

Citizen Participation and Public Petitions Committee

5th Meeting, 2023 (Session 6), Wednesday
22 March 2023

PE1943: Help prevent the destruction of
greenfield sites by providing financial
incentives towards the remediation and reuse
of brownfield sites

Lodged on 3 August 2022

Petitioner Victoria Mungall

**Petition
summary** Calling on the Scottish Parliament to urge the Scottish Government to
introduce financial support mechanisms which would enable local
authorities to work alongside developers in bringing brownfield sites
back into use, while also discouraging developments on greenfield
land.

Webpage <https://petitions.parliament.scot/petitions/PE1943>

Introduction

1. The Committee last considered this petition at its meeting on [26 October 2022](#). At that meeting, the Committee agreed to keep the petition open until the Fourth National Planning Framework (NPF4) is finalised and approved. The Committee also agreed to write to the Royal Town Planning Institute, Homes for Scotland, COSLA, the Clyde Gateway Urban Regeneration Company, the Royal Incorporation of Architects in Scotland and the Chartered Institute of Building. NPF4 was approved by the Parliament on 11 January 2023.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from Clyde Gateway, Royal Town Planning Institute and the Royal Incorporation of Architects in Scotland, which are set out in **Annexe C**.

4. The Committee may wish to note that COSLA declined to provide a formal response.
5. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
6. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
7. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1943: Help prevent the destruction of greenfield sites by providing financial incentives towards the remediation and reuse of brownfield sites

Petitioner

Victoria Mungall

Date lodged

3 August 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce financial support mechanisms which would enable local authorities to work alongside developers in bringing brownfield sites back into use, while also discouraging developments on greenfield land.

Previous action

I review and comment on planning applications, highlighting where proposed development is contrary to the local authority's Local Development Plan (LDP). I have also raised this issue in consultations with local councillors and MSPs.

Background information

A housing crisis undoubtedly requires action. New affordable homes which immediately become less attractive to developers because profit is key are the main driving factor for greenfield development. Developers regularly look to develop sites which will require minimal cost and effort on their part. Brownfield sites, be it due to contamination, clearance, unstable ground, pose many challenges, which can be very expensive to remediate.

As a result, greenfield sites are regularly targeted and developed; further reducing greenfield land, including the quality and availability of green space within towns and villages. Children are growing up in areas with less greenspace in which they can walk, play and explore. Natural habitats are being destroyed leaving wildlife displaced, and several other issues, such as flooding, and congestion due to lack of infrastructure, are being exacerbated as a result.

In England in 2022, grants were introduced to allow local authorities to contribute to the remediation of brownfield land. Not only does this stop sites which are unsightly, and in some cases dangerous, becoming detrimental to the village/town which they are in, it also reduces the risk of unnecessary destruction of greenfield/greenbelt land. The Scottish Parliament needs to address this now.

Annexe B

Extract from Official Report of last consideration of PE1943 on 26 October 2022

The Convener: PE1943, which is on helping to prevent the destruction of greenfield sites by providing financial incentives for the remediation and reuse of brownfield sites, has been lodged by Victoria Mungall and calls on the Scottish Parliament to urge the Scottish Government to introduce financial support mechanisms that would enable local authorities to work alongside developers in bringing brownfield sites back into use, while discouraging developments on greenfield land.

Victoria Mungall tells us that brownfield sites can often be difficult and expensive to remediate due to contamination, unstable ground and other challenges. That results in greenfield sites being targeted for development, as they can be far less expensive for developers to build on. She also highlights that, in England, grants have been introduced that allow local authorities to contribute to the remediation of brownfield land.

In its response, the Scottish Government provides details of the vacant and derelict land investment programme, which was launched in March 2021. That £50 million fund is available on a competitive basis to all Scottish local authorities and to the Clyde Gateway urban regeneration company.

Members might be aware that the draft national planning framework 4 proposes an updated and expanded policy on vacant and derelict land that discourages development on greenfield land, unless no suitable brownfield alternatives are available.

Do members have any thoughts or comments?

David Torrance: The committee should keep the petition open until the fourth national planning framework is finalised and approved, so that we can see an updated version. We should also write to the Royal Town Planning Institute, Homes for Scotland and the Convention of Scottish Local Authorities to seek their views on the issues raised in the petition.

The Convener: Are members content with those suggestions? Should we write to any other organisations?

Paul Sweeney: Vacant and derelict land is a particularly acute issue in Glasgow. I think that the bulk of Scotland's derelict land is in Glasgow, so it would be interesting to get insights from the Clyde Gateway urban regeneration company, which is the only urban regeneration company left in Scotland, about its work and the model that it has adopted.

It would also be worth while engaging with the Royal Incorporation of Architects in Scotland and the Chartered Institute of Building, which has proposed a demolition levy to promote the reuse and renovation of buildings. A major disincentive has been created through the tax system whereby the renovation and retrofitting of existing buildings is subject to 20 per cent VAT, but demolition and new builds are zero rated, so a handicap is imposed on what should be the right thing to do. That is why you often see otherwise pleasant-looking buildings being destroyed; it does not make any financial sense for the developer to renovate them. There are some perverse incentives out there that should be investigated, because addressing them could be part of the remedy.

The Convener: I am very happy to accommodate that suggestion. Are members of the committee content to keep the petition open and to write to the organisations suggested ahead of further consideration when we receive responses?

Members indicated agreement.

Annexe C

Clyde Gateway submission of 25 November 2022

PE1943/B: Help prevent the destruction of greenfield sites by providing financial incentives towards the remediation and reuse brownfield sites

Clyde Gateway is an urban regeneration company that exists to drive inward investment and improvement for the people and communities across the east end of Glasgow and South Lanarkshire. We are a partnership of Glasgow City Council, South Lanarkshire Council, and Scottish Enterprise. We receive funding support from the Scottish Government.

One of our key strategic goals is Sustainable Place Transformation. In other words, Clyde Gateway has the task of making our communities much more attractive as places where people will want to live and work.

Much of our work involves reducing levels of vacant and derelict land in our area. Our target is the remediation of 350 HA of derelict and contaminated land. As of March 2022, our KPI recorded 275.3 HA as remediated.

The development of long term vacant and derelict land is complex, and the challenges can include fragmented land ownership, title burdens, infrastructure constraints and ground conditions. Furthermore, the planning and land use designation may not support alternative uses or redevelopment.

In addition to these physical or legal barriers to development and regeneration, there can be multiple market failures present for example market demand or perception.

There is a range of support available to Clyde Gateway, local authorities and other organisations which includes the Vacant and Derelict land Investment Programme (VDLIP) administered by the Scottish

Government and the Vacant and Derelict Land Investment Fund (VDLF) which is administered at a local authority level. In addition, the Regeneration Capital Grant Fund (RCGF) via the Scottish Government can also be applied.

Outwith these sources of funding, Clyde Gateway has attracted European Regional Development Fund Programme (ERDF) from the 2007-2013 programme and the Green Infrastructure Strategic Intervention Fund under the ERDF Programme 2014-2020. We have also attracted funding from Clyde Mission.

More recently we have submitted an application to the UK Levelling Up Fund (LUF) to tackle complex remediation in Shawfield.

In relation to the petition, there is clear evidence of funding, but it may not be available to the private sector, may be difficult to access and may not be sufficient to fully address the constraints to development.

However, in commercial terms, the purchase of brownfield land can be, depending on location or historic use, discounted to account for abnormal costs including ground conditions and remediation. The market value of brownfield land that is subject to significant abnormal costs can be discounted to nominal costs for example £1. In one example in Clyde Gateway, we have agreed to a sale at nominal value with overage payments due should the sale price of homes achieve higher sale values.

It is therefore not always the case that Greenfield sites are being targeted as they can be less expensive as the petitioner asserts but that they offer developers fewer constraints, and better market conditions and demand. Greenfield sites are typically more attractive to volume housebuilders where lower-density development can be more easily delivered, with less risk and at higher rates of return compared to higher-density development on Brownfield land.

Clyde Gateway recognises that our regeneration work requires construction and development that may be carbon intensive but seeks to deliver, in parallel, improvements in air quality through greening, using design to manage surface water and mitigate flooding and we are implementing long-term approaches to district heating and cooling to

decarbonise energy. This combined with efforts to improve active travel through walking and cycling and encouraging the use of public transport provides a more sustainable development model when compared to the development of Greenfield sites.

In relation to the petition, we are therefore supportive of a policy that discourages development on Greenfield land, unless no suitable Brownfield alternatives are available.

The committee may wish to have regard to the work of the Scottish Land Commission <https://www.landcommission.gov.scot/> who produced the report 'Transforming Scotland's approach to vacant and derelict land' October 2020 which included a series of recommendations including 'Aligning Strategic Funding to Support Delivery' which is relevant to the scope of the petition.

Royal Town Planning Institute (RTPI) submission of 29 November 2022

PE1943/C: Help prevent the destruction of greenfield sites by providing financial incentives towards the remediation and reuse of brownfield sites

RTPI Scotland understands that Scotland has almost 11,000 hectares of vacant and derelict urban land sites. The amount of land in Scotland on the Vacant and Derelict Land Register has remained constant for a number of years, with 47% of sites remaining on the register for over 20 years. Vacant and derelict land (VDL) can have a significantly detrimental impact on local communities. The issue of VDL does not impact upon communities evenly with research from the Scotland Land Commission (SLC) revealing that deprived communities are more likely to live within 500 meters of a derelict site.

RTPI Scotland wishes to highlight the work produced by the SLC on the matter, including a series of recommendations regarding VDL developed

from a taskforce which RTPI Scotland was a contributing member¹. We support its key recommendations:

- dedicated funding to support bringing vacant and derelict land back into use should be increased and an evaluation of the Vacant and Derelict Land Fund should be undertaken to ensure that funding criteria are fit for purpose.
- The Scottish Government should initiate a review of strategic funding streams to ensure that they are aligned around the Place Principle and incorporate criteria that will help to direct investment to parts of the country that need it most. To support this, new approaches for appraising capital investment should be adopted across the public sector that go beyond financial measures and provide a clearer focus on wellbeing.
- New approaches to funding the remediation of vacant and derelict land should be developed. This should include the introduction of an innovative new compensation instrument that would enable unavoidable biodiversity loss from greenfield development to be offset by improvements to derelict sites elsewhere, a new fund to enable derelict sites to be remediated to create a publicly-owned development land bank, and a community fund to tackle harmful and persistent small scale sites.

RTPI Scotland continues to request that the public sector take a more proactive leading role in regeneration. We note the petition states the need to provide grant funding to local authorities to support remediation of brownfield land as seen in England. In the first instance we would wish to highlight to the Committee the Scottish Government's 5-year Vacant and Derelict Land Investment Programme which was launched in 2020 with a budget of £50 million. Whilst this funding is welcomed, RTPI Scotland are aware that the total available funds have been reduced from previous investment programmes and there are issues regarding their long-term certainty. It is critical that, if adopted, the NPF4 be considered as the key means by which we coordinate investment of the Vacant and Derelict Land Fund with a range of other funding streams, place-based initiatives, emerging national plans, programmes and strategies. RTPI Scotland see a revised version of the NPF4 delivery

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https://www.landcommission.gov.scot/downloads/5f73555fbfe93_VDL%20Task%20Force%20Recommendations.pdf

programme as a means to achieve this as set out in our recent response to the Local Government Housing and Planning Committee².

RTPI Scotland wants to highlight our previous research that considers the fundamental role planning, urban density and population critical mass in producing successful places³.

The key role for the planning system in addressing VDL has been recognised for number of years but has recently been reasserted with the publication of the revised draft National Planning Framework 4⁴ (NPF4) and the draft Local Development Plan (LDP) regulations and guidance⁵. The revised draft NPF4 contains an updated and expanded policy on VDL and empty buildings that encourages re-use of land and buildings and discourages greenfield development unless there are no suitable brownfield alternatives. The revised draft NPF4 also contains policies which limit out-of-town developments and a renewed emphasis on reusing empty buildings in order to maximise the retention of embodied energy. RTPI Scotland hopes the provision of clear policy at a national level will further support the better use of VDL and empty buildings.

Consideration on the suitability of development sites is complex. It is important to note that housing is not always the most suitable land use for brownfield land, with optimal land use often being very dependent on the context. For example, brownfield sites may not always be well connected to public transport infrastructure.

Alternative uses for brownfield land could include opportunities for productive greenspace, renewable energy developments, economic development uses, etc. Another consideration is that greenfield sites differ markedly in their ecological and amenity value. The LDP preparation is a critical means by which such matters are considered. As mentioned above, the recently published draft LDP guidance and regulations have set a renewed policy direction for the planning system regarding the re-use VDL and redundant buildings. We expect a

² <https://www.rtpi.org.uk/consultations-rtpi/2022/november/rtpi-scotland-response-to-revised-draft-national-planning-framework-4/>

³ RTPI (2018) Settlement Patterns, Urban Form and Sustainability. May. Available here: <https://bit.ly/3srnL5B>

⁴ <https://www.gov.scot/publications/national-planning-framework-4-revised-draft/>

⁵ <https://www.gov.scot/publications/local-development-planning-regulations-guidance-consultation-part-c-draft-guidance-local-development-planning/>

finalised version of the LDP guidance and regulations to be published in 2023. The renewed policy emphasis stresses the need for LDPs to identify how VDL can be used for future development. Circular economy principles are to be considered addressing 'end-of-life' of buildings and sites, and the National Transport Strategy 2 investment hierarchy through a 'brownfield first' approach ahead of greenfield land. Priority is to be given to establishing new uses for VDL in, or adjacent to, areas where there are high levels of deprivation and/or disadvantage. A role has been highlighted for the preparation of site briefs and design guides to proactively promote the development of VDL. There are other additional workstreams under the on-going planning reform which could potentially support the reuse of VDL including Compulsory Purchase Order reform and Masterplan Consent Area guidance.

RTPI Scotland supports the renewed policy emphasis set out in revised draft NPF4 and the draft LDP regulations and guidance. However, for planners to prepare LDPs, produce design guidance and site briefs and process planning applications for productive use of brownfield land, the planning system needs to be resourced effectively – an area of concern to RTPI Scotland, reflected in our research⁶.

The Royal Incorporation of Architects in Scotland (RIAS) submission of 13 January 2023

PE1943/D: Help prevent the destruction of greenfield sites by providing financial incentives towards the remediation and reuse of brownfield sites

The Royal Incorporation of Architects in Scotland (RIAS) welcomes the invitation to respond to the Scottish Parliaments Petitions Committee.

The Royal Incorporation of Architects in Scotland (RIAS) is the professional body for all of Scotland's chartered architects. Our

⁶ RTPI Scotland (2021) Resourcing the Planning Service: Key Trends and Findings 2021. June. Available here: <https://bit.ly/3s5h4Yc>

members work in over 1000 architectural practices of all sizes, as well as in areas of industry from housebuilding to local and central government. The RIAS should be seen as a prime participant in the review process. The RIAS is responding on behalf of the 5000 members of the architectural profession. The RIAS has drawn on its members' expertise in planning and offers the following matters for consideration.

The RIAS would welcome the opportunity to address any of the points raised in this paper and to assist further alongside any calls for evidence that may follow.

The RIAS recognises the challenges faced by local authorities and the government in addressing brownfield land. There are opportunities through the planning system as well as supporting mechanisms to address this challenge. The RIAS considers NPF4 and Scottish Planning Policy should address these concerns. Our members also recognise that additional measures could be considered that might help to address and prioritise brownfield land, critical in supporting the climate commitments and move towards a circular economy, promoted by the Scottish Government.

We have captured points the RIAS has raised previously in relation to NPF4 alongside some matters for further consideration. We hope these will assist in the committee's consideration of the issues.

The RIAS responded to NPF4 in 2022 with a call to focus on communities and the climate challenges that will be faced by Scotland.

In particular we responded to questions relating to the proposed spatial principles and how these might influence and shape where development is located. Realising the potential of brownfield land is a critical aspect of this spatial strategy.

- Spatial principles

Q 6: DO YOU AGREE THAT THESE SPATIAL PRINCIPLES WILL ENABLE THE RIGHT CHOICES TO BE MADE ABOUT WHERE DEVELOPMENT SHOULD BE LOCATED?

- The Spatial Principles should also focus on improving and adapting existing assets and infrastructure to ensure that our settlements are brought up to the same standard as new and proposed development. A more robust strategy for shaping these Principles into Outcomes is essential.

- The principle of ‘Compact Growth’ must be considered alongside, and in the context of, sustainable design and placemaking principles to ensure that accessible and increased green/ blue space and the principles of the 20-Minute Neighbourhood and Place Standard are addressed in certain urban areas – it should not be seen as a single solution, but carefully nuanced in relation to what is needed to improve local neighbourhoods in terms of access to open space and increased biodiversity.
- A stronger policy context is needed in relation to high buildings, recognising their impact on street comfort and health implications and to factor in embodied carbon over the lifetime of the buildings. Local Development Plans must be required to consider building height in the context of sustainable design, for example.
- Community awareness of where planned development is to be located is important. Including an educational and community outreach strategy that will inform the public not simply of the intention of the development, but how they can interact with it should be considered as an integral part of the Development Planning process and through any developer led consultations or co-production process.

The RIAS also strongly advocated for a strong plan led approach for NPF4, highlighting that proposals that do not comply with the Local development Plan should have a strong presumption against approval.

Policy 1: Plan-led approach to sustainable development

Q 23: DO YOU AGREE WITH THIS POLICY APPROACH?

- *The plan-led approach to sustainable development could realise Scotland’s outcomes by embedding the Framework (Spatial Strategy, Principles and National Priorities) as a holistic future for Scotland.*
- *Proposals that do not comply with a Local Development Plan should have a strong presumption against approval.*

- *Proposals should fit in with adopted Local Place Plan aspirations.*
- *The Framework should reference what other plans might be taken into consideration, for instance local place plans.*

More specifically the RIAS responded to the call for ideas for NPF 4 where we highlighted the importance of brownfield land and increases in density would be critical:

- ***What development will be needed to address climate challenge- infrastructure and place*** *“Brown Field Development and Increased Densities: Prioritise brownfield development and increase / set minimum levels of density for inner city brown field sites”.*
- ***What does planning need to do to enable development and investment in our economy to benefit everyone?***

Urban Renewal: Maintaining tight urban boundaries will ensure that development pressures are directed as far as possible to redevelopment land and brownfield sites; maintaining pressures for urban renewal and improvement within established communities

The RIAS recognises that the SPP (Scottish Planning Policy) embodies sustainability and the brownfield over greenfield principle in land allocation/ being brought forward for development. However, our members have seen that principle let down over the past decade for many reasons. For example, slow progress on LDPs and reviews, too few local place plans, costs of infrastructure/ site remediation and general investment. We also consider the length of time it took from the first iterations new Planning system through to the 2019 Act will have had an impact.

The RIAS recognises the problems raised by the petition. Our members have also seen greenfield housing appeal decisions across particularly central Scotland where the LDP is out of date allowing greenfield developments which might not have been allocated through the LDP process if it had not taken so long.

We also recognise there is an ever increasing, shortfall across the central belt of oven ready sites. In order to give brownfield a serious

push, further consideration of measures including national tax incentives, grant funding for site investigations and remediation, promotion of brownfield land for public projects, bringing back the regeneration focused organisations that have been lost in the past 10 - 15 years, would be important.

The RIAS would consider further review of the performance of Council-Owned Urban Regeneration Company (**URCs**) might be helpful in understanding the complexities and barriers to unlocking sites. Many brownfield sites require support with site Investigations and infrastructure costs. These could be supported with a multi-focussed regeneration package that would form part of the delivery plan for NPF4.

The RIAS would also highlight the importance of soils as a critical resource. NPF4 sets out a strong presumption for protecting soils, critical to the protection of greenfield land. The Scottish Government's Circular Economy Bill also highlights the significant volume of waste from construction in soil, something that must be addressed through better and coordinated design proposals and solution.