

THE SPEL CONFERENCE 2018

THE PLANNING BILL AND BEYOND

Thursday 13th September,
COSLA Conference Centre, Edinburgh

At the time of writing, the Stage 1 Report on the Planning (Scotland) Bill has just been released. Whilst some proposals appear to be going through the process relatively unchallenged, there are others which will be subject to further scrutiny.

The SPEL Conference, as always, takes an opportunity to focus on the operation of key elements of the planning system and topics of interest. Now in its 28th year, the Conference continues to attract high profile speakers and experts in their fields, and an audience comprising largely senior figures from a range of backgrounds. As always, the programme allows plenty of opportunity for stimulating debate and discussion around topical aspects of planning law and practice.

This year's Conference will focus broadly on two main themes - the Planning Bill and wider environmental matters. The programme also includes reflections on the aims and purpose of planning and its role in supporting inclusive economic growth. As in previous years, there will be a planning case law roundup to review and analyse recent significant planning and environmental cases.

Highlights:

- *Implications of planning review for the planning appeals process*
- *Planning's links with community empowerment and land reform*
- *The ongoing challenge of funding infrastructure*
- *Planning review and the wider climate change agenda*
- *Energy Strategy for Scotland*
- *Environmental consequences of the Landfill Tax ban*
- *Planning's role in supporting inclusive economic growth*
- *Caselaw Updates – review and analysis of recent significant cases*



The conference is sponsored
by Terra Firma Chambers

Programme

09.00 Registration and coffee

09.45 **Chair's Welcome and Introduction**

Terra Firma Chambers

Douglas Armstrong QC, Terra Firma Chambers

09.50 Keynote Address:

Planning Matters – From Utopian Provenances to Dystopian Futures

Greg Lloyd FAcSS, PhD Professor Emeritus Ulster University, Visiting Professor

Wageningen University

Debates about the spirit and purpose of planning now acknowledge that planning rules, regulations and processes take place in very changed ideological, economic, social, environmental and political conditions. At the core of this paradigm mutation is the realignment of private property and the public interest. The shift away from a rules-based institutional infrastructure creates further challenges for the workings of the conventional land use planning system. The paper will consider the deeper implications of a dysfunctional (but utopian modelled) planning system seeking to deal with a complex and uncertain dystopic future.

10.10 Questions

Planning Bill - Key Issues

10.15 **Community Empowerment and Community Right to Buy**

Mark Lazarowicz, Terra Firma Chambers

Pippa Robertson, Director, aurora planning

A discussion about wider community empowerment legislation, with a focus on the community right to acquire land and public assets.

There is considerable interest in the recently introduced abandoned/neglected right to buy provisions as well as the potential to acquire land through other routes in order to bring land back into active use and address environmental degradation.

11.00 Questions

11.15 **Ongoing Challenges in Funding Infrastructure**

Archie Rintoul, FRICS, former Chief Valuer Scotland

Against a backdrop of continuing housing shortages and the urgent need to find alternative ways of funding infrastructure, this presentation provides an update on infrastructure issues as Stage 2 of the 'Planning Bill' commences. Proposals put forward in the Planning Bill will be considered as well as different models of using uplift in land value to finance infrastructure investment.

11.35 Questions

11.40 Refreshments

12.00 **Implications of the Planning Review for the Planning Appeals Process**

Karen Heywood, Interim Chief Reporter, Planning & Environmental Appeals Division,
Scottish Government

A commentary on general implications for DPEA including references to the potential changes to LRB responsibilities, changes to the planning obligations regime and the changed role of DPEA reporters in relation to development planning – 'gate check' and SPZs.

12.20 Questions

12.30 **Planning Case Law Roundup (1)**
Terra Firma Chambers
Review and analysis of recent significant cases

12.45 Questions

13.00 L U N C H

13.45 Alasdair Burnet, Terra Firma Chambers

Key Environmental Issues

Implications of Scotland's Energy Strategy and Climate Change Plan

Karen Turner, Director of The Centre for Energy Policy, University of Strathclyde

Discusses the potential for future renewable and carbon energy sources including reference to future investment, links with the economy and the journey towards achieving emission reduction targets set out in the Climate Change Plan.

What does the future hold for transport's role in securing sustainable growth in Scotland?

Russell Henderson, Associate Director, RPS

With a renewed enthusiasm and level of activity at the national and local level regarding the role of transport policy, and in particular, a push towards more sustainable travel what does this mean for supporting economic growth in Scotland? How do we as planning professionals balance the need to secure environmental benefits with the requirement to facilitate and accommodate infrastructure? What does sustainable development and the mechanisms for delivery look like from a Transportation perspective?

Environmental Consequences of the Landfill Tax Ban

Laura Tainsh, Partner, Davidson Chalmers

- (un)certainty of the introduction of the landfill ban in 2021;
- direct implications of the landfill ban for the waste industry;
- environmental aims of the landfill ban – what is its purpose?
- indirect implications/consequences of the landfill ban for the environment.

14.45 Refreshments

15.00 **Planning Case Law Roundup (2)**
Terra Firma Chambers
Review and analysis of recent significant cases

15.15 Questions

15.30 **Planning, Place and Inclusive Economic Growth**
Lesley Martin, RSA Scotland, Building Inclusive Growth Fellowship Network, Corporate Member
RTPI Scotland

*How might the Planning Bill impact on planning practice in the light of the government's priority for inclusive growth?
Participation and inclusion should be 'givens' for planning, so what is it that should be done differently?
How should planning respond to the challenges in areas of zero growth or decline?
What does inclusive growth mean for different Scottish geographies?
The challenge is how planners can lead and influence good practice in collaboration with others and be in the forefront of progressive change.*

15.45 Questions

16.00 **Final comments/questions and close of conference**