

Comments by the Institute of Historic Building Conservation (Scotland Branch) (IHBCS)

Introduction

This submission is made in the context of the original IHBCS response made to the Planning Review in 2016. A copy of that submission is attached, and reference is also made to the response at that time made by Dave Sutton, IHBCS Member. So little of the IHBCS earlier submission is reflected in this consultation, but IHBCS still believes those comments have relevance, putting markers down for the case for conservation, albeit for matters which the Review and this consultation have in the main ignored.

Notwithstanding this previous lack of success, IHBCS hopes that the constructive comments and criticisms offered below contribute to the continuing debate. We would be happy to clarify or expand upon any of the points below. In the main we have chosen to respond by detailed comments on the contents of the consultation document, page by page, since in this way it is possible to offer rather more detailed explanations of points of view.

Page 1

In welcoming a consultation on the future of the Scottish planning system, we note that this does not appear to be a comprehensive look at the full range of possibilities for the Scottish planning system. 70 years of town and country planning in Scotland have brought great benefits, as well as some missed opportunities, so the time is right to celebrate and fine tune, but not to abandon core principles. It is disappointing, and against the spirit if not the statute of its introduction, that there is no Strategic Environmental Assessment accompanying this document.

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Foreword

The Foreword by the Minister for Local Government and Housing, sets the scene for the rest of the document, although it does portray a somewhat rose-tinted view of the current position of planning in Scotland and the likely scope of the Government's ambitions, which unfortunately omits a number of key activities. The Foreword paragraphs have been numbered for ease of reference.

Paragraph 1

Planning **can** nurture our places, environment, and communities, but frequently doesn't. This paragraph should mention climate change, quality of environment, and the importance of outcomes, and not just stress the role which planning may or may not play in delivering Scotland's Economic Strategy.

Paragraph 2

We agree that planning should be inspiring and influential. Reviewing the way that planning performs should mean examining the way that planning can produce inspirational outcomes rather than reviewing the speed of decision making. While it is agreed that planning should be focused on outcomes, it is the importance of quality assessment which is somewhat underplayed in the whole of this consultation

document. The planning system should ensure that it makes the right development happen in the right place. Too frequently, the system appears merely to focus on easing the delivery process, which might result in the wrong development in the wrong place, only faster.

Paragraph 3

There are insufficient examples of good practice around the country. Any consultation document which relates to the need for a *great planning system* must focus on all three aspects of such a system, namely Development Management, Development Planning, and regulatory planning or Enforcement. In some ways it is a pity that once more we have a consultation document the objective of which is to tweak the system rather than produce its consolidation.

Paragraph 4

Regrettably, the *independent* panel, selected by Scottish Government were neither planners nor skilled in placemaking. Accordingly it is difficult to take their observations entirely seriously, and it was clear from the outset that they were primarily focused on the delivery of housing numbers. That is not inspirational or influential planning.

Unfortunately, as many others, the IHBC(S) did not have an opportunity to discuss with either the Review Panel or Scottish Government as to how we can make a better planning system. We would again stress the importance of having a fully consolidated product following the end of the consultation, its consideration, and Scottish Government's changes.

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When proposing change it may be helpful to lay out the case explaining what is wrong with the current system, why change is required, and in what areas. It should also be important to stress from the start that the aim is to end up with a transparent, coordinated, and coherent planning system, all in one place, which delivers sustainable development with the necessary economic, environmental and social dimensions to it.

Paragraph 1

This is largely a piece of *puff* which is an inadequate description of the role of the planning system. Here again sustainable development should be mentioned, and the issue of climate change.

Paragraph 2

It will be helpful to indicate what is good or bad about our existing places at present, and about the problems and opportunities present in the system which both conserves and creates these places.

Paragraph 3

The planning system is not simply one which helps growth to happen. Growth may not always be appropriate in all regions, communities and individual locations. One of the key areas of Changes should surely be that there should be bullet point references to *sustainable development* and *climate change*.

a) The *system* does not lead nor inspire change, nor make clear plans for the future – plan makers do. Simplification and strengthening of Development Planning: what is wrong with it at present? How can it better deliver sustainable development?

b) We need planning by communities at a genuinely local level. We need Village or Town Design Statements, Community Councils with real clout, perhaps *very local* planning authorities, planning at the scale of the catchments of individual secondary schools, perhaps.

c)

- (i) We must identify and conserve existing good qualities of places, then
- (ii) Enhance them by passive and active means: regulation and proactivity.
- (iii) **More** houses are not enough on their own. There must be high-quality housing in terms of its social, economic, and environmental standards. Currently, the standards of quality are very poor, especially as far as mass housing is concerned.
- (iv) the existing building stock requires attention, especially in terms of fuel poverty and the like as well as its *commoditie, firmness and delight*.

d) The system should not be simplified nor stronger, but **better**: better skills, better sensitivities, better priorities, better outcomes. We should not be afraid to add processes which add value, and an obvious candidate should be Urban Design Panels, already successful but operated at present by a relatively small number of planning authorities in Scotland.

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Key Changes

1 Perhaps Community Planning and Spatial Planning should be integrated rather than *aligned*. Community Planning, Sustainable Land-Use Strategies, and Marine Planning should be fully reconciled with statutory planning, and able to be given full expression in an integrated way in Village Design Statements or similar planning at the genuinely local level.

2 There seems to be gobbledygook at work here. We do need proper Strategic Development Plans. They probably should not all be solely based on city regions, although clearly there is a long tradition of successful City Region plans in Scotland. As an integral part of Strategic Development Planning, there should be preparation of documents equivalent to Regional Reports.

3 It's a **National** Planning Framework so probably shouldn't include regional priorities. National Planning Policy should be made clear: Planning Circulars, Planning Policy Guidelines, Planning Advice Notes, and Memoranda should perhaps make a comeback!

4 10 years is too long at the local level. We advocate reversion to the Geddesian sequence of Survey, Analysis, Diagnosis, Plan, Implement, Monitor, Review.

5 Greater proactivity is required, not just better plans but greater use of powers, existing and new. And where necessary, more intervention to deliver a community good, not just smoothing the paths for developers.

6 We need public engagement at all phases of planmaking (see 4 above). If existing planners are insufficient in numbers and skills, then communities have even less. This proposal is most unlikely to be successful. We need to have more committed and meaningful Community Councils: what price *community empowerment*?

7 People need to be better informed, as do children and young people, but not as decisionmakers. Despite having been doing this from the 1960s onwards, we are currently **useless** at genuine public engagement, overstretched and underskilled, we are not engaging people in general with planning.

8 It's not clear just how planning enforcement can be improved, but again it surely make sense to discuss its shortcomings before coming up with 'improvements'.

9 This is strange use of words, and the impression which is given is of a system which is being made less democratic, and is even less concerned with quality.

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Building more homes and delivering infrastructure

We question the assumption that high-quality homes **are** being built in better places, and that the problem is only that we are not building sufficient numbers of them; we believe that standard products appearing in standard formats in multiple locations do not make better places. We acknowledge that people need homes but the problem is not limited to building sufficient numbers of them. This is not inspiring or influential planning.

10 Density is relevant here. What are required are sustainable homes in sustainable locations. Proposed changes should not be just aspirations, but should address what is actually deliverable. Quality should be addressed as well as quantity – and not just what the market deems fit to deliver. Which types of houses are best suited to the areas in which they are to be located? Tenure-blind affordable housing is vital too. We should be focusing delivery on where housing needs are greatest, not just on what the market requires, where it can make the greatest profits, and certainly not solely in terms of numbers.

11 Is land value taxation a possibility? Should we expect greater activity by local housing associations?

12 Might there be powers and funds for local communities to acquire consented sites if they continue to be undeveloped?

13 Infrastructure at the local level is where it counts, to ensure good quality planning appropriate to place.

14 Infrastructure should be publicly funded, owned and operated. It is not clear from this paragraph what type of improvements are being sought to section 75 obligations, but removing the ability of the developer to renegotiate a legal agreement at any time would be a useful start.

15 It would be disappointing if infrastructure was considered in isolation: furthering integration at the very local level should be one of the outcomes which improved infrastructure planning delivers: there ought also to be clear linkages with the Sustainable Land-Use Strategy at this very local level.

Stronger leadership and smarter resources

Reducing bureaucracy is always a popular slogan. The planning system must focus on conserving, enhancing, and creating great places. This consultation document is too narrowly focused on new construction.

16 What is required is the delivery of positive, high-quality planning outcomes. All design professions should be engaged: architects, architect-planners, urban designers, and landscape architects. Planners only very rarely have outstanding design skills, and these cannot be bolted on by on-the-job training. It would be well to recognise this fact so that we do not go down an *emperor's new clothes* route in attempting to upskill the profession unsustainably in design terms: planners are only one of many professions who should contribute to the creation of places.

17 How does one measure '*better*'? We need to measure quality as well as quantity. For this to be delivered will require a dedicated and ring-fenced planning service across Development Management, Development Planning, and Planning Enforcement.

18 Independent monitoring of both quality and quantity is essential: planning authorities should not be merely *marking their own homework*. Sustainable development must surely be an aim of the entire exercise.

19 Going down such a route would mean lowering the effectiveness of planning, delivering poorer quality decisions, albeit more quickly and more transparently.

20 We must remind ourselves that planners may not always be designers. As far as the digital transformation of public services is concerned, we must take care that some groups within the populace not left behind in the rush to digital transformation or, as some refer to it, a future of bigger and better mistakes.

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The planning system will lead and inspire change by making clear plans for the future ***but only if they are good plans***, based on an understanding of local places and their needs, in ways which conserve, maintain and enhance the positive qualities of existing places, ensure that we in our turn are building "*the conservation areas of tomorrow*", and deliver sustainable development, incorporating the key aspects of climate change reduction and mitigation.

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1.1 Rather than a clear *vision*, we believe there is a need for ***survey, analysis, plan*** and so on. Starting from the shared assembly of survey information, planning should involve the wider community in all of these stages.

We agree that some of the recent processes involved in plan preparation have led to planners' time spent undertaking onerous administrative processes rather than enabling positive planning.

1.2 There should be a reference to sustainable development here.

1.3 One of the current difficulties with Development Plans is that most usually are rhetoric-filled. Plans must be based on shared knowledge and understanding, and if it takes time to build up such an understanding then that must be accepted, since it is much less wasteful and potentially damaging than setting a superficial vision and plan which have no bearing on reality.

1.4 The system of Development Plans must be open and straightforward, with clear policies and proposals for sustainable development appropriate to the plan

area. Unfortunately this is not what is being delivered at the moment, and more *simplification* will not deliver it either. Current LDPs were to be simplified by removing explanatory detailed policies to Supplementary Guidance and we believe that Supplementary Guidance linked to the Development Plan remains of value in creating quality planning outcomes.

1.5 Most communities do not want to planners to *lead* or *innovate*. Communities want careful maintenance, improvement and enhancement based on a shared understanding of their communities. Community Planning, spatial planning, land use planning, and marine planning should all be appropriately integrated. The so-called *open and evidence-led* process, to be successful, should rather involve people working together, and especially on survey and diagnostic phases of plans.

1.6 There should be an open and inclusive approach to understanding places, understanding issues, considering options, defining priorities, agreeing proposals, achieving their implementation, monitoring, and review. Disappointingly, no evidence is provided that the current proposals will indeed build more effective opportunities for people to influence their places. Local authorities and other stakeholders, ***including communities and local groups***, should recognise the value of the development plan in realising shared objectives.

1.7 Rather than constraining development planning by taking account of the work of Community Planning Partnerships, we need a far more transparent Community Planning process involving real communities. Including communities in Community Planning is even more vital than including planners: Village Design Statements or equal equivalents should be required outcomes for communities.

Aligning community planning and spatial planning– East Ayrshire

Sadly the description provided doesn't look like community involvement or environmental aspects featured, so sustainable development it wasn't. Does it contain anything on climate change? On the land-use strategy? On marine planning? Was there no environmental dimension? Is there an Environmental Impact Assessment? An SEA?

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1.9 We consider that Strategic Development Plans, as part of 'the *Development Plan*', should have a strong influence. What does the future hold, however, if the Strategic Development Plan teams are understaffed, underskilled, and understandably undercommitted and, therefore, not in any way as effective as previous generations of regional planners.

1.10 We believe there is still a need for the overview provided by Strategic Development Plans, in particular when considering issues of climate change and sustainable development. We reject the *independent panel's* recommendation that Strategic Development Plans should be removed from the system.

1.11 Strategic Development Plans should encompass economic, social, and environmental matters that go beyond an individual Council's boundary. Local Development Plans should address development planning in more detail secure in the knowledge that strategic planning is dealt with at a regional level. But *local*, as in local tiers of government, is not local enough: perhaps a planning unit should be based upon the secondary school and attendant hinterland.

1.12 Removing Strategic Development Plans from the system would result in an

increasingly top down process. If regional strategies were to be incorporated at a national scale within the NPF then they, and the whole of the NPF, should be agreed by the Scottish Parliament, not Scottish Ministers, otherwise how could one ensure effective public participation in such considerations?

1.13: First bullet point

Communities of place and of interest should surely also be consulted. The NPF needs to direct spatial planning better rather than simply respond to the market – if a region needs regeneration, sustainable development should be directed towards it; conversely, if areas are under unsustainable development pressure they should not be expected to take more and more development simply because better profits can be made, often at the expense of what makes them attractive in the first place. Housing developers marketing standard products on the edges of conservation villages exemplify this problem.

Second bullet point

This is a very top-down approach and would not be appropriate.

Third bullet point

Such an approach is contrary to the principles of sustainable development, and should therefore be rejected.

Fourth bullet point

Rather than an infrastructure levy, consideration should be given to the coordinated funding of infrastructure projects through central taxation and the proceeds of Development Land Tax. Strategies should not always be strategies for growth in Gross Domestic Product (GDP).

Fifth bullet point

Such partnerships must be maintained within the public arena so all can contribute, including communities of place and of interest.

1.14 Planning authorities should be working with others to produce regional reports and other sound survey bases for forward planning. Such work should be mandatory, not optional, and subject to written guidance from Scottish Government.

1.15 The mechanisms mentioned in the last sentence here all appear to be antidemocratic in nature and, being sectoral, by definition will not deliver sustainable development.

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1.17 It is not clear why where there is so little if any public participation engaged in City Deals or City Region Deals. On the face of their essentially antidemocratic nature, and as they are described as being driven by economic development, growth and development, and the like, they cannot be considered to be *planning for sustainable development*.

1.18 Regional is the wrong scale for effective action integrating the Sustainable Land-Use Strategy with statutory planning. Village Design Statements would appear to be the most effective level at which to plan for individual communities. The Enterprise Skills Review should include social and environmental aspects because without them there is no prospect of achieving sustainable development.

1.19 We disagree with the idea that Strategic Development Plans can be replaced

by the work of partnerships: whatever the outcome, It must be part of *The Development Plan*, and produced in a transparent way after engagement with communities of place and communities of interest.

1.20 First bullet point

We do not accept that planning authorities should on their own be able to define and engage with their regional partners. We need the structure and focus of regional planning at the Strategic Development Plan scale, and this must be delivered through the Development Plan system.

Second bullet point

Strategic planning should encompass not only economic matters but also social and environmental ones, and therefore has a major role to play in all of these activities.

Third bullet point

The National Planning Framework should identify areas of inequality, perhaps of health, life expectancy, environmental quality and the like, and it would be for Development Planning to indicate places where Action Plans to address these issues should be set in place.

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1.21 There should be even more transparency and public engagement, engagement with communities of place and of interest.

1.22 In order to achieve sustainable development it will be necessary to align with proposals for economic, environmental and social purposes: these will not always be within growth scenarios.

1.23 The National Planning Framework does not yet, but should, subsume all wider Scottish government policies and strategies: it would be useful for example if it encompassed the Marine Plan. Planning at this scale must also incorporate explicit environmental and sustainable development strategies.

1.24 First bullet point

While the long-term review of the National Planning Framework being changed to a 10 year cycle may seem superficially attractive, the fact that there will be Scottish Parliamentary elections every five years suggests that it would be appropriate for the National Planning Framework to be reviewed on a five-yearly cycle, thus giving MSPs the opportunity to review *the plan for their country*. At that point they would not necessarily *require* to institute change, but that possibility would be available. Is the 30 year timescale for proposals realistic or meaningful? It may be, but to give greater comfort it might be wise to look at strategies or scenarios which consider *no growth*, *growth*, or indeed *decline* as options.

Second bullet point

We agree with the extension to 90 days of the period for Parliamentary consideration: there should also be efforts made to consult widely amongst communities of place as well as communities of interest.

Third bullet point

There is a touch of centralisation here: the system should surely have a measure of flexibility to allow for local circumstances to be taken fully into account.

Fourth bullet point

Should the duty to deliver sustainable development not be within the remit of each infrastructure provider? This duty should follow through on the delivery of the *Development Plan* as well. There should be public participation involved in all levels including those of regional partnerships.

1.25 There was a time when Scottish Government had a consistent set of Planning Circulars, National Planning Policy Guidelines, and Planning Advice Notes. It may be that the planning authorities do not believe that there is sufficient National policy content outwith Development Plans to provide a robust planning framework.

1.26 We would argue that both the National Planning Framework and Scottish Planning Policy should be scrutinised and signed off by Parliament.

1.27 We believe that, if Scottish Planning Policy contains relevant policy, Local Development Plans should not *normally* be able to depart from that policy. However, a Local Development Plan needs to be able to address *local* planning issues and Scottish Planning Policy must not completely dictate the approach to be taken in all parts of Scotland. SPP must be flexible enough to permit different approaches to be taken in areas with different economic, social and environmental conditions otherwise Local Development Plans will be meaningless reflections of central policy. In the countryside for example different planning approaches should continue to be allowed in the remoter countryside compared with pressured countryside close to large towns and cities. We believe that place-based planning may not work without detailed policies and Supplementary Guidance to ensure the high quality planning outcomes that we all want to see.

Local Development Plans should however incorporate *genuinely local* plans: that is, plans prepared at the *Village Design Statement* scale. A **Village Design Statement** (VDS) is a term of primarily English rural planning practice. A VDS is a document that describes the distinctive characteristics of the locality, and provides **design** guidance to influence future development and improve the physical qualities of the area. One example of the genre successfully applied in Scotland was at the village of Tarland in Aberdeenshire: there the completed VDS was adopted by the planning authority as Supplementary Planning Guidance.

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Development Plans must be soundly based on stages of *survey, analysis, diagnosis, plan, implementation, monitoring, and review*. Public engagement is greatly assisted by public involvement at the *survey* stage, and through the consequent feeling of *sharing* in the planning process. Not only has the Main Issues Report not been an effective way of involving people, the introduction of "**visionary**" draft plans that are the first step in the planning process is doomed to fail because they will not engage with communities.

1.29 First bullet point

It would be ridiculous to publish a draft plan and expect to consult on it successfully without earlier public engagement in the survey process.

Second bullet point

A shorter plan preparation period will make it even more difficult for meaningful survey and diagnostic stages to take place with the appropriate level of public

participation.

Third bullet point

Top-down triggers for updating the plan (or not) should not be available. *Plans are flexible but not in a constant review cycle* suggests that those at the top can change the Plan more or less when it suits them.

Fourth bullet point

We support the continuing existence of Supplementary Guidance which in its present form must be identified initially within the Development Plan and which must be subject to the same level of public participation and scrutiny. Indeed, there may well be a case for reintroducing Supplementary Guidance, which is not already flagged up in the Development Plan, if the Development Plan period for review is extended to ten years.

1.30 We favour the reintroduction or strengthening of the system whereby Scottish Government produces Planning Circulars, National Planning Policy Guidelines, and Planning Advice Notes. We have for a number of years greatly regretted loss of the *Memorandum of Guidance on Listed Buildings and Conservation Areas* with its particularly helpful policy and advisory content. Clear policy is still required, and if it is not available at the national level of planning, then as a consequence planning authorities will endeavour to provide it through the Development Plan and or Supplementary Guidance. Constantly streamlining planning guidance will compound the problem: driving the necessary design policies further into supplementary appendices is not the answer.

1.31 Examination of the draft plan at the end of the preparation process is essential to keep to nationally agreed standards, especially of public involvement. Though it may be **difficult** to address significant issues outstanding at that stage, it is nevertheless **essential**.

1.32 Good evidence and input are required not just from professionals but also from communities of place and communities of interest..

1.33 Again it's important to emphasise that when a plan has been prepared people should already have been properly involved in survey and diagnosis sessions. The Local Development Plan should not be driven by some airy-fairy vision but by the sound principles of sustainable development underpinned by a shared understanding of context and environment.

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1.34 It should be the job of the appropriate head of profession in the Planning Authority, not any Planning Reporter, to establish the initial soundness or otherwise of technical evidence. We regret the lack of mention of the Monitoring Statement, a useful analysis of the performance of the previous plan's policies in producing its anticipated outcomes. There should certainly be helpful Development Plan checklists for each stage of the Development Plan's preparation, so that, for example, a Development Plan does not proceed to the draft plan stage without an environment section!

First bullet point

One of the essential matters to be assessed by this gate-checking (UGH, more unnecessary jargon) should be that there has been a proper survey.

Second bullet point

It is too loose and weasel-worded to say that the plan should *take account of community planning*.

Third bullet point

Defining the key outcomes at this stage in the absence of *survey* and *diagnosis* phases will be seen as top down and not good.

Fourth bullet point

Again this is top-down and not good.

Sixth bullet point

At this stage it cannot be correct to prioritise infrastructure interventions. Gathering information about infrastructure is all part of the *survey* stage, and, although important, infrastructure is only one aspect of planning, and its priorities should not pre-empt other social, economic or environmental ones

1.35 Even with the citizens' panel, such *gate-checking* proposals will tend towards disempowering communities of place and of interest. The fact that professional mediation is being considered suggest that such a system is flawed: and who would pay for mediation at this point in the process?

1.37 Strategic Environmental Assessment is additional to, and not instead of, the environmental aspects of planning stages. It is difficult to see on occasion just how the environmental evidence base could be more streamlined without it disappearing altogether.

1.38 Perhaps what is needed is a clear set of implementation plans, with priorities, funding, and discrete responsibilities laid out; annually monitored, and fully reviewed at/prior to plan end as part of the *plan review*. Plan review could also be independently carried out.

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1.39 How can more certainty be obtained? Who will ensure this? What will the penalties be if no development happens?

1.40 Planning authorities, developers, infrastructure providers and communities should be clear that they have shared responsibility to fulfil the commitments set out in the Plan.

1.41 Surely the Development Plan identifies proposed housing developments? All that is established is that development of the site can, rather than will, proceed in line with the delivery programme. The horse is taken to the water, but cannot be made to drink at present. Who will ensure that allocated sites will be delivered? Will there be penalties if not? Is there a role for land development taxation?

1.4.2 We see no particular benefits in attaching planning permission in principle to allocated sites within the Adopted Development Plan.

1.43 There will certainly be a need for design skills to be possessed by those preparing the Development Plan. It is particularly distressing to see the suggested use of Simplified Planning Zones, in Scotland at least a somewhat discredited planning tool, likely to lower environmental design quality even further if this is possible and which will make sustainable development even more undeliverable.

Scottish Government planners should know better, even if the Review Panel membership didn't.

1.44 First bullet point

There must be a proper and comprehensive *survey* stage of the Development Plan to ensure informed decision-making subsequently. Any informed appraisal of individual sites must include contextual information.

Second bullet point

Site assessment information should be compiled by planning authority officials and, if possible, considered by an Urban Design Panel of the planning authority. Economic and market appraisal information is unlikely to provide greater confidence about the effectiveness use of sites or when they can be delivered. Considerations of economic aspects such as this will not, without additional work, deliver sustainable development.

Third bullet point

It is difficult to understand what this paragraph means. It certainly lacks the involvement of communities of place and communities of interest in its present form. That is not to say that in a more rational world there could not be Community purchase of key sites, and incentives or disincentives to ensure the early development of priority sites.

Fourth bullet point

It is possible that sites which are not included in the Development Plan may come forward, and these should be given the same scrutiny, if not more, than sites identified within the Development Plan. However in such cases the context for proposals will be all-important, and if, for example, a Village Design Statement has been prepared and the proposal is consistent with its terms then, subject to the views of any Urban Design Panel, it may be that such a proposal can be supported.

Pre-application consultation is very important, especially for communities and for improved design quality. In our view every planning authority should have either its own Urban Design Panel or access to one.

Fifth bullet point

The funding of infrastructure should be part of the *implementation* phase of the Local Development Plan.

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1.45 Plans do not always lead to development on the ground: they can, should, and often do relate to good conservation on the ground. The significance of the partnership with and buy-in from communities of place and communities of interest requires to be recognised.

1.46 Instead of delivery programmes perhaps this could be described as the *implementation* phase of the Development Plan. This is an important phase, but it is only one stage of seven. There should be corporate commitment by the planning authority and such other bodies, including key agencies, as sign up. There should be annual monitoring of *implementation* and other aspects of the Development Plan. The *implementation* phase should be costed, prioritised, and lead/supporting bodies identified for each element.

1.47 There should be an implementation team based in the Planning Authority. It

should be separate from either Local Development Planning or Development Management planners, who are generally unfamiliar with this type of activity. Instead of concern with development economics, or programming and costing infrastructure, such an implementation team must possess design skills.

1.48 It is not clear why the Scottish Futures Trust should be involved. This suggests there is more top-down pressure and further reduction and de-skilling of planning authority staff: the intention must be to increase the capacity and capabilities of planning authority officers, especially in the area of design skills and capabilities. A Local Design Review Panel, or access to it, should be part of this capacity-building.

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1 **No**

Community planning should be properly integrated into Development Planning in general and Local Development Plans in particular

2 **No**

2a Through use of regional reports: economic, environmental, and social sections: options of decline, no growth, growth: scenarios built into plan as sustainable development

2b A greater role for the Parliament

2c Duties

2d Regional partnerships would be much less effective than Strategic Development Plans. Should we be reintroducing Regional Planning Units?

2e Scottish government should establish Regional Planning Units to serve regions

3 If they are to be given greater weight in decision-making then they'll need to be more transparent and signed off by Parliament, not Scottish Government.

3a **No**

4 **No**

4a Take your pick – it'll either be too inflexible or too easily amended.

4b Monitoring should lead to early review if necessary, but not to easy amendment.

4c Supplementary Guidance is still required and needs to have full public participation as part of its preparation.

5 **Yes**

5a

5b

5c

5d

5e

6 **No**

We believe that an allocated site in an Adopted Local Development Plan should still be required to obtain planning permission in principle.

7 Plans would be strengthened overnight by a more rigorous approach to

survey, ideally following some Scottish Government *good practice guidance*, and to all planning related Scottish government material in the future.

7a Yes. The advice of an Urban Design Panel should also be sought.

7b Obviously: this should be done as part of the *survey* stage.

7c If not in the plan adopted then the clear implication is that their development should not normally progress, but any application for planning permission should proceed as normal.

7d The *principle* may require sufficient detail to show for example that cultural or natural heritage interests are taken into account.

8 If the site owner cannot or will not develop the site within a reasonable time scale, then the planning authority must have powers to acquire and achieve a development timeously and at reasonable cost. However there must still be quality controls, including an Urban Design Panel, operating outwith financial equations.

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Proposal 6

Will people get properly skilled support?

Might Village Design Statements be models for such exercises?

Proposal 7

How many people are actually involved at the moment?

Should there be numeric targets, minimum requirements?

What constitutes a meaningful consultation on planning matters?

Proposal 8

Sometimes things seem so bad that the question is how to *create* public trust rather than how to improve it.

Much of the time there are such pressures to smooth the path for development – sometimes very poor quality development in environmental terms – they have brought the planning system, and planners more generally, into a bad place as far as many members of the public are concerned.

Planners need to reassert the principles of sustainable development, and work to improve transparency and design matters as part of its environmental dimension.

Proposal 9

Third-Party Rights of Appeal are required to give the public confidence in the planning system and to address the question "Is it good enough to approve?" rather than "Is it bad enough to refuse?".

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2.1 The people who seem to be at the heart of *these* proposals would appear to be mostly housebuilders. It is not only that the planning system is complicated and uninspiring: most of the time it also seems to deliver very poor outcomes, neither sustainable development nor high-quality places.

2.2 Much public consultation in recent times seems to have produced a diminishing level of public engagement. The principles of prevention, partnership, people, and performance are largely ignored in relation to any understanding of places. Too many of those who participate in planning consultations feel that their participation has been a waste of time.

2.3 Involving people in the planning process needs to be at the earliest stages so that they actually feel meaningfully engaged: if this does not happen then everybody's time will be wasted.

2.4 A survey phase is still essential to provide strong footings for design involvement by communities. It is rarely true that local people know how their places work, although they do have particular perspectives on many of these local aspects. Building up a consensus of survey information, by work shared by planners and communities of place and interest, is essential to the production of robust plans.

2.5 Engagement in the survey stages of planning should ensure that communities and planners have common ground on which to prepare plans of real substance.

2.6 Getting communities to prepare plans for their own places requires more than just changes to the system to allow this to happen. The model of Village Design Statements has been particularly successful at this Community level, but it still needs a measure of funding support or local authority support, through the involvement of local planner to work with and assist local groups. Such Village Design Statements, when agreed, can then go forward as Supplementary Guidance within Local Development Plans. Such plans must be properly grounded, involving conservation as well as development proposals.

2.7 Such plans, whether they be Local Place Plans or Village Design Statements, should eventually become part of the Local Development Plan: this will ensure that *unreasonable protectionism* only applies in necessary circumstances. One community might unfairly put pressure on another to take a greater (or lesser) share of development, so the framework of the Local Development Plan is an important one within which to address and resolve such local relationships. Local Place Plans must also be subject to SEA and Habitats Regulation Appraisal as appropriate.

One question which should be asked is whether the communities which have been doing this already have been doing it well, with sustainable development outcomes? There may be a need for research here.

2.8 It is to be hoped that the English neighbourhood plans do not merely ease the paths of developers with bad schemes that are not appropriate for the place in which they are located. There should always be statutory links between Village or neighbourhood plans and the Local Development Plan. Village Design Statements are a good model within which to empower communities in planning: although some resources are required to fund such mechanisms, in terms of value for money it is significantly better than charrettes, for instance.

2.9 First bullet point.

Only Community Councils should be allowed to produce Local Place Plans. This should be prescribed because to do otherwise risks self-interested groups having undue influence. The requirements to be met should not just be those of *development*, but of **sustainable development**.

Second bullet point

Such plans, be they Village Design Statements or Local Place Plans, should be considered for adoption as Supplementary Guidance to Local Development Plans, along with Conservation Area Appraisals, and thus will require to meet public participation requirements.

2.10 To some extent this is misconceived. Even if Community Councils have

sufficient knowledge of their place, they are unlikely to have the skills to produce meaningful plans which deliver sustainable development or even sound practical conservation.

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Community bodies should generally be Community Councils. They should be charitable in nature. Clear guidance as to their constituent parts should be provided.

Second bullet point

It is not clear what is envisaged by *monitoring activity* in the planning authority's area. Support required by Community Councils will be more than digital mapping. Such bodies will need the skills to plan sustainably, will need advice as to the full process to follow, will require enlightened guidance, and of course must also possess the necessary funding.

Fourth bullet point

Definition of their own area seems likely to be something of a hostage to fortune. It might be best for that area to be a Community Council ward or combination of wards.

Fifth bullet point

The plan outcome must be comprehensive in nature and coverage to ensure sustainable development as an outcome. The plan will require to have budgets and skills in place. It will require to be the product of a process making it suitable for adoption as Supplementary Guidance in the Local Development Plan.

Sixth bullet point

The Planning Authority should *delegate to* rather than *empower* a Community Body to produce a local place plan.

Seventh bullet point

There seems to be some suggestion that the local place plan can sit outwith the Local Development Plan. This would be unfortunate, and we make a strong plea for local place plans to be required to be adopted as Supplementary Guidance in the Local Development Plan.

Plan preparation

First bullet point

The plan must play a positive role in delivering sound planning and sustainable development.

Second bullet point

Such convoluted voting procedures seem unnecessary. If a democratic sign-off is required then surely that will be provided by the Planning Authority which will deal with the plan as Supplementary Guidance within the Local Development Plan.

Third bullet point

For the sake of clarity, all references to *local authority* in this document should be amended and the term ***planning authority*** consistently applied.

Fourth bullet point

If these plans are indeed adopted as Supplementary Guidance they can then be refreshed as part of the Local Development Plan review in due course.

Fifth bullet point

Such place plans should be considered as Supplementary Guidance: in the event that the planning authority, which will after all have been contributing to the preparation of such plans, does not wish to adopt such plans as Supplementary Guidance then there might be some provision to bring forward a Local Development Plan review: a formal appeal to Scottish Ministers would seem heavyhanded.

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2.11 We suggest that the tried and tested techniques used to produce Village Design Statements should be adopted.

2.12 We do not believe that local place plans should focus on areas where the Planning Authority considers change is needed most, (more top-down) but rather on areas where there is an active community involvement. We are not persuaded that Community Planning will be of much relevance, since it seems to have singularly failed to have anything to offer at the individual community scale.

2.13 We recommend that the approach taken in Village Design Statements be applied in order that communities can have simple process guidance which will help them to produce plans which deliver sustainable development.

2.14 The suspicion is that, at present, there is a pitiful lack of community engagement in the preparation of Local Development Plans. Community Councils in particular require funds and other resources to be more active in terms of the sustainable planning of their area.

It is preposterous and insulting merely to notify Community Councils once a Main Issues Report has been published. Community Councils must be engaged in the earliest stages of planning, from *survey* onwards.

They will however usually require a measure of handholding and cooperation to ensure that this process brings out the best in both communities and planners.

2.15 We are astonished to learn that consulting Community Councils in preparing plans is to be a *new duty*. This is not just consultation about decision-making, but should be at all stages of the planning process, and ideally integrating land-use and statutory planning systems.

Page 20

2.16 It is disappointing that the Association of Scottish Community Councils appears to be defunct. Community Councils need greater powers, the ability to hold land, (and perhaps Common Good land in particular) and greater statutory responsibilities.

2.17 Community Councils should certainly continue to be consulted on planning applications. As far as the Development Plan process is concerned, they should however engage well before proposals are coming forward, from the *survey* stage onwards.

Design-led charrettes and the 2016-17 Activating Ideas Fund

We look for value for money from planning at the community scale, and instinctively consider that the costs of a charrette could be better spent on a number of Village design statements or similar mechanisms. Just how much does a charrette cost?

Charrettes may be *design-led* but are they *survey-led*? Why is this cash not supporting Village Design Statements, which could actually be delivered by Planning Authority architects and planners if they were sufficiently available, skilled and resourced. Perhaps this is a time when a pilot scheme of Village Design Statements should be rolled out across Scotland.

Page 21

2.18 Planning Authorities should seek engagement with communities of place and communities of interest.

2.19 We agree that planning should play a role in creating good-quality places, but no evidence has been provided that it actually does so, and in what circumstances. Is this the first mention of climate change in this document?

2.20 We are not aware of any age restriction on Development Plan consultations, and rather than making a specific effort to engage children it may be wise to take a hard look at public participation more generally. Can children be part of the Community Council? Can they be part of Parent Teacher Associations or Schools Councils? It would be most regrettable if this was all just patronising windowdressing.

2.21 Third sector groups in particular are unlikely to have a restriction on youth participation, and it may be that ensuring third sector participation will help to tease out greater youth involvement.

2.22 The *Village Design Statements* process would normally be open to all with scope for participation by schools, local youth groups, and the like.

2.23 We would favour effective general public participation which should include children and young people in these processes.

Page 22

2.24 As indicated above it may be that some non-governmental organisations including members of BEFS and Scottish Environment Link have roles to play. We are not convinced that the Place Standard of itself is sufficiently useful to have meaningful conversations about the quality and future of existing places. Rather, there is a hands-on role for conservation officers and designers in evaluating existing contexts, in collaboration with those with local knowledge, to understand better the quality of local places.

2.25 The IHBCS branch is to date unaware of this research, but would be very happy to contribute to it. Perhaps details of the research contacts could be made available. It is surprising to some, given that the need for public participation in planning has been a mainstream element since the 1960s if not earlier, that public participation in planning appears to be getting less and less effective, and identifying the reasons for this must be a high priority.

Greening Dunfermline town centre

Dunfermline is one of Scotland's most historic burghs, although it has seen better days, and on the face of it this seems a somewhat simplistic method of dealing with its conservation and enhancement. For example, there is no mention of the role of the Landscape Institute (Scotland), either as a group or following the involvement of individual members. Is this just part of a general ground swell of attitudes against

experts? While one would not criticise the enthusiasm and engagement of young people, perhaps places like Dunfermline are too important to be left only to educational initiatives, however valuable in themselves. It would be interesting to see a detailed evaluation of the evidence of positive outcomes for places such as Dunfermline town centre following such an educational initiative.

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2.26 On the face of it there seems to be little or no real engagement by the public in the preparation of Development Plans. Arguably this may be because there is no joint input into the *survey* stage, using the knowledge of locals and experts, the communities of place and interest. Instead the preparation of a draft plan is alleged to require the planners' *Vision*, a somewhat over-egged commodity. In particular we imagine that the last sentence of this paragraph would be seen by many communities as somewhat patronising.

2.27 It might be helpful to break down Development Planning into three levels – strategic, local, and community.

We agree certainly that Community Councils must be prepared to be involved in Development Plan preparation at all levels, But for the system to be adequately robust there should also be consultation with communities of interest as well as with Key Agencies and other infrastructure providers. We do not see any great value in setting out specific measures to involve children and young people in the Development Plan scheme, but if resources permit we would not resist this. Commitment from the Planning Authority Convenor and Chief Executive is implicit in the scheme's promotion by the Planning Authority. Engagement of the third sector, including local societies and amenity groups, should also be sought to reflect the need for shared community *ownership* of the Development Plan.

2.28 The *survey* stage of plan preparation requires community engagement, and thus communities of place and interest should be engaged well before key components of the plan's evidence base are scrutinised.

2.29 In many circumstances, restricting the constructive and early consultation of local people only to Major Developments is inadequate. Pre-application consultation should be far more the rule than the exception. This is particularly true in rural areas where developments below the Major Development thresholds can have major impacts upon local environment, economic opportunities, and community interests.

2.30 Perhaps the last sentence here should read
Planning must be done with and by, rather than to, communities of place and interest.

2.31 People should be involved more fully at the earliest stage. It is crucial that communities of place and interest are engaged at the survey stage of Development Plans.

First bullet point

As indicated above we believe that pre-application consultations should be the norm for many more planning applications than just those *major* and *national* developments. Planning Authority Local Urban Design Panels should also be the norm rather than the exception, and as part of a suite of design initiatives we would like to see every Planning Authority in Scotland with access to such Design Review Panels and processes. We're concerned that there appears to be a design deficit

within Planning Authorities, which will not have high quality outcomes unless this deficit is addressed. As far as accommodating such activities within the current 12 week statutory timescale is concerned, if much of it can be done in the pre-application phase then it should be possible in most circumstances for the 12 week statutory period to be maintained.

Second bullet point

Development sites which have not been allocated in the Development Plan should all be the subject of pre-application consultation.

2.32 While not wishing to malign the Place Standard tool, high-quality development will only be achieved through the use of; skilled planners, appreciative of context; skilled architects, landscape architects and urban designers; Urban Design Panels; and an objective and skilled assessment of the quality of planned outcomes.

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Existing consents should be reviewed as part of the review of any Development Plan, if not earlier. Consent time limits should be rigorously observed so that vacant sites do not become long-term features of places. The extent to which a start on site keeps a planning permission alive needs to be reviewed to avoid long term blight caused by half finished foundations. Compulsory Purchase Orders should be readily available for housing, industry and environmental reasons.

2.34 First bullet point

Third-Party Right of Appeal would also encourage a quality approach to first-time applications

Second bullet point

There is always the danger that a substantial increase in fees may encourage non-compliance so it will be important to ensure that better and more rigorous enforcement resources are also in play.

2.35 To encourage the use of pre-application discussions, it is recommended that planning authorities do not charge for such discussions. Indeed it is suggested that free pre-application discussions should take place on all planning applications. To aid the achievement of higher quality design outcomes, as noted above, every planning authority should have access to a Local Design Review Panel.

2.36 Communities of place and communities of interest need to have confidence in all enforcement procedures, including the following: accurate preparation of planning applications, inaccurate planning applications leading to invalid consents, and the fulfilment of all necessary conditions on planning consents. These communities must also have confidence in the quality outcomes of proposals: the existence of Design Review Panels may help to give communities greater confidence, but it may be that third-party rights of appeal will be the ultimate solution to these concerns.

2.37 Planning enforcement should be publicised as part of the planning authority's annual return, and while it is recognised that flexible and informal resolution is desirable, *to encourage the others* this activity must be properly identified, informal or otherwise, and properly recorded in national data, transparently. In particular any unresolved cases must be recorded transparently. Anecdotally we are aware of problems of poor site notices, incorrect indications of land ownership, and in some cases failure to properly neighbour notify: it would be helpful to be clear as to

whether such circumstances, if proven, nullified any consents.

The availability and use of Amenity Notices to deal with derelict land (including buildings) and loss of amenity seem little-known both by planners and the public, and perhaps the time is right to produce a Planning Advice Note on this and any other positive aspects of planning enforcement.

2.38 First bullet point

Surely the landowner must be required to pay these costs, with a hefty add-on, perhaps 50%, for administrative expenses.

Second bullet point

It is not clear from this small paragraph what the current financial penalties are, what "substantially" means. Financial penalties should be punitive so that nobody profits from unauthorised development.

2.39 While it is helpful obviously to work with Heads of Planning Scotland and planning enforcement officers, we believe that communities of interest and of place should also be represented in these discussions.

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2.40 We do not believe that Third-Party Rights of Appeal would in any way work against early, worthwhile and continuous engagement by communities of place or of interest: rather, TPRA might encourage both applicants and regulators into the mindset which asks not "is it bad enough to refuse?", but "is it good enough to approve?". The planning system should be providing high quality outcomes, and especially in *place* terms, but sometimes the impression is given that it is complicit in a race to the bottom, with the role of the planning system merely that of greasing the wheels.

Third-Party Right of Appeal might also be relevant when one considers the widely-held impression that many have no confidence in the current system of Local Review Bodies to be seen to deliver high quality outcomes.

2.41 While much of this consultation response has stressed the value of early consultation with communities of place and interest, quality of decision can be good (or not) at any level, and the consultation might be better aimed to ensure that informed decisions with high quality outcomes do take place at each level. Local enthusiasm is excellent and desirable as long as it is not ignorant and misplaced: this is true particularly in the heritage and design fields.

2.42 The introduction of Local Review Bodies was not without controversy, and it would seem desirable that their effectiveness be reviewed before considering any changes, particularly in expansion of their use.

First bullet point

We agree that the hierarchy of developments should be reviewed, in particular to see if it's possible to bring more applications into pre-application play: the current hierarchy considers generally that small-scale developments are dispensable, but we all know that even small-scale developments can, if ill-considered, wreck places or create poor environments.

Second bullet point

This proposed change seems to be going in the wrong direction, and we do not

support it. Design matters, for example, should always be capable of appeal to independent experts. Scottish Ministers should either be considerably more prepared to call in such applications, or be prepared to accept the idea of the Third Party Right of Appeal.

Third bullet point

Presumably it is for the planning authority to decide its scheme of delegation, subject to agreement by Scottish Ministers. It may be that the introduction of its own Design Review Panel that, along with appropriately skilled planning officials and a suite of sensible design policies, will result in more positive planning and design outcomes. Such increased delegation *on its own* is unlikely to result in improved planning outcomes, and certainly not in the fields of environment and design.

2.43 It would be helpful to know how many appeals are determined centrally at present, how many are decided by Ministers themselves, and the skills that Scottish Ministers and their advisors possess in the fields of planning, place-making, and urban design, never mind sustainable development.

At least when independent reporters report there is transparency: no such luck when Scottish Ministers decide.

2.45 We do not support the regressive idea that appeals or reviews are not rights but purchases. They should be available to all, not just those with deep pockets.

2.46 The community views should be those of communities of place and of interest. It will be necessary to see *what* these community views are as well as *how* they have been taken into account. Those taking decisions must have the necessary expertise in design.

Page 26

2.47 Islands are special places, and in planning terms we therefore believe they deserve just as much or more attention, not less: and we do not believe they are special cases, or at least no more special than many of our more rural areas.

2.48 This is a particularly romantic view of islands. In most instances there will be several communities of place. Often there will be a history of subsistence economics. Digital communications are vital. There may also be a community or communities of interest.

2.49 The suggestion that National policy should not apply in island circumstances is unacceptable: the Development Plan applies in all of Scotland, surely. There have been a number of Island conservation management plans which may offer practical ways forward for effective Island planning, but there is no need to see this as requiring a diminution of Scottish standards, often quite the opposite in environmental terms. The use of the Village Design Statements may be especially relevant in the rural (including island) areas.

2.50 As above we reject the idea that Planning Authorities covering Scottish islands should be encouraged, any more than other rural areas of Scotland, to depart from Scottish planning policies.

2.51 It is a matter of some regret that the consultation document is not prepared to include review of the planning powers of the Cairngorms National Park Authority. It is not a satisfactory explanation merely to recognise what we all know, that the

character, capacity and sensitivities of our two National Parks are different: ten years on, such a review of that planning function would be entirely appropriate.

2.52 This paragraph appears heavily weighted, not as one would have wished in favour of sustainable development, but rather narrowly promoting economic activity in rural areas: there is a need to ensure the conservation of vital landscape and community qualities of these areas. Affordable housing in rural areas must be addressed, and not just for the exclusive use of retiring farmers, whether tenants or not.

Page 27

9 There should be provision for communities of place and of interest to contribute to so-called *place plans*. However, the production of local place plans requires more than interest, it requires them having, or employing, genuine skills which at the local place level must include design skills provided by architects, landscape architects or urban designers.

9a Inform. These plans should be prepared in the form of Village Design Statements which can then be considered to be adopted as Supplementary Guidance within the statutory Development Plan.

10 It is ridiculous that planning authorities do not currently have a duty to consult Community Councils in the preparation of Development Plans. Consultation should take place with communities of place **and** with communities of interest. This should occur at the start of *survey* preparation as well as thereafter.

10a Yes, the planning authority should be required to involve communities of place and of interest in the preparation of the Development Plan Scheme.

11 People should be involved in all stages of planmaking: this will ensure that more people are involved, and in a meaningful way.

11a In the recording of places perhaps. If Development Plans are to be on a 10 yearly cycle, then a full photographic record of places will be essential each time. Otherwise children and young people should be given the same level of consultation, that is *meaningful public participation*, as any other Group.

12 Requirements for pre-application consultation with communities of place **and** of interest should be enhanced.

12a Pre-application discussions should be free, and should apply to all applications or to as large a number as possible: each Planning Authority should establish, and use as part of a suite of design enhancements, an Urban Design Panel for early review purposes: Third-Party Rights of Appeal should be introduced.

12b Pre-application consultation should be free and should relate to all applications or as many as possible.

12c Pre-application consultation applies to too few developments and perhaps this, rather than concerns about bending national standards on islands, could be the focus of some additional and helpful work.

12d Yes there should be a maximum time limit: if too slow then the pre-application consultation process should be repeated.

13 Yes

14 It would have been helpful in framing a response if we could have been provided with a list of penalties and proposed penalties. Where appropriate there should be full cost recovery for an enforcement action, and on top of that a 50% uplift to cover administrative costs more widely. Consideration should be given to central funding by Scottish Ministers to cover such enforcement activity as Purchase Notices, Listed Building Repairs Notices, Amenity Notices, and the carrying out of remedial work. It should not be possible for those who flout the planning system to do so with financial advantage: the punishment must fit the crime.

15

15a There should be a review of the effectiveness of local review bodies before any further changes are made to their function and operation.

15b Fees should not be introduced for appeals and reviews

15c Such training happens in all good Planning Authorities now, and it should be mandatory. Notwithstanding such training, there is likely to be a design deficit which cannot be met by the training of members or indeed of officials. It can only be met by the planning authority's employment of designers, and the introduction of Design Review Panels.

15d No, Scottish Ministers rather than Reporters should *not* make decisions more often, and especially not on the design or other planning merits of proposals. Reporters are skilled in making appropriate planning decisions, and Scottish Ministers would be deluding themselves if they thought they were equally qualified to overturn those balanced decisions on planning grounds.

16 Island communities are not the special cases which they are made out to be: they are merely remoter rural areas, and the proposition that national planning guidance should not apply in remoter rural areas is simply daft. In such places it may be necessary to reconsider the hierarchy of development. It is certainly vital to have design-based site assessment as part of all rural planning application consideration. There should be no additional Permitted Development rights: they have been fairly disastrous in environmental terms, and thus they are bad for sustainable development.

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Scotland's planning system needs to maintain and enhance places. Many homes, including new ones, are a disgrace in terms of quality of build and design. There is a major issue with fuel poverty too. We must have a properly integrated approach to deal with this housing crisis.

We want Scotland's planning system to help deliver high-quality homes and conserve, maintain, enhance and create better places where people can live healthy lives and in which communities are inspired to invest.

This review of planning should not just be about new-build solutions. Conversion of existing buildings should be welcomed as a means of increasing housing supply without the disruption, embodied energy and infrastructure costs that come with new build. Conversion is more often welcomed, and new build resisted, by communities,

so should be more easily delivered, all other things being equal.

Proposal 10

Increased densities? There should be clearer guidance to develop an efficient way of producing a range of forms of housing at densities appropriate to the urban grain of the area. Too much land is wasted by the house builders' desire to build detached houses instead of more efficient terraced or semi detached houses. Increasing densities can produce better places.

Infrastructure and other investment In areas where housing is poorest?

Not just how much housing land is required but also where it is? Too many housing proposals are made in or adjacent to some of our most attractive designated areas such as conservation areas, simply to capitalize on the asset while providing little of quality or of meaningful benefit in return.

And how much it is?

And how sustainable it is? Sustainable development is not just development attached to an existing community but should recognise its overall environmental impact on matters such as long distance commuting for work; long term loss of prime quality agricultural land and so on.

Proposal 11

There should be a tax on unbuilt sites with consent. There is no excuse for developers to sit on land allocated with community support though a Development Plan indefinitely. In some local authorities, more than 50% of their entire housing land supply is in such a situation: this cannot be allowed to continue. The community rather than the developer should benefit from the uplift value of land when consent is given.

Proposal 12

Brownfield sites should generally be developed at higher densities, and on sites close to town centres and transport nodes. Accessibility, particularly with respect to public transport, should be a major factor in considerations of sustainability.

Proposal 13

This could be described as the new towns' approach: it is not really that relevant to much of Scotland. A comprehensive, design-based plan will always be required. There are likely to be major design implications, not all good, in considering infrastructure first.

Proposal 14

Funding of infrastructure is key: the community should be responsible for the design, costing and timing of infrastructure, and it is the community which should obtain the site value uplift cash which in return pays for the infrastructure.

Proposal 15

What is required is innovative locale planning and genuine community planning at the Village Design Statements level.

Proposal 16

Design quality is widely regarded as being very poor: what can be done? This may be a question for the design professions and Architecture+Design Scotland, but we

would like to see official recognition of the problem and the establishment of Local Urban Design Review Bodies covering all Planning Authority areas.

Page 29

Scotland needs to invest in high-quality homes, not poor ones: they should be built on brownfield sites if at all possible. Existing buildings should be used particularly where these are well located within communities. In all cases, but particularly within existing centres, there must be knowledgeable consideration, and taking account of context.

3.1 It is a pity that the consultation document does not indicate which factors are currently limiting the number of homes being built in Scotland. Only if these can be determined can they be addressed. It is too facile to say that housing land supply – enough land – is at fault. Housing land must be in the correct places, and ready for development as required. And not just any old development.

3.2 Here again it is unfortunate that no mention is made of sustainable development, especially the aspect which is environment and its improvement as part of any sustainable scheme.

3.3 Planning is not about enabling development in the same way that it is not about debating overly complicated housing figures. At the end of the day it must be about delivering sustainable development. Housing must match housing needs as far as possible of course, but this is not just *what the market wants*. The housing that Scotland needs must be for occupation, not for investment or second homes. Scotland's new houses must be sustainable and sustainably located: they must be at higher densities to avoid unnecessary use of agricultural land.

3.4 What is required is high-quality housing development, at high-density, knitted into the urban fabric and on brownfield sites.

3.5 It is very dangerous to assume that a strategic and aspirational approach to house numbers will bring adequate solutions. Such issues as density, brown- or green-field locations, tenures, sustainability, context and design quality must be planned for, and there will be others. It is not sufficient merely to propose the construction of a bigger and faster housing sausage machine.

3.6 The panel should have included some Quality Targets, but generally these seem to be missing from what is mostly a Top-down approach with fingers crossed that at the local community level it will be possible to pull a high-quality development out of the developer's rather shoddy-looking bag.

If housing cases are put forward as successful examples, it would be helpful to give an indication of density, appearance, whether for clients to live there, the mix of development, whether it is affordable or private, and whether it is tenure-blind. Other factors which might be considered are whether the development fits into an urban fabric which is predominantly tenemental blocks made out of red sandstone and dark grey slate.

Page 30

3.7 It is a surprise and disappointment that there is no mention of housing *density, context, design quality, and sustainability*. Generally our view is that the quality of housing as currently developed is so poor that consideration of these

aspects must be part of any solution. The last sentence of this paragraph gives no comfort from its weasel words: Scotland should be ensuring the provision of homes which respond to housing needs rather than merely reflecting market circumstances. NPF can help to create inspiring and inspirational planning by requiring higher quality development designs. It could and should specifically resist row after row of standard detached housing devoid of any design that roots it to the place in which it is proposed to be located. This commitment should be carried through all tiers of planning, otherwise the lowest common denominator of design standard will result.

3.8 What about the environmental, contextual, and design factors? And will all of these houses be for domestic use? Should we not be finding some way of restricting second home use in the areas of housing need? Perhaps we might consider changes in Use Classes, or amendments to tax arrangements.

3.9 First bullet point

Aspirations must be realistic: they must examine a range of realistic scenarios: they must be focused on achieving sustainable development.

Second bullet point

This cannot just be a top-down numbers game. The danger of setting targets on the basis of an early *Gatecheck* is that the necessary work will not have been done to establish where and whether and how sites can be developed. How can we be sure that all sites with planning permission will be developed within the planned period?

Third bullet point

Any *housing sites register* should have information about site ownership, numbers consented, design matters, rate of building. Perhaps such sites, if the consent is not being followed in a timely fashion, should be able to be bought out by the community in some shape or form at agricultural land value.

Page 31

Why is there nowhere in this document a proposal for improving the quality of housing design?

3.11 Will this target of 50,000 affordable homes be met? What has the past rate of achievement been? Is it about numbers, or investment in good quality housing and sustainable development?

3.12 It is not sufficient to talk lightly about delivering good quality homes in the right locations. Some more helpful guidance than that is required. Place-making principles are not enough in themselves. Good designers, architects, and landscape architects are required. Since planning is not normally a design profession it is as dangerous to say that planners *should be proactively involved in securing development on the ground* as to promote the idea that they should just *react to proposals for housing*. The question is **how can planning authorities ensure high quality of housing design?** At the very least each Planning Authority must have qualified design staff, including Conservation Officers, appropriate design policies, and an Urban Design Review Panel in place.

3.13 What is this gap? Is the problem that there are insufficient sites, or is it that housing developers are failing to build sufficient homes, for whatever reason? This question cannot just be about numbers.

3.14 Surely if sites are not being progressed to completion, planning authorities

should be enabled to use compulsory purchase at unimproved value.

3.15 Planners need to be upskilled to better interrogate *development viability information*, much of which is likely to be made up anyway. Most developers will be keen to drive a coach and horses through such so-called viability tests: cases such as the recent development at Craighouse in Edinburgh, a so-called enabling development for which the developer paid £6 million, inspire no confidence that the planning system is sufficiently robust to cope with the Donald Trumps of this world.

To do so effectively will require a big stick.

3.16 We agree that a new Development Plan should consider housing allocations from the start, afresh, but we wonder in the real world how many times planning authorities have actually enabled development by using existing land assembly powers as this paragraph describes. If this potential is to be released, might it be that Scottish Ministers would establish some kind of public fund for site purchase and unlocking of development? This could even be on some kind of revolving fund basis.

3.17 It is agreed that planning authorities should be able to act as developers, but who will fund this? Will they have sufficient skills to promote high-quality housing? Who will be their watchdog?

3.18 Of course there is a range of options for delivery of more housing, but each must ensure that solutions are of high quality, and not just about numbers. It should be possible to seek especially the provision of affordable housing, sustainable development, the development of small brown-field sites, design competitions and above all to promote the *healing* benefits of sensitive housing additions to and within existing places.

Page 32

3.19 What is the current figure of land in community ownership? We need to know this to decide whether the target is ambitious or not. Believe it or not, Scotland is now a metric country: what is 1,000,000 acres in hectares? As well as questioning the need for a *vision statement*, if it is necessary to have one, it must surely include reference to *environmental rights*, and to *sustainable development*.

3.20 Compulsory acquisition and purchase for the public benefit must be at existing use value so that the public can get the benefits of development uplift where possible. Greenfield sites should not normally be used at all. Presumably action is already possible through Amenity Notices and Compulsory Purchase Orders, and these possibilities should be flagged up.

3.21 We are in favour of a development land tax approach or some other mechanism which will ensure that sites are released for development timeously. As well as local (planning?) authorities and agencies, communities should be mentioned.

3.22 It cannot just be about delivering more homes, quality matters and above all we expect *sustainable development* to be the product of the planning system.

Self build – Maryhill, Glasgow

The history of Scottish New Towns demonstrates that public (including self-build) housing initiatives can be successful, but they require adequate funding and, especially, architects of considerable skill to assess sites, frame proposals, and

maintain standards over the life of the project.

Place standards just won't cut it— housing design, as every first year architecture student appreciates, requires the exercise of the full panoply of design skills to be successful.

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3.23 The first sentence of this paragraph is contradictory, imagining that it's possible to make plans more flexible and yet also stronger and more certain. Simplified Planning Zones have been tried and have failed before: it could be said that they make a mockery of the idea of an effective planning system. It is not known where pilot schemes are intended, or indeed whether they are already in place, but the question is: who will provide design quality, and who will provide a check that design quality is being delivered?

3.24 Unless a *consenting* master plan is part of the Development Plan, either as an integral part or as Supplementary Guidance, we do not support such a mechanism. We are not surprised that Simplified Planning Zones as a brand were not endorsed by the *independent* panel.

The Development Plan production has community involvement built-in, and must be an integral part of the process: it would be anti-democratic for the Planning Authority to put in place a general consent for key sites or areas they wanted to promote for development, especially if they had either ownership or other financial interests in such sites.

3.25 We look forward to receiving details of the ongoing pilot work. One of our sought outcomes will be to understand how high quality can be assured from such a limited process.

3.26 *Time and potential financial support from planning authorities with no planning application fee to follow* appears to be swimming against the flow. It should be for the Planning Authority to carry out scheme preparation work in any event, not the developer. Any uplift in the value of the land should be retained by the planning authority for public benefit.

3.27 Surely it makes sense to wait for the result of any pilot schemes before considering the rollout of this previously failed planning mechanism? It is hoped that some planning authorities also have concerns about the quality of outcomes, in terms of good design quality and sustainable development, being impossible to deliver through the mechanism promoted here.

Some explanation of the sentence *we will look at the use of conditions or unilateral obligations to secure greater certainty on delivery* should be provided. We question whether a new finance and funding mechanism for an infrastructure-first approach should support the Simplified Planning Zones.

"Removing the blanket restriction for SPZs in conservation areas" is grammatically confusing. We think you mean "removing the prohibition on SPZs in Conservation Areas", because they were perceived as a contradiction in terms. Conservation Areas are proven tools for regeneration and maintaining quality environments, "the character of which it is desirable to preserve and enhance". They are where people want to live and work, neither of which can be said for the SPZ of old.

Circular 18/1995 PLANNING AND COMPENSATION ACT 1991 SIMPLIFIED PLANNING ZONES <http://www.gov.scot/Publications/1995/08/circular-18-1995> excludes SPZs from being imposed in conservation areas because taking away planning oversight is at odds with preserving or enhancing the character of a place. This is the relevant text:

“Heritage Designations

11. SPZs cannot include land in National Scenic Areas (NSAs), Sites of Special Scientific Interest, approved green belts, conservation areas, or any other area excluded by an order made by the Secretary of State. Other land of significant conservation, landscape, recreational and agricultural value should be avoided. Such areas include prime quality agricultural land, open space, preferred coastal conservation area and other locally important areas of conservation interest. Authorities should not designate areas likely to have an adverse impact on the adjacent built heritage (unless potential harm can be avoided through use of exclusions, conditions or limitations); land containing hazardous installations; and land that would sterilise important mineral resources...”

If SPZ were to be resurrected from the crypt in order to promote housing uses we recognise that it would difficult to designate SPZs within or overlapping a conservation area. The answer is to reconsider whether there is any point at all to SPZs. Residential use is the default position for urban land so it is hardly necessary to require special treatment, and the need for old-fashioned zoning is questionable given the recognition that mixed use areas are the most successful ones (see the *Atlas of Re-urbanism* on this).

3.28 We are interested to know when the decision was taken to provide financial support for the establishment of Simplified Planning Zones for housing. How much funding has been made available? Where? We would be very interested in examining an alternative option involving the preparation of Village Design Statements or similar sensitive and community-orientated planning mechanisms.

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Figure 2

We believe that to support the long-term planning of housing there should be a focus on the quality of outcomes. The provision of affordable housing, tenure-blind, and perhaps the use of local Urban Design Review Panels may help in these regards.

First bullet point

It is most likely that an SPZ will be easier to consider (like a brief) as Supplementary Guidance.

Second bullet point

Communities of place and of interest should be involved in the preparation of planning mechanisms: we question the value for money of a limited Charrette programme.

Third bullet point

Such a proposal should be resisted: this is more top-down planning and is inconsistent with any community-first approach.

Fourth bullet point

Absolutely not! What would be the point of this? What possible reason could you have to do so? In general terms this would be a retrograde step at this point in time when all appears to be rather more focused.

Fifth bullet point

The Planning Authority cannot be seen to be relentlessly and ruthlessly supporting

development proposals, otherwise there is no purpose to planning being in existence.

Presumably the use of Simplified Planning Zones by Planning Authorities will not be compulsory.

Seventh bullet point

The phrase *to ensure a robust but proportionate approach is taken* is the final set of weasel words here: what exactly do they mean?

The Hillington Park Simplified Planning Zone

Which award has the scheme won? On the face of it, It appears that the Planning Authority has abrogated its responsibility to ensure an effective development framework is provided which ensures high quality outcomes. No mention is made of the fees for development, who gained any uplift in values, who paid for the infrastructure, or indeed whether at the end of the day the product was a high-quality sustainable development.

Page 35

3.29 What is infrastructure? What does this term cover? Its provision method is an important design consideration, and it is very risky to separate the provision of infrastructure from other aspects of sustainable development design.

It is a part, but only a part, of the design of the place.

3.30 We disagree: the most significant challenge for planning at this time is the poor quality of design and development on the ground. Infrastructure is one aspect of context, and as such is an important design consideration. But it is not the only one.

3.31 The Infrastructure Investment Plan seems another top down mechanism designed to minimise genuine community engagement and design quality on the ground. If it means that the public purse will pay for infrastructure, and borrow against uplift value and successful projects, not allowing creaming off by developers benefiting from public investment, then it may have some merit.

3.32

All infrastructure providers should share a commitment to *sustainable development* rather than to *sustainable **growth** and development*: this is a subtle but important distinction.

3.33 There should be representation or at least some involvement of the third sector in such a national infrastructure and development delivery group, perhaps in the same way that a non-executive director can ensure that the company board does not ignore wider community interests and the long-term benefits of operations.

First bullet point

There should be reference here to Strategic Development Plans, which should not all be focused on the main cities of Scotland. There should be a reference here, or hyperlink, to the Infrastructure Investment Plan.

Second bullet point

This paragraph should read

Work with local government, *communities of place and interest*, and the development industry to broker solutions...

Third bullet point

This is the wrong approach. In effect it is a tax on quality.

Fourth bullet point

It is not clear exactly *how* there is community engagement in the preparation of City Deals. Surely what is required is not a mechanism which fully supports regional priorities for growth, but rather one which ensures the delivery of sustainable development.

Fifth bullet point

This appears to put the cart before the horse. We need to produce Development Plans which clearly think through the need for infrastructure: the infrastructure providers, like the Key Agencies, should commit to the delivery priorities of the Development Plan.

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3.34 Once more allegations of a top-down approach gain greater credibility.

3.35 While it may be that coordination should be significantly improved at this level, we see Strategic Development Plans, of whatever mould, being the mechanisms to address such coordination.

3.36 We are incredulous that planners do not already advise on spatial priorities for infrastructure investment: if they don't do this already they certainly should, and it doesn't need the replacement of Strategic Development Plans to carry this out.

Effective Strategic Development Plans, as a key aspect of their *survey* stage, should include a regional audit of infrastructure capacity: think Regional Report!

We see no reason why strategic transport projects should not be integral parts of Strategic Development Plans: indeed regional transport studies will be key planning tools in the search for sustainable development.

3.37 If a general duty can be introduced, we fail to see why it cannot be clearly defined or its compliance demonstrated and enforced. If not all infrastructure matters are devolved, it will be necessary to work with UK authorities as required, but at least this will be in an open and transparent manner, and it should then be clear where responsibility lies for any failure of proper integration.

3.38 It is disappointing that there has been no success so far in working with Key Agencies and others to achieve a greater level of commitment to Development Plans. Some identification of those unwilling to commit, and the circumstances of such reluctance, could be usefully shared.

Dundee Waterfront – Regeneration – Infrastructure and Placemaking

The question here appears to be which comes first, the chicken or the egg? Who will do the design work which will integrate various requirements into a coherent whole – like the new town – in a sustainable way, taking economic, environmental, and social dimensions into account? Where are the architect-planners of tomorrow? It was possible in Scotland's new towns, so why is there such an apparent lack of confidence?

Page 37

3.39 Although proposal 14 speaks of a fairer and more transparent approach to funding infrastructure, on balance we find the proposal more confusing.

Much of the content of paragraph 3.39 is unclear, but perhaps not deliberately so.

3.40 We agree that there should be restrictions on the ability to modify and discharge terms of planning obligations, although on balance we consider it better that the community should be the beneficiaries of any uplift value of the development process.

3.43 Infrastructure provision investment should be made where needed, not just where the best return can be obtained.

3.44 Perhaps there should be provision in the Planning Bill to allow the acquisition, improvement and resale by public agency of any Development Planned.

First bullet point

This is completely meaningless and fast defeats the purpose of any sensible consultation response.

Second bullet point

Again this is a top-down approach which is likely to further alienate communities of place and interest from the planning system.

Third bullet point

Is it then required to be spent locally? What does *local* mean in this context? How will this be enforced?

Fourth bullet point

Which fund is being referred to here?

Fifth bullet point

Which fund is being referred to here?

This is getting very complicated. It may be introducing even more things to persuade developers and the wider public that they can't afford architect-planners on their staff but rather accountants! Is this the English model?

Page 38

3.46 New schools like other developments must be carefully located and designed to benefit their communities.

3.47 Such matters are important aspects of Strategic Development Plan and Local Development Plan work. It is insufficient to consider them only at the highest levels of Strategic Transport Projects Review and review of National Planning Framework.

3.48 Environment sections and Development Plans at the strategic as well as local level would be a positive start, particularly if these refer to sustainable development, and the systems of Development Management and Enforcement were strengthened to deliver such outcomes.

3.49 It is hoped that the draft Energy Strategy says something about delivering low carbon Energy infrastructure, Energy efficiency measures, and indeed locally based renewables through such community planning mechanisms as Village Design Statements.

3.50 We do not accept that the location of development should be the sole or even the top determining factor of action on climate change: location and that development's design should go hand-in-hand, and should *together* deliver added value on climate change matters for the future.

3.51 Extending Permitted Development rights may look like an opportunity to some, but they are challenges to overcome for those of us interested in maintaining and creating high-quality environments. What is required is a sustainable investment strategy for the long-term, including upgrading and universal access, surely. The introduction of Digital infrastructure should in considerable part be about providing access to the Digital economy for those who believe that living and working in some of Scotland's most beautiful places can still be achieved without detriment to their environment.

Page 39

Optional technical questions

17 No

18 No

19 No

20a The question should rather be: what possible benefits could come from the use of Simplified Planning Zones? Did their use in the past lead to any demonstrable benefits, separate from the attraction of grants and rate-free deals? Removing planning from such equations just leads to a free-for-all and, in a few cases, retail parks devoid of good design, not centres of thriving commerce and certainly not examples of sustainable development.

21 We support the coordination of development and infrastructure through use of the Development Planning system, and not by the top-down imposition of a new infrastructure agency cutting through the engagement of communities of place and communities of interest, further alienating the people of Scotland from the planning system.

22 Scotland needs to make Strategic Development Plans work rather than introducing new mechanisms such as regional partnerships: perhaps the reintroduction of Regional Reports would be positive start.

23 Yes we agree with the suggestion.

24 The idea of an infrastructure levy seems to further complicate an already complicated process: on balance we favour getting back to the idea that planning projects can be prepared in an integrated fashion, publicly implemented, and getting significant public return to finance further schemes from any uplift in value.

25 No: we do not believe that the case has been made for such a change.

Page 40

For the planning system to have credibility, its aim cannot just be sloganising on the *creation of great places*, whatever that means, but must be focused on *identifying, maintaining, enhancing and creating* such places. To do this successfully will require a collegiate approach, working with others, especially with skilled designers, and with a measure of humility all round.

Proposal 16

The system should not just be about delivery, but should focus on quality of outcomes.

Proposal 17

There should be greater investment in a better planning service, but only one where the focus is on improving the quality of outcomes.

Proposal 18

A new approach to improving performance will be one where greater weight is given to a higher quality of outcome.

Proposal 19

Making better use of resources – efficient decision-making – must take into account the idea of an improved higher (if not actually yet high) quality outcome.

Proposal 20

Innovation, designing for the future, and digital transformation of the planning service, are not ends in themselves, and can only be justified where a high-quality of outcome is important *and can be delivered*.

Page 41

4.1 An alternative view might be that there is little or no evidence of this, but rather lots of mediocre development, especially mass housing, and much careless, ill considered erosion of existing places. Rather than planning being a visionary profession, we would prefer it to be thoughtful, and based on a genuine understanding of place: if this requires micromanagement then so be it. Scotland must focus on getting positive outcomes which conserve, maintain, enhance and create sustainable places.

4.2 What are the principles of public service reform? The removal of *unnecessary procedures and rebalancing of the system* we see as a misunderstanding of the nature of successful planning and, indeed, of the creative process.

4.3 Planning is rarely recognised as a positive force for change – why is this? Could it be that the outcomes which are delivered are *poor*? We need to make up our minds. Should we be producing meaningful long-term perspectives or (mere) visions? How can we deliver outcomes that are sustainable and of high quality?

4.4 Unfortunately, the reality is that planning and planners do not have this reputation. At the best we squat on the shoulders of giants like Patrick Geddes and Frank Mears, with only exceptionally real design skills and abilities to produce the positive design outcomes which sustainable development demands. Rather than articulating the value (*great places!*) that it can contribute to society, planning needs to actually deliver on this. It is considered that the proposals outlined above are unlikely to improve community direct involvement, and may indeed, in a number of its

top-down initiatives, actively increase disenchantment with the planning system from communities of place and interest as well as others engaged in these processes.

4.5 Design-skilled context-related planners are what we need – IHBC Members, architects and landscape architects, primarily.

Rather than a graduate intern system, it is likely to be more constructive to produce postgraduate planning courses for the design professions, and get them in quick!

4.6 Skills development of planners and shared services, however well-meaning, will be too little too late.

Page 42

4.7 What is outlined here is a willful misunderstanding of the problem. The emphasis should not merely be on efficiency, but on quality of outcomes. Training alone is unlikely to address these, Design Review Panels can help, but cannot and should not replace the need for design-skilled professionals working in planning.

4.8 Of course authorities can help each other, and indeed so can professional bodies be of assistance in holding seminars and encouraging their members to carry out appropriate CPD as part of their own professional development. Time away from desks must be spent, it is not an option, since all professions include CPD as a statutory professional requirement. This should be stressed in any government consultation on planning, and it is disappointing that such a review of planning does not make it absolutely clear that planning authorities and lead planning professionals have a responsibility to ensure that time and funding are available to resource planning-related CPD.

4.9 We are not aware that the Royal Town Planning Institute in Scotland has the capacity to *lead* the improvement of places, the delivery of development, and the production of quality outcomes in the fields of planning and design. As a proposed addition to the list of bodies, it would be immodest for IHBCS to put itself forward as anything other than another built environment profession, albeit the one which values and promotes a contextual approach to urban design, but we are surprised at the omission of the Landscape Institute in Scotland: landscape architects are design professionals who can bring an invaluable approach to place, the public realm, design and issues of sustainability.

Royal Town Planning Institute – Future Planners Initiative

In our view the issue is not about getting people to think about the (Built) environment: it is about getting skilled designers engaged in planning processes with community benefits in mind.

Page 43

If this sentence is not to be dismissed as mere sloganising, there should be a definition of what the *world-class planning service* is. In a perfect world, what communities deserve and the economy needs would be paid for by general taxation as working for the public good. Unfortunately it is not a perfect world.

4.11 It would be a caricature of the current planning system to claim that if you have only peanuts to pay you get monkeys, and overstretched and under-resourced monkeys at that. As long as the intention is to pay for the planning service through

levying fees for development management, such funds must be dedicated and sufficient to ensure outcomes of appropriately high design quality delivered efficiently and to the satisfaction of both applicants and communities. IHBCS as a matter of policy would rather the planning system was paid for out of General Taxation, but as long as a fee-based system is in place it behoves its political masters to ensure it is funded sufficiently to deliver high quality outcomes, and this is not the case at present.

4.12 Surely general taxation should pay for public organisations, including agencies and the government's planning functions, which contributes to that sound planning service.

4.13 Such a wider discussion has taken place for a good number of years now. In particular an AuditScotland report should be referenced here.

Pre-application discussions, not least on design and sustainability matters, should be encouraged and welcomed because of the potential for community benefit, and not subject to fees.

4.14 First bullet point

Proposals for a revised maximum fee should result in this fee being the same as in the other home countries.

Second bullet point:

We look to greater use of enforcement powers in appropriate circumstances: the issues of retrospective planning applications and applications relating to sites not supported by the Local Development Plan should be separated: we support the approach to the former not the latter.

Third bullet point

We do not agree with the idea of charging for appeals and reviews of decisions. Justice should not be limited by the ability to pay. It is bad enough that judicial review is so expensive as to be effectively unaffordable to all but those who perhaps need it least.

Fourth bullet point

Agencies should not charge for planning services: the *public good* argument requires paying for them by general taxation. Our MSPs don't charge for advice.

Fifth bullet point

No: see argument above, especially about the importance of encouraging pre-application discussions.

Sixth bullet point

No Simplified Planning Zones, thank you very much.

Seventh bullet point

This seems appropriate.

Eighth bullet point

We agree with this: an administration charge should also be levied for overheads.

Ninth bullet point

No: this is paid for the public good, and should be funded from general taxation. It isn't optional.

10th bullet point

Use of the word *proportionate* is not helpful here. We disagree with the proposition, and as far as the example given is concerned we believe there is an argument that polytunnels should be charged at a higher rate in recognition of the extent to which they impact upon the appearance of the landscape.

11th bullet point

There should be no suggestion made in this consultation which could lead to allegations that higher fees might be buying consents, or be seen to be so doing.

Page 44

4.15 See comments above – Scotland needs to be very much clearer about what *high performing* should mean in practice: high-quality design outcomes should be a key part.

4.16 Since planning fees are in effect a tax being levied for the public good, we do not believe that planning authorities should be opting out: no opt out, no dropping national standards.

4.17 We are not aware of any evidence, beyond the most superficial, that planning authorities performances have improved in recent years. Monitoring is certainly important, and quality of outcomes must be a key factor in this. Planning authorities should not be able to mark their own homework, or indeed each other's on a *you scratch my back I'll scratch yours* basis.

4.18 A reference to the high-level group, its activities and make up, would be useful here. Once more it is unclear what exactly is meant by an *improved performance agenda*.

4.19 It may not be possible to improve the Planning Performance Framework monitoring system on its current basis: we continue to argue that there should be no self-marking of planning authorities' own homework.

First bullet point

Customers of the planning service will include applicants, communities of place, and communities of interest.

Second bullet point

Who are the service users mentioned here?

Third bullet point

There are limits to what even the Improvement Service can achieve: it may be something of a sticking-plaster solution, though.

Fourth bullet point

What about the role of the design professions? What about communities of place and communities of interest? They should surely play a part in the *marking of planning homework*. We believe there is a need for all planning authorities to have Urban Design Review Panels in place.

Fifth bullet point

Scotland has such a national performance coordinator already, namely the Scottish Government's Chief Planner, who should do this as his key role.

4.20 We agree that the success or failure of planning should be measured by its outcomes, and that is why we would be happy to support any exploration of the scope for measuring performance on the basis of Quality. We are not convinced that the Scottish Awards for Quality in Planning and the RTPI's Annual Awards for Planning Excellence are helpful measures of the quality of outcomes in terms of design and placemaking. For many designers, the Place Standard is an irrelevance. However, the design professions themselves must have vital roles in improving quality standards and outcomes of planning, and we look forward to cooperating in any research to develop practical means of achieving such high quality design outcomes.

Page 45

4.23 First bullet point

Digital telecommunications infrastructure will be increasingly important in the future, and we are not in favour of such provisions becoming Permitted Development.

Second bullet point

Such wide-ranging alterations to our places should not be Permitted Development, at least until we understand their potential impacts.

Third bullet point

Polytunnels should not become Permitted Development. They are intrusive elements in the landscape, and their use and locations should be considered.

Changes of use from agricultural buildings to housing may be fine, and appropriate where residents are engaged in agricultural practice on a farm, but in general we do not support Permitted Development for this change of use on a blanket basis: as it would not be appropriate for all farm buildings, some of which are erected without the need for planning permission in the first place. We note that design guidance such as that contained in *HES Guide for Practitioners; The Conversion of Rural Buildings in the Lothians* advises rightly that a converted farm building should still look like it belongs in the countryside and does not look like suburbia, thus preserving rural character. This is an area where there are many excellent and high quality developments that are good examples of positive and inspiring planning practice.

Fourth bullet point

Provision for allotments and community growing schemes should be made in Local Development Plans. Such schemes should be encouraged, but they should not become permitted development.

Fifth bullet point

Given the demise of retail, changes to the use of premises within town centres must *stimulate vitality*. Within town centres one of the most significant planning issues is channelling a continuing transition from commercial and other uses to housing, and this must be done carefully and sensitively, for example by promoting the idea of living over the shop once more, with the benefit of planning consent.

Sixth bullet point

The aquaculture sector brings with it many concerns about the environment in particular, and we do not believe that such matters will be dealt with satisfactorily if they become permitted development.

4.24 We agree that there should be a more consistent approach not only to certain

requirements for the validation of planning applications but also establishing where invalid/incorrect/deliberately misleading information can affect the validity of consents. It would seem helpful to have such key stakeholders as amenity and community groups, as well as HoPS and the design professions, looking at this.

Procedural Improvements – Development Management

Every Planning Authority should have an Urban Design Panel and use it.

4.28 We support flexibility for Councils to decide whether pre-determination hearings should be in front of a committee or full council. Determination hearings should be heard by full council meetings

Something that isn't mentioned here is the simple belief, shared by many, that Planning Authorities should not be able to apply to themselves or grant themselves planning permission for any development of theirs or in which they have a land or financial interest. This will require somewhat greater transparency.

Page 46

It is all very well encouraging the digital transformation of the planning service, but perhaps a survey is required to see how many of the public are being left behind in this rush to digitise.

4.30 A reference to this research into 3-D visualisation would be helpful: it should be remembered that most ordinary folk will prefer actual 3-D models, and it's also important to use images of people to provide scale in any type of visualisations from drawings to models.

4.31 It's all very well setting up a digital task force, but if this is done it should be preceded by a study identifying those who will be left behind in the rush to digitise, and make provision for them. However it should be remembered that in a world of limited resources the immediate requirement is a design task force, bringing forward a suite of proposals including local urban design panels in each planning authority, charged with the improvement of design quality outcomes.

Development. Scot

It will be important to establish just how many ordinary folk can't get access to this digital material. If not all, then who? Do the non-joiners not matter?

Page 47

For answers to the technical questions see comments above.

Page 48

What is probably required is a proper overhaul of the planning system in Scotland. Third-party Rights of Appeal are necessary, since in many people's eyes the system is broken.

Disappointingly, details of the six working groups are not contained within this consultation document. We are not aware of any IHBCS members who sit on the six working groups. If there isn't one already, a working group should be set up dealing with design and design outcomes, for this, we argue, must be a key component of any planning system improvements.

The proposals within this consultation document will have, if carried out, wide-ranging environmental impacts, and we are surprised that no Strategic Environmental Assessment appears to have been considered as a key part of this consultation.

While it is no doubt valuable to have a set of SEA environmental report documents published with the proposed legislative changes in mid 2017, it is disappointing and we believe not in the spirit of SEA for such delay and failure to consider properly the environmental consequences of the proposals included in this current consultation.

Page 49

Action programmes and their proposals should not only be fully specified, costed and linked with sources of finance, but should also be prioritised.

We question the value of charrettes, and both in terms of value for money and effectiveness we should like consideration to be given to a pilot programme of Village Design Statement initiatives.

Culture change

It is really not helpful to stress the need for culture change and the planning profession without explaining exactly what is meant by this. If such a need exists then it should be transparently explained so that the full range of participants in Scotland's planning processes can do what they can to address it.

Next steps consultation questions

35 It is possible that the increased emphasis on digital access to planning may disadvantage those unable or incapable of making use of such facilities.

38 As stated above it is particularly disappointing that consideration of environmental consequences from these proposals has been left to last. That really is not in the spirit of Strategic Environmental Assessment. We know that the environment has historically been a Cinderella, and although we would not describe economic and social factors as the Ugly Sisters, the whole point of the SEA is to ensure that environmental issues are fully considered as part of sustainable development in any plans and proposals. Increasingly this does not appear to happen: it was particularly galling to note that the Strategic Development Plan for Edinburgh and its region, *SESPlan*, had no environment section within the MIR plan document itself. Whether this reflects the lack of resources or skills of those preparing the plan, or their indifference, it is a trend not to be encouraged further.

IHBCS
April 2017