

Note of LINK Planning Group meeting held 11 November 2016 at Dolphin House, Edinburgh.

Attending: Aedán Smith (Convener, RSPB), Clare Symons (Vice-Convener, Planning Democracy), Eilidh Nicolson (NTS), Bruce Wilson (SWT), Sue Hamilton (PD), Tessa Jones (BSCG), Beryl Leatherland (SWLG), Mary Church (FoES), John Mayhew (APRS), Emilie Devenport (LINK MPEO), Daphne Vlastari (LINK AO), Alice Walsh (LINK DO). Helen McDade (JMT) attended for part of the meeting.

Apologies: Helen Todd (RS), Charles Strang (SCNP).

1. Stronelaig case – issues of concern from JMT's experience.

Helen circulated a paper setting out the key issues, and would email LINK for circulation, for internal use. There were numerous process issues that give cause for wider concern. One was that substantive follow up information on the initial Environmental Statement, in this case from SNH, that would formerly be advertised was now deemed to have been within the law because it was posted on the website (unclear if it had actually been, but unprovable), which puts further onus on the public to seek out such information, rather than on the authority to inform people of it. This worrying precedent might creep from section 36 electricity consents to EIA's more generally.

Discussion included:

Council liability issues in coping with the new requirements.

Whether individual/organisation can engage after new information comes in? People are being told not, though this might not stand up in court. Safer to register interest at first stage which is a major capacity issue.

JMT were slapped down for not discussing concerns first with Scottish Government which was incorrect – again hard to prove.

Front loading into scoping? Superficially attractive but worrying – as plans are wildly inaccurate, badly done, and change constantly from the initial proposal.

Portals are not at all user-friendly and crash regularly. Issue of broadband too in Scotland. Some Local authority heads of planning becoming aware of the problem. Iceland has a better system. Possible issue for local elections.

Environmental Statements are unnecessarily long winded. There is a requirement to have a clear executive summary which is being breached. Flag up that this is not delivering.

Protected Expenses Order. Helen felt JMT may have fared better if not gone through this process which was intrusive, unfair, and got legal backs up before the meat of the case.

RSPB and Forth Banks case judicial review comparison, some similarities – huge effort into getting the PEO. Afterwards massive input of time.

Reputational hits – inevitable, but need to rise above it and keep on.

Action: LINK will write to ScotGov outlining concerns wrt the recent Environmental Impact Assessment regulation revisions consultation. For next ministerial meeting agenda. Other LINK Groups may wish to input (see later discussion) **Aedán/Kate, Alice.**

2. Planning Review

Clare reported on the various strands over last few months. The 48 recommendations from the panel are all being taken forward. Working groups were set up to help develop certain recommendations, invited 117 people to assist: 10 from community groups, 9 from Homes for Scotland, 7 from Scottish Building Federation, the rest planning professionals, divided into 6 topic groups. Government has a 10 point plan, mainly on housebuilding targets,

simplified planning zones and quashing Equal Rights of Appeal. ERA since discussed by local Government and Communities Committee and Minister was given some grief, but this does not lead to any action. There are MSPs from all parties concerned, and views are mixed.

Kevin Murray, who analysed the responses to the panel review logged rebellion in the working group at the premature decision on ERA, now becoming a champion. Glasgow University commissioned to do some work on scenarios. Parallel work on Barriers to Engagement which has commissioned work from Yellow Book consulting, Nick Wright, Scottish Community Development Council and now convenor of RTPi, has sympathies too. Clare sensed momentum if pressure is kept up. Mixed and tentative support, grounds for hope. **Useful if members can speak with MSPs to enlist support.**

Of the Government's 10-point plan (the other 38 recs to follow) most are housing related, one dismissing ERA. The others, which LINK will have concerns around, are simplified planning zones and reviewing permitted development rules.

Tessa reported on a meeting the CNPA held for stakeholders on housing, where idea of 'NP proofing' similar to Island proofing (cf Islands Bill) had been mooted, as useful for recognising that one-size-fits-all approaches do not lead to good outcomes. Aedán noted that there is a requirement for compliance with the NP plan, though the question is who will identify a conflict of interest at the right time.

Planning Democracy leaflets now produced, setting out what it wants from the Act. There is nothing specific about poor enforcement. Existing legislation is not being applied.

White Paper is expected in late December or January, to be a discursive document, mix of policy shifts and legislative proposals. Useful to get a feel from members now. (SWT will feed in later by email – Bruce had to leave). There is a sense that no one is particularly excited that the legislation will be a game changer. Housebuilders complaints are in reality more about infrastructure than planning constraints.

LINK can take a higher level approach on ERA, and on spatial consideration of land use change, better join up with land use strategy, and national marine plan. The panel has taken some positives from our input here, for avoiding conflicts at later stages.

There is a push from the Community Empowerment Act to focus more on neighbourhood plans. There needs to be more effort in engagement, when discussions are needed with others, including communities of interest as well as place. Plans need to be owned by all layers, not just the planning authority as now. See SCA [report](#). Community planning partnerships usually include statutory agency partners. Some are more bottom up. PD is interested in doing some action research where wildlife organisations are involved.

At present it is not the case that only what is in the plan will be developed. Communities need to be assured of that.

How do we make this into a work plan? There is also a draft LINK paper on the National Ecological Network, which agrees on basic principles, going around members. This has cross party support and is a means for bringing environment and planning people together in the

Parliament, and make it work for our aspirations. We need to articulate mechanisms for it to make it clearly expressed and legally binding. Could this be through Strategic Environment Assessment, or the RAFE Delivery Board, or Regional Land Use Partnerships? Trying to articulate a vision of what we want to see. LUS is new, Planning system is old.

Also the technical aspects of IT development. PD has done work on this. Clare to circulate, worth pushing ahead of local elections in May. **Action: Clare**

Connecting national to local: Some lack of useful centralised approach for planning, easier if there is some level of consistency. Decentralisation Bill is on the way. Education dept did it. Webcasting of PLIs is a useful example of where there was reluctance to adopt but now many benefits are agreed.

Species Champions as a tool for green threading through policy, more of an advocacy tool if there is a National Ecological Network. Once our policy and asks are agreed can work up a detailed plan.

First priority is to shape the White Paper. Cross between making the National Planning Framework more central, which we can agree on, subject to it being a vision for the longer term rather than a developer wish list, and adequate review (letter) and preparing MSPs in Parliament before December/January.

Local plans will be looking more longer term at 10 year cycle. At present they are not long term enough, though need to tackle problem of speculative development. PD's experience of development plans is that people do want better preservation of their local area. Goes both ways. Tessa concerned that bad developments can be in plans for up to 20 years, needs review.

Currently the NPF Action Plan is reviewed annually. This needs some scrutiny.

EIA response – other LINK Groups will be interested in the response. **It will go round for wider sign off.**

Smaller group will work up the group's plan in more detail. **Convener, VC, staff.**

3. Linkages to other groups and subgroups.

Hilltracks: have funding for further monitoring to work on evidence base for new minister, where Prior Notification has not worked.

Legal Strategy: seminar on 14 December with Clare Symons to explore plans to establish an environmental rights centre. It is possible it could be supported by the Legal Services Agency similarly to other topic areas. Invitations have been circulated and responses are slow. **Clare and Mary to discuss additional invites.**

Unconventional Fossil Fuel: Publication of the commissioned research last week, mixed bag. Economics was most interesting, benefits look poor. Climate report was very poor. Seismic difficult to interpret (maybe Scottish Geodiversity Forum could help?). Decision open until end 2017, connected to Climate Bill. All very positive, feeling that SNP does not wish to pursue it. Subgroup will respond. Useful if other members can respond when formal consultation opens in early 2017. **FoES can provide information.**

AOB Coul Links case involves several member bodies ([SWT](#), RSPB, Buglife, Plantlife, MCS) are in opposition to a golf course proposal on a designated site in Dornoch. Others welcome to join, even if not to be active. There are several local groups set up, some for and against.

Circulate to Link Local for information.

Midlothian film studios at Damhead proposal is masking a biomass application, the case is with the SG Reporters. Biofuel Watch is monitoring. Publicity is about the eviction of the tenant farmer.

Next meeting in January – doodle to follow.