

Planning (Scotland) Bill – Stage 2 - Day 1

PURPOSE OF PLANNING

115, 115A

BEFS welcomed the Committee's recommendation that a *purpose of planning* reflects the ambition to create high quality places, to protect and enhance the environment, to meet human rights to housing, health and livelihoods, to create economic prosperity and to meet Scotland's climate change goals and international obligations. BEFS would encourage that the purpose align to both the National Performance Framework and UN Sustainable Development Goals.

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BEFS would support Amendments 115 with amendment 115A – and would ask that Committee members consider the addition of the following clauses:

(a) safeguarding and enhancing natural and cultural resources,

(b) ensuring public participation, through the active and systematic dissemination of relevant information to the public, adequate notification and consultation procedures, and that due account is taken of the outcome of the public participation

Chief planning officer

184, 158

BEFS supports the role of Chief Planning Officers for each Planning Authority however, due to the nature of the role, how they would be resourced or supported is not clear. As with previous comments around Enforcement – without the resources to make the position of chief planning officer possible, its viability may be compromised.

Section 1 NPF

BEFS is aware there are multiple amendments to the Bill which references equalities. BEFS would support – *throughout the NPF, SDP, LDP, and LPP* – all people, inclusive of age, gender, ethnicity, ability, and all other protected characteristic being fully supported and enabled to actively engage throughout the planning process.

National Planning Framework: information to assist

71 ADDITION OF CULTURAL into MATTERS for CONSIDERATION IN NPF

72 ADDITION OF BUILT HERITAGE into MATTERS for CONSIDERATION IN NPF

116K PA TO INCL CULTURAL FACTORS IN INFO FOR NPF FORMATION

116Z BUILT HERITAGE PRINCIPLE MATTER OF REF IN NPF

BEFS supports Amendments (71/72) 116K/116Z – the addition of 'Culture' and 'Built Heritage' as matters for consideration in the NPF. The addition of these supports the role of planning as integral to the cultural heritage of our places and our lives.

BEFS also notes multiple additional requirements for Planning Authorities to provide reports on a wide number of issues. Each request may seem logical and perhaps even necessary; however, the issue of how these cumulative requests are resourced by Planning Authorities, remains unaddressed.

National Planning Framework: parliamentary scrutiny and reporting

116Y YEARLY REPORT ON NPF PROGRESS

BEFS considers a yearly report on the progress of the NPF (116Y) to be time-consuming and unnecessarily burdensome, biennial could be supported.

Open space strategy

171 NEW OPEN SPACE STRATEGY AS PART OF SUSTAINABLE DEVELOPMENT

BEFS is generally supportive of Open Space as part of a well-balanced environment which provides benefits for the long-term physical, social, environmental and health aspects of the lives of those living and working within any given area.

2 SDP

42, 46, 47, 48, 49, 50 SUPPORT MAINTAINING SDP

Removal of Strategic Development Plans

BEFS strongly supports Amendments 42 (and 46-50) – which would maintain the Strategic Development Plan as a pillar of the Scottish Planning system.

BEFS supports the Committee's prior recommendation that regional planning remains a statutory requirement. The removal of the statutory requirement for strategic regional plans would have funding and resource implications. Local authorities may see this as an opportunity for cost saving, resulting in a reduction of the funding available to planning departments – if local authority funding is stretched why would authorities fund a non-statutory activity?

Non-statutory regional planning can also be seen as reflecting a drift towards the, critically reviewed, model of City Deals, focused more on individual projects than spatial strategy. BEFS acknowledges the development of the Regional Economic Partnerships, and whilst this might represent a future structure for city region planning, a statutory outcome or mutually agreed purpose would be necessary.

Since the 2014 Review of Strategic Development Plans and the subsequent recommendations, BEFS would query if the suggested actions have been implemented, and if subsequent outcomes had been independently evaluated. Strategic Development Plans have only been operational for eight years and substantive evidence for the need to abandon them is lacking.

3 LDP and 4 SUPPLEMENTARY GUIDANCE

Local development plan: form and content

34 BROWNFIELD SITE USE

173 LDP INCLUDE STATEMENT ON WHICH USES LISTED BUILDINGS CAN BE PUT TO

73 ADDITION OF BUILT HERITAGE into MATTERS for CONSIDERATION IN LDP

82 ADDITION OF CULTURAL into MATTERS for CONSIDERATION IN LDP

75 LOCALLY SIGNIFICANT BUILDINGS TO BE PUT ON A LIST, CANNOT DEMOLISH (DETAIL IN 81)

BEFS can support Amendment 34 – Brownfield Site use.

BEFS supports 173, with caution, the amendment currently reads as potentially restrictive of the uses to which a listed building can be put - although we understand this not the intent. There would be an advantage in requiring planning authorities to have a statement of policies and proposals specific to buildings on a risk register, and finding sustainable uses for them. 5% of Scotland's listed buildings are on the Buildings at Risk Register, some causing blight to our villages, towns and cities. Requiring

planning authorities to work constructively with owners, or as owners in some instances, would be a positive step.

BEFS supports Amendments 73 and 82– the addition of ‘Culture’ and ‘Built Heritage’ as matters for consideration in the NPF. The addition of these supports the role of planning as integral to the cultural heritage of our places and our lives.

BEFS urge caution in relation to Amendment 75. As it stands, the related Amendment 81 would provide more protection for Locally Significant Buildings than currently exists for buildings listed under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. BEFS posits the removal of Permitted Development Rights for locally significant buildings would perhaps be a solution.

Local development plan: consultation and participation

74 DETAIL as to HOW PLANNING AUTHORITY WILL CONSULT WITH GENERAL PUBLIC

112 PA ARE TO PUBLISH AND PROMOTE LDP IN A MANNER THAT ASSURES IT IS BROUGHT TO ATTENTION OF RESIDENTS

194 LDP FORMATION TO INCL CHILDREN AND YOUNG PEOPLE

118A LDP EVIDENCE REPORT VIEWS OF CHILDREN, YOUNG PEOPLE ETC

198 DRAFT EVIDENCE REPORT TO BE PUBLISHED IN EASY READ FORM, WIDELY CONSULTED

201* GUIDANCE FOR PA ON EFFECTIVE COMMUNITY ENGAGEMENT FOR LDP

202 LDP FORMATION CONSULTATION TO INCL COMMUNITY COUNCILS AND ACCESS PANELS FOR AREA

BEFS is supportive of public participation in planning.

Local development plan: main issues report/evidence report

193 MAINTAIN PUBLICATION OF MIR

8 FORM OF LDP VIABILITY OF HOUSING SITES

227PA TO ASSESS SUFFICIENCY OF PLAY OPPORTUNITIES IN ITS AREA

BEFS can support Amendment 193 as the continued publication of the Main Issues Report provides a great deal of detail across a range of issues.

BEFS would like further clarity around Amendment 8, a clear definition of the type of ‘viability’ meant would be useful. Viability – of land, of economic potential, ecological placement? Viability assessments in England have been challenging. There can be huge variations, some of which had ultimately reduced the numbers of affordable houses.

BEFS supports Amendment 227 – play opportunities add to the potential of creating healthy, well-designed places for people.

SUPPLEMENTARY GUIDANCE

Supplementary guidance and the development plan

66, 67, 68, 69, 70 - WOULD PREVENT SUPPLEMENTARY GUIDANCE BEING REPEALED

BEFS shares the Committee’s stated concerns about the removal of statutory Supplementary Guidance, BEFS would wish to retain statutory supplementary guidance and as such supports Amendments 66-70.

There is currently a high degree of inconsistency across planning authorities as to what they present as supplementary guidance, removal of this mechanism may have further unintended consequences.

It is important that detailed local guidance on the protection and care of conservation areas, listed buildings, battlefields, gardens & designed landscapes are not diminished in the removal of Supplementary Guidance. The ongoing loss of specialist officer roles relating to archaeology, conservation, landscape expertise within local authorities heightens the need for statutory supplementary guidance.

The retention of Supplementary Guidance becomes additionally important when the Committee is to consider the proposal that LDPs are only to be updated every 10 years. Within that time-frame reference to high-quality Supplementary Guidance will be essential.

7 AMENDMENT OF NPF AND LDP

Amending the local development plan

2 AMENDING LDP – CULTURAL SIGNIFICANT ZONES

BEFS supports Amendment 2, with caution. Culturally Significant Zones may provide additional protection which could enhance and protect our cultural-heritage. However, BEFS would wish any future decisions made under this remit to be mindful of not forming cultural ghettos, and remaining mindful of the opportunities which may arise for the sustainable development of culture-heritage assets out-with designated areas. (ie Redundant places of worship.)

9 LOCAL PLACE PLANS

129 REQUIREMENT FOR LDP AMENDMENTS TO HAVE REGARD FOR LPP REMOVED

139 REGISTER OF LPPs – VALID LPPs

87 REMOVE LPP

Local Place Plans remain superficially attractive but BEFS agrees with the Committee's previous statement that they potentially privilege already empowered communities thus deepening inequalities. BEFS agrees with the Committee that as the proposal stands, LPPs run the risk of being disregarded or ineffective.

BEFS notes that currently no amendments relate to providing community skills or resources, and the requirement suggested in amendment 139 puts additional burdens on communities to form LPPs that would be fitting for a 'register'. The Government amendment is a technocratic amendment, and no further information has been published on the substantive benefits of Local Place Plans as defined within this Bill.

As amendments suggest no tangible improvement to what should be an inclusive community process BEFS supports Amendment 87, to remove LPPs – this could provide the driver to form a better, more inclusive, community led process.

BEFS Planning Taskforce has informed the production of this document.



Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and contemporary built environment.