



## Introduction

Scotland is well known globally for its stunning nature and iconic wildlife. During the Covid-19 pandemic nature has been a lifeline for many, improving people's wellbeing in the most challenging times. But our nature is in crisis. Human activity is driving dramatic declines in wildlife and habitats at rates never seen before, while the impacts of climate change are increasing the pace of change. The scale and urgency of what is required to deliver real improvements for people and nature means we need to see bold ambition from Scotland's decision makers. The next five years will be crucial to save our nature and revert climate change. Our planning system is a key part of this, and we need to see transformative change to it if we are to successfully tackle the challenges that lie ahead. **This briefing sets out five key things you need to know about planning to tackle the nature and climate crisis, reach net-zero and fulfil nature targets.**

### 1) Planning must, and can, deliver for nature and climate

The 2019 Planning Act set a new direction for planning in Scotland: to manage the development and use of land in the long-term public interest. Planning can do this by ensuring it is underpinned by the twin national objectives of protecting and enhancing biodiversity and reducing greenhouse gases. Planning should be underpinned by the goals of the Biodiversity Strategy and the Climate Change Plan with all development tasked with demonstrating and delivering both positive effects for biodiversity and ending our contribution to climate change. This policy commitment should be located in National Planning Framework 4.

### 2) Planning must proactively pursue land reform and tackle inherent inequalities.

Land use planning should be seen as being broader than a system that grants licences to develop. Planning needs to tackle issues around land ownership and control and consider the distributive consequences of who benefits when land is developed. It must be remembered that it is society that generates the value of land and communities, not developers or landowners. Communities should be the ones who benefit from any increase in the value of land. Effective mechanisms for land value capture must be incorporated into our planning system. Land value capture is a term that refers to the idea of holding onto the increase (or uplift) of land value created by public investment and other government actions (such as planning permissions) and recover and reinvest this value into the local communities. Future planning policy must tackle the inequalities built into our existing planning system, ensuring we better capture any unearned gains. Planning is about making better places for the public good not profiting from land ownership and speculation.

### 4) Planning must deliver green and blue infrastructure

We must plan for green and blue infrastructure in the same way as we plan for, for example, our transport infrastructure: it must be connected, joined up, and led with strategic oversight. Natural infrastructure has a key role to play in tackling not only the on-going nature and climate crisis but also



some of our most pressing social issues like health and inequality. Taking a strategic approach to blue and green infrastructure can best be done through the adoption of **a Scottish Nature Network**. A Scottish Nature Network would allow for a long-term, overarching investment plan that is able to coordinate the achievement of shared objectives across the planning and land use sector, particularly in terms of taking action on the nature and climate crisis at local, regional and national levels. Promoting an overarching ambition for restoring and reconnecting nature and a spatial vision of where and what could be achieved, a Nature Network would give us all a common purpose and show where best to target collective action and investment. The system adopted should ensure positive effects for biodiversity that are tangible, measurable and evidenced.

#### 4) Capacity and expertise must be increased

To implement the transformation we need to see in planning in Scotland for planning to play its crucial role in tackling the nature and climate crisis, there is an urgent need for increased capacity and expertise. In particular, there is a need for increased capacity and expertise at the local level. Currently, planning officers working for local authorities are underfunded and overworked, with planning departments having seen a 25 per cent reduction in staff and a 40 per cent loss in budget since 2009.<sup>1</sup> Further, there is a severe lack of in-house ecological expertise, a necessity to help deliver better outcomes for biodiversity.<sup>2</sup> Therefore, for changes in national level planning policy to be implemented and benefit our community and nature, we must allocate the necessary resources to carry out such changes.

#### 5) Planning must deliver for people

Managing the development of land use in the long-term public interest means that what we do with our land needs to be the result of democratic processes. Decisions about how our land is developed needs to be fair, locally accountable and promote just outcomes. Much more needs to be done to support the involvement of local communities in the preparation of Local Development Plans; far too often people only get involved at the development proposal stage, at which point it is too late to have real influence. Planning must:

- **Enable citizens to exercise their right to information, right to participate in decision making, and right of access to justice.** Citizens should be able to easily attain environmental information and participate in planning decisions affecting them, and be able to access justice, i.e. to challenge decisions on applications before a low-cost, accessible court or tribunal. These are legally protected rights, entrenched in the Aarhus Convention, which Scotland is obligated to implement through UK's ratification of it. The rights also make up a key part of the human right to a healthy environment, which the National Taskforce for Human Rights Leadership has recommended should be a part of future a Scottish human rights legislation. Despite the Scottish Government's assertions of compliance with the Aarhus Convention, barriers to public interest litigation are significant, and the Scottish legal system has repeatedly been found to be in breach of the Convention on the third category on access to justice.

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<sup>1</sup> <https://www.rtpi.org.uk/research/2019/april/resourcing-the-planning-system-key-trends-and-findings-2019/>

<sup>2</sup> <https://mk0partnersdevoovxv4n.kinstacdn.com/wp-content/uploads/sites/15/2021/01/ALGE-Ecological-Report-Fitness-for-Purpose-Full-Report-2016.pdf>



- **Provide for an Equal Right of Appeal:** A community right to appeal is important to introduce balance into the planning system. The current system is skewed in favour of developers, allowing them to lodge appeals when applications are refused. But communities currently have no right to appeal decisions that negatively impact on the quality of their local environment. Politicians should also consider how appeals will lead to a more plan-led system that encourages engagement at the earliest opportunity. The next Parliament should introduce an Equal Right of Appeal in planning.

**This response is supported by the following LINK member organisations:**

Association for the Protection of Rural Scotland  
Badenoch & Strathspey Conservation Group  
CIEEM  
Froglife  
John Muir Trust  
North East Mountain Trust  
Planning Democracy  
RSPB Scotland  
Scottish Wild Land Group  
Scottish Wildlife Trust  
Woodland Trust Scotland

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

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LINK is a Scottish Charity (SC000296) and a Scottish Company Limited by guarantee (SC250899), core funded by Membership Subscriptions and by grants from NatureScot, Scottish Government and Charitable Trusts.  
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