Written submission from Royal Town Planning Institute

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 submit written evidence to the Rural Affairs, Climate Change and Environment Committee on the Land Reform (Scotland) Bill, and this cover comprises our comments on the Bill.

RTPI Scotland is committed to supporting the ongoing land reform debate, and recognises the importance of the significant work Scottish Government has done in taking forward the debate. The Institute supports the aims of the Bill to improve information on land, its value and ownership, and considers that better transparency and availability of information of land is a positive step.

General Comments

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. There are significant links between this work, and that of the future of land reform.

We would also highlight the key role of planning in achieving the overarching aims of land reform, and in the specific delivery of outcomes and actions within the consultation document. Planning is about creating great places for people. It does this through providing vision on how best to shape our communities over the short, medium and long term. Scottish Government is currently reforming the planning
system and a key part of this is the move towards a plan-led system where Development Plans provide the direction on the future of places. The important issues of the future of land reform as planning is about both people and places, and therefore land ownership issues, access to land, and the use or change of use of land are key in taking forward this new vision for planning. Planning isn’t about saying no; it is about implementing a positive vision of a sustainable future. The planning system has an important role to play in how we achieve great places for people.

We support the broad principles of the Land Reform Review Group on Land Development and Housing (Part 5) and are disappointed that these recommendations have not been brought forward at this stage within the Land Reform (Scotland) Bill.

**Part 1 – Land Rights and Responsibilities Statement**

RTPI Scotland supports the principle of a Land Rights and Responsibilities Statement, and the period of review of that Statement set out within the Bill. We expect this Statement to set out the Scottish Ministers’ policy position on Land Reform, including rights and responsibilities of different actors.

It would be important to provide clarity on the status of this Statement, whether it will be statutory, or guidance.

**Part 2 – The Scottish Land Commission**

RTPI Scotland welcomes the formation of a Scottish Land Commission as a single body with the responsibility for understanding and monitoring the ownership and management of Scotland’s land. We also support the criteria for eligibility for appointment of commissioners. We would recommend that anyone sought for experience in planning and development should be a Chartered Town Planner to ensure the necessary experience, qualifications and competencies are represented. We consider that this list could also include individuals with expertise in land management. Some land management surveying interests may come through the other criteria, but the addition of a specific category for land management would specifically invite professionals with these expertise.

We believe that the Commission must take an outcomes focussed approach, and set measurable (SMART) indicators. It must be evidence based and have clear, focussed objectives and has to ensure that its processes, procedures and development are transparent and communicated to all with an interest.

We look forward to hearing more detail and having the opportunity to comment on the new body and details of the programme of work and the strategic plan in due course through the formation of secondary legislation and guidance. We are very interested in contributing to further land reform work as stakeholders.

**Part 4 – Engaging Communities in Decisions Relating to Land**

RTPI Scotland supports the inclusion of the requirement for the preparation and publication of guidance on engaging communities in decisions relating to land which
may affect them. This is in line with the modernised planning system and the Community Empowerment (Scotland) Act 2015 which both aim to increase the involvement of communities in a meaningful way in decisions that affect them.

It is not clear from Part 4 of the Bill as to the status of this guidance. While non-statutory guidance would still be welcome, statutory guidance would have a greater effect and would go beyond setting out expectations and encouraging engagement, to setting clear and transparent standards for land owners and other actors.

**Part 5 – Right to Buy Land to Further Sustainable Development**

RTPI Scotland supports the inclusion of a right to buy land to further sustainable development as a significant tool for communities. We query how the tests for sustainability will be assessed, given that they appear to be very subjective. While this right to buy could be a significant benefit to communities, the parameters must be clear and transparent to avoid confusion or undue subjectivity.

RTPI Scotland considers that a definition of Sustainable Development should be included within the Bill to provide clarity on the Right to Buy powers. Scottish Government defines Sustainable Development within Scottish Planning Policy in terms of the UK’s shared framework for sustainable development. RTPI supports this shared framework and the consideration of environmental, economic, social and cultural principles that are evidence based and robust.

There will be a need to support and build capacity within communities and awareness of new rights in order to be able to take forward their aspirations and implement these rights.

**Part 7 – Common Good Land**

RTPI Scotland supports the proposals within the Bill for the change of use of Common Good Land and considers that this change in powers will be in line with current practice for local authorities in relation to the disposal of Common Good Land.

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.