

The Institute of Historic Building Conservation (Scotland Branch)

Written evidence to the Scottish Parliament's Local Government and Communities Committee on the Planning (Scotland) Bill

Preliminary

The Institute has responded to a variety of consultations in connection with this Review of Planning over the last two years. In the course of these consultations the Institute seems to have been unable to persuade reviewers that there are cases for substantial improvements to be made to the Scottish Planning system and that the amendments which have been proposed are unlikely to be particularly useful or adequate. The Institute has taken part in deliberations of the Built Environment Forum Scotland over this period, and it has been remarkable to what extent views within this sector are in broad and detailed agreement in response to the changes contained in the Planning Bill. IHBCS therefore endorses the views put forward by BEFS, and the comments below are offered only in further brief explanation from our perspective as the professional body with a focus on building conservation.

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?

We believe that any new Planning Bill should be focused on the delivery of sustainable development, and contain clear community, economic and environmental benefits. This Planning Bill is a missed opportunity to do this, and what is required is therefore a new Scottish Planning Act, not this series of changes in the areas of economic delivery, with no meaningful community (of place of and interest) involvement, and with reduced qualities of production and protection, either explicitly or as we read between the lines of the Bill and associated documents.

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?

Without community involvement and environmental quality of production and protection, numbers alone will not achieve sustainable development. There should be a greater focus on existing centres, with the possibilities of conversion and improvement grants, and higher density living.

3. Do the proposals in the 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?

There is a noble tradition of Scottish planning at the strategic scale: landscape, character, land use, population change, energy, transport and infrastructure priorities are all worthy of consideration, and this level of thinking should not be lost in a drive to greater centralisation of decisions.

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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 aim should be to achieve sustainable development, not merely facilitate 'the market'.

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

Simplified Development Zones add another layer of potential confusion and concern, and should certainly not be entertained within areas of conservation designations. 'Enabling development' is often part of the problem, and far from the aim of Sustainable Development.

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?

Although there are 'weasel words' about greater community involvement, the drift of the Planning Bill is towards the centre, not towards the benefits which effective consultation with and involvement by communities of place and interest should provide. It is not an accident that the Scottish planning system is held in low regard, and although properly resourced plans at the 'local place' level are obviously highly desirable, the Institute would not like to see such mechanisms restricted only to those communities which are energetic and well-financed.

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?

If effective enforcement is not a statutory requirement, its breach will continue to be a major factor in the communities' lack of confidence in the planning system. Enforcement, Development Planning, and Development Control/Management are the three legs which provide stability to any planning system. Any fine should reflect the size of sums to be made by the promoter of any particular planning breach: as well as fines, the possibility of prison sentences should be available.

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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?

The apparent inability of the Scottish Planning System, and through it the communities, to benefit from any uplift in land values inherent in a development, must be addressed. The Planning Service in Planning Authorities must be funded properly, resourced so that it can provide a framework of forward-looking development planning, creative development control, and effective enforcement, all aimed towards the goal of sustainable development. While the Institute may not be an enthusiast for funding by means of planning fees, nor by any other category of special designation, as long as planning fees exist with the intention of funding the existence of the planning service, they should raise sufficient to do so and be effectively hypothecated: only then will communities believe that sustainable development can be deliverable.

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?

All those standing for public office, and in particular those in planning authorities at local, regional and national scales, should be provided with effective training in planning and sustainable development matters, both initially and subsequently through regular CPD.

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

There are no recognisable qualitative aspects being put forward in the Bill to aid monitoring, review and improvement: as with the delivery of mere housing numbers, without qualitative dimensions, the planning system being measured will be a hollow edifice indeed. Why, for instance, does the Planning Bill not promote the establishment of Design Review Panels in each Planning Authority in Scotland?

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?

See the Institute's response to 8 above.

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

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Despite the lengthy period of the Planning Review, it does not seem that the topics raised by the IHBCS and others as being matters which could be usefully part of an improved planning system fit with Scottish Government's views. Sustainable development hardly gets a mention, there's pressure to remove the small yet vital aspects of character of our places by increasing 'permitted development, and the possibilities of effective compulsory purchase procedures and design review panels, to name but two, are missed. It seems unlikely that this planning bill will do much for planning in the minds of our communities of place and interest.

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