

The Scottish Planning and Environmental Law Conference 2016

SCOTTISH PLANNING REFORM

NEW OPPORTUNITIES **OR** MORE OF THE SAME?



*The conference is sponsored by
Terra Firma Chambers*

PROGRAMME

Thursday 29th September,
COSLA Conference Centre,
Verity House, 19 Haymarket Yards, Edinburgh



The 25th SPEL Conference takes place against a background of continuing change and proposed reforms to the planning system as it is pressed to deliver more quickly and with frequently less resources. As the Scottish Government considers its response to the Planning Review Report, the key challenges facing the economy and communities remain unchanged - supporting sustainable economic growth, creating strong and resilient places and protecting and enhancing the environment.

There is still much to consider and debate, both within the framework of existing legislation, policy and guidance and in the context of an anticipated programme of further reform.

This year's Conference provides a commentary on the opportunities that may come about as a result of further planning reform as well as prospects for improvement under the current framework. It also provides an invaluable insight into how the planning system can continue to support the key drivers of sustainable economic growth.

Widely regarded as the foremost annual planning law event in Scotland, the SPEL Conference attracts key speakers and senior figures from a range of backgrounds and affords the opportunity to engage in high level discussion and debate.

Highlights

- Delivering more housing - future directions
- Infrastructure - a critical cornerstone
- The shift to a low carbon economy - where we are
- Review of significant case law



- 09.00 Registration and coffee
- 09.45 **Chair's Welcome and Introduction**
James Findlay QC, Terra Firma Chambers
- 09.50 **Scottish Place Making – A Square Go?**
Ross Martin, Chief Executive, Scottish Council for Development and Industry (SCDI)
- 10.10 Questions
- 10.20 **Scotland's Future Energy Options**
Professor Rebecca Lunn, Head of the Centre for Ground Engineering and Energy Geosciences, University of Strathclyde
A discussion of the environmental, economic and moral consequences of Scotland's energy choices.
- 10.40 Questions
- 10.50 **On Track to Deliver More High Quality Homes**
Tammy Adams, Head of Planning, Homes for Scotland
- 11.10 Questions
- 11.20 Refreshments
- 11.35 **Scotland's Future Infrastructure Requirements**
Sara Thiam, Director, Institution of Civil Engineers (ICE) Scotland
- 11.55 Questions
- 12.05 **Planning Case Law Roundup (1)**
Stephen O'Rourke, Advocate, Terra Firma Chambers
Review and analysis of recent significant cases
- 12.25 Questions
- 12.35 L U N C H
- 13.30 **Panel Session - New Opportunities (Chaired by Terra Firma Chambers)**
Greg Lloyd, Emeritus Professor of Urban Planning, Ulster University
Craig McLaren, Director of Scotland and Ireland, RTPi
John McNairney, Chief Planner, Scottish Government
John Hamilton, CEO, Winchburgh Developments Ltd
- 14.30 **Planning Case Law Roundup (2)**
Denis Garrity, Advocate, Terra Firma Chambers
Review and analysis of recent significant cases
- 14.50 Questions
- 15.00 Refreshments
- 15.15 **Strong Leadership and Smart Resourcing**
Steve Rogers, Head of Planning and Regulatory Services, Dumfries and Galloway Council
and Chair, Heads of Planning Scotland
- 15.35 Questions
- 15.45 **Final Comments/Questions and Close of Conference**

James Findlay, Advocate (QC England & Wales)

James Findlay called to the Scottish Bar in 2008, having been a practising Barrister in England & Wales since 1984, taking silk in 2008. Specialising in local government, planning, environment, administrative and licensing law, James has developed a busy practice in the Court of Session and at Inquiry whilst maintaining his English practice. He is recommended in the current editions of the Legal 500 and Chambers UK for his work at both the Scottish and English bars in respect of Planning, Environmental, Licensing, Administrative & Public law. James is recommended in UK Legal Experts and is one of the top ten rated planning silks (England and Wales) in Planning Magazine's Guide to Planning Lawyers 2015. He was appointed Standing Junior to the Scottish Government in 2013 and is Chair of the Scottish Planning, Local Government and Environmental Bar Group (SPLGEBG).

Ross Martin

Ross Martin, SCDI's Chief Executive, and Chair of the Scottish Waterways Trust, has a wide and diverse background working across the Scottish economy in the public, private and social sectors. Ross has been driving the development and diversification of Scotland's economy for over a quarter of a century, seeking to reframe the debate from being one which pits the environment and the economy as competitors to a more nuanced understanding of how they can become two sides of the same coin, the currency upon which the emerging economy must trade.

Professor Rebecca Lunn

Becky Lunn is a Professor of Engineering Geosciences and Head of the Centre for Ground Engineering and Energy Geosciences at the University of Strathclyde. Her current research interests include development of new monitoring technologies for nuclear waste disposal and geological carbon storage sites. She has been a member of several government advisory bodies in energy, and has a keen interest in the public communication of engineering - particularly surrounding controversial topics such as shale-gas extraction and nuclear waste disposal. In 2015, Prof Lunn was elected an Outstanding Woman of Scotland by the Saltire Society for her contributions to research and for her support of women in engineering.

Tammy Adams

Tammy joined Homes for Scotland (HFS) as Principal Planning Advisor in September 2014 and has over 17 years' experience as a town planner specialising in development planning, regeneration and policy development. Her role as Head of Planning sees Tammy use her cross-sector experience to lead the HFS planning team and advise the home building industry on all planning matters relating to the delivery of new homes and supporting infrastructure.

Sara Thiam

Sara is Director for the Institution of Civil Engineers in Scotland with responsibility for influencing the

infrastructure debate, growing membership, and working with members to deliver a knowledge transfer programme. Before joining ICE in 2012, Sara held project management, policy and public affairs roles in economic development with a built environment, transport and planning focus in local government and Scottish Enterprise.

Stephen O'Rourke, Advocate

Stephen O'Rourke called to the Bar in 2002. He specialises in commercial and administrative law cases and is experienced in planning, property, agricultural law and land valuation appeals. He has experience at every level up to and including the UK Supreme Court and has represented parties in arbitrations and mediations. He is a Standing Junior Counsel to the Advocate General for Scotland and was an Advocate Depute from 2010 to 2013.

Professor Greg Lloyd

Greg Lloyd is Professor Emeritus of Urban Planning at Ulster University. He served as Head of its School of the Built Environment from 2008 – 2014. He is also Visiting Professor in the Land Use Planning Group, Wageningen University. Greg continues to research and publish, and supervise a number of PhD students. He is a member of a number of academic networks, including the International Academic Association of Planning, Law and Property Rights. He is a Trustee of the Planning Exchange Foundation and serves on the Editorial Board of Scottish Planning & Environment Law.

Craig McLaren

Craig is Director of Scotland and Ireland in the Royal Town Planning Institute. He took up post with RTPI in January 2011 and works with around 2,500 RTPI members in Scotland and Ireland to shape and inform policy and practice to ensure that planning helps to create great places for people. Prior to this Craig spent almost 8 years setting up, and then managing, the Scottish Centre for Regeneration in Scottish Government and its agency Communities Scotland, as its Director.

John Hamilton

John is a Chartered QS and Development Manager specialising in urban regeneration and large scale housing/mixed use development. In the early stages of his career he practiced as a surveyor on Glasgow's urban renewal programme and later on various major developments throughout the UK. Since 2010 John has lead the development of Winchburgh Village, a 3,500 unit housing and mixed-use "core development" project in West Lothian. He is the immediate past Chair of the Scottish Property Federation and in September 2015 was appointed to the Scottish Government's independent panel for the reform of the Planning Scotland Act, which reported its findings to government in May 2016.

Denis J Garrity, Advocate, Terra Firma Chambers

Denis called to the Bar in 2014, and very quickly established a busy practice covering mainly property, planning, commercial leasing and

commercial contracts generally. Denis was previously a partner in Brodies, and recognised by Legal 500 and Chambers as an expert in commercial property matters. Since calling, Denis has represented clients in the Court of Session, Sheriff Court and Lands Tribunal, as well as undertaking a significant amount of opinion and advisory work. Recent cases include Co-op Group Ltd v Glasgow City Council (JR of a planning consent for a supermarket), and Angus Estates Ltd v Angus Council (JR of minded to grant consent for one of four major housing applications). Denis is also currently involved in two judicial reviews of decisions of Scottish Natural Heritage to issue restrictions of General Licences for pest control.

John McNairney

Over the last thirty years John has practiced as a chartered town planner in local government, planning consultancy and, most recently, in central government. He joined the Scottish Office at devolution initially leading a range of planning and transport policy developments and subsequently implementation of the Scottish Executive's Freedom of Information legislation. In 2005 he was appointed Assistant Chief Planner supporting development of the Planning (Scotland) Act and subsequently its implementation, the *Delivering Planning Reform* Agenda and the development of Scotland's ePlanning programme.

John has been Chief Planner since 2012 leading the Government's planning and architecture division. Over that period the Government have delivered Scotland's third National Planning Framework, the review of Scottish Planning Policy, Creating Places, the Place Standard tool and the continued development of the eDevelopment programme. His team provided the secretariat function to the independent planning review and will support Ministers' implementation of associated reforms to the planning system in Scotland.

Steve Rogers

Head of Planning and Regulatory Services Dumfries and Galloway Council Chair, Heads of Planning Scotland

Steve has over 30 years experience of the planning system in a variety of roles covering planning, economic development and regeneration within the public and private sector. A graduate of Dundee University, he worked initially in Teesside before returning to Scotland where he took up posts in Clydebank, East Kilbride, South Lanarkshire and East Renfrewshire Councils. A spell in consultancy and running his own business followed, before he joined Dumfries and Galloway Council in 2011 where he now heads up a multi-disciplinary service including Planning, Building Standards, Environmental Health and Trading Standards. He has been an active member of the Heads of Planning Scotland (HOPS) Executive Committee for many years and became Chair in November 2015. As the representative body for senior managers within Scotland's planning authorities, the purpose of HOPS is to support and promote excellence in Planning leadership, to ensure the delivery of a culture of continuous improvement, and to advocate the proper resourcing of planning authorities to deliver quality outcomes.