



CONTACTS

Group chair: Alasdair.McKenzie@hes.scot

Group secretariat: Anna.Gaffney@sepa.org.uk

Website: www.gov.scot/groups/key-agencies-group

Twitter: [@KeyAgenciesScot](https://twitter.com/KeyAgenciesScot)

6 May 2019

Key Agencies Group joint statement – Planning (Scotland) Bill, Masterplan Consent Areas

The Key Agencies have discussed a number of the changes that have been made to the Planning Bill at Stage 2 and we want to highlight some specific concerns with the amended provisions for Masterplan Consent Areas.

We recognise that Masterplan Consent Areas are a complex area of legislation and that there are strong views on these and other aspects of the Bill. We would also emphasise that all agencies support the policy intentions behind Masterplan Consent Areas, including their extension to areas that would currently fall outwith the scope of Simplified Planning Zones (these include road extensions, areas containing Green Belts, Conservation Areas and Listed Buildings).

However, we are concerned about the removal of Scottish Ministers' power to call-in Masterplan Consent Area schemes, should those schemes and the consents they grant raise issues of national importance. Specifically, in circumstances where an agency has raised objections to a proposed scheme due to potential implications for their interests which in their view raise matters of national interest, there needs to be scope for the Scottish Ministers to consider whether call-in would be appropriate. We are also mindful that these developments are often subject to significant local interest where there is a public expectation that objections from a national agency will trigger a requirement to notify Scottish Ministers.

There is a direct read-across to the equivalent mechanism that exists for the standard planning application route to consent, through the Notification of Applications Direction (link below), which leads to planning applications being notified to the Scottish Ministers in a limited number of circumstances, including following some objections by key agencies: www.gov.scot/publications/scottish-planning-series-planning-circular-3-2009-notification-planning-applications.

Masterplan Consent Area schemes will grant planning permission for development as specified in the scheme, and may also grant listed building consent and conservation area consent. We

would therefore highlight the gap and inconsistency that would be created were the schemes put in place, with outstanding national agency objections but without recourse to national-level scrutiny by Ministers.

Overall, we would highlight that, as amended, the Planning Bill now effectively removes the ability for unresolved agency objections to be considered for call-in. We consider this would significantly limit our ability in some cases to secure positive planning outcomes for our respective interests and consequently, we would stress the need for its reinstatement.

It is very rare that agencies request ministerial intervention in planning decisions. During 2017/18, for example, Historic Environment Scotland, Scottish Natural Heritage and The Scottish Environment Protection Agency each objected to less than 1% of the applications they were consulted on and even fewer of these would have been notified to Scottish Ministers for potential call-in. This demonstrates both our commitment to positive early engagement as well as a focus on matters of genuine national interest.

However, there are particular circumstances where this type of backstop check has a vital role in the process. An example is the current planning application for Coul Links in the Highland Council area, where a new golf course was proposed, and which Scottish Natural Heritage objected to. That application was called in for a decision at national level given it raises issues of national importance in relation to natural heritage and compliance with Scottish Planning Policy. This resonated with the views of 14 MSPs from across the parties, an MP, and bodies including RSPB Scotland, the National Trust for Scotland, the Scottish Wildlife Trust and the Marine Conservation Society.

We believe it is important to have similar oversight for Masterplan Consent Areas where particular schemes could also have potential to raise matters of national interest in consenting developments. We therefore seek reinstatement of the notification and call-in provisions for Masterplan Consent Areas.

Alasdair McKenzie / Historic Environment Scotland

On behalf of the following Key Agencies:

- Architecture and Design Scotland
- Historic Environment Scotland
- The Scottish Environment Protection Agency
- Scottish Natural Heritage
- SportScotland

The [Key Agencies Group](#) was initially established in 2008 and comprises a group of public bodies that play a pivotal role in supporting the delivery of culture change in planning through improved joint working. These agencies also fulfil a range of functions in the delivery of the Scottish planning system, for example through the provision of infrastructure or as a statutory consultee for certain types of development consent.