

Cross Party Group in the Scottish Parliament on Rural Policy

Tuesday 10th December 2019

6-7:30pm

Scottish Parliament, Committee Room 6

Planning for Scotland's Land

Approved minutes

1. Welcome, introduction and apologies

Emma Harper MSP (Chair and group co-convenor) welcomed everyone to Parliament for the second meeting of the 2019-2020 session. She noted that the Secretariat would list apologies in the meeting minutes, and that they will be tweeting using #cpgrural and may use photos – there were no objections.

Emma noted apologies from John Scott MSP and Rhoda Grant MSP, and welcomed Bill Bowman MSP.

A sign-in sheet was passed around, with everyone encouraged to sign it before leaving.

2. Approval of the minutes of the previous meeting

Emma Harper MSP informed attendees that the minutes from October's meeting on 'Taking a place based approach to demographic change in Scotland' require approval. These were circulated by the Secretariat prior to tonight's meeting. Approval of the minutes was proposed by Ian MacDonald, and seconded by Jim Hume. The approved minutes will be uploaded by the Secretariat following this meeting.

3. Presentations, followed by discussion

Emma Harper MSP outlined the format of tonight's meeting, with four speakers with a max of seven minutes each. The first two will focus on the first being the more legislative/strategic approaches to planning for Scotland's land, and the second will be reflections from stakeholders.

Andy Kinnaird and Cara Davidson, from the Planning and Architecture division in the Scottish Government, began the meeting with an introduction to the National Planning Framework 4 (NPF4).

- [Andy] NPF4 is one part of wide part of reform of planning system – new Act and associated secondary legislation. Also includes changes to Permitted Development Rights and a digital strategy to transform how we do planning in Scotland.
- NPF4 currently has the status of national SG policy setting priorities for future development. NPF will need to be approved by parliament before being adopted by ministers.
- NPF4 links with National Performance Outcomes/sustainable development outcomes etc. NPF4 has six statutory outcomes: meeting housing needs, emissions

targets, positive effects for biodiversity, improving health and wellbeing, increased populations of rural areas, carbon reduction.

- Links up with suite of other strategies e.g. housing, climate change, Land Use Strategy, transport, etc. New regional spatial strategies will influence up and down to the national/local levels.
- New Act has also introduced opportunity for local communities to prepare Local Place Plans to help shape their futures.
- [Cara] Next step is a call for ideas (early engagement phase starts Jan to April 2020). Roadshow across Scotland and structured conversations, materials on website as well to facilitate conversations at local level and feed back to SG. Then working to draft NPF4 in Sept 2020 and go out to public consultation then.
- Steps taken to inform rural policy aspects of NPF – facilitated workshop at Scottish Rural Parliament last year, commissioned research by Savills and Inherit about how planning can support vibrant communities/economies (just completed and final report coming shortly then made public in early 2020).
- Permitted Development Rights – separate work scheme – removes requirement to apply for planning permission and audience encouraged to respond to consultation that is live now.

Dr Simon Cuthbert-Kerr: Head of Land Reform Unit, Scottish Government who will be providing an Update on the Land Use Strategy (LUS) focused his talk on Land Use Partnerships/Plans/Frameworks of the LUS

- The Programme for Government (PfG) this year recognises importance of land, and is particularly commitment to use Regional Land Use Plans by 2023 and in particular using all land to fight climate change.
- Idea of Regional Land Use Partnerships (RLUP) has been in the pipeline for some years. LUS itself is statutory requirement of Climate Change (Scotland) Act 2009, also context of Community Empowerment (Scotland) Act and the Land Reform (Scotland) Act, as well as the Land Rights and Responsibilities Statement (LRRS), NPF4 and Climate Change Emissions Reduction Act. Gives sense of the length of time that this sort of approach has been considered and how different policies need to interact.
- Two pilot RLUP in Aberdeenshire/Scottish Borders in the past and there has been some criticism of these which has been taken on board.
- There is growing recognition that land is central to the commitment to climate mitigation, and future plans will involve strategic considerations about how to use land to tackle climate change.
- It is hoped the RLUPs will be in place by 2021. By 2023 – regional land use frameworks in place. (Could be interpreted as not much time or plenty!).
- Scottish Land Commission is doing scoping work on how the RLUPs might be developed (work being done by mid-2020). Will consider participation around the partnerships and the governance – whether these will be advisory or more? It is crucial to get this right to ensure partnerships have right level of credibility, visibility and influence. Also need to think about how the partnerships will be structured (around the local authority scale?). Will also look at how we use existing data/info to best use. In addition, the relationship these partnerships will have with other structures (planning processes, etc.) – statutory or not, etc. SLC will look to engage with as wide a range of voices as possible.
- It is also vital that communities have a role in this right from the outset – can't be only formal organisations. SLC will issue a scoping paper through which they will seek views.

Vicki Swales: Head of Land Use Policy, at RSPB Scotland, who will be providing some Reflections on the Land Use Strategy from their perspective, as well as some views of Scottish Environment Link

- It is important to remember roots of the LUS in the Climate Change (Scotland) Act, and the broader sustainable development relevance of the LUS). Worth reading the LUS principles again – and highlighting the multiple benefits, ecosystem services, etc.
- Learned a lot from the two pilots in Scottish Borders and Aberdeenshire. That knowledge can be carried through to new partnerships/plans. Independent assessment at the time had valuable insight – looked at how to spend money in best way to do right things (targeted), etc. Need to not overcomplicate things. Too much data can confuse partnerships as they form. Local authorities should play primary role in these. Give them a clear template about what a Regional Land Use plan is, what evidence/data is needed and then get people to think about alternative regional scenarios, and how to get to net zero as well as deliver other things we want from land. All that then comes back up to national level to inform how money is allocated to the regions. Not necessarily about regional control of spend but making sure national spend is well-targeted.
- Don't forget urban dimension of the LUS.
- How we use land will be central to achieving net zero targets – reduce emissions from land-based businesses (esp. agriculture), nature-based solutions for carbon storage – restoring salt marshes, native woodland restoration etc.
- Not just facing a climate emergency – also a nature emergency. See State of Nature report. 11% of species in Scotland threatened with extinction.

Grant Moir: CEO Cairngorms National Park, who will be offering Perspectives on land and planning from the Cairngorms National Park

- Ownership, management and public interest aspects are all intertwined, and there is concentrated land ownership in the Park.
- Extent of regulation of land uses varies, as does the extent to which we support some land uses (e.g. forestry). All feeds in to what we want to do with land and how we can best look at that.
- Spatial strategies/regional land use plans – that is where these things need to be brought together – land use and planning. Looking at development and what we use land for through a similar lens.
- There have been 15 years of the place-based approach in national park, focused on utilising data/maps to track development and learn from – e.g. woodland expansion – how to take forward more woodland in the uplands, lots of degraded peatland in the park (need to get that under control), network of hill tracks, distribution of second homes (all these factors are easier to understand/address with good data, which they have more now).
- High median house prices in the park is linked to land uses, and to flooding. Need to use data to make the right decisions about putting things in the right places.
- This is where regional spatial plans and regional land use plans come together. The Cairngorms National Park plan is similar and have been working for some time. They need then to link back to funding/regulation to ensure what comes through funding mechanisms is strategic.
- 1,000ha per annum of woodland creation and peatland restoration.

- Cairngorms Connect and East Cairngorms Moorland Partnership working at landscape scale (doing things quite differently). 149 affordable housing consents in past few years.
- Data is central to all that's been achieved– could be scaled up across Scotland.

Questions and Discussion

- **Sam MacMillan (works with rural businesses)** – Q re timing of NPF 4 and background to LUS pilots, and whether this will be impacted by it, and a second question on the conclusions from pilot studies from the LUS.
 - Andy Kinnaird: NPF4 is not legislation so it won't be affected by elections timing. At end of consultation period (public and parliament), it will be revised again and final version back to Parliament likely to be after 2021 election for approval.
 - Simon Cuthbert-Kerr: Both LUS pilots are finished – lots of analysis done and lots of data available about what went well and what didn't, socio-economic impacts, etc. (will send links to organisers to send round).
 - Vicki Swales: The Scottish Borders pilot produced overlaid maps that were very useful, and helped spot win-wins and tease them out. Aberdeenshire one was very forestry focussed and less effective in RSPB opinion.
- **Derek Logie (Rural Housing Scotland)** – noted interesting CNP projects to get affordable housing built on land facilitated through Planning Gain (value of land is the elephant in the room). If you can't get land for free or buy through Scottish Land Fund, you can't make affordable developments happen. Flooding has created uncertainty for land zoned for housing. Good to see second homes as part of the picture when talking about future land use. What do we do about land values and how to restrict those to ensure we can use the land for housing and other uses?
 - Grant Moir: SLC has looked at this a bit through Land Value Capture work. In continental Europe, land can be bought at agriculture prices. Constrained land supply in the CNP – limited amounts that need to be used wisely for people who live and work in the Park. But, too many houses built are not the ones required for people who live and work in the area. GM keen to see where SLC work on that front goes. It's a big conversation we need to have. 'Best use of land to deliver goods for the people who live and work in Scotland'.
 - Simon Cuthbert-Kerr: land reform/land use as policy agendas have become increasingly close. Previously land reform quite niche but now linked. SLC exploring cross-cutting issues. Policy people aware that we have options but it's not easy. Work of SLC is pushing them. SLC scale and concentration of ownership report took a sophisticated perspective – focussed on impact of monopolies of power and the effects they have (on availability/value of land). Indicates that SG thinking is heading in the right direction.
- **Emma Harper MSP:** how do we reconcile someone with a holiday cottage used 80% of the year vs a house used a few weeks of a year? Are there discussions around that and how do you sort that?
 - Grant Moir: there is no 'use class' for holiday homes at the moment. That discussion is being had about short-term lets. Use classes could be more specific and then they could be controlled differently, which might help.
 - Simon Cuthbert-Kerr: forthcoming Community Right to Buy to further Sustainable Development – will allow a community to make the case to Ministers that their proposed use of the land will be better for their SD than the existing use. Potentially offers a route to address holiday homes issue.

- Andy Kinnaird: There is a short-term letting SG consultation earlier in the year about licensing/registration scheme on these properties. Planning Act will allow local authorities to zone short-term let areas as well (during 2020).
- **Kim Dams (Scottish Rural Action):** Question on the early NPF4 engagement – what will this look like? And the same Question to Simon for the RLUPs.
 - Cara Davidson: information will be on website shortly, ambitious programme of engagement to engage wide range of voices. Will include drop-ins, structured conversations with community groups and other interests. Material on web to support conversations that can be fed back. Can sign up for SG e-alerts as well.
 - Simon Cuthbert-Kerr: SLC will do engagement on the partnerships and they have positive track record on that front. Town meetings across Scotland on regular basis – good reputation for genuinely open community engagement.
 - Vicki Swales: the lessons from the two pilots will be important – hard to engage people in rural areas with questions about rural land use. Borders Tweed Forum with preexisting contacts on the ground was valuable. Ideas can be fed to SLC about how to reach unheard voices in rural communities.
- **Heather Anderson – Councillor in the Scottish Borders,** all Councils has to produce a food production strategy – how will/does this link that into the RLUPs – is it a tangible process that communities can easily relate to and link with.
 - Vicki Swales: Fundamentally agrees that aspects of food production should be interlinked in the Land use plans etc, and that it should be part and parcel of the framework. Also about recreational uses of land, and how to create space for people to access health and wellbeing benefits, and other ecosystem services.
- **Pete Ritchie (Nourish Scotland)** – soil as fundamental natural resource but no levy on sealing the soil (not developing on prime land). What do we do about the fact that there is no cost when soil is sealed (in gardens, by shopping centres, etc.). Then use money raised to remediate degraded land/soil in our cities?
 - Cara Davidson: That is relevant to thematic parts of NPF4 (Q on the extent to which existing policies are doing the job – vacant/derelict land, etc.). Early consideration of what is working and where maybe more detail is needed is what we want to hear.
- **Mark Shucksmith (Newcastle University)** – Local Place Plan – what is the institutional framework of who produces that – given different capacities of communities to produce them, what support is there to help them?
 - Andy Kinnaird: LPPs are a core element of the new Act and they see communities having a very real influence on planning in places in the future. The Act sets out that a LPP can be created by a community body (and defines it as community council or the definition in Community Empowerment Act). They envisage it working most effectively where the community body is able to speak on behalf of entire community. Risk is that a rival LPP would be created by another group. Support-wise, they want to be light touch on how community bodies can take it forward. Don't want it to be difficult/complicated and/or only open to those with professional skills. Funding streams that CBs can tap into (existing) but a crucial element will be the guidance produced alongside the legislation (LPP toolkit and evolving best practice – some being worked up currently). Legislation requires the LPP to have regard to the LDP (but they can think about what their aspirations are in terms of what might change). Addresses issue of always hearing from people disagreeing with planning decisions, instead asking them to articulate what they want. They don't envisage this being led by local planning authority.
 - Grant Moir: Apprehensive about the fact there are multiples of communities in every place. CNP community action planning – led usually by local DT but still

lots of different opinions within that. Will be interesting to see how LPPs go in the future. CNP has funded local community action plans (£80k per annum on professional help to communities to do these things). Resource commitment will be needed as these things can be quite complex and potentially quite influential. Danger = multiple LPPs in one place.

- **Neil Ross (HIE)** – LUS – if the two NPs have been doing that for some years, are they to be learned from? lots of intensive work with communities by HIE over the years. Local led plans have been put together well in lots of place and could feed in to the process.
- **Heather Anderson** – shouldn't be left completely open to communities. Needs a framework about values and intentions to ensure things fit (don't just 'go away and come up with an idea'). Needs facilitation and support.
- **Peter Ross – (Galloway and Southern Ayrshire Biosphere)** – opportunities for communities to develop grandiose plans but focus/result was on a footpath (hard to get people to think at a higher level). Takes a level of time and commitment to get there.
- **Jim Hume** – research done by National Mental Health Forum – work done on islands showing that people with poor mental health have lost meeting places – health and wellbeing is not just about access to countryside and it is important to consider when
- **Sarah Skerratt** – role of local authorities – she asked each speaker about role of local authorities in delivering the integrated and holistic approach.
 - Vicki Swales: not exclusively about local authorities leading the partnerships but they would have a key role to play as elected body responsible for the statutory system. Connecting things into the formal statutory system is very important. Scottish Environment LINK have had conversations with local authorities and they are interested to take on role but they are very financially pressed. Costs aren't that great (say 12-15 regions in Scotland, £3m needed to local authorities to do the process). Need to be more targeted/strategic about how money is spent on this front.
 - Simon Cuthbert-Kerr: agrees. Key thing is democratic accountability as these are the structures that people will naturally look to. Important that we can be flexible enough with RLUPs. Need to be central but not fixate on making the LUPs map onto local authority areas.
 - Andy Kinnaird: Local authorities are the heart of managing the planning system and that will continue. They need to listen carefully to what people are saying about aspirations for future development of their areas. Notes that we need to support planning authorities more in the future financially. Consultation on future planning fees coming too.
 - Grant Moir – important is the planning authority and how they work together.
- **Arina Nagy-Vizitiu (Woodland Trust Scotland)** – to Simon Cuthbert-Kerr – where might you see role of NGOs in the LUF/LUP in the future.
 - Simon Cuthbert-Kerr: would like to see formally how the sector can be involved in the partnerships once established.
 - Grant Moir: depends on what the regional LUS does. Crucial to link with planning authorities – key that there is a democratic accountability to those bodies so they need to be central (the decision-making body has to be different from the interests represented on the partnership).
 - Vicki Swales: will need to decide how will be used (the plan) – conversation tool for engaging with communities or a decision-making/spend allocation tool. She would prefer to see them done at regional level, passed up to SG level and then funds allocated back out to those places on basis of range of obligations that need to be met.

- **Pete Ritchie** – re. support for planning/engagement process. Experience with food growing strategies – lots of written guidance but each approaching it differently. ‘Software’ of engaging with communities – needs common data to hand for stakeholder engagement (socio-economics info, etc.). e.g. of open source software for river basin management. Opportunity for state of the art decision support software.
 - **David Miller (James Hutton Institute)** – NPF4 consultation will finish 12 months from now. COP in Glasgow next year – how will NPF4 deliver to COP outcomes? What will happen if regional LUPs don’t deliver/raise aspirations locally to something at national level?
 - Andy Kinnaird – regional spatial strategies should help to reach national targets. Reminder that NPF will need approval of Parliament before being adopted by Ministers.
4. **Finally**, to close this meeting, Emma Harper MSP reminded attendees of Gail Ross MSPs Proposed Remote Rural Communities (Scotland) Bill. She encouraged participation in the consultation and would welcome any feedback/thoughts. Consultation links into repopulation and other rural issues.
5. **Next meeting:** Will be Tuesday 24th March 2020 – The Rural Wellbeing Economy

And final reminder to please complete the sign in sheet before you leave the room so that we have an accurate record of who is here.

Attendees:

Andy Kinnaird	Scottish Government
Arina Nagy-Vizitiu	The Woodland trust
Bill Bowman	MSP
Bryan Horsburgh	
Bryan McGrath	Scottish Borders Council
Cara Davidson	Scottish Government
Cathleen Russell	SRA
David Nicholson	
Derek Logie	Rural Housing Scotland
Douglas Scott	Scottish borders Council
Duncan Clow	DM Hall
Emma Harper	MSP
Fiona Harrison	Scottish Government
Gemma Cooper	NFUS
Grant Moir	Cairngorms National Park
Heather Anderson	Scottish Borders
Ian Macdonald	Farmer
Jayne Glass	SRUC
Jennifer Campbell	DM Hall
Jim Hume	National Rural Mental Health Forum
John Esslemount	
Karen Dobbie	Scottish Environment Protection Agency
Kim Dams	Scottish Rural Action
Lena Hutton	DTA Scotland
Lorna Philip	Aberdeen University

Louisa Knocker	SRUC
Margaret Currie	James Hutton Institute
Mark Shucksmith	Professor of Planning and Director of the Institute for Social Renewal, Newcastle University
Mel Nicoll	John Muir Trust
Michelle Macdonald	
Neil Ross	Highlands and Islands Enterprise
Paul Zochowski	East Lothian
Pete Ritchie	Nourish Scotland
Peter Ross	Dumfries and Galloway LEADER
Rachel Tennant	Chair – Landscape Institute Scotland
Richard Heggie	Urban Animation/Dhu Rural
Richard Howat	Scottish Churches Housing Action
Ross McLaren	Scottish Churches Rural Group
Sam McMillan	McMillan Consultancy
Sarah Jones	SRUC
Sarah Skerratt	SRUC
Scott Murray	SRUC
Simon Cuthbert-Kerr	Scottish Government
Steve Sloan	SRA
Tony Huggins-Haig	Arthouse Galleries
Vanessa Hallhead	Scottish Rural Action
Will Williams	
Win Sim Tan	University of Edinburgh
Yvonne Huggins-Haig	Arthouse Galleries
Graeme Beale	Scottish Government
Vicki Swales	RSPB Scotland

Apologies:

Alistair Prior, Ann Packard, Anna Brand, Antje Branding, Christina Noble, David Gass, David Walls, David Whiteford, Eric Calderwood, Fiona Mackenzie, Frank Beattie, Geoff Simm, John Farrington, John Mitchell, John Watt, Keith Robson, Lindsay Wood, Neil Cummings, Pip Tabor, Priscilla Gordon-Duff, Rebecca Audsley, Rhoda Grant MSP, Sarah-Anne Munoz, Susan Hunter, Vicky Dunlop, Wayne Grills.