Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Birnam to Ballinluig A9 Community Group

In consideration of the Planning (Scotland) Bill, it is hoped that the Committee will address communities rights to be involved in decision making in a meaningful way. More centralisation into the National Planning Framework could exclude communities' further.

To learn from the experience of this community and achieve better decisions, the decision making process on strategic, as well as other projects, needs to be transparent, open, accountable and accessible to include local people and communities who will be affected.

Overview

- It is difficult for communities to engage when strategic decisions that will affect them are made centrally without their knowledge or engagement.
- People may not even be informed about strategic developments (even when living just metres from development) until all opportunities for engagement are gone.
- Communities can struggle to find support and capacity to ensure local voices are heard (community empowerment has no resources, opportunities to engage take understanding of process, are time limited, funding has longer turn around times).
- The local community's health, wellbeing, livelihoods and local economy, were excluded from the considerations around the strategic project, the A9 Dualling Programme.
- The key working group, ‘Environmental Steering Group’ (ESG) – representing stakeholders from the entire route of the A9 Dualling - does not include representatives of communities or consideration of human health.
- Chaired by Transport Scotland, the ESG meets in private. Minutes are not public.
- A key tool to inform decisions, the Strategic Environmental Assessment on the route did not consider the health and wellbeing of people, place or the local economy.
- Two Local Authorities did not formally respond to Strategic Environmental Assessment’s Environmental Report (Jun 2013, Sept 2014). Most local people were not aware of it.
- Health considerations (prior to, during construction and operation) were from the perspective of the road user, e.g. excluding those living next to the road.
- Local people requesting information on their health and environment in relation to the project did not receive it, sometimes for up to 5 months.
- After 2 years of effort, a ‘Co-Creative’ participative process has been established for Transport Scotland and the local community to work collaboratively to reach a solution.
It is hoped that a sustainable solution for a route can be found in a positive way, using the engineering skills and expertise alongside local knowledge and experience.

Background

In February 2016, Dunkeld and Birnam Community Council held a public meeting to allow local people to hear from Transport Scotland and Jacobs about the proposals for dualling the A9 through the communities it represents.

There had been four years of random exhibitions and proposals before 2016, with no unifying narrative, no advice about the process, and limited opportunities to contribute in meaningful ways. This exacerbated confusion in the community.

Two sections of the A9 lie within the Community Council area. The southern section is the Pass of Birnam to Jubilee Bridge (or 'the Tay Crossing') and the northern section is from the crossing to Ballinluig (the Community Council area extends to 500m south of Ballinluig) which now has a preferred route option. After a change of contractors looking at the options, three proposals on the southern section for a preferred route were presented to the community in an exhibition in January 2016.

These contained three separate junction proposals for Birnam, Dunkeld and Dalguise (not options) which had increased significantly in their scale from earlier proposals and three road options (with the variations at the narrowest part of the route). The proposals were presented to those who could attend the public meeting, but audio and visual was poor.

A number of questions were asked, many of which were left unanswered e.g. because the work had not been done yet or the expert was not present that evening. At the end of the meeting, dates for public and community council feedback were given. The information requested to inform feedback, would not be supplied until long after that date.

It was clear from this and the public exhibition, that the ‘community engagement’ boxes had been ticked and there was little regard for the community voice.

As the dualling programme stakeholder manager was heard explaining to colleagues, they had spent enough time in this community, he recommended a ‘sticking plaster approach’.

The Community Council immediately established a working group to consider the issues, it submitted a written submission in April 2016 to Transport Scotland\(^1\) to outline key issues emerging and seeking a dialogue with the community. This submission was responded to in part, in some areas with technical detail but the request did not receive a response.

The purpose of the Community Group has been to establish a meaningful dialogue between Transport Scotland (Jacobs) and the local community to reach a solution.

The working group evolved into a Community Group by May 2016 when a Community workshop and survey was launched. By June 2016, so much trust had been lost locally with Transport Scotland and Jacobs, that it was proposed only a more meaningful participative co-creative approach to working out a solution together would work. [It was acknowledged the planning review was recommending collaboration rather than conflict.]

The Community Group has met monthly, has a mailing list of 170 and an active Facebook page. It has continued to be active in ensuring that it has a community mandate. The community survey reported in September 2016, with 452 responses (local population c1200), many of them substantial in their content. In September 2016, Transport Scotland agreed to a Co-Creative Process. The existing proposals were taken off the table, so that all options generated by the process could be considered together.

This kicked off in June 2017 with a visit from the Cabinet Secretary as well as an Open Programme bringing together local people and groups with an interest in key areas – as well as statutory consultees and NGOs, to contribute to a discussion to better understand the issues involved. Workshops continued to develop the key objectives from a community perspective in the autumn.

An appeal to Scottish Government and Transport Scotland was made for community support in early 2017. By autumn, the community group was grateful to Transport Scotland for support to get a community facilitator and community group support role in place.

In November 2017, this first community led stage, culminated in a big community event called the ‘Big Ask’ which everyone was encouraged to participate in. It was a lively, engaging day that also featured our children’s vision for the community as facilitated by the Children’s Parliament and produced by Primary 7 children at The Royal School of Dunkeld. Children and young people will continue be encouraged to participate in and directly inform this process to help reach a sustainable outcome.

Now in 2018, the Community Objectives sit alongside the Transport Scotland objectives and a team of community and Transport Scotland representatives are completing design of a process for decision making. Three sessions were held in January to gather ideas and options from the community at this stage of the co-creative process.

PAS were recruited by Transport Scotland in 2017 to provide facilitation to the design and delivery of the Co-Creative process. The community group was not involved in this appointment, expressed concerns and eventually set out conditions in order to agree to PAS being involved. PAS became involved in October 2017 in facilitation.

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3 http://www.dunkeldandbirnamnews.co.uk/images/Final_Workshop_Flyer_October_2017.pdf
4 http://www.dunkeldandbirnamnews.co.uk/images/Final_Objectives_December_2017.pdf
and visited the community for their full team to meet the Community Group in December 2017. PAS have outsourced the design, printing, distribution of communications for the community and even social media for the Co-Creative process from the local area to an Edinburgh agency.

One of the concerns of the community was that PAS would not be open and flexible to using new approaches. As anticipated, it quickly became apparent that the charette model with which PAS is familiar was not appropriate for this complex situation. PAS has been struggling to adapt to a more demanding, community led, interactive form of engagement.

There has been a huge effort from both the community and Transport Scotland (as well as their contractors Jacobs) to build trust in this process. Positive feedback from local people about workshop interactions with the engineers and officials demonstrates progress in this.

It is hoped that this co-operative way of working will produce the best outcome.

The process developed here has still to conclude, and has generated a lot of learning.

Committee members would be welcome to visit and discuss what has happened here and see the process underway.

It has taken a great deal of community commitment, voluntary efforts from many and involvement from others able to support and inform the process. It is easy to acknowledge it is hard for communities to engage in these processes, but it is difficult to express the sheer strain on a community to field a community group of adequate energy, competence and succession to reach and maintain a continuous, meaningful programme of cooperative work with Transport Scotland.

Engagements from a community take more than a few volunteers for a few nights. Many volunteers give up masses of time from their own small businesses, outside work, their families, retirement or holiday. All this has an impact on people’s lives, livelihoods, health and wellbeing. Delivering one paper clocked up c100 hours of work across a group of 8 people with wider consultation. Support from Sept 2017 has been invaluable.

Key learning from this community experience demonstrates that:

- Affected communities do not necessarily have a voice in the decision making process on strategic projects, sometimes they may not even be informed about project or process.
- Tools such as the Environmental Report for the Strategic Environmental Assessment should be complete, easily accessible and widely available to local people.
- The key decision making group on the programme delivery, should include community representations and consideration of human health.
- There should be transparency about statutory consultees involvement and their advice in the process.
• There are no easily accessible resources to support this kind of community engagement.
• Trust in process, and that the communities voice will be genuinely listened to is critical.

Without even these, communities and their wellbeing are already being excluded from the process. Including people and working together rather than generating conflict has positive outcomes for all, and gives the best chance of finding sustainable solutions.

Conclusions

This community has taken a constructive approach, to avoid a negative and costly legal process to community and public purse. But it has relied upon the community creating an opportunity to engage which otherwise would not have existed.

• With increased centralisation, more reliance on a National Planning Framework inaccessible to most people, this kind of situation may become more common.
• The Planning (Scotland) Bill could an opportunity to improve the process for all communities and avoid conflict that is costly for all, including the public purse.
• How will the Planning (Scotland) Bill ensure affected communities are informed, engaged and involved in the decisions made, including on strategic projects?