



RTPI

mediation of space · making of place

The Royal Town Planning Institute in Scotland
57 Melville Street
Edinburgh
EH3 7HL

Tel: 0131 226 1959

Fax: 0131 226 1909

www.scotland.rtpi.org.uk

Registered Charity No: 262865

Scottish Charity Registration Number SC 037841

Planning Hierarchy Consultation
Planning Directorate
Scottish Government
2H, Victoria Quay
Edinburgh
EH6 6QQ

Email to hierarchydefinition@scotland.gsi.gov.uk

20th March 2008

Dear Sir or Madam,

**MODERNISING THE PLANNING SYSTEM:
DRAFT REGULATIONS ON THE PLANNING HIERARCHY**

The Royal Town Planning Institute (RTPI) welcomes the opportunity to respond to this consultation, dealing as it does with one of the core activity areas of professional planners in Scotland, as part of the implementation of the Planning etc. (Scotland) Act 2006.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2100 members in Scotland working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia.

Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

In general, the draft Regulations are broadly welcomed. The Institute supports the aim of achieving a system which can deal with different types of development in different ways,

ensuring that applications are dealt with in an appropriate way to their respective scale and complexity, and allowing decisions to be taken at the most appropriate level.

The Institute supports the principle of meaningful pre-application discussions taking place between applicants, planners and local communities; such a principle should encourage the highest qualities of design and development achievable, based on a shared understanding of the place under consideration and its planning framework.

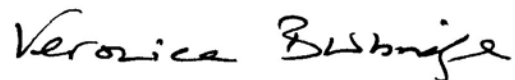
The Institute's response to this consultation is based on discussions held with members of our Development Management Task Group and the RTPI Scottish Executive Committee. The full response to the questions posed in the consultation paper is attached at Annex 1. The main points are summarised below:

- It will be important to have a clear and robust definition of the new categories; further justification and information on how these have been derived would be useful;
- further consideration might be given to the inclusion of Schedule 2 developments, where Environmental Impact Assessment is required, within the Major Development category;
- it might be useful to have a separate Class for *Retail Developments*;
- the application of the new categories in practice raises a number of issues and the case for a single suite of thresholds/criteria being applied consistently across the country requires further justification; in particular there are a number of difficulties in relation to the application of these proposals in rural areas which should be addressed;
- any proposals will need to take into account the additional scrutiny arrangements in place for local developments of a certain scale, however, further thought might be given to other options such as enabling planning authorities to exclude proposals that might fall under the 'all other development category' of major developments, but which are 'local' in nature. Alternatively, it is suggested that, with the scheme of delegation, each planning authority might submit their own version of the Schedule and thresholds/criteria tailored (downwards as necessary) for their particular circumstances. The scheme of delegation and schedule should then require to be approved by Scottish Ministers;
- consideration might also be given to having a Class for *Proposals Affecting Protected Sites*;
- clarification should be provided on whether the Regulations would also be applicable to applications in principle, applications for approval of reserved matters and applications to convert, extend or change the use of existing land and buildings;
- further consideration is needed of the additional resources and efforts required from Planners and Planning Authorities over this introductory period; and

- more consideration needs to be given in related consultations to the support for communities, in the effective and meaningful delivery of pre-application consultation.

The Institute trusts that these comments are of assistance and has no objection to them being made available to the public in the usual way. Should you wish any clarification or further assistance, please do not hesitate to contact me by email at veronica.burbridge@rtpi.org.uk or at our Edinburgh office, 57 Melville Street, Edinburgh, EH3 7HL, phone: 0131 226 1959.

Yours faithfully

A handwritten signature in black ink that reads "Veronica Burbridge". The signature is written in a cursive style with a large initial 'V' and 'B'.

Veronica Burbridge

National Director RTPI in Scotland

RESPONSE BY THE ROYAL TOWN PLANNING INSTITUTE TO THE CONSULTATION ON THE 'DRAFT REGULATIONS ON THE PLANNING HIERARCHY'

The Institute's detailed comments are set out below.

Question 1: Do you support the proposed number of classes in the Schedule of Major Developments?

1. It is potentially confusing to have a Schedule which refers to another Schedule as one of its components, and if this can be avoided administratively it would be helpful.
2. The proposed number of classes appears adequate. However, category Class 7 *All Other Development*, will apply to a wide range of applications and may require further refinement and flexibility.
3. It would be helpful to have a separate class for retail, with its own explicit threshold/criterion. An appropriate threshold for retail development might be 2500 sq metres, given that this scale of development may require a retail impact assessment.
4. Further justification, evidence and information on how thresholds have been derived would be useful.
5. Consideration might also be given to scale of developments affecting protected areas by having a Class of *Proposals Affecting Protected Sites* including, say, Conservation Areas, Listed Buildings, Ancient Monuments, National Parks, National Scenic Areas, World Heritage Sites, IGDLIS (and its annexes) sites, and their settings.

Question 2: Do you agree with the proposed major development thresholds described in the Schedule for:

Schedule 1 Development

6. Whilst it will be important to have a clear and robust definition of the new categories; further justification and information on how these have been derived would be useful. The Institute has a number of concerns about categories and definitions; these are set out below.

EIA Categories

7. Further consideration might be given to the inclusion of Schedule 2 developments, where Environmental Impact Assessment is required, within the Major Development category.

Housing

8. Even in cities like Edinburgh, Glasgow or Dundee a development of 50 houses could have a major impact as even small scale residential development may raise complex issues.
9. A number of difficulties arise in relation to rural areas. In small settlements, a development of less than 50 houses might raise complex issues. Equally, the development of a single house on a two hectare site would not be considered as a major development. It is suggested that further consideration should be given to rural circumstances.

Business and General Industry, Storage and Distribution

10. As well as area of site and/or development it may be wise to consider height of building – perhaps a Major Development label would be appropriate if the proposal were to be more than 4 floors and/or 12m high. It would also seem more consistent to share the criteria for *All Other Development*, namely 10000 square metres or more, or site area of 2 hectares or more and clarification of approaches to mixed developments would be useful. Clarification might be given of the inclusion of research and development institutions in this category.

Renewable Energy Generation

11. The Schedule refers to '*energy generation*' rather than to '*renewable energy generation*'. This threshold should be subject to the requirements of Schedule 2 of the EIA Regs. Factors other than output of any generating station might be considered. There should also be reference to the means of transmission and other physical manifestations of the energy generation and transmission processes.

Waste Management Facilities

12. Perhaps site area might also be a helpful criterion here, and we suggest the 2Ha referred to in *All Other Development* in the consultation document.

Transport Infrastructure

13. The word etcetera should be removed. In most parts of the country a road exceeding 1 Km would be considered 'Major'. Further justification of thresholds would therefore be helpful. Transmission lines and undersea cables might also be added to the list.

All Other Development

14. For clarity, there should be a separate retail class. Further consultation on an appropriate threshold for retail development would be useful. A threshold of 2500 sq metres, might be considered, given that this scale of development may require a retail impact assessment.

General points on Q2

15. In general, the Institute suggest that further consideration might be given to:

- clearer justification and information on how thresholds have been derived;
- how rural anomalies might be addressed and how local flexibility of approach where necessary may be achieved whilst maintaining simplicity and consistency across the country;
- ensuring that any duplication of effort and consultation is avoided for instance if there is a proposal in an approved and adopted Local Plan, it should be unnecessary for an outline planning application consistent with that proposal to be subject to pre-application discussions;
- how to discourage phasing of developments to avoid thresholds; and
- clarification as to whether the Regulations would also be applicable to: applications in principle; applications for approval of reserved matters; and applications to convert or change the use of existing land and buildings.

Question 3: Do you agree with the proposed approach of avoiding regional variation?

16. As noted in paragraphs 8 and 14 above, large differences in the impacts of scale and location may arise. If proportionate responses are being sought then a more consistent approach would be to recognise variation, between predominantly urban and largely rural authorities. Alternatives might be considered here, including enabling planning authorities to exclude proposals that might fall under the ‘all other development category’ of major developments, but which are ‘local’ in nature; or schemes of delegation, with each planning authority submitting their own version of the Schedule and thresholds/criteria tailored (downwards as necessary) for their circumstances. The scheme of delegation and schedule should then require to be approved by Scottish Ministers. If that level of discrimination is considered to be overly complicated, perhaps two sets of criteria/thresholds should be produced, one each for predominantly urban and rural authorities. The Institute would be happy to discuss appropriate criteria for Major *rural* developments.

Question 4: Do you agree with the definition of local developments?

17. Generally, this appears acceptable, however, further consideration of this definition will be needed to take into account any proposed changes to permitted development rights.

Question 5: Are there any potential impacts on the business or voluntary sectors that we should be aware of in finalising these regulations?

18. Some recognition should be provided of the additional resources and efforts required from planners and planning authorities particularly in the initial period of implementation: to an extent this will depend on any changes introduced to the Permitted Development categories. It will be important to examine the resources required to meet the targets set down in dealing with major applications through processing agreements, the related more formal consultation processes at pre-application stage, pre-determination hearings etc.

19. Similar efforts will require to be obtained from communities (however defined, but perhaps usefully taken to be, at a minimum, Community Councils where they are in existence) in the effective and meaningful delivery of pre-application consultation. To be effective, consideration should be given to the allocation of funds to Community Councils to assist them (via Planning Aid Scotland and others) in developing capacity to respond both meaningfully and timeously.

Question 6: Are there any potential impacts on particular societal groups that we should be aware of in finalising these regulations?

20. No comment.

20th March 2008