



RTPI Scotland

mediation of space · making of place

Royal Town Planning Institute Scotland

18 Atholl Crescent
Edinburgh EH3 8HQ
Tel: 0131 229 9628
Fax: 0131 229 9332
Email: scotland@rtpi.org.uk
Website: www.rtpi.org.uk/scotland
Patron HRH The Prince of Wales KG PC GCP

Dave Thomson
Land Reform Review Secretariat
B1 Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

E-mail to: landreformreview@scotland.gsi.gov.uk

11 January 2013

Dear Mr Thomson

LAND REFORM REVIEW GROUP – CALL FOR EVIDENCE

The Royal Town Planning Institute (RTPI) is the champion of planning and the planning profession. We work to promote the art and science of planning for the public benefit. We have around 2,200 members in Scotland and a worldwide membership of nearly 23,000. We:

- support policy development to improve approaches to planning for the benefit of the public
- maintain the professional standards of our members
- support our members, and therefore the majority of the planning workforce, to have the skills and knowledge they need to deliver planning effectively
- maintain high standards of planning education
- develop and promote new thinking, ideas and approaches which can improve planning
- support our membership to work with others who have a role in developing places in Scotland and
- improve the understanding of planning and the planning system to policy makers, politicians, practitioners and the general public.

RTPI Scotland is grateful for the opportunity to provide evidence to the Land Reform Review Group. The Institute also attaches a copy of its recent response to the consultation on the forthcoming Community Empowerment and Renewal Bill, in the hope that it too may be of interest in prompting discussion or serving to clarify the role of planning in the community. This set out 10 ten tests that should be met in taking forward the Community Empowerment and Renewal Bill, which may also be relevant in the context of the Land Reform Review Group:

1. It allows for a clearly stated and democratically agreed vision of national spatial priorities, including meeting needs for housing and infrastructure, and addressing the challenges of climate change;
2. It takes a broad view of sustainable development that requires all involved to place economic, social and environmental sustainability on an equal footing;
3. It does not assume that the Government's agendas for sustainable economic growth, for meeting targets for reducing emissions and increasing renewable energy, for social inclusion and housing delivery will be achieved simply because there is the freedom of choice to do so;
4. Any duties placed on local government and others are clearly defined, are resourced and are enforceable where necessary;
5. Any rights given to communities are not token rights unsupported by resources, expertise or democratic challenge;
6. The understandable desire among communities for immediate investment in local facilities does not prejudice longer term investments to meet larger-scale needs such as hospitals, waste facilities and transport infrastructure;
7. Approaches to planning within neighbourhoods not only serves to provide what local communities desire, but also allows for what wider communities need;
8. In exercising powers over the future of their areas, communities accept and fulfil the responsibilities attached to doing so and community groups recognise that they will need to consult as well as be consulted;
9. It gives an equal opportunity for all communities to be involved in shaping their own futures, including those communities and groups whose engagement has often been neglected and have been served by Planning Aid for Scotland in the past and we hope will continue to do so in the future;
10. It does not hamper the ability of RTPI members to continue to provide a professional, independent, un-biased, evidence-based service to all those involved in, and affected by, planning.

In general RTPI Scotland is supportive of greater community involvement in questions of land and community benefit and sees the planning system at present offering considerable potential to address matters. In particular, the role of Development Plans should be promoted as a significant planning tool in striving for community benefit, but there are others – including Compulsory Purchase Orders and Amenity Notices (these address dereliction of land) – and we would hope that the Group will encourage further positive usage of existing mechanisms, where appropriate, before bringing new procedures to the table.

Our response, below, is organised under the headings set out in your Call for Evidence.

Enable more people in rural and urban Scotland to have a stake in the ownership, governance, management and use of land, which will lead to a greater diversity of land ownership, and ownership types, in Scotland;

a1 Outline your vision of how things could be different and explain why, in your opinion, they should be different;

The planning system has the capability to do much for communities but requires their engagement as well as the skills and other resources of planners applied through Development Planning, Development Management, and Planning Enforcement.

There is a need better to coordinate the efforts of Community Planning and Development Planning.

a2 Indicate any barriers there may be in the way of attaining your vision;

Planning authorities and local communities have limited resources of time, skill, and funds. Community Plans seem not to be as community-focused as they should be, nor as aware of their spatial consequences.

a3 Suggest how these barriers could be removed and progress facilitated – whether by voluntary, legislative, fiscal or other means.

There should be a greater understanding of community resources and their management. If it is necessary to improve the latter by a change of ownership and subsequent actions then this should be readily possible, but only in response to properly-considered plans where long-term community benefit in the form of sustainable development is a prime consideration.

B) Assist with the acquisition and management of land (and also land assets) by communities, to make stronger, more resilient and independent communities which have an even greater stake in their development;

b1 Outline your vision of how things could be different and explain why, in your opinion, they should be different;

Community Councils could be further empowered to be the active forum where communities can focus their knowledge of the place and their aspirations for their futures. Although if this to be the case there are current issues with the Community Councils which need to be resolved around:

- Coverage: not all areas in Scotland have a Community Council in place
- Representativeness: Community Councils are not all necessarily representative of their communities.
- Proactivity: at present - given the nature in which they are consulted - most Community Councils work in reactive way, rather than taking a proactive and aspirational approach on how they wish their neighbourhoods to look over time.
- Quality: Community Councils are essentially well intentioned and committed lay people working to improve the quality of life in their neighbourhood. Given

this they can often require specific expertise and resources to tackle the issues that they face in their areas. (For example, there may be a need for moderation by an outsider, perhaps by a member of the planning profession who may or may not be employed within the Planning Authority when dealing with specific planning issues).

To be effective Community Councils must be engaged in all stages of planning, from survey, analysis, plan, implementation, monitoring and review. This can be via the Development Plan or such mechanisms as Village Design Statements (or both) with place-based plans forming Supplementary Guidance linked to the Development Plan, or even in the form of a standalone Management Plan.

b2 Indicate any barriers there may be in the way of attaining your vision;

There is not yet 100% coverage of elected Community Councils. Unless they can hold and manage land and buildings, their activities will require to be supplemented by Community Development Trusts or equivalent. Such bodies require at least seedcorn funding to obtain necessary planning expertise and be active in the public interest.

b3 Suggest how these barriers could be removed and progress facilitated – whether by voluntary, legislative, fiscal or other means.

Much could be delivered through the building an evidence base through, for example, establishing what assets are held by whom, in what condition, and to what end. Transparency would help considerably to address the proper management of Common Good Land and Funds.

C) Generate, support, promote and deliver new relationships between land, people, economy and environment in Scotland.

c1 Outline your vision of how things could be different and explain why, in your opinion, they should be different;

Sustainable Development, as referenced in paragraph 35 of Scottish Planning Policy, must be encouraged, and in that section it is clear what Scotland's aims should be. The trick will be to produce and implement plans which both achieve community buy-in and deliver Sustainable Development.

A better attempt to develop and share survey information, including accessible up-to-date property terriers of public assets and recording of local places, should provide a firmer footing. Public authorities must be prepared to stand up for community rights, and especially to encourage understanding of shared sustainable futures at the local and neighbourhood levels.

c2 Indicate any barriers there may be in the way of attaining your vision;

- Insufficient knowledge about assets of land and buildings
- funding schemes which may not reflect community or local aspirations, or which may not relate to conventional Development or Community Plans, never mind local Sustainable Land Use Plans, Design Statements or Management Plans.

c3 Suggest how these barriers could be removed and progress facilitated – whether by voluntary, legislative, fiscal or other means.

Community Councils could play an important role, bearing in mind the issues we have set out in answer b1, but they will require planning advice to make sure that their community aspirations, while testing, are achievable and genuinely beneficial in sustainable (that is, in long-term economic, environmental and social) terms.

There should be considerable effort put into the Development Plans and Community Plans, both involving local engagement and, importantly, cross-fertilisation to ensure that there is a coordinated spatial rationale to plans at all levels.

At the local and neighbourhood levels, there should be opportunities to consider "transition town" issues of energy, food and other land use consumption and production, and in particular opportunities to take forward, through Development Plans, sustainable Supplementary Guidance, perhaps in the form of Management Plans or Village Design Statements, in which an evidence-based preparation process will be key, resulting in community benefits transparently identified, agreed, and achieved.

I trust that you will find these comments helpful. If you would like to discuss any aspect, or require clarification of any points raised, please contact me on 0131 229 9628 or by email to craig.mclaren@rtpi.org.uk.

Yours sincerely

A handwritten signature in brown ink, appearing to read 'Craig McLaren', with a stylized flourish at the end.

Craig McLaren
National Director