

LINK Planning Group note, 2 August 2017, Dolphin House, Edinburgh.

Present: Aedán Smith RSPB, Group Convenor, Duncan Campbell, APRS, Tess Jones BSCG, CC, Mary Church FoES, Clare Symonds Planning Democracy, Charles Strang APRS/SCNP, John Mayhew APRS, Sue Hamilton PD, Lorna Scott NTS, Beryl Leatherland SWLG.

Apologies: Bruce Wilson SWT, Daphne Vlastari LINK AO

The Planning Bill – advocacy strategy and action.

SG position statement consultation: round table views.

RSPB is still looking at the paper, overall disappointed, light on the built and natural environment. Light touch and aiming towards pleasing development industry. Has such limited mention of environmental issues it is hard to come up with specific comments. It dismisses Equal Rights of Appeal, no acknowledgement of the potential benefits. Has anyone anything positive to say about it?

Clare asked if there is a precedent of a position statement like this being published previously. Aedan thought it is probably a result of having taken legal advice and needing to be seen to consult more under Strategic Environmental Assessment legislation where there is a requirement to consult on anything that has significant environment effects. The previous paper was effectively the White Paper, suspect that they have to get some of the firmed up positions in the public realm to avoid challenges of not being sufficiently open. The separate consultation on the SEA is not very well linked. An SEA has to be linked to something else, the policy statement. Having another layer of consultation is a political defence. Not a draft, so shows they are not inclined to move positions. Some of it will go into the Bill, some into the ministerial announcement. A vague back covering exercise.

None of our key asks have been met here. Very little mention of sustainability. Scant mention of climate change. Little alignment with other sectors. No increased scrutiny for the NPF. Dismisses ERA without justification. Resourcing, no suggestion of where. Nothing on the NEN. Ruled out planning powers for CNPA (local politician is against it). More Permitted Development Rights, for farming, aquaculture, allotments, telecoms. Is a worry these being included for sectors will take it as read they can do as they like. With no positive response to our asks **we need to make more noise.**

Beryl asked if the pre-application process was positive, and more feedback given to communities (totally ignored). And more consistency in schemes of delegations which could be quite good to ensure consistency over the country. PD has examples of variance across Local Authorities. Charles noted danger is if they choose the worst system and apply it nationally. Sue noted it doesn't take account the substance of objections. If an organisation has made a considered response after research it should be given weight above purely numeric criteria. Duncan noted the references to mediation, if they aligned processes and took it seriously it would be helpful. Deciding where to put mediation in the process is a big concern. Effectively good pre-application consultation would cover it. Sue considered that in this context it is a sop.

Enforcement is minimally addressed. No resources, glosses over the reality. PD discovered only one enforcement officer in west Fife is responsible for every building site, not unusual. Tess had concerns about Simplified Planning Zones shared by all. These are being expanded. A lot of planners are against it, loss of fees, loss of control. Charles said they are a failed mechanism which they are now trying again. There should be something about the impact of SPZ in the SEA. John and RSPB had been involved in a previous one on the Clyde, a disaster. RSPB has said it has no problem in principle,

provided there is the need same level of assessment as a planning application. Charles agreed this would need a detailed development brief. The postwar new towns had a sensible approach. If done badly these could be a big mistake. The fact they are admitting that this is a 'refresh and rebrand' is telling. The power of ministers is worrying, and local authorities and developers too. Need to alert them clearly to the difficulties of that approach. Within SPZs there would be a description of a type of development that doesn't need a full planning condition. Airports have different controls already, and docks – something of a free for all. On repeat applications, all they have done is get rid of the free go for developers.

Although the doc asks people not to repeat what they have already said, we will. Mary flagged Compulsory Purchase Orders. Charles: it has been a shambles, relies on very old legislation, feeling it has to be more planner friendly. The opportunities CPO might offer have not been taken up other than in exceptional circumstances. CPOs can provide some benefits. If you take view that it is about centralising powers, we need to get that out in the open as part of a proper, comprehensive review of the planning system.

The financials - options being taken forward separately, revisions to CPO and land tax as fundamentally important will not be in the Bill. A big gap. Another good example to show they are not taking the opportunity for a radical approach. As for guidance, maybe there is scope to improve it, but needs watching. Trump was going to use it. There may have been research commissioned on the other options. Was there any research on a developer land tax being useful?

Research on barriers to engagement concluded outside the time line, analysis shows that more people are asking for ERA, numbers are going up, over 2000 and SG is still ignoring it. It said the planning system is not fit for purpose. You could ask why they are trying to engage people. On land tax, something about it in the review of consultations. Mixed views from the developer sector, very cautious, but if they see it as a replacement for current payments, it could be acceptable. Some interesting views coming from that sector on finance. When they talk down planning it is not actually that which causes delays, it is the other consents they need. Issue of the development value being creamed off by the development sector.

On section 75 (planning gain) keeping it as it is. RSPB thinks it is a missed opportunity to improve scrutiny. At the moment S75 is a private agreement and can be changed without public knowledge. Can relate to affordable housing too, especially in rural areas. Its subject to further research as meriting further consideration. Not planning to change it at the moment. This is tinkering at the edges, so why are they not doing it properly? Is it because of political expediency? Charles noted some are just rebranding and relaunches of English changes. Mary thought if they wanted to do it from the indyref perspective, ERA would be a way to do it. Clare suggested maybe they are trying to tread the line. If you make strong decisions you will displease some people. Gov wants to be seen to do bold things, but does not want to be challenged. Mary: Environmental courts are dead in the water, SG has not published the consultation analysis, and won't meet us. Civil justice litigation legislation is going through, will use that route.

Duncan: glaring non sequiter is that the SNP's priorities are for fairness and justice, and improving public trust in the system and then they dismiss ERA. We need to get more aggressive. He suggested a national opinion poll of views on ERA. Clare reckons we have created a backlash against ERA, an industry backed alliance is being set up, a forum for anti-ERA interests. When the industry is worried enough to do that (and there are parallels with the Deposit Return Scheme where industry set up a greenwash group to kill it) it shows cages are being rattled. What do the Conservatives think?

Keeping powder dry. May prefer removal of developer rights rather than ERA. Duncan felt its very important to keep up the pressure, even a limited ERA on a trial basis is rejected out of hand.

APRS will use the Bill to raise the issue the importance of green belts, proposing the Bill brings in much strong protection for them. It is setting up a greenbelt alliance. Concern of the Cockburn Society, APRS and others. Extent of the campaign depends on resources, aiming to coordinate groups around Scotland to provide a national voice, research etc. APRS commissioned a Survation poll. The indicative poll of 1000, showed 70% of public support for stronger protection of greenbelts. The release will be tied into its response, timing yet to be decided. John encouraged others to mention greenbelt in their responses, even as a one-liner, the more support the better. The poll showed equal support from men and women, strong support from LD, SNP and Labour. Tories a long way behind. All above 65% of support, except for Central Belt. **APRS will share questions to help PD's poll on ERA.** Cost was £300, very good value. Agreed more **discussion needed about when these campaigns launch**, so as not to clash.

Beryl noted the need for mandatory training for councillors. Positive, but training was to not to counter planning officers. When a development gets go ahead there is not enough monitoring from LAs. This should be emphasised. If a developer changes their plans during the course of the development, there should be another consultation, must be some democratic element. Unhappy about retrospective planning permission, always get away with it. Charles noted it's a key part of enforcement; Duncan that a lot of conditions specify tree planning are not monitored or enforced, examples being supermarket car parks. Beryl noted there is not enough about enhancement. There is over-reliance on existing mechanisms that don't deliver or that don't happen on the ground, or enough consideration of alternatives at an early stage.

Post legislative element like the Heads of Planning owned planning performance framework, has nothing on engagement of communities. A previous question was dropped. The PPF is not influenceable, marking their own homework. Makes no sense. On island proofing, and potential National Park proofing, this should not need legislating, it should already be possible within current arrangements.

Charles: On the SEA the options examined are the current situation and the proposals - useless. Not in favour of regional partnerships, it will be the same 'independent' people who did the planning review. Mentions of inclusive growth, need to pin that down. Pre-application discussions are a good idea, without charging fees, that's when significant changes can be made to achieve a better scheme or raise issues of design - bears reiterating. On fees, the increase should result in a qualitative improvement. We need to underline the aim of a better outcome rather than speedier process. More skills in planning departments, there is no doubt that planners are overstretched in all sorts of ways, the fee issue is an opportunity to make positive improvements in the system. Duncan agreed that pre-application discussions is an important issue, and one of the reasons Gov is rejecting ERA. He noted it is very difficult to get a scheme which gets the intelligence in before opinions are already hardened. Developers are not prepared to pay for the surveys needed upfront.

Actions. LINK will do a brief response to both statement and SEA, refreshing and rebranding, restating high level points. **Aedán will do it in next few days for sign up.**

Most of our work needs to be beyond that in the run up to the Bill.

Timing: SG saying they intend to produce it at the end of the year, may be delayed. Have to assume that is the timescale. Increasingly looks like it won't be radical. Think we should keep our advocacy focussed on the headline points, ERA as the backstop, and join up across government.

Advocacy approaches and timing: Will take advice from parliamentary colleagues. Gary Dunion had advised Clare to focus on the Local Government and Communities Committee. Graham Simpson and Alexander Stewart (Cons) are already aware and considering aspects re ERA. Clare is worried about Ruth D's views from a recent article, and influence on G Simpson. Andy Wightman is trying to broaden out the Green's manifesto, clarity needed.

Action: Clare and Aedán (and others if they wish) to **discuss with Daphne** setting up meetings with relevant people from the parties as LINK, separate from PD's meetings. Clare asked **all to help with getting PD postcards distributed**, and get the feedback in, as that provides intelligence. Use on stalls at party conferences etc. PD is doing loads, but needs help from those with the access to the public. Lorna advised **speaking to SNP back benchers**, the trouble-makers, they are the ones that change party policy. Labour is split on this, Alex Rowley and Elaine Smith in favour of ERA. Conservatives have made commitments on greenspace.

Build target list of MSPs, circulate round the group to add to, mapping relationships and who is doing what. NTS will be speaking to some. Tag former councillors, planners, eg Derek Mackay. Angus McDonald. Need to know what to take to them. Aedan: LINK approach to be on Sustainable development, and ERA as the backstop to it. Duncan, start point is Gov's own policy priorities, which they are not delivering. One to one advocacy. Needs leg work. Interesting to do this as LINK. Talk to a journalist on it, about SG not looking at alternatives. ?Rob Edwards. Has SPICE written anything? What are others doing: Cockburn will be responding. Done quite a lot. Beryl probably responding for SWLG. NTS will be doing a questionnaire to public, possibly in August, for release in autumn.

BEFs meeting yesterday which some attended. They are not happy. G Purves chairing, very vehement. Ewan Leitch too. G Purves even warming up to ERA, is onsite on Hilltracks too. We can coordinate with BEFS on some issues. **Aedan will contact Ewan for a catch up** (Graham is on RSPB advisory committee) and see if there is any publicity plan around it.

An e-action was discussed, almost essential to do in the circumstances. FoES has anew tool, doing the e-action for SCCS currently, so could host it for LINK. **Mary to check conditions**. Top line ask would be ERA, timed to coincide with the Bill ahead of Stage 1 debate. All agreed this approach. **Mary and Aedan to discuss further**. Options around whether it is a LINK or members ask. Are we doing anything with officials? Not much point at the moment. We have done and clearly this was an exercise in one way comms. **Aedan will contact the Planning Spad** to alert them of level of disquiet.

Charles: irony is that MIRs swept aside, and actually this is one by any other name, they have a set of proposals they are putting forward. Line to take that of course gov policy is taking forward SD and here is an opportunity that you have missed. Accentuate the positive.

Aedan to discuss capacity with Daphne – Alice to coordinate diaries. It is possible to ask for **DPF funding for the survey**, ahead of launch of ERA action. Complementing what members are doing. Survation were good to deal with, pleasant and fast. Has there been any discussion with lawyers? Neil Collar of Brodies has been interested. May be points to raise.

Honorary Fellows? Alice to arrange a time for **Aedan and Sarah Boyack** to discuss. James C and Mark L are potentially supportive too.

Opportunities for media coverage to be explored. **Aedan will contact Rob Edwards**. Hooks could be the point about it being a poor imitation of the English system (Clare could put it by her PD planner). Linkages with environmental courts and tribunal.

LINKs Friends of the Scotsman slot potentially useful towards the year end.

Alice and Aedan to collaborate on circulation of list of MSPs to group.

Pros and cons arguments – **Clare** to circulate.

Beryl and Clare – discuss action for LD confs.

PQs to be asked? The more the merrier.

Camus More development. Tess updated on the situation with regard to availability of HRA docs before the CNPA meeting to decide on the proposal on 18 August. BSCG was refused sight of it, while SNH considered it should be on the planning portal, and passed it on. On HRA there is no specific requirements to consult on the process, very vague requirements to consider the views of the public in coming to a decision. Will be partly because the HRA isn't a complete doc until its improved. Stems from the Directives, but would hope that a matter of course they would make it available. RSPB's objections on capercallie grounds, evidence of disturbance increased over the years. See how things progress, thinks CNPA may be edging towards more caution. Public money is being used to help the housebuilder, via all the work being done by SNH and CNPA already. Permission has expired, so needs to be renewed. Not a single thing is binding in the design. At moment 1500 houses is a huge number of houses. This will be conveyed as environment versus development. SNH is insisting on a lot of mitigation, is being robust. Aedan senses a shift, and need to keep the pressure up. Tess will circulate the doc.

Next meeting early October. Alice to doodle.