

Speaking for Scotland's Buildings



The Planning Review
Planning and Architecture Division
The Scottish Government
Area 2-H (South)
Victoria Quay
Edinburgh
EH6 6QQ

11 August 2017

Dear Sirs

Places, People and Planning consultation: position statement consultation

A principal objective of the Architectural Heritage Society of Scotland (AHSS) is the protection of the built heritage of Scotland. This is fulfilled by the examination of applications for listed building consent and applications for planning permission within conservation areas. This work is carried out throughout Scotland on a **voluntary basis** by local group Cases Panel members with relevant experience or expertise in architecture and related fields.

In responding to the Places, People and Planning consultation position statement a number of our members raised points which we would like considered as part of the review of Scottish planning and the development of the planning bill.

Question 1 - Do you have any views on the proposals contained within the position statement?

Despite some warm words about people, involvement and quality of life, the document seems really to emphasise economic growth, facilitating development and speeding up the process. We think this is likely to be unhelpful to the conservation of areas and buildings of historic interest.

We are concerned that the overall direction of travel has economic development being the driver with insufficient account taken of the public good, the environment, both built and natural, and major issues such as climate change and the long-term sustainability of existing settlements not being considered.

We would like to see

- a) a robust statement of the importance of conserving the built heritage.
- b) the inclusion of Historic Environment Scotland (HES) on the face of the Bill, together with a requirement to treat HES guidance notes as a material planning consideration.
- c) a commitment to protecting the green belt, with any common sense derogations made conditional on balancing adjustments elsewhere.
- d) a commitment to conservation areas and the imposition on local authorities of a duty to keep them under review.
- e) a commitment to the regeneration of town centres and prioritising development on brownfield sites before permitting development either in the green belt or on high quality agricultural land.

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f) the government putting this Planning Bill on hold and concentrating on re-building trust in the planning system we currently have. A review of the impact of the last round of changes, including the 2006 Act and the creation of HES should be implemented before the new planning bill is drafted.

Changes to spatial planning and regional partnership working (Proposals 2 and 3)

We are concerned that the removal of Strategic Development Plans (SDPs) will lead to a weakening of regional planning and more central control. There is a danger that the National Planning Framework (NPF) will become overloaded and less effective. From our point of view the historic environment component of Scottish Planning Policy (SPP) has been weakened from the time of the withdrawal of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 and of NPPG 18 and the incorporation of statutory guidance in SPP.

The idea of Regional Partnerships could well lead to in-fighting concerning the distribution of resources, new infrastructure etc. and this would be further confused by conflicting economic development aims. We are concerned that in the absence of regional plans, the duty to collaborate may lead to further frustration. For example a city authority may find that a neighbouring more rural authority will refuse to accept any city-related development, leading to a breach in relationships. It is unclear how regional partnerships will work. In simple terms eg North, South, East Central, West Central or more complex, based on groupings of local authority areas.

Stronger local development plans (Proposal 4)

The general theme of reducing the size, content and frequency of local development plans (LDPs) is potentially worrying. Ten years is a long time; much can change in terms of the economy in that period. Extending the period to 10 years would work only if the LDP is a sound one and there are no major economic disruptions to disrupt a plan framed to reflect anticipated growth. Has a seven or eight year period between plans been considered? The suggestion that the repetition of "standard" policies should be avoided is reasonable so long as these policies are rigorously framed and enforced. There are good reasons for having Supplementary Planning Guidance and we can see no good reason for abolishing this. More information is needed to show how the 'Gatecheck' process will work as the present system of a main issues report seems to work alright. It is important that surveys take place and facts are marshalled before a plan is developed.

Enhancing the role of communities in spatial planning (proposals 1 and 6)

Keeping decisions local and improved community engagement (Proposals 7, 8 and 9)

We welcome increased community involvement but having had over 50 years of engagement as an organisation with the planning system at local and national level we consider that there is a need to re-build trust in the system across Scotland and this will be difficult unless the Scottish Government re-focuses its agenda towards the public good, as opposed to development-driven planning.

We know how extraordinarily difficult it is to involve/activate people except in those matters that they feel impinge directly on their own concerns. The idea of community involvement as a responsibility that we all have to society is one that seems to be very difficult to get across in the new world of self. A plan is by its nature an overarching thing which cannot be sensibly grown from the bottom up, yet doing it from the top down alienates those at the bottom who are left grumbling about centralised bureaucracy etc.

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We have a suggestion: each local authority should have a **planning forum** which is tasked with involving the community, old and young, professional and non-professional, near and far, in the planning and development of their area. Taking Dumfries and Galloway as an example:

The Forum should be headed by a Community Planning Officer employed by the Council and given administrative back-up. These would be funded by the Council/SG.

The Forum's membership would comprise –

- Elected members to represent the four planning areas of Dumfries and Galloway, The Rhinns, Stewartry, Nithsdale, Annandale and Eskdale.
- Community Council members representing the four planning areas
- Representatives of the building professions, architecture, planning, surveying, House Builders Federation etc.
- Representatives of amenity societies, local interest groups, the AHSS etc.
- School and College representatives

It would be tasked with actively involving the local community in planning issues using what methods and achieving what aims were deemed appropriate to the region.

The Forum would meet regularly and would report to the Planning Committee via the Community Planning Officer and the Chair.

The first few meetings would be concerned with designing a process appropriate to the region. The Forum's work would be evaluated by the Council and the Scottish Government so that a National Code of Best Practice could be produced in due course.

This is a fairly off-the-cuff idea but it does seem that without some body being specifically tasked with driving this forward it is very unlikely that this worthy initiative of the Scottish Government in enhancing the role of communities in spatial planning will be very successful, when history tells us that the general public are not inspired to take much part in this kind of thing. We are also conscious that local / neighbourhood plans are good in principle but often leading to frustration as local people realise the constraints within which they have to plan.

A stronger focus on delivery (Proposals 5, 10, 11 and 12)

In terms of specific proposals, the reference on page 34 to removing the blanket restriction on Simplified Planning Zones in Conservation Areas seems worrying. Surely the whole purpose of designating Conservation Areas is to ensure very careful consideration of development proposals assisted by Conservation Area Appraisals. To suggest that you could develop a code which would obviate the need for planning applications seems "inappropriate." The Simplified Planning Zones appear to be only for housing and economic development. This will only be successful if high standards of architectural design and non-interference with or damage to the historic environment are made priorities and mandatory. A SPZ must not mean a 'loss of standards of development, amenity or protection for the environment. These standards remain or can be enhanced through a positive SPZ scheme, which can set out upfront the design expectations. A SPZ only removes the need to apply for planning permission, other consents including Roads Construction Consent, Listed Building Consent, a Building Warrant and any licenses are still required, where applicable'. Could it be that a Masterplan might be a more appropriate way of proceeding?

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We welcome the proposal to improve and enhance enforcement.

Our comments at the inception of the review process identified weaknesses in the current planning system which we do not see being addressed by either the Main Report or the Position Statement.

These included:

- **insufficient suitably qualified conservation officers**, (to which can be added archaeologists and landscape specialists). An effective planning system needs to be adequately resourced and the delegation of decisions on applications to officers lacking competence in building conservation for those to be dealing with listed buildings and buildings in conservation areas is damaging to the historic environment.
- **A lack of support from local councillors on planning committees for the historic environment.** It is also important to the fair operation of the planning system that a Council cannot fetter its discretion as planning authority by virtue of having entered into contractual agreements in some other capacity. It has to deal fairly on each application in the planning process. There is also a need for the **councillors on planning committees to receive appropriate training.**
- Objectors should also be able to appeal a decision by a planning committee to approve a scheme and request that the decision be reviewed by the Scottish Government.
- A presumption in favour of residential development for all brownfield land within settlement boundaries might encourage housebuilders to bring forward more brownfield sites for housing.
- Existing buildings on brownfield sites should be reviewed for retention even if they are not at present listed.

We have identified further short-comings in the present system:

1. All applications should include a written justification for development/design statement explaining clearly the purpose and necessity of the proposed works.
2. Applications should be published on line with accessible realistic images, showing 'before' and 'after' views from the same position.
3. All public comments and documents should be published on line prior to the application being determined.
4. Planning applications should not change after the public consultation process is over.
5. Lack of information on materials: the old Application Form provided a space to specify these, but the new digital form does not. There is a reliance, therefore, on this information appearing on, for example, elevation drawings; unfortunately, this does not always happen.
6. Missing drawings: this may be because of human error in uploading them to the wrong place in the Online Planning portal. We have sometimes come across drawings completely unrelated to the Application we are studying; presumably, therefore, they will be missing from the correct location. (We reported this, when it has happened.)

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7. For some cases, it would be of more help to study the actual drawings rather than a digital online copy; this is particularly so when trying to compare more complex "existing" and "proposed" drawings, by placing them side by side. A computer screen is often too small to do this easily. Such "hands on" contact is discouraged or made impossible by local authorities.
8. Given that the Online Planning portal is now the only choice to view plans, it has been particularly frustrating to discover the number of times the City of Glasgow and City of Edinburgh portals have been "down" and unavailable.
9. Unhelpful lack of comment from HES: We have one example from many. A B-listed house on Glasgow's south side: HES's own listing describes the windows as predominantly sash; the proposal is to install a large number of casement windows, yet HES sends a letter to say they are making no comment! At the least, they could explain why casement windows would be (or would not be) acceptable here.
10. We would be pleased if you could liaise with HES and develop clearer protocols such that when a planning officer has negotiated revisions to proposals with an applicant, whether in response to HES comments or objections or the planning officer's own comments or objections, the consultation period either re-starts or the period is extended by 14 days after new drawings are submitted, to enable further comment.

More efficient decision making (Proposal 19)

We note that these changes to permitted development rights will be progressed through secondary legislation and we anticipate an opportunity for consultation in due course.

Strategic Environmental Assessment – Environmental Report

The AHSS was represented at a BEFS meeting to discuss the BEFS response to the questions relating to this consultation and the AHSS endorses the responses to Questions 2, 3 and 4 in relation to the Strategic Environmental Assessment – Environmental Report which BEFS has submitted.

We hope our response is of interest and confirm that representatives of the Society would be happy to meet and discuss any of the foregoing points.

Yours sincerely

Sarah Pearce

Development Officer

Architectural Heritage Society of Scotland