

SCOTTISH WILD LAND GROUP

Response to the consultation: Places, People and Planning

The Scottish Wild Land Group is a volunteer run charity that was set up in 1983. We are Scotland's oldest and only volunteer-run wild land charity. Our aims are to contribute to the protection and enhancement of wild land in Scotland, to promote environmentally sensitive land and wildlife management, to encourage debate on the restoration of rare and missing species and the connection of habitats and protected areas to allow ecological recovery and species movements. We are funded by member subscriptions, donations and, very occasionally, legacies. We welcome the opportunity to respond to this consultation. However, we are commenting only on those aspects that have the potential to affect, whether positively or negatively, our core interests.

We recognise that the current planning system in Scotland does not work as well as it should. Spatial considerations, the protection and enhancement of the rich cultural, environmental and landscape resources we have, and the need for truly sustainable and beneficial economic development should all be incorporated into successful planning consent.

The Planning Review Panel's Statement [31st May 2016] stated "For the potential of planning to be realised, a strong commitment to change existing practices and culturewill be required". We couldn't agree more.

We consider, however, after reading this consultation document that some of the recommendations as set out would NOT "significantly improve the operation and reputation of Scotland's planning system". We agree that much in the document, if implemented appropriately and equitably and if sufficiently resourced, supported by new legislation as required, could result in improvements to the current system. There needs to be a cultural shift at all levels in the system, from Government, Reporters, planners, local authorities, developers, landowners, and elected members down to the individual level, if both public trust in the Scottish planning system is to be enhanced from its present very low level and if we are to see a more efficient and effective system. The view on effecting the necessary changes among their twenty recommendations as set out in the above Statement that "others could be done quickly and with buy-in and co-operation and embed a culture of inclusion", is perhaps optimistic; but nevertheless Scotland needs to aspire to delivering on this ambition.

SPECIFIC COMMENTS

OUR PROPOSALS FOR CHANGE

High quality homes are mentioned. The document does not subsequently specify what is meant by this in terms of energy efficiency and reduced resource demands. The statements "reduce processes that do not add value" and "reduce bureaucracy" are similarly not exemplified or specific points made. There is a huge omission from this introductory section – there should be stated as a major headline aspiration the intention to reduce emissions and increase energy efficiency in a truly ambitious manner in terms of construction standards and infrastructure efficiency [reducing commuting due to better spatial planning, freight movement improvements, reducing aviation emissions for example].

COMMUNITY INVOLVEMENT

The level of community and individual engagement and trust in the planning system in Scotland is very low. There are two areas of concern: ignorance and lack of awareness [and in this context we are enthusiastic about proposals to involve young people more in planning matters], and cynicism.

The reasons for the latter are obvious:- when people respond to planning development proposals and development plans they feel they are ignored despite submitting often very detailed and knowledgeable comments. For example, it has to be remembered that there are well qualified residents in communities who are at least just as able to, and often more so, evaluate specific proposals as staff in local planning offices. The lack of feedback on issues raised by respondents contributes to dissatisfaction. There is a lot of rhetoric in Scottish Planning Policy about public engagement and “front loading”, but this rhetoric is precisely that – developers engage in consultation exercises which merely seem undertaken in order to tick the requisite box, there is often little intention to take the views of communities on board. Developments are consented in many cases, without any or only minor modification, despite a huge amount of public opposition accompanied by reasoned submissions. This makes communities feel absolutely disempowered.

We were very disappointed to see that the consultation document does not consider equal right of appeal. In fact, apparently, this was specifically excluded from any public consideration with no justification for doing so. This is appalling – there is a huge democratic deficit in the Scottish planning system compared with other countries; Ireland being a notable exception where a form of equal rights of appeal is used and causes no problems or reduction and delay of projects being developed. This should be rectified and a level playing field created if there is to be any credibility in the Scottish planning system.

We were pleased to see a mention of public engagement at the pre-application consultation stage, which is the stage when in our opinion communities can most productively and usefully be involved, especially if they are to have some tangible contribution to eventual outcomes.

We note that it has been decided that the Cairngorm National Park should not have full planning powers [Page 26, 2.51], despite this being a recommendation of the independent panel. Again, this has been decided without any possibility of consultation on this via this document. This is not justified, and is not open or transparent. This further contributes to cynicism in that the population is only able to comment on certain points chosen by Scottish Government, further eroding trust and contributing to democratic deficit.

The consultation considers the role of local communities - communities of place - but there is no mention of communities of interest. This should be rectified, as many proposals that affect local residents also have potential impacts and concerns for others not living in the area. Examples of this would be developments proposed in the National Parks, which are often of national as well as local interest, and any proposals that might impact on designated sites and iconic landscapes.

GENERAL PERMITTED DEVELOPMENT RIGHTS

Our interest in this area relates to prior notifications for Hilltracks, and digital infrastructure proposals.

Scottish Wild Land Group is an active participant in the Scottish Environment LINK Hilltracks working group which was instrumental in achieving some change to general permitted development rights in respect of the December 2014 Order that specified that developers should submit Prior Notifications for such tracks to planning authorities. There are various concerns over the implementation of the revised procedures. These are shared with planning authorities who generally would prefer to see full planning applications [and at least some cost recovery] to be required to be submitted for Hilltracks, including their alteration, repair and maintenance. It is frequently difficult to ascertain whether any given track is required for truly agricultural purposes and not for sporting ones; in some cases the latter intent is obvious but there is no route to confirm this. With prior notification there is no formal public scrutiny and comment, unlike the situation with full planning applications. Hilltracks can be built in very visual locations and to poor construction standards under permitted development rights. Apart from the immediate environmental damage caused, any subsequent effects such as poor drainage resulting in erosion and silting of water courses, cause further deterioration which is costly to rectify and can have adverse impacts at some distance from the site.

There is an underlying democratic deficit which should be addressed by bringing such tracks into the full planning system. No doubt, landowning and forestry interests would argue that they should not, and will undoubtedly continue to exert pressure to achieve this, but it is in the public interest to fully absorb such tracks, whether for stated agricultural purposes or for forestry ones, into the full planning system. It is necessary to do this for forestry tracks in addition to agricultural ones, as the less scrupulous landowners might apply for planning consent for forestry access tracks when the intent is for sporting tracks, for which full formal planning applications are [rightly] required.

We are not in favour of digital infrastructure proposals being processed through the planning system under permitted development rights. It is agreed that in remote areas it is particularly desirable to improve communications infrastructure but this should not be at the expense of a lack of full public oversight in the location of masts, other associated structures and their access tracks. Recently there was considerable opposition to the proposals to locate phone masts inappropriately and insensitively in Glen Etive, one of the most scenic glens in Scotland. In this instance the applicant withdrew the proposals for re-consideration but it was fortunate that the application was spotted at an early stage. It is the usual practice for public comment on development proposals under permitted development rights not to be accepted, hence there is no mechanism to raise concerns.

PLANNING FEES AND CHARGES

We are fully in support of full cost recovery for all planning issues that are dealt with by local authority staff. This should include re-submissions, retrospective applications, and charges for monitoring applicant delivery on specified conditions as well as all costs incurred as a result of any enforcement actions required. The quality of environmental assessment is very varied and costs could also be used to ensure there is greater consistency in this via the use

of independent assessors, or involving payment to SEPA and SNH for the work as these non departmental public bodies are not adequately resourced to enable them to undertake this work to the depth required. There should be restoration bonds put in place in a credible manner for all major energy infrastructure projects. Local authority planning departments are over-stretched, under-resourced and lack the personnel capacity to do their jobs well, and this is a major factor contributing to delays in the planning system and dissatisfaction in communities. Cost recovery with the collected funds being ring fenced for planning departments would help to alleviate this very unsatisfactory situation as well as having the advantage that some less scrupulous developers would be less likely to attempt to take advantage of the system by taking short cuts with or ignoring planning conditions.

JOIN UP WITH OTHER PLANS AND POLICIES

In order to appreciate the relevance of this consultation document that considers the recommendations of the Planning Review Panel, it would have been useful to include a section that illustrated how the consultation compliments, reinforces and stands alongside other related planning considerations such as Scottish Planning Policy, policy on addressing climate change and global warming, the National Planning Framework, Land Use Strategy, the National Marine Plan, sustainable development and biodiversity aspirations including national ecological networks. It would also have been useful to include, within the context of the leadership that is identified as being essential for delivery, how the different current ministerial portfolios might contribute, as these have some overlap and duplication of roles.

Beryl Leatherland [02/04/2017]

Convenor