

The SPEL Conference

2014



**Meeting
Ambitious
Targets**

**Wednesday
24 September**
The Teacher Building,
St Enoch Square, Glasgow



The conference is sponsored by Terra Firma Chambers



SPEL Conference 2014

What it's about

The SPEL Conference is widely regarded as the foremost annual planning law event in Scotland, affording participants the opportunity to engage in high level discussion and debate. The SPEL Conference takes a more critical look at the operation of the planning system and the speakers, audience and topics make for stimulating discussion and debate.

The year's Conference will centre on the theme of "meeting ambitious targets". Scotland has some of the most ambitious targets in Europe – if not the world – when it comes to addressing climate change issues. This particularly applies to the generation of electricity and reducing carbon emissions and waste. There is also a continuing and pressing need to increase housing output to deliver enough homes for Scotland and affordable housing for all.

Highlights

- 🎯 Implications arising from decisions on key renewable energy applications
- 🎯 Potential challenges to the development plan system
 - A consideration of Scottish Planning Policy and NPF3
- 🎯 Housing recovery and outcomes of the Land Reform Review Group and RICS Housing Commission
- 🎯 Reflection on the outcome of the Independence Referendum

Programme

09.00	Registration and coffee
09.45	Chair's Welcome and Introduction Rt. Hon Sir Menzies Campbell CBE QC MP
09.50	State of the Nation Address Professor Greg Lloyd, Head of School of the Built Environment, University of Ulster A commentary on the general Conference theme and topics and the state of the nation post-Independence Referendum.
10.05	Questions
10.15	SPP and NPF3 - Three Months In John McNairney, Chief Planner, The Scottish Government Looks at the wider context for national planning policy and its impact on outcomes and planning performance.
10.35	Questions
10.45	Refreshments
11.00	Scotland's Continuing Housing Need Bob Reid, Director of Planning, Halliday Fraser Munro and Eve McCurrich, Commercial Manager, Stirling Developments Against a background of continuing challenges for housebuilders and prospective house purchasers the house building industry has welcomed the publication of SPP and its presumption in favour of sustainable development. This session explores the future prospects for increased output against national planning policy, the recommendations of the Land Reform Review Group and the RICS Scotland Housing Commission.
11.30	Questions
11.40	Development Plan Examinations and Planning Obligation Appeals Lindsey Nicoll, Chief Reporter, Directorate for Planning & Environmental Appeals Consideration of a number of topical issues including: • When and why hearings are held • DPEA approach to guidance on addressing deficiencies in development plans including issues around housing land supply • Issues arising in recent planning obligation appeals
12.10	Questions
12.20	Case Law Update Alasdair Burnet, Advocate, Terra Firma Chambers An overview of significant recent decisions in the field of planning law related to the main conference theme
12.40	Questions
12.50	Lunch

13.40	Tesco v Dundee - a Retrospective and Implications for SPP and LDPs James Findlay, Advocate (QC England and Wales), Terra Firma Chambers A case which put the spotlight on circumstances in which sequentially preferable sites can be overlooked on the grounds of 'suitability' and which has wider implications for the interpretation of development plan policy. Presentation will consider: • What rules apply to interpretation of policy? • Is there any policy beyond its reach? • Division between interpretation and application. • Are there any limits to its application?
14.00	Questions
14.10	Meeting Ambitious Renewable Energy Targets Michael McGlynn Head of Planning & Building Standards Services, South Lanarkshire Council and Euan Hutchison, Principal Consultant, Natural Power This session offers two perspectives on the key issues facing onshore wind development. The wind energy industry considers the final version of SPP to be more balanced and less negative than the 2013 consultation draft. But is the climate for wind energy more favourable, is there enhanced landscape protection and are the concerns of communities any less?
14.40	Questions
14.50	Refreshments
15.10	Priorities and Targets for RTPI Scotland - the Year Ahead Nick Wright, Nick Wright Planning and Junior Vice Convenor, RTPI Scotland
15.30	Questions
15.40	Finals Comments from Chair
15.50	Close of Conference



Speakers

Alasdair Burnet Since calling to the Bar in 2006, Alasdair Burnet has acted in a wide variety of cases before the UK Supreme Court, the Inner and Outer House of the Court of Session, the Sheriff Court, Land Court and Lands Tribunal. Ranked Band 1 for Planning in the latest edition of Chambers UK, Alasdair has appeared in major public inquiries, planning appeals and judicial reviews in relation to housing developments, supermarket retailing applications and challenges to Local Plans. He has acted in public inquiries for objectors to the proposed AWPR Aberdeen City Bypass; for City of Edinburgh Council in relation to a major hotel and office development at Haymarket; and in relation to Compulsory Purchase Orders. Alasdair is a Standing Junior to the Scottish Government.

Rt. Hon Sir Menzies Campbell CBE, QC, MP called to the Scottish Bar in 1968 taking Silk in 1982. Renowned as one of the most respected and successful politicians of his generation, Sir Menzies remains a practising Advocate with a particular interest in Planning and Licensing Law. He was awarded a CBE in 1987 and was Leader of the Liberal Democrat Party from March 2006 until October 2007.

James Findlay called to the Scottish Bar in 2008, having been a practising Barrister in England & Wales since 1984, taking silk in 2008. He specialises in local government, planning, environment, administrative and licensing law. Since calling at the Scottish Bar, James has developed a busy practice both in the Court of Session and at inquiry whilst maintaining his English practice. He has recommendations in the Scottish Bar Planning, Environmental and Licensing section in the latest editions of both the Legal 500 and Chambers UK directories. He is also recommended under Environment, Local Government, Public & Administrative and Licensing Law in both Legal 500 and Chambers UK for his work at the English Bar. James was appointed Standing Junior to the Scottish Government in 2013.

Euan Hutchison has been with Natural Power since 2008, having worked as a planner at Dumfries & Galloway Council for 15yrs prior to this. During this time he has built up an extensive experience of assessing and consenting renewable energy and other infrastructure projects as well as the planning policy frameworks within which these occur. His current role involves heading up NPC's onshore Planning and Development Team primarily covering Scotland although he has also worked on projects in England, Wales and Ireland. As a qualified Planner, Euan provides in house planning consultancy and

Due Diligence services for both onshore and offshore projects across the UK and Ireland. Euan is a member of the Scottish Renewables Planning Group where he regularly contributes to policy development at both a national and local level.

Greg Lloyd is Professor of Urban Planning and Head of the School of the Built Environment at the University of Ulster. Prior to this, he worked at the Universities of Liverpool, Dundee and Aberdeen. He is an Academician of the Academy of Social Sciences. He was Ministerial Adviser to the Northern Ireland Assembly Government on its reform of land use planning and a member of the Best Commission on the future of housing in Northern Ireland. He is currently a member of the Northern Ireland Planning Summit, Chair of the Land Matters Task Force, Northern Ireland, and a Patron of Planning Aid Scotland.

Eve McCurrich, has worked with Stirling Developments since 2010 coordinating the delivery of their Calderwood development, a new settlement of 2,300 homes and associated supporting infrastructure. Eve has been actively involved in the negotiation of planning consent and the Section 75 Agreement. Together with managing the delivery of all enabling infrastructure and land sales to volume house builders. Eve has also recently worked with Whiteburn Projects on the coordination of a new development master plan for the former shipyards of Gdansk, and is currently managing the delivery of private residential developments in Dundee. Eve qualified as a Chartered Surveyor whilst working for Laing Civil Engineering, she has worked with James R Knowles managing adjudications and arbitrations', and spent 7 years working with Taylor Wimpey East Scotland. She is a board member of Hillcrest Housing Association.

John McNairney has practiced as a chartered town planner over the last 30 years 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 Jim Mackinnon in development and implementation of the Planning (Scotland) Act, the *Delivering Planning Reform* Agenda and wider modernisation including delivery of Scotland's ePlanning programme. John was appointed Chief Planner in July 2012 following Jim's retirement from the Scottish Government. In his current role he leads the Government's Planning and Architecture division where priorities include promotion of Scotland's

third National Planning Framework, the associated Scottish Planning Policy and the implementation of the *Creating Places* agenda.

Michael McGlynn has worked in Planning for some 24 years, starting at Strathclyde Regional Council, then East Kilbride District Council, South Lanarkshire Council, Renfrewshire Council and then back to South Lanarkshire. He has worked in all aspect of planning including development plans, development management and regeneration. Michael became Head of Planning and Buildings Standards for South Lanarkshire Council in 2009. He is Chair of the Glasgow and Clyde Valley Strategic Development Plan Steering Group – group of senior planning officers that progresses the Strategic Development Plan and report to the Joint Committee and current Vice-Chair of the Heads of Planning Scotland.

Lindsey Nicoll has held the post of Chief Reporter of the Scottish Government's Directorate for Planning and Environmental Appeals since August 2009. She is a solicitor whose career has mainly been in the public sector: in the Scottish Government and Treasury Solicitors. She specialises in public law litigation. She was previously Secretary to Lord Gill's Review of the Civil Courts.

Bob Reid was appointed Director of Planning at Halliday Fraser Munro in 2004 following a career in local government. This culminated in his appointment as Assistant Director of Planning at Aberdeen City Council in 1996 and Head of Physical Development for Aberdeen City Council in 2002. Since joining Halliday Fraser Munro, Bob has been involved in a wide range of projects with clients including First Group, Aberdeen Renewable Energy Group and major housebuilders. A former Convenor of RTPI Scotland, Bob has recently served as advisor on the Scottish Land Reform Review Group and is a member of the RICS Housing Commission in Scotland

Nick Wright will be Convenor of RTPI Scotland in 2016. He has been a chartered town planner for approximately 20 years and is a qualified mediator. For the last ten years he has worked independently, specialising in community engagement in planning. Before that he worked in Scottish local authorities and community-based development in Indonesia. Nick is currently a member of the Academy of Urbanism, a board member and former chair of Planning Aid Scotland, a board member of the Active Learning Centre at the University of Glasgow, and a member of his local Community Council. He was a member of the Scottish Government's 'Fraser Review' External Advisory Group on town centres.