**Note of LINK Planning Group meeting held on 16 March 2018.**

**Attending:** Aedan Smith, Convenor, (RSPB), Clare Symonds, Vice Convenor (PD), Gus Jones (BSCG), Beryl Leatherland (SWLG), Charles Strang (SCNP), Sue Hamilton (PD), Diarmid Hearns (NTS), John Mayhew (APRS), Daphne Vlastari, Alice Walsh

**Apologies:** Arina Nagy-Vizitiu (WTS) Bruce Wilson (SWT).

1. **The Planning Bill**

**Update:** The Bill Team has been doing lots of focussed advocacy around the bill. Diarmid, Aedán and Clare gave evidence at Stage 1. They have met MSPs, including Monica Lennon and her assistant, Graham Simpson, Jenny Gilruth, Andy Wightman, Neil Findlay. Other meetings are planned. The priority is members of the Local Govt Committee. SNP do not have control of the Committee and need support from others, probably the Greens, in the Chamber, so we are focussing on those MSPs influential within their parties, as the Bill progresses. The Greens are onside, some Labour MSPs are onside, work ahead for it to be adopted as party policy. Some Conservatives are onside though we are not so clear on the position regarding right of appeal. Lib Dems are not represented on this Committee.

Neil Findlay MSP, on the Delegated Powers Committee, has given very helpful advice: to speak to all the shadow cabinet and the SERA group within Labour, which we are doing to make sure Labour get this right. We have met Claudia Beamish, who is happy to help and has made a personal submission. We will be meeting Clare Baker, on the European Committee, and targeting Jackie Baillie, who is not yet onside. Mary met Richard Leonard, very supportive. We are comfortable with the Greens approach. Andy Wightman’s position is to remove right of appeal for applicants. Looking forward, we need to focus on the Conservatives. Graham Simpson MSP is very supportive, though extent of his influence is uncertain. Ditto Alexander Stewart. Donald Cameron MSP and a lawyer, has environmental courts on his agenda. We seek a meeting with him as the environmental spokesperson. Mary was at a roundtable meeting with him, his vision on the EC is close to ours. We should utilise their position and outspoken support for ECs as a way in. There was some discussion in this meeting about how this affects our advocacy for this Bill. ECs are a long way off, and the Bill will be finished before there is any further action on ECs. SNP’s former inertia on ECs is possibly improving as a result of Brexit and the need to deal with the governance gap, so a Parliamentary majority in favour of them eventually, is likely. It was agreed that we need to equalise the right of appeal, regardless of where appeals will be heard, and not risk any future gains via EC to be used to appease in this bill, so we continue to push for extra rights in this legislation, regardless of what improvements ECs may bring. In discussion with Donald Cameron, who is a lawyer, we need to have our arguments ready. With other Conservatives, vexatious appeals from developers is a live issue. Conservatives are against central power grab from local authorities.

Edinburgh City Council have come out in favour of ERA, as have Fife. The meeting discussed whether there is merit in a second hearing going to full council for appeal, though sometimes the full council is the planning committee. This is not applicable in the National Parks, as it is always a decision by the members, so goes to the DPEA. It was agreed we press for a Right of Appeal, and work out where it will be heard later. The critical point is that it is not just a right for applicants. This will mean fewer appeals, and better decisions because the developer will be more careful. No power grab, costs less. Conclusion, continue as is, but we are better able to defend ourselves. Ruth Davidson made a commitment in a recent speech, and Donald Cameron has an article on the [Conservative website.](http://www.scottishconservatives.com/2018/02/plans-to-create-environmental-court-to-help-communities-and-the-countryside/)   
**Mary will provide some briefing to the group on Environmental Courts.**

Daphne is organising meetings with MSPs as LINK. It will be helpful if all can share what meetings are being organised for integration and doubling up where appropriate. Clare meeting Gordon McDonald, SNP, and a lawyer, on 28 March.

**E-action.** Now at 712. There have been some hiccups with the software. 5000 is a very high bar, if we make it to 1000 that will be very good.

**A Parliamentary event** on 29 March (1.00 to 2.00pm) is planned to create more opportunity for the committee to hear from affected community groups. Andy Wightman is hosting. (G Simpson was also willing). We discussed the mix of people to involve, with a good geographical and thematic spread. PD has many contacts. Coul Links is possible (Bruce is on the case). Members of the Committee will attend, other MSPs are invited. It will be a conversational, speed dating type of event. PD has done some training for community groups for these types of events. Any groups that have been active that are relevant to the Bill, including those who have struggled with the Development Plan plan process. Some have submitted written evidence. Idea is to have 10 to 12 different groups, 20 individuals max. John Mayhew might be good to have on green belt. Our Bill team will discuss format and spread. Useful if MSPs know who they are, where they come from and what the issues are, so they can quickly target those of interest to them. Participants can bring leaflets and materials, and should be briefed on the LINK asks. We can do further media work on the back of it. Groups should also contact their own MSPs to ask them to attend. Members (RSPB, SWLG, FoES) and LINK can chip in if expenses need to be covered. Daphne, Lisa, and some of the group will be there to facilitate. Deadline is 26 March to have the attendees list to Parliament, **so send suggestions to Daphne asap.**

PD will be organising a demonstration to coincide with the Stage 1 debate, likely end April, early May. **Clare to alert the Group when details known.**

BSCG will be looking for support for a demonstration planned to coincide with a debate on An Camus Mhor, hosted by Kate Forbes MSP, which is a charm offensive by the developers. This was postponed due to the bad weather. **Gus to alert Group when details known.**

In the evidence session following Diarmid’s and Aedan’s evidence to the Committee, Edinburgh Council came out in support of ERA, though it was not in its submission. Clare is following up with Cllr. Chas Booth. There was a sense that the wind is definitely changing on ERA. Heads of Planning are neutral, which is a shift. Planning Aid Scotland (Petra B) dismissed the 800 to 1000 enquiries they have annually, as being unimportant in relation. **We need to contact Cosla officials**.

Holyrood Magazine may do an article on what emerged from that session after contact from Daphne. We can use our Friends of the Scotsman slot (agreed it would be good to follow up on Diarmid’s first article on our asks), and also opportunity of Common Space, which **Aedan will write**. Other media coverage of A9 dualling (Jess Pepper), and Rob Edwards potentially.

Amendments, circulated by Clare the previous day. These will be lodged after Stage 1. MSPs are eager to see them asap though. The Group agreed on the basics of the amendment. The Bill Team would follow up and take advice from experts in the network, and the legislative team at Parliament.

NPF. We want it to be voted by Parliament every 5 years. It makes sense to be tied to the Parlimentary term, and can be sense checked every 5 years rather than completely overhauled. It should require an affirmative vote for any changes, and same, if keeping to a 10 year cycle,

Should the NPF be part of the Development Plan? Better not to have it. It is a symptom of it being a centralising bill.

Supplementary planning guidance? Yes, keep it, is useful, for biodiversity and other uses.

Combining SPP into NPF? Agreed these should be kept separate.

Purpose of planning? This is needed. Cliff Hague’s note is helpful. Sustainable Development focus. Cross party support for that. The promotion of the three legs of the SD stool in an integrated fashion. **This needs** **to be circulated and signed off by Wednesday**.

Removal of consultation opportunities? **Keep the Main Issues Reports** as Clare has outlined. If gone this is a loss of a consultation stage, to be replaced by gatecheck stage. Have community engagement for the first stage of it and the gatecheck stage.

Other losses. Guidance, and planning policy, and regional plans. Strategic development plans. If retaining Regional Plans, they need to be properly resourced. Makes sense to tie in with the Land Use Strategy, to get some **statutory link between planning, the LUS and the National Marine Plan**. There is no legislative requirement for regional land use plans. Land group meeting yesterday would indicate members would be happy with that. If local development plans are moving to 10 year cycle, this frees up time in the local authorities. We might want to keep the 5 year cycle, and look at a refresh rather than complete overhaul. In which case the regional LUS will have some extra resources. Also can link in the partnership plan, a good model for the regional land use plan. It is meant to be overarching, is aspirational, comfortable with the National Parks model. We want something in the legislation to make the plans mean something and be used, and need an amendment to capture this. We want to keep strategic development plans, linked with regional land use plans. Need a separate section on Regional Land Use. These should be compatible, or the same thing where both exist (ie Strathclyde), or done by the same people.

There needs to be ongoing review, to keep the plans evolving, a lighter touch or refresh at the 5 year stage. We want to **stick to 5 year cycles**.

Agreed we need to follow up on the oral evidence with supplementary written evidence. Clare’s amendment, on the right to be heard, was agreed. This was removed in the 2006 Act. Reintroduce it with the same wording as formerly. Agreed there should be an opt in list for people to be kept informed. Use Clare’s amendment as a starter. **If people have comments get them back to the bill team.**

Simplified Development Zones. Agreed to keep all the exemptions, keep all the scrutiny. Conservation areas have constraints on development. SSSIs definitely should not come out. Comes down to intention, is it front loading, or removing protection? Would not want landscape designations included in an SDZ or greenbelt.

We ask for the same protection that we have today on simplified development zones. SDZ can only be taken forward as long as they are part of the development plan. And retain exclusion of wildlife areas. And more consultation on the SDZs if they come in later, comes back to making sure any refreshing of LDPs etc, to be consulted upon the details. It was apparent that the Minister did not understand what was being proposed.

ERA. Clare took the same amendments as the last act. There are four instances where we want it, for EIAs, if its contrary to Development Plan, where there is conflict of interest, and if it is different from the recommendation of the planning officer. The latter has not been helpful in the case of Fife Council where councillors are threatened with the cost of appeals if they differ from the officer’s recs, though ERA would balance that threat. Our written evidence covers these 4, **to be checked**, and it is worthwhile bringing everything together for supplementary evidence. **A follow up to be submitted to the Committee based on discussions today, and picking up the useful stuff from the Delegated Powers Committee.**

Andy Wightman proposes getting rid of appeal rights altogether. We don’t have to push too hard for removing the applicants rights of appeal. Useful to understand where MSPs are coming from on removing appeals. We seek equality.

Pre-application consultation: For major applications. It is a clear issue for the vast majority of applications that there is no front loading. Less than 50 houses can have an enormous impact in some areas. Largely a resourcing issue, it is too expensive for local authorities. Charles considered this needs to be encouraged. **Charles to propose an amendment**. If it is discretionary it will not happen.

Discussed probing amendment around the NEN. Mitigation hierarchy around biodiversity.

On Marine, **Aedán to consult with Emilie and Calum.** Relationship with regional marine plans, and crown estate transfer are relevant.

**The Forward plan for the Group.**

It was agreed we should be more pro-active about what kind of planning system we want. We are making good contacts around the bill, which is a good starting point.

Have a workshop to think about how we engage on secondary legislation, after this Bill.

**Other issues: Greenbelt**: Greenbelt is not in this legislation, yet contributions in the recent debate in the Parliament on the Euro Park development on greenbelt land was mostly about the Planning Bill. Green belt is covered in planning policy, and has been weakened. **It was considered worthwhile to send information about greenbelts to the committee.** Clare can put John in touch with lots of groups concerned with greenbelts. Hunch is that if you rebadge it, it will go down better. Advice to try and see if there is a way of getting something into the Bill. Conservatives have a commitment to a brown field register. Scotland has no brownfield strategy. Local authorities tend to ignore it. Ties into land value, and is important for planning at the local place plan level.

**Hilltracks:** evidence is still coming in on all sorts of tracks. The report is in draft, coming on well. Have met SLE, will meet Confor; latter are concerned as we are still asking for forestry tracks to be included, will meet LLTNPA, and Land Commission and SNH. We are trying to link the advocacy around the report strongly with the land reform agenda. There are many problems with prior notification. The Grouse Moor Licensing panel steering group has met, they decided to take hilltracks out of the scope of their review, though we will submit the report to them. Advocacy plans are in place. Subgroup is meeting early April to discuss communications plan, and will keep Daphne in the loop.

**Next meeting for beginning of May.** [Doodle](https://doodle.com/poll/s8cn67fpk8ek6szu) **circulated.**