

Wellbeing and Sustainable Development (Scotland) Bill Consultation

Question 1: Is a statutory definition of 'wellbeing' required?

Yes

Question 2: Do you have any views on how 'wellbeing' can be clearly defined in legislation?

The planning system is integral to enhancing the wellbeing of Scotland's communities both directly and indirectly due to its role in shaping places. The way that places are planned, and the impact this has on the creation of quality and accessible built and natural environments has huge potential implications on the achievement of the wellbeing ambitions set out in this consultation document on both existing and future generations and on our planet. In this regard, we note that the Planning (Scotland) Act 2019, introduced a new purpose of planning to "manage the development and use of land in the long-term public interest". This purpose clearly aligns with the wellbeing and sustainable development objectives of the proposed Bill.

"Wellbeing" is a broad, multifaceted, and often intangible term that goes beyond the consideration of material wealth. Wellbeing encompasses multiple and interconnecting factors – including physical, social, mental, emotional, and environmental factors. Wellbeing can be considered in terms of an individual or a collective and is a highly subjective term, meaning different things to different people and groups of people. It is, therefore, a difficult term to pin down in a simple definition and to do so would be potentially counterproductive.

To define "wellbeing" through a one or two sentence definition has the potential to place unhelpful limitations around the term, encouraging consideration of "wellbeing" within tight parameters that will more than likely be unsuitable to every individual's understanding of what "wellbeing" means for them in different situations.

Consequently, we believe that whilst it is important for the Bill to provide clarity around what is meant by "wellbeing", this definition should not set rigid limits around the term as this could have the potential of exacerbating existing inequalities.

In the above regard, we note that the Wellbeing of Future Generations (Wales) Act 2015 does not set a rigid definition of "wellbeing". Instead, it "requires the bodies to set well-being objectives that are to contribute to the achievement of well-being goals and to take steps to meet those objectives". The goals are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of more cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

These wellbeing goals are not dissimilar to the National Outcomes set out in Scotland's National Performance Framework (NPF). We note that a key purpose of this proposed Bill is to enhance the status of the National Performance Framework and its effectiveness in shaping policy and delivering decisions.

RTPI Scotland believes, therefore, that instead of reducing the meaning of "wellbeing" down to a rigid definition within the proposed legislation, that wellbeing be pursued through achievement of the National Outcomes of the NPF. This would allow for recognition of the fluid and often intangible nature of "wellbeing", allowing for continued review and adaptation as necessary to cater for the changing needs of Scotland and its communities over time.

We are aware that the National Outcomes are currently undergoing a review process. This review should have regard to the proposals set out in this consultation paper to ensure that the revised National Outcomes are fit for purpose to act as the guiding wellbeing principles and objectives for Scotland. In our submission to the [Scottish Government's Call for Evidence on the National Outcomes](#), RTPI Scotland highlighted the important role that the

planning system plays in achieving the NPF, but that it is imperative that the outcomes embed Scotland's bold ambitions to address the climate and nature emergencies and to deliver the country's net zero targets – which are both central to the objectives of Scotland's National Planning Framework 4 (NPF4). In order for the planning system to have the necessary meaningful contribution, we also emphasised that greater attention needs to be placed on place-based collaboration through the Place Principle.

Question 3: Is a statutory definition of 'sustainable development' required?

Yes

Question 4: Do you agree with our proposal that any definition of sustainable development should be aligned with the common definition: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"?

No

Question 5: Do you have other views on how 'sustainable development' can be clearly defined in legislation?

The definition of sustainable development proposed in the consultation paper is the commonly accepted definition set out in the UN's Brundtland Report in 1987. Whilst the Brundtland definition is widely known and used, we are not sure that it is fit for purpose in 2024. The main strengths of Brundtland are the integration of social justice (inter and intragenerational equity) and development, and the idea of meeting human needs rather than wants/aspirations. These are both consistent with the Scottish Government's just transition principle. However, a clear drawback of the Brundtland definition is that it takes a very human-centred approach, focusing on the needs of existing and future generations of people, without addressing environmental limits or the intrinsic value of nature. We would argue that the purpose of sustainable development should go beyond a human-centred approach that clearly addresses the need to live within environmental limits. This is important because Scotland has declared a twin nature and climate emergency, which should be reflected in the definition of sustainable development contained within the Bill.

[NatureScot's September 2023 State of Nature report](#) revealed that 1 in 9 species is threatened with national extinction, and that we have experienced a 15% decline in average species abundance across closely monitored wildlife since 1994. 43% of these species have declined strongly in the last decade alone. Sustainable development should not, therefore, be about the advancement of human needs alone, but also about the needs of all species in Scotland and the planet as-a-whole. This aligns with the intended purpose of the proposed Bill to "make greater improvements to the effectiveness of our decision making to ensure that it is focused on the wellbeing of our people and our planet, in a way that is sustainable and considers the needs of future generations".

We note that the Wales Act both aligns with, but also goes beyond, the common definition of sustainable development to link it to its wellbeing goals. The term is defined in the Wales Act as "the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals". The Sustainable Development principle is "to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs". It then goes on to detail how this can be achieved through:

- Balancing short-term needs with safeguarding long-term needs
- Taking an integrated approach
- Involving other persons that reflect the diversity of the population
- Collaborating with other persons to assist meeting the well-being objectives
- Deploying resources to prevent problems occurring or getting worse.

We believe a similar approach should be adopted in Scotland, to link sustainable development with wellbeing (as in the Wales Act), but also to move beyond a human-centred approach to sustainable development to better capture our planetary needs, which is also the intended purpose of the proposed Bill. We suggest that more

recent approaches to sustainable development would be helpful here. Doughnut Economics for example captures both the need to live within outer environmental limits whilst also meeting agreed social needs. The Doughnut includes a social foundation (to ensure no one is left behind) as well as an ecological ceiling (to protect the Earth's natural systems from exploitation).

Question 6: What future wellbeing issues or challenges do you think legislation could help ensure we address?

Climate and Nature Crises

In RTPI Scotland's response to the [Scottish Government's Call for Evidence on its National Outcomes](#) review in July last year, we submitted that whilst the current national outcomes remain relevant, it is imperative that they also embed Scotland's bold ambitions to address the climate and nature emergencies and to deliver the country's net zero targets. NPF4 places the global climate and nature crises at its core, recognising the critical role of planning in making decisions about development that will impact future generations. Although there are indicators within the NPF which are highly relevant to tackling the climate and nature emergencies (including "carbon footprint", "biodiversity" etc.), currently our ambitions to tackle these crises are poorly reflected in the National Outcomes, only weakly touched upon through references to sustainability, ecological accountability and "preserving planetary resources for future generations". This gap, we submitted, could be addressed by either reframing the current National Outcomes to embed Scotland's commitments to tackling the climate and nature emergencies, or by developing a new overarching National Outcome which captures this commitment. Any future Wellbeing and Sustainable Development legislation should also further embed and strengthen this commitment.

Quality of Place Outcomes

As previously submitted, the planning system is critical to achieving the wellbeing outcomes currently established within the National Performance Framework and set out in this consultation document. For example, the "Communities" National Outcome and associated indicators are centred around the 'quality and character of the places we live and the people we live among', including access to affordable homes, green space, nature, sustainable transport, leisure activities etc. The planning system has a critical role to play in delivering on this Outcome through such policy principles as the Town Centre First Principle, the Infrastructure First Policy, the Place Principle, and the Local Living and 20-minute Neighbourhood Policy (to name a few) – all of which are embedded within Scotland's Fourth National Planning Framework (NPF4) and critical to its successful delivery.

However, despite reference to "quality" within the 'Communities' National Outcomes, there has been a tendency in the past to consider "outcomes" through a narrow lens of the physical and tangible, which can be easily counted and used to demonstrate (through numerical evidence) success, or otherwise. Whilst physical and numerical outcomes, such as housing numbers, completed infrastructure projects, etc. are important, existence does not automatically mean quality. Without quality, we will not achieve the outcomes set out in the National Performance Framework, UN SDGs, NPF4, or the purpose of planning in the Town and Country Planning (Scotland) Act, which are vital to the health and wellbeing of Scotland's communities.

It is important, therefore, that any future wellbeing and sustainable development legislation acknowledge and reinforce the importance of delivering quality outcomes.

The Place Principle

RTPI Scotland believes that the above can only be accomplished by placing greater emphasis on place-based collaboration through the Place Principle. The Place Principle is an overarching concept which is clearly aligned with the National Outcomes and the objectives of the proposed Bill. However, if the Place Principle is to be effective, there is a need to 'give it teeth' and operationalise and monitor its work so it influences policy, practice and investment on the ground.

In our response to the Scottish Government's National Outcomes review, we submitted that there is scope to do this by embedding the Place Principle into the National Outcomes and Indicators. In particular, the 'Communities' National Outcomes - which is centred around the quality and character of place. The Place Principle clearly has a central role to play in achieving the 'friendly, vibrant and cohesive communities' envisaged in this Outcome, but reference to the Principle is noticeably absent, resulting in an unacceptable policy disparity at the national level.

To further support the Place Principle, RTPI Scotland considers it vital that there be a duty on statutory bodies to report on its implementation, including the actions they have undertaken and the monitoring of their success (or otherwise). Such a duty would be a significant step towards a transparent process for understanding if, where, and how the Place Principle has been applied and, we would argue, is essential if the Place Principle is to have the kind of meaningful and positive impact on Scotland's places, people and communities that the Scottish Government and COSLA envisaged when this Principle was first adopted.

The proposed Bill represents a further opportunity to operationalise the Place Principle within legislation, by introducing such a reporting and monitoring duty on statutory bodies.

Resourcing Strategy

For any future legislation to have positive and meaningful impact on the ground, it is vital that it be supported by an adequate resourcing strategy. RTPI Scotland's response to the Scottish Government's National Outcomes review identified diminishing resourcing and increased workloads as one of the main barriers to the planning system's ability to further the delivery of the National Outcomes.

Our 2023 update to the Resourcing the Planning Service research reveals that:

- Planning expenditure is still falling, with a -28.6% drop since 2010-11, leaving it as the most reduced and lowest funded local authority department on a national scale.
- Workforce is at the lowest level in five years at 1205 members of staff in local authorities as of 2022/23. The previous year's level was at 1242.
- The planning workforce continues to age, and employees 50+ now represent 39.6% of the total.
- RTPI Scotland's 2022 update reported that the Planning (Scotland) Act 2019 has introduced 49 unfunded duties on local authorities. The Scottish Government's roll out of this legislation risks planners (and the planning system) being immediately placed on the back foot in terms of delivering on these duties without a robust resourcing and upskilling strategy in place.
- Based on past statistics and current trends, there appear to be too few planners entering the sector through higher education to meet replacement demands

For any future wellbeing and sustainable development legislation to have meaningful impact on the ground, it must not place additional duties upon already pressured public bodies, including local planning authorities, without first undertaking a robust resourcing assessment and strategy that clearly demonstrates how the objectives of the legislation can be achieved within the current financial climate, having regard to existing budgetary constraints.

Question 7: We are aware that the term 'sustainable development' has been set out in various legislation of the Scottish Parliament since devolution in 1999, and that careful consideration will need to be given to how any new definition will impact on these. What impact, if any, would the proposed definition have on other areas of legislation?

No Comment

Question 8: How should a legal duty be defined to ensure that public authorities uphold sustainable development and the interests of future generations?

No comment

Question 9: Are there specific areas of decision making that should be included or excluded from the Bill?

Any future wellbeing and sustainable development legislation should recognise the important role of the planning system and planners in delivering Scotland's wellbeing and sustainable development outcomes.



The planning system has the potential to contribute towards each of the National Outcomes of the NPF, both directly and indirectly as a result of its role in shaping places. This has been firmly established in the Planning (Scotland) Act 2019, the NPF4 and the recently published LDP guidance.

The RTPI is the champion of planning and the planning profession. Our mission is to advance the science and art of town planning, working for the long-term common good and well-being of current and future generations. We campaign to promote healthy, socially inclusive, economically and environmentally sustainable places in accordance with a number of the National Outcomes. We have around 2,100 members in Scotland and a worldwide membership of over 27,000. RTPI Scotland's members represent both the public, private and third sector interests and are extensively involved in all areas of planning matters across Scotland and represent a key means by which Scotland's wellbeing objectives can be achieved.

Planners reflect the National Outcomes daily through the development management process, which can influence design to support the vision and objectives for place and restrict development which does not comply with national or local planning policy. The planning system also performs an important role through managing unauthorised development through planning enforcement.

The ability of planners to deliver the National Outcomes could be enhanced by ensuring greater coherence and coordination between the planning system and the National Outcomes. This could be accomplished by embedding the Place Principle within the NPF and the proposed Bill, and by shifting the focus of measuring planning performance towards wider place outcomes and impacts.

Question 10: What issues, if any, may result from strengthening the requirement to have regard to the National Outcomes?

As previously stated, RTPI Scotland believes that strengthening the requirements to have regard to the National Outcomes has the potential to result in positive outcomes, particularly having regard to the role of the planning system in enhancing the wellbeing and sustainability of Scotland's communities. However, as we have already highlighted, one of the greatest barriers to the planning profession's ability to further the implementation of the National Outcomes, are the current pressures of diminishing resources combined with increased workloads.

For any future wellbeing and sustainable development legislation to have meaningful impact on the ground, it must not place additional duties upon already pressured public bodies, including local planning authorities, without first undertaking a robust resourcing assessment and strategy that clearly demonstrates how the objectives of the legislation can be achieved within the current financial climate and budgetary constraints.

Question 11: Should any duty apply to the Scottish Government?

The current NPF and National Outcomes apply to national and local government, businesses, voluntary organisations, and people living in Scotland. We believe it should continue to be a duty of the Scottish Government to further achievement of the National Outcomes through this legislation.

In particular, we believe the Scottish Government has an important role to play in setting policy, determining priorities, allocating funding and resources, and monitoring the outcomes of any future legislation. This role is detrimental to the ability of public authorities to achieve the National Outcomes. Therefore, we believe it is the duty of the Scottish Government to consider the impact of every decision they make on achieving (and enabling the achievement by others of) Scotland's wellbeing and sustainable development objectives.

Question 12: Do you have any views on the range and type of organisations that any duty should apply to?

No specific comment, but before any additional duties are imposed on local planning authorities, a detailed resourcing strategy must be undertaken to clearly demonstrate how the objectives of the legislation can be achieved within the current financial climate.



Question 13: Do you have any views on how we can better report the achievement of wellbeing objectives which supports clear accountability and scrutiny of public bodies in Scotland?

The successful delivery of Scotland's wellbeing objectives is not something that will be completed in the short or medium term. It is a long-term and ongoing process that will require continuous review and monitoring to ensure that the steps taken are durable and can stand the test of time in terms of serving the needs of Scotland's diverse communities now and into the future. RTPI Scotland believes, therefore, that the robust and transparent review and monitoring of our progress towards achieving our wellbeing outcomes will be essential to the successful implementation of any future wellbeing and sustainable development legislation.

As already highlighted, the planning system is critical to achieving the wellbeing objectives set out in this consultation paper by delivering quality spatial outcomes for Scotland's communities. However, this can only be accomplished by placing greater emphasis on place-based collaboration through the Place Principle.

The current approach taken to monitoring and measuring planning performance is a key barrier to the implementation of the Place Principle and, consequently, to the delivery of Scotland's wellbeing objectives. RTPI Scotland has, for several years, advocated for the recasting of planning performance measurements to be more focussed on outcomes and, we believe, this is also highly relevant to any future monitoring of the delivery of our wellbeing objectives of the proposed Bill. To do this, we need to measure the outcomes of planning beyond simple metrics like speed of processing applications and number of housing units delivered. Rather, we need to assess planning in terms of placemaking aspirations and social, economic, and environmental value, to track and improve the impact of planning in achieving Scotland's wellbeing objectives. This involves shifting measurement beyond narrow development outputs to consideration of wider place outcomes and impacts. The way in which local authorities currently measure their planning performance does not take account of many of these wider place outcomes and more needs to be done to link planning to these wider place-making and wellbeing objectives. In this regard, we note that Scotland's new National Planning Improvement Champion (NPIC) is currently in the process of establishing a National Planning Improvement Framework to assist local planning authorities in assessing their performance and support them in developing and implementing improvement action plans. We believe this Framework could be a positive step towards an outcomes-focused review and monitoring methodology and has the potential to enhance the ability of local planning authorities to effectively deliver the National Outcomes and wellbeing and sustainability objectives of any future Bill.

RTPI commissioned research on Measuring Planning Outcomes considers how local authorities can better measure the outcomes of planning. The research led to the development of a toolkit to be used by local authorities to improve their outcome measurement in planning departments. The benefits of the toolkit and the 'results' arising from its use include:

- Tracking performance/progress over time.
- Integration across policy sectors and themes.
- Understanding what has worked, what has not worked and identifying possible causes and what needs improving or abandoned in the future.
- Informing Development Management and decision-making
- Raising aspiration towards delivering better planning outcomes against strategies/plans/policy goals.
- Visibility/transparency of outcomes and impacts at local levels.
- Aggregation and benchmarking of performance at regional and national scales.
- Raising shared factual/scientific awareness between different parties and stakeholders.
- Educational dimension in terms of knowledge transfer, skills and awareness/use of data.

This toolkit has been piloted in Scotland. The pilots have provided a range of lessons for the future implementation of the toolkit and it illustrates how the toolkit should be used to feedback into policy and plan-making processes by introducing new targets, identifying where additional indicators and data are needed, or where actions are required around policy implementation. This approach to measuring planning performance would greatly enhance the delivery of Scotland's wellbeing objectives in line with this consultation paper.

Question 14: What additional steps are needed to ensure collaboration and working across boundaries?

RTPI Scotland believes that the effective implementation of place-based approaches is a critical means by which we can ensure the wellbeing objectives of the NPF and proposed Bill can be realised by delivering quality spatial outcomes for Scotland's communities. Place-based approaches are about considering all aspects of a place when considering an intervention. To achieve a place-based approach, the Scottish Government and COSLA have agreed to adopt the Place Principle to help overcome organisational and sectoral boundaries. This includes improving coordination between stakeholders and enhancing collaboration and communication across local authority departments, key agencies, NGOs and the private sector. The Principle requests that all those responsible for providing services and looking after assets in a place need to work and plan together with local communities, to improve the lives of people, support inclusive growth and create more successful places.

RTPI Scotland believes, therefore, that the Place Principle has a critical role to play in improving collaboration and working across boundaries and a renewed focus needs to be placed to operationalise the Principle, which is currently absent from the current NPF and National Outcomes.

Question 15: Do you have any views on whether any duty related to ways of working could create conflicts with duties currently placed on you?

RTPI Scotland fully supports planning being seen as a mechanism to deliver on the National Outcomes and goals of the proposed Bill. However, any future Bill needs to have regard to, align with, and reinforce the duties that planners are already undertaking to deliver wellbeing and sustainable development outcomes in accordance with the Town and Country Planning (Scotland) Act 1997, including those additional duties introduced as part of the Planning (Scotland) Act 2019, as well as other relevant legislation including the Climate Change (Scotland) Act 2009.

Our 2023 update to the Resourcing the Planning Service research reveals that local planning authorities are under mounting pressures to deal with increasing workloads within a financial climate of shrinking resources. Key findings of this research include:

- Planning expenditure is still falling, with a -28.6% drop since 2010-11, leaving it as the most reduced and lowest funded local authority department on a national scale.
- Workforce is at the lowest level in five years at 1205 members of staff in local authorities as of 2022/23. The previous year's level was at 1242.
- The planning workforce continues to age, and employees 50+ now represent 39.6% of the total.
- RTPI Scotland's 2022 update reported that the Planning (Scotland) Act 2019 has introduced 49 unfunded duties on local authorities. The Scottish Government's roll out of this legislation risks planners (and the planning system) being immediately placed on the back foot in terms of delivering on these duties without a robust resourcing and upskilling strategy in place.
- Based on past statistics and current trends, there appear to be too few planners entering the sector through higher education to meet replacement demands

Planning has a critical role to play to deliver the outcomes of the NPF and proposed Bill. However, for any future wellbeing and sustainable development legislation to have meaningful impact on the ground, it must not place additional duties upon already pressured public bodies, including local planning authorities, without first undertaking a robust resourcing assessment and strategy that clearly demonstrates how the objectives of the legislation can be achieved within the current resourcing and budgetary climate.

Question 16: Do you have any views on the additional resource implications necessary to discharge any wellbeing duty in your organisation?

Planners have a duty to "manage the development and use of land in the long term public interest" in accordance with the purpose of planning introduced by the Planning (Scotland) Act 2019. This purpose of planning aligns intricately with advancing Scotland's wellbeing outcomes in the interests of future (as well as current) generations.

Consequently, the work that planners do on a daily basis has wellbeing implications for existing and future communities across Scotland.

As stated in our response to the previous question, despite the important role that planners play in advancing wellbeing and sustainable development in Scotland, our 2023 update to the Resourcing the Planning Service research reveals that local planning authorities are under mounting pressures to deal with increasing workloads whilst also experiencing shrinking resources. It is critical that any future Bill does not seek to impose additional duties upon already pressured public bodies, including local planning authorities, without first undertaking a robust resourcing assessment and strategy that clearly demonstrates how the objectives of the legislation can be achieved within the current resourcing and budgetary climate.

Question 17: Should Scotland establish an independent Commissioner for Future Generations?

Yes

Question 18: In what ways could an independent Commissioner for Future Generations increase the accountability, scrutiny and support for decision making?

RTPI Scotland believes that an independent Commissioner for Future Generations has the potential to deliver positive outcomes for the achievement of Scotland's wellbeing and sustainable development objectives. By providing the National Outcomes with a physical champion to enhance awareness, accountability, scrutiny and support, this role has the potential to ensure that policy- and decision-makers have the right tools, support and collaborative working practices in place to deliver on any future duties set out in the proposed Bill.

For this role to be a success however, it is vital to understand its vast scope and scale. Wellbeing cuts across and through a vast array of physical, social, and cultural needs ranging from the tangible to the intangible, including health (both mental and physical), education, work prospects, living conditions, and access to vital services and infrastructure (to name a few). Any future Commissioner for Future Generations will be required to work closely with a wide range of sectors – including planning, health, education, employment, housing, infrastructure, etc.

In the above regard, we believe it will be imperative for any future Commissioner to work closely and actively engage with the planning sector and Scotland's new National Planning Improvement Champion (NPIC) in particular. The NPIC is currently in the process of establishing a National Planning Improvement Framework that will assist local planning authorities in assessing their performance and support them in developing and implementing improvement action plans. The performance of local planning authorities has important implications for the successful delivery of spatial outcomes on the ground that will support the current and future wellbeing of Scotland's communities. The work currently being undertaken by our NPIC therefore has important implications on the role that local planning authorities' play in delivering on the National Outcomes of the NPF.

In addition to the above, we believe that the Commissioner must:

- Be independent of government to ensure that they can play a meaningful role in assessing the performance of parts of the Scottish Government and its agencies without risk of conflicts of interest (both real and perceived).
- Be a supportive (rather than critical) role to support continuous improvement towards achieving Scotland's wellbeing outcomes through continuous assessment, supporting improvement, and sharing good practice.
- Be responsible for the cross-sectoral and cross-governmental review and monitoring process to ensure monitoring is consistent and fit for purpose, identifying and highlighting successful actions as well as those actions that have not had the desired impact.
- Be transparent in their approach. Achieving our wellbeing objectives will require a whole-nation collaborative effort and it is vital that all stakeholders (including individuals and communities) understand the role that they play in relation to supporting the work of the Commissioner as well as how the Commissioner can support them.



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Question 19: Are there alternative ways we can increase the accountability, scrutiny and support for decision making?

Vital to enhancing the accountability, scrutiny and support for decision-making are the effective monitoring, review and resourcing strategies that are put in place and successfully implemented to support the objectives set out in this consultation document.

Resourcing challenges in particular cut through all sectors and represent a significant challenge in meeting Scotland's wellbeing objectives – including for the planning sector.

We believe the Commissioner role has the potential to have a positive impact to enhance awareness, accountability, scrutiny and support of Scotland's wellbeing objectives. However, without adequate resourcing and effective monitoring strategies in place, this role will in practice only pay lip service to Scotland's wellbeing objectives without the practical tools to implement positive change.