

# THE ROYAL TOWN PLANNING INSTITUTE

## WHITE PAPER: MODERNISING THE PLANNING SYSTEM

A response to the Scottish Executive on its white paper on Modernising the Planning System in Scotland

September 2005

2005/35

### INTRODUCTION

1. In June 2005, the Executive published its white paper on the planning system, following a number of themed reviews over the period from 2000-2004, including such themes as “The Review of Strategic Planning”, “Getting Involved in Planning” (which resulted in a white paper “Your Place Your Plan”), “Modernising Public Local Inquiries”, “Making Development Plans Deliver” and “Rights of Appeal in Planning”.
2. The white paper addresses the results of these consultations, taken in the context of the Scottish Executive’s commitment to sustainable economic growth to create a modern and vibrant Scotland and the coalition government’s Partnership Agreement of 2003 which identified the need to make the planning system more efficient but also more inclusive. In their introduction, the First Minister and the Deputy First Minister state “We want our planning system to return to the vision of Patrick Geddes, the Scot who is the father of town planning and who saw the need for a system that balanced the needs of “folk, work and place”, but with a fourth objective – fairness”.
3. The white paper sets out a package of proposals under four broad themes: -
  - To ensure that the planning system is **fit for purpose**, by introducing a new hierarchy into the planning system so that developments of different significance can be treated in appropriate ways.
  - To make the planning system **more efficient**, in particular by placing the development plan at the heart of the system and requiring five yearly updates.
  - To make the system **more inclusive**, by providing better access to information about the planning system and opportunities for earlier engagement for local communities in planning issues.
  - To make a contribution to **sustainable development**, by using environmental assessment and by striving for higher quality outcomes.
4. The white paper also identifies areas where there will be impact of the proposals on the resources of central and local government. It further seeks to support planning authorities for the improvement of delivery in the planning system. While most of the proposals relate to procedural change for an intended Planning Bill, they also relate to measures for improving management of the system, in particular for a programme of cultural change towards planning.

### GENERAL COMMENTS

5. The RTPI is the UK body which is chartered to represent the planning profession. In Scotland it has 1800 members 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. Both at UK and Scotland levels, the Institute has made major contributions towards the development of the planning system and is able to offer expertise not only of its members in Scotland but also through its well structured UK networks, to support its views on the system in Scotland, particularly on this important white paper.
6. The Institute has called for radical reform in the Scottish planning system for many years, especially when the Scottish Office consulted on the future of planning in Scotland in 1998. It therefore welcomes the Executive's intention to carry out a comprehensive reform of the planning system and not, as originally suggested, a highly selective one. We welcome the opportunity of the white paper to debate proposals for legislation as well as for culture change in planning and the important issues concerning resources and management which exist.
7. With regard to the proposals themselves, the Institute has been pleased to note the degree of concurrence with its own views, developed over a number of years, across a wide range of the proposals. We have therefore been able to focus maximum attention on more controversial areas and areas which require further careful consideration before feasibility can be established.
8. Despite the readiness of the Institute to engage with this exercise, we note with some concern the publication of the white paper immediately prior to the summer holiday period with only two and a half months for a response. We are entirely sympathetic with the need to bring forward planning reform as soon as possible in Scotland but our concern is that the delay in bringing forward the proposals from the intended publication date last year has left the Communities Committee of the Parliament, in particular, with little time to get to grips with what is a complex issue. This is already clear to us from our discussions with MSPs. We would strongly recommend that the Executive ensures that there are plenty of opportunities for briefings and debates as the bill and other aspects of reform roll out.
9. The Institute fully supports the plan led philosophy in the white paper as the means of seeking to defuse the inevitable tensions which occur between the efficiency and inclusion themes. To get the best of both worlds, i.e. the economic benefits which derive from clearer guidance on development opportunities and an efficient and business sensitive service on the one hand and an accessible, transparent and accountable approach to all communities of interest on the other hand, sound policy based on inclusive debate is essential. We share the concerns of the many, however, who point out that, since the 1947 comprehensive Planning Acts, the existing system has been based on a plan led philosophy which has progressively deteriorated as public sector led programmes for development and infrastructure have given way to the delivery needs of the global market place. We fully support paragraph 4.2 of the white paper "Unlocking Planning's Potential" but we cannot emphasise enough that an apparent nuance of difference of philosophy will actually involve a sea change in attitudes to achieve. We are not convinced that the white paper does enough to:-
  - introduce incentives or sanctions for local authority performance on development plan review;
  - clarify that development planning should be a continuous activity of survey, analysis, consultation, plan, implementation, monitoring and review;

- recognise and quantify the major resource implications of a plan led system;
  - set out more clearly what would be involved in a culture change strategy to support a plan led system.
10. A significant concern we have about the white paper is that the transitional period to any effective change may be excessively long and may be counter productive to the aims of culture change where the attention span of many stakeholders may be limited. As we see it, it may be eighteen months before the passing of a bill, a further year before some of the key statutory instruments are completed and the new City Region Joint Committees and Executives are in place, followed by a further two years before a new generation of plans might be emerging, bearing in mind that it will require to be a staggered programme. We would therefore commend the Executive to examine this issue and to develop an implementation programme which is clearly designed to achieve key milestones in culture change and in certain aspects of the statutory change sooner rather than later.
11. Our more detailed comments have followed the main themes and sections of the white paper, as set out below.

### **MAKING THE PLANNING SYSTEM FIT FOR PURPOSE**

12. The Institute supports the concept of the **hierarchy for planning**. Further work is urgently needed, however, to define national and major developments and to identify the scope for extending the existing range of permitted development. Defining national developments will add greater clarity to the role anticipated of the National Planning Framework. Defining the scope of major developments and of extending permitted development will clarify the likely scale of the local developments category. We are inclined to the view that major developments will be relatively few but also that the scope for extending permitted development will, in the final analysis, be fairly restricted. Accordingly, there will remain a large proportion of cases within the local development category, including both householder developments and some relatively large and complex developments which are, notwithstanding, consistent with the development plan.
13. With regard to the **National Planning Framework**, we support the use of the National Planning Framework as a vehicle for large infrastructure schemes of national importance, simply for the reason that the current system for providing a spatial planning rationale for highways, electricity and pipeline schemes which do not fall within the statutory planning system, is entirely unacceptable. The fact that Strathclyde Regional Council promoted a specific amendment to its structure plan in 1998 to accommodate the new line of the M74 extension which was then subject to structure plan representations to Ministers, including the substantial campaign by the objectors' group JAM 74, seems to have been completely disregarded during the inquiry into the line orders and compulsory purchase orders. On the other hand, this case demonstrates entirely why the public interest was poorly served by the decision of the Secretary of State for Scotland at the time not to hold an examination in public into the structure plan. We welcome the intention to return to structure plan examinations but we also agree that major public expenditure decisions have to be taken hand in hand with strategic planning decisions and that this is best done through the National Planning Framework. However, the decisions in principle on such schemes cannot possibly be taken through the National Planning Framework without a degree of independent scrutiny which the parliament and the Executive's own consultation processes cannot possibly provide. While we strongly support the intention to make provision in the Planning Bill for Scottish Ministers to prepare statements of policy on planning matters of national importance, and that the National Planning Framework should nevertheless remain government policy and not part of the

statutory development plan, we feel that the NPF provides the opportunity for some convergence in all of the processes which the general public regard as “planning” and that further consideration should therefore be given to how the public may have access to this process and the opportunity to take part in an appropriate level of scrutiny which is perceived to be fair. We would therefore recommend that the bill should provide for the appointment of three Commissioners by the parliament to preside during the full cycle of preparation of each National Planning Framework and to provide a report to the parliament to inform committee scrutiny and then parliamentary debate, on the National Planning Framework.

14. We support the proposals for processing agreements for **major developments** and suggest that a similar contract should be entered by the Executive with applicants in the case of called-in developments. We would favour, however, the retention of the fee by the planning authority hence an alternative form of arrangement would be required to protect the applicants’ interests.
15. In the case of **local developments** and schemes of delegation, we are aware that there is a wide range of practice at the present time and that many authorities do not delegate refusals, nor even objected applications, to their officials. If delegation schemes are to remain at the discretion of local authorities, a significant diversion of cases from the Scottish Executive Inquiry Reports Unit to local appeal panels will only be feasible if delegation schemes are generally more extensive. We believe that this cannot be achieved solely on the back of guidance and that some form of compact with local government, through COSLA, will be necessary. In addition, we feel that this requires careful consideration of the status of the designated officer in each authority. We would oppose delegation to an officer who was not professionally qualified.
16. We note that there are difficulties with arrangements for delegation within the National Parks. We would point out that the Institute, on several occasions during the passage of the National Parks Bill and the Designation Orders, recommended that the full range of powers for delegation the Local Government (Scotland) Act 1973 should be available to National Parks, but this was ignored. The opportunity should be taken now to amend the National Parks (Scotland) Act 2000 to this effect.
17. We feel that further consideration requires to be given to the proposals for **local appeals**. While we accept that a properly structured scheme, ensuring the independence of the appeals panel from any conflict of interest, is consistent with the principle of subsidiarity, we are not certain that there is any real advantage in saving cost to a central, technically expert appeal panel in favour of incurring cost locally where there must remain significant questions over technical competence. There may be ways of dealing with the technical competence of a local appeals panel but there is no indication in the white paper that this is a matter at issue. In view of our analysis of the position regarding local developments above, we consider it highly likely that local appeals panels may well be called upon to deal with, to take an example, an official’s refusal of consent for a development of 100 houses for reasons of inadequate access, poor design, lack of a sustainable urban drainage scheme etc., notwithstanding general compliance with the development plan. Under these circumstances, technical assessors would be essential. The delegated planning officer will be party to the appeal in his/her own right, so cannot advise the appeal panel. Any professional advice should not be expected from any officers managed by this officer but this should not be a reason for splitting up the integrated line management of the planning service. Undoubtedly, lawyers for the authority will be responsible for the procedure but if planning advice is required it should not be taken from lawyers and planning consultants should be engaged.

18. With regard to **minor developments**, while extension of permitted development may reasonably eliminate a small proportion of minor developments from planning control, the need to avoid non material neighbour disputes should not be the main criterion for reviewing what should be controlled in the interests of proper planning. We are concerned that the possible extension of use of Article 4 directions will complicate rather than simplify matters.

## **EFFICIENCY**

### **Modernising Development Plans**

19. *As indicated in our general comments, efficiency and inclusion can only be reconciled through early engagement in a plan led system. This is the vital ingredient which underpins the whole package of reform. The philosophy of the Executive is to appeal to political leadership and professional pride rather than rely on penalties for default or incentives for performance, but these will not be enough in the light of experience of the last 58 years of a plan led system. What is required are very significant incentives and a realistic backstop to guarantee a plan led system.*
20. While a **five year review** is an essential discipline, it will also focus more attention on the principle of continuous monitoring and review. The proposed two yearly action programmes should include not only updated implementation intentions but monitoring reports on the overall progress of the plan's objectives and of changes in the marketplace and in the policy environment which will require to be addressed immediately or at the next five yearly review, thereby stimulating ongoing debate and, if necessary, specific public involvement. *We do not agree with the statement on page 27 that "regular review on a five yearly basis will avoid the need for alterations to part of a plan ...".* On the contrary, we feel that the continuous process of plan preparation, monitor and review, properly resourced, will make it easy to address issues requiring urgent attention, and that this should be encouraged. We fully support the principle of five year review, regardless of how much of the plan actually requires to be replaced. It should be part of the Issues Report to identify those parts of the plan which do not require replacement.
21. With regard to **strategic development plans**, we support the proposals for City Region Plans. We have noticed with interest that the white paper contains the map of authorities involved and that its publication was followed shortly by an announcement from Tavish Scott with regard to those authorities which would be involved in the new Regional Transport Partnerships. Around the same time, the news came from Scottish Enterprise that that organisation is considering reorganising its Local Enterprise Companies with a city region focus. We are mindful that the cities review which was undertaken three years ago was supported by a major document "Review of Scotland's Cities – the Analysis" which emphasised very strongly the importance of integrated governance at city region level. It is essential that any final decision on the strategic planning areas for city regions should have full regard for the need for an integrated approach to city regions overall and that Ministers should ensure that they retain the right to reject the boundaries chosen by the appointed authorities for their city region strategic development plan, on these grounds.
22. We support the proposals for **development plan schemes**, to be prepared on an annual basis. Such schemes should look in particular at the synchronisation of the strategic and local development plans. With the best will in the world, however, it is unlikely that a practical solution will be found to the severe delays incurred in the preparation of current local plans, pending review of the structure plans without new provisions to address this. We strongly

recommend that statutory means are found to allow for transitional arrangements based on the use of supplementary planning guidance or other similar mechanisms to overcome this serious problem in the current system. Further consideration also requires to be given to the manner in which those authorities beyond the city regions will provide strategic planning context for their local development plans.

23. With regard to the **preparation of development plans**, we fully support the emphasis on a key issues report stage. This should achieve a number of important objectives: -
- Raising the profile at the initiation of a development plan review.
  - Producing a document and engaging in a process which is designed to catch the attention of all relevant communities of interest in the plan.
  - Providing alternative strategies not only to aid debate but also to comply with Strategic Environmental Assessment requirements.
  - Providing an impetus for continuity to the end of the review process.
24. It is vital that these procedural changes to the development plan process are coupled with a major campaign for better **engagement of communities** of interest at the start of the development plan process. While the proposed Planning Advice Note on this subject is welcome, we feel that this goes to the heart of the culture change agenda also and that there should be a proper strategy for the introduction of effective public engagement in planning. We will return to this in the section on “Widening Inclusion”.
25. We strongly support the proposals to engage **statutory consultees** such as SNH, SEPA, the Scottish Enterprise LECs and Scottish Water in development planning. It is essential that this engagement takes place from the start. Some lessons can be learned from the French regional planning system which requires position statements to be submitted by such consultees at the outset of the process so that their performance in engagement is as transparent as that of the planning authority itself at all subsequent stages. The consultees referred to are external agencies of government. We consider that the Scottish Executive itself as a highways authority in particular should be subject to such obligations. The position of local authorities’ own highways authorities should be considered in this regard. From the point of view of frameworks for tariffs for developer contributions, to be brought forward in development plans, other bodies such as health authorities and education authorities should be considered for this status.
26. With regard to the **form and content of plans**, we support greater prescription without loss of flexibility for planning authorities to tackle issues as they are appropriate to their local level. Nevertheless, the planning system has always suffered immeasurably from the lack of consistency of approach to both procedure and policy as a result of the lack of a commitment to standard practices. The same principle underpins the case for model planning policies. We consider that there is scope for much more extensive of these than is currently involved in the pilot project, that they should have status within the relevant SPP/NPPG, but that authorities should be able to justify departure from model policies to address local circumstances, and justify this in their local plans.
27. We support the proposals for **consultation statements** as part of development plan schemes and for scrutinising the results at the examination stage. We also support the **mandatory examination** of all plans, and the proposals dealing with **Reporters’ recommendations** and departure from them.
28. We strongly support the proposals for two yearly **action programmes** for each development plan and, as previously indicated, would propose that these not only demonstrate how

proactive the planning authority is but should include monitoring reports to allow the authority to trigger its reactions to changes in market conditions or to the policy environment without waiting for the five yearly review.

29. *We do not support the provisions to remove applications for **outline planning permission**.* We sympathise with the improved status which development plans should carry through their currency and relevance, including essential details for the purposes of density, infrastructure provisions, significant design constraints and developer contributions etc. However, it is unlikely that any plan will provide a sufficiently comprehensive briefing for developers of more complex sites to make it cost effective for them to go directly to the stage of detailed planning consent. Outline consents are necessary to purify many project management contracts and will be sought in any situation not covered clearly by the development plan where there is likely to be significant expense in going directly to a detailed application. This should be much less of an issue if plans are more precise and kept up to date.

### **Development Management Efficiency**

30. We support the use of the term “**development management**”, which was promoted by the Institute in its manifesto for the UK election earlier this year. We support the further development of e-planning and the use of standard application forms.
31. With regard to **planning agreements**, we feel that further work is required to identify how suitable frameworks can be included in local development plans to guide developer contributions. If these are reviewable only in five year reviews, and are connected to scales of financial contribution, the frameworks could be one incentive to keep plans up to date.
32. We support the reduction of the **appeal period** from six months to three months but would suggest that this should not commence until other parts of the system have bedded down. Otherwise, the “old” culture might result in a flood of appeals, as happened in England.
33. We support the power to decline to determine **repeat applications** within two years, the **statutory duration** of planning consents to be reduced to three years, advertising of **weekly lists**, the proposals for conditional **clearance of notified applications**, planning control of **mezzanine floors** and enhanced procedures for **tree preservation orders**.
34. We note the intention to update the provisions in planning legislation which deal with the effective protection of the **historic environment** and that Historic Scotland is carrying out an exercise to examine potential for combined consents. We are disappointed that the white paper cannot give greater guidance on the intentions here. We would also be concerned if the approach to combined consents could not be achieved in time for the forthcoming Planning Bill. However, there needs to be a more open debate with regard to planning and the historic environment and the merits of combining consents for the sake of the historic environment require to be weighed against the merits of combining consents under the planning code generally (i.e. including advertisements, hazardous substances, consents under tree preservation orders etc). In view of the redundancy of the duty contained at Section 63 of the Planning (LBCA) (Scotland) Act 1997 with regard to proposals for preservation and enhancement of conservation areas, we would recommend that this provision be replaced by a duty to prepare character appraisals of all conservation areas and to review them every five years in consultation with the public.

## WIDENING INCLUSION

35. The Institute notes the proposal to undertake a major **information campaign** within the next twelve months to publicise people's existing and future rights in planning and other legislation and strongly recommends that the Executive should carry out this exercise in partnership with the profession.
36. We are generally happy with the proposals for introducing equality in the **appeals process**. We agree that the intention to curb any changes to a proposal which has been the subject of an appeal decision will require to recognise that exceptional circumstances will exist.
37. With regard to **pre-application consultations**, we are concerned that the planning authority appears to have no role until such time as an application is submitted, along with the report of the pre-application consultation. Under these circumstances the lack of guidance which the authority can provide to engagement between the community and the developer may lead to unrealistic expectations arising from these consultations. This section also makes no reference to pre-application discussions with the planning authority itself in the case of any application (not just the three categories for pre-application consultation). Even with a tighter plan let system, pre-application discussions will still be important, especially over design issues or where the applicant requires complex procedural guidance. The Institute favours pre-application discussions in principle and strongly recommends that there should be a statutory requirement of authorities to prepare guidance on pre-application discussions (including an indication of how much time might be allocated) and that an element of the standard planning application fee should be calculated for this service accordingly.
38. We support the transfer of **neighbour notification** to planning authorities but note the significant cost which this will incur. We would not like to think that any additional resources for planning in future will be justified only for the more quantifiable iterative procedures, in contrast to the dire need for resources in the policy making and discretionary areas of planning. We also note and support the intention to introduce neighbour notification for site specific proposals and local development plans and presume that this will not apply to strategic development plans and that site specific proposals and strategic development plans are no longer proposed. We would emphasise the need to encourage planning authorities not to use criteria based policies to avoid the need for neighbour notification of site specific proposals. We agree with the extension of neighbour notification to enforcement decisions.
39. We agree with the proposals for modernising **public local inquiries** in Appendix 7. With regard to greater use of **hearings**, current experience suggests that comprehensive guidance for local hearings is urgently required. The section on page 38 uses the term "significant" in two places – "significant objections" and "significant contrary to the development". The definition of the term and the responsibility for doing so requires clarification.
40. Whereas the parts of the section on "Widening Inclusion" dealing with such matters as equality, information/accessibility and transparency/fairness are very clear in their purpose, the section headed **Creating Confidence that Views are taken fully into Account** is crucial and needs further development. In the first place, the proposed Planning Advice Note to deal with the development management issues for public engagement is also, it seems, intended to deal with engagement in the preparation of development plans. There are two fundamentally different issues here, albeit underpinned by the same principles which are best explained by reference to Sherry Arnstein's Ladder of Participation.. In the first place, community engagement is clearly a proactive activity at the higher rungs of the Ladder involving 'deciding together' and 'acting together'. In the case of development management, however, the

planning authority is in reactive mode and involvement cannot get past the lower rungs of 'information' and 'consultation'. It is this distinction which needs to be brought firmly to the whole issue of community engagement. Community engagement in the strict sense of the word should take place with development plans in the sense that the authority should take steps to create ownership of the plan through true participation and by specific capacity building within the communities of interest. This is an activity well known to the Planning Aid service and to community planning. The use of community forums and community development officers in development planning were recommended in the Skeffington report as long ago as 1969 but did not find their way into the statutory system or general practice. This is a major opportunity for politicians, especially after the introduction of proportional representation in local government, to take a more active role in policy development and to stand back more when it comes to implementation. In development management, even pre-application consultations are unlikely to divert a developer from the main course of action which he/she intends. The planning authority and the community only have the opportunity to react to a proposal when the planning authority must consider it in the light of the development plan. Accordingly, community engagement is less about the silent majority and more about people who take specific objection to proposals.

41. We support all of the proposals contained under the section on "**transparency/fairness**". With regard to **reasons for decisions** to grant permission, we would strongly suggest that guidance, at least, will be required to avoid authorities stating simply "the development accords with the development plan". Reasons for decisions to grant consent should cover all points of objection received to the application, including indicating where such objections were non material.
42. We strongly support the proposals to make **planning enforcement** more effective. It is clear from public reaction that this has the capacity to help restore credibility in the planning system. Nevertheless, scope for this is limited and the proposed package of measures will not go far enough unless planning authorities have a clearer route to successful prosecutions. The proposal to create an offence in default of submitting a retrospective application when asked is a compromise on the demand for unauthorised development to be illegal by definition. It is unclear whether the proposal is to make it an offence not to submit an application or to make the unauthorised development an offence once a time limit for submitting an application has expired. An alternative would be to make unauthorised development an offence but to allow a defence against immediate prosecution that an application had been made and remained undetermined. Much success from planning enforcement comes from negotiation and the threat of prosecution. However, this package will only restore confidence in the system if a) planning authority managers and solicitors give greater priority to training and systematic management for presentation of evidence to the fiscal, b) the scale of fines is increased to impress upon Sheriffs the seriousness of the problem for planning authorities and c) greater incentives to take direct action by local authorities are considered.
43. We note the section dealing with **rights of appeal** in planning and agree that a third party right of appeal is inappropriate for the following reasons: -
  - An automatic appeal process, no matter how restricted, will encourage people to use this route to the detriment of engagement in plan making and will absorb a disproportionate amount of resources;
  - The idea of further redress to prolong the process undermines the culture change which is needed in planning and which demands early, not late, engagement of communities;
  - A third party appeal undermines the authority of the elected representatives whose role it is to represent them;
  - The right of property owners to develop their own property without consent has been

taken away since the 1947 Planning Act and the role of the planning authority in considering objections already equates with third party right of appeal;

- The concept of a level playing field with applicant appeals does not apply as third parties do not generally suffer the same material loss of advantage as applicants, when refused planning permission, to use their own capital assets for the furtherance of their businesses, their domestic enjoyment or even for the provision of public services;
- An appeal procedure is open to any individual, regardless of the representativeness of their position, to frustrate a proposal for purely selfish reasons.

Nevertheless, we recognise that trust in the planning system still depends on a degree of cover against rogue decisions. This can only come through offering the opportunity for ministerial intervention. This already exists through the process of call-in. Although calls-in are generally confined to issues of national significance defined by SPPs, there is no reason why the general power of call-in cannot be applied through other criteria, particularly whether or not due regard was had to representations made. This is inherent in the section “creating confidence that views are taken fully into account”. Call-in can be triggered by a third party, given notice by the local authority that they intend to grant consent in any case involving development plan departure, planning authority property or an environmental assessment. We propose this under **Public Right of Notification Procedure** which is explained at the APPENDIX to this paper. It should be noted that

- the procedure is based on call-in, not appeal;
- the local authority will determine eligibility for referral to Ministers;
- Ministers will initially screen the proposal, and
- the procedure should not apply, in the Institute’s view, to cases where the local authority has overturned the professional officer’s recommendations.

## SUSTAINABLE DEVELOPMENT

44. We find the chapter on sustainable development the least coherent section of the white paper. It is very clear, as stated in SPP 1, that the planning system has a major role to play in the delivery of sustainable development. The existence of this chapter tends to suggest that sustainable development might provide the core for a statutory purpose of the planning system but it does not address this issue. We consider that the final position in the Planning and Compulsory Purchase Act for England and Wales which requires planning authorities to have regard to sustainable development in their development plans does not go far enough but that to include such a requirement for all planning activities would provide the need for a clear definition of sustainable development and a field day for parties at legal proceedings. This does not diminish the importance of sustainable development in planning but undermines its significance as a policy outcome rather than a principle of procedure.
45. In fact, it might have been more appropriate had this chapter been entitled Delivering Sustainable Outcomes. While the references to the introduction of Strategic Environmental Assessment through the current parliamentary bill and to the importance of design quality, following the Designing Places publication and related policies and advice notes, are important, it would have been more appropriate to put the proposal for action programmes for development plans at the heart of this section to draw attention to this as a key new proposal for connecting the planning process with the delivery of outcomes.
46. In particular, we are disappointed that the conservation and design and the place making role of planning does not form a stronger element of this white paper package. While not looking to legislate for the sake of it, we might have expected a proposal such as that in the Planning and Compulsory Purchase Act 2003 to provide a power for planning authorities to call for design

statements with certain applications. This could even be indicated in local plans.

## **CULTURE CHANGE IN PLANNING**

47. The Institute has long recognised the need for change in the planning system and that it would not depend only on legislative change. In 2001 it produced its “New Vision for Planning” and followed it by a top to bottom review of the Institute organisationally and of its education policies. Fitness for purpose of the Institute as an organisation and of the profession has been our preoccupation. The profession has been outstandingly successful in offering its skills in a wider range of activities in society, in both the public and private sectors. In local government, however, there has been a notable loss of morale.
48. We note the statement on page 31 “The key drive for these changes must come from within the planning profession. A step change in planning performance will not, however, be achieved by planners alone.” While this recognises that there is a range of stakeholder interest in culture change, we are concerned that it gives entirely the wrong impression that culture change in planning is something which somehow must be led by the planning profession and for which it is primarily responsible. As we have indicated recently to the Minister for Communities, the planning profession can hardly be blamed for the prolonged period of local government culture, abetted by government policy, which has meant under-resourcing, lack of delegation, departmental structures which sometimes split the statutory planning function, performance indicators which are irrelevant to outcomes, calls to support other corporate needs and, indeed, drafting of planning skills out of the planning service to more immediate political priorities. There are already signs that other sectors consider that culture change is only a matter for the planning profession and this impression should be redressed.
49. The Institute does, however, strongly support culture change and the need for the profession to play its part. As we have indicated above, the move to a plan led system and to more meaningful community engagement is something in which we strongly believe. Over the years, these principles have been embedded in the planning system but have been taken over by other services which have, rightly, taken a stronger role in determining the client brief for public interest developments but, with political encouragement, have disconnected from the planning system, despite the belated realisation of its significance in delivering wider community visions. There is not the commitment from the public service generally to the principles of planning which perforce involves long term visioning, externalities of wider scale significance, lack of direct control over resources, the complexities of project management for capital investment and the development process and spatial awareness and complexity of issues which do not characterise most other services and especially those within much of the regeneration and communities types of functions. This has prejudiced the general public perception of planning, reflected in the decisions which politicians at all levels have made over the last twenty-five years to reduce the influence of planning. The priority must be to change this perception in the eyes of politicians, the press, developers, other public services and communities. As the professional body, the RTPI has scarce resources but has championed the cause of culture change in England and wishes to do so in Scotland. Although 60% of its membership works in the local government sector where the capacity for recovery after such a long period is limited, the Institute will work with the Executive to play its part in culture change. Already our consultation with members over this white paper has confirmed widespread commitment to the need for change.
50. In the Institute’s view, the stakeholder involvement in culture change is a complex one which

needs to be carefully worked out on an entirely even handed basis. A clear strategy for culture change involving the key stakeholders now needs to be prepared as soon as possible.

## **FINANCIAL IMPACTS**

51. The Institute has expressed concerns over last six years in response to a variety of consultations about the planning system in Scotland that not only will new proposals have an impact on resources but that the existing system is inadequately resourced. We recognise the issue about management in the local government planning service and that the Executive's planning audits, initially for development control and latterly for development planning, have been of considerable value to the individual local authorities, although the limitations of confidential reports have constrained the value of the annual report. In some instances it is clear that the audit has stimulated significant improvement in performance not only in areas specifically measured but in other areas also. It is also clear from these examples, however, that resources overall remain a problem. In quantitative terms, the shortage of resources is at least partly reflected in the timescales for determining planning applications and in responding to stages in the appeal process, in priorities and effectiveness of enforcement, in the delays in preparation of development plans, particularly local plans, in the lack of useful monitoring and the extremely limited activity of planning departments to add value in areas of design briefing and master planning or in playing a full part in partnership projects, particularly for regeneration. In qualitative terms, a spectacular decline in specialist officers for conservation, urban design, ecology, landscape, property and business speaks for itself.
52. We note that the Executive has not yet formally published the Arup report on Resources for Planning. The draft findings are very clear, however, that only 10% of the planning budget in Scotland is spent on development planning. This is clearly inadequate but an exercise now urgently needs to be done to identify the level of resources which will equate with the participative plan led system which is envisaged by the white paper.

## **SUPPORTING PLANNING AUTHORITIES**

53. We support the principle that the framework for performance monitoring of the planning system will require to be thoroughly reviewed with the onset of a new system and a new culture. Indeed, we would recommend that the starting point should be the identification of performance indicators which stem specifically from the most specific and more quantifiable new proposals in this white paper. As in Wales, we would suggest that the current indicators relating to performance in handling planning applications should be abandoned completely. It is this, more than anything else, which has skewed attitudes towards planning since they were introduced. We note the intention to take powers of last resort in relation to certain aspects of the system and would point out that such powers already exist (e.g. section 22 of the 1997 act) and have never been used. As indicated in our comments on the section dealing with modernising development plans, further consideration needs to be given generally to incentives for good performance, even financial incentives which, unlike the Planning Delivery Grant in England, relate to the ability to achieve a satisfactory quality of outcomes rather than the ability to complete processes efficiently. The latter should follow from the former.
54. We fully support the Executive's intention to work closely with local government. This recognises the fact that planning is not simply "a local government function" implying that the Executive only makes the rules and stands back from the consequences. Planning is a continuum throughout the spatial scales. We welcome the recognition of this through the National Planning Framework and the continued development of SPPs. Accordingly, the Executive is not only making the rules but is taking direct responsibility for national planning

issues which have important relationships more local scales. Therefore, it should ensure that it has an effective working relationship with planning authorities who are responsible for regional and local scales.

55. We also welcome the reference to the Institute as a partner in the use of the Planning Development Budget (PDB), particularly in the delivery of training. We wish to play a full part in this. We would also wish to engage more directly with the Executive and with local government as the professional body involved, to ensure that the successful formula which has been used for other professional services in local government such as teaching and social work can be followed for planning. The policy behind the PDB should be enshrined permanently in a programme for better management of the planning system in Scotland.

## **CONCLUSIONS**

56. We recognise that the first priority must be to steer a Planning Bill through the parliament in the remainder of this session. Without this, the package of reform will not succeed. However, the question of culture change must start sooner rather than later and the challenge for the Executive will be to pursue a highly intensive and time pressured programme of reform over the next three years or so. Should it take any longer, public expectation will be disappointed and the ability to gain credibility for the reforms will have been lost.

**WGU**  
**15 September, 2005**