

29 March 2017

**Scottish Wildlife Trust's response to:
The Scottish Government's: "Places, people and planning" - A
consultation on the future of the Scottish planning system**



**Scottish
Wildlife
Trust**

General comments

The Scottish Wildlife Trust welcomes the opportunity to respond to the Scottish Government's "Places, people and planning" - A consultation on the future of the Scottish planning system. The Scottish Wildlife Trust's central aim is to advance the conservation of Scotland's biodiversity for the benefit of present and future generations. We have a 25-year vision for Scotland in which we want to see a network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas.

The Scottish Wildlife Trust believes that inappropriately located and badly designed developments can have significant, detrimental impacts on people's quality of life as well as Scotland's biodiversity. We believe that delivering high quality sustainable places where people want to live can only be achieved by having a robust, well-resourced planning system which recognises that planning is about creating places for communities to flourish as opposed to just building houses.

The Trust welcomes the tone that is used throughout most of the consultation document. The Trust is pleased to see the importance that is placed on the role of leadership for delivering better places and environments. There appears to be a genuine desire to make planning clearer and this can only be a good thing from the perspective of Scottish Wildlife Trust's interactions with the Planning system.

The Trust is pleased to see reference to green infrastructure in this consultation in one section and commitment to investment. However, there should be greater reference to green infrastructure and green networks throughout, as early thought and emphasis (front loading) on green infrastructure provides the greatest benefits for communities, climate change mitigation, health, wellbeing and the economy.

The Trust is pleased to see the inclusion of the Place Standard within the document, however, it is noted that the draft stops short of explicitly advocating its use. The Trust would like to see the document explicitly advise the use of the Place Standard and making this mandatory for new developments.

The Trust can see benefits in removing the Main Issues Report, from the Local Development Plan Process, provided this is replaced with a much more simply titled "draft plan" which will be closer to the actual plan and allow more detailed comment.

The Trust welcomes the desire to improve public trust in the planning system and discouraging repeat applications is hugely welcomed by Trust central staff and our network of planning volunteers.

The Trust is concerned about the general loss of ecological expertise across Scottish planning authorities and their resultant ability to implement a holistic sustainable planning system.

The Scottish Wildlife Trust would like to see a planned environment that places overall human well-being at its centre. However, for this to be properly realised that it needs to be recognised that good health and wellbeing are intrinsically linked to access to nature and flourishing biodiversity.

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The Trust is of the opinion that there is a significant effort required to ensure that all sectors are aligned with the enhanced leadership role of the planning system, especially with regard to land use planning.

The Trust echoes' Scottish Environment LINK's opinion that the central purpose of the planning system should be to achieve sustainable development i.e. achieving balance between social, economic and environmental objectives, without limiting future generations ability to do the same. Reform should aim to make Scotland's land use planning and places sustainable and not seek to prioritise short term economic gain.

The Trust feels the "bigger picture" element is somewhat lacking in terms of interaction with land use and planning and would like to see greater detail on this in the consultation document.

The removal of the Main Issues Reports, whilst in general thought to be a sensible move, could reduce the chances for communities (of place or interest) to engage with the planning process and is of concern for our members at a local level.

It is clear that the National Planning Framework is being given greater precedence. There is a real need to widen out the stakeholder and community engagement so that communities can full take a full part in shaping the National Planning Framework. If this does not happen there is a real risk of effectively centralising planning away from local communities and communities of interest.

The Trust welcomes greater opportunity for communities to become involved with Local Place Plans but there are concerns that communities will not be provided with adequate levels of ecological advice in order to make informed environmental decisions. The Trust queries who would provide this environmental expertise?

With regard to appeal rights the Trust is disappointed that Third Party Right of Appeal has been dropped and feels that this does little in relation to "improving public trust".

The Trust is concerned about the burden placed on statutory consultees like SNH and SEPA who are facing further budget cuts and the reliance on NGOs to fill this gap.

Integrated Green Infrastructure

The Trust is glad to see reference to green infrastructure in this consultation in one section and commitment to investment.

A definition of green infrastructure should be included within the document, the Trust suggests the one favoured by the European Commission and Scottish Government: *"the use of ecosystems, green spaces and water in strategic land use planning to deliver environmental and quality of life benefits. It includes parks, open spaces, playing fields, woodlands, wetlands, road verges, allotments and private gardens. Green infrastructure can contribute to climate change mitigation and adaptation, natural disaster risk mitigation, protection against flooding and erosion as well as biodiversity conservation."*

It would also be useful to include a description of the effects, both positive and negative, that development can have on ecological coherence across a landscape and the importance of integrated green infrastructure for mitigating negative effects.

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For an example of good practice regarding green infrastructure, which might be useful to include, the Trust would suggest referencing the South Cumbernauld Community Growth Area – Green Networks Guidance produced by Cumbernauld Living Landscape.¹

Given that most stakeholders do not currently associate green infrastructure with general infrastructure the Trust would like to see it referenced explicitly within the list “13 Embedding an infrastructure first approach”. The Trust would like to see explicit reference to the need for early consideration of retained and designed green infrastructure within the document.

National Ecological Network

Related to the points made around green infrastructure is the concept of a National Ecological network for Scotland as referenced in the Scottish Biodiversity Strategy². A National Ecological Network approach can help restore and protect Scotland's nature so it continues to provide the life support systems we all depend on, particularly in terms of our health, wellbeing and economic prosperity.

It can do so by providing an overriding policy approach which allows for the consideration and integration of natural processes into the design of policies, proposals and funding streams that drive changes on the ground so that they can deliver a balanced range of public benefits.

Scottish Wildlife Trust urges Scottish Ministers to progress work on the National Ecological Network, particularly through the National Planning Framework, and make each new developments contribution to a National Ecological Network a material consideration in the planning process. Tools such as the Scottish Wildlife Trusts **Natural Capital Planning Standard** (expanded below) can help by allowing planning authorities to set requirements in terms of green infrastructure for a new development and allowing developer's flexibility to meet this standard.

The Natural Capital Standard for Green Infrastructure

To address the inconsistency in quality of green infrastructure between developments, the Scottish Wildlife Trust is developing a tool - The Natural Capital Standard for Green Infrastructure - which assesses the quality and quantity of green infrastructure within a specific development, be it new housing, a school, a retail park or an industrial zone. The tool scores the quality of the total green area based on the estimated ecosystem services provided by the types of green infrastructure within the development. For example native trees and shrubs score more highly than non-native (because they deliver a greater range of ecosystem services). Sustainable urban drainage systems which are designed to be attractive to wildlife (and also have high aesthetic appeal) score more than those that are based on hard engineering (due to the greater range of ecosystem services they deliver). Hard surfaces score less because they do not deliver as many ecosystem services as permeable surfaces.

The relative scorings given to each type of green infrastructure can be edited by the planning authority. For example if flooding is a particular issue, extra emphasis may be put on green infrastructure that delivers benefits in terms of flood prevention / alleviation i.e. rain gardens, green roofs, trees and sustainable urban drainage systems.

This type of tool has been used by planners in Berlin, Malmo, Seattle and Chicago³. In some of these places it is statutory, in others it is not, but developers are incentivised to use it because it helps process their application in the planning system.

¹ See: http://cumbernauldlivinglandscape.org.uk/docs/083_385_southcumbernauldcga_greenetworkguidance_webversion_1446561841.pdf

² See: <http://www.biodiversityscotland.gov.uk/doing/strategy/>

³ See: GRaBS Project Website <http://www.grabs-eu.org/>

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The Scottish Wildlife Trust would welcome the opportunity to discuss the applications of the tool with the Scottish Government's Delivery Advice Team. The Trust believe it contributes to the Scottish Government's ambition to deliver high-quality places for Scotland. Because it uses ecosystem services as a weighting factor it helps quantify (in terms of green infrastructure) how a particular development is delivering benefits for people (and wildlife) and integrates with the Place Standard.

Climate Change and energy efficiency

The Planning system has a vital role in relation to climate change. Indeed the Scottish Government's Second Report on the Proposals and Policies (RPP2)⁴ specifically highlights this: *"The planning system has an important role in promoting sustainable development and can help us adapt to climate change and mitigate its effects..."* *"Scottish Planning Policy, planning advice, and strategic and local development plans all play their parts in supporting the transition to a low carbon future."*

Given the Scottish Government's ambitious climate change targets the Trust is surprised that consultation is not very explicit regarding how planning can help tackle climate change especially given the current Scottish Government consultations on climate, energy, onshore wind, energy efficiency and heat networks; all of which have clear and significant links to land use and planning. The Trust is in agreement with colleagues across the environmental sector in Scotland that the consideration that these climate and energy focused consultations give to planning is also very light, unfortunately highlighting that the coordinating and leadership role of planning envisaged in the paper has some significant ground to make up. The reformed planning system needs to be able to create a vision for a sustainable, low carbon Scotland, and regulate progress towards that vision. We would therefore urge Scottish Ministers to address this as soon as possible.

The lack of consideration of climate change issues is highlighted by the proposals to remove the requirement, introduced by Section 72 of the climate Act, for new developments to install and operate low and zero carbon technologies. The Trust, and eNGOs across Scotland, disagree with the idea that Section 72 of the Climate Change Act has not added value. Application of this section varies significantly across planning authorities and any perceived lack of added value is likely to do with under implementation. The priority should be to ensure that all planning authorities are implementing the legislation as intended. Removing or reducing the burden from this section should certainly not be considered without ensuring that at least equivalent savings can be made through other means.

Transport Hierarchy

Transport is far too often taken to mean the car, whereas a mode hierarchy approach should meet demand via walking, cycling and public transport before considering private car use. The transport hierarchy needs to be explicitly referenced within the document to aid understanding and uptake.

An over emphasis on private car use leads to negative externalities across housing developments, making it difficult to "retro-fit" active travel and green networks into developments.

The Land Use Strategy and land reform

The Trust is pleased to see reference to the Scottish Government's Land Use Strategy⁵, however, the Trust would like to see greater reference to it through the document for example highlighting the lessons learnt and application of regional land use pilots. The Trust believes there should be a stronger link between planning, housing provision and the Land Use Strategy. The Strategy has three objectives relating to the

⁴ See <http://www.gov.scot/Publications/2013/06/6387>

⁵ See: <http://www.gov.scot/Topics/Environment/Countryside/Landusestrategy>

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economy, environment and communities - the three pillars of sustainability and principles for sustainable land use.

The Land Use Strategy is about getting the best from land – so that land use delivers multiple benefits. When Local Development Plans are being drawn up, applying the principles of the Land Use Strategy would help determine where development, including housing, should and should not occur. It concerns mapping opportunities and constraints (in terms of ecosystem services) within a landscape/catchment/local authority to deliver the maximum benefits for people whilst still protecting and enhancing natural capital. The Land Use Strategy applies the ecosystem approach⁶ which is about placing people at the heart of decisions relating to the land.

The principles behind the Land Use Strategy support a plan-led system.

Two pilot studies have been conducted involving Scottish Borders Local Authority and Aberdeenshire Local Authority. The Trust believes the ecosystem services mapping should help inform the next local development plans and guide future investment relating to natural capital.

The Trust would also like to see an improved connection between the draft document and the land reform process this is particularly important for the Trust when landowners are required to engage around biodiversity issues.

The role of Leadership

The Trust welcomes the direction of travel regarding the importance of leadership within planning to integrate marine, land use planning, transport planning and other policies within the National Planning Framework. Having said that, the Trust is concerned that there may not be a similar commitment from other government departments that would be required to make this happen, for example agriculture or transport departments. The Trust would ask what commitments other departments have given to the process? The Trust is of the opinion that significant culture change will need to take place to allow the aspirations of this consultation document to be realised.

The National Planning Framework

The Trust has no issue with the proposals regarding the National Planning Framework and support the ideas behind the National Planning Framework for all of Scotland.

Despite the proposal to increase the NPF scrutiny period from 60 to 90 days the Trust does not feel that there is enough opportunity to scrutinise such an important document. The National Planning Framework should have full parliamentary scrutiny and be subject to independent scrutiny to allow communities and communities of interest to input. The Trust is of the opinion that the developments in the National Planning Framework have the greatest potential to impact upon the environment and therefore should be open to rigorous scrutiny.

Delivery of high quality development

The planning system is currently plan-led and should remain so. As referenced in the Advice, Scotland has good planning policies which are laid out in documents such as The National Planning Framework, Scottish Planning Policy (SPP), Creating Places, Planning Advice Notes and Circulars.

⁶ The ecosystems approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.

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However, these policies do not always translate into high quality sustainable developments on the ground. Or indeed realise the Scottish Government's four strategic outcomes of the planning system. For a more detailed response to this section please see the Scottish Wildlife Trust's Response to the Independent Review of Planning ⁷.

National Parks

The Trust does not understand why planning within the Cairngorms National Park is not being reviewed despite recommendations from the independent review panel. The Trust would seek clarification regarding why this opportunity has been missed?

Resources and skills

Because local authorities continue to face substantial cuts to their budgets – the Trust is concerned that there are neither the resources nor the appropriate skills available to support the vision and creation of high quality sustainable planning and subsequent developments (as outlined in the consultation document) – places where citizens want to be, allowing communities to flourish. Meaningful community engagement which the Trust would support, is time consuming; how will hard pressed local authorities be encouraged to devote resources to this process and what is the opportunity cost forgone by them not doing so? Should the onus be on developers to invest in this type of engagement as opposed to historical consultation approaches?

The Trust welcomes proposals to increase fees for new applications and to improve the ability for planning authorities to recover costs for retrospective applications, monitoring and enforcement. However, the Trust is also concerned that many local authorities have lost biodiversity officers and/or ecologists; some are sharing them and others have no plans to replace them. This means that planning decisions impacting on Scotland's natural capital - in terms of protecting, enhancing or restoring depleted stocks – are not being made /advised upon by those with the right set of skills. This may impact on a Scottish Government key priority, detailed in the Economic Strategy, which is to: Invest in natural capital, resource efficiency and low carbon.⁸

The Trust shares Scottish Environment LINK's concerns that significant environmental effects in EIA cases are not being monitored adequately and resourcing the monitoring of these cases should be prioritised.

The ultimate goal of planning must be outcomes focussed – as outlined in Scottish Planning Policy. This is unlikely to happen under the present system given the lack of incentives/regulations and variability in interpretation of policy across planning authorities. Under the present system we believe some local authorities are still focussed on delivering buildings and grey infrastructure, rather than high quality places.

The Scottish Wildlife Trust would like to be kept informed of the progress of "People, Places and Planning"

For further information please contact:

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⁷ See: http://scottishwildlifetrust.org.uk/docs/002_433_swtpanningfinaldec2015_1448970133.pdf

⁸ See: <http://www.gov.scot/Resource/0047/00472389.pdf>