

Purpose of planning 113, 114

BEFS is supportive of there being a purpose to planning, but would prefer to see the inclusion of:

(1) *The purpose of planning is to manage the development and use of land in the long term public interest, and to give effect to Scotland's international obligations and commitments.*

(2) *Without limiting the generality of subsection (1), anything which— (a) contributes to sustainable development, or (b) achieves the national outcomes (within the meaning of Part 1 of the Community Empowerment Act), or (c) gives effect to the UN Convention on the Rights of the Child, all other United Nations' international human rights treaties, and UN Declarations on sustainable cities and human settlements is to be considered as being in the long term public interest."*

And that clause (3) in Amendment 114 be deleted. If Planning is to have a purpose, it should apply to all aspects of planning, not only the NPF and Development Planning.

Page | 1

National Planning Framework: preparation and content 19, 186, 20, 21, 173, 23, 24, 25, 26, 187, 7, 27, 28, 29, 32, 174, 174A, 174B, 174C, 174D, 174E, 36

Stage 3 has multiple Amendments in relation to climate related matters for inclusion in the NPF. **BEFS is broadly supportive of these amendments – particularly 174A** which makes the NPF have a duty to be *compatible* with various reports and strategies, rather than merely to have regard of them. BEFS also supports Amendment 186 which adds taking into account life-cycle emissions.

Many of the previously stated responsibilities for Planning Authorities in relation to the NPF have been removed by suggested Stage 3 Amendments, but some of these removals may have negative effects reducing the range and depth of active engagement in the process.

Consideration of equalities issues 173B, 189, 190, 183A

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; and that planning process and planning decisions promote the improving of equality and elimination of discrimination.

National Scenic Areas: consultation and report 118, 11, 206

BEFS supported the strengthening of protections for NSAs agreed at Stage 2 – and sees the value in Amendments which consult with local communities when an NSA is being considered for formation.

Open space strategy 115, 116, 152

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.

Strategic development and regional spatial strategies 54, 55, 56, 106, 107, 108, 109, 110

At Stage 3 the Government has decided to reverse the decisions made at Stage 2 and remove SDPs (Amendments 55, 56) and has seen fit to replace these with Regional Spatial Strategies (Amendment 54).

BEFS strongly supported maintaining Strategic Development Plan as a pillar of the Scottish Planning system. At this late stage, much seems to be left to trust. In general, while flexibility is useful, it can also inadvertently allow gaps in coverage or policy to appear that may be difficult to fill in the short- to medium-term.

Local development plans 57, 58, 59, 60, 61, 62, 63, 64, 191, 65, 66, 67, 68, 68B, 69, 70, 71, 72, 73, 192, 74, 193, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97

At Stage 3 there have been many amendments which potentially greatly reduce the expressed 'burdens' in relation to forming LDPs – by greatly reducing both what has to be taken into account when forming an LDP,

and with whom consultation should take place. **BEFS is not supportive of these reductions.** Examples of which are: At Stage 2 there was an agreed Amendment to include children and young people in the formation of the LDP - This appears to have been suggested for removal at Stage 3 by Amendment 82. The same applies to the Draft Evidence report in Easy read form – this would be removed by Amendment 91.

Protection of cultural venues and music venues 175, 121, 127, 176, 177, 178, 179, 129, 180, 131, 182

BEFS remains supportive of the Agent of Change principle (Amendment 182) as a means of helping to protect the existing cultural lives of our places and enabling them to flourish.

175 also suggests the LDP take into account desirability of maintaining cultural and live music venues; should the Agent of Change Principle be removed (as is suggested by Amendment 131) 175 would provide some potential protections.

BEFS is disappointed to see Amendment 121 which removes Cultural Significant Zones as passed at Stage 2.

Local place plans 85, 104, 195, 196

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 notes that no amendments relate to providing community skills or resources, and the burdens on communities to form LPPs that would be fitting for a 'register' remains at Stage 3.

Amendment 85, and 104 remove the duty for Planning Authorities to provide assistance to communities in preparing their LPP. **BEFS strongly disagrees with these Amendments as it further distances, and potentially sets in opposition, the community and the planning authority.** It also raises further questions as to where communities are to find the help (and resources) to enable them to form a plan appropriate for the 'register'. Whilst Amendment 195 requires further reporting – it may well be useful to know the number of LPP submitted, as well as those that make it on to the Register, in addition to metrics around participation.

Locally significant buildings 122

Whilst BEFS is supportive of all communities being able to express the significance of their local environment in all its forms, the purpose and use of this amendment in regard to local 'particular significance' is not clear.

Land value capture / sharing 112, 212, 215

BEFS has been supportive of the exploration into Land Value Capture/Sharing by the Scottish Land Commission and is broadly supportive of the principles involved here, but remains mindful that more research in this area is still required.

Renewable energy infrastructure 199, 203, 220, 221

BEFS supports changes which enhance the potential for the use of renewable energy infrastructure.

Determination of applications: brownfield land 130

BEFS does not support 130 - it is disappointing to see this Amendment, which appears to reverse a decision at Stage 2, removing the need for explanation when a development is approved for greenbelt land (rather than providing explanation for why it could not be on brownfield). This amendment flies in the face of aligning the use of land with the current climate emergency and is not supportive of the Amendment agreed at Stage 2 to support greenbelt protection.

Assessment of environmental effects 200, 181, 219

BEFS supports amendments 200 and 181 – 200: Planning Determination must take account of environmental effects in relation to lifecycle greenhouse gas emissions assessment and, 181: the addition of Biodiversity wording to assessment of environmental effects.

Determination of applications 204, 138

BEFS supports 204 – which would mean a statement had to be produced if a development was granted permission which was not in-line with the LDP and why the permission had been granted.

Meaning of “material considerations” 139

BEFS supported the meaning of Material Considerations to be prescribed at Stage 2 – but acknowledges that the legal complexity of this makes it untenable. Page | 3

Promotion and use of mediation etc. 146

BEFS is widely supportive of the use of mediation, however cautions that it can be a costly process and the issue of resourcing may prove challenging to both Authorities and communities.

Monitoring compliance with conditions 147, 169

At Stage 2 the Committee were correct to identify insufficient planning authority resource as a barrier to effective enforcement. The Bill acknowledged that the current enforcement powers are not being utilised. If a planning authority does not, or cannot, resource an adequate enforcement team, the level of the fine is immaterial. **BEFS notes no amendments seek to remedy a lack of enforcement.**

Amendment 169 Whilst this amendment does nothing to enhance/increase capacity for PA, (and it adds additional monitoring requirements) it appears to ‘name and shame’ those not complying; which may prove incentivising.

Training requirements 162

BEFS supports Amendment 162 and sees training as beneficial, not just for those sitting on a planning committee, but for all elected members. If the National Planning Framework is to be subject to parliamentary scrutiny as is recommended, all MSPs would benefit from training in planning.

Performance of planning authority functions 163, 183, 165, 166, 185

BEFS reiterates that no suggestions for performance related to quality of place.

Is *performance*, in the sense of speed and percentage of approvals, the correct standard? The *quality* of places for all our citizens, with: appropriate infrastructure; sustainable economic growth; high environmental standards; affordability across housing tenures; and high-quality, shared, build standards; would be a more fitting measure.

163 - Annual reporting for NPF was considered to be burdensome by BEFS. There is little additional information as to how these reports will be used.

183 – National planning improvement co-ordinator - Does the reference to ‘National Planning’ imply, the new co-ordinator would not be involved with any region or local planning, or is it intended to mean planning, nationally?

Amendments 183, 165 and 166 could all be seen as an addition to ministerial involvement in PA activities, and where do these additions leave the role of Chief Planners in each PA?

There is an assumption that Ministers bear the costs for appointing these individuals – but perhaps Planning Authorities bear the costs of implementing their recommendations, could this cause unnecessary conflict?

Chief planning officers 170

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 Enforcement – without the resources to make the position of chief planning officer possible, its viability may be compromised. Amendment 170 requires guidance to be issued, this would be essential to the potential success of the role.

Notice by planning authority of applications for listed building consent 148

At Stage 2 an agreed Amendment closing the anomaly of Listed Building consent not requiring neighbour notification was a positive step in ensuring transparency of process. Amendment 148 appears to simplify the process of notification, and **BEFS hopes it maintains the same transparency as was present at Stage 2.**

Infrastructure levy 213, 214, 149, 218, 150

BEFS supports 213 & 214 which would include blue/green infrastructure within the definition of infrastructure.

At Stage 2 BEFS noted the Committee's response that, if introduced, the Levy will likely be more effective in some circumstances, and in some places, than others. BEFS also agrees with the evidence presented to the Committee that greater clarity is required as to how the Infrastructure Levy will work.

BEFS briefed that, particularly in light of the concerns reported within an English context relating to: cost of implementation, varying views as to effectiveness, low impact on housing numbers, increase in exemptions over time, and disparity between areas of economic difference; that the Infrastructure Levy proposal has not been set out in a sufficiently clear and comprehensive manner so as to allow respondents to judge if it has the potential to be the 'best way' to secure investment, or impact upon levels of development.

Fees for planning applications etc.

There were multiple amendments agreed at Stage 2 (and still extant) where fees could be waived or reduced. The effect of these on planning authorities to fund their work and demonstrate their effectiveness has not been fully explored.

Supplementary Guidance

BEFS would wish to retain statutory supplementary guidance, which was removed at Stage 2.

BEFS therefore does not support Amendment 108: when the NPF is revised, all SDPs and any supplementary guidance issued in connection will cease to have effect.

BEFS shares the Committee's previously stated concerns about the removal of statutory Supplementary Guidance, BEFS would wish to retain statutory supplementary guidance.

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.

Built Environment Forum Scotland (BEFS) is an umbrella organisation bringing together non-governmental organisations across Scotland's built environment sector. Drawing on extensive expertise and knowledge in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's built environment. The comments contained within this briefing were informed by BEFS' Planning Taskforce.