

COMMUNITIES COMMITTEE

Wednesday 7 February 2007

Session 2

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COMMUNITIES COMMITTEE **4th 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

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Katy Orr

ASSISTANT CLERK

Catherine Fergusson

LOCATION

Committee Room 6

Scottish Parliament

Communities Committee

Wednesday 7 February 2007

[THE CONVENER *opened the meeting at 10:02*]

Decision on Taking Business in Private

The Convener (Karen Whitefield): I open the fourth meeting of the Communities Committee in 2007, and I remind all those present that mobile phones and BlackBerrys should be turned off. We have not received any apologies. I understand that Cathie Craigie is on her way—she has been delayed in traffic and will join us shortly.

The first agenda item is a decision on taking business in private. Members are asked to consider whether to take agenda item 4, which is a discussion on the committee's legacy paper, in private and whether to take all future items relating to its legacy paper in private. Do members agree to do that?

Members *indicated agreement.*

Subordinate Legislation

Environmental Impact Assessment (Scotland) Amendment Regulations 2006 (SSI 2006/614)

10:03

The Convener: The second agenda item is consideration of subordinate legislation.

The purpose of the Environmental Impact Assessment (Scotland) Amendment Regulations 2006 is to transpose article 3 of European Commission directive 2003/35/EC on public participation, which inserts amendments into various articles of directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. The regulations transpose article 3 of the directive into four of the environmental impact assessment regimes currently in force in Scotland and amend the United Kingdom-wide Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999 (SI 1999/367), in so far as they apply to Scotland.

The regulations that are before us strengthen and clarify the legislation, including arrangements for public participation, the information that is to be made available to the public concerned and making provision for non-governmental organisations promoting environmental protection to seek review before a court.

The Subordinate Legislation Committee sought and received clarification from the Executive on the implementation of the directive, the delay in commencing consultation and the absence of information in the transposition note. The Subordinate Legislation Committee also indicated that there had been a failure to follow proper drafting practice.

Do members have any comments on the regulations?

Christine Grahame (South of Scotland) (SNP): I think that the Subordinate Legislation Committee has said it all very eloquently.

John Home Robertson (East Lothian) (Lab): But have its questions been answered? I read the papers three times and did not understand them.

The Convener: I think that, since the Subordinate Legislation Committee has passed the regulations on to us, it must be satisfied with the answers.

It has been pointed out to me that it has not been made clear whether the Executive consulted appropriate people, rather than just the usual suspects who are on its consultation list. The

Subordinate Legislation Committee did not ask about that. Perhaps we could write to the Executive to say that, although we are happy with the regulations, we would like to check that the appropriate community bodies were consulted. That would be appropriate, given that the purpose of the legislation is to ensure that public participation takes place. If the appropriate bodies chose not to respond, that is their right, but we need to make sure that they were given the opportunity.

John Home Robertson: That is an important point to clarify.

I am also a member of the European and External Relations Committee, which is considering the vexed question of allegations of the gold plating—or tartan plating—of European regulations as they are imposed in Scotland.

The regulations that are before us will establish an improved framework for public consultation and cross-border consultation on environmental impact. On the face of it, that sounds fine. However, I would like to be clear that the Executive and everyone else is satisfied that the obligations that the framework places on Scotland are no more onerous than those that are placed on any other part of the European Union.

With the Planning etc (Scotland) Act 2006, we were trying to create a planning framework that would ensure that, although all the issues would be considered properly, developments could go ahead. I hope that, when we report on the regulations that are before us today, we will not be rubber stamping a framework that will make it easier for obstructive individuals and organisations to obstruct the process for the hell of it. I presume that that point has already been considered by the Executive and the Subordinate Legislation Committee.

The Convener: You are right to raise that point, but I should say that paragraph 9 of the clerks' paper points out that there are no significant additional costs to or burdens on business. However, we can raise your concerns when we write to the Executive to ask whether the appropriate parties and members of the public were consulted on the regulations.

Are members content with the regulations?

Members indicated agreement.

The Convener: Therefore, the committee will not make any recommendation on the regulations.

Do members agree to report to the Parliament on our decision on the regulations?

Members indicated agreement.

Petition

Eco-villages (Planning Policy) (PE903)

10:09

The Convener: The third item on the agenda is petition PE903 by Eurig Scandrett, which calls on the Scottish Parliament to urge the Scottish Executive to develop and introduce a Scottish planning policy document on eco-villages.

The committee is invited to consider how to respond to the petition. It is suggested that the committee write to the Scottish Executive to ask whether it will include more specific references to eco-villages in any future revisions of relevant planning advice notes or Scottish planning policies and to ask for its views on the provision of suitable information on eco-villages in relation to other relevant policy areas, such as building regulations.

John Home Robertson: I did not know about the petition until the papers for this meeting were circulated, but I see that Mr Eurig Scandrett has an address in my constituency and that he submitted the petition in August 2005. I held surgeries very close to where he lives in that month, but he has never been in touch with me—whether in writing, at a surgery or by any other means—although I am his constituency MSP. I would be delighted to see an eco-village established at Leuchie or anywhere else—it is an attractive idea—but there is a procedural issue that must be addressed before we can take the petition forward. The section of the Public Petitions Committee's guidance entitled "Action taken before submitting the petition" assumes that people have raised issues with councillors, MSPs and so on beforehand. Christine Grahame is one of the regional members for the area. Has the petitioner been in touch with you, Christine?

Christine Grahame: No. I do not think that the guidance requires petitioners to have been in touch with an MSP before submitting their petition—that would be rather restrictive. However, if a petition relates to planning, they should get in touch with their local authority. That is not a political issue.

John Home Robertson: The substance of the petition is not controversial—I have no problem with it. However, I am concerned about how the petitioner has approached the matter. Constituents have the opportunity to raise issues, but the petition has come to us in an oblique manner. I am not sure whether it is necessary for us to have a special SPP for eco-villages, but I ask the committee to note my comments on how such issues are raised with Parliament.

The Convener: I understand that there is nothing to prevent an individual or community group from submitting a petition to the Parliament and that they do not have to go through MSPs. Although it would assist such individuals or groups to contact their MSPs, who, I am sure, would be more than happy to give them what help they could, people have the right to submit petitions on their own and to make representations to the Public Petitions Committee. If Mr Home Robertson would like to pursue the general issue that he has highlighted, I suggest that he raise it in a letter to Michael McMahon, the convener of the Public Petitions Committee, and ask that committee to reflect on it. We need to get the balance right, so that individuals or groups who feel that an issue is important and want to raise it with the Public Petitions Committee are allowed to do so.

Patrick Harvie (Glasgow) (Green): I echo much of what the convener has said. I would not be particularly comfortable about our writing to the convener of the Public Petitions Committee to raise the issue that John Home Robertson has highlighted. MSPs are available to individuals, but we are not gatekeepers. The principle behind the Public Petitions Committee is to give people a range of ways of approaching matters that they may not regard as constituency issues or that they do not wish to raise through an MSP. There is nothing in the papers that suggests that the Public Petitions Committee has a problem with issues being brought to it in petitions if those issues have not been raised first with constituency or regional MSPs. Petitioners are required to mention the actions that have been taken before submitting their petition. In this case, the petitioner has done so; his statement is available to us and is entirely appropriate.

I would like to focus on the Executive's response to the petition. Like almost everyone else, the Executive offers support for the principle of eco-villages, talks about their positive objectives and gives reasons for welcoming them. However, the final paragraph of the Executive's response states:

"we do not believe that ... a targeted policy"—

which is what the petitioner seeks—

"would make a significant difference to the likelihood of applications for ecovillages getting planning permission."

That misses the point. The petitioner is looking for leadership from the Executive—a statement that eco-villages are a good thing and that the Executive would like to see more of them.

A planning policy on eco-villages would give such developments a certain status. It would give people who are interested in pursuing eco-village projects a clear indication that the planning system would look kindly on such projects and that the Executive had a proactive, positive policy on eco-

villages, whether rural or urban. The Executive's response seems to have a rural focus, but the principles behind eco-villages can apply in urban settings, too.

The petitioner seeks a more proactive stance from the Executive. I am keen for the committee to urge the Executive to promote eco-villages more proactively—whether that is done through an SPP or another mechanism—and not merely to say that the planning system should not militate against successful applications for eco-villages.

10:15

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): In the Highlands, the Findhorn Foundation, which sent a submission to the Public Petitions Committee, has been and is a great success. That eco-village developed successfully within the current framework. A local authority could duplicate the Findhorn experience if it were minded to do so and the local enterprise company could assist if it wanted to do so. The Findhorn Foundation says:

"We agree that creating a planning designation for ecovillage developments would assist innovation in Scotland",

but—with all due respect to Patrick Harvie—the tools are already in place.

I like the devolution of planning powers to local authorities and I am a little concerned that a decree from on high, whereby the Executive says, "Thou shalt have eco-villages", might not strike a chord with many democratically elected councillors. I am deliberately casting a fly in the opposite direction in the debate and I suspect that Patrick Harvie will take issue with me. However, the fact remains that under the existing framework Findhorn happened and other eco-villages can happen.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): The briefing paper on the petition invites the committee to consider a recommendation that we write to the Scottish Executive to ask whether it will include more specific references to eco-villages in relevant planning policies and advice notes. However, the Executive mentioned SPP3 in its letter to the Public Petitions Committee, and it is clear that nothing prevents an application for an eco-village from being granted. The Executive refers to the need for a "plan-led approach". I agree with Jamie Stone on that point. We should respond to the petitioner and the Public Petitions Committee by saying that current legislation allows eco-villages if the local authority grants planning permission for such projects. Of course, if a local authority was difficult, applicants would have other recourse.

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

Like most members, I instinctively support the principle behind the petition. We are all much more aware of the need for eco-villages, energy efficiency and a smaller ecological footprint.

However, I have a slight concern, which relates to the point that Jamie Stone made. In the lodging and consideration of the petition, no one has yet asked the Convention of Scottish Local Authorities or individual local authorities for their view. It would not be helpful if we suggested to the Scottish Executive that it produce an SPP on eco-villages without reference to local authorities as planning authorities. We need to bring people with us on the matter rather than impose an approach on them. The Scottish Executive should consult on eco-villages and ascertain other views; the committee should not say to the Executive, "We think this should happen." Consultation should take place first with local authorities, which are the prime movers in planning. I would be a bit uncomfortable about the committee saying anything too specific. I instinctively support the petition, but we need to get more information than we have at the moment.

Dave Petrie (Highlands and Islands) (Con):

I do not disagree with Jamie Stone. The petitioner's desired approach is inherent in the planning process already—indeed, it was inherent in the previous planning process. This is about sustainable development; there should be no exception, special rule or special request.

In the current climate, we should be encouraging eco-villages and I do not think that the idea needs any special attention. It should be included as part of the new planning process.

Patrick Harvie: I certainly agree with Dave Petrie that the idea of eco-villages should be encouraged, and the Executive's support for it seems to imply that as well. The question is really how it should be encouraged. The petitioner argues that an SPP on eco-villages would be a mechanism for encouraging them; the Executive or other members might take the view that a different mechanism would be more appropriate. We should communicate with the Executive, and perhaps with others, as Tricia Marwick has suggested. Given that we are all committed to reducing our ecological footprint and that so many agencies, including the Executive, support the principle of eco-villages, what mechanisms are we going to use to encourage them?

It is one thing to say that nothing in the system prohibits or prevents the development of eco-villages, but that is a far cry from saying that anything in the system encourages it. If eco-villages are a good thing, how do we encourage people to consider them in a more favourable light? I am not just talking about people in the

planning system but about those who might be interested in putting together projects but are not yet doing so.

Given that all political parties now recognise the issue of our ecological footprint—the Executive has signed up to the concept—an SPP would be one way of encouraging people to be more proactive. Members are clearly not fully signed up to the idea, and I am not 100 per cent convinced that an SPP is the right mechanism, but if there is general goodwill towards the concept of eco-villages, how are we going to encourage them? I would like to ask the Executive that.

John Home Robertson: I return briefly to the procedural point that I raised earlier. I agree with colleagues that it would be entirely wrong for MSPs to be gatekeepers as far as petitions are concerned. That said, in addition to submitting petitions, it would be useful for citizens and groups to work directly with MSPs as a way of making representations to the Executive and getting information. I am not suggesting that we should write to the Public Petitions Committee about this, but I will have a word with Michael McMahon to suggest that a bit of informal advice could be given to petitioners that they could also speak to their local constituency or regional list MSPs about their ideas.

On the substance of the petition, I think that there is a pretty broad consensus on the committee and I go along with what Jamie Stone said earlier. We are all in favour of the concept of eco-communities, whether urban or rural. There is evidence that such developments can work, as has happened at Findhorn, and they can be developed elsewhere under the current planning system. I am not sure that it would serve any useful purpose to bring in a fresh SPP, as proposed by the petitioner, but it is a worthwhile debate and anything that can be done to encourage developers, communities and anyone else to take forward the concept should be supported.

The Convener: We have had a considerable discussion on the petition and, at times, the debate has become polarised. Eco-villages can be and have been created in Scotland. Patrick Harvie shows an understandable desire to get the issue on to the political agenda, but no one is suggesting that there is anything to prevent an eco-village from being created in Scotland.

However, the petitioner is looking for the Executive to say not only that it thinks that eco-villages are a good thing but how it will assist the creation of eco-villages, if there is a public will for that. Some people want to be part of that change. The petitioner is seeking the assistance of the Public Petitions Committee and this committee with that.

I hope that the committee will agree with my view that, although we do not want to be prescriptive with the Executive—it is not for us to tell the Executive what it should do at this point—we should write to the Executive and ask how it is going to promote eco-villages and how they tie in with the existing planning legislation and with the Executive's commitment to sustainable development. This is very much part of the sustainable development agenda.

Is the committee content that such a letter should be drafted?

Members *indicated agreement.*

The Convener: Okay, that is agreed. We will write to the Scottish Executive and advise the petitioner accordingly.

10:26

Meeting continued in private until 11:27.

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