

Covid-19 – Changes to the planning process in our National Parks

Description

Scottish Government changes to planning processes

The Scottish Government has been urging all planning authorities, including our National Parks, to maintain their planning system as a top priority. Planning Authorities are being urged to use all of their discretionary powers backed up by the Coronavirus (Scotland) Act 2020 to keep the planning system going ([see here](#)):

Those of us involved in planning, across sectors, must do what we can to keep plans and proposals moving through the system, throughout this period of uncertainty and in the months and years ahead. That might mean being prepared to adopt some new approaches; measuring risk and taking a pragmatic view of how we can best continue to plan and make the decisions vital to the recovery of our communities and businesses.

Some aspects of our planning system, including a number of processes and requirements, are affected by the impacts of the Coronavirus (COVID-19) outbreak and the resultant need for social distancing. We have been exploring with a number of stakeholders the obstacles and the temporary solutions needed to get us through this period and ensure the continued functioning of our planning system. Some of this requires urgent legislative change, while for other aspects we will need an innovative, pragmatic, practical and flexible approach.

(Extract from the Chief Planner's letter of 3 April to planning authorities – link above).

It is the implementation of *temporary solutions* and the references to *adopt new approaches; measuring risk and taking a pragmatic view* and *we will need an innovative, pragmatic, practical and flexible approach* which needs to be monitored carefully, especially within our National Parks. You will note that the Chief Planner states that he and his team have been exploring these temporary solutions with a number of stakeholders. It now appears (see <https://theferret.scot/covid-19-planning-democracy-developers/>) that these stakeholders were parts of the property developer industry (e.g. Scottish Property Federation and Homes for Scotland), and that no key groups representing communities were consulted.

The key legislative changes to the planning process introduced by the Coronavirus (Scotland) Act 2020 to enable these changes are:

- Pre-application consultations are no longer mandatory, instead applicants are encouraged (not required) to consider forms of online consultation
- Planning committees do not need to meet in public, and there does not seem to be any obligation on live webcasting to enable the public to view proceedings, again it appears to be encouragement only.

The Ferret article opens up some really worrying potential effects of the ‘‘relaxations’’ in the planning process which are being introduced as a result of the Covid-19 crisis.

The remainder of this post looks at changes to the Planning process in our National Parks and Highland Council.

Planning changes and the Loch Lomond & Trossachs National Park Authority

The Loch Lomond and Trossachs National Park Authority has described the changes they have made to planning processes on their webpage ([see here](#)). In summary these are:

- all offices closed and staff working from home
- communication is by email (no hard copy by post), and in some circumstances Skype conference calls
- applications completed statutory consultation before 20 March will be processed as normal as far as possible
- there will be no site meetings
- new applications received by e-planning/email will be validated and statutory consultees contacted for comments. Worryingly, although new applications will appear on weekly lists, there will not be any public notices or neighbour notification
- the webpage is silent on whether these new applications will proceed to decision, apart from a list of minor applications which do not require publication which will be reviewed for processing and determination
- the March Planning Committee was postponed to 27 April and was a virtual meeting ([see here](#)) which was webcast at the time but is NOT available on the web (unlike other Planning Authorities who record meetings)

[Ed. In addition it appears that the LLTNPA have stopped monitoring and enforcement visits]

Planning changes and the Cairngorms National Park Authority

Information on changes announced by CNPA to the planning process on their website are brief and are reproduced here:

CNPA Planning Service

The CNPA planning service will continue to operate during the website will operate as normal with access to Planning Committee minutes as well as normal public access to the detail on planning precautions needed to reduce the impact of Covid-19 mean the service will operate differently:

CNPA offices and planning staff

The CNPA offices are closed and staff will not meet applicants. CNPA planning staff can be contacted by phone and email.

CNPA Planning Committee

Planning Committee meetings will be by video and teleconference. Meetings will not be open to the public. The CNPA is investigating a live stream of the meeting that we hope to operate by our meeting.

The Planning Committee will continue to consider requests from objectors to present to the Planning Committee meeting. In the past this was done by providing a video presentation to be played to the committee, a written presentation and/or statement to be read to the committee by staff. We are investigating ways of allowing people to present directly to the committee that will not be possible in the short term.

The Planning Committee will not undertake site visits while the service is in place. Decisions by the committee will be based on the information provided in the application and presented to them in reports, representation

There is significantly less information provided by CNPA compared with LLTNPA. CNPA remains reticent about their plans to webcast their planning meetings. If LLTNPA did it, why can't they? They suspended audio recordings some years ago and have been challenged regularly about webcasting e.g. Dave Fallows recent letter to the Strathly ([see here](#)). If CNPA cannot live stream the meeting, will it be postponed (as was the case for LLTNPA) or will they just proceed without public scrutiny and without the possibility of the Committee members questioning objectors, supporters or the applicant who wish to present to the Committee?

The CNPA is also silent on whether public notices or neighbour notification will happen on new applications.

Like LLTNPA, CNPA Planning Committee will not undertake any site visits prior to determining an application. That raises significant issues about how decisions will be taken on HIE's applications at Cairn Gorm ([see here](#)) among others

The Highland Council

This authority is included in this post as its Southern Planning Committee covers a large part of the Cairngorms National Park and determines all planning applications emanating from its part of the National Park which are not called in by CNPA.

Highland Council has announced a range of changes to its planning processes on its website ([see here](#)). It is unclear whether neighbour notifications will be sent out on new applications, but there is a published list of newspapers where planning notices will be published. The major change which has caused considerable consternation amongst councillors ([see here](#)) and ([here](#)) is the suspension of their Planning Committees during Covid-19 restrictions. Instead, applications which would normally be heard at the Planning Committee will be decided by the planning officer and the Committee Chair behind closed doors. The planning application papers will not even be circulated to other Committee members. Only if the Chair and the planning officer disagree, will the application decision be deferred until Planning Committee meetings resume. Not only is public scrutiny being denied in these cases, but even the other members of the planning committee are being excluded and not even informed until after the decision has been made.

The concerns about further deregulation

Many of the changes in the Scottish planning process over many years now, culminating in the passing of the Planning (Scotland) Act 2019, have been introduced under the guise of speeding up the planning process. The result, however, has been a tipping of the balance towards development and developers, and restrictions in the powers of the general public to engage in and contribute to the planning process as well as the powers of planning authorities to reject planning applications or enforce breaches in planning conditions.

Planning Democracy, neatly summed up their concerns over the effect on the planning system of the Coronavirus (Scotland) Act 2020 in their letter to MSPs and the LGCC dated 24 April:



The CV Regulations, as laid before Parliament, are a missed opportunity to g public engagement and improve its quality. Instead, the Government appea have taken the easy option to reduce public engagement, albeit temporarily renege on democratic commitments. We believe our specific comments bel illustrate this.

(see Ferret article referenced above for full letter).

With so many current planning concerns within our National Parks such as:

• the increasing list of planning applications for housing on environmentally important site

• large developments in the pipeline such as Moulsdale properties at Tarbet or An Camus Mor

• the proliferation of hill tracks

• the various planning applications currently in the system for work on Cairngorm Mountain (including the ill-conceived repair of the funicular)

this is not the time for reduced public engagement in the planning process within our National Parks. Instead, the Scottish Government should have instructed our planning authorities to err on the side of caution, and delay planning decisions until full public engagement can be conducted. After all, with the suspension of nearly all construction work due to Covid-19 restrictions, new development projects are not going to be started. The only reasonable exception would be development to support activities needed in the Covid-19 crisis or developments urgently needed to assist recovery during the period of the gradual relaxation of restrictions.

Category

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2. Loch Lomond and Trossachs

Tags

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Date Created

May 5, 2020

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