

Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Architecture and Design Scotland

Dear Convener,

A&DS' response to call for evidence on the Planning Bill

Architecture and Design Scotland (A&DS) is an Executive Non-Departmental Public Body of the Scottish Government. Established in 2005 to promote good architecture and sustainable design, our work supports the delivery of the Scottish Government's objectives and outcomes.

Our response to the consultation comprises this letter and evidence offered through the associated questionnaire.

We would be pleased to attend committee and provide further oral evidence should that be helpful.

We look forward to playing our part in supporting a range of partners in implementation of the resulting Act.

Yours sincerely

Jim MacDonald
Chief Executive
A&DS

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?

The planning system is a central component to the delivery of the kind of places we want and need. As such all changes proposed by the Bill should be aligned to promote better places.

We welcome the aims of the Bill, in particular its emphasis on upfront engagement; the proposed 10 year development plan cycle and 20 year vision; strengthening the role of planning to align spatial impacts of policies and investments; enhancing opportunities for communities to engage in the future of their places; and opportunities around the changed status for the National Planning Framework (NPF) and Scottish Planning Policy (SPP) to influence place-led investment decisions. Together, many of the changes have the potential to deliver better outcomes for places and communities over the longer term.

Where conflicts arise that might frustrate the ambition to create good places, every opportunity should be taken to reinforce improved quality of outcomes for places and communities.

For example, the enhanced status and bringing together of NPF and SPP is welcomed as this offers an exciting opportunity to co-produce a visionary national spatial strategy that integrates regional challenges and opportunities in national policy. The approach to development of that plan will, however, need to carefully consider how local communities influence the national spatial priorities to avoid the creation of top down/bottom up tensions for local authorities and local communities.

To deliver successful outcomes through regional partnerships, we believe a placemaking approach to investment and infrastructure delivery needs to be directed through the NPF and adopted by regional partnerships. We can offer a range of evidence from our experiences of providing design advice on major and national infrastructure projects, as well as work to support the monitoring of the National Planning Framework around placemaking.

The linking of spatial and community planning is welcomed. However, to achieve the changes in culture and approach necessary to deliver the best outcomes may require additional resources and legislation beyond a statutory duty. The Bill could, for example, encourage stronger links between Local Outcome Improvement Plans and Local Development Plans, requiring local development planning and community planning to work collaboratively on “place planning”. We can offer evidence from our support to a number of local authorities trialling the use of Place Standard as a tool to assist such approaches.

New mechanisms such as Simplified Development Zones and place plans also offer good potential to influence design and place quality; however, we would highlight the requirement for new skills and significant resources within local authorities and others to drive successful outcomes. It will be important to ensure that any tensions between local authority-wide and local community aspirations don't result in negative place consequences.

To deliver great places as a result of the proposed changes will require significant changes to culture and approach, within and beyond planning departments. We believe the success of the changes will depend upon: good national and local development plans developed through robust and meaningful engagement; new knowledge and skills to shape good places from the development industry, decision-makers and local communities; good decisions; and a strong commitment to see the plans through.

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?

Levels of housebuilding are affected by factors with a bigger controlling influence than the planning system itself – including, for example land ownership and assembly, provision of infrastructure and availability of finance. We believe the proposals set out in the Bill will not in themselves influence higher levels of new house building.

The delivery of inclusive growth through more and better housing is a corporate priority for A&DS. We offer services which support the creation of successful new places through housing-led development. We believe the planning system as a whole should steer delivery of good quality new places in the right locations. The focus on increasing delivery of new homes is welcome, but the legislation should seek to avoid emphasising the need for housing development in isolation which could jeopardise the creation of good quality, sustainable places. We can offer further evidence on this topic should that be helpful and also point to Delivering Better Places research which offers a good range of examples of how housing delivery has been used to drive the delivery of successful places at scale.

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?

In the absence of Strategic Development Plans, there remains a need for coherent and strategic spatial planning.

If the enhanced NPF/SPP is to perform that role, we suggest a process will be needed to ensure it is focused on priorities and collective leadership. To deliver improved outcomes from the changes, our experience suggests it will be important that this draws on learning from other regional collaborative initiatives in Scottish public policy, including education, transport, city deals, infrastructure accelerator programmes and health and social care.

In relation to the delivery of improved outcomes at regional level, our experience suggests that it may be worth considering that any regional partnerships established through the process are set up with a focus on delivering wider spatial and placemaking impacts from infrastructure investments.

From our work, we see value in the collaborative development of a story and vision for change as important early considerations when preparing strategic or local spatial strategies. We have previously supported strategic planning authorities to define and develop visual plans, based on effective engagement with communities, and other stakeholders, about the future of their places. We would therefore highlight the importance, at a regional level, of strategic, long-term thinking about future aspirations, needs and opportunities for places and emphasise that to be successful, spatial strategies require a strong placemaking rationale for land use allocation.

We can offer evidence in this area including work to examine how previous NPF support placemaking.

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?

The alignment of community and spatial planning and the move to a 10 year cycle with a 20 year vision are welcome. The changes have the benefit of offering a more realistic lead into major investments and potentially allow for more meaningful upfront local consultation. The intent to see a strengthened role for planning, as an important corporate function, to align spatial impacts of policies and investments is also welcomed.

We note the importance of generating bigger picture thinking about future aspirations, needs and opportunities for places and communities. Such thinking assists delivery of spatial strategies with a strong placemaking rationale for land use allocation. Some authorities had used the Main Issues Report phase to good effect for this purpose. It is important that such thinking is factored into local plan development as a phase to consider prior to preparation of a detailed draft plan. We can offer evidence from our support to a number of local authorities in developing city-wide visions and spatial strategies. A&DS strongly advocates the benefits of upfront engagement - early engagement and meaningful dialogue between communities, authorities, agencies and the development industry builds best conditions for positive outcomes in the longer term. The Local Development Plan preparation stage offers best opportunity to capture community needs and aspirations and engage people in critical spatial decisions for their area. We can offer evidence from our support to a number of local authorities trialling the use of Place Standard as a tool to assist early engagement with communities and other interested parties.

We note the potential loss of local design policy as a consequence of an enhanced role for NPF/SPP and the removal of Supplementary Guidance (SG). We have concerns that the absence of good design policy, tailored to the local context, could make communicating, negotiating and enforcing design and place quality more difficult for local authority decision makers.

Much design policy and guidance is currently in the form of SG. For example, under current arrangements masterplans can be approved as SG, giving weight to strategic

design intent on complex sites and influencing design quality. If design issues were to be seen as non-statutory there is a risk that design quality in turn is not seen as a priority. If SG is to be removed, care will need to be taken to ensure that effective design policies and briefs are contained in the development plan and that, as appropriate, non-statutory guidance is retained as a material consideration in determining applications.

Beyond the production of good plans, a broader issue is upholding their primacy and avoiding their unpicking over time. The 10 year cycle has the potential to reduce pressure and create space to focus on delivery, providing resources can be protected and realigned to enable that. Clear provisions for interim amendments to local development plans would be welcomed as that could enable local authorities to keep plans responsive to changes in community or market demands.

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

Simplified Development Zones (SDZs) are one potentially helpful tool to make good places. In our experience, for a mechanism such as an SDZ to influence the creation of good places, it needs to carefully stipulate the planning and design requirements that will ensure good quality sustainable outcomes. We suggest that to build such requirements into briefing of the SDZs and to see those through to delivery require significant skills and resources upstream from local authorities to steer quality of place. In the current planning system design input is largely provided by development industry through individual masterplans or development applications. For local authorities to lead SDZs successfully would require a considerable shift in current approaches, skills and resources at a time when in-house design expertise is stretched or scarce.

A&DS has been involved with the Simplified Planning Zone pilots and can offer evidence from direct involvement in the Dumfries and Galloway SPZ that could feed into guidance or secondary legislation.

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?

We are very supportive of the increased emphasis through the Bill on community participation in planning. A 10 year cycle and 20 year vision, with provision for updates, potentially allows for more meaningful local engagement. We can see potential for better outcomes in the longer term, but also additional complexities initially, particularly around resourcing the increased engagement with communities.

We welcome the linking of spatial and community planning and suggest this could perhaps go further, for example, by requiring a duty on planning authorities to use the new role to plan and deliver sustainable places. We also suggest that a natural

next step would be to require alignment of other activities, strategies, plans or investments with significant spatial consequences - for example aligning housing delivery through Strategic Housing Investment Plans with Local Development Plans and Local Place Plans. This would have the benefit creating more complete place based plans.

We suggest it will be important to ensure clarity about the relationship between local development plans and local place plans so as to avoid tensions where individual community aspirations present conflicts with local authority needs to accommodate growth and change in the wider public interest across their geography. Planning is and should remain a principle function for local authorities, acting in the wider public interest. Any changes to enhance community participation should be set within that context and offer clear parameters for what is open to influence through local place plans.

To deliver successful place plans, a new culture of collaboration between local and communities will be required. It needs adequate resources to allow communities to effectively influence local development plans and develop place plans that are representative, robust and align with national policy and guidance on placemaking. We note the potential for widening inequality of outcomes for communities who lack the resources or capacity to engage versus those who are well-resourced and mobilised to harness local authority efforts and resources and to make the case for favourable outcomes through local place plans.

Local authority capacity and resources also present a major obstacle to engaging and delivering place plans effectively and equitably. We suggest that an alternative could be to focus effort on engaging communities effectively through Local Development Plans. We can offer evidence of positive consequences of upfront engagement with communities, which has produced wider benefits across services for local authorities.

Question 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?

No comment.

Question 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 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 works in England.

The proposed infrastructure levy is reliant on contributions from developers and as such is not necessarily the best route to infrastructure provision. There is evidence that other models, involving a stake and role for the public sector, offer advantages in the delivery of successful places.

Evidence from across UK, Ireland and Europe captured in 'Delivering Better Places' highlights a range of examples where collaborative and place based approaches have been taken to infrastructure provision for new places or extensions to existing places. The examples demonstrate the vital lead role for the public sector in co-ordinating this planning, with alignment of service planning, land use planning and asset planning that to deliver the best outcomes. The public sector role extends to, in priority places, control of land and direct investment in infrastructure provision, sharing risk and reward with private sector partners.

We can also offer evidence of Scottish places where this kind of approach has been taken including Countesswells in Aberdeen, the East End Regeneration in Glasgow and Granton in Edinburgh. Such models extend beyond the remit of the planning system, and are highly dependent on a clear strategic spatial framework guiding future investment.

Within such place based approaches, there is a specific role for developers and perhaps mechanisms like the infrastructure levy can contribute as part of an overall strategic approach to place based spatial planning.

We highlight the importance of underpinning mechanisms with innovation in the models of how infrastructure is provided and adapted over time and would invite consideration of new management and maintenance models to support investment. We point to learning from the Infrastructure Accelerator Funding mechanisms in Scotland, and place based asset management in the public estate.

As noted under question 6, we suggest that a natural next step beyond the linking of spatial and community planning would be to require alignment of other activities, strategies, plans or investments with significant spatial consequences.

Question 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. A key issue for the success of a plan-led system is the primacy of the plan being supported and upheld by local members. Training should support awareness of how decisions impact on design and place quality.

We also highlight the importance of training and professional development opportunities for local authority officers. Through our work supporting the Local Authority Urban Design Forum we can offer evidence of the demand and needs for knowledge exchange, training and capacity building on issues relating to design and placemaking.

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

No comment.

Question 11 – Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging 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?

No comment.

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

No comment.