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**RTPI**

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Ms Sandra Carey  
Scottish Executive  
Planning Division  
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15<sup>th</sup> June 2007

Dear Sandra

### **Statutory Guidance on Planning and Sustainable Development**

The Royal Town Planning Institute in Scotland welcomes the opportunity to respond to this consultation which aims to provide guidance on how planning and specifically development planning, can contribute to the wider objective of sustainable development as required by the Planning etc. (Scotland) Act. The Institute has a particular interest in the statutory duty on Planning and Sustainable Development in view of the key role which will be played by members in implementing the new planning system.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 1900 members in Scotland working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia. Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

The Institute has established a Task Group on Development Planning to lead its work in responding to the development of related secondary legislation and guidance. This consultation response has been discussed by the Task Group and by members of the Scottish Executive Group of the RTPI in Scotland.

## General Comments

The Institute welcomes the publication of this consultation paper but we think that to provide effective guidance, the final document will need to be more focused and innovative, will need a more clearly defined status and purpose and should be supported by more detail about standards, monitoring and evaluation, a robust and easily accessible information system, and support for good practice. In particular, the Institute sees some key issues where helpful guidance will be required: the role of spatial planning in responding to climate change; the need for policy integration; the primacy given to climate change; the status of the guidance; monitoring and evaluation frameworks; and the national standards to be applied. We would like to emphasise the effective contribution that planning can make to issues of sustainable development and climate change through its influence on urban form; density; mixed use; transport accessibility and nodes; and greenspace strategies. We see an overriding need to develop skills and commitment to achieve a consistent approach across all Scotland's planning authorities.

The Institute remains concerned about the availability of skills and training for planning authorities to deliver sustainable development as outlined in this guidance. Extra enforcement, building standard and policy specialist staff will be needed to implement this work. We need to establish greater understanding, clear purpose and joint agreement on approaches and interpretation across policy areas at all levels. In addition, there is a real need to develop skills and knowledge of those involved in spatial planning to meet the challenge of climate change. This is a complex and technical field and the Institute considers it vital that the Scottish Executive work with others such as the Improvement Service, relevant NDPBs, the Sustainable Development Commission and universities to target information, advice and training for all those involved, including elected members. The Institute would be very willing to be involved in such an initiative.

Our detailed comments are set out below under the headings used in the consultation paper.

## Introduction

The guidance states that it '*sits alongside*' the Scottish Planning Policy series. Almost all of the more detailed material is derived from already-published SPPs and PANs and reference is made to more detailed guidance currently available. This raises questions about the specific nature of this *statutory* guidance and its relationship with non-statutory SPPs and PANs. It would be helpful if the precedence of this guidance could be established, particularly if there may be differences in emphasis e.g. in relation to the impacts of climate change measures and if a forward programme of supporting guidance might be developed.

The introduction states that the guidance is designed to help meet the requirement under the Act to *exercise function with the objective of contributing to sustainable development*, and that it advises on ways in which statutory planning system can address climate change. Paragraph 7 establishes climate change as the principal challenge in sustainable development. It would be helpful if the emphasis to be given to climate change might be spelled out more clearly since such a change in the existing approach (whereby planning seeks to address all the components of sustainable development equally) will have a significant effect on planning practice.

## General Policy Context

The guidance recognises that to be sustainable, a policy must respect all of the five principles of living within environmental needs, ensuring a strong, healthy and just society, achieving a sustainable economy, promoting good governance, and using sound science responsibly. The general policy context rests on the principles of the SE's Sustainable Development Policy '*Choosing Our Future: Scotland's Sustainable Development Strategy*'. However, there is little further reference to the content of the Sustainable Development Strategy. Greater synergy might

be expected between the two documents for example on indicators, and proposals on systems of evaluation and monitoring. The guidance should be integrated with efforts to mainstream sustainable development into the core functions of the Scottish Executive and other public bodies with the achievement of greater policy integration through the revised policymaker's toolkit and with new guidance on the implementation of Best Value as outlined in the Sustainable Development Strategy. The policy approach must be supported firmly through other governmental statements such as those for transport, health and education and through the planning of major physical infrastructure as set out in the National Planning Framework

The guidance states that the Executive's top priority is '*promoting sustainable economic growth*'. This is not defined. The document states that for development to be sustainable, '*it must be the right development, in the right place, of the right quality and at the right time.*' It is interesting to note the discussion of the nature of sustainable growth in the SNP Manifesto<sup>1</sup> which notes that '*Growth must include the whole society and not come at the expense of our environment. We set ourselves a new commitment to deliver high levels of sustainable growth for Scotland, with three Scottish standards – solidarity, cohesion and sustainability...These new golden rules for Scottish economic growth will require an SNP government to focus on the social and environmental quality of growth.*' We anticipate that the new Administration's policy direction will be reflected and developed in later versions of this guidance.

### Climate Change

The Stern Report<sup>2</sup> named planning as one of four key policy tools with which the Government should address climate change. The Institute considers that the guidance should emphasise the contribution to be made by planning through issues of urban form; density; mixed uses; transport accessibility and nodes; and greenspace strategies. Practical guidance is needed here and delay is not an option: there is a clear need to show how the objectives can be achieved on the ground.

Whilst the Institute agrees that development plans may have a key role to play in applying sustainable development principles to the location and design of new development, it has to be recognised that new build represents less than 1% of the existing stock and its overall contribution to climate change programmes may be limited. Policy approaches will be needed to adapt existing developed areas.

The changes to building standards introduced in May 2007 set higher standards. Working with other policy tools such as this will be of vital importance in implementing sustainable development. It is important to be clear about the relationship between planning policies, which guide the location and siting of development; and Building Regulations, which deal with conservation of fuel and power, health and safety, accessibility in buildings. Whilst some authorities are beginning to address this relationship through their own policies, the Institute believes that further guidance from the SE on standards would be useful in achieving some consistency of approach across planning authorities. We also think that the SE should play a wider role in advising on methods and data for monitoring and reporting on expected carbon impacts of development plans.

Planning policy might address the existing stock through, for example: incorporating local energy saving strategies into development planning processes, in setting objectives for public transport availability, in addressing the re-modelling of road layouts and setting out clear policies on the intensification of development. Local flexibility will be required and policies need to be developed in relation to local circumstances. High density developments may not always be the most appropriate form of development and other considerations such as pressure on open space will need to be addressed. Other climate change implications for the planning system

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<sup>1</sup> SNP 2007 Manifesto 'It's Time' p 21.

<sup>2</sup> Stern Review: 'The Economics of Climate Change' HM Treasury 30<sup>th</sup> October 2006.

which should also be addressed include the long term implications for food production and the national issue of safeguarding prime agricultural land.

More thought might be given to the objectives for planning for climate change set out in paragraph 10 of the paper. For instance, the Institute considers that the first bullet might seek an overall reduction in the need to travel. As well as looking to urban form, reduced travel and low carbon sources of energy, the proposed PPS '*Planning and Climate Change*,' produced by Communities and Local Government for England, encourages land uses and management practices that help secure carbon sinks; consider the potential for carbon capture and storage; and avoid new developments in the areas most vulnerable to climate change. In its response to the consultation on the PPS, the Institute noted that in relation to these criteria '*A rigorous reading of the criteria for, for example, allocating land for development would mean a virtual end to employment sites at motorway junctions, a ban on almost all out of town shopping, no further football grounds moving to edge of town sites, an end to NHS policies that result in hospitals in remoter locations and a judgement of major infrastructure , including airport development against these criteria.*' This emphasises the need to explore and elucidate the spatial implications of climate change policies.

### Strategic Environmental Assessment

The guidance establishes strategic environmental assessment as the key tool for assessing the potential significant effects on the environment. However, paragraph 13 acknowledges that planning authorities have to balance the full range of economic, social and environmental factors when drawing up development plans. This raises issues of the extent to which the application of Strategic Environmental Assessment fulfils the statutory requirement to exercise functions '*with the objective of contributing to sustainable development*'. Whilst issues of health, population and climate change are integral to SEA, questions remain regarding how progress and alternatives might be assessed against the social and economic principles of sustainable development. This is particularly relevant to issues of social justice, equality and governance.

### Planning Modernisation

The Institute believes that involving communities is a vital part of the drive towards sustainable development. Community involvement might be made more explicit in relation to strategic environmental assessment and in any forms of communication established under community planning systems.

The guidance identifies national developments as '*key decisions about significant projects - essentially in the areas of transport, energy and environmental infrastructure, which may impact on the future sustainability of Scotland*'. It is assumed that this definition will be expanded upon and updated as progress is made in other guidance related to the National Planning Framework.

### **Planning and Sustainable Development**

The guidance discusses the relationship between planning and the five principles of sustainable development in general terms. It suggests that it is essential to have a robust justification for new development, including the choice of location, design and operation. However, the guidance lacks any yardsticks or specific objectives and indicators against which either the NPF or development plans might be tested. This raises questions about sensible approaches to monitoring and evaluation and the need for consistency across Scotland. The Institute considers that further guidance on these issues will be required. Given the need for more policy integration, it might be more useful to develop a separate section to focus on relations with transport, building standards, waste management , energy and other sectors and their overall contributions to climate change

## **Planning's Contribution**

This general overview might be linked to more detailed guidance on each topic with the aim of establishing sustainable development objectives and indicators for monitoring and assessing progress.

## **Key Mechanisms for Delivering Sustainable Development through Planning**

The guidance considers key mechanisms under headings of: the NPF, development plans, supplementary planning guidance, knowledge and skills. There is no mention of SPPs and PANS in this section, and as noted above, the relationship with this substantial body of existing guidance and advice needs clarification. This section might be more helpful in guiding the identification of key policy objectives and in considering provision of more specific advice on model policies linked to the development of national standards.

## **Outcomes**

This section of the guidance notes that *'While some aspects of sustainable development can be assessed using precise or objective criteria, the real test will be in the lasting legacy of built development, the protection of our key natural and cultural resources for future generations and the value attached to a place by the people living, working and visiting there.'* This raises issues of how outcomes are identified, monitored and assessed. The RTPI has commissioned work with Communities and Local Government in England to study the efficacy of outcome based indicators and would be pleased to use the emerging findings of this work to inform other work on climate change indicators.

## **Conclusions**

The new statutory guidance on planning and sustainable development will play a key role in setting the vision for the planning system in Scotland as we face the critical challenge of climate change. It needs to inspire practitioners and all involved in the planning system, to give a lead in the way that objectives are identified and measured and in setting sensible appraisal of national and local efforts to achieve low carbon footprints and sustainable growth which incorporates social justice and environmental objectives. From our point of view, the document moves in the right direction but needs more clarity and substance to achieve the necessary effect. Much clearer statutory guidance is required together with a clear definition of the role of the various planning policy elements. As it stands, the document could appear out-of-date as soon as a new SPP or PAN is published. This document will be used in the Courts if the NPF or a development plan's sustainability credentials are challenged. In such circumstances, a more robust framework will be needed.

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

Yours sincerely

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## RESPONDEE INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

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Consultation title: **Statutory Guidance on Planning and Sustainable Development**

1. Are you responding as: (please tick one box)

(a) an individual  (go to 2a/b)

(b) **on behalf of** a group or organisation  (go to 2c)

### 2a. INDIVIDUALS:

Do you agree to your response being made available to the public (in SE library and/or on SE website)?

Yes (go to 2b below)

No, not at all

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

### 2c. ON BEHALF OF GROUPS OR ORGANISATIONS:

Your name and address as respondees **will be** made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

Yes

No

3. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future,

but we require your permission to do so. Are you content for the Scottish Executive

to contact you again in the future for consultation or research purposes?

Yes

No