Stakeholder meeting 31 July 2020 – Note of meeting - **DRAFT**

Paul Cackette DPEA

Allison Coard DPEA

David Henderson DPEA

Jane Robertson DPEA

Smerah Akbar DPEA

Diane Sinclair DPEA

Andy Kinnaird PAD

Donald Campbell Heads of Planning

Mandy Catterall Scottish Property Federation

Stephanie Conesa Scottish Renewables

Rachel Connor Scotland Against Spin

Hugh Crawford Royal Incorporation of Architects in Scotland

Joe Dagen Royal Incorporation of Architects in Scotland

Louise Gunstensen RSPB and Scottish Environment Link

Sue Hamilton Planning Democracy

Aileen Jackson Scotland Against Spin

David Law Scottish Natural Heritage

Isobel Leckie Causey Development Trust (observer only)

Jim Mackay SEPA

Suzanne McIntosh Sir Frank Mears Associates & Association of Mediators

Alastair McKie The Law society of Scotland

Craig McLaren RTPI

David Middleton Sustainable Communities Scotland

Dr Iona Murray Historic Environment Scotland

Maurice O’Carroll Scottish Planning, Local Government and Environmental Law Bar Group

Philip Robertson Historic Environment Scotland

Tammy Swift-Adams Homes for Scotland

Clare Symonds Planning Democracy

Marcus Trinick Scottish Renewables

Penny Uprichard Royal Burgh of St Andrews Community Council

David Wood PAS (first half of meeting only)

**Apologies**

Richard Henderson Balerno Community Trust & South West Communities Forum

Alison McNab The Law Society of Scotland

Charles Nathan RSPB

**1. Introduction and Welcome**

Paul Cackette welcomed everyone to the meeting, and introduced Allison Coard who has been temporarily promoted to the position of Assistant Chief Reporter in the senior management team. This is due to Paul having been re-deployed in March to deal firstly with Covid PPE issues and more recently outbreak management.

Paul confirmed that the move to new DPEA accommodation had been delayed due to the lockdown but the hope is that we will be able to hold the next meeting at the new premises.

**2. Previous meeting – matters arising**

Aileen Jackson asked if there had been any progress on updating Circular 6/1990.

Andy Kinnaird confirmed that it was on the list of things to be dealt with by Planning and Architecture Division (PAD). He added that the SG’ s timetable for progressing work had to be re-focussed during lockdown to keep the planning system moving. They were working to produce a new timetable but it was likely NPF 4 would be delayed. He confirmed that a consultation on SPP had been issued and the closing date for comments was October 2020.

**3. Progress and experience during Covid-19**

The Law Society asked for information on DPEA’s progress and experience during Covid-19. a more detailed response will be forwarded to them and anyone else who would like the information.

Allison Coard provided feedback on how DPEA responded to the lockdown. The admin team quickly moved to working from home and a series of Guidance Notes had been produced and published on how DPEA would continue to process cases during this time.

Progress is currently being made on the backlog. Sists are kept under review and moved on as soon as possible. As much use as possible is being made of drone footage, photographic evidence, google map street view, virtual meetings and site visits. It was confirmed that some new practices had delivered real benefits and it was hoped to retain these as part of the DPEA toolkit moving forward beyond the pandemic. DPEA is continuing to look at how to hold oral sessions with the hope that physical meetings will be resumed using larger venues, not necessarily in the locality of the proposed development. Consideration may also be given to hybrid virtual/physical meetings. Those that had experienced virtual meetings felt they had gone smoothly, were helpful and saved time.

Rachel Connor commented that there were advantages but it would be difficult to get a proper impression of visual impact without a physical visit.

Stephanie C raised the issue of the time taken for DPEA to put in place resourcing and staffing for renewable projects. David Henderson explained that the Energy Consents and DPEA computer systems were not linked resulting in double handling of cases and time wasted. DPEA are investigating the possibility of linking the two systems and to initiate other measures to streamline the administrative process to ensure such cases are kick-started as quickly as possible. He added that there were no current plans to recruit more reporters but the balance has shifted to using more salaried than self-employed. It takes about 3 years for a new reporter to build the experience needed for Section 36 cases. A buddy system was introduced for reporters some time ago and this has ensured more reporters are able to take on these cases.

**4. Practice and efficiency improvements – Guidance Note 24**

Paul confirmed that GN 24 had been issued to the Stakeholder Group and responses were due by 11 September.

He added that the background to the guidance note is to enhance level of efficiency and ensure the quality of information provided is of highest level.

In response to Craig McLaren’s question on the reasoning behind the consultation Paul confirmed that the purpose of the consultation is to look ways we can all collectively achieve the best results in the wider public interest and improve the quality of decision making. He asked for initial thoughts on the idea or principle but full responses should submitted in writing as part of the consultation.

Alastair McKie and David Law intimated broad support for the guidance.

Rachel Connor commented it is the public perception that rules are applied differently to developers and interested parties.

**5. Annual Review**

Allison Coard gave an overview of the DPEA Annual Review, which has been published online. She confirmed that the review shows some positive progress from the previous year in relation to performance against targets.

Aileen Jackson commented it made interesting reading and that there had been a lot of good feedback from members.

**6. Matters raised by Stakeholders**

a) Virtual consultation – Aileen Jackson

Aileen Jackson raised the issue of people who live in rural areas with virtually useless broadband being alienated and left out of the planning process. It is a statutory requirement for the public to be involved in the process and broadband issues need to be dealt with at government level across Scotland. The rollout of online/virtual working should be slowed to accommodate this. PAS raised many of the same concerns. Penny Uprichard expressed sympathy with this position; David Middleton added that it is often the elderly who are disenfranchised if on-line is the only way to get involved; and Rachel Connor added that there is a difference between the developers perception of how the process is working and that of other parties involved.

It would remain important to enable those without access to technology to participate.

Tammy Swift-Adams, Alistair McKie and Mandy Catterall agreed the issues needed addressed but developers had found public participation levels had dramatically increased with the online process. It was felt that an amalgam of the on-line and physical world was the best way forward.

Marcus Trinick advised that in an upcoming section 36 case the developer had offered home broadband as an immediate solution to the problem for members of the public wishing to take part online.

b) Housing Land – Sue Hamilton

Sue Hamilton expressed concern and confusion over how Housing Land Supply numbers were arrived at. They had written to the Chief Planner on this issue and were waiting a response. She confirmed that Planning Democracy fully intended to respond to the SG consultation as should everyone.

Tammy Swift-Adams suggested a plan led system should be the common goal for Scotland. If a planning authority does not set out its plan in a commercially viable way the outcome is you do not get what you are planning for or is needed. The move to plan led system needs addressed by those making plans.

c) Improved guidance to explain the appeal process - Rachel Connor

Rachel Connor requested the DPEA produce comprehensive guidance explaining the process, timescales, and terminology to encourage people to participate in the process. She added that many people in the community were baffled by the information currently available resulting in them having to engage professional representation at huge cost.

David Henderson explained that DPEA had set up a working group to look at this issue and the intention was to produce guidance with the intention of including clips of hearings/inquiries allowing members of the public to gain a feel of what was expected. Hopefully this will be completed by the end of September and will be sent to Stakeholders for comment. He agreed that the use of accessible language was very important.

d) Roll Call Votes – Penny Uprichard

Penny Uprichard suggested the use of roll call votes. She added that Council Committee meetings have been using this system at virtual meetings since the start of lockdown and it was helpful to see how each individual councillor voted.

e) Inquiry process matters arising- Marcus Trinick/Stephanie Conesa

Marcus Trinick raised three points.

* Developers in Section 36 cases will request an inquiry rather than hearing to ensure that all issues relating to the case will be covered. If the Reporter sent out an agenda in advance for comment it might help to alleviate their concerns in this regard.
* At inquiries narrowing down issues in writing in advance would shorten the process
* Allocating a programme officer for larger multi-day inquiries would be a real benefit

Allison Coard agreed these were matters worth further consideration.

f) Implications of Covid-19 and the new normal – Neil Collar/Alastair Mckie

In response to questions on backlog and reduction in number of appeals David Henderson explained that there was a small backlog. DPEA had continued to allocate cases as they came in and only applied a sist when the Reporter could take the case no further due to lack of information or inability to carry out a site inspection. 25 cases are still sisted directly due to Covid, almost all site inspections are back in process.

He added that there was no immediate reduction in appeals being received but planning appeals have now reduced by about 20% and they are expected to continue to drop for a further period of time. Enforcement notice appeals received have dropped by more than half – likely due to Enforcement Officers not being able to get out.

g) Design considerations at appeal – David Middleton

David Middleton raised the issue of whether it was appropriate for a reporter to decide on the merits of a particular design in a case where the design was a component of a planning decision and passed by a Committee. Reporters come from various backgrounds, many with little or no design training and are required to make judgement on what a qualified person has produced.

Hugh Crawford suggested RIAS could offer design advice.

Allison Coard reminded everyone that evidence should be put forward during an appeal including directing the Reporter to guidance on design. Design training might be considered as a topic for a future training seminar.

7. Wrap up and close.

Tammy Swift-Adams wanted to know if DPEA looked across procedure notices to make sure they are consistent. Homes for Scotland experience was that they vary.

Allison Coard responded that each reporter is responsible for their own case and procedure notice.

Allison thanked all for attending. It was generally agreed that the new format of members raising and presenting issues to the group had worked well as had meeting in the virtual world.