

Response ID ANON-86WF-76KT-Q

Submitted to **A consultation on the future of the Scottish Planning System**

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About You

What is your name?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Chartered Institute of Ecology and Environmental Management

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

Publish response only (without 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

Making plans for the future

Key Question Do you agree that our proposed package of reforms will improve development planning?

Yes

Please explain your answer.:

See answers below.

1 Do you agree that local development plans should be required to take account of community planning?

Yes

Do you agree that local development plans should be required to take account of community planning?:

There is a need for a stronger link between spatial and community planning (Community Action Plans). The proposals in the plan are to introduce a statutory link between the development plan and community planning. This should strengthen and promote greater integration between the two processes. However, it is essential that strategic infrastructure, including integrated habitat networks and green networks, biodiversity and ecosystem services, and actions to mitigate and adapt to climate change are considered and agreed at a range of scales (national, regional and local) so that action is nested, coordinated and appropriate.

2 Do you agree that strategic development plans should be replaced by improved regional partnership working?

Yes

Do you agree that strategic development plans should be replaced by improved regional partnership working?:

An informal partnership of local planning officers/staff will ensure that the local focus is not lost, particularly around biodiversity, local identity, green infrastructure value, community involvement. However, this model may also be seen as less dynamic, or even less important, because of its informality. In addition it is unclear how the regional partnership will function and be resourced.

2a How can planning add greatest value at a regional scale?

How can planning add greatest value at a regional scale?:

Regional scale working on habitat connectivity and networks; landscape conservation; climate change adaptation and/or mitigation; green and blue infrastructure; etc. could be most cost effective, and deliver the most appropriate gains for the environment.

2(b) Which activities should be carried out at the national and regional levels?

Which activities should be carried out at the national and regional levels?:

2(c) Should regional activities take the form of duties or discretionary powers?

Not Answered

Should regional activities take the form of duties or discretionary powers?:

2(d) What is your view on the scale and geography of regional partnerships?

What is your view on the scale and geography of regional partnerships?:

2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?

What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?:

3 Should the National Planning Framework, Scottish Planning Policy or both be given more weight in decision making?

Not Answered

Should the National Planning Framework, Scottish Planning Policy or both be given more weight in decision making?:

4 Do you agree with our proposals to simplify the preparation of development plans?

Not Answered

Do you agree with our proposals to simplify the preparation of development plans?:

3(a) Do you agree with our proposals to update the way in which the National Planning Framework is prepared?

Not Answered

Do you agree with our proposals to update the way in which the National Planning Framework is prepared?:

4(a) Should the plan review cycle be lengthened to 10 years?

Not Answered

Should the plan review cycle be lengthened to 10 years?:

4(b) Should there be scope to review the plan between review cycles?

Not Answered

Should there be scope to review the plan between review cycles?:

4(c) Should we remove supplementary guidance?

Not Answered

Should we remove supplementary guidance?:

No. Content of supplementary guidance is varied and extensive and includes strategies and frameworks on a number of issues, including biodiversity, protected species, sites and landscapes, greenspace, community growing, green infrastructure and woodland strategies. This guidance includes important content, particularly at the local scale. The white paper does not mention the word biodiversity once, whilst landscape, greenspace, GI and CG are mentioned sparingly. There is a concern that removing supplementary guidance completely will either be counter-productive to the intention of streamlining and simplifying the planning system, or result in the degradation and fragmentation of our ecosystems (amongst other environmental impacts).

5 Do you agree that local development plan examinations should be retained?

Not Answered

Do you agree that local development plan examinations should be retained?:

5(a) Should an early gatecheck be added to the process?

Not Answered

Should an early gatecheck be added to the process?:

5(b) Who should be involved?

Who should be involved?:

5(c) What matters should the gatecheck look at?

What matters should the gatecheck look at?:

5(d) What matters should the final examination look at?

What matters should be the final examination look at?:

5(e) Could professional mediation support the process of allocating land?

Not Answered

Could professional mediation support the process of allocating land?:

6 Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?

Yes

Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?:

The current developer-led approach needs to be changed to be inclusive of all stakeholders.

7 Do you agree that plans could be strengthened by the following measures:

(a) Setting out the information required to accompany proposed allocations? - (a) Setting out the information required to accompany proposed allocations?:

Yes

Setting out the information required to accompany proposed allocations:

This should show how green infrastructure and greenspace will help meet other policy objectives, for example, around climate adaptation, climate mitigation, energy or food production and biodiversity enhancement/protection. Cumulative impact assessment must also be considered

(b) Requiring information on the feasibility of the site to be provided - (b) Requiring information on the feasibility of the site to be provided:

Yes

(b) Requiring information on the feasibility of the site to be provided:

Yes, in respect of the 'carrying capacity' of the landscape/environment to support the development envisaged without negative impact on soils (especially arable quality soils), water, habitat networks, Scottish Biodiversity List species and access networks.

Increasing requirements for consultation for applications relating to non- allocated sites - (c) Increasing requirements for consultation for applications relating to non- allocated sites:

Yes

(c) Increasing requirements for consultation for applications relating to non- allocated sites:

Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application - (d)

Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application:

Yes

(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application:

8 Do you agree that stronger delivery programmes could be used to drive delivery of development?

Not Answered

(a) What should they include?:

If you wish to add a document to support your response, please add it here.

File upload component:

No file was uploaded

People make the system work

Key Question Do you agree that our proposed package of reforms will increase community involvement in planning?

Not Answered

Please explain your answer.:

9 Should communities be given an opportunity to prepare their own local place plans?

Not Answered

Should communities be given an opportunity to prepare their own local place plans?:

9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?

Not Answered

Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?:

9(b) Does figure 1 cover all of the relevant considerations?

Not Answered

Does figure 1 cover all of the relevant considerations?:

10 Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?

Not Answered

Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?:

10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?

Not Answered

Should local authorities be required to involve communities in the preparation of the development plan scheme?:

11 How can we ensure more people are involved?

How can we ensure more people are involved?:

11(a) Should planning authorities be required to use methods to support children and young people in planning?

Not Answered

Should planning authorities be required to use methods to support children and young people in planning?:

12 Should requirements for pre-application consultation with communities be enhanced?

Yes

Please explain your answer.:

The objective of pre-application consultation (PAC) is for communities to be better informed and to contribute their view before an application is submitted. The PAC process can improve applications, particularly around protecting local landscapes and biodiversity. The proposals in the consultation which encourage fuller and more meaningful engagement on sites not allocated within the development plan are welcomed.

12(a) What would be the most effective means of improving this part of the process?

Please explain your answer.:

12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?

Not Answered

Please explain your answer.:

12(c) Are the circumstances in which PAC is required still appropriate?

Not Answered

Please explain your answer.:

12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?

Not Answered

Please explain your answer.:

13 Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?

Not Answered

Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?:

14 Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?

Not Answered

Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?:

15 Should current appeal and review arrangements be revised:

(a) for more decisions to be made by local review bodies? - (a) for more decisions to be made by local review bodies?:

Should current appeal and review arrangements be revised?:

(b) to introduce fees for appeals and reviews? - (b) to introduce fees for appeals and reviews?:

(b) to introduce fees for appeals and reviews?:

(c) for training of elected members involved in a Planning Committee or Local Review Body to be mandatory? - (c) for training of elected members involved in a Planning Committee or Local Review Body to be mandatory?:

(c) for training of elected members involved in a Planning Committee or Local Review Body to be mandatory?:

(d) do you agree that Ministers, rather than reporters, should make decisions more often? - (d) do you agree that Ministers, rather than reporters, should make decisions more often?:

(d) do you agree that Ministers, rather than reporters, should make decisions more often?:

16 What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?:

Building more homes and delivering infrastructure

Key Question Will these proposals help to deliver more homes and the infrastructure we need?

Yes

Will these proposals help to deliver more homes and the infrastructure we need?:

These proposals may contribute to the delivery of more homes and infrastructure, however it is the quality of the green and blue infrastructure around these homes that is vitally important for human well-being. Infrastructure should be more than just built infrastructure – green and blue infrastructure should be as big a component in developments as the grey. We strongly advocate that green and blue infrastructure are thought about as early in the planning process as possible, and high standards included in development plans.

In addition, we would like to see green and blue infrastructure incorporated into developments early on – for example, planting of street trees at the start of the building, so that they have time to mature before the development is occupied. Development plans also have the opportunity to specify sensitive working practices to developers, so habitats and species, ecosystem services and soil quality is not lost.

The consultation document does not mention biodiversity, ecosystem services, or ecology once. We are concerned that this may lead to less consideration being given to biodiversity within development plans, particularly with the proposed reduction in supplementary guidance. This is more than just for the conservation of protected species and habitats, but ecosystem services and the health of the natural environment. Developments are well placed to deliver reversals in ecological decline and fragmentation, and improve habitat quality and connectivity, if designed well. In addition, the planning process has the opportunity to specify planting schemes and species lists for new developments, allowing native species to be used over non-native, and/or inappropriate species.

17 Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?

Not Answered

Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?:

18 Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?

Not Answered

Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?:

19 Do you agree that planning can help to diversify the ways we deliver homes?

Yes

Do you agree that planning can help to diversify the ways we deliver homes?:

19(a) What practical tools can be used to achieve this?

What practical tools can be used to achieve this?:

Innovations in green infrastructure could be specified through the planning system – for example the Natural Capital Standards being developed by the Scottish Forum on Natural Capital, could be used. Standard specification for new schools, doctors surgeries etc. could include green roofs, green walls and/or raingardens for surface water management, biodiversity and amenity. Scotland needs a bold vision to build upwards and design more integrated green space, rather than just roads and car parking.

20 What are your views on greater use of zoning to support housing delivery?

What are your views on greater use of zoning to support housing delivery?:

20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?

How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?:

20(b) What needs to be done to help resource them?

what needs to be done to help resource them?:

21 Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?

Not Answered

Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?:

22 Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?

Yes

Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?:

Strong regional partnerships, preparing spatial guidance/guidelines which are reflected in an enhanced national planning framework could improve strategic investment in infrastructure. If set up and run in the right way, regional partnerships could also contain the specialist and local knowledge around important habitats and species which the strategic level plans currently lack.

22(a) What actions or duties at this scale would help?

What actions or duties at this scale would help?:

23 Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?

Not Answered

Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?:

24 Do you agree that future legislation should include new powers for an infrastructure levy?

Not Answered

If not, please explain why.:

(a) At what scale should it be applied?:

(b) What type of development should it apply?:

(c) Who should be responsible for administering it?:

(d) What type of infrastructure should it be used for?:

25 Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

No

Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?:

No. Recent research has highlighted the benefits of building standards in carbon reduction and energy efficiency. There remains a role for development plans to set out standards for the location/siting and design of new development. The recent SG Annual Review of section 72 concluded it should be kept in the 2009 Act. There may however be an opportunity to include more on the use of built green infrastructure as well as energy efficiency, e.g. green walls, green roofs, etc.

Stronger leadership and smarter resourcing

Key Question Do you agree the measures set out here will improve the way that the planning service is resourced?

Not Answered

Do you agree the measures set out here will improve the way that the planning service is resourced?:

26 What measures can we take to improve leadership of the Scottish Planning profession?

What measures can we take to improve leadership of the Scottish Planning profession?:

27 What are the priorities for developing skills in the planning profession?

What are the priorities for developing skills in the planning profession?:

Further capacity needs to be built up within local authorities such that planning departments have within them or can access the expertise necessary (perhaps through bigger regional teams) to secure Integrated Green Infrastructure – for example, landscape architects, ecologists, hydrologists and foresters). External agencies are increasingly limited in their capacity to provide detailed and robust advice on planning applications, and as such, specialist input can easily be missed.

28 Are there ways in which we can support stronger multidisciplinary working between built environment professions?

Yes

Are there ways in which we can support stronger multidisciplinary working between built environment professions?:

Running joint training programmes amongst the main built professional bodies and environmental institutes – RTPIS, LIS, ICE, RIAS, CIEEM, CIWEM, BES, CIRIA.

Running joint training programmes between officers, elected members and community representatives on specialist topics so a shared understanding is developed – for example, on the benefits of IGI, habitat networks, urban greening etc.

29 How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?

How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?:

30 Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?

Yes

(a) Do you have any ideas on how this could be achieved?:

Ongoing long-term environmental monitoring is essential to feed into future evidence-based decision-making. We need to better understand the effectiveness of interventions for the environment and monitoring provides the evidence base to inform this. Planning must provide the resources to enable monitoring.

31 Do you have any comments on our early proposals for restructuring of planning fees?

Do you have any comments on our early proposals for restructuring of planning fees?:

32 What types of development would be suitable for extended permitted development rights?

What types of development would be suitable for extended permitted development rights?:

33 What targeted improvements should be made to further simplify and clarify development management procedures?

What targeted improvements should be made to further simplify and clarify development management procedures?:

33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted?

Not Answered

How can existing provisions be simplified?:

33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?

Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?:

33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?

What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?:

33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?

Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?:

34 What scope is there for digitally enabling the transformation of the planning service around the user need?

What scope is there for digitally enabling the transformation of the planning service around the user need?:

Currently it is exceedingly difficult to obtain spatial information from the current LDP. What we need is something interactive (such as SNHi) to find locally designated sites, biodiversity action plan priorities, local priority lists of species, etc.

Next steps

35 Do you think any of the proposals set out in this consultation will have an impact, positive or negative, on equalities as set out above.

Not Answered

If so, what impact do you think that will be?:

36 What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?

What implications (including potential costs) will there be for business and public sector delivery organisations from these proposals?:

37 Do you think any of these proposals will have an impact, positive or negative, on children's rights?

Not Answered

If so, what impact do you think that will be?:

38 Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.

Do you have any early views on whether these proposals will generate significant environmental effects? Please explain your answer.:

All development has an environmental impact or 'footprint'. The key is to undertake development sustainably, engage all stakeholders, and by integrating biodiversity considerations at the earliest possible stage so as to reduce the impact to no net loss of, or preferably enhance, biodiversity.

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.: