



Stop Climate Chaos Scotland

Written evidence to on the Planning Bill for the Local Government and Communities Committee
February 2018

Stop Climate Chaos Scotland (SCCS) is a civil society coalition campaigning for action on climate change. Members include environment and international development organisations, student and trade unions, community groups and faith groups. We believe that the Scottish Government should take bold action to tackle climate change, with Scotland delivering our fair share of the Paris Agreement and supporting climate justice around the world.

We welcome the Scottish Government's vision for a planning system that nurtures our places, environment and communities and ensures that future growth is sustainable. However, we have major concerns that at the moment the proposed Planning Bill lacks provisions to ensure the planning system and National Development Plan framework are integrated with our climate targets, and to ensure that the planning system as a whole fulfils its significant potential to contribute to tackling climate change and delivering low carbon and naturally resilient places.

Our response to the detailed questions are set out below. We have restricted our comments to questions 1, 4, 6, 8 and 9.

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

At the moment there is a major concern that the Bill misses an opportunity to ensure that the planning system delivers sustainable, low carbon and naturally resilient places, which are defined as key planning outcomes by the Scottish Government.

The planning system plays a major role in how Scotland addresses the challenge of climate change and progresses towards statutory climate targets. Decisions made about housing, not just in terms of the individual energy performance of houses, but the location, density and type of development, affect our energy use, travel distances, resilience to climate change and other behavioural and wellbeing factors linked to sustainability. Whilst we welcome the commitment of Scottish Government to maintain provisions in the current Town and Country Planning Act for low and zero carbon technologies in housing, this provision only one part of what needs to be embedded in the planning system to ensure Scotland's low carbon transition.

A review of effectiveness of Section 3F of the Town and Country Planning (Scotland) Act 1997, (amended through the Climate Change (Scotland) Act 2009) by ClimateXChange in 2016¹ found a modest increase in the uptake of low carbon technologies. However it also found that many multi-domestic developments did not comply with the policy, suggesting potential for improved compliance, and that arguably a focus on low carbon technologies could be detrimental to

¹ [http://www.climateexchange.org.uk/files/2614/5823/6536/LDP_GHG - Final_Report_Exec_summary_only.pdf](http://www.climateexchange.org.uk/files/2614/5823/6536/LDP_GHG_-_Final_Report_Exec_summary_only.pdf)

design-led responses to emissions reduction such as demand reduction through energy conservation and passive design principles, solutions such as district heating are not being supported, and generally it is Scottish building standards are driving the current reduction in emissions, not Section 3F policies. However, it also found that Section 3F policies have potential to “promote awareness, support uptake of more sustainable buildings, and encourage the adoption of more innovative and efficient energy infrastructures”. This underlines the importance of ensuring improved and robust Building Standards to deliver sustainable, low carbon housing, but the Planning Bill should play a complementary role and could particularly add value in areas such as multi-domestic developments, district heating and energy efficiency in addition to uptake of low carbon technologies like solar panels and heat pumps.

The potential for the planning system to contribute to climate action also extends far beyond housing, to local adaptation solutions around heat and flood risk, decisions made about deployment of energy infrastructure, including renewable energy, other low carbon infrastructure and innovative technologies, and how the planning of infrastructure is linked into the protection and enhancement of natural carbon sinks, such as woodlands and peatlands. The extent to which we harness these opportunities will be pivotal to how quickly Scotland transitions to a low carbon economy (or alternatively is locked into higher carbon pathways), who benefits from that transition, and how we ensure that transition is well integrated with wider social, economic and environmental goals.

SCCS proposes the following measures in order to ensure Scotland’s spatial strategies align with and contribute to our statutory climate targets and ambitions:

- A mechanism in the Bill to ensure the compatibility of the National Planning Framework with the Climate Plan (required by law by the Climate Act every 5 years). Given the Bill proposes that NPF is reviewed every 10 years, it is likely that new policies in the Scottish Government’s Climate Plans will trigger a need for amendments to the NPF to ensure these key Government strategies are integrated. This will be particularly important to avoid lock in to high carbon pathways in sectors where significant systems level change is required such as in low carbon heat and transport or other areas of smart energy innovation.
- A clause in the Bill that requires Scottish Ministers, when drafting and adopting the National Planning Framework, to have regard to:
 - The objective of not exceeding the fair and safe Scottish emissions budget;
 - Policies and targets set out in the relevant Climate Plan for that period; and
 - Opportunities to future-proof infrastructure for climate mitigation and adaptation, with the aim of encouraging the identification of opportunities for the roll out or trialling of innovative technologies or systems (for example systems that require flagship infrastructure or a critical mass in order to be feasible or economically attractive, such as district heating) and avoiding unnecessary lock-in to outdated technologies.
- A requirement in the Bill for Scottish Ministers to request, have regard to and publish advice from a relevant body (likely to be the UK Committee on Climate Change as in the Climate Act) on the compatibility of any draft National Planning Framework with statutory emissions

targets, and for Scottish Ministers to provide a statement on how advice has been considered.

4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

Scottish Government should consider how the planning system can be used to enable and support local decision-makers to explicitly weigh up the long-term costs and implications of climate change impacts of development proposals against potentially competing considerations such as shorter-term economic considerations.

Measures that could support this could include:

- Making climate mitigation and adaptation a legal strategic priority for Local Development Plans. Adaptation is an increasingly complex issue and ranges from enhancing the resilience of natural habitats to the need for urban cooling by preserving green open space. Planning authorities should be thinking systematically about all of these issues when drafting Local Development Plans or considering planning applications.
- A statutory requirement that all major developments must conduct a life-cycle greenhouse gas emissions assessment to enable better consideration of the climate impacts of proposals

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

We welcome proposals which give local communities real opportunities to take action on climate change by encouraging community-based development and active participation in plan-making. This could involve encouraging community-led initiatives to reduce energy use or the community ownership of energy supply, securing land for local food sourcing, increasing sustainable transport use and local transport solutions, or improving access to green space for recreation and active travel through the provision of green infrastructure. Many of the initiatives that can be taken to address climate change are 'win-wins' for communities, and help to shape low-carbon resilient places with high-quality design and access to the natural environment.

With these potentially significant benefits in mind we would welcome more clarification of how the proposed Local Place Plans will work in practice to ensure that communities have access to the information they need to meaningfully participate, particularly as the reform proposals do not explicitly provide for community consultation on the early stage 'evidence report'. Communities should be involved in plan-making from the earliest stage possible and receive the information and support required to enable effective engagement in decision-making, and to help them in identifying local low-carbon measures and innovative solutions.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

In order to ensure that the Infrastructure Levy not only encourages development, but encourages low carbon development and healthy, thriving communities, it is imperative that the definition of 'infrastructure' in section 29 of the Bill be expanded to include green infrastructure. Green infrastructure is defined in Scottish Planning Policy and includes features such as parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, hedges and gardens, and also 'blue features' such as rivers, lochs, wetlands, canals, ponds, coastal and marine areas including beaches and sustainable urban drainage systems.

Ensuring such features are supported and expanded through development planning, in particular housing developments, will be critical to shaping low carbon resilient places, recognising low carbon communities comprise of much more than the energy efficiency of individual houses. Supporting green infrastructure can also be a critical enabler of active travel through the development of networks of green spaces for walking and cycling, which in turn would support the Scottish Government's objective (set out in the Draft Climate Plan) to "reduce emissions from transport in ways that promote sustainable environmental and socio-economic wellbeing" and to encourage a healthier, more active population.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

Yes. In particular, councillors should receive training covering the key Government strategies that exist alongside (and should be integrated with) the National Planning Framework including:

- The Climate Plan
- The Land Use Strategy
- The Scottish Energy Strategy
- The Scottish Climate Change Adaptation Programme
- Active travel policies

Training should also be provided on the information and guidance available to help councillors fulfil their statutory duty under the Climate Act to exercise their functions "in the way best calculated to contribute to the delivery of the targets set" in the Act.

Any queries regarding this evidence should be directed to the SCCS Campaigns Manager, Gail Wilson via gail@stopclimatechaosscotland.org or by calling 0131 243 2701.