

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. BEFS is a supporting member of the [Climate Heritage Network](#).

Other relevant consultation responses from BEFS can be seen below, as many issues overlap and demand associative consideration:

- [DRAFT NATIONAL PLANNING FRAMEWORK 4 \(NPF4\) CONSULTATION \(31/03/22\)](#)
- [DEVELOPING SCOTLAND'S CIRCULAR ECONOMY – CONSULTATION RESPONSE \(18/12/2019\)](#)
- [THE ROLE OF LOCAL GOVERNMENT AND ITS CROSS SECTORAL PARTNERS IN FINANCING AND DELIVERING A NET-ZERO SCOTLAND \(21/01/22\)](#)
- [DRAFT HEAT IN BUILDINGS STRATEGY SKILLS REQUIREMENTS – CONSULTATION \(30/04/2021\)](#)
- [DRAFT HEAT IN BUILDINGS STRATEGY, ACHIEVING NET ZERO EMISSIONS IN SCOTLAND'S BUILDINGS – CONSULTATION \(30/04/2021\)](#)
- [CLIMATE CHANGE PLAN UPDATE – CALL FOR VIEWS \(12/01/2021\)](#)
- [GREEN RECOVERY – CALL FOR VIEWS \(07/08/2020\)](#)
- [HOUSING TO 2040 – CONSULTATION RESPONSE \(27/02/2020\)](#)

BEFS welcomes the consultation on the proposed Circular Economy Bill and has also provided comment on the consultation on the *Circular Economy Route Map to 2025 and Beyond*, which is running concurrently and which we consider to be a broadly holistic, ambitious and well considered series of measures. However, as we have raised in previous consultations - most notably and recently in BEFS response to the draft NPF4 - the existing and historic built environment lacks full integration; existing buildings and infrastructure are positive solutions across a variety of areas, they should not sit separately.

BEFS will be responding only to relevant questions of the consultation, as below:

1. Do you agree there should be a duty on Scottish Ministers to publish a Circular Economy Strategy every 5 years?

Neither agree nor disagree.

2. Do you have any further thoughts on a statutory duty to produce a Circular Economy Strategy?

BEFS would consider that a Circular Economy Strategy - as well as fitting with Scotland's Environment Strategy and linking to the forthcoming Biodiversity Strategy and Route Map - must take into account other key emergent policies, notably the NPF4, in recognition of the vital role that planning and the existing built environment have to play within a successful Circular Economy Strategy.

BEFS also supports comments made by the RTPI and RIAS in response to this consultation:

RTPI: *'The planning system has a significant role to play in supporting the transition to a circular economy...This can be seen with policies that encourage re-use of vacant and derelict land and disincentivises greenfield development.'*

and

“Planning can also embed circular economy principles through mandating or encouraging the adaptive reuse of existing buildings, ensuring new developments are future-proofed through adapting or recycling structures and recycling of demolition waste. This has been recognised within the recently published draft NPF4 with an updated and expanded policy on zero waste and as set out within the draft guidance on Local Development Plans (LDPs). With the NPF4 and next generation LDPs now set for 10 years RTPI Scotland is unsure of the intended synchronicity between the Circular Economy Strategy, if set at 5 years.”

RIAS:

“The RIAS would urge the Government to consider developing a Circular Economy Strategy before finalising the Legislation. It is essential that construction waste is considered in the context of the built environment and development industry as a whole to ensure that the legislation supports the required outcomes.

An environmental strategy for circular economy, however, is not going to pick up the direction of travel for construction and the built environment and therefore perhaps there is a need for a specific circular strategy for development.”

3. Do you think we should take enabling powers to set statutory targets in relation to the circular economy?

Yes

4. Do you have any comments in relation to proposals to set statutory targets?

As stated in our response to the Consultation on the Circular Economy Route map, BEFS would reiterate the importance of full integration and recognition of the role of local planning authorities and the built environment towards achieving targets in relation to a circular economy.

BEFS considers statutory targets to be helpful in meaningfully bringing about behavioural change but would caution that unless fully supported, local planning authorities may struggle to deliver against them.

5. Should a dedicated Circular Economy public body be established?

Yes

6. Please provide evidence to support your answer to question 5

BEFS is broadly supportive of this proposal but would however consider it essential that such a public body be fully engaged with planning at local and national levels, and questions how as part of this the planning system would be evaluated against (and supported to achieve) circular economy targets.

7. If a Circular Economy public body were to be established, what statutory functions should it fulfil?

BEFS supports the RTPI’s view that *“If established, at a national level, a Circular Economy public body should act as the expert source of advice to Scottish Ministers and work to progress circular economy ambitions nationally including supporting the development of law and policy relating to the circular economy. This should include national planning policy. RTPI Scotland wishes to see a close collaboration between any established Circular Economy national body and the emerging National Planning Improvement Coordinator role. At a local level, RTPI Scotland would wish to see any established Circular Economy public body provide*

assistance to public authorities to support them to have the knowledge, skills and resources to deliver circular economy ambitions.”

21. If you agree with Q.20, do you agree that Scottish Ministers should have the power to introduce and set financial incentives for local authorities to meet these targets, or penalties should these targets not be met?

Yes

22. Please explain your answer

BEFS is pleased to note that this consultation is aware of and recognises that targets should be achievable, but that in order to achieve said targets, service providers need the relevant tools and resources. We would however note caution that this feeds the issue of skills and capacity; in relation to this, we would further emphasize that the embodied energy present in our existing built environment assets, and the potential for positive interventions is huge. Adapting, repurposing, and reusing our current building stock presents an enormous opportunity to provide skilled employment, carbon solutions, and more homes. If fully recognised within measures towards a circular economy, the skilled work provided through these channels would be positive for national and local economic recoveries. BEFS has frequently lobbied for skilled, green employment and extra resource in relation to this work.

Many of the issues mentioned are noted within the [Skills Investment Plan](#) for the Historic Environment, a framework with solutions exists within the document.

29. Do you agree with the principle of Scottish Ministers, and local authorities if appropriate, taking on the necessary powers to explore and trial commercial waste zoning approaches in Scotland?

Neither agree nor disagree

30. Please add any additional comments:

BEFS would note and agree with the RTPI's point that *'Whilst this consultation signposts the action plan as the source of further detail, having reviewed the action plan it is still unclear what the role of the planning system would be in designating, consenting and monitoring such zones.'*

39. Do you think that the proposals contained in this consultation are likely to have an impact on the environment?

Yes

BEFS notes close interdependency around decision making for the built environment and the natural environment, as recognised in NPF4 and the draft guidance on Local Development Plans (LDPs), and further agrees with the RIAS that *'the construction sector has a significant impact on the built and natural environment through the scale of waste and use of resources.'*

We view both the route map and strategy for a circular economy as an opportunity to recognise the positive contribution of the existing and historic built environment in reaching Scotland's ambitions carbon targets.

**40. Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?
please specify**

BEFS has previously issued responses detailing role the existing built environment can play in a sustainable circular economy. Our existing buildings are the foundation for action and can play a pivotal part within this circular economy, a key part of Scotland's sustainable, economic recovery.

The embodied energy present, and the potential for positive interventions is huge. Adapting, repurposing, and reusing our current building stock presents an enormous opportunity to provide skilled employment, carbon solutions, and more homes. Solutions which provide benefits to economy, people and place.

BEFS would also highlight points made by the RIAS that *"There is a need to move from a net zero energy target to a net zero demand target, for which the construction industry's approach to a circular economy will be critical.*

We advocate that including all areas of waste in the Bill and supporting this with a clear strategy, setting out the governments ambition for construction and the built environment, is key to unlocking this gap. An environmental strategy for circular economy, however, is not going to pick up the direction of travel for construction and the built environment and therefore perhaps there is a need for a specific circular strategy for development.

Unlocking this strategy will be challenging if it is split across so many regulatory and legislative areas."

BEFS responses to a number of Consultations in relation to the Built Environment can be found at: <https://www.befs.org.uk/resources/consultations/>

RESPONDENT INFORMATION

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **YES**

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. **I CONSENT**