

# **COMMUNITIES COMMITTEE**

Wednesday 17 January 2007

Session 2

£5.00

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# CONTENTS

Wednesday 17 January 2007

Col.

COMMUNITY ENGAGEMENT (DRAFT PLANNING ADVICE NOTE) .....	4459
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## COMMUNITIES COMMITTEE

### 2<sup>nd</sup> Meeting 2007, Session 2

#### CONVENER

\*Karen Whitefield (Airdrie and Shotts) (Lab)

#### DEPUTY CONVENER

\*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

#### COMMITTEE MEMBERS

\*Scott Barrie (Dunfermline West) (Lab)

\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

\*Christine Grahame (South of Scotland) (SNP)

\*Patrick Harvie (Glasgow) (Green)

\*John Home Robertson (East Lothian) (Lab)

\*Tricia Marwick (Mid Scotland and Fife) (SNP)

\*Dave Petrie (Highlands and Islands) (Con)

#### COMMITTEE SUBSTITUTES

Chris Ballance (South of Scotland) (Green)

Alex Johnstone (North East Scotland) (Con)

Christine May (Central Fife) (Lab)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Ms Sandra White (Glasgow) (SNP)

\*attended

#### THE FOLLOWING GAVE EVIDENCE:

Petra Biberbach (Planning Aid for Scotland)

Veronica Burbridge (Royal Town Planning Institute in Scotland)

Jean Charsley (Hillhead Community Council)

Allan Lundmark (Homes for Scotland)

Alistair Stark (Royal Town Planning Institute in Scotland)

Clare Symonds (Scottish Environment LINK)

Harald Tobermann (Pilrig Residents Association)

#### CLERK TO THE COMMITTEE

Steve Farrell

#### SENIOR ASSISTANT CLERK

Katy Orr

#### ASSISTANT CLERK

Catherine Fergusson

#### LOCATION

Committee Room 4



## Scottish Parliament

### Communities Committee

*Wednesday 17 January 2007*

[THE CONVENER *opened the meeting at 09:36*]

### Community Engagement (Draft Planning Advice Note)

**The Convener (Karen Whitefield):** I welcome everyone to the meeting.

The only item on the agenda today is the draft planning advice note on community engagement, "Planning with People". The draft PAN was issued for consultation in July and the consultation ran until 13 October. The Scottish Executive has been working with a steering group and is revising and finalising the PAN for publication. The committee will hear evidence from a number of stakeholders today and the Deputy Minister for Communities will come before us next week.

This morning's session will have a round-table format. I welcome the witnesses and ask them briefly to introduce themselves and the organisations that they represent and to state whether they were a member of the steering group that helped to develop the PAN.

**Clare Symonds (Scottish Environment LINK):** Good morning. I am from Friends of the Earth Scotland and I represent Scottish Environment LINK. I was not on the steering group.

**Veronica Burbridge (Royal Town Planning Institute in Scotland):** Good morning. I represent the Royal Town Planning Institute in Scotland, where I work as the Scottish planning policy officer. I was not on the steering group.

**Jean Charsley (Hillhead Community Council):** I am from Hillhead community council in Glasgow. I also sit on a community planning partnership as a community representative for several community councils. I was not on the steering group.

**Petra Biberbach (Planning Aid for Scotland):** I represent Planning Aid for Scotland. I was a member of the steering group.

**Allan Lundmark (Homes for Scotland):** I am director of planning at Homes for Scotland, which is the representative organisation of the housebuilding industry in Scotland. My members build more than 90 per cent of new houses in Scotland and are the largest single source of private investment in Scotland. I was a member of the steering group.

**Harald Tobermann (Pilrig Residents Association):** I am the planning spokesman for Pilrig residents association. I am not its chairman, as some of the papers suggest. I first came to the committee in March last year, I think. Pilrig residents association represents an area in Edinburgh that contains about 1,500 households and is due to grow by another 500 to 600 in the next few years. There is a lot of housebuilding activity there. I was a member of the steering group.

**Alistair Stark (Royal Town Planning Institute in Scotland):** Good morning. I am a self-employed planning mediator. Today, I am here as the senior vice-convenor of the Royal Town Planning Institute in Scotland. I am a member of the steering group.

**The Convener:** Thank you for introducing yourselves.

As we heard, some of you sat on the steering group, and a number of you gave evidence on public involvement when the committee considered the Planning etc (Scotland) Bill at stage 1. As you know, the bill has become an act and the planning advice note gives planning authorities and developers advice on how communities should properly be engaged in the reformed planning system.

The objective of this morning's round-table discussion is to discuss whether the planning advice note will contribute to an improvement in community engagement as well as the culture change that has been identified as necessary to ensure the successful reform of the planning system. Committee members will ask a limited number of key questions to promote discussion and encourage a debate on community engagement. Given the number of people at the table this morning, I ask everyone to indicate clearly to me when they would like to speak.

I begin by asking you about the Executive's consultation on the draft PAN. We are keen to know your views. Do you believe that organisations such as yours, albeit that you were not all given the opportunity to sit on the steering group, were able to engage in the process?

**Veronica Burbridge:** The Royal Town Planning Institute in Scotland was pleased with the consultation on the draft PAN, which was done in an open and inclusive manner. However, I do not think that consultation on the matter will finish for quite a long time. The issue that we would raise is the timing of the consultation. There are so many unknowns in the draft PAN, and we do not have a clear statement of planning policy. We would like Scottish planning policy 1 to be updated to incorporate a statement of policy in the area. The secondary legislation will need to be supported by

a considerable raft of guidance, so we envisage a need to consult in future as that guidance is developed and the PAN, which is currently at an interim stage, is further amended.

**Tricia Marwick (Mid Scotland and Fife) (SNP):**

I ask Petra Biberbach to update us on the six workshops that the Executive asked Planning Aid for Scotland to carry out with hard-to-reach groups. Were they successful in reaching groups that are not normally represented at meetings such as this one?

**Petra Biberbach:** The work was important. It was brave of the Executive to ask us to go out with the draft PAN in the first instance. The groups that we wanted to engage with were primarily groups of people who have not been engaged in the planning system or who have never heard of it. For that reason, it was difficult to go out and get their views on the draft PAN, so we changed the format slightly. The groups that we selected included young people in Inverness and Port Glasgow, and Gypsy Travellers—we spoke to 21 families in Aberdeenshire and in and around Aberdeen. We had a workshop in Cumbernauld, which Cathie Craigie attended, and we also met a group in Laurencekirk on the border between Angus and Aberdeenshire. It was made up of people from a well-being group, who were mainly aged 70-plus.

When we spoke to the groups, we used the format of three questions. We asked them whether they had ever been involved in the planning system; whether they considered it important to have their voice heard in the system; and what might encourage them and others to get involved. Our findings are contained in a report that we prepared for the Executive. Once we got over the initial hurdle of people not understanding the planning system or knowing that it exists, and once it was explained, there was an incredible amount of good will towards being involved in the planning system. The committee should take that as a positive step. The population at large wants to engage in the system once it knows what the system is about and what it does.

Young people, who are particularly important, came up with fantastic ideas about increasing their involvement in the system, for example by having sessions in youth clubs and afternoon school sessions as opposed to sessions within the structure of the national curriculum. They wanted to know about involving youth clubs and to find out more about where skateboard parks could be created. The experience was positive.

09:45

**Jean Charsley:** We think that the PAN has been improved in many ways following

consultation. However, having sight of revisions is always lacking. People who have been consulted do not see revisions before documents are completed. It would be good to recirculate revised documents for additional comments before they go to Parliament.

**Allan Lundmark:** I want to put the exercise in context. Those of us around the table who have been in planning for some time will remember the days when planning advice notes appeared from the Scottish Office without any consultation having taken place. They were simply developed by civil servants and issued. That no longer happens with the Scottish Executive and the current planning division, which has a well-established and welcome track record of consulting on Scottish planning policy documents and—probably since the planning advice note on affordable housing—on PANs. Homes for Scotland, which is an industry body, certainly thinks that it is consulted and that its views are taken into account. Not all our views are necessarily taken on board, but we are certainly listened to, which is to be welcomed.

It is important to bear in mind that the Scottish Executive recognises that we are entering uncharted waters. We are expected to do things that we have never previously been required to do. Civil servants have certainly left me with the impression that they are trying to give the best advice that they can in the certain knowledge that they will have to review how consultation exercises take place, with the intention of clarifying matters or giving further advice if that should prove necessary. I think that such things will be necessary because we are entering uncharted waters, as I said. I do not see the advice as definitive advice that will sit there for a considerable period without being reviewed.

**Alistair Stark:** I take my hat off to the Scottish Executive for achieving what it has achieved as a result of its public consultation process. The task is almost impossible. There are around 4 million adults in Scotland, 1,000 community councils and goodness knows how many other interested community groups, and one cannot speak face to face with everyone.

There is another enormous difficulty, which has proved to be insurmountable. The profession in particular is faced with the enormous challenge of improving the way in which the public can participate in a complex system that is still being designed. There is the framework in the 2006 act, but we do not have secondary legislation and there have been no commencement orders yet. There is a grave danger, which I am sure that we will discuss, that the layman who casually picks up the PAN on community engagement—perhaps they will do so in desperation—will glimpse a better future but immediately be told that it is the

future and not today. The matter is difficult to consult on without raising false hopes and expectations. That is one note of caution that I would sound. However, it does not let us and the politicians who are designing the system off the hook. We have to take this issue seriously. I assure you that the Royal Town Planning Institute is doing that.

**Petra Biberbach:** The Executive has been brave in that it has chosen not only to consult the usual stakeholders but to try to reach all the communities, or at least some representatives of them. Many people are involved in the planning system, but many more are not involved. That has presented a challenge, which I think that the Executive has met head on.

**The Convener:** Do you think that the draft PAN goes some way towards meeting the needs of the intended audiences, principally communities, planning authorities, councillors and applicants?

**Clare Symonds:** I reiterate what other people are saying. I welcome the PAN and recognise what a huge task we have ahead of us. For me, the chief purpose of community engagement in planning is to improve and add rigour to planning decisions. However, the PAN does not quite state that and there is no feeling of conviction in that regard. The purpose of engaging people in planning is to improve the planning decisions.

Communities might not be experts in technical planning issues, such as traffic management, but they are experts in their own localities. They might have valuable insights into planning issues, they might know what will work and what will not work in their area and they might be visionaries in their own communities. We have to recognise that and be convinced that, by engaging them in the planning process, we are improving the system.

I should add that, until we can see the secondary legislation that will back up the approach, it will be difficult to see how effective the PAN will be.

**Jean Charsley:** The problem with the PAN is that it is trying to do three things at once and does them with varying success. It is trying to address things that are between the local council and the community, which are the development plans and the local plans. Development plans are the most difficult ones to engage the local community in. The PAN recognises that but does not do enough to ensure that that engagement happens. With regard to local plans, people need some education about the kind of things that are important. To some extent, the PAN seems to have those elements the wrong way round, as it says that development plans are where the detail should be, but the detail should be in the local plans, as that

is where people usually engage with the planning system.

The PAN is also quite seriously lacking with regard to the question of trying to deal with the problem of the community's involvement in individual planning applications. The PAN is trying to engender confidence in the planning system, but I do not think that it has within it the measures that are needed for that to happen. Do you want me to elaborate on that?

**The Convener:** It would be helpful if you could.

**Jean Charsley:** Many local authorities make great efforts to engage with people on local plans. I have reservations about development plans, as I said.

The way in which individual problems are dealt with is moving from being a two-way process that involves applications and objections and is becoming a three-way process in which the developer is brought into the equation earlier. Communities are concerned that that places them at a disadvantage. Past experience of consultation exercises has shown communities that, often, relevant information is not given, views are not taken into account and communities can be misled. That must be overcome by having a process that not only is transparent but contains safeguards. Some of those safeguards are not in place. You say that the consultation process will be scrutinised by the planning authority, but what will be scrutinised is what the developer—the applicant—says. The people who are being consulted have no access to that to make sure that the submission reflects what happened. It is essential that the people who are being consulted record what they say.

The underlying assumption is that a development will go ahead. I think that that will endanger confidence. There must be some information for communities in general, whether they are local individuals or interest groups, that tells them what they can do if they are dissatisfied and where they can get advice. At a consultation, people look at the model, the drawings or project documents, talk to people and then go away and think about it. They might well change their minds once they have discussed things with other people, but the current arrangements make no room for that to happen. The objection system must remain in place and be taken seriously.

Other matters concern communities, such as redress of abuse. Some of the abuses have been dealt with in the draft PAN, but not all of them have. I would like an opportunity to list those concerns to the people who redraft the PAN. Examples include planning gain, which is believed to alter the perspective of local councils on an application. In Glasgow, it is possible for a

developer to pay to avoid their obligation to provide amenity space within the curtilage of a development. Such practices are seen as abuses by local communities and they need to be addressed. There is nothing in the PAN that does that although it goes some way towards addressing some of them.

There is no system whereby such concerns will receive attention because the resources are not there. Scrutiny is promised for large-scale developments, but not for others, which might be small-scale but which might nonetheless be controversial and arouse a great deal of discussion in the community. A community might also be split in its views and there is no scrutiny of that.

Ministers can call things in. The Executive then looks at the application to see whether the process has gone well and that there are no grounds for concern. Unless there are the staff to do that, the Executive cannot address the matter properly. I do not think that the Executive's 26 planning officers are enough to deal with the sort of complaints that will arise as people understand that the planning system has changed. There will be many complaints in the adjustment period.

On confidence, communities must have a sense that they are an important part of the process and that they have means of addressing the faults in the system. The system will have to be monitored closely and complaints will have to be taken into account.

Other matters are fairly important—

**The Convener:** On that point, if the system is open and transparent, if developers are talking to communities and if there is genuine engagement and willingness to be part of the culture change of which the committee has spoken so often, is it not somewhat pessimistic to think that there will be a lot of complaints with which we will not be able to deal? Do you not think that the new system offers opportunities for change, that everybody has a responsibility to embrace the change and that we have to demand that they embrace that change? Surely it is not good enough simply to say that developers have to live up to the challenges that the Planning etc (Scotland) Act 2006 brings—although I agree that they do. Planning authorities have to get over the lack of trust that communities may have because of bad decisions that have been made, but communities too have to meet that challenge. Communities have to acknowledge that, although things have happened wrongly in the past, now they can make a new start and things must change.

10:00

**Jean Charsley:** I agree with you and I think that people are willing to do that, but I am saying that there are some obstacles to that. The draft PAN mentions community planning partnerships, but those partnerships do not involve the community. There is some doubt about the relationship between community planning partnerships, planning departments and the local council. The new cabinet style of local government is making people a bit cautious. It is felt that an oligarchy is making the decisions, with very little scope for addressing dissatisfaction. Issues have arisen since the Planning etc (Scotland) Bill and the draft PAN were drafted that have not been taken into account, and I think that you should take this issue into account and monitor it.

**Petra Biberbach:** This is not necessarily in response to what Jean Charsley has said, but we should remember that it is only a planning advice note that we are talking about. In itself, a planning advice note will not bring about community engagement, as a raft of measures is required. Although it is important for the Communities Committee to examine the PAN, it is also vital for it to consider a series of measures and not to view the issue in isolation. This is not just about a PAN; we need a lot more things to be on the table before we really know whether community engagement is getting done properly.

All of us who are working and engaging with communities will be under scrutiny to an extent over the next two years to see whether we have achieved better community engagement. I urge the Communities Committee to put data together at this stage and to ensure that we have a monitoring base from which, in two years' time, we will know whether community engagement has been achieved. Right now, no such data are available. If I am asked in two years' time whether the PAN has failed or has achieved something, I will need the data to answer that. I leave that with you and urge you to do something about it.

The PAN will not in itself bring about community engagement. We have to put far more resources into raising the awareness of the general public. If we really want a planning system that is efficient as well as inclusive, communities must be informed and knowledgeable, and they must know how the system works. That can be achieved by a number of different means, but that is my plea.

The PAN is a good starting point. It is commendable that it is on the table now, signalling a culture change and allowing people to consider the different functions and responsibilities of the various players. The way in which the PAN has been put together is important. The members of the steering group felt that it was important for communities to be aware of people's different



responsibilities, including those of the developer and those of the planning professional. That allows communities to know what is expected of them and what they can expect of others.

**Veronica Burbridge:** I agree that the PAN marks a very good start. However, each audience that it attempts to address will require further guidance. That links with Petra Biberbach's point about evaluating how far we get in two years' time. Planners will need some guidance. Furthermore, what indicators can be used in monitoring and evaluating one's own effectiveness?

I was pleased to see the new section in the revised draft PAN on the role of councillors. Some work has just been published in England on the detail of their role in planning decisions. It recommends, for example, that councillors be included in planning policy development, which helps to ensure that planning decisions are based firmly in policy. Councillors could also be used as planning champions.

We need to look at the PAN and how it might develop under secondary legislation, at the programme of culture change, at resources for the planning profession and the planning authorities, and at communicating with communities and the public.

**Allan Lundmark:** Looking at the current system, it is fairly easy to understand Jean Charsley's concerns about the way in which communities engage with the planning system, and by and large they are precisely the same concerns that developers have.

Do we have a system that is fit for purpose? Probably not, which is why we have the 2006 act. We have to consider the new opportunities that it presents to us and try to take an optimistic perspective on what we have to do.

Setting aside what happens with the production of development plans, let us consider major planning applications. I take Jean Charsley's point entirely that a major application has to be defined in terms of its impact on the community. A small application in a city such as Glasgow could be a major application in another part of the country. The legislation sends a clear signal to the development industry that the more community support there is for a proposal, and the more robust that proposal, the less likely it is to be refused planning consent.

It is not difficult to understand what I am going to do if I make a major proposal. Of course, Jean Charsley has pointed out that there are issues behind that that have to be addressed, and planning gain goes to the heart of some of those issues. We cannot continue to assume, as we have done in the past, that the planning authority's view of a legitimate mitigation of a detriment is

exactly the same as the community's view. There will be challenges for planning authorities.

If I take a development proposal to a community group and together we come to a view on what I can do to mitigate what are perceived to be the proposal's detriments to the community, and our view is not the same as the planning authority's view, that is serious. It raises all sorts of questions about what the planning authority does at the front end of the process when we start to consult on a proposal. The legislation says that the development industry must consult, because if we get community support for a development proposal it becomes difficult for the planning authority to reject that investment proposal.

**Harald Tobermann:** I am going to be a bit more controversial than the previous speakers. As a member of the steering group, I supported the process and many of the elements of the PAN, and I still do. However, during the past one or two months, when certain things have become clearer to me, I have come to the conclusion that the PAN is full of warm words and good intentions but that it will have no teeth for two years. Any question that we ask about whether the PAN will be effective always has to consider that timeframe.

My problem, and that of other community groups—I am getting a sense of that in this room—is that if we look at the PAN as it was published last summer, our expectations will be very high. However, now the small print shows that none of it will be enforceable and it has no teeth. I consulted Mike Culshaw, the reporters' representative on the steering group, and he made it clear that the PAN, as it is written now, will not be able to be used in a planning inquiry for two years, until the legislation has been brought into force. All that the PAN does at the moment is prepare the ground and get us thinking and discussing. Perhaps some of the professionals can start getting things into gear, but as far as communities are concerned—and I am speaking for them—expectations will be raised and immediately dashed. That will achieve the opposite of what we are trying to do, by engendering distrust in the new legislation.

I believe that the committee does not even have the power to do anything about the planning guidance, and that it will be ministers who sign it off. My advice to ministers is to publish it not as a PAN but as some other kind of document, or to give it a clear subtitle to show that it is interim guidance and to make it clear that the contents are just intentions and are not enforceable.

I will pick up on a small point about councillors, which also ties in with resources for communities. In theory, local councillors are the best resources that we have, as they are democratically elected and should bear in mind communities' concerns.

On the whole, my experience with the fairly good councillors here in Edinburgh has been that they lack time to scrutinise planning matters, some of them lack training and there is no systematic process for them to review their own decisions in the light of what happens on the ground—something that would be extremely educational for them. Such issues need to be addressed in either legislation or the PAN. Councillors need to be encouraged to monitor their own decisions and review them regularly, and there should be mandatory training sessions for them on planning matters.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Harald Tobermann said that the PAN and the guidance will not take effect for about two years, until the legislation is fully enacted. Would it not be useful to issue that guidance to local authorities as soon as it is ready, so that they can work towards building the engagement with people that is required to bring about the culture change that we are all speaking about? The legislation will be enforceable in two years' time, but let us prepare and let us know what is happening on the ground.

**Harald Tobermann:** Absolutely. I fully agree that planning authorities and others should prepare, but I wonder whether a PAN is the right vehicle. Let us step back a bit. The planning legislation does not contain a third-party right of appeal, for good reasons. However, quality consultation with communities has been put in the legislation in its stead—or that is the intention, anyway—and the only place where I can see that happening is via the PAN and possibly some secondary legislation, but it is all rather fuzzy and vague at the moment. Planning authorities and developers need that guidance now, in one form or another, and I wonder whether a PAN is the right vehicle for issuing it at this point.

**Dave Petrie (Highlands and Islands) (Con):** I will ask about something that Jean Charsley said. Could your views possibly be coloured by your experience of the former situation? Community councils are statutory consultees. I do not know what your experience is, but I understand that some community councils are quite cynical about planning authorities that do not comply conscientiously with the duty to consult. Having seen the PAN and the new legislation, are you any more confident that planning authorities might in future be more conscientious about keeping you advised?

**Jean Charsley:** The difficulty arises where political and policy decisions come into, for example, hearings. Councillors are not entirely free to do as their conscience dictates, because sometimes there is a whip.

**The Convener:** There is absolutely no whip in planning. I think that you have to be careful.

10:15

**Jean Charsley:** I withdraw what I said. Let me put it a different way. When I look at the PAN, I see that, quite properly, for development plans the Scottish Executive inquiry reporters unit is involved, and that there can be hearings for major or controversial developments. However, there is no mechanism for any independent assessment of whether the process satisfied all the requirements that it ought to satisfy, so it is quite possible that a community could go away dissatisfied because other interests came into play in the hearing and overwhelmed what they were saying. That is reinforced to some extent by the PAN, because primarily it addresses the concerns of councils and developers. Although it says that it addresses communities' concerns, it is difficult for communities to see that. We will discuss later whether we need something else for communities.

It seems to the people to whom I have spoken that there is still an imbalance in the system. As Petra Biberbach said, communities are not equipped to deal with the new system, because they do not have the knowledge or experience. They need champions and some partisan assistance to deal with the issue properly.

**The Convener:** We have a number of areas to cover. I will allow Scott Barrie in on this issue, but then I want us to move on. We will cover in subsequent lines of questioning a lot of the issues that have been raised.

**Scott Barrie (Dunfermline West) (Lab):** I was going to say that we need to move on, because we want to raise a number of issues. The potpourri approach is not the most effective.

**The Convener:** Thank you for your advice, Mr Barrie.

**Patrick Harvie (Glasgow) (Green):** We have heard some people say that no planning advice note on its own will suddenly create lots of fantastic, high-quality engagement and involvement. Setting aside whether a PAN is the right vehicle and whether it is enforceable, it does help to set the mood music and the tone. Do the witnesses think that the PAN does that correctly in relation to community engagement?

There have been difficulties defining "community" and "engagement". We have something close to a definition of community—or, at least, parameters for a definition of community. As far as I can work out, there are two definitions of engagement. One is:

"the establishment of effective relationships with individuals or groups to encourage substantive deliberation in the community."

The other is:

"giving people a genuine opportunity to have a say on a development plan or proposal which affects them; listening to what they say, and reaching a decision in an open and transparent way taking account of all views expressed."

I am interested to know whether the members of the steering group were able to reach a common view on what community engagement is. I would also like to hear from the people who were not part of the steering group.

**Petra Biberbach:** I am happy with the definitions of engagement and communities in the PAN. It is important to remember that communities are not a homogeneous group; there is huge variation and we could sit here for another 10 years trying to define communities in minute detail. It is the doing that matters to us.

The PAN helpfully sets out the variety of interests that could be involved. We recently did a scoping study of housing development and found that in one area there were lots of different types of communities—some were for a development and some were against it. We cannot talk about one single community.

On engagement, fairly knowledgeable bodies, such as the Consultation Institute, have defined engagement, and the PAN has taken those definitions on board. The PAN alone will not bring about engagement. Lots more measures have to be put in place. We are waiting for the secondary legislation. Meanwhile, the resources have to be available up front, to enable engagement with people who are outside the system, who are plentiful. We have to ensure that the resources are in place.

**Allan Lundmark:** The draft PAN starts us off in the right direction. If nothing else, it forces us to ask some more searching questions about how we approach the issues. Petra Biberbach referred to the definition of communities. That brings the issues into fairly sharp focus for us. We need to consider issues about geography, communities of interest and how we speak to people who live in a community and to those who do not live in a community but who want to. We must also consider people who are not fussed about a development coming to a place but who are interested in the design of the houses and what the development will look like, and people who are interested in the spin-off effects. The draft PAN raises an enormous number of issues.

Early on in the process, we commissioned Planning Aid for Scotland to prepare a report for us spelling out some of the issues that we must address as we go about the exercise. I am more

than happy to make the summary report available to the committee, if that would be helpful. The report refers to the need for us not to be blinkered in defining communities, but to look at each proposal and situation on its merits. We can define a community in geographical terms, but we need to consider how we go beyond that and include all the people who have an interest in what we are doing. We need to be careful not to think that there is only one approach or a limited number of approaches to community engagement. We have been given advice about the different techniques and we will give advice to our members. We will deliberately shy away from telling them that something is best practice and that it is what they should do. Instead, we will give them advice about what is good practice and about how to ensure that approaches to particular proposals are designed for those proposals.

We also have issues about major development proposals for large-scale projects with long timeframes that go way beyond the provision of housing, such as those that provide physical and community infrastructure. Issues arise about how we ensure that the community with which we speak is resourced properly to allow it to engage in meaningful dialogue. There is no point in sitting down at a table with people to discuss complex drawings if they do not know how to read them, and there is no point in discussing the financial consequences of funding community infrastructure if people are not equipped to understand the issues that are placed on the table. The industry must think carefully about how we ensure that dialogue is positive.

There are many questions for us. We will have to give guidance to our members in the coming weeks and months. However, I am encouraged by the fact that Planning Aid for Scotland has pointed out to us the issues that must be addressed. We have a resource that we envisage being used by communities to ensure that constructive dialogue takes place. The draft PAN is, if you like, the starting gun for us, but we must now get on and start to deliver.

**Alistair Stark:** We have the difficulty of distinguishing between the public interest in relation to a particular community—the term "community" can be defined extremely widely or extremely narrowly, depending on the instance—and the collective effect of all sorts of private interests. I know of all too many people who became involved in the planning system when they felt that there was a personal threat to their interests. That is understandable and such people have every right in the world to take part in discussions. However, consideration of such interests may be very different from a proper examination of what is in the overall long-term public interest.

The only way in which to resolve the debate properly is through the discussions on development plans and by ensuring that they are subject to a wide debate. It is much easier to have such a debate on development plans than on individual planning applications. After that debate, when planning applications are considered, there will be some definition of what constitutes the public interest. However, it will be difficult to distinguish between public and private interests. Over the past 30 or 40 years, I am afraid that society has pushed ever more in the direction of the private interest, which has become rather more dominant than I, for one, am comfortable with.

**Harald Tobermann:** The short answer to the mood question on the draft PAN is yes, the mood is excellent, although I would like to see teeth as well.

I also have a response to something that Allan Lundmark said. The idea floats around different arenas that communities are not equipped to read plans or to understand the financial constraints to which local authorities or developers have to work. That is not the case. We should not patronise communities. Instead, we should provide the information and see whether they can understand it. We should not start with the premise that things need to be made simple for them.

I turn to the definition of a community. Alistair Stark talked about the collective effect of all sorts of private interests, which is often what we mean by a community. For me, the best community is that of the elected councillors. In an ideal world, they represent the community in the best possible way. We must never lose sight of—indeed, we should strengthen—the links to those councillors. That may not be relevant to this legislation, but we should bear it in mind.

**Tricia Marwick:** I have a brief comment on the valuable point that Harald Tobermann made on communities' understanding of the planning process. In the past, part of the problem was that planning was seen as something for the professionals—something that only those with a great deal of knowledge could understand. Frankly, that view was encouraged by a number of the professional bodies, which tended to suggest that planning was a difficult process. Harald Tobermann made the point that we should start not from a standpoint that says, "Planning is really, really difficult. How can communities understand it?" but instead take a bottom-up approach that says, "Provided that they are given the information, communities that are affected by planning decisions are as able to understand the planning system as anyone else is."

**The Convener:** As someone who was not on the steering group, Clare Symonds is keen to come in on that point.

**Clare Symonds:** Some of the language that is used in the PAN is interesting. One example can be found in the box under section 83:

"Has the planning authority or project team responded by amending the plan or proposal where sensible and appropriate?"

Perhaps I am being overly sensitive, but the insinuation seems to be that the community might not put forward sensible or appropriate views. That sort of language does not help.

I return to the issue of trust. There is a certain sense that people are saying, "We will trust you if you take the first step." People need to have confidence in the PAN. The language has to be strong—it needs to be stronger than that which is used in the draft. If we are to engender a sense of trust, we have to put the first foot forward.

In responding to the question on the definition of a community, I quote Gabriel Chanan, who has done a lot of work on community indicators:

"communities are only communities when they are acting as a community".

Frankly, much of the time, in the context of planning, we continue to talk about people who are acting as individuals. It is important that we do some work prior to the statutory consultation. That is the way in which to start developing communities of planning, so to speak. In that way, communities will begin to work together, because people will know what they want for their area, and we will be able to start to describe those groupings of people as communities.

At the moment, people are acting as individuals. We should be clear what we are talking about. Until people have developed a community plan or a vision for their area, we will be talking about individuals. The use of the term "community" might cover that up.

To add another bit of jargon, we are aiming for sustainable communities, and it is important to recognise that such communities include planners and developers. I like the idea that we are in the process together. Planners, developers and the people who make the decisions are part of the community. It is not just a them-and-us situation.

10:30

**Veronica Burbridge:** I am quite happy with the approach that has been taken to terminology and the definitions of community and community engagement that have been used. If there are definitions that are in common use, it is sensible to use them. The definition of community

engagement that has been chosen implies a process of continuous engagement. That is important and we should encourage it.

However, we should not focus too heavily on the term “community”. It is interesting that in the PAN the language changes when it deals with the national planning framework, in which context the concern is with the public or, to use the language of the Planning etc (Scotland) Act 2006, “the public at large”. There are other people, such as applicants, whose needs must be addressed. Community is a useful notion, in that it suggests bringing people together in a joint decision-making process. I like the focus on community, but we should keep our eyes open for the wider context as well.

**Jean Charsley:** Although I have drawn attention to what I feel are failings in the PAN, it encourages useful co-operation between people. It is only by taking part in a discussion that someone can understand the points of view of others. That helps to achieve a better consensus, even though people might still have an eye on their own interests. Many councils have already successfully started that process with major developments or local plans, and will hold discussions with communities on all aspects of the proposals. What is lacking is the taking of a second look at the results of such communication, but, on the whole, the PAN is going along the right lines; it just needs a bit of tweaking.

**Patrick Harvie:** I am interested in Veronica Burbridge's point that the PAN's definition of community engagement seems to imply that we are talking about a continuing process and that community engagement is a way of being for the planning system rather than a series of discrete processes, whereby we are either in engagement mode or we are not, from month to month. Are you satisfied that we will have continuing engagement, and is that a general view? I can see one head shaking and another one nodding.

**Veronica Burbridge:** The issue has to be considered at different levels. There will still be discrete consultations about particular planning decisions and specific periods of consultation on development plans. What is being encouraged in the PAN and elsewhere is connection with the existing community planning processes—the discussion groups, the area forums, the juries and the other methods of public participation that have been set up. The idea is that we ought to be encouraging wider and continuing discussion about what people want to happen in their local areas.

**Clare Symonds:** I do not want to seem unduly negative, because I think that we are moving in the right direction, but the PAN does not provide enough mechanisms for early or pre-statutory

consultation. We do not know how to do that, no provision for it is made and no resources are allocated to it. How can we provide an incentive for a planner to do more than the absolute minimum? We have no incentives or back-ups if a planner decides to do the minimum. They might just set out a number of methods in the participation statement and go through a tick-box exercise, without listening to people. The draft PAN includes nothing that gives us the confidence that that will not be the case.

Allan Lundmark mentioned the need to take an optimistic perspective. I welcome that, but we also need to guard against people who do just the minimum and do not embrace the idea of community engagement.

**Patrick Harvie:** How soon will we know whether the optimists or pessimists were right?

**Clare Symonds:** That all depends on the evaluation process.

**Scott Barrie:** I return to an issue that Jean Charsley touched on earlier. The Executive's aim is to deliver a planning system in which there is broad-based engagement. Do the witnesses agree that the 2006 act and the draft PAN that we are discussing will deliver that? In particular, will they deliver that in respect of the development plans, which Jean Charsley said earlier were the most complex?

**Jean Charsley:** I do not think so. Development plans are the most difficult plans to get people interested in. They deal with large areas and are too remote. They will seem particularly remote in the case of the unitary development plans for more than one authority, which will deal with huge areas.

We recently had a public meeting on our structure plan. Not many people knew about it and only one person turned up. As he was the sole person, he was taken out to lunch by the panel and they discussed things over lunch.

People are shocked when they find that their opportunities to contribute and make objections to what they think are material matters are severely restricted by the development plan and the local plan. People do not realise the importance of the development plan. It needs to be given a great deal more publicity among all sectors and interests within the community.

Legislation restricts what can go into the development plan, but is ignored by a large section of the community. Even the Planning etc (Scotland) Bill, which was publicised by the Executive and given a great deal of attention, did not reach many people.

At a Glasgow City Council workshop that I led, it was very difficult to interest people in anything but

their local area. I do not know how that issue can be addressed, but I do not think that enough thought has been given to it. The matter needs a great deal more thought.

**Alistair Stark:** Jean Charsley has put her finger on a fundamental problem. It is extremely difficult to achieve community understanding, interest or debate in the wider issues. As she said, that is simply because the wider issues do not hit home. People cannot easily visualise how something over there might change. The system is far too vague for that.

However, if we do not get things right in the national planning framework and in our strategic and local plans, we will not meet the challenges that face us, such as global warming. We need to establish the principles at a high level and cascade them down. Global warming cannot be addressed at the very local level.

Although that might sound negative, an important change under the 2006 act is that it will be possible to produce supplementary guidance for development plans. That will mean that local plans can afford to be slightly more remote because the supplementary guidance will be a very powerful technique that people will be able to get hold of and understand. Although that opportunity will not be available the first time that we go through the cycle, it will be available immediately after that.

Once we have got the debate started at local level, it can eventually be fed back up. We can raise awareness at the local level and use that to inform the debate at progressively higher levels. That will be difficult to do, as it will require authorities at all levels to listen constantly.

One difficulty is built into the 2006 act. There is no mid-term opportunity to alter local or strategic plans, which means that there will be a four or five-year wait before people have the opportunity to make a change. Authorities should not say, "This is not the time for us to listen; that will happen during six weeks in spring 2010." That is not the right answer—the right answer is, "We will take that into account now in our work and come back to you at the appropriate time to discuss it further." If that culture can be engendered—I think that it can—we will see a slow but fundamental improvement.

**Petra Biberbach:** The development plan is moving on to a five-year cycle, and it is important that we shift from consultation to participation. The five-year cycle means that there will be much greater on-going involvement—that is the only way of ensuring that communities stay interested. The lack of interest in structure plans and more strategic issues is partly the result of our failure to identify issues, such as those that arise when a

motorway is being planned. People get involved when the debate is about issues. For the past 30-odd years we have hidden behind language that made people feel excluded. That must change. The professional planner will and must still have language that fits with his or her professionalism, but those of us who engage with communities must start to translate what is meant by people in the planning system.

We can engage with people at different levels, using different means. It is a bit sad that active community councils seem to have failed to involve the wider community. Only a small proportion of communities are involved in the process in an on-going way. We must all work together to open up the opportunity of bringing more people into the system. We can start to do that by changing the language. I agree with Harald Tobermann that people out there are not stupid, but they are not made aware of when to become involved and how the process works. In the past, people have been put off by the difficulty of knowing when and how to engage.

**Scott Barrie:** Your points are well made. It is vital that there should be a continuing process, rather than a stop-start process. Has the Executive struck the right balance between explaining the changes that will be necessary and outlining how key players—all the people around the table—will be able to contribute, in order to achieve the much-vaunted culture change that everyone talked about during consideration of the Planning etc (Scotland) Bill? If we do not get the balance right, there will be no change and people will continue to feel incredibly frustrated about the planning system.

**Veronica Burbridge:** We need to be clear about what the PAN is for—what it is trying to do and what it cannot do. We must set out the key stages of the process and the requirements at each stage. We need to ask what else needs to be done. The PAN itself will not achieve culture change. We need to think of it as part of a raft of future guidance, activities, training and skills development, linked to changes in local government and in the way that we work.

10:45

**Jean Charsley:** There is also a conflict of interest. The Executive is concerned with speed in the planning process, which militates against some of the points that Veronica Burbridge raised, such as the need to enable people to consider things twice, for revisions to come back and for on-going debate. It takes time for a community to form an opinion or to find advice if it needs it, and advice is not always available.

Paragraph 73 of the PAN is interesting. It says:

"The development of a contact database comprising people and groups with an interest in planning issues should be developed and maintained by the planning authority to assist with community engagement in plan preparation and shared with developers for pre-application consultations."

I have no idea what that means. Does it mean that we will have local people who can advise a community when necessary? Does it mean that those are the people whom the applicants should target for persuasion? What does it mean? There are measures in the PAN that raise all sorts of interesting possibilities, but they have not been thought through.

Training is another bugbear. The Executive has run sessions to explain things, but those sessions did not reach many communities because they were held in places where people could not go. We must remember that community representatives have other things to do in life. They are not professionals who are paid to do a particular job but are largely volunteers without resources. My community council gets about £400, which hardly covers basic expenses. The PAN expects us to do a lot of things that we cannot possibly do, such as leaflet distribution, although we can organise public meetings, for example. Not enough thought has been given to how free assistance is to be given to communities. A lot of training is expensive, and people will not go to it if it is expensive. It needs to be interesting and it needs to raise the issues that people are involved in before they will make an effort to go and take part in it.

**The Convener:** We will come back to resources and training.

**John Home Robertson (East Lothian) (Lab):** The promotion of early and broad-based engagement is crucial if the new culture is to work, but what about the media's role? Many communities and individuals depend heavily on information and ideas that they pick up from broadcast media or local papers, for example. The way that things work just now is that the notification of a planning application or a development plan appears—at enormous expense to the local authority—in micro print in the classified advertisements page in local papers, which people do not read or understand, and even if they read the information, they probably do not know what to do about it. If we are to promote constructive, thoughtful consideration, it is vital that the ideas be reported as widely as possible. People recognise that we need affordable houses or rubbish dumps, but they always hope that they will be put somewhere else. We want to promote debate, so would it be helpful if some understanding could be reached with the people who run local and national broadcast and print

media to try to get them to sign up, rather than waiting until there is controversy far too late in the process?

**Harald Tobermann:** We live in a free society, so we cannot dictate to the media what they should cover. Media officers issue press releases on planning matters, but the media officers who deal with planning matters are not specialists, change all the time and do other work as well—I can only speak for Edinburgh on that, but I presume that the situation is similar in the rest of Scotland. An authority the size of the City of Edinburgh Council should have one or two full-time media officers in the planning department who feed the media the relevant information and ensure that it gets out that way. We discussed the issue at the steering group a few times, but it goes beyond the scope of what we were doing. It is a matter of resources for local authorities.

I fully agree that the way in which we get the information out is key. If a tram bill is written about in a way that the public can easily digest and understand, they can find out more if they are interested. However, the initial information must be in the general media. Run-of-the-mill planning matters and local and structure plans get far too little coverage, which is not followed through. There is one little announcement and the subject then disappears. The whole process needs to be covered and made sexy and exciting.

**Jean Charsley:** I agree entirely with that, but I want to add a note of caution. There is a great deal of emphasis on e-planning, websites and e-mail communication, but that does not reach the people whom the committee is most anxious to reach. They do not look at websites—they look at things that interest them. It is also extremely expensive to download all the information, and it can be beyond people's resources to do that in order to have something that they can physically take to somebody else to discuss.

We need some other means of spreading information—such as newspapers and things in writing that people can have or be alerted to so that they can ask for them—as well as the methods included in the PAN. The people who work with the internet and computers become so involved in the possibilities that they forget that a lot of the community does not have access to the technology or, even if they have access to it, do not use it.

**Dave Petrie:** I want to move on to the importance of pre-application consultation. Does the draft PAN place enough emphasis on how developers can carry out meaningful pre-application consultation?

**Alistair Stark:** I will be brave and tackle that one.

The first difficulty is that no one knows which planning applications will be subject to that process. We know that it will cover major but not local applications, but which applications will be covered has yet to be defined. I suspect that a lot of people and communities will be disappointed that the threshold is set higher than they would be comfortable with. I think that that will be the first disappointment.

The second issue to be resolved is that of ensuring reasonable consistency of approach throughout Scotland. That raises an enormous technical difficulty because applications and local cultures can be like chalk and cheese—those in rural and urban areas are an obvious example. Different developers will take different attitudes: some will be extremely responsible and grab the new system with both hands, while others will feel much more reluctant. Planning authorities will not be used to overseeing such activity and will have to develop ways of doing so.

There is an awful lot of work to be done, but I am quite optimistic that we can do it—if we cannot, we will be in grave difficulty. A great deal of spadework and homework needs to be done before we can be confident that anything in the draft PAN will work—and work fairly. The system must work fairly for both the community and the developers; otherwise, it will collapse and cases will finish up in the Court of Session.

**Allan Lundmark:** The first point to recognise is that pre-application discussions under the current system are rare. They are the exception rather than the rule. The second issue is that when someone has a pre-application discussion—the first tier of interface with the planning authority—it is not uncommon for them to work up a proposal in light of that discussion, submit the proposal and then find, as it goes up the system, that the advice that they were given was barely worth the paper that it was printed on and has changed.

The pressure must be on the planning authority to articulate clearly at the beginning what it expects of a development proposal. At the moment, planning authorities are not resourced to do that, so we must ask whether they will be.

I return to a point that I made earlier. To be given guidance that proves inadequate when a proposal is submitted is extremely annoying, frustrating and expensive for a developer. How much more annoying and frustrating will it be if, on the basis of that advice, the developer discovers that what it has worked up with the community will not pass the test, because the test changes when the application is submitted? Pre-application discussions go to the heart of all that.

If advice at the beginning is unclear, that will make life difficult. We need to ask whether

planning authorities are resourced for that work, whether they have the skills for it and whether, when people speak to a planning authority at the start of the process, they hear the planning authority's corporate view or advice and guidance from an official that is subject to being overridden by another tier of management. I can point to examples of projects that have been taken all the way through the system until the criteria for testing the application changed at the planning committee. As I said, that is frustrating, annoying and expensive for developers. How much more so would that be for a community if the resources had been committed and a proposal had been worked up, yet the advice was that the authority never wanted the proposal in that form in the first place?

**Jean Charsley:** I, too, have experienced that with a current development. As you say, the issue raises the question of development briefs and commercial confidentiality. A dichotomy exists. A developer does not want to commit to exactly what it will do before a development and an application have been worked up for discussion. However, perhaps the planning authority should consider some issues with the community in general terms, such as whether it wants a high-rise building or whether that is out of keeping with an area.

An ex-councillor told me that the council wanted the development of which I am thinking, which I will not name, to rise to a certain height, whereas the community was absolutely against that, because of the effect that it would have on the area. In such cases, dialogue between the community and the council has been insufficient before a local plan and a development brief have been developed. Would such dialogue address some of your concerns?

**Allan Lundmark:** Yes. If development briefs are prepared and supplementary planning guidance is in place—if the whole policy framework exists—in theory, not even the pre-application discussion would be needed. We would simply take the documents and get on with it. However, the reality is that the development briefs are not in place. Planning authorities can take an inordinate amount of time to prepare a development brief for a windfall site, for example. We do not have supplementary planning guidance in place. A process must be followed to bring that into play.

I return to the question whether planning authorities are resourced to produce that information. A developer sometimes tries to promote a development opportunity that is contrary to the development plan. We understand the risks that are associated with that and take steps to persuade the planning authority of the investment's value.

We must find a way of bringing in the community. Harald Tobermann misunderstood



me—I did not intend to patronise when I said that, as planners and people in the development industry, we speak in jargon and use highly technical language. We need to demystify the process in which we are involved, and if part of that requires us to equip people to understand what we are talking about, we must do that. We must find a way of bringing communities into that process and achieving acceptance that we are involved in a risk analysis. For example, a developer might promote a development that is contrary to the development plan and which the developer accepts might not be successful. If the developer is in dialogue with a community group about the development, the group must accept that although a certain number of houses and a school were promised, the development might not work.

11:00

There is a need for transparency. We are a long way from a situation in which one can go to any planning authority in Scotland and say, “Yes, the policy framework within which I have to operate is documented and clearly articulated and I can refer to it.” At present, the framework does not exist. Are the resources in place for that? I doubt it.

It is not an easy issue. I fully understand the notion that, if someone speaks to a planning authority and is given a piece of advice but, later on in the process, politicians do not like that piece of advice, those involved want to be free to deal with that. However, that approach has huge implications because it will affect major investment decisions, so we have to be clearer about the way in which planning authorities set the framework for development proposals.

**Dave Petrie:** I have a question on breaches of consent, which is perhaps another resource issue. Obviously, there is a need to police and act on breaches of consent. Will the PAN and the guidance that will be issued on enforcement result in communities feeling more confident that breaches will be fully and rapidly addressed?

**Jean Charsley:** No.

**Dave Petrie:** I will move on, then.

**Jean Charsley:** I will explain. Enforcement is the lowest priority when it comes to the allocation of council funds. There are few enforcement officers and they rely largely on the local community to alert them to breaches. They negotiate the signing off of developments over the telephone instead of going out to see what is happening on the ground. Those things destroy confidence. The money and staff for enforcement need to be ring fenced, or it will not work.

**The Convener:** Do you accept that the considerable enforcement powers in the Planning etc (Scotland) Act 2006 give local authorities the teeth that they have needed for a long time and enable them to tackle developers who flout the terms of their planning consent? In case Allan Lundmark gets a bit nervous, I am not suggesting for one minute that all developers do that, but there are developers who regularly flout the terms of their planning consent, and local authorities have suggested that they do not have the powers to deal with that. The additional powers that they have been given, including the power to issue temporary stop notices, should make a big difference.

**Jean Charsley:** They should, but it is a question of resources and financing. Unless local authorities have the staff for enforcement, people will be told, as I was, that it is not in the public interest to take action. When I inquired about that, the reply was, “We do not have the staff or the money.” You need to provide resources to go with the teeth and the powers that you put in place.

**Veronica Burbridge:** The Royal Town Planning Institute in Scotland has just set up a national association for planning enforcement, which is a network of enforcement officers. It will develop continuing professional development and guidance and set up a web-based community. We hope that there will be more professional support and a higher profile for enforcement officers.

**Harald Tobermann:** I, too, am keen on enforcement because it represents the element of teeth that I always look for in anything that consists of lots of warm words. The draft PAN refers to enforcement and the 2006 act gave local authorities more powers, but the matter boils down to making resources available to local authorities so that they can prioritise enforcement in their budgets. Edinburgh has a good planning authority, but enforcement is low on its list of spending priorities. I understand the constraints, but that is not right. If the system is to work, there need to be more wardens out there.

**Petra Biberbach:** Can I inject a bit of realism? The fact is that, in Scotland, the local planning authorities have great difficulty in recruiting planning professionals. At a time of a huge change in the planning system, local planning authorities are starved of staff. That is one of the realities that we must face up to. On the one hand, we all want to see greater community engagement, which, in itself, is resource intensive. On the other hand, we want local planning authorities to carry out proper enforcement, which is necessary if we are to build up the trust that is vital in communities.

A clear message must be sent to the planning professionals and all of us who work in the field that this is a good time to go back to the

profession and to work in local planning authorities. All last year's crop of graduates from Heriot-Watt University, except, I think, three or four, went into the private sector. The committee must address that in some way by sending out a strong message. We will not achieve anything unless we change the mindset of young planning professionals, who currently do not want to work in local planning authorities.

**Alistair Stark:** Petra Biberbach used the word "trust". Trust is at the heart not just of enforcement, but of the whole planning system. There are far too many players in the system—communities, developers and authorities—who simply do not trust one another. I hope that, if we can build up trust, dialogue and understanding, that will result in less need for enforcement. However, that is nirvana and, as we all know, we never reach nirvana; therefore, we must take enforcement seriously.

You will not be surprised to hear that I advocate a lot more use of mediation and independent mediators. If authorities can encourage dialogue at all stages, we will have a much better and freer system. However, as Petra Biberbach said, we are desperately short of staff—professionals who are equipped, interested and keen to do the job. Also, the ones who are already in local planning authorities have such massive workloads in their in-trays that they are in danger of being totally turned off, which does not help anyone. In that climate, we find that breaches are more common.

**Allan Lundmark:** Nothing undermines confidence in the planning system more than lack of enforcement. When the Planning etc (Scotland) Bill was going through Parliament, we strongly supported the improved enforcement powers. We take the view that there is no excuse for breach of a planning consent. If someone has been given a consent, they should implement it. That is not to say that, during the lifetime of a project, they will not discover that they are incapable of meeting a certain condition. However, the proper course of action at that stage is to go back and seek an altered consent. We make that quite clear to our member companies—that is the advice that we give. If someone is given a consent, it should be implemented.

**The Convener:** At this point, it might be helpful to have a short comfort break. I suspend the meeting until 11:15.

11:08

*Meeting suspended.*

11:18

*On resuming—*

**The Convener:** We now reconvene the meeting.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** My question is not tough—it concerns a side issue—but the committee is interested in the summary document that the Executive has said will be prepared for community groups that do not require the level of detail that is given in the planning advice note. Will such a summary help to provide more readily accessible information? Will it tell people how they can learn more about the planning process, and will it encourage people to engage in the process?

**Alistair Stark:** I wonder whether a summary document is really what we are after; perhaps what we need is just a single side of A4—easy to get and easy to read—explaining how to tackle planning issues. It is a little bit early, but I can imagine an A4 leaflet appearing in all sorts of places in due course—it could appear in local libraries and tell people how to engage with the local plan and how they could expect developers to behave in pre-application discussions. There could be a series of leaflets; for example, one might tell people about enforcement. It would be crucial that such leaflets were easy to approach and that they offered a starting point and a way into the system. Summaries of advice and documents, written with the intention of giving the layperson a better understanding, will be important, but they will be the second layer, if you like, and not the first easily accessible leaflet.

**Jean Charsely:** I endorse that whole-heartedly. People get an awful lot of stuff through the letterbox and most do not read much of it. They do not understand it and so do not bother to read it. A leaflet that picked out the key points, explained how to do certain things and gave contacts for further help and advice would be an essential starting point. People should also have somewhere to go if they are dissatisfied or have a complaint. All such information should be given in one small document that is brief, clear and free of jargon.

**Harald Tobermann:** I want to add a comment that perhaps goes beyond the original question. People should learn that they have to read about and take an interest in planning matters. The place for that is schools. Pupils—future citizens—have to learn about the role of the planning system in society. People think that planning is specialised, but it is part of the fabric of our society and people have to realise that.

**Veronica Burbridge:** We need a range of different ways of communicating with people. There could be leaflets, but there is also the

Scottish Executive's proposal to have web-based spreading of good practice. Such a planning portal could provide information for the general public. We might be amazed—people actually are interested and want to learn more.

Information can be provided at different levels. People might simply want to know what to do in a particular case, they might want to know more about best practice or they might want to follow up on particular issues. A web-based facility can be like an onion, in that people can peel away the different layers of information.

**Petra Biberbach:** The idea of having a summary document arose because it was felt that people have different levels of interest. If a summary document is regarded as an awareness-raising exercise then that is fine—but a summary should not be regarded as a substitute for the PAN. The PAN is very important. It contains information about the different players in the field and, in the months to come, it will be a material consideration. A summary document would be purely an awareness-raising exercise. As Veronica suggested, numerous publications would be required for that.

**Jean Charsley:** All community councils—or, where community councils do not exist, the representative community groups—should automatically be issued with copies of SPPGs and planning advice notes. Otherwise, people will not know that those documents exist or will not know where to get them when they need them. The need is usually immediate.

**Cathie Craigie:** We have been discussing community engagement throughout the morning, and I want to discuss the section of the PAN that deals specifically with delivering effective community engagement in land-use planning. That section applies the key principles of community engagement that have been developed through the Scottish Community Development Centre on behalf of Communities Scotland. The principles seem to tick all the right boxes; I will not go through them because I assume that our witnesses will be aware of them.

If the national standards meet the needs of communities, and if those standards are seen to be delivered, will that encourage more people to become more involved? Will the new approach—remember that we are talking about the future, not what has happened in the past—build more confidence in the system? Even if, by the end of the process, you do not get what you want out of community engagement, will you still think that the PAN includes sufficient guidance to encourage people who have not previously involved themselves to get involved? As Harald Tobermann rightly pointed out, planning affects every one of us every day of our lives. Will the new PAN

encourage people to become involved for the first time?

**Clare Symonds:** I welcome the use of the national standards for community engagement, particularly as they were drawn up following a good consultation process. They could be strengthened by also using the RTPI guidelines, which I think are very good. They were mentioned in the first PAN, although they now seem to have been relegated to the index. Those guidelines help with respect to confidence, as we have been discussing. They contain good confident statements, with a good-values-based set of principles. I like their language. For instance, the guidelines mention

“Encouraging a culture of maximum transparency”.

Transparency of process is crucial. The first principle is that of integrity, which is very important. That is the kind of language through which the RTPI guidelines provide that certain confidence.

Another important aspect of the national standards for community engagement is evaluation and monitoring. How much of the precious resources that we have been talking about will be given to the SEIRU, which has been given the task of carrying out the independent examination of the participation statements? That is a considerable departure from its existing workload. I would hate the situation here to be like that which applies down in England, where the Planning Inspectorate is unable to take on that work because it lacks the expertise and resources. To have the participation statements evaluated properly is the only right of redress that communities have if the consultation process has not been delivered effectively and appropriately. It is absolutely crucial that the SEIRU have the resources and expertise to be able to assess participation statements.

**Jean Charsley:** I am a great believer in visual aids to assist communities and people who are supposed to be participating. There is one document—I am not sure whether it is Scottish parliamentary guidance—that includes a little ladder to show the quality of consultation. It illustrates where consultation has been effective and where there has simply been lip service. It is not put in those terms, but it would be extremely useful to communities to have that sort of visual aid, supplemented by the sort of things that Clare Symonds has been discussing.

**Petra Biberbach:** I will be slightly negative at this point. I do not think that the national standards are actually standards in themselves. They are guidance—that is all. They are not measurable and they are not particularly viable. The problem is that they have been drawn up specifically with the

community planning process in Scotland in mind. We know how disappointed many people are with regard to their involvement in community planning. The standards are helpful and they can explain things, but we must put them in context. They are not actually standards.

It is a bit of a tall order to assume that the PAN on community engagement will deliver community engagement. It will not do that itself; a lot more is needed.

**Alistair Stark:** We in the RTP1 are conscious of the large amount of work that is ahead of us. I suppose that we are nervous about resources, like everyone else. Essentially, we are a voluntary organisation. We are keen to find out whether research can be undertaken on the precise reasons for why community participation exercises are undertaken. Why are they done in particular cases? What do we use the results for? We are still slightly vague around the edges in that respect.

We need to know more about the available techniques and how they can best deliver the outcome that we are looking for. We need to know much more about how to evaluate public consultation. Is consultation successful if there are lots of responses? Is that simply a measure of how controversial the subject is in the first place, or is it even an indication that what has been produced for consultation is totally rubbish and people have spotted that? How do you measure whether you have done something worth while? There is lots of research to be done, which we have started to try to put together.

11:30

**Cathie Craigie:** There is at least one person here who will have to come back as a full-time planner rather than a part-time one, so that might be a start. Petra Biberbach said earlier that we need to have monitoring mechanisms in place, and I take on board the point that Alistair Stark made. How do we monitor how effective the process will be?

**Petra Biberbach:** We currently do not know the extent or quality of community engagement with the planning system across Scotland, but that information could be quite easily obtained—local planning authorities obviously keep numerous monitoring forms. Various organisations that engage with communities think that the data could be forthcoming, but we need to start to collect them and we need to do that now, before the PAN actually goes out, so that we can say that we have baseline data that will allow us in two years to go back and see whether we have achieved the swing away from non-engagement, from partial engagement or from engagement that is not as

good as we would like. We need to be able to see whether the PAN has achieved that and whether the planning system has become more transparent. It is easy to measure effectiveness by ticking boxes, but it is much more difficult to measure qualitative changes, which is what we are really talking about. I urge Parliament to make it a priority to make resources available for that important baseline data-gathering exercise.

**Veronica Burbridge:** I accept the need for action and forward-looking research, like the pathfinder project that we had for strategic environmental assessment and for community planning. Such research is practical and involves councils in examining how their activity develops through time. It may take time—perhaps three, four or five years, or perhaps until the end of the parliamentary session after next—before we see a real difference in the planning system: culture change does not happen overnight.

**Allan Lundmark:** I tend to agree that the obstacles are not so much to do with whether the techniques encourage community participation as they are to do with the extent to which we ask the fundamental questions about the product—the plan—and the way in which we articulate it and bring it to the table for consultation. Clare Symonds used an interesting phrase in her submission, in which she referred to the fact that the current proposal is for planning authorities to decide, announce and defend. That goes to the heart of why a lot of people mistrust the current process of lodging objections and having a period of public inquiries—one wonders about the extent to which one can influence the process. The purpose of a local plan inquiry is to assist the planning authority in driving out more robust policy, but you would be hard put to persuade somebody who is watching current local plan inquiries that that is the case, because the process is about defending what local authorities produce. That goes to the heart of the approach that planning authorities adopt when they bring a proposal for consultation.

The way in which we articulate the plans and tell people what they are about is also important. Development plans are supposed to tell people what their community will look like in 10 or 15 years, but very few of them have anything other than words in them. If you want to find out where housing is going to be developed in your community, you have to know how to do demographic projections and how to translate those projections into land-take requirements.

It is not about how the place will look, how it will function or how it will impact on transport facilities or schools. We do not articulate plans in a way that allows people to say, "This is how it will impact on my community." We should get a bit

smarter about that. That raises issues about the resources and skills in planning authorities. Jean Charsley is right—it goes to the heart of land-use issues that flow from the development plan system. If someone wants to comment on structure plan projections, they have to pick up highly technical documents that are several inches thick. We need somehow to start to break that down, to demystify it and to articulate proposals in different forms.

**Jean Charsley:** Another issue is names. If you call a planning department a development promotion department, you are immediately changing the way in which it is perceived by the community. The system must be made to seem fair and open—that kind of name does not do that. Parliament must ensure that the things that are wrong with the system are being addressed, which means examination of abuses. You need to scrutinise.

If people complain, they need to see that somebody is doing something about it, so we need to consider how the terminology is used. What are people calling themselves? What image does that project to the community? If people are not satisfied, what mechanisms are there for dealing with that dissatisfaction? Is it simply explanation, discussion and debate, or is it something a bit more serious than that? For example, rather than just having a facilitator for a debate, should somebody with more expertise come in and assist the discussion?

**Dave Petrie:** My question is about services that are provided by Planning Aid for Scotland to communities on planning issues. Will sufficient support be provided to communities to engage meaningfully in the planning process? Does the PAN provide enough information on the sources of support?

**Petra Biberbach:** The PAN lists quite a number of sources of support, and more are coming all the time. Importantly, when Planning Aid engages with communities in the planning system, we tend to take communities that have never been involved in the planning system and which know nothing about it. There are different levels of support. While teaching and learning within communities, we thought increasingly that it would be useful to open that support to planning professionals who are often, as we know, under-resourced and have little experience of community engagement. We offer a dual-purpose training programme. At the moment, we have 120 volunteer planners on our books who give their time for free, even though they work very hard. They help Planning Aid to engage with the community and they advise on training. As I have said before, our volunteer planners are at the forefront of the culture-change agenda. That is important.

However, we need the resources to broaden that out. Planning Aid is one organisation—it must be recognised that there are other organisations that work with communities. Jean Charsley's point about underresourcing of community councils is true: more resources being given to community councils would help to bring more people into the fray. We are all in this together—it is not just Planning Aid. We are playing one part.

**Harald Tobermann:** I want to comment briefly on one little fact that Petra Biberbach just revealed. Planning Aid has on its books 120 planners who work for free. That is precisely the measure of the resources that are needed. Why are those people working for free? Why cannot we pay them? Why cannot Petra employ 120 planners who do nothing but go out and help communities?

**Petra Biberbach:** This is crucial—I would love to have 120 planners. We are a volunteer-led organisation and that ethos is important. We do, of course, have paid staff, but we also have planning professionals who work with us voluntarily. Many of them came into the planning profession for altruistic reasons and they want to give something back. It is important not to underestimate that. Those professionals do not want to be paid; they want to give something back on a Saturday by training communities or whatever.

Last year, we trained about 233 groups. We used about 30 volunteer trainers, all of whom were professional planners. That is fantastic. The community gets the benefit of having a professional doing that work as a volunteer. The point is important.

**Dave Petrie:** Although 120 can be seen as a reasonable number, a few of us around the table represent remote and rural areas in the Highlands and Islands, so the question for us is how can your resources be made available to remote, rural and island areas?

**Petra Biberbach:** Last year, we held two training workshops in Shetland and about four training workshops in the Highlands. Over the past three years, three workshops have been held in the Western Isles. As well as working in urban areas, we are active in rural areas. In doing so, we always work with the local planning authority. The issue of resources is, of course, involved. We would like to have more planners. The demand is definitely there for more, especially now.

**Christine Grahame (South of Scotland) (SNP):** I have a question about money. Paragraph 89 of the PAN says:

“Executive funding has also been agreed for Planning Aid for Scotland”.

How much is that?

**Petra Biberbach:** I am sorry, but I have not read that paragraph.

**Christine Grahame:** It says that the funding is

"to develop a new 'planning mentoring programme' ... with communities".

How much is that?

**Petra Biberbach:** The statement needs to be put into context. The planning mentoring programme is a pilot that we proposed. We will get £10,000 to work with a community over a year. The aim of the pilot is to allow us to engage with the community over the longer term. At the moment, we can offer one-day or half-day training events. If a community comes forward with an idea, we want to be able to take those people through the stages of shaping their idea over the next year. It is not a huge amount, but I think that we will manage.

**Christine Grahame:** In an answer to a parliamentary question, I was told that, for the financial year 2006-07—I will take yours as ending in April—you had funding of £225,283 from the Scottish Executive. I understand that the money came from four different sources. I will not go into detail; I will leave it to you to do that should you so wish. Is it premature to ask what your funding will be for the next financial year?

**Petra Biberbach:** Our current three-year funding package from the Scottish Executive finishes in March 2008. So far, I know for certain that we have £100,000 core funding. I have been able to attract funding for another year for our volunteer development officer post. We have also been successful in securing funding for a two-year research project to engage with ethnic minorities and Gypsy Travellers—both groups that have traditionally felt that they are outside the system. Scotland is changing; we need more ways to engage with people of all persuasions.

**Christine Grahame:** Greater demands will be made on you in the future, as a voluntary organisation, in going out and assisting communities to navigate the maze. I listened carefully to all the evidence. Clearly, there is good will towards you from the various sectors that are represented around the table. I welcome the pilot planning mentoring programme, but we should have more than one pilot—there should be several out there in the field. Surely the funding for Planning Aid needs to be increased? The funding that you are being given seems low when what you are trying to do is to engage people from the start, particularly people who are not as informed as Mrs Charsley. Most people never become interested in planning until they find that something is about to happen on their back step. That is when most people in our communities become interested in planning.

I have another question about money.

**The Convener:** We need to think carefully before we ask questions about money and resources. The purpose of the meeting is to talk about the PAN, its implementation and whether it meets the objectives that have been set for it. Whether Planning Aid for Scotland is financially resourced to the extent that it would wish or hope or to the extent that other people would like it to be is a matter for it and the minister. Negotiations may be taking place between that body and the Executive, so our comments might not be helpful. I appreciate that members want to assist by highlighting such issues, but we must remember the purpose of the meeting. My remarks are not directed at anyone in particular—I am simply reminding committee members why we are here and what the purpose of the meeting is.

11:45

**Christine Grahame:** Your remarks are helpful, but staffing, publicity and Planning Aid for Scotland resources have been the issue in many submissions. Harald Tobermann talked about the system having teeth. That is the point. Saying that we want an effective system is all well and good, but money and people are required for the system to operate, which is why I raised the issue that I raised.

Mediation has been mentioned, and there is the mentoring pilot. We should consider the mediation service. We are content with what has happened, but is any progress being made towards developing mediation that will assist communities so that the proposals can be implemented?

**The Convener:** Rather than asking those questions of today's witnesses, it would be better to put them to the minister when he comes before the committee next week.

**Cathie Craigie:** I am grateful to you for bringing the discussion back on track, convener, because in our report on the Planning etc (Scotland) Bill, we clearly highlighted the fact that resources would be a major issue. That was the right place in which to raise the issue.

I have a question for Allan Lundmark about community involvement and the support that is offered to communities. I appreciate the work that Planning Aid for Scotland does, and was glad to welcome it to my constituency. Members of Homes for Scotland are involved with communities prior to applications being submitted and final designs being agreed. Money—I am not talking about public money—is involved and people must work with communities. I think that we considered what has happened in Winchburgh, but other areas could be considered. The developers followed good practice in taking a step forward, and I would like more developers to do that. Will you give us more information about that?

**Allan Lundmark:** The community consultation and involvement work that must be undertaken in working up development projects simply represents another cost. Working up any development project is fairly expensive. Professional advisers, engineers, architects and so on must be used. Under the new system, additional costs relating to the way in which we engage with communities will have to be taken on board. Decisions on those costs will be taken during consideration of the project's overall viability—costs will simply be factored in.

The exercise that you saw is enormous. We are talking about a major development in one of the four growth areas in West Lothian, which will probably take the best part of 10 years to build. The lead developer has invested in order to undertake the task. As you know, money was spent there to assist the community to take part in workshops, to provide people in the community with the skills and advice that they would need to take part in the dialogue, to ensure that proposals were worked up and fed back, and to ensure that people knew what was being taken on board and why certain issues could not be taken on board. All that involves costs, but developers factor in such costs at the start of the exercise.

Quantifying costs is difficult at the moment, because we do not have much experience of running such exercises. I could give fairly clear advice on how to calculate architects' fees or engineering fees for projects, but we are talking about unknown territory to some extent.

It was known that the project that you saw would have a huge impact on people's lives. It was important that people were consulted and that the project was structured in such a way that their views could be taken on board and built in. The objective was to develop a project that could be presented to the planning authority with maximum support from the community. The costs were simply factored in. You can rest assured that accountants somewhere were keeping a close eye on the costs that were ratcheted up, but if certain costs have to be incurred, they will be incurred.

In any development process, there are unknowns that have to be factored in. A developer might go to a large site and suddenly discover that an engineering study, which had not been anticipated, was required. That will be factored in and the numbers will be reworked to include the study. The problem might be so horrendous that it threatens the viability of the project, but the developer has to make a judgment about that. In that clinical sense, developers make judgments when they promote development opportunities, but there are questions about how they consult, the techniques that they use and the resources that are available.

However, I do not want to leave you with the impression that that is simply a cynical, accounting-based approach. It is the way in which developers approach any development opportunity. I return to what I said earlier. The 2006 act is at the forefront of the mind of anyone who promotes a development opportunity. The act sends the clear signal that the more community support they get for the project, the more robust their proposal will be when the authority decides whether it will get a planning consent. That will drive a lot of decisions on the ways in which we resource projects.

A lot of the techniques that were used at Winchburgh and elsewhere can be rolled out as ways to get people involved in positively influencing decisions and to encourage them that a proposal in a plan can be changed. Perhaps it cannot be changed in a wholesale way, but it can be altered. There is a discussion to be had about that, and I am confident that the industry will embrace it. A considerable amount of discussion is going on in the industry about professional advisers who believe that they can give professional advice and sell services to the industry. As Petra Biberbach knows, one reason why we commissioned the study is that we are extremely cautious about how we approach that.

**Jean Charsley:** There are two points about support for communities. First, some of the communities that you try to reach do not know what support is available or even whether they need support. That can be changed only through education. Some work is being done on that, but more is needed.

Secondly, there is no recognition that communities change, as do the people who take part. A lot of communities are transient, so any support needs to be continuous. That takes us back to resources, but it is an important point. If the plan is to succeed, there must be continuous support and it must be adapted to meet the needs of the people you are trying to reach. For example, some communities need active participation. They need people to alert them to things that they might need to think about and assist them with presenting their views. Planning Aid for Scotland does that well.

I do not think that those two aspects have been thought about in the PAN.

**Harald Tobermann:** I am not familiar with the Winchburgh example that Allan Lundmark described, but it is interesting. I caution that it is important that any funding for community consultation that comes from developers is channelled through an intermediary. Otherwise, the advice that the communities get might not be perceived to be independent.

Allan Lundmark used the words “factored in”. That takes us to the crux of the matter. Developers build something and then sell it, so they can factor in the costs, but communities cannot do that. For them, there are just costs, usually in time.

To give you an idea of the figures, I happen to know the sum that the developer has spent on the Caltongate development in Edinburgh. He has spent way in excess of £100,000 on community consultation there, on a development that is worth £180 million. That is what he has factored in. If we want to have a mechanism whereby developers do that on a regular basis, that is perhaps the way to go.

**John Home Robertson:** There are various good examples of community engagement scattered throughout the draft document that we have in front of us. We understand that it is the Executive's intention to have an online database of examples of good practice, which will be updated, from time to time, in the future. Do you think that having an online database of examples of best practice will lead to improvements in community engagement being made by planning authorities throughout Scotland? Will that be helpful? Or is there a risk that it might tend to push local authorities to conform with the examples that happen to have been highlighted from time to time, which could inhibit innovation or local solutions? I do not know whom that question is aimed at—probably the RTPI.

**Alistair Stark:** A lot of things tend to be aimed at the RTPI, but it is a fair question.

**John Home Robertson:** Not all brickbats.

**Alistair Stark:** No, indeed.

I like the idea of a database that will be readily available to practitioners and the public. That could do nothing but good. However, I would like to see it coupled with an objective measurement of whether the practice that is explained is good and how effective it has been. At the moment, we do not have the tools to make that sort of qualitative judgment—we have talked about that. That is my reservation about the database.

The database can feed into and sit alongside the UK-wide initiatives in which the RTPI is involved, such as our community planning network. Do not confuse that with the Scottish meaning of community planning—the phrase has a different meaning in England, inevitably. We have mechanisms for exchanging practice beyond Scotland that will be equally useful. I am all for having information available, but we should also find a way of measuring it. We need to know whether the practices are effective or simply gimmicky. I am slightly cautious of innovation, as it reminds me of the Sinclair C5. Innovation is not necessarily good, so we need to have ways of measuring it.

**Harald Tobermann:** I endorse Alistair Stark's view that the measuring of any example's final outcome will be important. For instance, paragraph 57 of the draft PAN cites the example of a process in which I was involved. Although the consultation process was not all that bad—though it was not perfect, by any means—the final measurable outcome, for me, is what will actually be built there and how much of what is planned will be translated into reality. The building has not started yet. We must, therefore, be a bit more cautious about citing examples of projects that have worked well on paper before we have seen how they have translated into reality.

**Clare Symonds:** None of the examples in the draft PAN gives a description that shows that it is the engagement process that has resulted in a better planning application. None of them states that; they are almost about consultation for consultation's sake. I would welcome some examples that demonstrated that the consultation had brought about a better planning decision.

We should provide incentives for planners or local authorities to engage communities outside the statutory requirements. There should be indicators in the local authority performance indicators to back that up. We should give them incentives outside the statutory process, which is explained in the draft PAN, to conduct consultation that is not time bound but is done before and after developments. They should be involved in a continuous process of dialogue, not just in something that they have to do to satisfy the PAN.

12:00

**Jean Charsley:** When I see the term “best practice”, the question I always ask is, “From whose perspective?” A planner's perspective is very different from a community's perspective. That must be borne in mind when we consider what good practice is.

I have noticed that, when something new happens, there is a great deal of willingness on the part of planners and the community to participate and planners go to a great deal of trouble to find out community views. With the local plans or city plans, the planners at first went to a great deal of trouble and went out to communities to talk to them. However, with the revised plans, that does not happen. People send in their comments if they know about the revision and those are then put in as issues to go to the council. That is it—the results are produced for comment and the plan can be taken to public inquiry. The process is not as intensive or as community based as the first one. Familiarity often takes people through short cuts that are not conducive to good engagement. That does not always happen, but we need to be aware of it.



**Petra Biberbach:** I would like the term “good practice” to be used rather than “best practice”, because we should not have a hierarchy. Nothing works better in local authorities than peer review, which allows them to find out what happens elsewhere and how well they are doing it. Therefore, I would welcome it if we left good practice in the PAN and made it widely available. All of us, especially the local planning authorities, are still on a learning curve, so it is useful to find out what has worked elsewhere. I endorse Alistair Stark’s point that good practice must be verified and that we need to understand properly whether an approach has worked for communities. We need more stringent criteria for what should be included as good practice, because everybody wants to have good practice and to say that they are the best.

**The Convener:** That concludes the committee’s questions. I thank the witnesses for attending. If there are any points on the draft PAN that you feel should have been covered, by all means write to the committee and we will give them due consideration.

*Meeting closed at 12:02.*



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