

Email to: [finance.committee@parliament.scot](mailto:finance.committee@parliament.scot)

28 September 2017

Dear Sir/Madam,

## **WRITTEN EVIDENCE ON THE IMPACT OF THE EUROPEAN UNION (WITHDRAWAL) BILL ON THE DEVOLUTION SETTLEMENT**

The Royal Town Planning Institute (RTPI) is the champion of planning and the planning profession. We work to promote the art and science of planning for the public benefit. We have around 2000 members in Scotland and a worldwide membership of over 24,000. We:

- support policy development to improve approaches to planning for the benefit of the public;
- maintain the professional standards of our members;
- support our members, and therefore the majority of the planning workforce, to have the skills and knowledge they need to deliver planning effectively;
- maintain high standards of planning education;
- develop and promote new thinking, ideas and approaches which can improve planning;
- support our membership to work with others who have a role in developing places in Scotland; and
- improve the understanding of planning and the planning system to policy makers, politicians, practitioners and the general public.

### **General Observations**

RTPI Scotland welcomes this opportunity to submit written evidence to the Finance Committee of the Scottish Parliament regarding its inquiry into the Impact of the European Union (Withdrawal) Bill on the Devolution Settlement. Planning is already a devolved matter. However, the context in which planning operates, including environmental protection and public funding, is heavily impacted by EU Directives and EU funding decisions. The distribution of powers 'returned' from the EU following the UK's exit could therefore have a significant impact on the way the planning system in Scotland functions.

The RTPI does not take a stance on constitutional issues, but focuses its efforts on ensuring that planners working in all the jurisdictions of the UK have the tools they need to be able to deliver great places for people. It is therefore in our interest to ensure that the legislative architecture of the planning system and the context in which it operates is as effective as possible.

We acknowledge that the focus of this call for evidence is the impact of the European Union Withdrawal Bill on the devolution settlement. However, it may be useful to highlight [evidence](#) submitted by RTPI Scotland to the European and External Relations Committee inquiry into Scotland's Relationship with the EU in September 2016. This briefing still stands, and provides further detail on the areas of EU legislation and authority most relevant to the

operation of the planning system in Scotland. In brief, the UK's withdrawal from the EU most impacts on planning in the following ways:

- Funding, of both development and research
- Environmental protection and enhancement
- Agriculture and fisheries (rural land management)
- Movement of labour, regulation and standards, particularly in relation to planning skills

### **Principles of Devolution**

In response to the Smith Commission Inquiry of 2014 RTPI Scotland developed a number of guiding principles that could be applied to the devolution of government. While developed for a different scenario, these remain relevant to the current debate surrounding how powers 'returned' from the EU will be distributed between Westminster and the devolved governments and Northern Irish Executive.

The principles are:

- *Subsidiarity* – that any new powers are vested in, and exercised, at a level that will be most effective in supporting all parties to deliver better places throughout the UK. This includes the UK, Scotland, the city regions, local authorities and communities.
- *Coordination* – that any new powers support and complement the ability to coordinate approaches to planning across the borders within the UK
- *Appropriateness* – that any new powers allow the UK Government or devolved administrations and their partners to develop specific approaches to tackle needs specific to each place where appropriate
- *Resourced* – that any new powers are properly resourced to ensure their effective implementation
- *Aligned* - that any new powers complement and don't contradict or 'get in the way' of other powers that are devolved
- *Engagement* – that any new powers are consulted upon and that the UK Government, devolved governments and the Northern Ireland Executive work with their delivery partners in assessing how best to make them work
- *Spatial* – that any new powers are examined in terms of how they will impact on the different geographies of the whole of the UK so as to promote better integrated approaches. Too often subsequent policy approaches are programme or silo-based

### **Alignment**

With regard to the relationship of existing devolved powers to powers to be repatriated, it is particularly worth highlighting the above principle of alignment. As outlined above, planning is a devolved issue. It is also closely tied to Environmental Impact Assessment and Strategic Environmental Assessment, both of which stem from EU Directives transposed into Scots law. In addition, the European Regional Development Funds have been important sources of public finance, making development plans deliverable by providing capital funding.

'Taking back control' was a powerful motive behind the vote to leave the EU. As described above many environmental matters are already the responsibility of the governments of Scotland, Wales and Northern Ireland. The turn of the century arrangements to set up

governments in the nations of the UK assumed continued membership of the EU, which would provide a common framework within which those governments would administer environmental functions. With membership of the EU no longer a factor, the most appropriate replacement for this would be for the environmental responsibilities of devolved governments to be augmented with responsibilities from the EU. However this will require agreements between the governments in the UK in order to handle cross border environmental impacts and to create a common environmental framework within which, for example, industries would function.

The UK is a world leader in environmental protection and as a result our environmental expertise is sought after round the world. The Scottish Government has committed itself to the future strength of the regulations that protect our environment, and RTPI Scotland supports this position. It is important that changes to our environmental laws brought about by EU withdrawal are subject to the closest scrutiny.

I trust that you will find these comments helpful. If you would like to discuss any aspect, or require clarification of any points raised, please contact me on 0131 229 9628 or by email to [kate.houghton@rtpi.org.uk](mailto:kate.houghton@rtpi.org.uk).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Houghton', written in a cursive style.

**Kate Houghton**  
Policy and Practice Officer