



**RTPI**

mediation of space · making of place

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27<sup>th</sup> August 2008

Dear Sir Kenneth

### **Evidence to the Calman Commission on Scottish Devolution**

Thank you for your letter of 18<sup>th</sup> June inviting submission of comments to assist the Commission in its work to review the provisions of the Scotland Act 2008. The Royal Town Planning Institute (RTPI) welcomes the opportunity to contribute and trusts that the following comments will be of assistance to you.

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.

I have organised our comments under the relevant questions as requested in your letter.

**Question 1: In general, how successful have the new structures created by devolution been – both in terms of delivering effective government in devolved areas, and in providing effective parliamentary scrutiny and oversight?**

Devolution has served the planning system well; the development of legislation by the Scottish Parliament has enabled the system to be more closely tailored to Scottish circumstances. The closer scrutiny of Scottish Planning Policy and Planning Advice Notes and the arrangements for scrutiny of the National Planning Framework by Scottish Parliamentary Committees are indicative of the higher profile given to planning matters by the Scottish Parliament.

Devolution has had implications for how the Institute carries out its own work. The RTPI is a UK body and has developed a devolved structure in response to devolution. Our Scottish Executive Committee was established in 2000. The Committee manages the Institute's affairs in Scotland, with the exception of matters of education and professional standards which are reserved to the Directorate on Membership, Education and Lifelong Learning based in London. We provide a Scottish dimension to the RTPI's UK-wide programmes such as Learning Partners and Planners in the Workplace. About 10% of UK planners are located in Scotland, and whilst the resourcing of local activities is challenging, we benefit from the wider work generated by the Institute and the joint commitment to unified professional standards across the different nations within the UK.

**Question 2: Can you give examples of where devolution has produced results that better serve the people of Scotland than would have been likely or possible under pre-devolution arrangements?**

One example where the planning system has benefited from Scottish legislation is in the statutory designation given to the National Planning Framework under the Planning etc (Scotland) Act 2006. This means that the NPF now provides a national context for development plans, planning decisions as well as informing the ongoing programmes of the Scottish Government, public agencies and local authorities. Scottish Ministers are committed to reviewing the NPF every four years. The RTPI continues to campaign for the introduction of such a spatial planning framework for the whole of the UK.

**Question 6: Irrespective of which particular matters are reserved and which others are therefore devolved, do you support the reserved/devolved distinction as the best way to define the respective responsibilities of the UK Parliament and the Scottish Parliament? Would there be merit in an intermediate category, involving some form of shared or concurrent competence, with suitable checks and balances to avoid conflict?**

There are a number of areas where close co-operation with shared or concurrent competence might be considered. Two such policy areas are Climate Change and Coastal and Marine Affairs. Arrangements for actions under the Climate Change Bills appear to be fairly well co-ordinated. However, in our response to DEFRA's consultation on the Marine Bill, the RTPI strongly endorsed the view that a marine spatial planning system should be developed for the UK. We consider that this should closely complement and integrate with systems developed to regulate marine waters within the devolved nations. In this regard, it is a matter of concern that the draft UK Marine Bill does not provide for a marine policy, plan making and licensing arrangement that is fully shared with Scotland and (in part) Northern Ireland. Whilst domestic marine legislation in these jurisdictions is being developed, better enabling provisions at the UK level could be included in the draft Bill. This could be reinforced by an intergovernmental agreement on UK seas, that could usefully engage sovereign nations with marine areas abutting the UK. Such considerations reflect the need to take an ecosystem approach to marine management which transcends political boundaries. The RTPI considers that marine spatial planning should also closely complement and integrate with terrestrial spatial planning, river basin and coastal zone management planning systems.

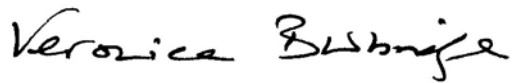
The RTPI response to the consultation on the UK Marine Bill noted that mechanisms of ensuring effective community involvement in plan making and decision making should be further explored. These should include the use of enabling powers in the Bill as drafted for marine plan making and license determination functions for sub-regions to be delegated to partnerships including terrestrial and environmental agencies, including devolved nation, region and local government. Such arrangements will be necessary in cross-border situations such as the Solway. The RTPI considers that a plethora of overlapping plans, strategies and consultative processes should be

avoided and regulation should respond to demonstrated needs for control and should be as simple as possible.

An additional area where joint working might be improved which has been highlighted by colleagues in Scottish University Planning Schools is that of the work of the research councils and the funding of Scottish based research.

The Institute trusts that these comments are of assistance and has no objection to its comments 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 at our Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, or email: [veronica.burbridge@rtpi.org.uk](mailto:veronica.burbridge@rtpi.org.uk)

Yours sincerely

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 (Dr)  
National Director