

Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the Architectural Heritage Society of Scotland

Thank you for consulting on the Planning (Scotland) Bill 2017. 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. AHSS representatives have attended events including BEFS workshops about the review of the planning system and have sought comments from AHSS Cases Panel members across Scotland.

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

No.

The Bill is weighted in favour of development, with little to suggest it will be 'appropriate development'. There is a missed opportunity to set out a clear statutory purpose and vision for the Scottish planning system.

We recognise that Scotland needs more high quality homes but the design of these must be carefully considered to avoid the roll out of standard developers' house types, on greenfield, edge of settlement, sites. Too many urban edge schemes built in the past have become areas of multiple deprivation, detracting from the environment as a whole.

The re-development of brownfield sites in urban areas, the renovation of upper floors and empty premises in town centres and the conversion of disused industrial buildings to create new housing should be encouraged. There is no 'one-size fits all' and a diverse range of solutions and providers is required.

The Bill is a missed opportunity to reinforce the importance of conserving Scotland's existing built heritage and designing in the context of this. Members of the AHSS are dismayed that there is no mention of the protection of the built heritage of Scotland or of the role of Historic Environment Scotland (HES). For example, historic and cultural matters are not included in the information required to assist the preparation of the National Planning Framework (NPF) 1(6)(2)(a). The Simplified Development Zone proposals in 10(3) may undermine the principles of the protection of built heritage.

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.

Value is generally seen as economic only as figures are easier to compare, but value also includes such less tangible, but nevertheless critical aspects, such as local character and identity. HES, AHSS, BEFS and others recognise there is a need for a system of recognition of significance of building locally that may not be listed and that these could be covered within LDPs etc.

We agree with BEFS that ‘Existing Scottish Planning Policy states that “The planning system should promote the care and protection of the designated and non-designated historic environment” but legislation only provides protection for designated assets – listed buildings, scheduled monuments and conservation areas. Undesignated heritage assets may not be of national importance but they are what makes local places distinctive and are often what communities value about their local environment. The Bill is an opportunity to strengthen the protection for Scotland’s non-designated cultural physical heritage, which in turn contributes to the preservation of all of Scotland’s tangible, and intangible cultural heritage’.

2. To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

The term ‘higher levels of house building’ focuses on house numbers, not on the quality of the homes built, the tenure proposed or how the houses are delivered.

We would like to see

- a. 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.
- b. a robust statement of the importance of conserving the built heritage.
- c. a commitment to conservation areas and the imposition on local authorities of a duty to keep them under review.
- d. a commitment to protecting the green belt, with any common sense derogations made conditional on balancing adjustments elsewhere.

As we state in our response to Question 1, there is no ‘one-size fits all’ and a diverse range of solutions and providers is required and the starting place is not numbers of houses but quality developments for all sectors of the market, re-using ‘buildings at risk’ and working within existing settlements.

So many town centres are deteriorating as usage changes. A great many buildings have vacant or underused upper floors that could become housing and a means of getting people back into town centres while also help meet housing provision levels.

Local authorities should be encouraged to masterplan an area and work with developers to assemble land packages but all schemes should be subject to full scrutiny as full planning and listed building consent applications. No short cuts, no

permissions in principle with conditions to be satisfied at a later date, as experience has shown that these are not subject to the same level of rigorous assessment as full applications.

3. Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

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.

4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

No

We are particularly concerned by the references in the Policy Memorandum in paragraphs 86, 88 – 91 to the use of Simplified Development Zones within conservation areas.

As Historic England explains on their website under the heading Conservation Areas. *‘Conservation areas vary greatly in their nature and character. They range from the centres of historic towns and cities, through fishing and mining villages, 18th and 19th century suburbs, model housing estates, country houses set in historic parks, to historic transport links and their environs, such as stretches of canal.*

The special character of these areas does not come only from the quality of their buildings. Elements such as the historic layout of roads, paths and boundaries and characteristic building and paving materials all contribute to the familiar and cherished local scene.’

While Councils in Scotland can follow what may well be considered Scottish Government policy and concentrate their efforts on the much easier to manage public realm by way of environmental improvements, painting schemes, re-paving, new street furniture and planting, the buildings which form the bones of the area may be neglected, with incremental change happening without the control the original legislation intended. The AHSS recognises that change within Conservations Areas is inevitable and welcomes good new development, but the existing buildings in an area are a key part of the whole and their contribution should not be forgotten. They must be cared for and their special character must be preserved or enhanced.

If Simplified Development Zones were going to be applied properly to conservation areas, they would have to be prepared by someone with relevant conservation qualifications and expertise in order to protect heritage assets and significance in accordance with conservation best practice. Who will bear the costs for this preparatory work?

If a planning authority does not have the resources or access to relevant expertise, the danger is that adequate Environmental Impact Assessments will not be undertaken and designated and undesignated historic assets will be put at risk. If a scheme is primarily focused on the quantity of development, how does it ensure that the quality of development is high?

The direction of travel suggests that conservation principles will be ignored or diluted for convenience. Many of our historic towns and villages are crumbling from a lack of intelligent repair and restoration and the specification of inappropriate materials. We would like to see a renewed commitment to conservation areas and the imposition on local authorities of a duty to keep conservation areas under review.

It is essential that communities understand what is significant about their historic built environment and this applies throughout Scotland. The proposal to apply Simplified Development Zones within conservation areas should be dropped.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

Many councils do not have the means or interest to create Local Place Plans and local communities therefore do not become involved. Such challenges need MORE effort, not less.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

We would like to see enforcement become statutory rather than discretionary. We are concerned that work is carried out, followed by retrospective applications which may be refused and are not followed up by enforcement action, as this is discretionary and the local council is under-resourced.

The maximum fine of, say, £50,000 should surely be PLUS the cost of undoing the illegal work, up to full reinstatement of a demolished building like-for-like.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to

support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

Yes, we support training for all local government councillors in planning matters, but would not wish to see an examination.

Of considerable concern to us is the situation that many councils do not have planning officers with suitable training about such aspects as conservation. The AHSS, Institute of Historic Building Conservation (IHBC) and others have previously called for each council to ensure that all planning officers undergo suitable CPD training and that this includes aspects such as conservation. At least one planning officer for each council should be an IHBC member through which conservation training can be ensured.

10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

Time spent on monitoring is time spent away from 'doing the job'. We would prefer to see planners spending time on examining casework and raising the quality of applications and of decision-making.

We suggest that perhaps monitoring might be approached as a bottom up process. This could be in-line with the BEFS proposal to strengthen Community Council involvement. The Community Councils might be tasked with basic monitoring and audit of outcomes by way of an annual report to the planning department. This in turn would force the local authority to do something about it. There would need to be a complaints procedure to the Planning Ombudsman to keep the local authority up to the mark.

11. Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high –performing planning system the Scottish Government wants? If not, what needs to change?

12. Are there any other comments you would like to make about the Bill?

Supplementary Guidance

There are good reasons for having Supplementary Planning Guidance and we can see no good reason for abolishing this. The total removal of statutory supplementary guidance may have unintended consequences. There is a high degree of inconsistency across local authorities as to what they present as supplementary guidance and this may reflect previous Scottish Government advice on simpler Local

Development Plans being supplemented by detailed supplementary guidance. It is important that detailed local guidance on the protection and care of conservation areas, listed buildings, battlefields, designed landscapes is not diminished in the removal of Supplementary Guidance.

We would ask the Scottish Government to clearly set out its existing understanding of what is Supplementary Guidance of a statutory nature and what is local planning guidance that is a material consideration in the planning process to ensure clarity in understanding the implications of the proposal.