

Amendment to Comments on the UK's 3rd. progress response on Aarhus Convention compliance & Information relating to AKCC 2nd.Submission re decision V9/n of the Aarhus Compliance Committee.

1. In respect of Scottish Government planning policy regulations and whether they are capable of being followed in line with Articles of the Aarhus Convention. As referred to in our submission of 27.04.17 it was reported that a clarification reply was awaited from North Ayrshire Council and would be provided, this has now been received after this question was asked:

Avich Kilcrenan Community Council. (AKCC):

“Please can you tell me if your 2nd. response is a retraction of your 1st. 10th.March response? That included this statement:

North Ayrshire Council. (NAC)

“The Council has not published Supplementary Guidance in relation to its Local Development Plan.(LDP) As such, there are no relevant 'publication participation consultations' in this regard. The Council has some planning guidance notes, that are available on the Council's website. These do not constitute formal Supplementary Guidance. The Council's planning guidance has not been the subject of public consultation.”

AKCC

I should be grateful if you can confirm whether this no longer applies in respect of the LDP to be published in December 2017 and that the SG will be published and consulted upon in relation to the new LDP?”

AKCC comment.

There is now further confirmation that the most recent adopted LDP of 2014 had no supplementary guidance published in relation to that LDP and no SGP related to wind power. In the interests of transparency full replies are available rather than extracts if required.

2. **A Further example very recently received.** A response now received from Edinburgh City Council listed similar omissions as highlighted:

“Subject: Public Participation Consultations.

Thank you for your request for information of 06/03/2017 where you asked for information relating to the Local Development Plan. Your request has been processed and considered under the Environmental Information (Scotland) Regulations 2004 (EIRs) and the information is provided.

I have noted each part of your question with the council’s response in turn below:

Question 1. For this council’s public participation consultations relating to the most recent adopted Local Development Plans in respect of wind power developments.

Clarification - Re point 1. and to narrow the field of search, I should like you to send me please, copies of what public consultations were undertaken relating to your last adopted Local Development Plan in respect of wind power - as addressed in the renewables section of the Plan.

If summaries are available of what your council carried out by way of consultation and the same for the comments received through the consultation which are detailed enough, that would be acceptable.

Answer 1. There were no specific public consultations relating to the most recent adopted Local Development Plan in respect to wind power.

General public consultations on the Local Development Plan as a whole were carried out in 2011/12, 2013 and 2014. Information on these is available on the relevant website: www.edinburgh.gov.uk/localdevelopmentplan

Question 2. For this council’s public participation consultations in respect of the Supplementary Guidance for those plans.

Clarification:- Copies of what public consultations were undertaken in respect of the Supplementary Guidance issued for this Plan relating to wind power.

Answer 2. The Council has not prepared any Supplementary Guidance on wind power developments. The adopted Edinburgh LDP makes no provision for such Supplementary Guidance to be prepared in future.

Question 3. For all Government authority or Reporter’s communications relating to the above following publication of the LDP, on Supplementary Guidance, and its endorsement.

Clarification- For written or electronic communications from Government Ministers, authorities/departments or Reporters relating to the above following publication of the LDP, on Supplementary Guidance, and its endorsement. Copies of communications rather than links would be preferred please.

Answer 3. I have uploaded the following items to the Council’s disclosure log:
3A Local Development Plan Examination Report June 2016
3B Table of Reporters Recommendations June 2016”

AKCC Conclusion.

These examples and other examples show that compliance with SG regulations vary throughout Scotland.

Scotland’s hard pressed councils face a task rapidly becoming unmanageable since 2007 when the Scottish Government(SG) rejected the sequential approach and has been changing the rules regularly ever since. Policy is now so rigid and policed by “Examination”, that councils are boxed into a corner, each trying to come up with a development plan in accordance with ever changing SG policy. All whilst reflecting and accommodating the real needs and wishes of their areas. **When the current government came into being “Scottish Planning Policy” was produced – no date, no version number. This was to be the definitive version.**

It will be for the Committee to assess and decide whether our own and other submissions are demonstrating that current UK access to justice routes are flawed, and that planning policies and the methods of imposing them bring them into conflict with Articles 6,7 and 9 of the Aarhus Convention.

