

environment and it will surely be significantly diminished without it. The potential loss of guidance is a particular concern when coupled with the lengthening planning timeframe for Local Development Plans.

5 Do you agree that local development plan examinations should be retained?

Yes

Do you agree that local development plan examinations should be retained?:

There is a need to improve the effectiveness of local review bodies and enable greater use of independent mediation to facilitate discussion in local communities.

5(a) Should an early gatecheck be added to the process?

Yes

Should an early gatecheck be added to the process?:

5(b) Who should be involved?

Who should be involved?:

All parties

5(c) What matters should the gatecheck look at?

What matters should the gatecheck look at?:

Impact of the

5(d) What matters should the final examination look at?

What matters should be the final examination look at?:

5(e) Could professional mediation support the process of allocating land?

Yes

Could professional mediation support the process of allocating land?:

6 Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?

Yes

Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?:

The potential upfront work needed to attach planning permission in principle to sites allocated within the development plan is recognised by the consultation document. We have considerable reservations concerning planning permission in principle. A current example where we believe this was used wrongly is the St James Centre redevelopment in Edinburgh in relation to the hotel proposals. Certainly the potential need for archaeological investigation for such sites would be significant.

7 Do you agree that plans could be strengthened by the following measures:

(a) Setting out the information required to accompany proposed allocations? - (a) Setting out the information required to accompany proposed allocations?:

Setting out the information required to accompany proposed allocations:

(b) Requiring information on the feasibility of the site to be provided - (b) Requiring information on the feasibility of the site to be provided:

(b) Requiring information on the feasibility of the site to be provided:

Increasing requirements for consultation for applications relating to non- allocated sites - (c) Increasing requirements for consultation for applications relating to non- allocated sites:

(c) Increasing requirements for consultation for applications relating to non- allocated sites:

Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application - (d)

Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application:

(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application:

8 Do you agree that stronger delivery programmes could be used to drive delivery of development?

Not Answered

(a) What should they include?:

If you wish to add a document to support your response, please add it here.

File upload component:

No file was uploaded

People make the system work

Key Question Do you agree that our proposed package of reforms will increase community involvement in planning?

No

Please explain your answer.:

There remains a strategic question over the long-standing challenge of balancing speed of decision-making and community participation, both geographical community and community of interest. The AHSS would welcome further clarity from Government, in bringing forward its forthcoming Planning Bill, on how this is to be achieved. It is not clear what form community consultation will take. If community councils are to be used, it should be noted that some areas are well provided for with community council members very able to engage with the system over planning issues through experience and technical knowledge, while others are not. If there is to be a wider selection through charettes or other canvassing, one faces more fragmented issues of experience and vision, not to mention lack of time or interest re consultations, leading to concerns over interest groups. A key factor, of course, if community respondents are not necessarily familiar with the issues, is the questions they are asked. The idea of engaging with children and young people is of course sound if handled with care and sensitivity, but may represent a kind of "tokenism" if not suitably resourced. If a wide community sample is intended, then it ought to be backed up with non-prejudicial background information in order to facilitate informed comments. The emphasis has to be on informed and considered opinion and not on the uninformed or ill-informed shooting from the hip.

9 Should communities be given an opportunity to prepare their own local place plans?

Yes

Should communities be given an opportunity to prepare their own local place plans?:

The proposed Local Place Plans represent a radical change which could potentially be very positive, but will require investment to implement. Capacity building will be necessary to raise awareness, develop methods of engagement and to ensure that the diverse range of voices in communities are heard. The extent to which people participate in the development of plans will depend on their perceived credibility. It is essential that communities understand what is significant about their historic built environment and can be encouraged and educated into taking ownership of it. This applies throughout Scotland, not only with reference to island communities (paras 2.47 – 2.52).

9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?

Not Answered

Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?:

Both inform and be informed by

9(b) Does figure 1 cover all of the relevant considerations?

Not Answered

Does figure 1 cover all of the relevant considerations?:

10 Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?

Yes

Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?:

10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?

Not Answered

Should local authorities be required to involve communities in the preparation of the development plan scheme?:

11 How can we ensure more people are involved?

How can we ensure more people are involved?:

11(a) Should planning authorities be required to use methods to support children and young people in planning?

Not Answered

Should planning authorities be required to use methods to support children and young people in planning?:

12 Should requirements for pre-application consultation with communities be enhanced?

Yes

Please explain your answer.:

Wider publicity, eg notices in Community notice boards

12(a) What would be the most effective means of improving this part of the process?

Please explain your answer.:

12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?

Not Answered

Please explain your answer.:

12(c) Are the circumstances in which PAC is required still appropriate?

Not Answered

Please explain your answer.:

12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?

Yes

Please explain your answer.:

12 weeks - if the scheme changes significantly dramatically after the first PAC, a further PAC should be required

13 Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?

Yes

Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?:

Remove the provision

14 Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?

Yes

Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?:

Yes, enforcement powers must be strengthened/invested in to improve the credibility of the planning system.

15 Should current appeal and review arrangements be revised:

(a) for more decisions to be made by local review bodies? - (a) for more decisions to be made by local review bodies?:

No

Should current appeal and review arrangements be revised?:

(b) to introduce fees for appeals and reviews? - (b) to introduce fees for appeals and reviews?:

(b) to introduce fees for appeals and reviews?:

(c) for training of elected members involved in a Planning Committee or Local Review Body to be mandatory? - (c) for training of elected members involved in a Planning Committee or Local Review Body to be mandatory?:

Yes

(c) for training of elected members involved in a Planning Committee or Local Review Body to be mandatory?:

(d) do you agree that Ministers, rather than reporters, should make decisions more often? - (d) do you agree that Ministers, rather than reporters, should make decisions more often?:

No

(d) do you agree that Ministers, rather than reporters, should make decisions more often?:

16 What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?:

Building more homes and delivering infrastructure

Key Question Will these proposals help to deliver more homes and the infrastructure we need?

Not Answered

Will these proposals help to deliver more homes and the infrastructure we need?:

The consultation is on the future of the Scottish planning system and while it is recognised that housing and infrastructure development are key issues within that system, the proposals should arguably be geared towards achieving better place-making and higher quality development which respects the existing settlement. In relation to infrastructure, there is a lack of information on the deficit in infrastructure provision and on the extent to which infrastructure providers are delivering on commitments. Plans are just one of many factors determining housing development and land banking is a strategic issue that should be researched further to inform policy development. The capacity of schools is relevant.

The legislation which was used for the creation of Scotland's post-war new towns may be suitable in some areas.

The document does not recognize the role of regeneration in housing as a means of providing quality housing opportunities using heritage assets. A particular case should be made with regard to decaying centres in Scottish towns where changing shopping patterns will require considerable managed adjustment and engagement with the planning system. The consultation paper gives rise to concerns about new developments by volume house builders and quality and sustainability in a social and design context; the system should be adjusted to encourage and allow opportunities for smaller, individualised development and should reference existing settlements and brownfield sites.

17 Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?

No

Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?:

18 Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?

Not Answered

Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?:

19 Do you agree that planning can help to diversify the ways we deliver homes?

Not Answered

Do you agree that planning can help to diversify the ways we deliver homes?:

19(a) What practical tools can be used to achieve this?

What practical tools can be used to achieve this?:

20 What are your views on greater use of zoning to support housing delivery?

What are your views on greater use of zoning to support housing delivery?:

Further clarity is needed on the operation of Simplified Planning Zones (SPZs) including the context and extent to which their use is anticipated (for example the document proposes removal of the blanket restriction for SPZs in conservation areas). Deregulation of the planning system diminishes the likelihood of planning resulting in sustainable place-making as various checks and balances are removed. There may, however, also be opportunities; SPZs could, for example, be used to proactively flag historic environment assets at an early stage. What are the resource implications for local authorities of preparing SPZs? The meaning of 'development ready' is also queried.

20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?

How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?:

20(b) What needs to be done to help resource them?

what needs to be done to help resource them?:

21 Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?

Not Answered

Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?:

22 Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?

Not Answered

Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?:

22(a) What actions or duties at this scale would help?

What actions or duties at this scale would help?:

23 Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?

Yes

Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?:

24 Do you agree that future legislation should include new powers for an infrastructure levy?

Not Answered

If not, please explain why.:

(a) At what scale should it be applied?:

(b) What type of development should it apply?:

(c) Who should be responsible for administering it?:

(d) What type of infrastructure should it be used for?:

25 Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

Not Answered

Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?:

Stronger leadership and smarter resourcing

Key Question Do you agree the measures set out here will improve the way that the planning service is resourced?

Not Answered

Do you agree the measures set out here will improve the way that the planning service is resourced?:

26 What measures can we take to improve leadership of the Scottish Planning profession?

What measures can we take to improve leadership of the Scottish Planning profession?:

There is a need to strengthen the status of the planning system as a corporate function within local authorities, enabling it to lead in co-ordinating management systems within the authority to deliver development. Stronger leadership will require a change in culture. There is currently no obligation on elected members to heed the advice of planning officials. There is also a need to change perceptions around the role that planning plays in managing development; statutory development management is a small part of the development process but is often blamed as an impediment to progress.

27 What are the priorities for developing skills in the planning profession?

What are the priorities for developing skills in the planning profession?:

Retention of local authority resources including access to specialist skills and expertise on the historic environment is fundamental. We welcome recognition of this in the consultation document (4.7). There is a particular need for training in 'softer' skills such as leadership and facilitation, especially given the proposal for a more 'front-loaded' system with more meaningful public involvement.

28 Are there ways in which we can support stronger multidisciplinary working between built environment professions?

Not Answered

Are there ways in which we can support stronger multidisciplinary working between built environment professions?:

29 How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?

How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?:

30 Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?

Yes

(a) Do you have any ideas on how this could be achieved?:

Yes, a stronger focus on outcomes and evaluation of how places have changed will help demonstrate the impact of the planning system 'on the ground'. This will require skills development in monitoring and evaluation. A stronger emphasis on achieving 'quality' outcomes is needed – the current document seems light on this.

31 Do you have any comments on our early proposals for restructuring of planning fees?

Do you have any comments on our early proposals for restructuring of planning fees?:

It is suggested that any fast tracking of applications be based on better quality outcomes (rather than bought for a higher fee). This would incentivise sensitivity to place, sustainable urbanism, good design, contribution to social well-being, greater community engagement, cultural provision etc. We are concerned that with the withdrawal of Permitted Development rights, in conservation areas where there are no Article 4 Directions owners, faced with a planning fee, are doing work without applying for permission, to the disadvantage of Scotland's built heritage. It also references directly the reply to Question 14 since more unauthorised work will inevitably lead to a stronger enforcement requirement.

32 What types of development would be suitable for extended permitted development rights?

What types of development would be suitable for extended permitted development rights?:

33 What targeted improvements should be made to further simplify and clarify development management procedures?

What targeted improvements should be made to further simplify and clarify development management procedures?:

33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted?

Not Answered

How can existing provisions be simplified?:

33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?

Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?:

33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?

What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?:

33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?

Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?:

34 What scope is there for digitally enabling the transformation of the planning service around the user need?

What scope is there for digitally enabling the transformation of the planning service around the user need?:

There is support for further use of three-dimensional visualisation, especially alongside proposals in section B to support community engagement. However we would not wish to see an over-reliance on technology. There should be a focus on improving heritage and design skills.

Next steps

35 Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above.

Not Answered

If so, what impact do you think that will be?:

36 What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?

What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?:

37 Do you think any of these proposals will have an impact, positive or negative, on children's rights?

Not Answered

If so, what impact do you think that will be?:

38 Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.

Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.:

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

The consultation is couched very much in terms of new development rather than enhancing and sustaining the existing built environment.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.: