

Item PPPC09/32

ROYAL TOWN PLANNING INSTITUTE IN SCOTLAND

REPORT TO PPPC

1ST October 2009

1. This paper provides details of current consultations, recent responses to consultations and current policy work in Scotland.

Recently completed consultations

2. The RTPI in Scotland has responded to the following consultations:
 - The Crofting Reform (Scotland) Bill;
 - 'People, places and planet' consultation by Architecture and Design Scotland;
 - Marine Scotland Bill, Scottish Parliamentary Committee Inquiry;
 - Preparing for a Changing Climate: second consultation to inform Scotland's Climate Change Adaptation Framework; and
 - Scottish Planning Policy (SPP).

Current consultations

3. The following consultations from government and other bodies have been received on which the Institute may wish to respond:

Scottish Consultations

UK Equality Bill - Specific Public Sector Duties to Promote Equality, and Socio-economic Duty (26/10/09)

Scottish Ministers have decided to undertake a consultation in Scotland on extending the public sector duty on socio-economic inequalities in the UK Equality Bill to cover public bodies in Scotland. Part of this Bill introduces a duty on public authorities to address the inequality that arises from socio-economic disadvantage.

Reforming the Law on Bribery and Corruption in Scotland (23/10/09)

A consultation on reforming the law on bribery and corruption in Scotland, based on the proposals in the UK Government's draft Bill published in March 2009.

A Consultation on the role of Low Carbon Vehicles and Alternative Fuels (02/10/09)

This is to inform the development of policy and a way forward for the introduction and promotion of Low Carbon Vehicles and alternative fuels.

Compliance (with the national building regulations) (02/10/09)

Methods and procedures for improving compliance with the national building regulations.

Review of Building Standards - Section 1 (Structure). (02/10/09)

The main focus of this review is to introduce the Structural Eurocodes, a series of European Codes of Practice developed as part of the European Union's desire to remove technical barriers to trade.

Review of Building Standards - Section 6 (Energy) Reducing CO2 Emission and Energy Demand. (02/10/09)

In February 2009, Scottish Ministers announced the intent that the 2010 revision of the Scottish building regulations should deliver a 30% reduction in carbon dioxide emissions from new buildings. The consultation focuses on changes needed to deliver this.

Freedom of Information: Improving Openness: Consultation by Scottish Ministers on reducing the term of certain exemptions within the Freedom of Information (Scotland) Act 2002. (30/09/09)

This seeks views on whether the lifespan of certain 'exemptions' in FOISA should be reduced from 30 to 15 years. Scottish Ministers' preliminary view is that a 15 year lifespan may be appropriate.

Private Housing Issues: Housing Bill Consultation (27/09/09)

This consultation paper deals with the Scottish Government's proposals for the possible inclusion of some private housing issues in the Housing (Scotland) Bill. The issues for consideration relate to landlord registration, HMO licensing and powers in the Housing (Scotland) Act 2006 for local authorities to deal with disrepair in privately owned houses.

Consultation on Implementation of the Removal of the Duty of Planning Authorities to Notify Historic Scotland on Certain Types of Listed Building Consent Application (25/09/09)

Historic Scotland, Perth and Kinross, Glasgow City and the City of Edinburgh Councils operated a 3-month pilot which explored whether they could issue faster listed building consents to applicants without a reduction in the quality of decisions. This consultation invites comments on the effectiveness of this methodology and welcomes views on how best to implement a future scheme of this type, if it is decided to offer it to all planning authorities.

Current Policy Work

4. The following areas of policy work are in progress.

Compulsory Purchase

5. The RTPI in Scotland has sent a joint letter with RICS to the Scottish Law Commission in support of their proposed review of the law of compulsory purchase. The letter is given at Annex1. Trudi Craggs has indicated a willingness to lead on preparatory work on a policy position statement in advance of any request by the Commission for further evidence.

Marine Issues

6. The RTPI in Scotland has been invited to become a member of the Scottish Government's Marine Strategy Forum. Graham U'ren has kindly agreed to act as our representative on the Forum which has been established to bring

together delivery partners and key stakeholders with an interest in the marine environment to work jointly to ensure an integrated approach throughout Scotland and where appropriate the wider UK and Europe.

7. There are major concerns regarding the availability of marine spatial planning skills. It is proposed that we should host a Network event to discuss issues in Scotland and the UK.

Design and Design Review

8. Following a meeting with staff from A+DS it has been proposed that we should undertake joint work on urban design, looking at the development of policy on 'Designing Places' and holding 'Master Classes' during 2010.

Housing

9. A joint event to launch the joint RTPI / CIH Housing Network is being planned for early December.

Town Centres

11. The Town Centres and High Streets Learning Group continues to meet. The winners of the first phase (£40m) of the Government's Town Centre Regeneration Fund have been announced, and applications for the second (and final) tranche (£20m) are now in.

Built Environment

12. Through the Built Environment Forum Scotland there has been discussion on the two heritage-related consultations.

Climate Change

13. The Institute's Seven Commitments document has been the subject of a policy paper which has been remitted to the Policy Sub-Committee. Charles Strang attended a government workshop laying out the next steps following the passing of Scotland's Climate Change Act at the beginning of August: one of the most interesting developments may be the requirement, added by the Parliament following an intervention by Sarah Boyack, to produce by 2011 a sustainable land use strategy for Scotland. It should be added that Environment, Climate Change, and Planning responsibilities lie in three separate directorates of Scottish Government, so effective coordination may be challenging. CAS was pleased to make contact with the Energy Saving Trust who are revising their Planners' Guide.

Conference

14. We are looking forward to the Annual Conference:

Delivering development: planning in Scotland to 2030

Date	10 November 2009
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Duration	1 Day
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Price	GBP 110 + VAT
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Location	Edinburgh
Venue	Royal Society of Edinburgh
Registration	9.00-9.30
Close of Seminar	16.30
Our code	34601
Also held on	There are no other dates for this event confirmed yet. Please call us on 0845 120 9602 for more information.



Downloadable documents



[\[Brochure\]](#)

Full brochure for this event
PDF, 437KB

Publications

A Careers Brochure for Scotland is currently in preparation. It is hoped that this will be launched at the Annual Conference.

15. Annex 1

Text of letter to Scottish Law Commission

24 July 2009

Mr Malcolm McMillan
Chief Executive
Scottish Law Commission
140 Causewayside
EDINBURGH
EH9 1PR

Dear Mr McMillan

**The Scottish Law Commission - Eighth Programme of Law Reform
Public Consultation and Law on Compulsory Purchase and Compensation**

The Royal Institution of Chartered Surveyors in Scotland (RICS Scotland) and the Royal Town Planning Institute (RTPI) are aware that you are, at present, considering which topics should be included in your Eighth Programme of Law Reform in Scotland.

After a number of years when it was little used, the law on Compulsory Purchase and Compensation has come into a much sharper focus due to a substantial increase in its use in recent years, both centrally, for major infrastructure projects (Edinburgh Tramlines; Stirling-Alloa-Kincardine Rail Link; Airdrie to Bathgate Rail Link; Waverley Rail Line; New Forth Road Bridge; Aberdeen Western Peripheral Route; M74 Extension; and many others) and, locally, often for regeneration purposes, encouraged by the Scottish Government.

RICS and RTPI members have a very close involvement in this field. From an RICS perspective, members who act either for acquiring authorities in assessing and negotiating compensation, or for claimants who are affected by these schemes. From an RTPI perspective, CPO is complex and cumbersome; it has been little used and few planners have experience of the process. RICS and RTPI are very aware of the substantial increase in work in this field.

It has become very clear from feedback from members from both organisations that the current law is regarded as being archaic, inadequate and unsatisfactory. RICS members also report substantial dissatisfaction on the part of the claimants whom they represent.

Thus, it is clear to us that this is an area which is very substantially in need of revision and modernisation and we would strongly urge the Scottish Law Commission to include this within its Eighth Programme.

RICS and RTPI have already identified a number of areas of Law on Compensation and Compulsory Purchase where change is required:

- A consolidating Act is very much needed. The current law dates from 1845, although it has been substantially revised over the years. However, even experienced practitioners – both surveyors and those in the legal profession – often have difficulty in correctly interpreting the legislation.
- It is the experience of both our members and claimants that the process takes far too long. There is a need to shorten the process substantially.
- There is a groundswell of opinion among both RICS members and claimants, that the current law is often regarded as unfair and does not adequately compensate those whose property is acquired. To some extent, this was dealt with in England and Wales through the introduction of the Business Loss and Occupier's Loss in the Planning and Compulsory Purchase Act 2004. At the very least, it is our view that these payments should be introduced in Scotland as soon as possible. It would seem to us that the basis for the legislation is already present in the 2004 Act, and that it could be introduced into Scotland relatively quickly.
- Ideally, we would like to see substantial modernisation and simplification of the Law. The basic framework for this was set out in England and Wales by the CPPRAG (Compulsory Purchase Policy Review Advisory Group) which reported in 1999 and whose findings were considered in detail by the Law Commission for England and Wales in their reports at Law Com 286 and 291. We are aware that relatively few of the recommendations were introduced by the Government in Westminster, but we feel that much of the work by CPPRAG and the Law Commission for England and Wales could be used as a template for simplifying and modernising legislation in Scotland.

We, therefore, strongly advocate that the Scottish Law Commission include the Law on Compulsory Purchase and Compensation as one of its principal topics in its Eighth Programme. We would, of course, be happy to provide any more assistance which you might require, and are willing to provide views in much more detail if you proceed with this.

Yours sincerely

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cc. Jim Mackinnon, Director, Built Environment, Scottish Government