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Dear Ms Macrory

PLANNING ADVICE NOTE (PAN): COMMUNITY ENGAGEMENT “PLANNING WITH PEOPLE” CONSULTATION DRAFT: RESPONSE BY HEACS

Thank you for your consultation on the Consultation Draft Planning Advice Note: Community Engagement “Planning with People.”

The Historic Environment Advisory Council for Scotland (HEACS) was established in 2003 as an advisory NDPB to provide independent strategic advice to Scottish Ministers on issues affecting the historic environment.

Before commenting on the Draft Planning Advice Note (PAN) it is perhaps useful for HEACS to restate views already expressed to the Executive in documents about the proposed changes to the planning system that provide a context for our comments. In our response to you on the White Paper: Modernising the Planning System we suggested that there had been a missed opportunity in not seeing the historic environment as an integrated part of the planning system, relegating any discussion to an appendix. Concern was expressed at that time over any possibility that the historic environment should in any way be de-coupled from the broader planning agenda.

Secondly we were then, and continue to be now, disappointed that some limited form of Third Party Rights of Appeal (TPRA) was not included in the Planning Bill, remaining unconvinced this would seriously compromise the speeding up of the planning process and believe that it would go some way to restore public confidence in the planning system.

It should be recognised that there are already high levels of community engagement in matters relating to the historic environment at a variety of levels.

Since that consultation HEACS has produced two key reports that touch on aspects of the current consultation (whether there is a need to review heritage legislation in Scotland and the role of local authorities in conserving the historic environment). These reports have been recently submitted to Patricia Ferguson MSP, Minister for

Tourism, Culture and Sport – and can be viewed on our website (www.heacs.org.uk).

As a general comment, therefore, we are concerned that once again a major consultation document appears with scant regard for the historic environment, seeing the planning system as a process of discussing development in terms of land acquisition and investing in infrastructure rather than as a careful balance between opportunity and constraint. Aspects of the historic environment can often be complex issues in dealing with the planning process and the examples chosen to illustrate the “improvements” to the system are very simplistic. Some recognition of this complexity within the process would have been welcome in the opening statements, as would recognition that communities of interest in cases involving the historic environment can be very different.

As an example, the section on how to achieve effective community engagement in land use planning is a re-statement of a series of national standards issued by Communities Scotland, which, whilst a significant benchmark, give limited recognition of the place of the historic environment in the overall process.

The general principle of a statement on community engagement from the Scottish Executive has to be welcomed as part of the debate on the future of the planning system and in particular in relation to the concept of “culture change”. It is difficult to take exception to the principle of greater public involvement in the delivery of local government services and this document extends that principle to planning. However it is arguable, particularly given the examples used, the consultation document over-emphasises the impact that engagement will have on public satisfaction.

From evidence taken as part of the reports on the above topics it is apparent that improvement to public engagement is not necessarily matched by increased satisfaction with the decision. Often entrenched views, fuelled by self-interest, mar the overall attempts at engagement, and whilst the steps identified in the Guiding Principles (from paragraph 44 onwards) are important so is the need to start the process by educating the community to accept that with engagement comes responsibility and the need to see beyond their own immediate opinions. It is not a process that starts as a plan is prepared, nor as an application is submitted, but is a continuing and time consuming process.

In this regard the development of the principles enshrined in community planning are significant and perhaps more emphasis should have been placed on those links with the planning system than the general statements in the current paragraph 42. In some councils a commitment to continuous consultation through the community planning process is seen as more significant.

One of the difficulties in commenting on the current document is that as it is prepared before the finalisation of the Planning Bill there is a general lack of detail in many aspects of the advice. This has a number of consequences.

It is difficult to see exactly who the advice in this consultation is aimed at, being perhaps too detailed for communities, but not necessarily detailed enough for the professional planner;

It lacks sufficient detail in exactly what timescales are to be applied to, for example, consultation on the National Planning Framework and how to engender a national debate;

There is no recognition of the need for different forms of community engagement for Strategic Development Plans as opposed to Local Development Plans; and

In proposing the introduction of pre-application discussions there is a lack of advice on the coverage and extent of those discussions, a concern that many applicants will not be equipped to carry them out and how they may define community involvement without considerable support from planning officials.

The consequence of this is there may well be a need for a further PAN after the Bill becomes law to develop some of these themes, and to allow further public comment on the final proposals. The proposals would also benefit from a populist checklist to be widely available showing how the public can get involved in the planning process.

Given the significance attached to community engagement as part of the modernising planning agenda there may also be a question as to why the consultation was produced as a PAN and not as a Scottish Planning Policy (SPP). This would surely give the document potentially more emphasis and go in some small way to redress the lack of TPRA in the engagement process. Nevertheless it is our belief that some limited form of TPRA would give communities immeasurably more confidence in the planning process, and in the decisions taken in their name by the public agencies.

Finally there must be the question of resources. Community engagement cannot be seen in isolation from the totality of culture change regarded as necessary by Scottish Ministers, and with that change comes the issue of resources. Many councils already aspire to the forms of community engagement envisaged by the Draft PAN, and examples of a range of good practice are given. In our work it is clear that considerable time, effort and resources – both financial and human - already go into the process of dealing with the complex issues in the historic environment. The Planning Bill and its consequential improvement will increase that work substantially. Given there is already acceptance by the Executive that the planning system is generally under-funded, without substantial increased financial support it is difficult to see how the other key plank of the “culture change” – that of speeding up the planning system – can ever be achieved.

Yours sincerely

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Chair
HEACS