Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Jonathan Clarkson

Dear Sir/Madam,

As a qualified Urban Design Consultant with over 20 years of design experience, the need for meaningful change in the planning system has, I agree, never been greater. The current system is simply not achieving success as measurable by positive; social, health, economic, safety or sustainability indicators and outcomes. This is evident in developments across Scotland, often built as low density, car dependant, suburban sprawl with no local identity or urban structure (physical & community) as interconnected components of wider whole places. And their associated impacts are not only within each respective site, but also cumulative and within their surrounding natural, and urban regional, environmental and economic contexts.

Trust and confidence is being significantly eroded as evidenced, though comments, by most of the communities I have work with over the last fifteen years or more. This breakdown in trust is, in my opinion, well founded, where the system is clearly being exploited for extraordinary relative financial gain by a disproportionately small number of land owners and failing to deliver meaningful outcomes for both local communities, including local businesses and, the wider social, environmental and economic good. In short, the planning system is perceived, by many, as to be being ‘gamed’ by private landowners and large corporations, to maximise financial value only, and without fair and necessary recompense for the needs of assimilating new development into local communities and local places.

I would therefore respectfully request, that the following be taken into account when reviewing the current Planning Bill:-

1. Proposed Infrastructure Levy (Question 8)

Local authorities might consider, through statutory powers and the creation of Local Authority Development Corporations (or similar not for private profit structures), to borrow money to buy land through compulsory purchase orders, and at fair agricultural land values as the land stands at the time of purchase. Local Authority Development corporations can then sell off land having incorporated realistic cross subsidy sums to make the necessary physical, and other, infrastructure improvements within the local context(s), before profit is calculated on land sales or through the developers’ typical financial equation (where volume house builders are bidding for land). As it stands, land speculators can achieve Planning Permission in Principle with no intention of building on the land, thus maximising the value by as much as 50-100 times before selling it on to house builders and developers.
2. Local Place Plans (Question 6)

Local Development Frameworks or Urban Design Frameworks are recognised by design leaders such as Terry Farrell (Edinburgh’s historic ‘design champion’) and others such as Centre for Architecture & the Built Environment - CABE (before their dissolution in England and Wales), as being an essential prerequisite for meaningful detailed, locally appropriate masterplans. From my professional experience, I entirely agree. Design or Place Frameworks, when properly resourced, allow multiple stakeholders to go through a process which, through due collaborative process, sets out clear consensus for what the wider long-term needs of a local community are, and importantly, how they might be delivered. This, of course, must be set within the strategic democratic national planning policy contexts and contemporary best knowledge and practice. But what Urban Design Frameworks can achieve, more likely than not, are rational, objective, technically well researched and therefore, contextually meaningful decision-making structures. These structures not only recognise, but assimilate the real, every day, often messy, practicalities, constraints and opportunities of the real world and at ground level (where most people live their lives). They build a foundation of local and expert knowledge further to review of the sites and their contexts. The planning system would be strengthened, both in terms of outcomes, democracy and trust were they to be used more often. They would make the proposed community ‘local place plans’, better informed, realistically deliverable and therefore more likely to achieve positive measurable outcomes at all scales and set within a locally democratic decision-making structure. This will only help build trust in the system if adequate funding is provided and ‘local community bodies’ as defined through the Bill, can demonstrate competence in their qualification and ability in managing these processes.

All ‘community groups’ preparing local place plans should only have a statutory right to have community place plans included in the system, where they can demonstrate that the plans have been developed through engagement and consultation with the whole communities they impact. This is in order that they can have a basis of representative democratic accountability. The reality is however, that Community Place Plans might be more effective if they are Community Frameworks – i.e. locally more strategic, establishing Key aims and core principles to steer detailed plans from whomever brings forward applications for change.

3. Third party right of appeal TPRA (Question 6)

All local development has direct impacts on the existing whole communities and larger settlements systems – particularly through movement, but also through environment – providing that the existing context is understood to be
complex, overlapping and interconnected whole places. For local communities to have a meaningful stake in the influencing and protecting the democratic and technical integrity of Local Development Plan, there must be a mechanism for appealing planning decisions which is open to local community groups and individuals which is affordable to all members of the public. There will be a requirement for time limitations on appeals and TPRA might also be restricted to departures from the adopted local plan only, in order to maintain reasonable and timeous processing. TPRA might also be limited to ‘major development’ deemed large enough to trigger scoping for Environmental Impact Assessment.

TPRA may slow the system slightly, but this must be balanced against the significant benefits in the ability to deliver progressive sustainable, local place specific development in the long-term and therefore trust in the integrity of the whole planning system.

4. Training of Councillors involved in decision making in planning (Question 9)

Yes, Councillors who are involved in planning decision making should be trained in planning, but also Urban design matters. It should be possible to explain why urban design is not all about aesthetics, what the critical thinking through analysis tools are, and why they add value.

5. Other comments

It’s important that Community Councils rules are changed so that they must hold an election with a ballot at each election cycle. Community Councils should also be sufficiently funded, and held to account, over how they have engaged and consulted with those they are elected to represent.

Please can this evidence be submitted as part of the process and I thank you for the opportunity to contribute to the process.

Yours sincerely,

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