

RIAS RESPONSE TO PLACES, PEOPLE AND PLANNING

With over 5000 members the Royal Incorporation of Architects in Scotland (RIAS) is the professional body for all of Scotland's chartered architects. Our members work in over 1000 architectural practices of all sizes, as well as in areas of industry from housebuilding to local and central government. The RIAS has charitable status and offers wide range of services and products for architects, students of architecture, construction industry professionals and all those with an interest in the built environment and the design process.

RIAS representatives have attended many events about the review of the planning system – from the BEFS workshop to the cross party working group on Architecture and the Built Environment, to the Burness Paul event, Brodies event, and most recently the full day workshop arranged by the Scottish Government where we participated in the Housing and the Community engagement sessions. They have given long, and careful consideration to the consultation paper and sought comments from the RIAS membership. The RIAS should be seen as a prime participant in the review process. The RIAS is responding on behalf of the 5000 members of the architectural profession.

In responding the RIAS will not answer every question set as not all are relevant to its interests.

The RIAS response is split into 4 sections covering the general themes as set out in the paper:

- 1 – Making Plans for the Future
- 2 – People make the System Work
- 3 – Building More Homes and Delivering infrastructure
- 4 – Strong Leadership and Smarter Resourcing

Making plans for the future - consultation questions:

Key question

A: Do you agree that our proposed package of reforms will improve development planning? Please explain your answer.

The RIAS supports the use of a much more visual/ map based LDP document illustrating the concepts in the plan itself – this will benefit all and perhaps provide a more engaging development planning system if people are given visual references to what is proposed.

The RIAS also supports a much more mediative approach to plan making – and involving the community in discussions on the ideas being pursued. Dialogue between different professional expertise, community groups and developers is key. Being able to access independent facilitators or mediators will be essential to improving this.

The key to providing a stronger development plan will be to keep the plans up to date and relevant – as well as allowing them to illustrate the bigger picture. Extending the time frame of the plans but providing for flexibility in making sure there are very regular reviews will be essential.

We are unclear what is intended for supplementary planning guidance and note that it is proposed to remove the provisions for SPG to be part of the development plan – this will be helpful in providing flexibility however the status of the guidance as a material consideration will require careful clarification. The lack of detail in the consultation paper in this regard is a concern.

Other comments we would make are that there is a need for spatial unity between development plans, community plans and the National Planning Framework; an additional layer of contention will be added if they do not work with each other. The local development plans require to convey the

social and cultural benefits of land use planning and need to be clearly understood and articulated. We would express concern over the potential centralisation of the planning process with greater emphasis on the national and SPP planning layers of the hierarchy when these have always been other material considerations and not the primary ones; the development plan as set out in statute has always taken precedence.

We would express some concerns that the proposals may present a risk to the historic environment associated with deregulation, with loss of detailed policy and guidance. We welcome the emphasis on local participation in the plan making process, with emphasis of the need to support and build capacity within communities to make this work.

The proposal to introduce a statutory link between the development plan and community planning is thought to be a good idea in principle, however there remains a need for clear direction and the relationships between the two processes better understood.

We would agree that there are a wide range of interests involved in planning, and that local authorities must recognise the value of the development plan in realising their corporate objectives.

There are clearly cultural differences between community and spatial planning; and as such the impact of community plans needs to be assessed on a spatial, economic and cultural basis. Health and wellbeing are key outcomes for community planning and the RIAS can strongly identify with these aims. Overall, there is a need for stronger linkages between local development plans, community plans and the National Planning Framework, collectively offering stronger spatial unity to land use planning, shifting from a focus solely on sustainable economic development. Planning needs to contribute to wider social and cultural benefits and support the place-making agenda.

We need clarity on how regional priorities would be co-ordinated if strategic development plans are to be replaced; again this a concern expressed that overall the proposals represent a centralisation of the planning process. The proposed move towards a ten year planning cycle is generally welcomed, with a preference for having regular review between plan cycles. There remains a strong need for clear policy at local level.

We would offer the following on a selection of the technical questions:

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

The steps required to gain an allocation in a development plan have become so onerous in recent years that the volume of reports required and expenditure by the landowner to have a chance of consideration coupled with the diminution of the local plan inquiry and having a right to be heard tends to prohibit smaller scale developers and individuals from engaging in this. We have found that the process has driven a volume builder agenda which results in the sorts of developments that we find across Scotland – more options on sites and not necessarily the best outcomes for our towns and cities. A more site by site basis looking at requirements in different locations will generate a much higher placemaking agenda with more opportunities for interesting places to be created. The benefit of a PPP intimated through allocation – benefits who/ whom?

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

7(a) Setting out the information required to accompany proposed allocations

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

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

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

(a) – (c) No – the over provision of information is just being pushed to a different stage in the process when there is no certainty of what will happen but an awful lot of expenditure to have your site considered. This favours large volume builders....and not necessarily placemaking/ planning.

(d) Agencies – tend to want detail anyhow – this is a non-issue and will not speed things up.

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

8(a) What should they include?

Economics drives delivery – is a different economic system being proposed?

People make the system work - consultation questions

Key question

B: Do you agree that our proposed package of reforms will increase community involvement in planning? Please explain your answer.

The 'community' is a many faceted entity – engaging those who would not normally engage in the planning system is a challenge we all face. Much good work is being done by PAS in engaging the young, in particular in the planning system through active citizenship. This work should be supported.

We would like to see tangible, real support for facilitation and mediation in planning with a properly resourced facility available to communities across Scotland to assist them in engaging effectively in the planning system.

The proposed Local Place Plans represent a radical change which could potentially reduce 'NIMBYism' and improve perceptions of the planning system. These will be challenging to implement and will require additional investment. Capacity building will be necessary to raise awareness, develop methods of facilitated engagement and to ensure that the diverse range of voices in communities are heard. Visualisation techniques may be particularly useful in supporting communities to participate. The way in which such plans are perceived (in terms of their credibility) will determine the extent to which people will participate in their development.

Place Standard Tool and Design-led Charrettes are welcomed, highlighting - there could be stronger heritage and wider environmental components in these methodologies. Village Design Statements are another relevant tool in this context and Local Design Panels could also be used more to support community groups.

School education on planning and place-making is important.

Optional technical questions

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

The PAC process has limitations in value to all parties.

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

No – this is a valuable element to applicants and developers

15. Should current appeal and review arrangements be revised:

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

Strongly disagree – the survey of members the RIAS undertook in 2015 indicated most strongly that the experience at LRB can be very varied across Scotland. The appellant and agent felt disenfranchised by the process and saw many irregularities occurring. The LRB in many cases is not equipped to review the case 'de novo'. LRBs could be greatly improved through additional training for councillors, using an impartial planning advisor and not an employee of the same authority and affording the applicant/ agent time to address the LRB at each and every one. Too many mistakes have been witnessed at LRBs which could have been avoided if the appellant or agent had been afforded the facility to address the meeting. A pool of retired Planners, Reporters, Planning academics etc. could be engaged to provide the Planning Advisor role.

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

No – strongly disagree – a right of appeal is a right in terms of Article 6 of the ECHR and should be free for ethical and moral reasons. Access to a right of appeal should not be precluded by a cost be apportioned to it.

15(c) for training of elected members involved in a planning committee or local review body to be mandatory?

Yes – and continual updating of that training. The LRB should not be expanded to take cases which will clearly be out of the depth of a lay person such as a councillor.

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

No – the system of independent, highly trained and professional Reporters works very well and should be retained.

Building more homes and delivering infrastructure - consultation questions

Key question

**C: Will these proposals help to deliver more homes and the infrastructure we need?
Please explain your answer.**

There is clearly a focus on homes in this consultation on the future of the Scottish planning system. The focus should instead be on creating better places and a cultural identity for a future Scotland.

In relation to infrastructure, it was commented that there is a lack of information on what is needed/the deficit in infrastructure provision; assessment of the 'thresholds of communities'; and also assessment of the extent to which infrastructure providers are delivering on commitments.

Incentivising development of small brownfield sites, for higher density development, and for new development to be Scottish in character.

General comments - putting regional priorities within the National Planning Framework may risk that framework become overloaded and unpopular, as has happened in England. Varying thoughts about restricting the ability to modify Section 75 planning obligations; it was commented that S75A was a positive change; also that landowners should bear cost of infrastructure (S75) requirement – not developers.

Optional technical questions

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

No – it should be retained at local level.

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

No. The plan making system has become the end in itself, not the development which should be derived from it

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

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

Yes Planning can be used by drawing on design guidelines for the physical planning of diversity in housing layout and design. The shared services of trained Architects and Urban Designers across adjacent local authorities would go a long way to improving design. Also the encouragement of smaller builders on smaller and infill site would stimulate diversity. There could be a greater diversity of funding mechanism.

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

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

We would comment that 'simplified planning zones have failed in the past' so why look to reintroduce them although if they were to be used to deliver the conservation areas of tomorrow rather than poor quality development then they might be acceptable. There is a need to package up sites, with aspirations set out and a clear design brief arising from community engagement.

Further detail is needed on proposed implementation which may fall, in part, to local authorities. If inadequately resourced, Simplified Planning Zones could represent a major threat to Scotland's historic environment.

In general, deregulation is viewed as a threat to Scotland's historic environment since it places environmentally sensitive (including undesignated archaeological) sites at risk.

Rather than de-regulation we need to examine why there is such a shortfall between the consented number of units in Scotland per annum and those delivered.

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

Yes, there would likely be a greater fit between the levy and the application of the levy funds to specific projects.

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

Yes. Projects would be more identifiable at the outset, and provision made for funding

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

Identify infrastructure provisions which will be required to enable effective development to take place.

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

No – the facility is much needed. It would be a retrograde step to remove this.

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

24(a) at what scale should it be applied?

At the level of City Regions or Regional Partnerships

24(b) to what type of development should it apply?

Key public services of Water and Drainage, Gas, Electricity, Roads and Bridges

24(c) who should be responsible for administering it?

An admin team appointed and coordinated by the Regional or Joint authority

24(d) what type of infrastructure should it be used for?

For key or enabling elements programmed and delivered in a way which is proportionate to the expected need

24(e) If not, please explain why.

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

**Stronger leadership and smarter resourcing - Consultation questions:
Key question**

D: Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.

There is endorsement of the sentiment at paragraph 4.1 – that planning should *‘re-establish itself as a visionary profession rather than the micro-management of the built environment’*. Although recognition within this that enforcement, which may be considered micro-management, is a critical activity. There is currently no obligation on elected members to take heed of the advice of planning officials – it was commented that stronger leadership will require a shift in culture.

Supportive of stronger leadership, training of councillors and skill sharing. It was recognised that leadership applies throughout the system including the community council level.

Retention of local authority resources including access to specialist skills and expertise is fundamental. There is a particular need for training in ‘softer’ skills such as leadership and facilitation, especially given the proposal for a more ‘front loaded’ system with more meaningful public involvement.

A stronger focus on outcomes and evaluating how places have changed would seem very important. This would include skills development around monitoring and evaluation of impact ‘on the ground’.

Scotland’s land use planning system is under-resourced. There are new proposals in the consultation which will also require additional resourcing, such as the local place plans and investment in digital solutions. There should be recognition that wider disciplines contribute to the planning process and that others feeding in should be accommodated in a more towards full cost recovery. Regarding the proposal for fast tracked applications, community engagement could be a prerequisite.

There is support for development of digital solutions; physical models still have a place. Also an observation that there is a need for an e-planning Code of Practice. The e-planning portal requires significant improvement to be a truly C21 portal where applications can be made easily and docs uploaded. At present it is most cumbersome to work through.

Optional technical questions

<p>26. What measures can we take to improve leadership of the Scottish planning profession?</p>
<p>Enhance the status of Chief Planning Officers and their staff, improve funding.</p>
<p>27. What are the priorities for developing skills in the planning profession?</p>
<p>Encourage officers to identify themselves with the progression and development of a project, as opposed to being regulatory</p>
<p>28. Are there ways in which we can support stronger multidisciplinary working between built environment professions?</p>
<p>Multidisciplinary working between built environment professions exists, but the planning officers need to be on board.</p>
<p>29. How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?</p>
<p>Specialist skills sharing between authorities should be encouraged to ensure there are skills in Architecture, Urban Design and Landscape available for consultation and guidance.</p>
<p>30. Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?</p>
<p>Successful outcomes will proclaim themselves, while lesser outcomes need some examination and review.</p>
<p>30(a) Do you have any ideas on how this could be achieved?</p>
<p>Give good PR to success as reflecting well on those involved.</p>
<p>31. Do you have any comments on our early proposals for restructuring of planning fees?</p>
<p>Developers would generally be content to pay higher levels of fee if there was a greater level of expectation of success with a planning submission, after the pre- application discussion stage.</p>
<p>32. What types of development would be suitable for extended permitted development rights?</p>
<p>This question does not lend itself to a general response, as with domestic applications, it needs fuller examination of options.</p>

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

Develop a more positive outlook in addressing applications, with a view to guiding the needs, resources, commitment and enthusiasm of applicants towards a positive outcome, insofar as that can be achieved.

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

We live in a dynamic world where conditions change. It would be helpful to be able to amend an established consent within predetermined limits.

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

That should be possible, but established constraints and guidance should not be overturned.

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

There could be consultation conducted by an independent facilitator or mediator.

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

Applicants essentially require the opportunity to put their presentation across; and if a group of objectors have been given time to state their objections, then the applicant should be given appropriate time to respond, and not be limited to a short time slot.

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

Arising from the use and experience of e-Planning, the users have to have available, a system which is simple to understand and to use.

Next steps - consultation questions

Optional technical questions

35. Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above? If so, what impact do you think that will be?

The proposals as set out should have a positive impact.

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

Whatever the costs, they will be outweighed by a more efficient planning system, rather than being fraught with delays and frustration

37. Do you think any of these proposals will have an impact, positive or negative, on children's rights? If so, what impact do you think that will be?

Children's rights need to be built into the guidance and legislation and be adopted into a culture of safeguarding and caring.

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

These proposals, if implemented will generate improvement, particularly if there is a move towards a higher standard of design and awareness of what people want.

The RIAS Planning Committee has gathered comments from active practitioners which are provided below:

1. If people are to be at the heart of the system (presumably meaning citizens and community groups) then the system has to be accessible and legible. Empowering such as communities without the tools and resources to take on that power is meaningless.

There is often a lack of involvement of the public in the changes that take place in their area. Most citizens are unaware of what is going on in their city until buildings appear on site.

Perhaps we should be considering moving to a cognitive systems i.e. those that provide constant interaction with citizens or maybe a smart input approach. There is much available on this subject, including via the Urban Design Group.

We also note that there is no mention made about improving accessibility to the Planning system.

2. Pre application advice is essential and highly beneficial to all participants in the Planning process. If in depth advice needs to be charged for then so be it.
3. The proposal to train councillors needs defining. Leaders are born no made. Wisdom (the quality combining experience, knowledge and good judgement) is a quality sadly lacking in leadership nowadays.
4. There seems to always be a shortage of land for housing but the land is not always wisely used. It is not simply a matter of making more land available.
5. If accurate 3D were the norm and which could be investigated by Planning, there is little likelihood of developers manipulating them to their advantage. In fact, quite the opposite. Perspectives can present a scheme in a less than accurate advantage to developers. Physical models are often inadequate when it comes to assessing place making for instance. Properly constructed and accurate 3D models can establish the scale and visual impact of proposed building forms and spaces at an early stage even before elevation treatment and materials are finalised. This is fundamental to the process of good communication within the urban design process.