

**CONSULTATION RESPONSE: PLACES, PEOPLE AND PLANNING: POSITION STATEMENT
Comments by the Institute of Historic Buildings Conservation (Scotland Branch): August 2017**

We are grateful for the opportunity to respond further on these important matters, and note that the earlier response of the IHBCS to the Review does not require to be reiterated. However, without going over these earlier comments in detail (a copy is included with this response) we must express concern that we detect little or no sign that our earlier views have been taken into account. Even although this '*consultation by Position Statement*' seems unusual, and indeed more akin to the concept of the Main Issues Report which the Planning Review seeks to abandon, our disappointment is still heartfelt, and is compounded by the fact that the current consultation period extended over the holidays, less than ideal in obtaining constructive and thoughtful responses. We also regret that changes proposed to the Planning System continue to be piecemeal, and will not result in the sort of consolidated planning system, based on achieving sustainable development, which Scotland deserves.

In addition to the comments below, we would like to associate ourselves with those of Dave Sutton IHBC, BEFS (to which we have contributed), and Scottish Environment LINK.

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

MAKING PLANS FOR THE FUTURE

1. Aligning community planning and spatial planning

There should be a requirement for community planning to work within the statutory planning system, not the other way round. There is already too much drift, planned or otherwise, away from active participation at the level of individual communities. There should also be effective integration between the Sustainable Land Use Strategy and the Development Plan at community level. There is a disappointing lack of detail as to how 'alignment' might be effected.

2. Regional partnership working.

We are concerned that such a drive will be seen as a move to centralise decisionmaking, and produce a further lack of transparency in considering matters of genuine strategic nature. Scotland has a great tradition of regional planning, and although some more recent examples may have lost their way (remarkably, the recent SESPLAN consultation had no environment section) and public consultation at this level has been generally ineffective, strategic planning matters of economic, environmental and social natures must be considered together and transparently if Scotland is to achieve sustainable development.

3. Improving national spatial planning and policy.

NPF/SPP must also be integrated with the Sustainable Land Use Strategy and the Marine Plan.

4. Stronger local development plans.

All Development Plans must be based on Geddesian principles and thus the Survey stage will be particularly important in ensuring that the eventual Plan is soundly based and has the support of an engaged public, ideally communities of place and of interest. We are not necessarily convinced by the arguments put forward for a 10-year plan period: changes consequential on BREXIT, for example, might require significant Plan amendments, especially in rural areas, and changes to grant and tax regimes can provide opportunities which require fleetfooted responses. We are particularly vexed that a loss of Supplementary Guidance is being proposed: in its new clothes of participation by communities we see SG as being an important tool, especially in achieving environmental policies and improvements. Without that statutory basis, mere informal guidance is unlikely to be taken seriously by Planning Committees, never mind applicants, communities, appellants or Reporters.

Institute of Historic Building Conservation (Scotland Branch)

We look to Planning Authorities having the capacity to carry out meaningful *survey* and *analysis/diagnosis* phases before draft plans are produced: this is a more robust system than the superficial vision-based one which has not helped to persuade communities that planning is **a good thing**.

5. *Making plans that deliver.*

Delivery should be about good quality sustainable development, and not be solely about a race to the bottom in sacrificing social and environmental factors on the altar of short-term economic gains.

PEOPLE MAKE THE SYSTEM WORK

6. *Giving people an opportunity to plan their own place*

People must have confidence in the Planning System. Communities of place and of interest have roles to play. Transparency, sustainability and local democracy are vital components of any equitable system: if the LDP is to have any credibility it must set frameworks for Local Place Plans, which might best be prepared as Supplementary Guidance. Communities will need support in such endeavours, especially communities which are in real need of such exercises. Community-based land use strategies should also be fully integrated into LPPs.

There is a case for greater engagement in the development management process, perhaps including through equal rights of appeal, and more rigorous planning enforcement: greater attention to both of these things would go no small way to making communities and individuals feel that planning had something *for* them, and was not just something that others *did to* them.

7. *Getting more people involved in planning.*

Provisions already exist to engage communities in participation, and must be made to work: an effective planning system is not just about speeding up development.

8. *Improving public trust.*

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There is a case for greater engagement in the development management process, perhaps including through equal rights of appeal, and more rigorous planning enforcement: greater attention to both of these things would go some way to making communities and individuals feel that planning had something for them, and was not just something that others did to them.

9. *Keeping decisions local – rights of appeal.*

There are cases to be made for third party rights, early engagement (perhaps free pre-app consultation should be encouraged to be a feature of *all* planning applications) and for local design review bodies. It is surprising that these do not feature in the proposals even to the extent of pilot studies, nor in the SEA as credible options with (we would argue) positive environmental consequences.

Maintaining local distinctiveness should not imply a lowering of environmental standards, quite the reverse. Conservation officers within the planning authority would undoubtedly help in this regard.

BUILDING MORE HOMES AND DELIVERING INFRASTRUCTURE

Institute of Historic Building Conservation (Scotland Branch)

10. Being clear about how much housing land is required.

Communities of place and communities of interest, and designers involved in housing, should be added to 'housing professionals, planning authorities and developers'.

11. Closing the gap between planning consent and delivery of homes.

It is high time that there was an improved, effective system enabling the use by planning authorities of Compulsory Purchase Orders within a consolidated planning system.

12. Releasing more 'development ready' land for housing.

SPZs should not be applied over designated heritage sites or their settings. We are not convinced of SPZs' merits in any event: perhaps there ought to have been a review as to their previous failure before going down this route once more.

13. Embedding an infrastructure first approach.

Careful account should be taken of local community and environmental factors, rather than merely imposing proposals from a great height in the interests of early development.

14. Creating a fairer and more transparent approach to funding infrastructure.

No additional comments.

15. Innovative infrastructure planning.

No additional comments.

STRONGER LEADERSHIP AND SMARTER RESOURCING

16. Developing skills to deliver outcomes.

Some skills cannot be trained up, and design skills may be some of them. It is important, though, that planners have an appreciation and understanding of these factors, and can call upon other skilled professionals as necessary. Collegiate working is important. Planners must have the time, as well as the drive and enthusiasm, for sustainable development to make planning more successful on the ground.

17. Investing in a better service.

Increased planning fees will only benefit the planning system if they can be hypothecated for the planning service or introduced in tandem with clear minimum standards of staffing and public service delivery. Pre-application discussions, conservation officers and urban design panels are initiatives that should be provided by every planning authority, and as a result of increased fees they should all be deliverable: we note also that a ratio of development management cases to DM staff has been used as an indicator elsewhere: this may be too crude a measurement on its own.

18. A new approach to improving performance.

There should be independent, expert attempts to assess the economic, environmental, and social outcomes qualities of the planning system's operations and outcomes.

19. Making better use of resources: efficient decision making.

We would like to see some credible assessment of previous changes to PD rights, and for the SEA to properly assess the impacts, especially the environmental ones, of proposed PD changes. Streamlining of the system is also achieved by throwing the baby out with the bathwater – no need for the expense of future

Institute of Historic Building Conservation (Scotland Branch)

baths! – but without a credible assessment that it will cause no harm, and in Conservation Areas not inhibit appropriate schemes of enhancement, we advocate extreme caution. It is also true that communities of place and of interest will be further disenchanted with the planning system if it fails to protect and enhance the character of 'their' places, not just 'their' Conservation Areas.

20. Innovation, designing for the future and the digital transformation of the planning service.

As well as having concerns about the potential for 'bigger and better mistakes' offered by the introduction of ever-more sophisticated and centralised IT systems, allied to the exclusion of those without access to such systems, we believe that a greater priority at present should be to address the widespread public disenchantment with planning and many of its poorer quality outcomes. Merely using it to smooth the path of the development industry is selling short communities and planners alike.

The SEA

Criticisms have been levied that the Non-Technical Summary is not simple and clear enough. Given the considerable level of interest in the consultation by communities of place and of interest, and the currently high levels of community dissatisfaction with the planning system more generally, it might have been expected that greater efforts would be put into explaining the consequences of the proposals and further options with environmental effects, good and bad, considered in reaching them.

2. What are your views on the accuracy and scope of the information used to describe the SEA environmental baseline set out in the Environmental Report? (Please give details of additional relevant sources)

The SEA should have been produced at the time of the original Review's development and publication. It should have recognised that there are many environmental consequences of the range of proposals, and that it is insufficient to take as 'options' the status quo and the 'streamlining' proposals included within the earlier consultation: it has willfully misrepresented the likelihood of environmental damage, especially cumulative damage, from certain of the proposals, and has failed to put forward other constructive possibilities for improvement or mitigation, many of which were raised through evidence to the 'independent' Review and on the discussion pages of the Review website.

3. What are your views on the predicted environmental effects as set out in the Environmental Report?

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4. What are your views on the findings of the SEA and the proposals for mitigation and monitoring of the environmental effects set out in the Environmental Report?

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Institute of Historic Building Conservation (Scotland Branch)

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