5 September 2014
Dear Sir/ Madam

COMMUNITY EMPOWERMENT (SCOTLAND) BILL

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
• improve the understanding of planning and the planning system to policy makers, politicians, practitioners and the general public.

The Institute is grateful for the opportunity to provide written evidence to the Local Government and Regeneration Committee on the Community Empowerment (Scotland) Bill.

RTPI Scotland welcomes Scottish Government’s commitment to taking forward the Community Empowerment (Scotland) Bill. RTPI Scotland fully supports the principles of
community empowerment. Democratic accountability has been at the heart of planning for over sixty years, and direct public engagement for over forty. Planning and planners have a duty to all those involved in, and affected by, planning to meet their needs and aspirations, balanced with meeting social and economic objectives while protecting our built and natural heritage.

In submissions to Scottish Government on the then Community Empowerment and Renewal Bill in February 2012 and September 2012, RTPI Scotland suggested ten tests that should be met in taking forward the Community Empowerment Bill, which we still feel are good tests for taking forward the Bill:

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; and

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.
THE ROLE OF PLANNING
One of the key aspects of the ongoing planning reform and the introduction of the 2006 Planning Act was to create a more inclusive planning system. This Bill therefore supports and complements the Planning Act and subsequent regulations and guidance to encourage meaningful engagement of communities, and finding effective ways of engaging communities in developing the vision for their area, including through Main Issues Reports for development plans and Pre-Application Consultation for major planning applications.

Planning is an important mechanism in community engagement and in creating a vision for the future of places, including developing an understanding of the assets that they have. In particular, the Development Plan provides an opportunity for the community to discuss and openly agree its views about the future. Non-statutory planning mechanisms are also such as Supplementary Guidance and Management Plans. Planning has good practice guidance to offer in the shape of Planning Advice Notes and a tradition of community engagement, especially in the context of Development Planning and given this planners use a range of techniques to engage communities in developing an understanding of and an implementable ‘vision’ for their area. However, there is still a need for decision making on planning issues to be guided by professional expertise rooted locally.

COMMUNITY PLANNING
RTPI Scotland welcomes and supports an outcomes based approach in legislation where clear and measurable outcomes are set out and monitored to transparently set out the strategic objectives of Scottish Ministers. We support an outcomes based approach to community planning and spatial planning and we strongly believe in the importance of a more connected and integrated approach between Community Planning and Land Use Planning. If these were to be better connected in terms of outcomes, processes and procedures, it would allow for a more integrated approach and would ensure a more effective articulation of the spatial dimensions of many public sector initiatives and programmes. We welcome the references outlined in the recent Circular 6/2013: Development Planning and would support Scottish Government and COSLA to build upon this.

RTPI Scotland believes that Community Planning is too often seen as an alignment of priorities, programmes and resources among public agencies (and, sometimes, third sector organisations). Although this is important, it can often be something that isn’t articulated in terms of how it will impact on specific places. There has been community engagement in the land use planning system for over forty years, which has allowed communities to shape and influence decisions on the future of their neighbourhoods, towns, cities and regions. If Community Planning Partnerships worked more closely with the development plan process it would enable them to connect decisions on investment to particular places, which in turn could help communities to gain a better understanding of the implications of Community planning for their area. This could also embrace concepts such as ‘Total Place’ which provide a better articulation of the impacts of investment and policy on specific places.

The Institute is of the view that there is a need to ensure that a culture of subsidiarity of decision making to the right level ‘governance’ is adopted in taking forward community empowerment. This requires assessing what level will be most effective in making decisions and giving the people at these levels the power and resources to do this.
Good planning relies upon early and effective public engagement in auditing communities, analysing their needs, planning their short and long term management for community benefit, monitoring action programmes and outcomes on the ground, and reviewing circumstances. This analysis and its associated evidence base should be key considerations also for Community Planning and the development of Single Outcome Agreements.

COMMUNITY RIGHT TO BUY
RTPI Scotland supports the extension of Community Right to Buy where it can be demonstrated that it is possible for that community to own and successfully manage such land and buildings for the public benefit, and this should only be where an acceptable scheme has been identified, carefully worked up and can be afforded in both capital and revenue terms into the future. Funds will require to be identified for capacity building in communities, feasibility studies, acquisition, capital works and maintenance thereafter. Provision for professional fees should be part of the calculations. Where appropriate, local charitable Building Preservation Trusts or Community Development Trusts should be established. There should be reversion clauses which clearly explain disposal procedures in the event of Trust failure.

COMMUNITY RIGHTS
RTPI Scotland believes there is a need for clarity in the definition of “best value” and “best public benefit” in terms of the disposal of public land. This should not only be about financial value, but should also take into consideration social, community and environmental aspects, particularly in terms of the transfer of land to community or voluntary organisations. This would help to bring some consistency across Scotland. With regard to rights in relation to property, we believe that this should be framed within, or linked to the Development Plan where possible.

RTPI Scotland suggests that the Bill should consider not only the right to buy, but the right to manage as part of the community rights, and furthermore detail how this might be facilitated.

We suggest that the process would benefit from the introduction of a preparatory phase, allowing the public authority and the community or voluntary organisation to explore how these community rights might work, hopefully minimising the exposure of community organisations to risk. This could be contextualised through the planning system in the Development Plan.

SUPPORT FOR COMMUNITIES
RTPI Scotland believes that communities need to be able to understand what their powers are and to be proactive in establishing a spatial vision for the future of their area. It might be that there are more pressing issues and community requirements in certain areas than allotments. Meaningful engagement between local authorities and communities, through community groups and Community Councils is key to develop an understanding community needs, aspirations and opportunities.

Given this, RTPI Scotland believes that communities must be supported to ensure that process is not a barrier to action, making the process simple to encourage communities to develop a spatial vision for the future of their area. Communities need to be able to understand what their powers are: if they do not have appropriate expertise within the
community then it should be provided externally. The upskilling of communities as to the potential power and opportunities of community groups and Community Councils to deliver local spatial aspirations will have a resource implication, but for the aspirations of the Community Empowerment (Scotland) Bill, and also the modernised planning system to be achieved, communities must be encouraged and inspired to take a more positive and proactive approach.

There is a need to help people navigate through the process. Planning can play a role in providing this guidance, at the local planning authority level. We consider there is a case for creating a one-stop shop for best practice in innovation in empowerment. RTPI Scotland and Planning Aid for Scotland could contribute to discussions and actions on this.

I trust that you will find these comments useful. We would be happy to provide oral evidence to the Committee if they so wish. Please do not hesitate to contact me if you would like to discuss on craig.mclaren@rtpi.org.uk or 0131 229 9628.

Yours faithfully,

Craig McLaren
Director of Scotland and Ireland