

## **Note of the LINK Planning Group meeting held on 25 January at the LINK office, Edinburgh.**

### **1. Welcome and Apologies**

**Present:** Aedán Smith (RSPB, Convenor), Bruce Wilson (SWT), John Mayhew (APRS, for part of the meeting), Beryl Leatherland (SWLG), Diarmid Hearn (NTS), Daphne Vlastari (LINK AO), Alice Walsh (LINK DO).

**Apologies:** Clare Symonds, Sue Hamilton (PD)

Aedán reported that Clare was considering her role as Vice Convenor due to time pressures. All those present hoped she would continue.

### **2. The Planning Bill.**

The consultation is open until 4 April. There is a debate in Parliament on 26 Jan. PD sent round a briefing, which was circulated to Planning Group members.

Round table feedback on the White Paper,

Beryl had been at Planning Democracy's annual gathering the previous week, some issues were highlighted there. She felt Clare's summary in her briefing on the White Paper nails the main issues. Otherwise she has not had time to read the WP yet. John had not either and will not for a while yet.

Bruce noted SWT's annual day for its planning volunteers (25 expected) on 7 Feb. Fiona Simpson from SG would present on the WP, hopefully the occasion will allow some direct feedback, though this will rely on Bruce giving a steer on key points. SWT can open this day up to other orgs in future years.

Aedán is likewise time pressed. One of the RSPB team is pulling together its position, and he has no time for a month or so.

Overall he feels it's a gentle move in the right direction in some ways, and not in others. It's not particularly inspiring, or ground shifting, which makes it hard to engage. It's good on some of the rhetoric on leadership, sustainability, though does not suggest how to implement. It is about changing planning rather than properly looking at its connection to some of the other departments, which tend to come up with the problematic ideas, as LINK's evidence to the Independent panel articulated.

Diarmid agreed it is missing connections with Land reform, eg where land owners must consult with communities on their plans; on biodiversity, regeneration, etc. It's all about new build, not about what is already there. Connectivity across agendas is missing. This is frustrating, and tricky for us.

Aedán suggested that people read the summary of 20 actions, to give the flavour. Of these, the main issues for LINK are:

*Better alignment of community planning and spatial planning.* CP is effectively different parts of the public sector talking to each other, rather than involving communities. The emphasis on where influence should be is not right way round.

*Proposal to end Strategic Development Plans.* These have never been very useful but there is an issue about local democratic involvement. At the moment it is the way for councils coming together at regional level. From the environmental perspective it will make little difference. Case of less democratic accountability and less scrutiny. If there were to be a stronger National Planning Framework then it would need to be owned by Parliament rather than SG, to have democratic sign

off. We have experience of national developments being inserted to the NPF at last minute which is undemocratic. This needs to be done in an open honest way. It definitely puts more onus on the NPF, and there is a danger of centralised dictat.

**LINK priority:** If the NPF becomes even more important, it needs better scrutiny and be owned by Parliament rather than Government. That is consistent with what LINK has already said. Greater scrutiny and greater opportunity to engage at local level too.

Also the **big picture** point, needs more emphasis rather than less. There is currently no indication that departments (eg planning, energy and natural resources) are talking to each other. We will keep pushing for planning to have more of a central role, this has not come through to the WP from the planning review recommendations.

*Local development plans shifting to 10 year cycle.* If the plan is good enough does it matter? It could be very helpful to our sector if there is more time lag before developers re-submit their proposals. Scrutiny around consultation will need to be improved. There needs to be time to think about implementation, logical as far as that goes. Plans up to date, stick to the plan, and consult properly. No random windfall sites for opportunists.

*Getting rid of Main Issues Report.* These can be anything from collection of ideas to a draft plan. They have not really worked well. If these are scrapped LAs will go back to producing a draft plan to consult on.

*Introduction of a right for communities to prepare local place plans.* As in England. There are concerns about it. It need caveats, what resources would be available. PD is enthusiastic, with caveats. LINK could respond to say good idea but needs resources for communities to make informed decisions. Recognition that lower income groups are less able to influence. We may want to raise what the meaning is of community, of interest, of place, and equality of access to information across communities.

*Improving public trust.* Yes, to discouraging repeat applications and upping enforcement.

*Appeal rights.* Panel have said no to TPRA, disappointing. Also will extend the number of decisions that can be made by local review bodies, with decision by local councillors rather than Scottish Ministers. There are issue of conflicts of interest if it is the LA making the controversial application. Madras College, in St Andrews is a possible example. Are there others? In practice local review bodies have not been as bad as originally thought, its not as straightforward a bias due to local politics and internal issues between officers and councillors. There are concerns about the Review Bodies themselves having access to advice. Also concern about statutory consultees. While moving upstream saves time. the squeeze on resources of the statutory consultees means they are all pulling back from engagement in planning. LAs are cutting biodiversity officers, rangers, where expertise lies. Increasingly 'no comment' due to lack of time to engage is taken as a pass. Neither SWT or RSPB has capacity to respond. Beryl noted the variability in responses from statutory agencies on hydro applications, some are excellent, others very sketchy.

*Simplified planning zones,* proposal particularly for housing to be identified in the development plans, where planning consent is already given due to it being in the plan. Could be quite good, putting it earlier in the process, theoretically. Caveat, will need to do all the assessments, like EIA, at the outset. There is danger that developers will cut this out and not do them at any stage. SPZs would have to be for a specific use. It would make sites really valuable for developers too, there could be more conflict. Its worrying for wildlife corridors, potentially. Loses flexibility to respond to

changing circumstances. Discussion covered how other countries do it. Many parts of the EU have more robust plan led systems, with funding mechanisms for infrastructure. This is a hint towards the right direction. Land value tax could solve it in simpler way.

Check with Phoebe and Economics Group, if this is an opportunity to support a funding mechanism, like LVT? **Action: staff.**

On ERA, Daphne and Clare had talked about Irish system, a good example. Other EU systems are quite different. Commonwealth countries more like UK. Very similar changes are being made in England.

*Expand permitted development rights*, flag need for caution here. Some organisations are being given favoured status on building conservation issues, to reduce caseload. This is concerning on landscape. The danger is it will not lead to good developments. It should be done on the basis of quality of outcomes rather than saving money. Hill tracks experience can feed in here: **Action Beryl.**

This is the basis of the response, trim it back to some key issues.

**Action: Aedan will do it before the deadline.**

On land reform it is all about public benefit, this one is all about private benefit. There is a general lack of ambition about the role of planning, otherwise it's a shift in the right direction if done with care. We should put our focus on the NPF. Other thing on NPF is better tie up with the Marine plan and LUS, and the Marine group are keen to see more integration. It meets on Friday, and will see what opportunities there are to contribute to the LINK response. **Action: Emilie**

There could be one big plan – difficulties with that Perhaps can improve the timing of cycles between the various plans.

Jen had flagged, re input to the Land rights and responsibilities, and planning, is it worth developing some principles that could be used to link up the plans? This links to collectively where are we trying to get to in 50 years time, getting a coherent vision that looks beyond the electoral cycle. The NPF theoretically does this. Sustainable Development Goals are top of the hierarchy.

There is nothing in the WP said on energy and climate change. There should be a requirement on builders to address these challenges, they should be expected to design sites that are climate proofed. Climate plan and energy strategy out at the moment, this barely links to them. Opportunity to establish a better hierarchy with economic strategy serving agreed goals. NPF should be checking progress towards these long term goals.

ERA? Our position remains the same, qualified support for the 4 circumstances, as PD states. Evidence suggests scope to introduce a limited right of appeal. If introducing simplified planning zones could balance things up a bit.

On responding to the consultation itself, Bruce, as a former civil servant, noted that it will be lowly paid person entering responses onto a spreadsheet, so can be worth submitting detailed points on some questions, rather than ignoring the structure of the consultation and being high level. Bear that in mind if there are things you want to see reflected in the analysis.

### **SEW event in February.**

In September at the launch of the State of Nature report, M Golden MSP approached with interest in connectivity between plans, and volunteered to sponsor event on how to make planning more relevant in Scotland. There had been some discussions before Christmas on links to ERA, ideas on

speakers. This had not progressed and there is pressure to complete. There was a discussion here on format and content, which concluded:

Aedán to lay out the 3 high level principles etc, communicating the issues in the recent LINK Thinks blog.

Planning for the Environment, reflect on how planners themselves are equipped to respond to the major challenges of climate, biodiversity loss – Daphne to contact RTPI.

Connectivity with Marine – Emilie to check out with Sam Collins.

Connectivity on biodiversity, climate, the NEN concept – Daphne to check out James Curran

### **3. Integration with other Groups and Subgroups**

#### **National Environment Network.**

Bruce recapped on the origin of the NEN with SWT's conference in 2013, subsequent joint work with RSPB, some success in getting NEN into NPF 3, it being on the 2020 Biodiversity plan without any action yet, which is proving embarrassing for SNH, and pressure on the eNGOs to progress it.

Daphne recapped on the workshop that the James Hutton Institute is taking forward in March, and some communication lapses about this. Craig is convening a Wildlife Subgroup meeting in Feb which will need to agree the LINK position, to take to that wider workshop. Bruce cautioned that the ambition for the NEN has been high, it must not be diluted, or try to be all things to all people. It needs to be focussed to integrate funding from the top, community action from the bottom, and landscape scale initiatives in the middle. The name NEN is accurate with recognition Europe-wide. In a nutshell, needs time to get a LINK vision together and the ball is in the eNGOs court. Bruce sees the proposed JHI initiative as being a project under the NEN, rather than the NEN being delivered, ticked off the list. The intention is to bring relevant stakeholders together, technicians, not politicians, to talk and agree how to communicate it. It will be still called the NEN. Daphne advised that the process was not all it should have been due to capacity, and all is well. All LINK interests are invited to the workshop on 15 March. The Wildlife Subgroup needs to develop a draft that at least its members is happy with, to present a LINK position at the workshop. It is delicate, and needs to be done right to get it into NPF 4.

The NEN can help solve some problems, missing Aichi targets, better implementation of Natura directives. It needs to become part of the planning system for the material concern of how the NEN will be affected by proposals for a development. Other point is that LUS could be easily construed as a NEN, and is not. The NEN is the national perspective, the physical manifestation and policy integration.

Bruce is the conduit to NEN for the Planning Group. It is important to get cross Group support for it. If anyone else can give time to it, that would be useful. Wildlife subgroup will be on 7<sup>th</sup> or 15<sup>th</sup> Feb.

#### **EIA update**

The last meeting had discussed action, not followed up. Capacity is low.

UK EIA regulations – the Marine Group has an interest and is in the WCL loop.

SEA current consultation. Circulated by email, is targeted at planning authorities and consultation authorities. Aedán is concerned SG is cutting back on SEA. He responded online (no record). Useful if others can too with a quick response. We should use opportunities to flag up the need for good SEA.

**Hilltracks** meeting tomorrow. Fundraising still ongoing to get monitoring support. Some fundraising applications pending, including LINK DPF, and will be asking supporting organisations for some contribution. Also encompassing hydro tracks. Its good to be aware of the PDR in the White Paper; the Hilltracks subgroup will respond to that bit of the white paper, and keep the wider Group apprised of the evidence. Quality of the developers' applications are not to a high standard. Monitoring and enforcement entirely lacking, even in National Parks. And scrutiny by LAs leaves a lot to be desired. Action: Useful if Beryl can summarise the evidence to feed into the Planning Group response.

There is also issue of planning fees, as way to resource planning, there is another consultation on open cast coalmines, with plans to charge for monitoring. A precedent so any planning authority could be charging for visits, ie to hilltracks.

#### **1. AOB.**

Beryl noted that Planning Aid Scotland and Scottish Mediation having a joint conference in Edinburgh on 21 Feb. It is being held because the planning review has mentioned mediation.

SNIFFER 2 day flood risk meeting on 7-8 Feb, with workshop on 8<sup>th</sup> on Flood risk planning and land use. At Dynamic Earth.

Diarmid reported on an application for 60 telecoms mast before Christmas which would have affected National Scenic Areas. All have been subsequently withdrawn. PDR can be a Trojan horse.