

# **COMMUNITIES COMMITTEE**

Wednesday 24 January 2007

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2007.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

---

# CONTENTS

Wednesday 24 January 2007

Col.

**COMMUNITY ENGAGEMENT (DRAFT PLANNING ADVICE NOTE).....4501**

---

## **COMMUNITIES COMMITTEE**

### **3<sup>rd</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:**

- Siobhan Ennis (Scottish Executive Development Department)
- Jim Mackinnon (Scottish Executive Development Department)
- Des McNulty (Deputy Minister for Communities)

#### **CLERK TO THE COMMITTEE**

Steve Farrell

#### **SENIOR ASSISTANT CLERK**

Katy Orr

#### **ASSISTANT CLERK**

Catherine Fergusson

#### **LOCATION**

Committee Room 5



## Scottish Parliament

### Communities Committee

*Wednesday 24 January 2007*

[THE CONVENER *opened the meeting at 10:00*]

### Community Engagement (Draft Planning Advice Note)

**The Convener (Karen Whitefield):** I open the third meeting in 2007 of the Communities Committee and remind everyone that mobile phones and BlackBerrys should be turned off. Although Tricia Marwick has been delayed and will be late, she hopes to be able to join us.

Our main subject for discussion is the draft planning advice note on community engagement, "Planning with People". For this item, I welcome for the first time the new Deputy Minister for Communities, Des McNulty. He is joined by Jim Mackinnon, the chief planner at the Scottish Executive, and Siobhan Ennis, head of the inclusion and natural environment branch of the planning division of the Scottish Executive Development Department.

Minister, you will not be surprised to learn that members want to pursue with you a number of questions about the draft PAN. Indeed, we have all been interested in its development for some time now. Why has the Executive decided to issue it before the commencement of the relevant sections on community engagement in the Planning etc (Scotland) Act 2006 and the introduction of the necessary subordinate legislation related to such engagement?

**The Deputy Minister for Communities (Des McNulty):** Thank you for your very kind invitation to give evidence to the committee. I have to say that I am somewhat filled with trepidation. The committee has been engaged for some time now on the issues around the Planning etc (Scotland) Act 2006, whereas I have had a rather more limited amount of time to familiarise myself with what is an important piece of legislation. I commend the committee and all those who have been consulted on the planning advice note for getting us to this point, which I feel represents a significant step forward.

I had intended to make some brief opening remarks. Do you mind if I respond to your question by going ahead and making them?

**The Convener:** That would be agreeable, as long as you are brief. As you will appreciate, we want to leave the maximum time possible for questions.

**Des McNulty:** Absolutely.

This is the first time that we have consulted on a planning advice note, which, as I said, is a significant step forward. The Executive has listened to what the committee had to say on the subject of community involvement, which was a constant theme throughout the consideration of the Planning etc (Scotland) Bill. For example, at stage 2, we welcomed amendments that changed references to "consultation" in the bill to "participation". Scottish ministers and planning authorities will now be required to produce participation statements for the national planning framework and development plans.

I hope that the committee has received the information that we have provided on the national planning framework process. I will be delighted to give members sight of the draft participation statement for NPF 2, which will be published shortly, and I hope that you find useful the briefing from officials on the NPF's scope and content that Rhona Brankin offered.

It is worth repeating that the Planning etc (Scotland) Act 2006 is the centrepiece of the most fundamental and comprehensive reform of the planning system in 60 years. It heralds the start of a new era in which communities will be involved in shaping their future from the very beginning. Indeed, it is intended to bring about a more efficient and more fit-for-purpose planning system that will support the economy and help it to grow sustainably. However, it is crucial that, rather than leading to confrontation and imposition, the reforms encourage engagement and openness.

If we are to achieve what we want to achieve, we need to introduce a broad process of cultural change and to change people's mindsets. The bill is the foundation for that culture change. The committee will be aware even more than I am that some communities feel that they have been badly treated by the current system. Even last week, members heard stories about deficiencies and defects in the current arrangements.

That said, I want to focus our attention on the future and on the increased opportunities that we hope to put in place for individuals and community organisations to get involved in planning for the future under the new system. I want people to become involved in the whole decision-making process, not just when they want to oppose proposed developments.

The planning advice note is the first major step in implementing this fundamental reform package. The intention behind the PAN—this is where I begin to answer your question, convener—is to provide advice and information on the new inclusion measures in the 2006 act and to explain how and when people can become involved. It

also provides advice on the engagement principles that will—and, indeed, should—ensure much more effective engagement in the planning system.

As I indicated, before we reached this point, we undertook an extensive consultation that involved issuing not only a draft consultation paper but information leaflets. Moreover, officials have been around and about the country, listening to a broad cross-section of communities, including groups that have previously been marginalised from planning, such as young people and Gypsy Travellers. We have tried to listen to what has been said and to make appropriate changes in the planning advice note.

We have introduced this process as the first step because we want to get people into a mindset that will allow them to change gear and to adapt to a new culture and system. As the community engagement process will be the key feature that affects everyone, we felt that getting the information out in the form of a planning advice note would set the parameters of people's expectations. Indeed, by getting the PAN out at the start of the process, we will promote the required and expected culture change and encourage those involved in planning—who have to a degree operated as a bit of a closed circle—to engage with people in the new way, ahead of the statutory provisions coming into force. Of course, we could have had a big bang and introduced everything at once, but we felt that such an approach would be wrong and that it would be better to build change by starting with the principles of our direction of travel.

Of course, the new system will not eliminate planning disputes. After all, planning issues will always involve differences of view and opposing interests. Parliament has made its decision about the third-party right of appeal and has set the planning framework that is contained in the 2006 act. Community engagement is central to all that. We want to change the culture and move towards a process that gives people more opportunities to participate and a system that is more transparent and which, over time, will allow people to have more trust and confidence in its integrity.

Although this planning advice note represents a first step, it is, in practical and symbolic terms, very important. I hope that we can generate real impetus towards bringing in the new arrangements on the back of it.

**The Convener:** Thank you for those opening remarks, in which you raised many issues that the committee will want to pursue. I have to say that, at last week's meeting, people involved in the consultation on the PAN mentioned the possibility of raised expectations. However, at this point, I invite Jamie Stone to ask a couple of questions.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** You have made exactly my point, convener. Given that it will take some time to introduce these improvements, is there a risk that the PAN will raise communities' expectations about community engagement too high?

**Des McNulty:** We hope that, when people in planning departments and communities get this PAN on community engagement and reflect on it, we will create a climate of expectation. That is our purpose in bringing it out. At the same time, however, in the PAN and in any other information that goes out, we have to be clear about the timescale for the introduction of the statutory arrangements—the secondary legislation and the other things that will follow. We listened during the process of consultation and we paid attention to your evidence-taking session last week and are looking for ways of making that more clear in the document and in any associated information.

Siobhan Ennis might want to say more about how we intend to do that.

**Siobhan Ennis (Scottish Executive Development Department):** We recognise that the section in the PAN on what the community can expect from the process could raise expectations because, understandably, people might think that what it says is what will now happen. We will try to clarify the situation by explaining what is in the current system and what is in the new system. We also plan to produce a summary document that will be aimed at communities primarily. That document will talk in more detail about current opportunities for communities and individuals to be involved in planning. It will also highlight the fact that the changes are coming and that people might find that their planning authority goes beyond the current requirements. Again, one of the messages in the PAN is about starting the process now rather than waiting for it to come into effect at some point in the future. That should help to clarify to communities what we are looking for.

**Mr Stone:** What use will the Scottish Executive inquiry reporters unit make of the PAN in determining appeals?

**Des McNulty:** The interesting issue about the inquiry reporters unit is that it deals with the decisions rather than the processes. As things stand, the PAN could not be used as a material consideration in relation to the new system because it has still to be implemented. Once the new measures are in place, guidance will be produced that will contain information to assist the reporters unit and planning authorities in the carrying out of their functions in relation to participation and development planning, implementation and management.

As we go through the process and secondary legislation is introduced, we will have to revise the PAN to take account of the legislative changes and the inquiry reporters unit's procedures and information will be adapted. However, as I said, the inquiry reporters unit deals with planning decisions rather than processes.

**Jim Mackinnon (Scottish Executive Development Department):** As the minister said, at the moment, the inquiry reporters unit deals with the substantive merits of cases. That role will change to enable the unit to take a supervisory role in relation to the process and the conduct of development plan engagement.

We have already seen an early change in the role of inquiry reporter. It has been 20 years since we have had an examination in public of a structure plan. However, we are proposing to have one next month to deal with objections to the proposal for Bishopton, to the west of Glasgow. That will give that community and others with an interest in the area the opportunity to debate in an open forum the implications of regenerating that site. We hope that that examination can be conducted in a less adversarial way than currently happens with public inquiries and that the approach will be much more open, discursive and inquisitive.

**John Home Robertson (East Lothian) (Lab):** How will you achieve that? I briefly sat in on a local plan meeting, which was supposedly public, but found that it was a legal, adversarial confrontation between professional lawyers acting for developers and the council. I understand that the intention is to get communities directly engaged, but how will you change the process to ensure that actual human beings from communities can engage in it and be attracted to do so?

10:15

**Des McNulty:** Is that an anti-lawyer comment?

**John Home Robertson:** Perhaps—you can take it that way if you like.

**Jim Mackinnon:** What you get with a local plan is a public inquiry that is governed by rules and regulations. Certainly, lawyers appear for developers and the planning authority. I guess that it is a moot point whether that necessarily leads to better decisions, although it certainly leads to inquiries that are longer and more adversarial.

**John Home Robertson:** And more expensive.

**Jim Mackinnon:** Indeed. The intention behind the proposal is to have not public inquiries, but examinations. The reporter will take a more active role. Rather than letting the parties fight it out, the reporter will control the debate. We envisage that

an examination will take not months and years, but a much shorter period. Certainly, the expectation is that lawyers will not be involved. Communities will state their case—indeed, MSPs may want to participate and state their case. We are talking not about a long-running public inquiry, with points being scored on matters of law and practice, but about an examination in which the reporter, who will chair it, takes a much stronger role in directing the investigation. Also, instead of saying that everything is up for grabs, we will limit the range of issues that will be discussed. This is about the additional information that is required and the issues that need to be explored in more detail in order to add value to the process. We are very confident that we can achieve a great deal through the process. We will look at the results with great interest.

**Patrick Harvie (Glasgow) (Green):** I am curious to tease out a little more about the process and how an examination will be different to an inquiry. All the inquiries that I have seen have taken place during the day, on week days. Will it be possible to hold evening or weekend sessions to allow, as John Home Robertson said, actual human beings to take part?

**Jim Mackinnon:** I am not sure of the detail on that. I am happy for the reporter who is conducting the examination in Bishopton to write to the committee and give members an insight into how that will be dealt with. The precise arrangements for conducting an examination will be left to the individual reporter. You make a fair point that, instead of always seeing the process as a 9-to-5, Monday-to-Friday operation, there is a need to put in place arrangements that allow people to participate at a time that suits them. It is important to recognise that an examination will not run for months. The process will be shorter and much more focused. I will ask the deputy chief reporter to provide the committee with information on the conduct of the examination.

**Patrick Harvie:** We will appreciate that.

**Des McNulty:** A related issue is people's ability to predict when they can participate directly in the process. We need to ensure that people are told when certain things are expected to happen. There should be a format for that. People should not have to turn up for a whole day to have their five minutes of participation. They should be given a slot so that they can make appropriate arrangements.

**Scott Barrie (Dunfermline West) (Lab):** In your introductory remarks, you said that we need to be realistic about engagement. How do we get ordinary local people to become engaged? Most people's engagement in the planning process so far has been to object or get involved after a controversial application has been made. We want

people to get engaged at a much earlier stage, particularly around the development plans. How do we do that? How do we ensure that we engage not only the usual suspects but broad community representation?

**Des McNulty:** First, the requirements on local authorities are much more stringent in relation to the frequency with which they are expected to renew or refresh development plans or come up with new ones. Development plans in some parts of Scotland are 20 or even 30 years old. That will not be tolerated under the new system. We will put in place mechanisms to ensure that authorities produce development plans within the reasonable period that we have set out.

Development plans will be produced more frequently, and we are establishing a framework for the consultation and community engagement associated with development plans that will sit alongside the process for individual applications. Those are significant steps forward. In producing the draft PAN, there has been active engagement with groups with which there may not have been such frequent engagement in the past. I hope that local authorities will take that approach on board in thinking about their consultation on development plans.

There are examples of good practice in different councils throughout the country. If members read my local newspaper, they might not find me praising East Dunbartonshire Council very frequently, but when it produced its local development plan two or three years ago, it engaged in a significant process of informing people about the options and opportunities. We want to systematise and build on such examples of good practice. Some of the good practice is in the draft PAN—we have tried to identify good practice where active engagement is working effectively. I hope that, as the new secondary legislation is produced, we can return to the issue in relation to the way in which we produce summary documents. I also hope that we will do that when we revise the PAN in future, so that we have a constant process of building on best practice, using the principles of active engagement that are laid out in the PAN.

That said, I have been in politics for long enough to know that it is hard to engage large numbers of people in debates about anything—whether planning, education or health matters—until a particular issue arises that people are cross about. We must be realistic about that. We want to engage people earlier and build a better understanding of and a consensus about the route forward. We want to find mechanisms that will allow us to avoid unnecessary misunderstanding of the intentions that lie behind planning statements, but it is inevitable that a controversial

application will produce a much broader response from a wider range of people. That is the real world in which we operate.

**Jim Mackinnon:** Scott Barrie raised an important point that is crucial to the success of the reforms. A key part of the move to a genuinely plan-led system is about managing the process. The arrangements for inclusion and participation must be part of the process, rather than a separate workstream. There is no doubt that it is difficult to engage people in development planning because, as the minister said, people often see it as not particularly relevant when there is no planning application on the table.

We do not normally consult on planning advice notes but, as we were producing one on community engagement, we needed to consider who the planning community are. We have had a stakeholder group and we have been to different parts of Scotland. As well as geographic communities, there are communities of interest, with which we have tried to engage, too. We will soon produce the participation statement on the national planning framework. We have had to think about how we engage with Scottish society on those matters, which is what we want local authorities to do. Authorities produce publicity and consultation statements—the short form for those is pub and con statements, which sounds as if they are about conning people in a pub, which is not what they are meant to be about. They are about mainstreaming consultation, thinking about who the communities are and identifying suitable techniques for engaging with those people at appropriate times.

It is important that we are clear about what we are consulting and engaging on. A 400-page document is unlikely to get people involved or to help them understand the relevance for them, which is why a key plank of planning reform is to have shorter, sharper and more focused plans. That relates to a key provision in the 2006 act, which allows local authorities to produce supplementary guidance on which they can engage much more sharply with particular sections of society in the knowledge that that will carry a lot of weight in the decision-making process. There is a big challenge, but the feeling is that people are up for the challenge and recognise the importance of the development plan.

**The Convener:** Mr Petrie will ask a question, specifically on the point of broad and representative engagement.

**Dave Petrie (Highlands and Islands) (Con):** The minister mentioned mechanisms to ensure that councils provide the service that is planned. What sort of mechanism do you envisage to monitor the performance of councils in engaging as you plan?



**Des McNulty:** We will look to put in place a performance monitoring system and an audit framework. As you are aware, councils are subject to performance standards and regular audit for the provision of a lot of their services. There is no reason why planning should be exempt from that approach. We have to ensure that the performance monitoring system that we put in place is sufficiently rigorous but not overly onerous. We will consider the matter carefully.

**Scott Barrie:** Both you and the chief planner have made valid points about ensuring that we broaden the process out, engage as widely as possible and ensure that we do not have a tick-box mentality that suggests that, because we have done something, that is that.

I take the point about best practice issues, but do you think that planning authorities and developers will be able to ensure that a representative cross-section of the population is engaged on planning issues? People around this table and local councils have an interest in planning, but how do we ensure that a broad cross-section of the local community is properly involved in the process, rather than only those that have a particular interest, whatever that interest may be?

**Des McNulty:** There are a variety of answers to that question. If you are talking about the development plan itself being considered on a five-year basis, to an extent local authorities should be able to organise a consultative system that ensures that the most relevant interests are actively consulted. One of the problems that emerges in writing a planning advice note is that of taking account of Scotland's diversity. As far as identifying a legitimate community of interest is concerned, what is appropriate in Skye will be different from what is appropriate in Clydebank, which will be different from what is appropriate in Edinburgh. A degree of judgment must be used.

This planning advice note, through which we are launching a culture change, expresses the aim that authorities will identify who they need to reach as part of the consultation process. I hope that that will be linked in some way to the debate about community planning more generally. Planning should not be seen as an isolated activity that is separate from all other forms of community consultation. There should be a mechanism through which the way in which the community is consulted on other issues in the local area is linked to the way in which it is consulted on development plans. That might be a mechanism for identifying the established interests within a particular area.

If you are talking about consideration of a particular planning application, that is more difficult, in my experience. People who are

interested in a planning application tend to identify themselves. We have to ensure that the notification procedures are accurate, so that people who have a geographic or proximate interest are properly notified.

10:30

We are also trying to develop a culture in which legitimate interests are identified first by developers in the pre-application consultation that they will be required to carry out and then by planning authorities when they make adjudications. Where an application requires a pre-application consultation by the developer, planning authorities have the right to refuse to register the application if they feel that the consultation has been insufficient or in some way inadequate. By ruling on how such consultations have been carried out and by being required to carry out effective, broad-based consultations themselves, planning authorities will be able to ensure that that culture change has a significant effect.

As ever, the proof of the pudding will be in the eating. At this stage, we are simply setting out our intention. We will need to monitor the situation, extract best practice and return to the subject once we see how things are working out across Scotland.

**Siobhan Ennis:** The PAN encourages planning authorities and developers to use a range of techniques in order to encourage people to get involved in a way that suits their circumstances. We accept that it can be difficult to involve certain groups of communities. For that reason, we are funding a Planning Aid for Scotland research project on how to engage minority ethnic groups and Gypsy Traveller communities in planning. We hope that the results of that research will give us some useful information that we can disseminate to planning authorities to help them with engagement.

**Patrick Harvie:** Earlier, Siobhan Ennis mentioned that the intention is to produce a summary of the PAN. During last week's evidence session, one of the witnesses who—if I remember rightly—was a member of the steering group said:

"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. ... There could be a series of leaflets; for example, one might tell people about enforcement."—[*Official Report, Communities Committee*, 17 January 2007; c 4494.]

He did not question the need for a summary of the PAN, but he suggested that such a document might be the second level of information that should be made available. Will the summary be accompanied by other documents? If so, what

might those documents be? What other methods is the Executive considering for getting the information out there?

**Des McNulty:** The general answer is that we will keep that issue under fairly close review. Having produced the PAN, we have committed to producing a summary of it. We are also in consultation with the Royal Town Planning Institute on information that it has suggested would be particularly useful. Rather than specifying absolutely every bit of information at this stage, when the PAN is just coming into effect, we will probably allow a few months to see what information needs are generated by communities of interest, whether they are local authorities or other interested stakeholders. We will then make an assessment about information needs in that context. That seems to me to be a sensible way to proceed. However, we are certainly committed to producing a summary of the information.

**Jim Mackinnon:** We have an easy-read guide to the planning system that was produced several years ago. We are minded to produce—before the end of March, I hope—a similar introduction to the new system. The new guide would look at the system in its entirety and be written in layman's language. However, as the minister said, there may still be a need for a fact sheet on enforcement. Too often, we just say that the guidance is made available on the internet, but it is probably in a form that not just communities but hard-pressed practitioners find difficult to use. I think that there is scope for taking forward those strands of work.

**Patrick Harvie:** In our long discussions on the Planning etc (Scotland) Bill, one theme was the need to rebuild trust in the system. What role does the planning advice note have in helping to regain that trust? Crucially, how and when will we know whether it is having that effect?

**Des McNulty:** Part of the trust issue is that communities and individuals felt locked out of the planning process, so I hope that our making such a priority of and placing such an emphasis on community engagement will mean that the rubicon is crossed and we start the process of building trust.

I hope that authorities' implementation of the planning advice note goes further. People's experience is not of a document but of the treatment of a planning application or their treatment by a planning department. To an extent, trust will arise from people having more positive experiences than they have had until now. Clarity is needed about the information to which people are entitled and about how the procedures will work at different levels—whether for a planning application or a development plan.

As we have constantly emphasised, a culture change is needed in attitudes towards the public's legitimate role of asking questions, making representations or having their views taken forward. We will build trust by the extent to which that is implemented not just by us but by planning authorities. Jim Mackinnon and his colleagues have engaged actively with senior planning officers from throughout Scotland to prepare them for the change that we want to be brought in through the planning advice note.

Questions and reservations exist about some issues, but endorsement of the general principles and the direction of travel is widespread, which we are pleased about. I do not think that a planning reform is being imposed on an unwilling audience. The consultation process that we have followed and the extent to which people's responses have been fed into the documents give us a good basis for building the trust to which you refer.

**Patrick Harvie:** I will pick the minister up on a quick point. One of his first comments was that, often, trust does not exist because people have not been able to engage with the system. Sometimes, do the people who have been most engaged or who have tried for the longest time to be most engaged with the system have a low level of trust in it because they have not seen that their engagement and involvement have resulted in different decisions? Do we need to rebuild trust by making it clear to people that their engagement will lead to better or different decisions, at least in some circumstances?

**Des McNulty:** We are absolutely set on developing a more user-friendly process. That is what lies behind the culture change and the planning advice note. We are attempting to change the expectations of the people who run the system and, through that, to lift the experience of people who are not involved in running the system but who engage with it on an application or who, for the first time, are drawn into more general involvement in planning decisions.

The test of whether the system works will be whether people who experienced planning before feel that the new system is significantly better than the previous one. Placing much more emphasis on early engagement, building consensus and shared understandings will reduce many concerns. You, too, will have experience of the fact that people do not necessarily understand how the planning system works. They find that decisions have been taken before they have found out about an application. They are not entirely sure how they can engage with or influence the system and they sometimes find that planners resist members of the public expressing their view in the way that they wish. We are trying to solve those problems, and the test of whether we have succeeded will be

whether individuals have more positive experiences as a result of that process. We are prepared to consider establishing a baseline and seeing what kind of improvements are being made.

Your final question was about decisions. With the planning system in both the past and the future, there will be decisions that people do not like and about which some people will be dissatisfied. I do not expect there to be no decisions that people do not like; that is unrealistic. However, I want people to feel that they have had the opportunity to make their voice heard, whatever decision has been made, and that their concerns have been properly dealt with.

**Jim Mackinnon:** I will pick up several points that Patrick Harvie raised, relating to the role of local authorities and the important role that the development industry must play in promoting greater public trust and confidence in planning.

In relation to local authorities, let us take local planning first. A participation statement will be required to accompany development plans and it will be assessed by the inquiry reporter before the inquiry examination starts. That is important. In the future, for local plans, the reporter will be appointed not by the local authority but by the Scottish ministers. Also, a key provision in the Planning etc (Scotland) Act 2006 reduces the scope for local authorities to depart from reporters' recommendations.

Concerning decisions on planning applications, in the future, local authorities will be required to give reasons for all their decisions. At the moment, they are required to give reasons only when they refuse permission. In certain cases, there will be a requirement to have hearings, and we need to devise a code of practice to ensure that the process for conducting them is fair and reasonable. That will not necessarily give people the decision that they want, but the process should be fairer and more transparent. We also hope to introduce soon the new notification arrangements for referring planning applications to the Scottish ministers—including, for example, cases in which proposed developments are contrary to the local plan, not just the structure plan, and cases in which the local authority has an interest.

There are a lot of measures in the Planning etc (Scotland) Act 2006 to promote greater trust and confidence in planning decisions. However, as the minister has said, that does not mean that people will always get the decision that they want.

In relation to the development industry, there is no doubt that the culture change must extend to developers. Just as we engage consistently with local authorities, we regularly engage with the development industry. The industry recognises

that, in Scotland, a formal planning system is about not just efficiency but inclusion, to promote greater public trust and confidence. For example, Homes for Scotland has advised its members on what constitutes good practice in community engagement and a number of them are now acting on that advice.

I can give a couple of examples of early engagement with communities. The first is the emerging proposal for the Caltongate area, just east of Waverley station. The proposal is controversial and there are different views on it, but the developer has genuinely sought to engage with the local community in progressing its proposals. The second example is the ambitious proposal at Tornagrain, east of Inverness, where Andrés Duany—an architect and urban designer of world importance—has conducted a charrette with the local community, although the application is probably 18 months away from being submitted. The plan is to design a new community east of Inverness, the look of which will be determined by placing local communities at its heart.

There are many aspects to these matters. To quote the convener at the start of the stage 3 debate on the Planning etc (Scotland) Bill, we are not legislating to fail; we are legislating to achieve success. The legislation is a foundation and spearhead, but the culture changes that we hope to introduce, foster and support will be just as critical in delivering the planning system that we are after.

**The Convener:** I am glad to hear that the chief planner hangs on my every word.

**Patrick Harvie:** Does anyone else want to come in on that topic?

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I have a quick question. How long will it take to achieve the culture change to which we all aspire? Will we look back in five years and say that the culture has changed and we have the planning system that we want, or are we looking at 10 years or even longer?

10:45

**Des McNulty:** The programme for the subordinate legislation that will be required to take the new system forward aims to have a lot up and running in the next two years. The process of culture change is not looked at in the context of a five or 10-year period. There will now be significant impetus behind introducing not only the themes in this PAN but the different measures, such as those on enforcement, that are contained in legislation.

If you are asking about when every heart and mind will have been changed, that might be

measured not in time but in individuals. There will always be one or two people who are resistant to any sort of change, but institutionally there has to be a commitment to change. We will be in the position of inspecting and monitoring, and thereby pushing planning authorities and other stakeholders, such as developers, into a different way of operating. Although it will take time, I think that we are talking not about five to 10 years but about making significant progress in the next 18 months to two years. The introduction of the elements of the legislation through secondary legislation will be important in pushing that forward.

**Patrick Harvie:** My last question relates to something that the minister said a few minutes ago about recognising that there will always be conflicts in planning. I do not pretend that there is a simple answer. We will never have a system that makes everybody ecstatically happy with every planning decision. However, if the new approach is successful in engaging more people earlier and in maintaining their interest in planning issues in their local community for longer, more people will be brought into the process, perhaps with a wider range of views. As such, there will be a greater challenge in trying not just to understand them but to reconcile them, from the points of view of both the developers and planners and the communities. How do we strike the balance between making the challenge bigger and making it easier to address?

**Des McNulty:** That is a perceptive question. The simplest planning system is one that simply rubber-stamps every application and excludes the general public from direct involvement. We do not wish to see that, but by expanding the opportunities for people to be involved, particularly at earlier stages in the process, we will undoubtedly increase the potential number of views in the system.

I hope that the new arrangements and greater transparency will eliminate a lot of the disputes that are based on misunderstanding of the process or the nature of applications. In streamlining the process, we need to focus more clearly on the core issues that are to be determined in relation to applications. A lot of the stress in planning is around process, so it will be a significant step forward if we can reduce that stress and focus people's attention on the decisions that need to be made and their implications. We will need to see whether we achieve that, but we have set out the right direction for that objective.

**Jim Mackinnon:** To add to the minister's answer to Tricia Marwick's question about culture change, we like to talk about it, but what does it actually mean? We see the new system as unlocking the potential of planning. It is

fundamentally about the behaviours and approaches of all those who participate in the system.

Given a fair wind, we hope to produce by the end of March a leaflet written in simple language about what we can all do to deliver culture change in planning—what the Executive can do; what the professional institute can do; what local authorities, councillors, senior managers and officials can do; what the development industry can do; and what consultees can do. Delivering culture change is a marathon rather than a 100yd sprint, but we have a good foundation on which to build, including an active group of young planners in Scotland who are up for change and are keen to drive forward new approaches and behaviours.

Your point is fair: change will not be achieved overnight, but we are not just talking about culture change in general terms and letting it lie. We are trying to give the term shape and meaning, and we hope that, as we move to assess planning authorities, they will be able to demonstrate that the arrangements that they have put in place for participation and other aspects of planning reform are delivering what we want.

**Dave Petrie:** I return to the importance of early engagement. Developers will be required to engage with communities in pre-application consultation on major developments. Given that there is no formal requirement for the planning authority to be party to that consultation, is there not a risk that agreements that are reached between developers and communities—particularly in relation to planning gain—might be altered or overturned by the planning authority when it considers the application?

**Des McNulty:** The purpose of pre-application consultation is not to reach agreements but to provide more information on what the developer proposes. If the test is whether the developer carried out adequate and appropriate pre-application consultation on an application of significant size—on which such consultation will be required—the planning authority will have the power to examine what was done in the consultation process and, if it is not satisfied, to refuse to register the application. There will be guidelines and a framework of expectation surrounding the pre-application consultation process, and we will work with the developer community as well as the local authority community to ensure that there is a shared understanding of what is intended.

I do not think that we will be able to prevent developers from making a pitch for the advantages of their application. One of the valuable things about pre-application consultation might be that people will get access to information on what the developer is prepared to put on the table, but there

will be no planning gain until the authority has considered the process by following the procedures. The more transparent we make the procedures and the more engaged people are, the more they will be able to track the process.

**Dave Petrie:** Will the planning authority have a role to play in pre-application consultation?

**Des McNulty:** I ask Jim Mackinnon to respond.

**Jim Mackinnon:** It is a long-standing principle that one does not buy planning permission, so we certainly want to avoid a situation in which, for example, a supermarket developer says, "In return for granting me permission to do X, I will give the community X million pounds." There might be fundamental issues about the impact of the supermarket on not just the local community but surrounding communities, and there might be major difficulties with the environmental impact on protected sites. There may well be an accord between the community and the developer, but the planning authority will have to take into account other issues, including the status of the development plan and other material considerations, and there may be legitimate objections from other parts of the process. So I do not think that agreements could be as straightforward as you suggest.

There may be merit in planning officials attending pre-application consultation meetings as observers or officials, without expressing an opinion on the merits of the proposal. They might say, "I know you're talking about doing X, but there are issues that you will need to address to do that". Their involvement might make for a more informed debate, but it is important that the people who participate do not commit the council as an organisation to doing something. However, it might be helpful in ensuring that the debate is conducted in the fairest possible terms and that all the issues are considered. I guess that that will vary between authorities, but there is advantage in its happening as long as a view one way or the other on the proposal is not given.

**Tricia Marwick:** My question is on a related point about local councillors who are on the planning committee—even though they are local members, they cannot express a view. Have you thought about introducing flexibility to allow local councillors to do more than they are permitted to do at the moment? Sometimes their silence is not appreciated or understood by the people they represent. It seems that everyone will be engaged and involved, with the exception of the local councillors who represent the area.

**Des McNulty:** It is a difficult issue. When one has a quasi-judicial role, as members of planning and licensing committees do, they are open to legal challenge if they express a view in advance

of the decision-making process. I recognise that that is a difficult position for councillors to be in when they have strong views about a particular application in their area. One response to that is that we need to ensure that the position of councillors as members of planning committees or boards is well understood and that they have information that they can pass on to constituents to explain the constraints under which they operate.

Another interesting situation will develop after May, when a significant number of new people will come into local government and inevitably into planning authorities as a result of churn in the local government system. We are looking at how to provide appropriate induction and information for new councillors, as well as for existing councillors, about their role and how they should exercise it in the context of the new planning system that will be introduced. We are actively looking at the role of councillors and how we help them to carry it out more effectively. However, there are easy answers to your question, which is to do with the conflict between the representational role and the quasi-judicial role.

**Siobhan Ennis:** The minister spoke about the role of councillors in dealing with individual planning applications. As regards ethical standards, councillors can be involved in general planning policy and the development plan, so they may express a view then and assist their constituents in that way.

The minister also spoke about induction for new councillors. We recognise how important that is. We are working with the Improvement Service and the Convention of Scottish Local Authorities to produce training materials, guidance and specific training for councillors who will be involved in planning.

**Dave Petrie:** How can you ensure that local authorities' engagement with communities on development plans and developers' engagement with communities on pre-application consultation go beyond tick-box exercises?

11:00

**Des McNulty:** I probably answered part of that question before. The requirements on local authorities in particular that are set out in the planning advice note militate heavily against the tick-box mentality. We are heavily emphasising cultural as well as procedural change. Authorities' performance will be monitored and audited in that regard. There is also significant pressure from the professional institutes, which have bought into the ethos. A change in professional practice underpins and lies at the heart of the process.

As I said, if a council believes that a developer who is required to carry out pre-application consultation has not done so adequately or in an acceptable fashion, it can refuse to register the application, which is a heavy disincentive for the developer. Shy of that, I hope that when a developer is looking to work in an area, discussions will take place between planning officials and the developer's representatives, so that people know what is expected in all circumstances. There is a process of encouragement and engagement, as well as a real enforcement penalty. Together, those should provide adequate levers.

**The Convener:** I am conscious that the minister indicated that he wants to leave by 11.30. A considerable number of subject areas are still outstanding, so I ask members and the minister and his team to keep questions and answers as succinct as possible. That does not mean that we will not cover the issues.

**Mr Stone:** I have a quick supplementary to Dave Petrie's question. Is it a problem that in Scotland the procedure for electing community councils, which are statutory consultees, is a bit patchy? Some have proper elections, but others co-opt. Sometimes—thankfully, not too often—they do not accurately represent the opinions of people in the community. Does not consulting community councils sometimes skew the input that you get?

**Des McNulty:** Local authorities are in a good position to know how representative community councils are, because they fund them and receive reports on the number of people who regularly attend and so on. Local authorities are reasonably well placed to weigh what community councils say against such criteria.

My experience is that, generally, community councils manage to articulate the views of local communities. There are times when they do not—when one or two individuals want to go in a different direction from other members of the community. What tends to happen then is that other members of the community are not slow to put forward their different views against the views of the community council. That is part of the democratic process and must be fed into planning officials' discussions and their recommendations to councillors. We must rely on the professionalism of officials to make a judgment on the weight of feeling that lies behind particular representations, not to give undue weight to community councils that may put forward an unrepresentative point of view and, at the same time, to recognise that, where a community council represents the community's interests, its views should be taken seriously.

**Dave Petrie:** I have a final, succinct question. Why did you consider that the national standards for community engagement were ideally suited to the planning system?

**Des McNulty:** They represent a good starting point and have been worked on for a considerable period. There was a consensus among consultees that the national standards were a good starting point from which to work. As we build up experience, we may consider varying them to make them more suitable for planning purposes. Community engagement in planning could also feed into the national standards—there will be a process of learning by doing. The standards are a good starting point, but if we can improve on them we will.

**John Home Robertson:** We are being very optimistic about the prospects of having a new culture; optimism is not normally regarded as a national characteristic of the Scots, so let us try to build on it. Changing the culture will not just happen by itself, will it? To get citizens and communities to engage, and to get local authorities and the professions to work with the system, a lot of proactive education will be needed, which will probably have to start in schools and colleges. Has any thought been given to getting the new approach to planning on to the syllabus of schools, colleges and other educational forums?

**Jim Mackinnon:** There is a forum called the Scottish planning education forum. It met on Monday and we put the issue that you raise on the agenda. We identified four main areas on which work was required. First, how do we attract more people into planning, and how do we raise awareness of the opportunities that are offered by planning as a career? Colleagues in the Executive, along with the Royal Town Planning Institute and the Scottish young planners group will take on that strand of the work.

The second area was the education of planners in the planning schools. There is a perception that the statutory planning system is not accorded enough importance in planning education. I accept that there is a difference between education and training, but there is a perception—even among the most recent graduates—that education in the planning system does not prepare people for practice. We are therefore arranging for a discussion with the planning schools in the spring, in March. We know that planning graduates must understand the context within which planning operates, but we want to find out how the skills and knowledge that are required to operate the statutory system can be given more emphasis.

The third area concerns what happens when people get into the world of work. We are considering, for example, how we might rotate

people—either among authorities or in their own departments—so that they are not stuck doing the same thing. There is a lot of interest in that idea.

The fourth area is continuing professional development, not only to upskill the practitioners but—as the minister and Siobhan Ennis said—to involve and induct councillors. The way to do that is partly through the planning development programme, for which £1 million a year has been allocated. The reaction to that has been very positive.

Those were our four work streams to try to make progress with our agenda.

**John Home Robertson:** The training and education of planners are obviously important, but what about citizens? If the new culture is going to work, Joe Public will have to understand how the process works and how to engage in it. What about getting the issue on to the citizenship agenda in schools?

**Des McNulty:** We are at the launching-off point; the planning advice note is the start of the process of changing the culture. As we said, we will produce a summary document. We will also consider other supporting materials. Ways of introducing some of the issues into the citizenship agenda might follow. However, first things first—I am keen to get on with identifying the parameters of where we want to get to, after which we can consider how to propagate the ideas more broadly.

**John Home Robertson:** Fine.

The second point that I wanted to raise—because it was raised at our meeting last week—concerns the role of the media. Traditionally, the press and the broadcasters have tended to report things only when they become highly controversial. If the new culture is going to work, it will be important that local newspapers, radio stations and others get information into the public domain as early as possible, to let people know what is going on. I am not talking about just publishing, at a cost to the local authority, the statutory notices of planning applications; I am talking about fair reporting.

I am not suggesting that the Executive should take any control of the press, but would it not be a good idea to have examples of good practice to encourage local papers around Scotland to inform people and encourage them to take part?

**Des McNulty:** What you say is right, but I would not underestimate the difficulty of doing it.

**John Home Robertson:** I do not.

**Des McNulty:** I spent quite a long time as a local government convener dealing with public relations in Strathclyde Regional Council and

Glasgow City Council. We went to enormous efforts to explain aspects of local government, such as social work practice or how education provision was changing, through a variety of mechanisms, not only the public media, but council magazines and other types of information. The task is not easy, but there are many imaginative and capable people in local government who specialise in putting across such messages.

Perhaps you are right that there needs to be a dialogue between the Executive, the planners and the people who put across public messages, particularly at local level, because that activity will be most effective at that level. We need to think about how we can communicate the message about the new system and how people can access it and become involved with it.

**Patrick Harvie:** John Home Robertson mentioned using examples of good practice. How does the Executive intend to disseminate examples of good practice on community engagement? It is conceivable that different players in the system might have different views about what was a successful attempt at community engagement. How does the Executive intend to identify examples of good practice?

**Des McNulty:** We have sought to do that in the draft PAN, which contains good practice examples or examples of what we are trying to promote. We hope that, through careful monitoring as the new system rolls in, we will be able to identify what we think are examples of practice that should be emulated more widely throughout the sector. There will be a process of professional engagement to deliver that.

However, you are right that, beyond that, it is necessary to ask different audiences what works for them. Perhaps we could think about how to carry on the consultation processes that have led us to the current position over the next two or three years to ensure that we pick up the full range of experiences of the new planning system while it is being introduced and is still a work in progress.

**Jim Mackinnon:** We have an annual award ceremony called the Scottish awards for quality in planning, which takes place in March. One of the categories in those awards is for community engagement on planning and there have been some very good examples over the years. There is information about the awards on our website, and we can use them to promote and trumpet best practice in community engagement in planning. The assessment is made not by the planning authority, but by an independent panel of judges, who make a recommendation to ministers.

**Patrick Harvie:** There is an informal award for the worst example of planning—I think that it is

called the carbuncle award. Perhaps it could consider poor attempts at community engagement.

I draw to the minister's attention something that one of our witnesses said last week, which reinforces the idea that communities should identify what is good practice for them:

"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."—[*Official Report, Communities Committee*, 17 January 2007; c 4506.]

The minister might not agree with all that—I might not agree with it all—but should we not fill a bit of space in the PAN with examples of good practice from the point of view of communities that have seen their engagement result in changes that they wanted?

11:15

**Des McNulty:** One of the problems with that suggestion is that, in fact, good consultation tends to result not so much in a change to a planning decision, but in a change to the nature of an application. That is what we need to capture.

**Patrick Harvie:** The witness was not convinced that the draft PAN included examples of how community engagement had resulted in better applications being made.

**Des McNulty:** I could certainly provide examples from my constituency of better applications being submitted as a result of sustained community engagement; I am sure that such examples exist elsewhere, too. We can perhaps look into that. If the issue is one of getting better planning decisions, that can be quite hard to capture.

Four or five years ago, the reservoir application in Milngavie in my constituency was a sustained process of community engagement, which led to Scottish Water coming up with a different application from the original one. That was connected in part with the pre-planning process, but the planning process had an impact, too.

I am sure that there are lots of examples from throughout Scotland of the community forcing developers to do things differently. The test of the process is whether it facilitates things through improving engagement and lessening conflict—or at least avoiding unnecessary or inappropriate conflict.

**Siobhan Ennis:** I have a point to add about the examples that we used in the draft planning advice note. We canvassed widely for examples. We

wrote to community councils, for instance, to find out whether they could give us examples—good and bad—of community engagement. When we started including examples, people would tell us, "No, we don't think that went very well." We decided to cut back on examples so that they showed techniques that could be used in the process of engagement with communities. We need to consider how effective some of those techniques are. There are a range of them, which suit different circumstances. That is where we are now in relation to the examples in the draft PAN.

We hope that, in future work, we will be able to include examples on our website that deal more with the process. We are always looking for more examples, and I would be happy to receive examples from the perspective of communities. Some of the examples that we got before were not from planning authorities and developers. We got some examples from communities and, as Mr Mackinnon said, we will use the examples from the Scottish awards for quality in planning.

**Patrick Harvie:** It sounds as though you have a new minister with lots of good examples that he can tell you about.

**Tricia Marwick:** I am sure that local authorities do not exactly beat a path to your door to give you examples of bad practice. Do you agree that holding a consultation over the Fife fair fortnight, when all the libraries are shut, is not an example of good practice? Is that the sort of thing that you should be highlighting to local authorities and planning officials? Do you agree that it is bad practice to publish adverts that say that material is available in libraries when the libraries are shut for a fortnight, or to suggest that people engage with a consultation during a two-week period in which everybody is on holiday? Could you highlight such things?

**Des McNulty:** I do not think that I could do anything other than agree that people should be given an adequate opportunity to find out what they are being asked to respond to, and to respond to it effectively. We would want all authorities to ensure that that is done properly and in a way that meets local circumstances.

**Jim Mackinnon:** Planning authorities must draw up a statement of community engagement. I would think that it would be unacceptable to say that a development plan was available for inspection between the end of June and the middle of August. In relation to applications that are submitted by developers, it would be perfectly appropriate for a local authority to point out that an application had been lodged or a consultation conducted during the summer months, when no one was around; for it to say that it did not find that adequate; and for it therefore to refuse to register the application.



We can certainly strengthen the PAN in that regard to ensure that engagement takes place at times when people are generally available. I guess that holiday periods extend more widely than they used to do. For example, a public meeting that is held on 26 December is not likely to attract many people, or perhaps it will—you know what I mean. I think that your point is fair.

**Tricia Marwick:** I am grateful for your assurance that that will find its way into the PAN for the future.

**The Convener:** I am sure that Mr Mackinnon would be disappointed if I do not raise the issue of enforcement. When do you envisage local authorities being able to use their new powers under the Planning etc (Scotland) Act 2006 in relation to enforcement? When will they start to issue enforcement charters?

**Des McNulty:** We hope to get local authorities to start issuing enforcement charters relatively quickly, perhaps during the next two to three months. That will allow them to pursue some of the enforcement powers in the act. Some issues will require secondary legislation and legal processes to be put in place. We are very keen to proceed as quickly as we can with the enforcement charters and with clearing the way for authorities to make their own decisions about the priority to be given to enforcement while taking into account the requirements of their communities and the pressures that are operating on them.

**Jim Mackinnon:** Some elements of enforcement require secondary legislation and we will develop that in association with our stakeholders. I recall the committee talking about the need to get this right over a period of time.

The provisions on enforcement charters are among the earliest that we will commence, and we hope to do that in March. At the beginning of next week, we will have discussions with the Scottish Society of Directors of Planning about a model enforcement charter and working with the enforcement officers. Rather than having 30-odd completely different charters, there would be a model that could be adapted to local circumstances, which would send out a powerful message about the priority that ministers and the committee have attached to effective enforcement. That should set out the ground rules for enforcement.

Many powers are available, but it is a question of how and when they are used. The 2006 act contains additional measures on enforcement that will put in place the toughest enforcement regime anywhere in the UK.

**The Convener:** We have spoken about the need for a culture change and the need to rebuild confidence in the planning system. I know that you

will agree that enforcement is central to all that. The new powers of enforcement could address some of the issues that communities worry about and the ways in which communities have come under pressure as a result of developers' bad practice. Last week, witnesses spoke of their concerns that confidence in Scotland's new planning regime might be undermined in some way as a result of the later commencement of some of the powers that the act will introduce, because of the need for subordinate legislation. I am sure that you can understand that. How will the Executive address that point and ensure that communities have confidence in the new system, particularly in the powers of enforcement?

**Des McNulty:** The PAN needs to be as clear as it can be about where the enforcement procedures sit and the potential dates of implementation. Jim Mackinnon made a point about an early commitment to commencing the provisions on the enforcement charters. I hope that we will minimise the potential for disappointment to which you refer.

In relation to those issues that require subordinate legislation, there is a bit of a chicken-and-egg situation. We need to ensure that subordinate legislation is considered properly and we cannot introduce those particular powers in advance of the primary legislation. We must ensure that we have a clear timetable for progressing the secondary legislation that will introduce the enforcement powers, which must be put in place as quickly as would be reasonable from the point of view of scrutiny and getting things right. We must also ensure that the timescales for the introduction of the different forms of enforcement are laid out as clearly as possible in the leaflets and the summary information that we provide, which are aimed at members of the public, in particular.

**The Convener:** In my experience of enforcement—or the lack of it—and in the experience of the communities from which the committee heard extensively during its stage 1 consideration of the Planning etc (Scotland) Bill, there is often a lack of physical resources, by which I mean people and time, and money resources to ensure that developers comply with the conditions of their planning consent. How confident is the Executive that those resource issues will be addressed in time to ensure that when all parts of the Planning etc (Scotland) Act 2006 that relate to enforcement are commenced, local authorities will be able to deliver?

**Des McNulty:** I know from when I wore my previous hat as convener of the Finance Committee that local authorities and the Executive share a strong understanding that resources that are given to local authorities will not be hypothecated for a particular purpose. The

purpose of that is to allow councils to make resource allocations in line with their own priorities.

Over the past four or five years, the Executive has increased significantly the resources that it allocates to local government. Local government is well aware—as are we all—of the importance of planning and the changes that are being introduced and that it will need to use part of the resources that it has received if those changes are to be effective. We have held discussions with local government about what is likely to be required to bring in the new planning regime generally and those discussions will continue, so we hope that local authorities will make the allocations that are required to make the new system work. I know that the Minister for Finance and Public Service Reform and other ministers are aware of the commitments that the new system will involve.

Our streamlining of enforcement procedures and our resolution of some of the fee recovery issues to do with enforcement will act as a balancing measure on cost. We hope that the costs of enforcement will not be significantly higher, although there will be increased costs associated with the introduction of the new system overall.

**The Convener:** I am not suggesting for a minute that we should ring fence money for planning, but it is understandable that when local authorities decide on their priorities for spending money, the option of spending it on a new school or on another physical resource in a community is often far more appealing than that of spending it on planners. Changing such attitudes is part of the process of massive cultural change whereby we want planners to be seen as having an important and necessary role to play in the work of local authorities and one that communities value.

**Des McNulty:** In many ways, the planning function is one of the most important ways in which a local authority can exert leverage over the well-being—both present and future—of the people in its area. Although there are many people in local government who understand that, such understanding might need to be disseminated more widely within local government. The new arrangements in the 2006 act give local authorities more power, but they also give the communities that they represent greater access to the system. That is not without cost, but it is increasingly important.

11:30

**Christine Grahame (South of Scotland) (SNP):** That brings me to resources. I will keep to money and will not mention the shortage of planners that we have heard about. In evidence on

the primary legislation and the draft PAN, the issue of funding has been a continual *cri de coeur*. Last week, the community councillor Jean Charsley said:

“My community council gets about £400, which hardly covers basic expenses.”—[*Official Report, Communities Committee*, 17 January 2007; c 4487.]

For the RTPI, Alistair Stark said:

“I suppose that we are nervous about resources, like everyone else.”—[*Official Report, Communities Committee*, 17 January 2007; c 4497.]

Harald Tobermann said:

“That is precisely the measure of the resources that are needed.”—[*Official Report, Communities Committee*, 17 January 2007; c 4500.]

Petra Biberbach said:

“planning professionals ... are often, as we know, under-resourced and have little experience of community engagement.”—[*Official Report, Communities Committee*, 17 January 2007; c 4499.]

It is against that backdrop that I ask my questions on the draft PAN. Paragraph 86 of the document states:

“Local authorities provide a discretionary administration grant to the Community Councils in their area. Many provide supplementary grants”.

How much money do local authorities provide to community councils? Do you have a handle on that?

**Des McNulty:** Do you mean the money that is spent on community councils throughout Scotland?

**Christine Grahame:** Yes. The draft PAN states:

“Local authorities provide a discretionary administration grant to the Community Councils in their area. Many provide supplementary grants”.

Have you any idea how much is in the pot to help community councils?

**Des McNulty:** In a word, no.

**Christine Grahame:** On the planning for people programme, the draft PAN states:

“Planning for People is a national training programme from Planning Aid for Scotland and is available to community groups and individuals”.

Do you know how much funding there is for that national training programme?

**Des McNulty:** The funding for planning for people is £57,487.

**Christine Grahame:** In which year?

**Des McNulty:** In 2006-07.

**Christine Grahame:** Paragraph 89 of the draft PAN states:

"Executive funding has also been agreed for Planning Aid for Scotland to develop a new 'planning mentoring programme'".

In evidence, Petra Biberbach said that that was £10,000. Is that correct?

**Des McNulty:** That is correct, for 2007-08.

**Christine Grahame:** Ms Ennis referred to funding research work through Planning Aid for Scotland. Is that different?

**Siobhan Ennis:** That is the reach out project.

**Christine Grahame:** How much is the funding for that?

**Siobhan Ennis:** This year, it will be in the region of £43,796 and, in 2007-08, it will be £49,557.

**Christine Grahame:** The penultimate issue that I want to raise is on the statement on the planning development programme that

"Resources from the PDP will be targeted at helping planning authorities and community councils develop relevant understanding and engagement skills."

Do we know how much will be allocated for that programme?

**Siobhan Ennis:** We have no specific figures on that. The Improvement Service is working with individual planning authorities on their training needs and what they want to do in relation to the inclusion measures. One or two authorities have asked for support for work that they are doing with communities. Some planning authorities use the services of Planning Aid for Scotland to run events that are similar to the planning for people events.

**Christine Grahame:** So, to be clear, the funding for the planning development programme is separate from that for Planning Aid for Scotland. Do we have a pot for that programme?

**Siobhan Ennis:** For the planning development programme, there is £1 million this year and £1 million next year, but it is used for a variety of training purposes and also to support elements of e-planning. Therefore, at this point, I do not have a breakdown of figures for the amount that we anticipate being used for community engagement.

**Christine Grahame:** When will you have that?

**Siobhan Ennis:** I hope that I might be able to get information from the Improvement Service beyond the year end, when it will probably be able to give an indication of the money that it has been spending on different matters.

**Christine Grahame:** I may have this wrong, but I think that Planning Aid for Scotland said in evidence that it has at least £100,000 for the coming year. What is its budget for 2007-08?

**Siobhan Ennis:** It receives £100,000 of core funding, but it also receives individual pots of

money for projects, research and ad hoc pieces of work, such as the mentoring project that it will introduce. At this stage, I have an idea of what we in the planning division will provide, but Planning Aid also receives money from other elements of the Executive and from the Improvement Service for the mentoring project. I have an indication, but no definite sums at this point.

**Christine Grahame:** Thank you. I have lodged written questions on the issue, anyway, which will give you more time to answer.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** The committee is aware of the work that Planning Aid for Scotland carries out throughout Scotland, when planners give of their time voluntarily. Do you know what percentage of its funding comes from various Scottish Executive sources?

**Siobhan Ennis:** We think that the proportion is fairly high. For example, in this financial year it will receive in the region of £232,760. Last year, it might have received around £20,000 to £30,000 from other sources. Those figures suggest that a substantial proportion of its funding comes from various Scottish Executive sources.

**Cathie Craigie:** Is the Scottish Executive hoping that local authorities will take up the reins and run with community involvement in the planning system, or do you think that the community involvement training will come from outside organisations, such as Planning Aid?

**Des McNulty:** We hope that both things will happen. Through Planning Aid, specific projects are undertaken and specific support can be given. I hope that local authorities, taking forward the intention of the planning advice note, will filter that into the community planning arrangements that they operate. Community representatives receive a lot of training in various aspects of what is going on in their area in terms of local government services and other services. I hope that a process of giving people additional information and training on planning issues becomes part of that wider process of training. In that sense, it should be dealt with not just through community councils but through other kinds of community organisation, because the importance of community councils relative to other types of community organisation varies quite widely across Scotland.

**Cathie Craigie:** The Scottish Executive expects local authorities to have at the heart of their system a culture of encouraging engagement and participation and of investment in that resource. Is that what you are saying?

**Des McNulty:** Yes, and not just in planning. In the public services more generally, we are trying to promote the idea of community involvement and community engagement. We have specific

proposals and intentions in relation to the reform of the planning system. I hope that the planning reform will be channelled through the community engagement strategy in local authorities across Scotland. However, it should be only part of a broader community engagement strategy, which all local authorities should be taking forward.

**Cathie Craigie:** What convinces the Scottish Executive that people and communities have sufficient resources—in terms of time or energy—to engage with the planning system in the ways you want them to?

**Des McNulty:** We cannot be convinced about that in the sense that there is some earmarked resource to help every individual or community group to engage in the planning process. Going down that route would involve some hypothecation that would be unwelcome to local authorities and others. However, what we can do is provide better quality information that is targeted on community engagement and other aspects of the planning system. We can encourage, through Planning Aid, among other means, seminars through which people can inform themselves about the planning process. The Executive could do that nationally and we could encourage local government to do that locally, perhaps as part of the development plan approval process.

If you are required to explain a development plan to people every four or five years, you have to have a mechanism at the start whereby people can be informed about the planning process and their role within it. All these things fit together. We are changing the culture of engagement. Part of that is to do with explaining what engagement is and how it should be taken forward. I hope that, as part of local government's general enthusiasm for planning reform, local authorities are aware of their responsibilities with regard to involving the public—rather than holding them at arm's length.

**Cathie Craigie:** Your answer leads me nicely to the next question. We all recognise that a culture change is required at every level, from the professional planner to the individual applicant or objector. We all have to look at the issue differently. Evidence that we have heard on this PAN and that we heard during our consideration of the Planning etc (Scotland) Bill, indicates that some of us are living in the past, and that, as Patrick Harvie pointed out, people do not trust the system. As you said, there is a climate of expectation. Everyone wants the planning system to work, but there is still mistrust. How will the Executive measure and evaluate how we have been able to achieve change? Are figures and information available that you can look at in 18 months' time or two years' time, when you have gathered information together, that will enable you to say, "This is working"?

**Des McNulty:** I do not think that we have an absolute set of baseline figures that would enable us to do the kind of comparison you are talking about. It is certainly an idea that we should consider, because—again, with other hats on at different times—I have argued quite hard that to know what we have done, we need to know where we started from. With change of this magnitude, we need to keep the process under review. A degree of thought needs to be given to how that can best be achieved. What we do not want is a heavily bureaucratised checking system. To be honest, if what we are trying to measure is cultural change, that kind of change is quite difficult to pin down. There needs to be a bit of qualitative as well as quantitative analysis of what we do. I will ask the officials to consider that as part of the process of implementation. You are right. If we consider these things at the start, at least we can measure where we are coming from, where we are going to, and our progress along that path. I do not want to be sitting here in two or three years' time—

**Christine Grahame:** You will not be sitting here, minister. Your life expectancy is short.

**Des McNulty:** I am confident that if I am not sitting here there will be someone like me sitting here, arguing quite hard that significant progress has been made. However, they will want to be able to quantify and demonstrate progress. We need to think about that and have a mechanism that will in due course satisfy committee members, whoever they may be.

**Cathie Craigie:** I am confident that people like the minister will be sitting in greater numbers around the table. I was hoping to be able to say that I am grateful for your commitment to consider this, but you did not go quite as far as to give such a commitment. You have given a commitment to speak to your civil servants about it. Having listened to the consultation and considered the draft PAN, I would have thought that if the committee wants the past two and a half or so years of work to mean something when we are sitting around this table in 18 months' time or two years' time, we need that information. The Scottish Executive's planning division has shown skill at changing its attitude to going out and involving people. This is the first time ever that the Executive has consulted on a PAN. It would be in all our interests to have that information available so that we can judge what I hope, in the end, will be a success story.

11:45

**Siobhan Ennis:** We undertook some research in 2005 to consider—more from a qualitative point of view—what made effective community engagement. It was not hugely conclusive. As part of that process, the people who carried out the

research interviewed seven planning authorities. There may be merit in going back to those authorities and looking at the process of change over the past two years. We need to do something to collect information on community engagement. We are talking not about the amount of consultation that is undertaken or the number of meetings that are held, but about information on the qualitative aspects, which is tricky.

As part of developing our work on the audit side of things, we will have performance indicators. Planning authorities do not have to do that at the moment, but they will have to collect information in that way. Extracting that information may be a little difficult, but, as the minister said, we will see what we can do in that regard.

**The Convener:** Tricia Marwick, quickly and finally.

**Tricia Marwick:** I heard what you said about the research on planning authorities. Given that this is about community engagement, we are talking about more than that. We want to measure communities' experience of the planning system. It cannot be difficult. Every local authority keeps a list of individuals and organisations that have applied for planning permission. It cannot be outwith the wit of ministers to get the lists and send out a simple survey to those with experience of the planning system over the past couple of years, or to commission someone to do that. People could be asked whether their experience was good and whether they were consulted. The data would act as a baseline. Like Cathie Craigie and others, I would like to see baseline figures. We want to measure community involvement and see how people who have been involved in the system over the past couple of years have found the planning system. We would then have something to use as a comparison in three or four years' time.

**Des McNulty:** I am not sure that it is as simple as that. The world is full of bad targets and bad measures. We need to spend a bit of time thinking about how to identify the evidence that is required to give a measure of change. The way to do it is to try to find SMART—specific, measurable, attainable, realistic and timed—indicators that really grapple with where that can be done. I am happy to look in principle at baselines, but I hope that you will give me the opportunity to look at the best and most practicable ways of doing that.

**Jim Mackinnon:** I just want to build on what the minister said. If we want to get information from planning authorities on the number of objections and so forth, I guess that we could do that. That said, we are talking about 55,000 planning applications across Scotland. In the case of Edinburgh, 65 per cent of applications are the subject of local objection. It is quite a task. We

would have to reflect very carefully on it. The committee also needs to reflect on what the quantitative information means. Does a higher level of objection and representation simply mean that more people are taking an interest in planning and want their view known? The question takes us into interesting areas.

We want to deliver a successful planning system, but what does success look like in terms of efficiency? What does it look like in terms of inclusion? Most of all, does it create a better place for the people of Scotland? We want to reflect on that and on how we can measure progress in delivering the reformed planning system that we have, as members have said, spent the past two and a half years talking about.

**The Convener:** That concludes the committee's questioning. I thank the minister for his first attendance at the committee. I am sure that he will be back. I thank the officials, too.

**Des McNulty:** Thank you.

**The Convener:** I will suspend the meeting briefly, to allow the minister to leave. We will then take a couple of decisions on the PAN.

11:48

*Meeting suspended.*

11:49

*On resuming—*

**The Convener:** We must now identify issues in the PAN on community engagement that we would like to raise in a letter to the minister. In light of his answers, members may have decided that they do not wish the committee to write to him. However, I would be interested to learn whether there are any issues that members would like to raise with the minister in light of the evidence that we took from community representatives and other groups last week and from the minister this morning.

**Cathie Craigie:** I am a bit concerned about the questions Christine Grahame asked about Planning Aid for Scotland.

**Christine Grahame:** I did not ask only about Planning Aid.

**Cathie Craigie:** No, but I am particularly concerned about your questions about Planning Aid. I have come to respect the organisation and the way in which it goes about involving communities. When we focused on resources, I was not clear what Planning Aid's role would be; I would like that to be clarified. I do not think that the minister addressed the issue fully in his answers. I see Planning Aid's role as being to give people advice independently of the Executive and local

authorities. That is the case at present, because the organisation consists of volunteers and—as I understand it—does not get most of its funding from the Executive. The people I know who are involved in the organisation do not want to get their funding from the Executive. I want to know where the Executive sees organisations such as Planning Aid fitting into the community engagement process. I hope that it will not be at the top end.

**Christine Grahame:** I have a lot of time for Planning Aid. The minister indicated that the majority of its funding comes from the Executive, although the issue that concerned me was not funding, but manpower.

We want this process to work. The Edinburgh airport rail link, for example, will be a huge planning issue for Edinburgh. How will Edinburgh's planning system cope with that and other major developments across the city, not to mention road bridges and so on? Nothing in the answers that we have received so far addressed the concerns that everyone around the table has expressed about manpower, the number of planners who will be available and the money that will be available to communities simply to allow them to get to places. Jean Charsley made the point clearly that £400 is not enough money.

The question that we put to the minister about community councils and local authorities was not a trick question. The minister may not know the answer and may be relying on local authorities to provide community councils with the money to engage with communities, but that money may not be available. I am concerned that that will make the whole process grind to a halt and that all the culture change that has been described will fly out of the window, because the resourcing in manpower or money for community groups to allow communities to engage properly in the process will not be available. That seam ran throughout our consideration of the Planning etc (Scotland) Bill and the draft PAN. There is good will, but is there funding?

**Cathie Craigie:** We agree that resources are tight and may in some cases not be available. It is crucial that local authorities provide resources for planners and people who are qualified to encourage community engagement: authorities must support community groups. The important issue is not how we fund community councils. The money that they get from local authorities pays for stamps, but in my local authority area they can apply for additional funding. It will not always be a community council that engages with the new plan—it could be a residents organisation. If we focus on community councils, we are focusing on one group. We should expand our focus and say that local authorities must support and resource

organisations, to allow them to engage in the debate.

**Christine Grahame:** I am just picking up on paragraphs in the Executive's draft PAN. No one will disagree with what Cathie Craigie has said, but everyone knows that local authorities are cutting back. In the Borders, warden services are flying out and folk in community care are getting less support. That is the reality of the funding situation.

**The Convener:** I remind members that official reporters are here and that this is not a private discussion.

**Christine Grahame:** I was unaware of that. I thought that this was a private discussion.

We should be realistic. We want the process to succeed. We should think about what ministers have said and the huge concern among the good people who have given evidence at round-table meetings that the funding and manpower resources, including planners, that will be available to community councils, local authorities and Planning Aid for Scotland, or through the planning development programme, will be insufficient to make things work. I am not taking a party-political position; I am concerned that if the process does not work, people will say, "We aye kent it wis gonnae stay like this." They will feel that they have been betrayed.

**Patrick Harvie:** I will brief, as I have to leave.

I agree with much of what Christine Grahame has said about wider issues to do with resources that are outwith the scope of the PAN. In any communication to the minister, we should say that greater emphasis should be placed on giving community councils and other community groups the resources that they need to engage in the process. The success of community engagement is contingent on the ability of those groups to do that, and the new system will fail if they cannot do so. We should also say something about engaging them in identifying what works and what does not work, rather than leave it to the Executive and local authorities to determine such things.

**Dave Petrie:** I have another brief point to make about resources. I return to what I said to the minister about monitoring how planning authorities engage with communities. The thrust of the legislation is to create a new culture. There must be monitoring and policing, otherwise we will not know whether aims are being achieved.

**The Convener:** We questioned the minister on key issues such as the publication of the PAN, the later commencement of community engagement, how that will affect deliberations on development plans, and enforcement issues. I am not suggesting that the correct approach has not been

taken, but we should ask the minister to monitor the twin-track approach in order to ensure that communities in particular do not become disengaged from the planning process while we are trying to modernise and improve it. We could risk damaging communities' engagement with the modernised planning system. The Executive must keep that matter under review, monitor it and ensure that communities' engagement is not damaged. If there is a sign that that is about to happen, the Executive should take steps to address the matter. We should flag up those issues in a letter to the minister.

**Christine Grahame:** I will not return to the wider issue of resources. The points that you have made about enforcement as a sword of Damocles or a last resort were appropriate. People should believe that enforcement works and that developers will not breach planning requirements. That takes us back to the issue that you raised about councils having the resources to put enforcement higher up the agenda. If they do not do so, people will say that the Parliament has spent a lot of time considering planning advice and guidance and hearing evidence, but nothing has changed. Those are key points for the minister to address.

**The Convener:** Tricia, in the light of the questions that you asked, do you want the letter to say something about flexible arrangements and ensuring that communities are well advised of when consultations will take place, and that they will not take place in holiday periods?

**Tricia Marwick:** I was grateful for the commitment from the minister and the officials that they will seek to enter in the PAN when consultation should take place, but it might be worth reiterating in our letter the points that have been made. It is important that communities believe that there will be genuine community involvement and that the wool will not be pulled over people's eyes.

**The Convener:** The clerks now have an indication of the issues that we think are important—whether that indication is clear is another matter. They will draft a letter that will be sent to the Deputy Minister for Communities, Des McNulty.

**Christine Grahame:** Could the draft letter be circulated to committee members before it is sent? That would be useful.

**The Convener:** There would be no difficulty in doing that.

Our second agenda item is witness expenses for the planning advice note on community engagement. The committee is invited to delegate to me responsibility for arranging for the Scottish Parliamentary Corporate Body to pay, under rule

12.4.3 of the standing orders, any witness expenses that arise during the committee's consideration of the planning advice note on community engagement. That will ensure that the witnesses who came to last week's meeting are appropriately reimbursed. Do members agree to delegate that responsibility to me?

**Members indicated agreement.**

*Meeting closed at 12:01.*





Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Monday 5 February 2007**

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

*Single copies: £5.00*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at Document Supply.

Published in Edinburgh by Astron and available from:

**Blackwell's Bookshop**

**53 South Bridge  
Edinburgh EH1 1YS  
0131 622 8222**

**Blackwell's Bookshops:**  
243-244 High Holborn  
London WC1 7DZ  
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

**Blackwell's Scottish Parliament Documentation**  
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

**Telephone orders and inquiries**  
**0131 622 8283 or**  
**0131 622 8258**

**Fax orders**  
**0131 557 8149**

**E-mail orders**  
**business.edinburgh@blackwell.co.uk**

**Subscriptions & Standing Orders**  
**business.edinburgh@blackwell.co.uk**

**Scottish Parliament**

**RNID Typetalk calls welcome on**  
**18001 0131 348 5000**  
**Textphone 0845 270 0152**

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers