



30<sup>th</sup> April 2020

## Response to Scottish Government Call for Ideas on National Planning Framework 4

*“Impossible ideas can become possible in times of crisis” Naomi Klein*

**Planning Democracy** is an organisation campaigning for a fair and inclusive planning system. Our purpose is to promote fair and accountable decision making in the planning system in Scotland based on a level playing field between the public and other stakeholders.

Planning Democracy welcomes this opportunity for exploration of radical ideas on how NPF4 might give Scotland the directions it needs to address the Climate Emergency in a post-Covid world.

What we say does not fit easily under the 5 question headings. We hope, nevertheless, that you will still be able to analyse and integrate our response with others.

(We provide a separate section at the end addressing the Housing Policy Questions)

### **Outcomes of NPF4**

- a) It is encouraging that the government is now working towards a statutorily defined Purpose for Planning, and that this has been given clearer definition through the proposed outcomes for NPF4. We believe these outcomes provide a basis for developing a stronger planning system capable of contributing to the major transformations of Scotland’s economy, society and environment that the near future requires.
- b) It is important that these outcomes can be measured against a current baseline and that the NPF is drafted, monitored and evaluated against them. In effect, Planning Democracy believes they should form a set of ‘public interest tests’ that could be used more widely to guide the function, measure the performance and ensure the accountability of Scotland’s planning system.
- c) It is also important that the NPF4 is clear about the trade-offs that might emerge between different outcomes and how these will be managed and prioritised. (Ambiguity between different proclaimed purposes of planning has in the past led to an implicit default towards economic growth and the presumed economic benefits

of development. This simply cannot continue to happen in the face of the climate and biodiversity emergencies.)

- d) The NPF should be an opportunity to push forward a conversation about the kind of planning we need to achieve genuinely sustainable development. However, we also remain sceptical about the powers available to realise the ambitious changes that are necessary. It would have been good to see more radical ambition when the legislative frameworks were set out.

Despite this, Planning Democracy believe that the NPF4 can still achieve a great deal if it is guided by the following core principles:

### **Strengthening the purpose and outcomes of planning**

The NPF should set out a strong and bold vision for the future of Scotland's land and the kinds of development that can help to realise it. This should start with a stronger definition of the NPF outcomes and the changes required to realise each of them. A just transition towards a fairer, healthier society where we meet the challenges of the climate and biodiversity crises will not be achieved through business as usual. It requires a commitment to fundamentally change many of the ways we currently develop and use our land. A genuinely *regenerative, distributive and sustainable economy* requires that we *stop confusing growth with progress* and start valuing a much wider range of social and environmental objectives. Scotland's planning system should proactively ensure that all new development prioritises people and the planet.

**Recommendation 1:** NPF4 includes a strong definition of its outcomes and the changes required to deliver them. NPF4 is seen, not as an expression of the Government's economic strategy, but a plan that allows us to thrive whilst respecting the health and well-being of the planet and its people.

### **Proactive Public-led planning**

We doubt that our current systems of planning and development are capable of actually achieving the NPF4 outcomes without a fundamental change in approach. This requires moving away from an essentially market-led process where planning regulates private development towards a more positive and proactive commitment to public and community-led planning. This is probably impossible within the constraints of existing planning powers and resources which remain largely reactive but important steps can be made in the right direction.

Our current system of planning for housing, for example, focuses on reactive, short term market driven fixes to deliver 'housing numbers'. This puts too much emphasis on having a generous (and therefore inefficient) effective land supply in places where developers want to build. Affordable housing provision is overly reliant on section 75 agreements or a trickle-down of affordable supply through housing chains. Put simply, our existing housebuilding

industry isn't set up to efficiently or effectively build the number, type or quality of new homes we need; they don't necessarily want to build in the places development is most needed or in ways that meet the needs of those unable to pay. The model is volatile, tends towards oligopoly, and the product is unlikely to deliver on climate or biodiversity targets because of its size, quality and location.

Instead, we need more public-led development and proactive assembly of housing sites to ensure land value is efficiently captured and used to enable effective infrastructure provision in the most sustainable locations where development can strengthen existing communities. New development should be a net positive contribution not a strain on existing places. Competition should be encouraged between developers through selective release of land. Priority should be given in the planning system to social, public and community developers who directly meet the needs of those unable to do so themselves through the market. The planning system should actively encourage experimentation with alternative models of housing delivery, e.g. contracting, self-promotion community and self-build.

In short, a very different planning and development process is possible.

**Recommendation 2:** Strong moves towards public led planning, land assembly are set out in NPF4. The planning system is used to promote and encourage alternative models of development.

### **Public Interest Tests to Determine Social Viability of Development**

Allied to public-led planning, strong regulatory powers can play an important role in delivering the kinds of behaviour change we need to see throughout the development process.

In order to drive positive change through regulation, the NPF should introduce a clear requirement for all new development to be subject to a set of 'public interest tests' that will determine its 'social viability'. This would give substance to the newly defined purpose of planning set out in legislation. The tests could be formulated from the existing NPF4 outcomes and used explicitly throughout the planning system to guide decision-making and debate.

Over time a series of measures could be debated and developed to measure development against these tests and to determine how different outcomes should be weighed, balanced and traded off. The measures should recognise harm and the negative impacts of development as well as its benefits for all involved, from those directly affected to future generations. Harm to communities and the environment should be fully mitigated or compensated before development is considered socially viable.

Public interest tests would help to give substance to the currently opaque and ambiguous ways in which planning outcomes are weighed and assessed through policy and the application of material considerations. They would provide clarity for all actors about the key criteria that guide decision-making and create a presumption that all development

needs to be net positive in public interest terms before it can be considered socially viable. Over time this would reward pro-social and eco-conscientious developers, ensuring that all development contributes to the outcomes we want to see. It would increase transparency and provide a focus for public debate, ensuring the planning system is held accountable in constructive ways.

**Recommendation 3:** All new development to be subject to a set of ‘public interest tests’ that will determine its ‘social viability’

### **Enabling planning to address the climate and biodiversity crises**

Policy guidance needs to express clear rules and regulations to enable Scotland to achieve the Government’s targets on reducing greenhouse gas emissions through a just transition to a net-zero economy and society. The climate emergency requires strong leadership and clear rules and enforcement of these rules. The policies must be aspirational but also need to be *precise and detailed*.

It should be recognised that all development uses energy and the life-cycle energy requirements of building should be assessed and mitigated. The focus should be on re-using land and buildings such as vacant and derelict sites, bringing empty homes back into use and ensuring development is of sufficient density without losing quality of place. Strong tests on climate and biodiversity should be central to the public interests tests set out in Scottish Planning Policy. Where new development does not meet these tests there should be a presumption against permission.

**Recommendation 4:** There should be a presumption against development unless strong tests on climate and biodiversity are met.

### **Building a democratic culture of participation**

During the covid lockdown period the Scottish Government has made available millions of pounds to support communities. A large element of that support package is underpinned by an acknowledgement within Scottish Government that communities should be trusted to know what they need and simply allowed to get on with it. Communities have stepped up to the plate and demonstrated that they are their own trusted local experts, many delivering effective solutions to the crisis, mobilising quickly and responding effectively.

When this crisis is finally over many communities will not want to return to the status quo, the crisis has provided opportunities for them, “turbo charging” what they wanted to do anyway, providing them with sudden access to an army of volunteers and enabling them to make many new connections in their communities that previously weren’t possible. Now is the opportunity for Government to recognise the value of communities, to provide them with the rights and resources necessary to build resilience and crucially gain the much needed recognition that they are an equal partner.

In this vein it is vital that the NPF plays a strong leadership role, modelling the kind of planning process and culture that Scotland needs, recognising the role that communities can and will need to play in future in the way Scotland is developed. Ensuring *meaningful public engagement* at every step of the NPF process is vital to ensure the democratic legitimacy of the plan and its definition of the public interest.

We welcome this call for ideas and the work already undertaken, however the process needs to include *a real national conversation* about the future of our land and the ways it should be developed. We cannot continue to rely disproportionately on the vested interests of the 'usual suspects' in the development industry and planning profession to influence the process. The Scottish Government has a commitment to using deliberative techniques such as citizen's assemblies and mini-publics and now has some practical experience of delivering them. The opportunity is there to incorporate these into the participation statement on NPF4.

We will not all agree on everything but all voices in the debate need to be listened to carefully and have their concerns addressed in good faith. Unfortunately, this has not always been the case in the recent past where professionals have seen themselves as guardians of a public interest the public themselves are apparently ill-qualified to comment on. People are too often still excluded from the planning process, trust is low and it will require real change to address this.

Work can be done to develop the participation of communities such as the West Fife group who have used zoom meetings and surveys to elicit views from people in Fife during the covid outbreak. It would go a long way if the planning system recognised their and others' informal efforts to engage and used their enthusiasm as an opportunity to work together to broaden engagement as NPF4 is developed.

Those communities most likely to be directly affected by key national developments need to be engaged with particular care and attention. This cannot be done well on the cheap and it is up to the government to illustrate its commitment to meaningful deliberation early enough in the process to allow real alternatives to be fully considered and debated.

Similarly, the Local Place Plan initiative has been put in place by Government. With the recent community response to the covid emergency in the forefront of its mind the Government now needs to outline how these plans will be used effectively to deliver community aspirations and needs as expressed by the public. Government need to clearly show how the Local Place Plans fit into the current hierarchy of plans in particular how they fit with the National Planning Framework with its current timetabling.

**Recommendation 5:** Provide a clear policy direction and status for Local Place Plans.

**Recommendation 6:** Incorporate deliberative public involvement mechanisms into the participation statement of NPF4.

**Recommendation 7:** Provide clear statement of how and where Local Place Plans will be able to influence a 10-year NPF plan.

## Reinstating a Plan Led System of Planning

During the review of planning 2015-19 clear support was shown from all sectors for a plan led system of planning. The assumption was that the current system is plan led, however what we have in reality is a development led system. This is inscribed in everything from the 'call for sites' that are viable and deliverable to the fact that the system relies on developers to bring proposals forward whether or not they have been identified in the development plan.

There is a forceful commercial industry that is able to lobby planning authorities to allocate housing sites most suitable to their needs. For example the process of calculating the effective land supply is influenced heavily by commercial interests at every stage of the development of LDPs, and at planning application stage when developers arguments focus around proving insufficient land supply (often in planning appeals) - in order to allow more building wherever it suits them.

**Recommendation 8:** Implement a real plan-led system where plans designate the most suitable sites for development and there is a presumption against development that departs from the plan.

## Response to Housing Policy Questions

**In addition to the general call for ideas we have developed some thinking around the Housing policy questions particularly in response to the climate change and biodiversity emergencies and would like to respond with some recommendations.**

Policies need to focus on the following:

1. **Holistic planning for quality places.** The need for homes should be integrated with a planning regime that considers everything, not solely housing. We should be asking, how can we provide what homes people **need** whilst staying within our planetary boundaries? At the same time how do we holistically tackle the problems of inequality, loneliness and isolation, mental health and obesity, rather than how do we build more houses? Placemaking and housing strategies need to be combined.
2. **Providing places to live based on need.** We should calculate our housing need in a transparent manner, with local community involvement (including through the LPP process). HNDA process is not sophisticated enough to calculate what types of homes are required. HNDAs seem very complex and a mystery to most people even planners! There is too much emphasis on number and predictions, not enough on quality and design. Currently whole sites can be taken up with expensive, large houses that make little dent in housing needs issue.
3. **Decide where the best sites are.** We need to work together to find the best sites that enable us to find sustainable sites. The Call for Sites process does not encourage sustainable planning, it is too reactive and market driven. The planning system is there to ensure that the right sites are chosen for development, sites that are genuinely sustainable and that are effective in terms of contributing to our long term

needs, within the bounds of our planetary limits. If it cannot do this, then we ask do we really have a planning system? The emphasis should be on better use and re-use of land with higher density housing, but maintaining quality and green space.

4. **Power to allocate and build on the right sites**, this means sites which are most sustainable and least impactful on our natural environment. We need to have powers to ensure the right sites are developed, powers that enable public intervention, public led planning, land assembly and compulsory purchase. We must not sell the planet short by allowing what may be easier, but less sustainable sites to be developed.
5. **Ensure quality houses are built**. Relying on private sector does not deliver quality, the focus is on quantity and private sector housing. We need to overcome our dependence on volume house builders to deliver housing.
6. **Ensure that sites that are chosen are built out**. We need to incentivise completions on the sustainable sites chosen and prevent land banking and speculation.

**Recommendation 9:** Policy should be strong in favour of revamping existing housing stock and other existing buildings, bringing empty homes back into use, using vacant and derelict sites and biodiversity poor brownfield sites over new build.

**Recommendation 10:** Introduce policies requiring higher density quality housing. Perhaps looking to some standards such as Parker Morris for inspiration.

**Recommendation 11:** The NPF4 should include allocating land for protection from development for carbon reduction purposes. Peatland is already considered, we need other protections.

**Recommendation 12:** Housing Land Supply must **not** be increased with the intention that it prevents developers from appealing when there is an under supply to get permission for their housing. This is an unsustainable and inefficient approach. Less new allocated land could actually help to incentivise development of nature poor brownfield sites.

**Recommendation 13:** Make development on allocated nature poor brownfield sites happen. Tougher negotiations may be required, therefore strong policy positions need to be in place to give planners the scope to defend decisions.

**Recommendation 14:** Introduce a regular national housing audit, to determine the quality of the housing stock and new housing settlements in terms of climate, biodiversity and other outcomes.