Local Government and Communities Committee

Planning (Scotland) Bill

Supplementary Written Submission from the National Trust for Scotland

Further to my appearance before the Local Government and Communities Committee on the 14th of March 2018, I would like to pick up on a specific comment made by Kevin Stewart, the Minister for Local Government and Housing during his evidence session on the 21st of March 2018.

In response to a question from the Deputy Convener:

“Monica Lennon: The bill does not state the core purpose of planning, and we have heard from a number of witnesses—the RTPI, Professor Cliff Hague and others—that that would be a very sensible addition to the bill. We have also been told that other countries have been able to state very distinctly the purpose of planning. Is that an omission from the bill?”

The Minister for Local Government and Housing stated that:

“Other countries set all that out in policy, rather than in legislation. Reaching a definition and getting agreement on it is always going to be extremely difficult.”

It may be useful for the Committee members to draw on the specific experiences of other countries, where in fact it has been possible to incorporate objectives into national planning legislation. In the Annex below I have included examples from Denmark, Finland, Norway, the Netherlands, France, and Germany. This is despite very different approaches within countries to national, regional and local planning responsibilities, and their own well-developed programmes of accompanying policies.

From these examples, there appears to be a common consensus on the purposes of planning, with recurring themes including: the protection of natural and cultural heritage; conservation of valued landscapes; ensuring public participation in planning processes; safe and healthy environments; controlling urban expansion; and ensuring the best use of natural and agricultural resources.

Yours sincerely

Diarmid Hearns
The National Trust for Scotland
Annex – The purpose of planning expressed in national legislation: examples

**Denmark – Planning Act 2007**

“People use planning to form the surroundings of daily life.

Planning should be based on visions of how we want to live now and in the future and what we need to preserve from the past.

Planning is both the basis for and the concrete result of policy-making.

This Act shall ensure that the overall planning synthesizes the interests of society with respect to land use and contributes to protecting the country’s nature and environment, so that sustainable development of society with respect for people’s living conditions and for the conservation of wildlife and vegetation is secured.

This Act especially aims towards:

1) appropriate development in the whole country and in the individual administrative regions and municipalities, based on overall planning and economic considerations;
2) creating and conserving valuable buildings, settlements, urban environments and landscapes;
3) that the open coasts shall continue to comprise an important natural and landscape resource;
4) preventing pollution of air, water and soil and noise nuisance; and
5) involving the public in the planning process as much as possible.”

**Finland – Land Use and Building Act 2003**

“The objective of this Act is to ensure that the use of land and water areas and building activities on them create preconditions for a favourable living environment and promote ecologically, economically, socially and culturally sustainable development.

The Act also aims to ensure that everyone has the right to participate in the preparation process, and that planning is high quality and interactive, that expertise is comprehensive and that there is open provision of information on matters being processed.”

**Norway - Building and Planning Act 2005**

“Section 2. Purpose

Planning pursuant to the Act is intended to facilitate coordination of national, county and municipal activity and provide a basis for decisions concerning the use and protection of resources and concerning development and to safeguard aesthetic considerations.
By means of planning, and through special requirements concerning individual building project, the Act shall promote a situation where the use of land and the buildings thereon will be of greatest possible benefit to the individual and to society.

When carrying out planning pursuant to this Act, special emphasis shall be placed on securing children a good environment in which to grow up."

**Netherlands - Environment and Planning Act, 2016**

“Article 1.3 (objectives of the Act in relation to society)

With a view to ensuring sustainable development, the habitability of the country and the protection and improvement of the living environment, this Act aims to achieve the following interrelated objectives:

a. to achieve and maintain a safe and healthy physical environment and good environmental quality, and

b. to effectively manage, use and develop the physical environment in order to perform societal needs."

**France - Code of Urbanism, 2018 (via Google Translate)**

“Article L101-2

In keeping with the objectives of sustainable development, the action of public authorities in urban planning aims to achieve the following objectives:

1 The balance between:
   (a) Populations residing in urban and rural areas;
   (b) Urban renewal, controlled urban development, restructuring of urban areas, revitalization of urban and rural centres;
   (c) Economical use of natural areas, the preservation of areas devoted to agricultural and forestry activities and the protection of sites, environments and natural landscapes;
   d) The safeguarding of urban complexes and the protection, conservation and restoration of cultural heritage;
   e) Mobility needs;

2 Urban, architectural and landscape quality, including city entrances;

3 The diversity of urban and rural functions and the social mix in housing, by providing sufficient construction and rehabilitation capacities to satisfy, without discrimination, the present and future needs of all types of housing, economic, tourist, sports, cultural and general interest activities as well as public facilities and commercial equipment, taking into account in particular the objectives of a geographically balanced distribution of employment, housing, shops and services, improvement energy performance, the development of electronic communications, the reduction of motorized travel obligations and the development of alternative transport for the individual use of the automobile;

4 Public safety and health;
5 The prevention of foreseeable natural risks, mining risks, technological risks, pollution and nuisances of all kinds;

6 The protection of natural environments and landscapes, the preservation of the quality of the air, water, soil and subsoil, natural resources, biodiversity, ecosystems, green spaces as well as the creation, preservation and restoration of ecological continuity;

7 The fight against climate change and its adaptation to this change, the reduction of greenhouse gas emissions, the economy of fossil fuels, the control of energy and the energy production from renewable sources."

**Germany - Federal Regional Planning Act, 2009**

“2) Regional planning shall be governed by the following principles:

1. A well-balanced system of settlements and open spaces shall be developed in the entire territory of the Federal Republic of Germany. Provision shall be made to maintain a functioning ecosystem in built-up and non-built-up areas. Efforts shall be made to establish balanced economic, infrastructural, social, ecological and cultural conditions in the respective regions.

2. The decentralized settlement structure of the territory as a whole with its large number of well-functioning centres and city regions shall be maintained. Building activities shall be concentrated in certain areas with a view to establishing a system of functioning central places. The re-use of derelict settlement areas shall be given priority over the use of open spaces.

3. The large-scale and integrative system of open spaces shall be maintained and improved. The importance of open spaces for productive land use, the water balance, fauna and flora and for the climate shall be guaranteed or their function restored. Provision shall made for economic and social uses of open spaces by taking into consideration their ecological functions.

4. The infrastructure shall be harmonized with the system of settlements and open spaces. The local population shall be provided with basic technical infrastructure installations covering public utilities and disposal facilities for the entire area. Social infrastructure facilities shall be concentrated primarily in central places.

5. Agglomerations shall be established as residential, production and service centres. The development of settlements shall be governed by the objective of establishing an integrated transport system and making provision for open spaces. The attractiveness of public passenger transport shall be enhanced by developing integrated transport systems and establishing functioning interfaces. Green belts shall be maintained and integrated as elements of a network of open spaces. Adverse environmental effects shall be reduced.

6. Rural areas shall be developed as independent residential and economic areas. A balanced population structure shall be promoted. The central places of rural areas
shall be supported in their task as promoters of regional development. The ecological functions of the rural areas shall also be maintained with a view to their importance for the entire territory.

7. In areas where the overall standards of living lag far behind the federal average or where this is to be feared (underdeveloped areas), the preconditions for development shall be improved as a matter of priority. The latter particularly include sufficient and high-quality training and employment opportunities and improvement of environmental conditions and infrastructure facilities.

8. Provision shall be made for the protection, conservation and development of the natural surroundings and landscape including water bodies and forests, taking into account the requirements of the biotope network. Natural resources, particularly water and soil, shall be used sparingly and carefully; groundwater resources shall be protected. Any impairment of the ecosystem shall be compensated for. If land is no longer used on a permanent basis, the productivity of the soil shall be maintained or restored. In the protection and development of the ecological functions and uses relating to the countryside, the respective interactions shall also be taken into account. Provision shall be made for preventive flood protection on the coasts and in the interior of the country, in the interior mainly by protecting or restoring meadows, retention areas and areas which are in danger of being flooded. Provision shall be made for the protection of the public against noise and for air pollution control.

9. Efforts shall be made to establish a well-balanced economic structure which will be competitive in the long term and to offer a variety of adequate job and training opportunities. As far as necessary, sufficiently large areas shall be reserved for improving the locational conditions for economic development, infrastructure facilities closely concerned with industry shall be expanded and the attractiveness of the locations enhanced. Areas shall also be reserved for the precautionary protection and systematic prospecting and extraction of site-specific raw materials.

10. Certain areas shall also be reserved and protected for the agricultural sector to develop as an efficient and competitive sector of the economy based on a family farm structure, cooperating with an efficient and sustainable forestry sector in the protection of natural resources and in the preservation and shaping of the natural surroundings and countryside. Site-specific agriculture shall be protected; sufficiently large areas of land used for agricultural and forestry purposes shall be maintained. Efforts shall be made to achieve a balanced ratio of land used for agriculture to land used for forestry within the regions.

11. The housing requirements of the population shall be taken into account. Care shall be taken to provide for the independent development of the Communes in the housing sector. When areas are established where jobs are to be created, the probable resulting housing needs shall be taken into consideration, encouraging the allocation of these areas to residential areas in a suitable manner.

12. Easy access between all regions by passenger and goods transport shall be ensured. The prerequisites for transferring traffic to more environmentally compatible means of transport such as rail and inland waterways shall be improved, particularly in areas and corridors with a high traffic density. By allocating and mixing the various
land uses, settlement development shall be influenced in such a way that the traffic load is reduced and a higher volume of traffic is avoided.

13. Historical and cultural relationships and regional affiliations shall be maintained; the characteristic features and the cultural and natural monuments of evolved cultural landscapes shall be preserved.

14. Provision shall be made for areas and locations suitable for leisure in natural surroundings and in the countryside and for recreational and sports activities.

15. Provision shall be made for the reservation of land required for civil and military defence purposes."