

Planning etc. (Scotland) Bill Stage One Debate Briefing

Scottish Environment LINK's member organisations have a long history of working both on behalf of our almost 500,000 members and with communities to encourage sustainable development. We therefore:

- Welcome the intention of the Scottish Executive to reform the planning system in Scotland and in particular, those measures that reinforce the plan led system
- Acknowledge the attempts to 'strengthen the involvement of communities' and ensure that 'local people can be more involved in the decisions that affect them' through frontloading and enhanced consultation.
- Are deeply concerned that the procedures for scrutinising the National Planning Framework will not allow the principle of national proposals to be tested or questioned by the communities who will live with them.
- Remain disappointed that the Bill fails to provide legislative rights for communities other than additional consultation opportunities.

Concern 1. Scrutiny of the National Planning Framework (NPF)

We welcome the fact that the planning bill makes the National Planning Framework (NPF) a statutory document, setting out the pattern of development across Scotland. It will be for Ministers to decide what a national development is - this can be an individual proposal or a category of development types, it could include: **prisons, major hospitals, nuclear waste dumps, transport infrastructure, power stations grid upgrades and major wind farms.** We are concerned because:

- The bill does not specify who will be consulted or for how long – this will be for Ministers to decide;
- All local plans and strategic plans will be required to reflect the contents of the NPF;
- There is no opportunity for the NPF to be tested at inquiry or examined in public;
- Neither communities, local authorities, individuals nor their elected representatives will be able to 'object' to anything in the NPF.

Without proper scrutiny and democratic consideration of the NPF there is a danger that it will become a blank cheque for future governments who we must trust will use it responsibly.

Addressing concerns:

We acknowledge that the NPF may be subject to some form of consultation, Strategic Environmental Assessment (as required by law), and possibly 40-days of unspecified Parliamentary scrutiny. The Communities Committee has recommended that this period of scrutiny be extended to 60 days – this is welcome but insufficient for the following reasons:

- The bill seeks to increase public involvement and trust yet the procedures relating to the NPF are significantly different from the procedures that local

- authorities are required to follow for the local and strategic plans. The contents of these plans will be required to follow the contents of the NPF – a document which nobody can actually object to or test at inquiry.
- As this is a completely new process that has not been done before, it would be sensible not to specify a time limit, but to leave it to the discretion of the parliamentary bureau.
 - There is no effective substitution for an examination in public or public inquiry (similar to other development plans and frameworks in other parts of the UK) as acknowledged by one of the members of the committee

In fact the stage 1 report specifically notes that the examination of development plans in public will ‘*ensure transparency in the process of assessing whether a planning authority has satisfied its consultation statement and of considering any objections.*’ **Surely the same standards should apply to the NPF – a national plan that will give the go ahead to the most important developments in Scotland?**

Concern 2. Sustainable Development

Scottish Environment LINK welcomes the explicit requirement in the Bill, which requires development plans to be drawn up “*with the objective of contributing to sustainable development.*” (Part 2 Section 3D).

We also welcome the recommendation of the Communities Committee stage 1 report calling for the National Planning Framework to be drawn up with the objective of contributing to sustainable development.

However, we remain concerned that both the guidance and policies that stem from this legislation will not be implemented when decisions are made. At present this is the case, where sustainability policies e.g. energy efficiency are often not applied. We therefore urge the parliament to ensure that **development management (development control) is not omitted from these provisions if this part of the Bill is to make the move from policy to practice.**

Concern 3. Lack of Meaningful Public Participation

One of the key aims of this bill is to improve public involvement and restore trust in a process which generates a huge number of petitions to the parliament and complaints to the Ombudsman. We are therefore disappointed that:

- The Communities Committee did not support the 5000 petitioners calling for a limited third party right of appeal, and the 86% of those who responded to the Executive’s consultation on widening the rights of appeal;
- The Committee does not recognise that more opportunities for consultation will not ensure that this consultation is meaningful;
- The Committee did not recommend the provision of significant additional resources to enable communities to effectively engage with the planning process.

We believe that as a minimum the Executive must address the stage 1 report’s finding that ‘*resources for communities will be vital as they take on a greater role in the planning system.*’ The level of resources should not be underestimated. **Scottish Environment LINK seeks reassurance from the Minister that the necessary funds will be available to local authorities and communities for advocacy, skills training, and proper consultation.**

For further information on this subject contact:
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