

Environmental Campaigning



Redressing the Balance 1
Working towards environmental
justice in Scotland

Environmental Justice

No less than a decent environment for all;
no more than a fair share of the Earth's resources



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How to use this handbook

This handbook is part of a series entitled *Redressing the Balance: working towards environmental justice in Scotland*. The series is intended for people who are new to the issues. Each handbook is meant to stand on its own, but as a whole provide a range of practical advice. The first three in the series, in particular, will be cross-referenced as appropriate:



Environmental Campaigning
(this publication)



Community Sustainability Audits



Setting up a Community Sustainability Project

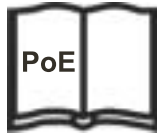
The handbooks are just the starting point. Each references other books, pamphlets and websites in Appendix i. These are accurate at the time of press (2002) but over time will become out of date, particularly those on the internet. References to sources in Appendix i are in the following format:



Inevitably there is a great deal of jargon, acronyms and other language which can get in the way of understanding. Appendix ii of each handbook explains these terms.

In addition, pointers to other key publications of Friends of the Earth Scotland are made in the margins:

Protecting our Environment



This useful guide, published in its 2nd edition in 1997, provides much practical information on knowing your rights, details on common problems such as waste or pollution, and practical campaigning tips, in a easy to read format. Inevitably some parts are out of date, particularly since the guide was written before the new Scottish Parliament came into being.

Resources for the Future

This series of seven booklets was written as part of the Catalyst project which provided support to local people tackling environmental problems. The pack provides background material, resources and checklists for people working towards sustainable development in their communities. Icons pointing to the individual booklets are also used in this series:



How to use this pack
Explorations in sustainable development



Educational activities for adults and young people



Investigate your locality for sustainability



Influencing economic activity



Practical action for sustainable development



Taking things further



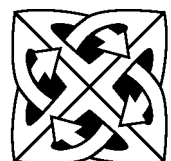
Criteria for sustainable development

ENVIRONMENTAL CAMPAIGNING



**Redressing the Balance:
working towards environmental
justice in Scotland**

Handbook 1



**Friends of
the Earth
Scotland**

ENVIRONMENTAL CAMPAIGNING

Redressing the Balance: working towards environmental justice in Scotland. Handbook 1

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1. Introduction

The aim of this handbook is to help you campaign more effectively. Campaigning is about changing something in your environment. It might be a case of making the most of the rights we have within the law, or it might be a case of seeking to change a law. In many cases your campaign will be both: seeking to address a local problem within the laws, but also seeking to improve the regulations and laws which inevitably proved inadequate (if they were fine, you wouldn't need a campaign in the first place!).



The wider context is important. For example, you may fight an incinerator application in your community, but unless you also address some of the underlying problems of waste management, the developers will simply move their proposed incinerator to a less mobilised community. This clearly is not environmental justice: we all have the right to a good environment. Remember that most issues have regional, national or even global dimensions, and local solutions must be sensitive to this wider picture.

This larger dimension has its plus side as well. There will probably be people campaigning against similar issues or problems, and you may well be able to learn from their work and get support in your own campaign. Organisations like Friends of the Earth Scotland or searching the internet can often help find such groups.

Information is critical in a good campaign. It is necessary to research the situation, to know your rights and where to gather information. Chapter 3 and Appendix i describe a number of the key places to gather this information. You will also need to understand how the government, local authorities and other organisations work. This handbook together with Friends of the Earth Scotland's publication *Protecting Our Environment* provide a starting point.

The tools available to you will vary depending on the focus of your campaign. Any development which needs planning permission will require a thorough understanding of how the planning system works. Chapter 5 provides a detailed explanation of the Scottish planning system, and how you can use it. Some developments, such as genetically modified crop trials, fall outwith the planning system. These campaigns will need to use a mixture of persuasion, embarrassment and Judicial Review. A wide range of tactics are available, and many are discussed in Chapter 2. You might also seek to change the law, and ways to use the Scottish Parliament are discussed Chapter 6.

This handbook provides some basic ideas on how to organise your campaign, form a group, use the media and obtain funding to keep the campaign going. Most of all it seeks to empower you to work for environmental justice within your own community.

1.1 Relationship to *Protecting our Environment*

In this handbook reference will be made to another handbook from Friends of the Earth Scotland called *Protecting our Environment* (hereafter abbreviated PoE). PoE has been the mainstay of environmental campaigning in Scotland since its publication in 1993. An updated, second edition was published in 1997. Many issues addressed in PoE, remain current and up-to-date. Therefore, instead of using more paper and resources than is necessary, you will find that PoE is a good companion guide to use along with this handbook.



Copies of *Protecting our Environment* can be obtained from Friends of the Earth Scotland

Inevitably, certain sections and pieces of information in PoE cannot now be relied upon, especially with the advent of the new Scottish parliament. All references to the Secretary of State should now read 'First Minister'. This is important: Scotland under a devolved parliament still has a Secretary of State but as planning is a devolved matter it is the First Minister who is concerned with all aspects of planning.

New legislation has of course also been enacted since PoE's publication. For example, where PoE states that that it is not possible to identify contaminated land, we now have a contaminated land register which collates all areas of contaminated land within each local authority area. As this legislation is very recent not all local authorities have completed the process yet. Check out the situation in your own area.

2. Setting up a campaign

You hear of a proposed development, or want to change something in your community or influence legislation. How do you effectively go about it? This chapter provides some basic information and pointers for setting up a successful campaign.

All campaigns are different, but they have certain common elements. You need to:

- know and gather your facts.
- decide whether you will do the work yourself, or as part of a group.
- be clear what you want to achieve, and then break down the important steps to get there, including key dates.
- influence key players.
- get as much public support behind you as possible.
- use the media effectively.
- fund your campaign.



2.1 Know your facts

You must be able to back up your campaign with facts, and facts from official or reputable sources. See Chapter 3 and relevant sections in PoE for a discussion of some of the possible sources of information available. The exact details you need will depend on your individual campaign.



You may get some information during phone calls to people. Always keep a record of whom you spoke with, when you did, and what they said. If the information is important, try to get it in writing as well, either the official report or a written confirmation of the details.

Not all written sources are accurate either of course. Try to assess how reputable your information is. An article in an e-mail newsletter may be absolutely true, or it might not be. An official publication from the government on the other hand can be treated with more confidence – and you will have to work harder to find equally reputable sources if you dispute the findings.

2.2 Campaigning as a group

There is strength in numbers. Many community activists have attempted to address an issue singled handedly. However, it takes a lot of time and energy, and if one person attempts to do everything it does not take long to exhaust oneself.

It is a good idea to publicise your concerns within your local community. You can do this by word of mouth, by putting a letter into a local newspaper or newsletter. You can also inform other active community organisations within your area and collect all of the feedback. This enables you to decide what your next course of action should be.

Should you attend some more meetings to spread the word first or should you call a public meeting in order to plan a course of action? There is no point in calling a public meeting if the people who you are expecting to attend have no knowledge of the issue beforehand. They are more likely to attend to find out more about something that they know a little about, rather than coming to find out something about which they know nothing.

2.2.1 Public meetings

Getting people together allows you to gather information as well as passing information on. Views can be collected and concerns noted. Collective decisions can be made about the way forward. You can publicise your public meeting in the local press or put up signs in local shops where you know local people will see them.



contains further discussion of organising a public meeting

You should choose a strong chairperson to host the meeting as things can get out of hand when emotions are high. It is understandable that when given the opportunity to have a say, angry and disenfranchised people will be eager to take full advantage of the opportunity. If your meeting is unruly with people shouting at the same time as others you will achieve nothing. Here the skills of a good chairperson will be important. Remember that the press may also be in attendance. If the meeting descends into chaos you will be categorised as a loutish mob. A calm constructive meeting always produces the best results.

Have an agenda and adhere to it strictly. Make sure that people speak one at a time, loudly and clearly, so that everyone can follow the course of the meeting. If you have a representative speaking on behalf of an applicant it is normal to allot them a period of time to explain their proposal. The objectors would then be given the same amount of time to voice their concerns. Thereafter questions can be asked from the floor of the meeting.

If you decide to take any sort of vote you must have attendants at the meeting to count numbers of votes cast. If it is by a simple show of hands then you do not have to go to this level of detail. Always have someone to record the result of any decision, and publish these as official minutes.

2.2.2. Forming a group

You may decide at the public meeting to form a committee amongst the interested supporters to oversee the issue. You may wish to make the campaign group into a membership based organisation since this helps to raise money for expenses such as photocopying and postage. If you decide against membership (which takes a lot of organising) you may wish to take a collection at the public meeting. This means that you can get some money in to pay for the immediate expenses and return to the issue of fundraising at a later date. Even without a formal organisation, keep good records of money donated, and money spent.



contains more details on forming groups

If you decide to form a group you will need to appoint a Chairperson, Secretary and Treasurer. You may also wish to appoint a Press Secretary and Fundraiser. You can decide on how many times you meet. At the beginning of a campaign you may find that you need to meet on a weekly basis. If things go a little quieter, you may be able to put the meetings onto a fortnightly or monthly schedule. Decide on whether you are forming a group to look at one specific issue and draw up your constitution accordingly. RtB Handbook 3, *Setting up a Community Sustainability Project*, discusses the formal procedures in setting up a group in more detail.

The more people you have in your group, the more you can spread the load. Assess the strengths that individuals bring to the group, and assign responsibilities accordingly. Can someone with a scientific background organise the detailed research? Can someone with typing skills and access to a computer offer to help people write letters? Can someone with IT skills design and host a web site or publish a newsletter? Can you attract someone with a legal background? Many people may wish to be the general workers – and they are equally important in a busy campaign.

2.3 Planning your strategy

Whether working alone or as a group, you will need to plan a strategy for your campaign. Steps will generally include the following:

- drawing up a campaign plan.
- planning the appropriate tactics.
- contacting relevant people.
- raising public awareness.
- using the media.
- fundraising to keep things going.

You must be clear what your campaign aim and objectives are in the first place. As mentioned above, you ought to think of the larger picture as well as the local. For example, a campaign against trials of GM crops might have the following objectives:

- to prevent the crops in your local area.
- to prevent similar crop trials elsewhere in Scotland.
- to amend the laws concerning public consultation and approval of crop trials.
- to include crop trials within local planning regulations.

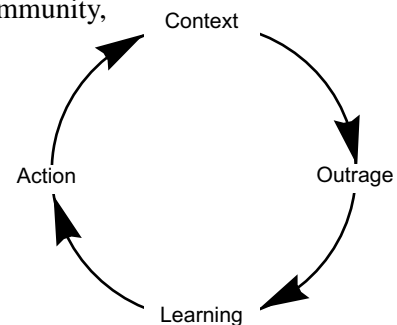
In addition, the campaign might seek to outlaw all crop trials, or to insist crop trials were only held under certain conditions.

There are many tactics you can use in a campaign, and many possible ways to assess which are the most effective. One method is to consider the 'Campaign Learning Cycle'. It provides a way to look at the threats in your community, learning from each action you undertake. You should consider:

Context	What is the situation?
Outrage	What bothers you about the situation?
Learning	What do you need to know about the situation?
Action	What can you do about it?

This leads again to:

Context	What is the situation now?
Outrage	What bothers you about the situation now? . . .



Timing is often the most critical element. The most successful campaigns manage to influence the right people at the right time, and remain in the public spotlight. This may appear seamless to the outside world, but is the result of carefully thought out planning.

A campaign plan allows you to identify the best ways forward. It can include:

- a written statement of aims and objectives.
- key targets.
- key messages to get across.
- key underlying facts.
- appropriate tactics and timings for them.
- a media strategy.
- fundraising possibilities.

A calendar of events allows the group to plan what should be done when. It must also be flexible enough to adapt to sudden events and changes. Often deciding what to do in the 'lull' periods is as important as the 'crisis' periods, since these breathing spaces allow you to prepare for what might be coming.

Make sure everyone involved in the campaign has access to the facts. Many campaigns produce a leaflet or briefing sheet which details the key elements of the campaign and who to contact for more information (often the Press Secretary or Chairperson). It is important that a campaign provide consistent and up-to-date information. A campaign website can often be useful in posting this information.

2.4 Influencing key players

A successful campaign identifies the key people involved in the decision making process, and contacts them at the appropriate times in an effective manner. Often it is useful to think in terms of ‘targets’ (the people you need to influence), and then consider how best to achieve this.

Depending on the type of campaign, the people you need to influence will be different. For example, a campaign against an incinerator will require targeting:

- the local council over its waste management policy and/or a planning application.
- the officials involved if the planning application goes to a public inquiry.
- SEPA who will determine what technology can be used and what conditions will attach to the license to operate the incinerator.

Key players are the people who can help your campaign – or cause it problems. Your campaign can influence them using a number of different techniques.

2.4.1 Petitions

Everyone’s first instinct is to object to a proposal by signing a petition. Petitions, no matter how many signatures they contain, are frequently only counted as one objection by the vast majority of the 32 local councils in Scotland. As a result, they are generally only useful as a last resort. Petitions take a lot of energy to put together but they have little in the way of impact. It is much better, in the first instance, to write an individual letter of objection. Much more weight is given to these letters.

A variation on the petition is to organise a public opinion survey. This can involve a simple question (e.g. Do you support the application for a landfill in Anytown?) or a series of questions. The aim is to get a large number of responses, and then to inform all key players and the media what the results of the survey were.

2.4.2 Letters to council departments or public bodies

This is by far the most effective method of making a representation or objection. If possible the planning application reference number should be at the top of the letter thereby making it clear to the officer which application you are referring to. This number can be found adjacent to the application description in the newspaper advertisement. Your letter should contain the reasons for your objection clearly set out in terms of material considerations, as far as is possible (see below, Chapter 5.3.3). A sample letter can be found on p. 11.

2.4.3 Community councils

Community councils are composed of elected members of your community, and therefore are viewed by a number of officials as speaking on behalf of the community. For this reason alone, it is worthwhile trying to get their support. One of the roles that a community council has is to canvas public opinion before delivering its view. Therefore if you can bring a matter before them and have your case heard, they might find themselves in accord with your views.

A sample letter to the planning department

Your address

Date

Name and address of council

Reference number of application

Dear Sir/Madam,

Application for 600 houses at Fresh Fields Meadow, Anytown

I wish to object to the above proposal on the following grounds.

1. The land is not zoned for housing within the current Structure Plan for the area.
2. The land is not identified for housing within the Local Plan for the area.
3. The site has been designated as a Site of Special Scientific Interest within the local plan.

In addition to the points above I should like to object on the grounds that the development is likely to generate additional traffic in an already busy area.

I should be grateful if you would acknowledge this letter and take all my points into consideration before making any decision.

Yours faithfully,

As statutory consultees on planning applications, your local community council is an important group of people. Most community councils also get sent a weekly or monthly planning list by their local authority. Some community councils have a planning convener who looks at the weekly lists and liaises with the local authority on the community councils behalf. Community Councils can ask for more details of any application in the list including plans and drawings. If you have a concern about a planning issue it is worthwhile attending a community council meeting and asking for the matter to be placed on the agenda for discussion.

2.4.4 Elected representatives

Your local councillor, MSP and MP are there to help you. Moreover, since you (along with likeminded others) have the power to put them out of a job, they should respond to the concerns of their constituents. Your local representatives can help by providing you with information, by asking a parliamentary question on your behalf or by sending a letter to the local authority supporting your stance. Local representatives will also consider requests to attend public meetings or presentations.

If you do not know who your representatives are, contact:

- your local council for the name of your local councillor.
- the Parliamentary Office for the name of your MSP and MP.

MPs, MSPs and most local councillors will hold local surgeries where you can go to discuss issues. Lists of surgery times are printed at the council building as well as in the library and local papers. You can, of course, also contact them by letter.

With the advent of the Scottish Parliament, many issues are now split between MPs and MSPs, so you will need to know which one to address. See the table below for a list of devolved and reserved issues. When in doubt, contact both. They will reply and inform you if the matter is not part of their remit.

Devolved and reserved issues

Devolved issues (responsibility of Scottish Parliament) include:

- health
- education and training
- local government
- social work
- housing
- planning
- tourism, economic development and financial assistance to industry
- some aspects of transport, including the Scottish road network, bus policy and ports and harbours
- law and home affairs, including most aspects of criminal and civil law, the prosecution system and the courts
- police and fire services
- environment
- natural and built heritage
- agriculture, forestry and fishing
- sport
- the arts
- statistics, public registers and records

Reserved issues (responsibility of UK government) include:

- constitutional matters
- UK foreign policy
- UK defence and national security
- fiscal, economic and monetary system
- immigration and nationality
- energy: electricity, coal, gas and nuclear energy
- common markets
- trade and industry, including competition and customer protection
- some aspects of transport, including railways, transport safety and regulation
- employment legislation
- social security
- gambling and the National Lottery
- data protection
- abortion, human fertilisation and embryology, genetics, xenotransplantation and vivisection
- equal opportunities

2.5 Public awareness and support

A campaign must inform the general public about the facts of the issue, and gather as much support as possible. There are a number of ways this can be done.

2.5.1 Letters to the press

Letters to the press can be helpful in alerting others to the problems as well as generating publicity for the cause. Journalists often follow up issues which have been the subject of letters to the newspaper, especially local ones. Keep letters to tabloids short and to the point as they are always short of space. Letters to broadsheet newspapers can afford to be lengthier and more complex in nature.

2.5.2 Poster campaigns

Poster campaigns can be used to highlight your issue to great effect. Ask local shopkeepers to display these for you. It is best to keep posters bold and simple. If you are intending to display posters outside for any reason these can be laminated to protect them from bad weather. Posters can also be glued onto cardboard and mounted on wooden sticks to be used as placards.

2.5.3 Public meetings

As noted above, public meetings are a useful way to discuss issues, keep people informed and publicly demonstrate your support within the community (see above, 2.2.1). Try to ensure good turnouts, since this can also be used to show public support for the campaign.

2.5.4 Direct action

Direct action such as protests, marches and blockades do have their place in campaigning. They can attract great publicity, and provide a feeling of strength and community amongst those working on the campaign. On the other hand, direct action can easily get out of hand, generate negative publicity and cause friction in the group and your community.

If your group does decide on taking direct action to highlight your issue, the event should be strictly controlled. You should inform the local police of where and when it is expected to take place. The police are responsible for public safety, and will give advice on safety issues. As long as your demonstration or march is peaceful and well controlled the police will normally allow the action to go ahead. Once you have made the point you set out to make, disperse the demonstrators and move off peacefully.

The laws regarding obstruction, trespass, breach of the peace and the like are complex and it is important that you check out your legal position in more detail according to the specifics of what you are planning. Some individuals and groups decide to take principled illegal direct action or civil disobedience. This must be carefully considered beforehand. While individuals have the right to make the decision to act according to their consciences, it is often unwise for a group as a whole to sponsor the action. It may, for example, jeopardise funding or independence.

Friends of the Earth Scotland as a public interest group and charity campaigning to protect and improve the environment will on occasion participate in, and be supportive of, legal, non violent direct action. It supports the right to engage in peaceful protest to defend the environment as being in the best democratic traditions of this country. As an organisation, however, it cannot take part in or actively support illegal direct action, and to do so could jeopardise its status or even existence. Individual members who take illegal actions do so as individuals, acting according to their own consciences.

Your campaign group may be in a similar situation. If members of your group do become involved in illegal protest as individuals, your group should be prepared with a press statement clarifying the situation. For example, you might wish to state that Person X acted as an individual, although your organisation can understand the frustration with the current situation which led him or her to undertake the action.

2.5.5 Leaflets and letters

Depending on the area and population, you may find it useful to send letters or leaflets to others who may be affected by the development. This will of course require some money, for photocopying and possibly postage. Try to keep to one page, or at most one sheet of paper with information on both sides. The leaflet should include:

- a simple description of the issue. Don't assume everyone knows about it.
- bullet points on why you oppose/support the issue.
- what you would like people to do. If you want them to write letters, suggest the major points they should include (which will probably be your bullet points). Don't forget to say who they should post them to.
- when the next meeting is.
- when the next fundraising event is.
- people they can contact for further information or to offer help.

2.5.6 Creating a campaign website

Some groups now build a campaign website which the public and press can access to find out more about the campaign and issues. This can be a cheap way to keep up-to-date information, since many internet service providers allow free or inexpensive web space. Remember, however, that not everyone has access to the web, so you will always have to duplicate your information in other formats.

Although it is not difficult to set up a website, it does require someone in your group having the IT skills and the time to update the site to keep the information current. The help of a graphics designer or someone skilled in art is also very useful. Avoid flashy techniques or excessive use of large photographs which slow down access to the site.

3. Information

The key to effective campaigning is knowing your rights and where to look for information.

3.1 Know your rights

The law states that you have the right to access information. Under the Environmental Information Regulations (1992) certain categories of information must be made available to you on request. Some information may be withheld for reasons of commercial confidentiality or legal reasons. Public bodies have a right to levy a reasonable charge for some types of information such as an Environmental Impact Assessment (EIA).



Organisations such as SEPA, Scottish Water, local authorities and Scottish Natural Heritage all have Codes of Practice which contain information on their activities and the level of service you can expect. Codes of conduct (also sometimes called Service Charters) are available on request.

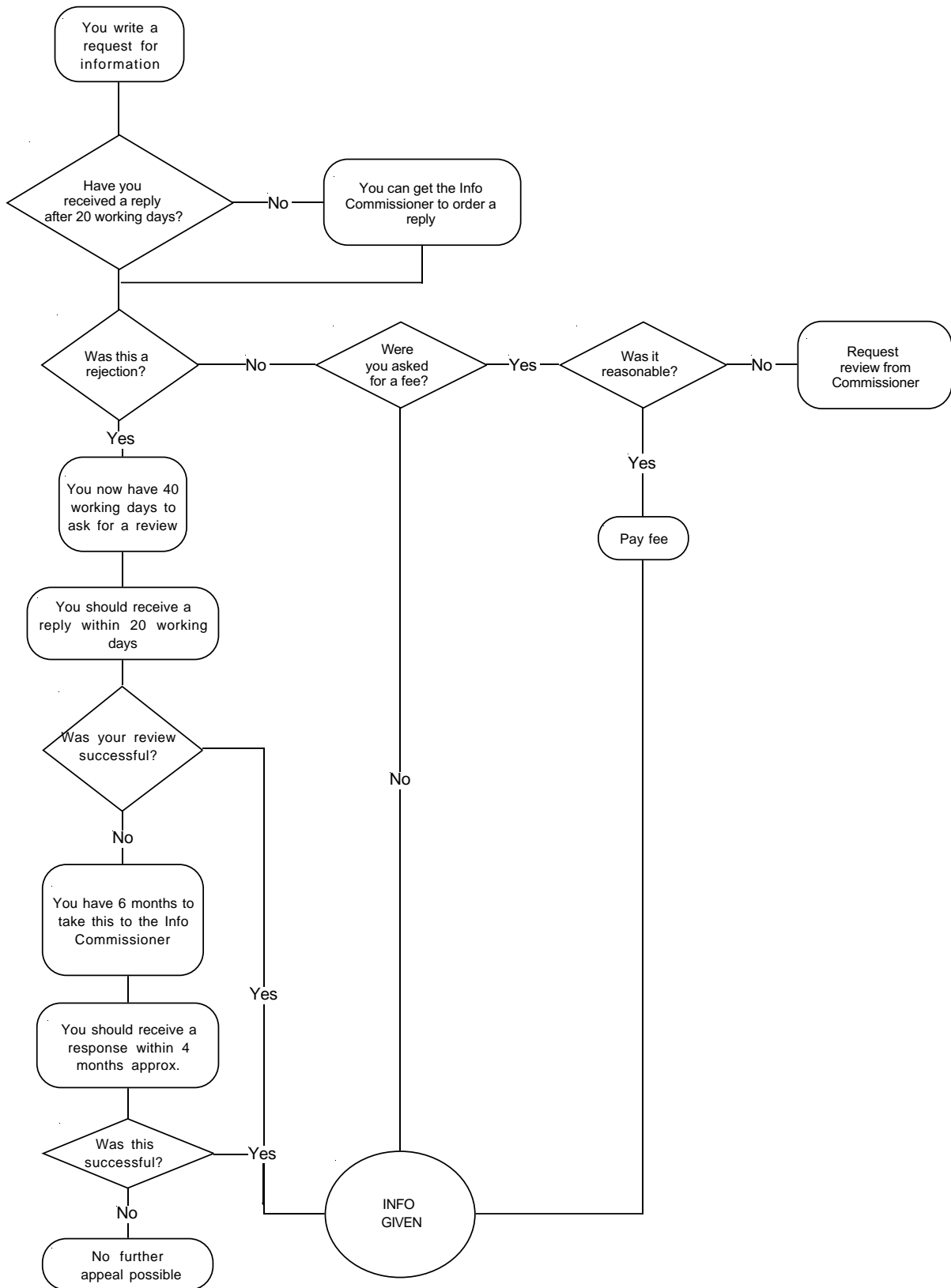
3.2 Freedom of Information Act (Fol)

The Freedom of Information Bill is currently (2002) making its way through the Scottish Parliament. As this handbook will be published before the bill is passed, it provides only a summary of the main points in the bill at the time of writing:



- The bill will give members of the public a legal right to access all information (previously the public only had a legal right to environmental information).
- The regime will be overseen by an independent Scottish Information Commissioner, who will be able to 'order the disclosure of information in the public interest', adjust charges levied and resolve disputes through mediation.
- The regime will cover all public bodies and public service providers in Scotland, including the NHS in Scotland, schools and the police, not just those covered by the current Code of Practice. (Section 3)
- The regime will also cover 'information relating to the services performed by contractors working for Scottish public authorities'. (Section 5(2))
- Enquirers will not have to say why they want the information. Documents of any age can be requested. (Section 8(1))
- Responses will be made within 20 working days, unless clarification of the request is needed. (Section 10(1))
- There will be a duty on public bodies to publish regular administrative and operational information, with a detailed publication scheme to be agreed with the Information Commissioner. (Section 22)
- Enquirers will not be expected to meet the full costs of supplying the requested information.
- The 'harm test' will have to show 'substantial prejudice' for information to be withheld. This is better than the Code of Practice which only required a possibility of harm to be identified.

Proposed workings of the Freedom of Information Bill



- Access to environmental information will not be covered by the FoI Act. Instead it will continue to be governed by the Environmental Information Regulations (EIRs). These are due to be updated in 2002 and the provisions within them are likely to be substantially similar to those in the FoI Act (though there is no requirement for them to be so). One major (and good) stated commitment is that the Information Commissioner appointed to oversee the FoI Act will also oversee the new EIRs.
- Likewise, personal information will also be exempt. It is already covered by the Data Protection Act.
- There are 17 types of exemption which could be used as reasons to withhold information. Other ones of note come under the headings of:
 - formulation of Scottish Administration policy.
 - commercial interests and the economy.
 - investigations by Scottish public authorities and proceedings arising out of such investigations.
 - law enforcement.
 - confidentiality.
- The role of the commissioner is very important. S/he will have the power to force the release of information. A body which refuses to comply with the commissioner could be charged with contempt of court. Under the Environmental Information Regulations the public's only course of action if they did not agree with an authority's judgment was by taking a legal action themselves – and this was very unlikely to happen.
- All bodies covered by the legislation will have an obligation to provide aid and assistance to people who wish to make an application for information.

3.3 Where to access information

When you first become aware of an issue you will need to gather facts from many different places. It is vitally important that you deal wherever possible with facts gleaned from official sources. A great deal of information is held by official departments of government, local authorities, official registers etc. Contact details for many of these sources can be found in Appendix i at the back of the handbook.

The amount to learn at the beginning of a campaign may appear daunting. However, if you form a committee or action group, then researching different subjects can be divided up amongst members.

Try to prioritise what information needs to be researched first. For example, initially you may just want to look at the details of the planning consent in order to make an assessment of potential impact. In depth investigation on details such as chemicals, other similar operations or sites can be left until you decide on a course of action.

3.3.1 Local council

Your local council can provide information on a range of issues, for example on planning, waste, recycling, transport and environmental health. Some of this information is available as reports, but you can also get information about meetings. Agendas for forthcoming meetings of committees are normally available three days before a committee meets. Minutes of past meetings are also available by contacting the committee clerk; in some cases they may be available in your public library as well.

All planning matters can be dealt with at the planning department of your local authority. Once an application is received the local authority registers the application and arranges for advertisements to be placed in the local paper. You are entitled to visit the council planning department and ask to see the details. It is a good idea to telephone first to make sure that the application will be available when you call. Planning applications are also sometimes lodged in 'One Stop Shops' making it easier for you to access information. Check with the council to see if your town or city has a 'One Stop Shop'.

Note that some kinds of development such as agricultural and forestry buildings do not require planning consent. If in doubt about any form of work being carried out on any property you should contact the planning authority.

For a fuller discussion of the planning process, and the types of information available, see below Chapter 5.

3.3.2 Scottish Executive planning department

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The Scottish Executive planning department produces a range of useful information, from simple guides describing the planning system to detailed planning documents used by all developers. Many of these are available over the web, or you can request paper versions; many are free.

Two of the most important types of documents available from the Scottish Executive are National Planning Policy Guidelines (NPPGs) and Planning Advice Notes (PANs). They contain government guidance and advice on policy concerning a range of issues including transport, control of mineral workings, recreational space and much much more. NPPGs and PANs must fit into the Development Plan. Similarly, any contribution you make towards consultation on the Development Plan must be in accordance with these documents.

A full list of NPPGs and PANs is included in Appendix iii. The planning system is constantly under review, and new NPPGs and PANs will appear after the publication of this handbook. The existence of Structure Plans and the need for them is currently being discussed at national level. All up to date information can be found on the Executive website. It is a good idea to check this site periodically.

3.3.3 Statutory Bodies

A number of organisations outside the government and council produce useful information. In some cases, these organisations have a statutory responsibility for aspects of the environment, which in turn means that they participate in the planning process. Some of the more important statutory bodies and the types of information they provide are described here.

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- **Scottish Environment Protection Agency (SEPA)**

SEPA is responsible for Scotland's environment, with duties to control land, air and water pollution. It monitors, licenses and regulates activities, and works with local authorities on planning issues and applications. SEPA has public files on every company which is licensed by them to carry out an operation, and the conditions attached to these licenses. The files contain information on what processes are being carried out by the company, what their emission limits for various gases and pollutants are, as well as information on any enforcement action.

You have the right to access these files under the terms of the Environmental Information Regulations (1992). Access to these files is available at local SEPA

offices by arrangement. It is best to phone and arrange a visit. This allows the file to be retrieved from the system and makes sure that it is available when you call. You can ask for copies of letters and documents from a file. SEPA is entitled to charge a reasonable amount for this service. SEPA has the right to withhold information held in the file if it believes it to be commercially sensitive. For example, it would remove any information on price charging by the company to customers.

- **Scottish Natural Heritage (SNH)**

SNH is responsible for nature conservation, with a remit to protect the interests of flora and fauna as well as geological and physiological features. SNH establishes, maintains and manages designated and protected areas such as Sites of Special Scientific Interest (SSSIs). It also looks after other European designated sites.



SNH produces a variety of documents looking at biodiversity, habitats, issues on specific flora and fauna as well as advice on managing special habitats. Contact your local SNH office for details of all publications.

- **Historic Scotland**

Historic Scotland is an executive arm of the Scottish Executive. Its role is to preserve and conserve the archaeological and architectural sites of Scotland. It can protect sites under law by ‘scheduling’ or ‘listing’, and is always consulted when a scheduled monument or listed building may be affected by a proposal.

Historic Scotland produces material detailing all ancient monuments as well as information and advice on all buildings and properties which have listed status. Historic Scotland has various properties which are open to the public. Information is available directly from Historic Scotland.



3.3.4 Public library

Never underestimate your public library – it holds a wealth of local information which can be accessed, especially with the help of a friendly librarian. Many libraries have minutes from council meetings, copies of the local plans, technical information, local papers etc. Material can also be obtained by interlibrary loan for you (though allow plenty of time for requests).

3.3.5 Environmental and other organisations

There are a large number of organisations which gather and publish relevant information. In fact, the main difficulty is finding out where these groups are, and what they can offer. Friends of the Earth Scotland is an obvious starting point. FoES publishes a large number of reports, guides and briefing sheets, many available for free over the web. In addition, the FoES website has links to a large number of other organisations. Most organisations have websites now, and most include a section called links, which will in turn refer you to other sources of information. A listing of a variety of useful organisations can be found in Appendix i and in PoE.



3.3.6 Health and Safety Executive (HSE)

The law requires:

- employers to look after the health and safety of their employees.
- employees and the self-employed to look after their own health and safety.
- everyone to take care of the health and safety of others, for example, members of the public who may be affected by their work activity.

The Health and Safety Executive’s job is to see that everyone does this. The HSE is interested in the health and safety of people at work, including people who may be



harmful by the way work is done (for example because they live near a factory, or are passengers on a train). In some situations, the HSE is also concerned with the way work affects the environment. The HSE develops new health and safety laws and standards, and plays a full part in international developments, especially in the European Union.

The main responsibilities of the Health and Safety Executive are to:

- inspect workplaces.
- investigate accidents and cases of ill health.
- enforce good standards, usually by advising people how to comply with the law, but sometimes by ordering them to make improvements and, if necessary, by prosecuting them.
- publish guidance and advice.
- provide an information service.
- carry out research.
- carry out various activities such as nuclear site licensing and accepting off shore installation safety cases.

3.3.7 Planning Aid Scotland (PAS)



Planning Aid for Scotland is a voluntary organisation run by qualified and experienced planners. It is not part of central or local government but is an officially recognised charity supported by the Royal Town Planning Institute, the National Lottery and local councils.

PAS provides information and advice on all aspects of town and country planning and related issues. It can help individuals, community councils, tenants' associations and voluntary local groups who cannot afford to pay for private consultations.

3.3.8 LA21 officers

Each local council should have a Local Agenda 21 (LA21) officer who is responsible for sustainable development initiatives within the council. The exact issues and support will vary from council to council. Some have produced an LA21 action pack which will explain their priority issues. Many will have a local biodiversity plan included in their remit. You also have the opportunity to contribute to their plans. For details on finding your local LA21 officer see Appendix i. In many local authorities sustainable development is a requirement across several departments.



3.3.9 Web

There is a vast amount of information available on the internet. Indeed, some people would argue that there is too much information there, making it very difficult to find the exact source you want. Remember too that accuracy is not vouched for. For example, it will not be acceptable to argue in a planning objection that you found information on someone's personal website. Instead, you should search out the exact source of this information, assess whether the web information is correct, and cite the proper report. On the plus side, many publications are free to download on the web, including ones for which there might be a charge to order by post. Of course, the web is also extremely useful to people in rural areas.

4. Using the media

The media can be one of your strongest allies in a campaign, informing the community, generating interest, and putting pressure on decision makers. Radio, television, national and local papers, and community newsletters are all examples of places you can raise or report an issue of concern in your community.



You will want to utilise the media at various points in your campaign. If you have researched the problem as far as you can and have come to a grinding halt then it is worth publicising the problem to see if anyone else can help. If you have an important issue to raise that you feel should be in the public domain then you should consider contacting local press and media. Utilise the media to keep people informed of the progress of a campaign. You can use any excuse: a successful fundraising event, a public meeting which attracted a large number of people, a visit by an important person, a school project, an important forthcoming deadline. The more imaginative you are, the more chance the media will keep publicising your campaign.

There are many issues involved when utilising the media effectively. It is worth thinking about who you would like to expose the issue. Is it a national issue or a local issue? This will determine whether you go for national or local press. If the issue is one which you feel is worthy of national press then you should contact the newspaper directly. If they are unable to run with the issue you should prepare a general press release and distribute this to all national newspapers. That way you should at least get some coverage. Never try and sell your story to the media as it is rarely successful.

All campaigning books cover using the media. See Appendix i for contacts to some of them.

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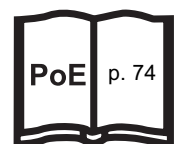
Television interest is harder to get. Time constraints mean that local news has a lot to cram into the half hour slot you see at lunch time and early evening. The more visual the issue the better for television reporting. If you feel you have something for television you should telephone or fax the news desk and explain your situation. Remember to leave your own contact details in case they want to get back to you.

Although the media may search you out, it is more likely that you will have to interest them in the issues. If possible, make personal contact with the local journalists and editors of local papers. Many campaign groups have a media officer/press secretary who coordinates contact with media groups. This has the advantage of presenting a unified front with consistent information. Journalists are more likely to publicise events and issues if they know the groups involved. In any case, keep a 'media list', a file listing contacts in the various media. If you have a website, inform journalists how to access it.

Timing is very important when using the press. Make sure you give the press enough notice to publicise your events. Phone the news desk/planning desk the day before to ensure that they remember (and be ready to re fax the press release if necessary). Week-ends can be harder to get coverage on. Always give an out of hours contact number.

4.1 Press releases

In some cases local papers will print articles you prepare for them. However, this is not always the case, and in general you are best putting your information in the form of a press release. A press release should be as short as you can make it but still contain all the important facts. Try and get all or most of the information in the first paragraph.



contains a sample press release

That way if the newspaper is short of space and has to cut your piece at least all of the information will still get in the paper.

When drafting a press release:

- use A4 paper.
- make sure you use an easy to read font in a good size.
- keep terminology simple.
- keep it succinct but informative.
- make sure that the text contains a what, where, who, when and why.

To convince the journalist that are credible you should make sure that you:

- spell out who you are.
- include your group name or logo.
- put the words 'Press Release' or 'News' at the top in prominent lettering.
- say whether the release is for 'immediate release' or to be held until a certain day and time (known as an 'embargo').
- include a quote that they can build the story around (they might phone to come and take a photograph). Name the person who said the quote.
- try to have a good photograph available, or if there is a photo opportunity say where and when this will take place.
- don't forget to put your contact details at the foot of the press release, and try to ensure that you can be reached. It is vital to give out of hours contact details.

4.2 Speaking on radio or television

Television and radio require you to be able to think quickly on your feet. However, preparation and practice can help. You won't have much time, so prepare a few short, clear statements you wish to get across (your sound bites!), and if possible a few catchy or interesting phrases. Order your thoughts, and remember that the listeners may not be familiar with the background to the issue.

The ABCD technique is one approach which may help you:

- A** Acknowledge and address the question
e.g. Yes..., No..., I'm not able to answer that ...
- B** Bridge
e.g. but what I can tell you ..., let's be clear about this ...
- C** Control and clarity
Here's where you put your key statements
- D** Dangle
e.g. what's really interesting is ...

In this way you can get across your points even if you don't answer the question.

Where possible:

- keep things simple.
- be calm and concise.
- give examples.
- use analogies with examples.
- try to anticipate questions.
- repeat your key points at the end if possible.
- if you can, use humour, but don't over do it.

If you are lucky enough to get television coverage, dress in a manner which does not draw attention to your clothes, rather than the message you wish to get across. Pay attention to your body language as well.

5. The planning process

The planning process is undeniably complicated, but it is possible for people to use it effectively. This chapter provides a detailed description of the planning system in Scotland at the time of writing (2002). It explains the sequence of events from when an application is lodged through to its eventual acceptance or refusal.

There are some differences in planning regulations in Shetland. For further information on the planning situation there contact the local authority.



5.1 Responsibility

Planning applications can be lodged with the council for a variety of developments. It is important to know that you have the right to make a representation on any planning proposal. You do not have to live adjacent to the site being applied for. Anyone can apply for consent on any piece of land even if they do not own it. Planning permission runs with the land, not the owner. You may see advertisements for applications to SEPA for waste managements licences or for permission to discharge effluent into a watercourse. These can be replied to in the same way as planning applications.

Every stage of the planning process is looked after by your local authority. If the application is refused and subsequently appealed, responsibility then passes to the Scottish Executive Inquiry Reporters Unit (SEIRU) part of the Scottish Executive.



In certain cases applications can be 'called in' and responsibility passed directly to the Scottish Executive even before a decision has been reached. Official consultees (see below 5.2.4) can insist that the application is referred directly to the Executive, who may decide to examine the application by way of Public Local Inquiry (see below, 5.5). In any event the First Minister has the authority to call in any application if s/he thinks the application merits it, for example if the local authority is likely to approve a proposal which would be detrimental to the natural heritage or which affects historic buildings. The local authority has a discretionary duty to refer a case to the Executive if the application differs significantly from Development Plan.

In both cases the end result is a Public Local Inquiry (see below 5.5). The call in and referral procedure is not straightforward. The Scottish Executive helpline can advise on this issue. If in any doubt you must inquire as soon as practically possible because the application may move on to the next stage and be granted. Once this happens you have very little in the way of rights.

5.2 Fundamentals of the planning system

The Structure Plan, Local Plan and the Rural Local Plan (if there is one) are collectively referred to as the Development Plan.

5.2.1 Structure Plans

Structure Plans are produced for large areas by one or more local authority in order to plan development for the future. These plans are the only plans which are approved by the Scottish Executive. Structure Plans address strategic issues such as transport, education, housing and town centre retailing. The plan identifies opportunities and zones areas of land that might be suitable in very broad terms. It is not indicative of where such development is acceptable, only where it *may* be acceptable.

It is advisable to become familiar with the Structure Plan for your area. Look at the main policies on the environment. Look to see where the areas of protected land are in your community. Do you have any designated nature sites in your area which should be protected from development? The more familiar you are with this document the more confident you will feel about making comments on it when it comes up for review.

The Structure Plan also gives a housing need number for a set period of time, say 20,000 over the next ten or twenty years. As the Structure Plan in some circumstances covers more than one town, the Plan will identify numbers required in each town but crucially it will not identify particular sites within the town. That is something that the Local Plan seeks to do (see below).

It cannot be stressed often enough how important the Structure Plan is. The Plan is the starting point for any planning assessment of an application. This is the document that the planning officer will consult in the first instance once s/he receives an application. The application will be assessed in conjunction with the Local Plan and any relevant government guidance.

5.2.2 Local Plans and Rural Local Plans

Local Plans are prepared by local councils. These plans look at areas earmarked for development in the Structure Plan and expand on them in a more detailed way. The plans are accompanied by maps of the areas that they cover, typically inserted in a pocket at the rear of the document.

The Rural Local Plan looks at the same issues as the Local Plan but with particular emphasis on the policies which should be followed for a rural setting. By their very definition some areas will not have Rural Plans. Most areas that still have Rural Plans will be operating with plans that are very old. Don't let this lull you into thinking that they are not in effect. Check with the local authority if in doubt.

5.2.3 Influencing Development Plans

As planning applications are considered against the Development Plan for the area, it is important that individuals and groups in communities take an interest in the formation of the Development Plan. This is your opportunity to attend and make suggestions about what kind of development you would like to see in your area. Are there areas of green that could be given some kind of statutory protection? Are there areas of trees that you would like to see protected by Tree Preservation Orders? If so, attend one of the meetings and contribute your ideas.

In particular:

- meet individual planning officers to discuss the general direction of the plans.
- make contact with key officers in other council departments to get their insight/support.
- give officers some key policies you wish to see in the plan.
- find out what potential allies and opponents are doing.
- decide where your best efforts lie and prioritise the issues you wish to tackle most.
- plan your submission carefully based on planning grounds using NPPGs and PANs (see Chapter 3.3.2).

Community meetings are sometimes held so that local ideas and feedback can be incorporated into the plan. Planning for Real and Local Biodiversity Action Plans (LBAPs)

are examples of initiatives which are produced at local authority level. Planning for Real exercises are periodically carried out by local authorities who gather together a wide range of interest groups in order to try and achieve a coordinated approach to development. For example, if a housing development were being discussed, then representatives from all of the relevant departments of the local authority would attend, such as from transport, education, roads etc. Other agencies such as the police safety team and the community council or local health board trust may also attend. This hopefully produces a plan that provides for everyone's needs and results in a comprehensive plan for the area at the outset.

Each local council has either prepared a LBAP or is in the process of doing so. Their formation may not involve as much public participation, but will typically involve bodies such as RSPB, SNH and The Scottish Wildlife Trust (SWT). The intent is to create a durable and thorough plan which will provide protection for the biodiversity of wildlife found in the local authority area. The RSPB has a LBAP co-ordinator who can be contacted for further information.

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Structure Plans, Local Plans and LBAPs are regularly reviewed. Watch out for information in the local press. You should take every opportunity to contribute to the democratic process by contributing to these plans. They shape the way that your community will look. Remember that anyone is allowed to make suggestions about what should be included and excluded from the development plan. This includes developers who frequently make representations asking that areas should be set aside for housing or other purposes.

Under threat most of all are areas designated as 'Green Belt'. These are areas surrounding a community which are supposed to stop major towns joining together, to provide green corridors and to help communities retain a sense of identity. Developers like to secure Green Belt sites because they are easier to begin building on straight away. If you have areas of designated Green Belt surrounding your community you should be on your guard if you want to retain them.

5.2.4 Statutory consultees

Statutory consultees (also known as official consultees) are organisations or government departments that have to be consulted on some or all planning applications. Each application is looked at and the appropriate groups receive copies to look over and make representations on. The appropriate official consultees vary with individual applications. Some examples of statutory consultees are

- Scottish National Heritage (SNH)
- The Royal Society for the Protection of Birds (RSPB)
- The Scottish Wildlife Trust (SWT)
- Historic Scotland
- The Scottish Environment Protection Agency (SEPA)
- community councils

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Official consultees are given longer to respond to local authorities, typically three months. They are important in the planning system because they can trigger a process called 'calling in', passing responsibility away from the local council.

5.2.5 Environmental Impact Assessments (EIAs)

Planning applications for some major developments will require an environmental impact assessment (EIA). EEC Directive 85/337 requires that all member states of the

European Union put procedures in place so that major types of development are assessed for potential environmental impacts. Such developments are described in Schedule 1 of the Regulations. Types of development covered are:

- crude oil refineries (not including those which only manufacture lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
- thermal power stations and other combustion installations with a heat output of 300 megawatts or more.
- nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile material, whose maximum power does not exceed one kilowatt continuous thermal load).
- installations for the reprocessing of irradiated fuel.
- integrated works for the initial smelting of cast iron and steel.
- installations for the extraction of asbestos and for the processing of asbestos.
- integrated chemical installations (manufacture of chemicals on an industrial scale).
- construction of lines for long distance railways.
- construction of motorways, express roads and roads with more than four lanes.
- inland waterways and ports (with conditions).
- waste incinerators.
- groundwater abstraction.
- waste water treatment works.
- extraction of oil and natural gas for commercial purposes.
- dams and other installations.
- oil and gas pipelines.
- installations for the intensive rearing of poultry or pigs.
- some types of industrial plants for the production of pulp from timber or similar material including the production of paper or board.
- quarries and opencast mining but only where the area exceeds 25 hectares or peat extraction where the area exceeds 150 hectares.

All of the above must be accompanied by an EIA. Other types of development may be subject to producing an EIA but the local authority will determine this matter. The list of developments which may be required to be accompanied by an EIA is far too long to be included in this handbook. The full list may be found in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations which came into force in August 1999. This document can be found in major reference libraries or by contacting The Stationery Office Limited; a version is also available on the HMSO website.

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An EIA is supposed to assess any likely impact of the development and explain to the local authority how these potential impacts will be lessened or avoided altogether. All aspects of potential impact will be investigated. These would include:

- visual impact of any development.
- noise assessment.
- dust assessment.
- assessment of traffic impact.
- assessment of potential emissions and water pollution.
- potential impact on flora and fauna.
- architectural and archaeological impact.

An EIA would be accompanied by an Environmental Impact Statement (EIS) which contains the conclusions of the EIA. This document would accompany the planning application.

You can see a copy of the EIA at the local authority planning department. If you wished to purchase a copy, you could expect to pay up to and sometimes beyond £150. However, you are entitled to a copy of the Non Technical Summary free of charge.

EIAs are commissioned and paid for by the developer, so cannot be seen as impartial documents. In many cases, what is left out of an EIA may be as important as what is included – so read them very carefully.

5.3 The Planning process

This section describes the planning process, and the likely sequence of events. It cannot describe all situations, so when in doubt, contact your local planning authority.

5.3.1 What needs a planning application?

Agricultural and forestry operations do not require planning consent. This means, for example, that highly controversial GM crop trials do not need planning permission. In addition, certain types of development such as conservatories in domestic buildings are exempt. As long as the additional building does not exceed a certain measurement in relation to the existing house and does not result in the removal of all the garden space it could be built without planning permission. It is impossible to detail every situation where permitted development could apply. If in doubt consult the planning authority.

5.3.2 Finding out about a planning application

The first you may know of an application is if a neighbour notification is delivered to your door. Roughly speaking if your land adjoins the application site or is within four metres of the boundary of the land you will be notified but only if any part of that land is within 90 metres of the development itself. This can be confusing.

If you have been neighbour notified you will have a period of 14 days to make representation to the local authority. Do not allow yourself to be panicked. It is rarely ever too late to do something unless the planning consent has already been granted. If it is still in the planning stage, you can call the planning department and ask for the details.

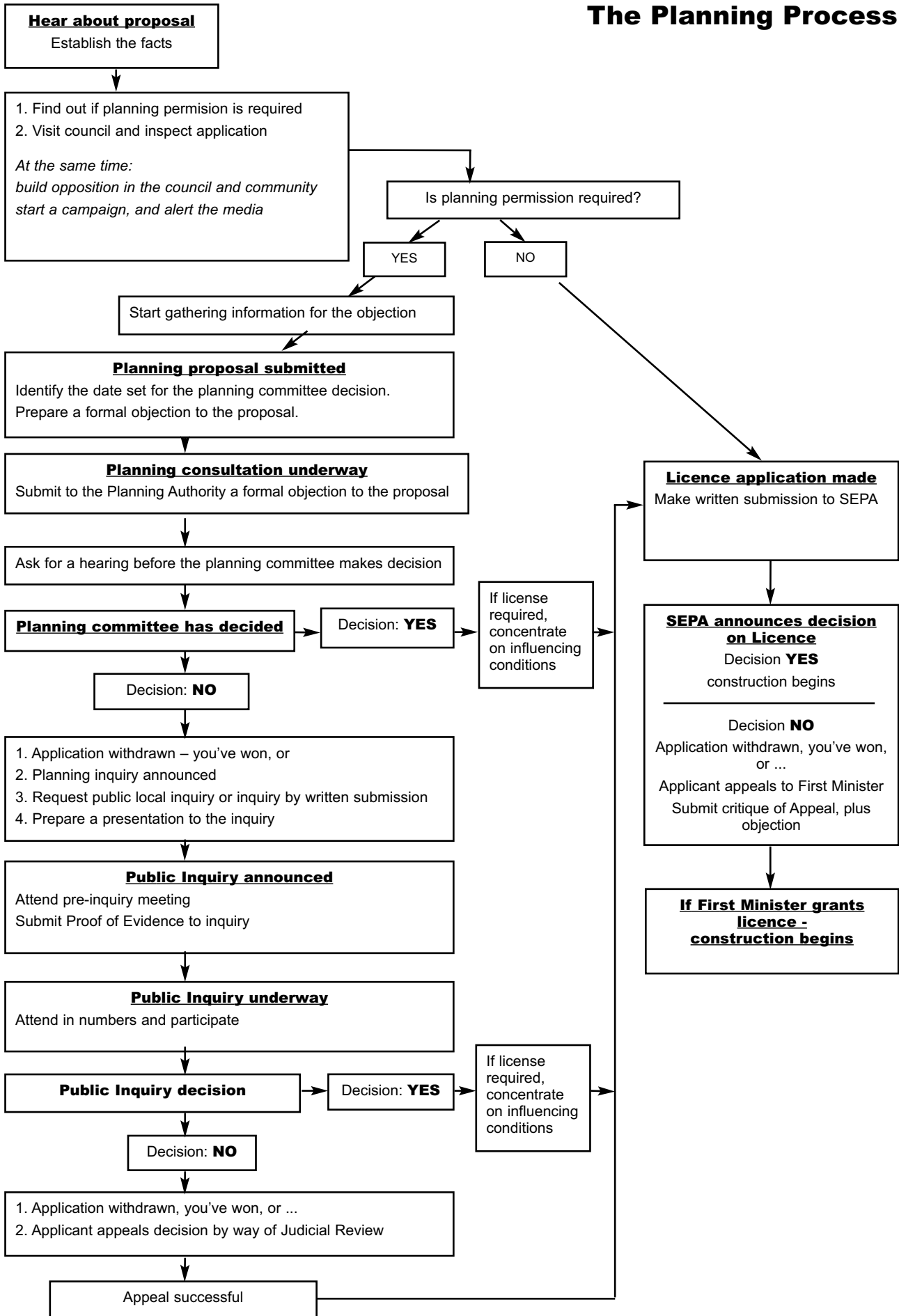
If you think that you should have been informed about a planning application near your property check with the planning officer concerned as soon as possible. If you should have been notified but haven't, tell the officer and follow this up with a letter. If there has been a failure to notify someone who should have been notified and the application is granted, then the decision may be challengeable by way of Judicial Review. If there is a mistake on the neighbour notification it should be brought to the attention of the local authority who will take steps to rectify matters. If the mistake is not rectified and the consent granted, this is also open to challenge by way of Judicial Review.

Once an application has been received at the local authority the application is also advertised, generally in the local newspaper. If you have seen the application advertised in a newspaper you generally have 28 days to respond. You should always endeavour to have your representation in on time. If you think that you may need extra time you should contact the case officer and ask if it would be permissible to extend the deadline. If in doubt send a letter saying that you object but that you are investigating the application and you will forward a more detailed letter in due course. If your letter of objection is received after the deadline it may, however, be disregarded by the council.

5.3.3 Responding to a planning application

Any objections to a planning application must be based on material considerations. Material considerations can best be described as issues directly affecting the proposal

The Planning Process



already laid down in guidance or law, or expressed as policies within the Structure Plan or Local Plan for the area.

For example, if the application was for 800 houses on an area of land designated within the Local Plan as an Area of Great Landscape Value and adjacent to a Site of Special Scientific Interest (SSSI), you could write a letter saying that the proposal did not accord with the Development Plan for these reasons. The fact that a development does not accord with the Development Plan is a material consideration. You might go on to say that you walk your dog there every day and you would not like the area built upon. This would not be a material consideration.

Examples of material considerations include:

- **government policy and guidance**
Does the application accord with Structure Plan, Local Plan, NPPGs and PANs? If not, detail this in your response to the council.
- **views of statutory consultees**
You can check the responses of statutory consultees at the Council to see what they say about the application (see 5.2.4). If you think their response is too weak, or if you think they may have overlooked an issue, you can write directly to them bringing the matter to their attention.
- **transport or traffic issues**
Will the proposal increase significantly the level of traffic currently using the roads? How will the proposal affect other road users such as pedestrians and cyclists?
- **availability of infrastructure**
Consider how you think the existing infrastructure (roads, sewers, fire or medical availability, school capacity etc.) will cope. Is there enough capacity at the local schools for any increase in local housing? Is there space at the local health facilities to cope with extra demand?
- **impact on the natural and built environment**
Will the development ruin the visual appearance of the general area? Will the development cause unwanted smells or noise?
- **planning history of the site**
Has the site applied for been used in a similar manner in the past? This may influence what may happen in the future.

This list is not exhaustive but is illustrative of the kinds of issues which would have to be taken into account by the planning officer before s/he writes the report for committee. It is very important to pay attention to deadlines, and to respond, in writing, within the time limits. A sample response is included above on p. 11.

5.3.4 Human Rights Act 1998

The European Convention on Human Rights (ECHR) applies to the Scottish Parliament and was enshrined into the Scotland Act which applied to the Parliament at its inception in June 1999. The ECHR applies to all local authorities as of 2 October 2000. Since that date all local authorities have had to incorporate provisions of the Convention, and it is unlawful for any public authority to act incompatibly with the Act.

The provisions which impact on planning are:

- Article 6, Right to a fair and public trial within a reasonable time.
- Article 8, Right to respect for private and family life, home and correspondence.
- Article 14, Prohibition of discrimination.
- Article 1 of Protocol 1, Right to peaceful enjoyment of possessions and protection of property.

If you have a damaging industrial process near you, or a planning application for a particular type of building, you should consider the Human Rights angle along with any other material considerations.



Europe is much further advanced when it comes to human rights issues. Many local authorities are as yet unfamiliar with all of the ECHR's implications. Recent judgments can be found at the ECHR web site.

5.4 Planning decisions

As noted above, individuals and official consultees are given deadlines to respond to a planning application. At this stage a planning official will write a report for the local authority planning committee, based on the Development Plan for the area and taking into account all the other representations that s/he has received. The Development Plan for the area has primacy over all other documentation. If the local authority wants to recommend approval in contravention of Development Plan policies it has to inform the Scottish Executive of its decision. This would almost certainly result in a Public Local Inquiry (see below, 5.5).

The report will contain a recommendation for the committee to consider, either to grant consent or to refuse consent. The members of the committee then either accept or reject the recommendation accordingly.

5.4.1 If planning permission is granted

Once an application is granted, you as an objector have no further recourse unless you feel you have a case for Judicial Review (see 5.4.2 below). This unfair state of affairs is the subject of a campaign in its own right; see below, 5.6. If a development which you previously opposed is granted, you have very few options:

- You can write to the council asking that certain things are drawn into the working conditions of the consent. For instance, if it was an opencast site, you might say that you would like to see the working hours restricted to daylight hours only. If you live near a disruptive development you should do your best to influence the conditions that go along with the consent in order that the quality of your life will not be detrimentally affected.
- You can then try to ensure that all operating conditions are met. Enforcement of planning conditions is the responsibility of the local authority. If you suspect that an operator is not adhering to their planning conditions you should first apply to see the file at the council. After reading the planning conditions attached to the consent, if you think the operator is in breach, telephone the enforcement officer at the planning department straight away. Then follow up your complaint in writing.

SEPA is responsible for monitoring the conditions attached to all of the licenses it grants to operators. If you think a breach has occurred you should check the conditions of the license or consent and report anything untoward to the local

SEPA office. If you telephone the SEPA hotline you should follow up the complaint in writing. Always keep a written response for your files. Telephone calls are helpful in dealing with an immediate pollution incident but verbal feedback is inadequate to record a series of incidents.

- Set up a Good Neighbour Agreement (GNA). This is a fairly new idea in Scotland, but has been operating in the U.S. for a number of years. Each GNA is unique for the local circumstances, but provides a means for communities to have more of a say in the way developers will operate. It does not imply community support for the development, but rather is a way to make the best of the situation. GNAs can include provisions allowing the community access to information, the right to inspect the facility, commitment to pollution prevention and local jobs, a clear accident preparation plan and provision of local economic benefits. Developers typically will agree to a GNA in order to get the good public relations in the communities; ideally they will see the benefits of providing a good and productive relationship within the community. Friends of the Earth Scotland can provide further information and may be able to help in setting one up.



5.4.2 Judicial Reviews

Decisions made by the Scottish Executive or local authorities are open to challenge by way of application to the courts. If their action, or failure to act failed to comply with procedural requirements, you would be entitled to proceed by way of an action against the authority concerned. For groups or individuals it is a complicated and costly affair. There are strict criteria for Judicial Review including who may take such an action. Remember that the court will not look at the merits of the case. It will only decide whether the decision that was taken was in accordance with the law. You should consult a solicitor if you suspect you may have a case.

5.4.3 If planning permission is refused

If the planning committee refuses the application, this may be the end of the affair. However, the applicant has the right of appeal to the First Minister. A form requesting an appeal will be sent by the applicant to the Scottish Executive Inquiry Reporters Unit (SEIRU). This will probably lead to a Public Local Inquiry.

5.5 Public Local Inquiry (PLI)

If the applicant lodges an appeal, everyone who made representation to the planning application will be informed by letter. The applicant will be given the choice of an inquiry by way of written representation or a full Public Local Inquiry. If the applicant opts for the PLI then the SEIRU will arrange a venue and date and advertise this in the local paper. Anyone who wishes to give evidence to the PLI will be invited to contact the SEIRU by the cut off date in the advertisement. You will be sent a copy of the PLI rules from the Reporters Unit. PLIs can last for anything from a few days to a few weeks, and in rare cases, months.

It is important to note at this point that the Reporter is appointed by the Executive, and not picked by the local authority. The Reporter's Unit will send a letter to all parties entitled to appear at the inquiry and fix what is known as the 'relevant date'. This is the date from which the countdown to the inquiry starts.

If you are just going to give evidence you will be advised of when you are required to turn up. If you are taking part as a main party you will be required to be there every day. Main parties to the Inquiry include the appellant, the Council, any statutory consultees

The appellant is the applicant but frequently by the inquiry stage there is a group of people representing the applicant. As a result, at this stage the applicant is referred to as the appellant.

and any other group of people that the Reporter deems to be a major participant. Frequently the Reporter would encourage local action groups and similar parties to join together, perhaps with the community council. If that happens they will more than likely become a main party within the inquiry. As a main party you will be able to cross examine witnesses put forward by the other side.

If you are not a main party, you are considered a 'Third Party'. You will still be heard at the inquiry but you will frequently have no right to cross examine other parties. Your evidence may, however, be the subject of cross examination by the appellant or their representative.

Committing yourself as part of a group to take a full part in a PLI is a huge undertaking. However, if properly organised it can be done. The appellant will probably employ a QC or Planning Lawyer to represent his case. Along with the legal representation you should expect to hear evidence supporting the appellant's case from what are known as 'expert witnesses'. Frequently these people will have been responsible for various parts of the EIA already submitted to the Council, or at least someone from the same company.

If you are a community based group it will be impossible to match the other side witness for witness. Indeed you should not try to do this. Firstly, these people are expensive. Secondly, you should check with other parties in opposition to see what witnesses they are employing. If you feel the need to have someone to speak for you, prioritise. If you are going to employ expert witnesses, they must write and present their own evidence. You can supply information to them for inclusion in their statement (precognition) but they will be expected to appear in person.

If the inquiry is to be held in public, written evidence is rarely accepted on its own. This is because it would not be able to be the subject of cross examination. If it is accepted, it will carry less weight than if it had been able to be cross examined by the other side.

i5

If you decide to be legally represented you can approach any lawyer that supplies this service. Expect to pay for their services. It is advisable also to contact the Environmental Law Foundation for help and advice. Remember also that there is no requirement to have legal representation. You can present and conduct your own case.

It is advisable to call the SEIRU and try and find another PLI which will take place before yours. Take the opportunity to attend to get an idea of how proceedings are likely to go.

5.5.1 Pre inquiry meetings

PLIs take a lot of preparation. In some cases a pre inquiry meeting will be called by the Reporter. All of the main parties and third parties should attend this meeting.

The Reporter will agree an agenda for the PLI and ask each party how many witnesses they intend to call and for an estimate of how long each party's case might last. This allows the Reporter to make arrangements for the inquiry itself. Wherever possible a venue for the inquiry will be local to the planning application. This allows local people to attend without having to travel far. Sometime during the course of the inquiry it is likely that a site visit will take place and if the venue is close by this speeds up the course of the inquiry. It also gives the Reporter an opportunity to become familiar with the surroundings (it may be a part of Scotland that the Reporter has never visited before).

No discussion on the merits of the case or the content of evidence to be argued will be discussed at the pre inquiry meeting. The meeting is only to settle the agenda for the inquiry. Don't be alarmed if in your particular case a pre inquiry meeting is not called. If the Reporter feels that the inquiry is relatively straightforward and that the inquiry is not expected to be a lengthy affair, the whole procedure can be done by post. It is entirely at the discretion of the Reporter.

5.5.2 Submissions to the PLI

Before the inquiry, you will be asked to send the following:

- **Statements of case (open book)**
All parties will be asked to send a statement of case to the Reporter outlining their case for the inquiry. A statement of case is defined as 'a written statement which contains full particulars of the case which a person proposes to put forward at the inquiry and a list of any documents to which that person intends to refer to, rely on or put in evidence'. This should not be a lengthy document. It is sufficient to bullet point the case on two A4 pages. It is fair to say that some statements of case have resembled a telephone directory, but this is completely unnecessary.
- **Productions**
Productions include photographs, slides, videos, and copies of documents to which you will refer in the course of the inquiry. If you are only going to refer to a paragraph or two in a document it is permissible to photocopy only the particular piece plus the front page of the document and submit them pinned together. If the document is expensive you would not be expected to supply a full copy for each party. There will be what is known as a 'core list' agreed upon before the inquiry starts. Frequently it will be done at the pre inquiry meeting. This list will contain the component parts of the Development Plan, government guidance etc. and will be supplied for all parties by the Council.
- **Precognitions**
Precognitions are the written statements that either you or your witnesses will read out at the inquiry. Full guidance is given in the notes sent to you by the Reporters Unit.

Generally speaking, unless the Reporter has decided otherwise, statements of case should be submitted eight weeks before the start of the inquiry. Productions should be submitted four weeks before and precognitions two weeks prior to the start of the inquiry.

5.5.3 Inquiry date

The Reporter must hold the inquiry no later than 24 weeks from the relevant date. At least 28 days' notice of the inquiry must be given to all parties. At the pre inquiry meeting dates for submission of statements of case, supporting documents, productions and precognitions will have been agreed.

5.5.4 Inquiry procedures

On the first day of the inquiry all parties attend except for third party witnesses who can attend but are not required to. The Reporter will introduce himself/herself and ask that all the main parties do the same. The Reporter should be addressed as 'Sir' or 'Ma'am' at all times. The room will be arranged in a horseshoe shape with the appellants to the right of the reporter and objectors to the proposal on the left. The council can either sit on the right or left depending on whether they are supporting or objecting to the proposal.

The appellant starts by calling the first witness. The witness gives what is termed 'evidence in chief'. All other parties to the inquiry are then entitled to cross examine the witness before s/he is reexamined by his/her own side. This process continues until all of the appellants' witnesses have been heard. The local authority then presents its case in a similar manner. Only the appellants' representative, normally a QC or lawyer, is allowed to cross examine these witnesses. After the council has completed its case the third parties proceed in a similar manner in the order previously agreed by the Reporter.

Inquiries normally sit from 10am until 4.30pm with a break for lunch between 1 and 2pm. This can vary of course with some Reporters preferring to start at 9.30 and finish at 4pm. This scenario is more likely to happen on a Friday especially if the inquiry is being held in a remote location, to allow for travelling time back home for the weekend. Evening sessions are sometimes arranged if third parties indicate that they are unable to attend any of the daytime sessions because of work commitments. The decision to hold evening sessions is entirely at the discretion of the Reporter.

It is likely that the Reporter will have undertaken an unaccompanied site visit to the application site prior to the opening of the inquiry. S/he may also have travelled around the general area in order to gain familiarity with locations that may be discussed during the inquiry. At some time, probably towards the end of the inquiry, the Reporter will arrange another site visit which any of the parties can attend. On a site visit, no party should approach the Reporter to speak. In open forum parties may point out special features or issues to the Reporter, or the Reporter may ask for clarification on an issue, but no one should attempt to isolate the Reporter from the group in order to impart information.

5.5.5 Closing Submission

Once all the parties have completed their evidence each party has to present a closing submission. This should be done in writing. In presenting closing submissions the third parties go first, then the local authority with the appellants going last.

At the end of the inquiry the Reporter will leave to consider all the evidence and make a decision. A letter containing the decision and a report will be sent to all parties a few weeks after the inquiry. If it has been a particularly long or complex inquiry the result can take a number of months to be produced.

5.6 Third Party Right of Appeal (TPRA)

Friends of the Earth Scotland has for some time argued the need for Third Party Right of Appeal. It is unfair and unreasonable that developers should have the right of appeal against planning decisions but that the local community has none. This in principle concern has been fueled by practical experience of working with communities who have been aggrieved at lack of recourse on controversial planning applications.

Scotland is currently served by the Town and Country Planning (Scotland) Act 1997. Further legislation is by way of the Town and Country Planning General Development Procedure Scotland Order 1992. Although the latter has been the subject of numerous Statutory Instrument (SI) notices (amendments) the aspect of appeals has not been materially changed. Currently there is no provision for TPRA within the Act.

Friends of the Earth Scotland considers sections of each Act would have to be amended so that TPRA could be incorporated. These are:

- Section 47(1) of the Town and Country Planning (Scotland) Act 1997.
Currently this section reads that for a variety of reasons, if an application is refused then 'the applicant may appeal to the Secretary of State'. This ought to be amended to read 'aggrieved persons / party'.
- Article 23(1) of the Town and Country (General Development Procedure) (Scotland) Order 1992
This would have to be changed along similar lines to allow all aggrieved persons the right to appeal.
- Article 23(2) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992
This section would need to be amended as it addresses the procedure for making an appeal.

The current Planning Act does provide the scope to amend the Act through legislation in order to incorporate TPRA. This indeed may be the simplest way in order to comply with European Court of Human Rights legislation. However, the basis and validity of third party appeals would have to be established and the procedures to be followed would have to be addressed.

When making representation to MPs and MSPs about a planning application it would be worthwhile pointing out the inequality of the system as it stands at the moment. We will never get change unless we continue to ask for it.

6. Using the Scottish parliament

A campaign can only succeed if the law provides the framework within which to work. A moral right will rarely win over a legal right, no matter how fervently the opinions are held. For example, a company with planning permission to build and run an incinerator has the legal right to do so. It may choose not to exercise this right in the face of local opposition, but if it wishes to, the law will back the developer.



For this reason a campaign may also think about influencing the law. The importance of providing input into your Structure Plan has already been mentioned (see Chapter 5.2.3). On a national level, it is equally important to be involved, and to use the Scottish parliament effectively. Organisations such as Friends of the Earth Scotland can have an effect – but so can local groups and individuals.

6.1 Structure of the parliament

The Scottish parliament is made up of 129 members (MSPs). The Scottish Executive is the ministers and civil servants who serve them. The Executive's job is to deliver a programme of legislative change on the basis of the manifestos of the party or parties in government. The MSPs who are not in the Executive are organised into committees whose job is to scrutinise the legislation. Three other MSPs have the responsibility for the smooth running of the parliament, known as the Presiding (or deputy Presiding) officer.

6.2 Parliamentary procedure

Every bill has to go through a procedure which allows facts to be gathered, and interested parties to respond.

Pre-legislative stage

This is a consultation period, designed to get opinion from interested groups. In some cases, but not always, draft legislation can be consulted upon before it is formally introduced to Parliament.

A bill can be introduced into the Parliament by Ministers (Executive Bills), Parliamentary Committees (Committee Bills) or by MSPs (Members' Bills). If your group wishes to change the law by initiating a new bill, you have two main routes: you can persuade an MSP to sponsor a Member's Bill (though each MSP is only allowed one bill per year) or you can submit a petition to the Petition's Committee.

On introduction, all bills must be accompanied by the following documents:

- a statement from the Presiding Officer regarding the competence of the bill (that is that they concern devolved matters).
- an estimate of the cost implications of the bill.

If the Scottish Executive wishes to introduce a bill it must also be accompanied by:

- a written statement from the appropriate Minister of his or her view that its provisions are within the legislative competence of the Parliament.
- Explanatory Notes, summarising objectively each provision of the bill.

- a Policy Memorandum setting out the bill's policy objectives.
- consideration of any alternative approaches.
- details of consultation exercises and their outcome.
- assessments of the effects, if any, of the bill on equal opportunities, human rights, island communities, local government, sustainable development and any other matter which the Executive considers relevant.

These are potentially important documents since they are designed to improve the openness and fairness of the system (although that does not guarantee the quality of the information in them).

Stage 1

At Stage 1 the bill is introduced into Parliament. It is referred to a committee who examines the general principles of the bill and then produces a report. The committee will recommend whether the bill should go forward and whether it should contain any changes. A full parliamentary debate occurs, based on the general principles and the Stage 1 report. Parliament then votes whether the bill should be kept or not. As soon as it is accepted MSPs can lodge amendments. There is then at least a two week gap until Stage 2.

Stage 2

In Stage 2 the bill is reintroduced to parliament. It goes back into committees for detailed scrutiny along with amendments.

Stage 3

In Stage 3 the bill with its amendments is introduced to parliament and each amendment is voted on. It is very difficult to amend at this stage. Any amendments discussed at this stage are new ones which have to be submitted three days before the debate takes place.

6.3 Responding to bills

Individuals and organisations have the opportunity to contribute to the consultations proposals which are published prior to Stage 1. This is when the structure and contents of the bill are established. There is another opportunity to comment at the Draft Bill Stage and through the further Stages 1, 2 and 3, so long as the comments are within the scope of the bill.

If you wish to make comments, suggest changes or ask for deletions you should write a letter to any or all members of the committee dealing with the bill or alternatively to the Committee Clerk. You should also contact your own MSP and ask him or her to lobby the committee on your behalf.

6.4 Parliamentary petitions

Parliamentary Petitions are a method of asking for a change in legislation. They can be lodged to the Petitions Committee by anyone for consideration and possible further action. They are a valuable way for individuals and groups to bring issues to the attention of parliament. Guidance notes on how to construct a petition can be found on the Parliament website or from the Petitions Clerk.

7. Funding a campaign

Sooner or later the question of how to meet expenses will arise. Campaigning can be a very costly business. Donating to the campaign is more than just the practical aspect of meeting these costs. It gives people a sense of ownership of the campaign. If people feel that they are not able to do anything practical, such as helping to produce posters or type leaflets, they can always donate funds to help others make this happen. If there is one salutary lesson that should be learned it is this: if you pay for it all, organise it all, you will be left with it all. Share the responsibility and cost around. Your campaign will be all the better for it.



ch. 3 discusses organisations and financial record keeping in more depth.

It is very important to keep good records of the money raised and spent in a campaign. Nothing will lose you support faster than a charge of keeping money for personal gain. If you have formed a group with a constitution, the group will in fact need to keep financial records according to the rules within the constitution. Even if you are simply collecting some money in a tin to pay for the photocopying, keep good records, with receipts for expenditure if possible. In many cases, you will want to open a bank/building society account.

There are various places to look for money, including most commonly donations from people and local fundraising activities.

7.1 Donations

Donations may come from individuals or businesses, and can range from spare change put into a tin after a meeting to large cheques. Most donations come from local people, though you may wish to target outsiders in some cases.

7.2 Local fundraising

Local fundraising serves two main purposes: it can be a fast way to get cash, and it serves to keep your group in the eye of the community. Most local fundraising events take a fair amount of time and effort. For this reason, it is important to:

- share the tasks with as many people as possible in your group.
- if possible aim for less frequent events which net more money.
- maximise publicity for each event (see Chapter 4).

There are many types of events you can do locally. Some have legal requirements, however. Your Protective Services department of the council can give further information on many of the Health and Safety and other regulations.

There are many ways you can raise money locally – and the most effective ones will be copied by other local groups! Be as imaginative as possible. Unusual events will also have the benefit of generating media interest. For example, one group fighting a landfill application had a highly publicised wheely bin race with sponsored teams. The result brought in a bit of money, but even more publicity for the group.



Several useful publications and websites to get ideas from are listed in Appendix i. Some of the most popular local fundraising events include:

- **Jumble / bake sales**

Legal requirement: none, though you will probably have to book your venue locally.

Comments: easy to organise, though dependent on people donating appropriate goods. These events do not generally net a lot of money, but they are a useful way of getting money into the group quickly.

- **Raffles**

Legal requirements: These are defined as lotteries by law, and have a number of special regulations. You will need a license from The Gaming Board for Great Britain.



Comments: a raffle can be quite effective in bringing in cash without much outlay, especially if the prizes are donated. Make sure you leave enough time to sell tickets. Bear in mind that many groups hold raffles, so you risk 'raffle fatigue'. Often most effective if run alongside another event, e.g. a jumble sale.

- **Sponsored Events**

Legal requirements: depends on the event. Some outdoor conservation events will require insurance, though it may be possible to purchase this reasonably from organisations (e.g. BTCV).



Comments: Also suffers from overuse within some communities. Give enough time to collect sponsorship money after the event, and press upon people the need to chase up the money. Some events will require substantial money up front, so you will need to get a lot of sponsors in these cases. Outdoor events are also at the whim of the weather!

- **Street collection**

Legal requirements: none on the street, but permission necessary on public or private property; contact your council or the owner.

Comments: Easy, though time-consuming, for relatively small amounts.

- **Fairs**

Legal requirements: depend on the venues. Requires compliance with health and safety regulations; may require insurance.

Comments: a successful fair requires a large amount of organisation, and money invested in goods, food etc. beforehand. However, it can be a very lucrative event, bringing in a wide spectrum of the community.

- **Ceilidh/dances**

Legal requirements: insurance, health and safety regulations; license if running a bar.

Comments: If well organised, you can net several hundred pounds or more; if poorly organised, you can lose this! Requires money up front for hire of venue and band. Large amount of organisation and publicity needed.

FoES has a short guide, produced by the Glasgow local group, on organising a ceilidh.



8. Case study: Ae Forest

In April 2000 an application by Oakbank Services for the formation of a landfill/ landraise facility at Ae Forest, Dumfries was lodged with Dumfries and Galloway Council. Locals were incensed. Ae Forest is run as a working forest and is also a valuable recreational area for the people who live nearby. Part of the area is used for the Scottish Rally. The area around Ae is a rural one with a small primary school and a variety of small businesses. Forest Enterprise advertises the area as a perfect location for walking and encourages the recreational usage of the forest.



Locals decided to oppose the application as they foresaw difficulties with traffic movements in the area. The main road was already very heavily used, but in addition, Oakbank proposed that lorries would enter and leave the site via a single track forest road. Locals already had to share this road with timber extraction lorries taking felled trees away to be processed.

Friends of the Earth Scotland received calls from locals desperate for help in combating the proposal. An FoES officer arranged to meet with members of the local community and help draw up an agenda for action. A group was formed and they named themselves NAFd (No Ae Forest dump). They were primed and ready to go.

First, the Local Plan for the area was checked to see whether the application complied. It did not appear to. Then individuals each volunteered to take a task from the list which had been agreed. Someone collected data and information on the other landfill sites in the area. This was to check out whether, as the applicant claimed, there was a need for the facility. Someone contacted the police and roads department to collect data on the roads use. The police were asked to supply details of any recorded accidents or fatalities. If there was a high accident rate, the group argued that this could only get worse.

Another member of the group who owned a fish farm decided to look at the effect that the application could have on the water supply. Ae sits right on top of the Lochmaben Aquifer. If any pollution were to seep through the liner of the landfill it could very quickly pollute a major watercourse.

Letters of objection were sent to Dumfries and Galloway Council and posters were made and displayed on every window that the group could find. Letters were written to MSPs, councillors and local papers setting out the objectors' case. Many people in Dumfries became aware of the issue and the media were desperate for more.

Because of the overwhelming opposition to the application Dumfries and Galloway Council decided to hold a special meeting of the planning committee in July 2000. The applicant and the objectors gathered with hundreds of members of the public to argue their respective cases. As the councillors arrived at the hall they were greeted by school-children brandishing placards demanding that no dumping should take place in Ae Forest.

Battle commenced. The applicants stood up and presented their case, which was that Ae was the perfect location for a landfill. They argued that they could raise the dump to a

high level and solve the waste problems they claimed existed in Dumfries and Galloway. Given the amount of waste they intended to take, the tip would last for nearly 15 years. The local council recommended approval of the application.

The statutory consultees had been consulted as part of the planning process. Both West of Scotland Water and Scottish Natural Heritage had no objection to the plan.

The action group presented their case. After their careful investigations they were able to inform the councillors that there had been several major accidents at the junction of the proposed exit and the main A701. They also claimed that the proposal would lead to an increase in noise and dust and that the amenity of the area would suffer. They explained how they thought that the natural beauty of the area would suffer along with the wildlife. The group also pointed out that the applicant had not thoroughly investigated the impact on the flora and fauna. They cited a paragraph from government guidance (NPPG 10) which made clear that landraising may be more suited to derelict or otherwise degraded land. The group pointed out that the forest was neither.

At the end of the hearing the planning officer reminded the committee that the Council recommendation was to grant consent. The matter then went to the vote and to the group's delight the recommendation was not accepted and the application was refused. Round 1 to the objectors.

The applicants did not accept the refusal and took up their right to appeal to the Scottish Executive. The Scottish Executive Inquiry Reporters Unit appointed a Reporter and a pre inquiry meeting was scheduled for October 2000. That meeting was attended by all of the main parties, the applicant, the council and the action group. Each side identified their number of witnesses and a start date for the inquiry was set.

The action group then started to concentrate on their witnesses and their evidence. The Public Local Inquiry started on the 13th February 2001 and finished on the 27th. A decision letter was issued in August that same year informing all parties that the appeal had been dismissed. The Reporter stated that he did not believe that the proposal would constitute sustainable development and that it was inconsistent with national guidelines. He also rejected the application on road safety grounds saying that the forest road would be inappropriate for the proposed use. His last reason for refusal referred to the inconsistency of the proposal with the developing local plan.

This case lasted from April 2000 until the date of the refusal letter in August 2001. For any campaign group, that is a considerable period of time. The group was successful because their organisation was meticulous and they tackled the issue with a level of conviction second to none. However this application, like a lot of others, represented a long hard slog for people who suddenly found themselves in the midst of an unwanted planning application. They had to sacrifice things along the way. Money was spent and time given over to fight the application. Many groups are going through exactly the same process all over Scotland. Hopefully this handbook will aid by lessening the steepness of the learning curve.

9. Ending a campaign

Campaigns are not easy to sustain. There will be natural lulls when there is very little to do. Perhaps the planning application has been advertised, gone to committee, and the local authority refused consent. There is a period of six months currently where the developer has a right to appeal. This is a period where you really are sitting tight hoping that they will just go away. Or perhaps the bill you are concerned with has moved into consultation.



During these lulls you should take the opportunity to have a meeting to establish where you are, ensure that all the accounts are up to date and begin to prepare for a period of dormancy. At the same time you want to prepare things so that you can resurrect the group quickly when new developments occur.

If an application is refused or a bill passes a stage, you should celebrate in some way. You may not have won the war but you almost certainly have won a battle. Celebrations are very important for morale. Don't forget to inform the press of your success.

If the application is granted or the bill defeated, you still have something to celebrate. You now have skills under your belt that can be used again, shared with others and you have the satisfaction of knowing that you gave it your best shot. If your campaign was on a single issue you may decide that there is no longer a need for the group. You will have to spend time deciding how the monies collected should be disbursed. Some campaign groups have been known to donate the money to another good cause in their community. Others have decided just to put the group into dormancy and leave the money in the bank to collect interest.

Despite the disappointment if your cause is unsuccessful, there are other ways forward. Perhaps you may wish to work towards a 'Good Neighbour Agreement', getting the new development to be as accountable as possible to the local community (see above 5.4.1). Friends of the Earth Scotland can provide advice here. Or perhaps you may wish to reflect on the lessons learned in the campaign. Then using the skills and knowledge gained, work towards setting up a project in your community which will address some of the underlying issues. For example, if a landfill development is approved, perhaps your energies could now be poured into local waste minimisation projects. *Rtb Handbook 3, Setting up a Community Sustainability Project*, can provide further guidance here.



However you decide to conclude your activities you will have gained friends, experience and skills which will definitely not be wasted.

Appendix i Contacts and further information

i 1 Introduction

Friends of the Earth Scotland
72 Newhaven Road, Edinburgh EH6 5QG
0131 554 9977;
e-mail info@foe-scotland.org.uk
<http://www.foe-scotland.org.uk>

i 2 Setting up a Campaign

Mark Lattimer. *The Campaigning Handbook*.
Directory of Social Change, 1994.
Comprehensive and full of advice. The political
and legal sections refer to England and the UK
parliament, but valuable nonetheless.

Sarah Openheimer. *How to win. Campaign
against incinerators*. Friends of the Earth
(EWNI), 2000. Up-to-date, affordable guide.
Again from an English perspective, so all plan-
ning details reflect the English planning system.

Association Of Scottish Community Councils
21 Grosvenor Street, Edinburgh, EH12 5ED
0131 225 4033

i 3 Information

Scottish Executive Planning Division
Victoria Quay, Edinburgh EH6 6QQ
0345 741 741 (ask for planning helpline)
<http://www.scotland.gov.uk/planning>

**Scottish Environment Protection Agency
(SEPA)**
Erskine Court, Castle Business Park, Stirling
FK8 4TR
01786 457700
<http://www.sepa.org.uk>
Contact head office for regional office details

Scottish Natural Heritage
12 Hope Terrace, Edinburgh, EH9 2AS
0131 447 4784
<http://www.snh.org.uk>
Contact head office for regional office details

Historic Scotland
Longmore House, Salisbury Place, Edinburgh
EH9 1SH
0131 668 8600
<http://www.historic-scotland.gov.uk>

Health and Safety Executive
59 Belford Road, Edinburgh EH4 3UE
0131 247 2000
<http://www.hse.gov.uk>

Planning Aid Scotland
Bonnington Mill, 72 Newhaven Road, Edinburgh
EH6 5QG
0131 555 1565
<http://www.planning-aid-scotland.org.uk>

Sustainable Scotland Network (SSN)
Tel: Alan Speedie, secretary, 01786 443 335
<http://www.sustainable.scotland.gov.uk/who/ssn.html>
Can provide local LA21 contacts, and other
information at a local level. Publishes monthly e-
newsletter.

i 4 Media

(See relevant chapters of books in i2.)

George Monbiot. *An activist's guide to
exploiting the media*. Bookmarks Publications
Ltd, 2000.

i 5 Planning

(See contacts in i3)

Royal Society for the Protection of Birds

Dunedin House, 25 Ravelston Terrace,
Edinburgh EH4 3TP
0131 311 6500
[http:// www.rspb.org.uk](http://www.rspb.org.uk)

Scottish Wildlife Trust

Cramond House, Cramond Glebe Road,
Edinburgh EH4 6NS
0131 312 7765
<http://www.swt.org.uk>

European Convention on Human Rights

<http://www.echr.coe.int>

Scottish Executive Inquiry Reporters Unit

2 Greenside Lane, Edinburgh EH1 3AG
0131 244 5649

Environmental Law Foundation (ELF)

Suite 309, 16 Baldwins Gardens, Hatton Square,
London, EC1N 7RJ
020 7404 1030; e-mail: info@elf-net.org

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71-73 Lothian Road, Edinburgh EH3 9AZ
0870 606 5566
<http://www.tso.co.uk>

Private sector company which acquired trading
functions of HMSO after privatisation in 1996.

i 6 Parliament**Scottish Parliament**

0845 278 1999
<http://www.scottish.parliament.uk>

Scottish Parliament Petitions Clerk

0131 348 5168
e-mail: petitions@scottish.parliament.uk

i 7 Fundraising**The Gaming Board for Great Britain**

Portcullis House, 21 India St., Glasgow G24 PZ
[http:// www.gbgb.org.uk](http://www.gbgb.org.uk)

Ideas for fundraisers and volunteers

<http://www.fund-raise.co.uk>

British Trust for Conservation Volunteers (BTCV) Community Association

For local group, contact head office: 01491
821600, information@bctv.org or via web
<http://www.bctv.org>

i 8 Special Issue and Environmental Groups*General Environmental Groups***Greenpeace**

Canonbury Villas, Islington, London, N1 2PN
020 7865 8100
<http://www.greenpeace.org>

Womens' Environmental Network (WEN)

PO BOX 30626, London, E1 1TZ
0207 481 9004
<http://www.wen.org.uk>

Black Environment Network

Harry Adomako, Wellgate House, 200 Cowgate,
Edinburgh EH1 1NQ

Scottish Environment Link

2 Grosvenor House, Shore Road, Perth, PH2
8BD
01738 630804
<http://www.scotlink.org>

Animal Welfare / Rights

Advocates for Animals

10 Queensferry Street, Edinburgh, EH2 4PG
0131 225 6039

Animal Concern

PO Box 5178, Dumbarton, G82 5YJ
01389 841639

British Union for the Abolition of Vivisection

16a Crane Grove, Islington, London N7 8NN
0207 700 4888

Compassion in World Farming

Charles House, 5a Charles Street, Petersfield,
Hampshire, GU32 3EH
01730 264208

League Against Cruel Sports

83-87 Union Street, London, SE1 1SG
020 7403 6155

Respect for Animals

PO Box 6500, Nottingham, NG4 3GB
0115 952 5440

**Scottish Society for the Prevention of Cruelty
to Animals (SSPCA)**

Braehead Mains, 603 Queensferry Road,
Edinburgh, EH4 6EA
0131 339 0222

Vegetarian Society

Parkdale, Dunham Road, Altringham, Cheshire,
WA14 4QG
0161 928 0793

VIVA!

12 Queen Square, Brighton, BN1 3FD
01273 777688

Countryside

Association for the Protection of Rural Scotland

Gladstone's Land (3rd Floor), 483 Lawnmarket
Edinburgh, EH1 2NT
0131 225 7012/3

Forestry Commission

231 Corstorphine Road, Edinburgh, EH12 7AT
0131 334 0303

John Muir Trust

41 Commercial Street, Leith, EH6 6JD
0131 554 0114

National Trust for Scotland

28 Charlotte Square, Edinburgh, EH2 4ET
0131 243 9522

Plantlife - The Wild-Plant Conservation Society

Strome House, North Strome, Lochcarron, Ross-shire,
IV54 8YJ
01520 722588

Ramblers' Association Scotland

Kingfisher House, Auld Mart Business Park,
Milnathort, Kinross, KY13 9DA
01577 861222

Reforestation Scotland

62-66 Newhaven Road, Edinburgh, EH6 5QB
0131 554 4321

Scottish Council for National Parks

15 Park Terrace, Stirling, FK8 2JT
01786 465714

Scottish Field Studies Association

Kindrogan Field Centre, Enochdhu, Blairgowrie,
Perthshire, PH10 7PG
01250 881 286

The Wildfowl and Wetlands Trust, Scotland

Eastpark Farm, Caerlaverock, Dumfriesshire,
DG1 4RS
01387 770200

Woodland Trust Scotland

Glenruthven Mill, Abbey Road, Auchterader,
PH3 1DP
01764 662554

*Energy and Arms***Association for the Conservation of Energy (ACE)**

Westgate House, 2A Prebend Street, London,
N1 8PT
020 7359 8000

British Wind Energy Association

26 Spring Street, London, W2 1JA
020 7402 7102

Campaign Against Arms Trade

11 Goodwin Street, London, N4 3HQ
020 7281 0297

Centre of Alternative Technology

Machynlleth, Powys, Wales SY20 9AZ
01654 702400

Energy Action Scotland

Suite 4a, Ingram House, 227 Ingram Street,
Glasgow G1 1DA
0141 226 3064

Energy Saving Trust

21 Dartmouth Street, London SW1H 9BP
020 7222 0101

*Ethical Investments & Economics***The Ecology Building Society**

0845 674 5566; info@ecology.co.uk

Ethical Investment Research Service

80-84 Bondway, London, SW8 1SF
020 7840 5700

Ethical Investment Co-operative

119 Bruntsfield Place, Edinburgh, EH10 4EQ

*Food & Biotechnology***Bio-Dynamic Agricultural Association**

Painswick Inn Project, Gloucester Street, Stroud, GL5
1QE
01453 759501

Environment & Energy Helpline (for business)

0800 585794

National Wind Power (Scottish Operations)

Units 15K and 15L, Perth Airport Business Park, Scone,
Perth, PH2 6PL
01738 550069

Powerwatch (Electro-magnetic radiation)

2 Tower Place, Sutton, Ely, Cmb, C86 2QA
0897 100 800 (NB costs £1.50/min)

Scottish Campaign for Nuclear Disarmament

15 Barrlands Street, Glasgow, G41 1QH
0141 423 1222

Scottish Energy Efficiency Office

Meridian Court, 5 Cadogan Street, Glasgow
G2 6AT
0141 242 5814

Scottish Solar Energy Group

Napier University, 10 Colinton Road, Edinburgh, EH10
5DT
0131 455 2337

0131 466 4666

Triodos Bank

Brunel House, 11 The Promenade, Bristol,
BS8 3NN
0117 973 9303

Ethical Consumer Magazine

Unit 21, 41 Old Birley Street, Manchester, M15 5RF
0161 226 2929

Local Exchange Trading Scheme (LETSlink Scotland)

1st Floor, 17-19 Irvine Place, Stirling, SK8 1BZ

Genetic Food Alert

4 Bertrum House, Ticklemore Street, Totness, Devon,
TQ9 5EJ
01803 868523

Genewatch

The Courtyard, Whitecross Road, Tideswell, Buxton,
Derbyshire, SK17 8NY
01298 872531

Henry Doubleday Research Association (HDRA)

Ryoton Organic Gardens, Ryoton-on-Dunsmore,
Coventry, CV8 3LG
024 7630 3517

Scottish Organic Gardeners

Gill Clark, 54 East Claremont Street Flat 2FL,
Edinburgh, EH7 4JR
0131 557 3215

Green Consumerism

Ark Environmental Foundation

c/o 3 R Partnership, 57 Duke Avenue, London
N10 2PY
02084 447626

Association for Environment Conscious Building

Nanty-y-Garrey, Saron, Llandysul, Carmarthenshire,
SA44 5EJ
01559 370908

Human Rights

Amnesty International (Scottish Branch)

11 Jeffrey Street, Edinburgh, EH1 1DR
0131 557 2957

Pollution

Marine Conservation Society

9 Gloucester Road, Ross-on-Wye, Herefordshire, HR9
5BU
01989 566017

National Radiological Protection Board (NRPB)

Chilton, Didcot, Oxon, OX11 0RQ
01235 831600

National Society for Clean Air and Environmental Protection

44 Grand Parade, Brighton, BN2 2QA
01273 878770

Scottish Organic Producers' Association

Milton of Cambus, Doune, Perthshire, FK16
6HG
01786 841657

Soil Association

Bristol House, 40-56 Victoria Street, Bristol,
BS1 6BY
0117 9290661

Sustain: Alliance for Better Food and Farming

020 78372250
Genetics Forum
020 78379229
Food Commission
020 78372250
All at: 94 White Lion Street, London N1 9PF

Association for Environmentally Friendly Builders

Windlake House, The Pump Field, Coaley,
Gloucestershire, GL11 5DX
01453 890757

Scottish Ecological Design Association (SEDA)

Information Office, The Monestry, 2 Hart Street,
Edinburgh, EH1 3RG

Survival International

6 Charterhouse Buildings, London EC1M 7ET
0207 687 8700

Oil Pollution Research Unit (OPRU)

Ketlock Lodge, Aberdeen Science and
Technology Park, Bridge of Don, Aberdeen
AB22 8GU
01224 414200

Pesticide Action Network UK

Eurolink Centre, 49 Effra Road, London SW12
1BZ
0207 274 8895

See also SEPA: details in i3.Transport

*Transport***The Pedestrians Association**

3rd Floor, 31-33 Bondway, London, SW8 1SJ
020 7820 1010

Sustrans Scotland

3 Coates Place, Edinburgh, EH3 7AA
0131 623 7600

*Waste and Recycling***Keep Scotland Beautiful**

7 Melville Terrace, Stirling, FK8 2ND
01786 471333

Recycling Advisory Group (RAGS)

0131 226 6666
<http://www.rags.org.uk>

*Wildlife Conservation***Environmental Investigation Agency**

2nd Floor 69-85 Old Street, London EC1V 9HX
020 7490 7040

Hebridean Whale and Dolphin Trust

28 Main Street, Tobermory, Isle of Mull, Argyll,
PA75 6NU
01688 302620

*World Development***Oxfam**

274 Banbury Road, Oxford, OX2 7DZ
01865 311311

World Development Movement

25 Beehive Place, London, SW9 7QR
0207 274 7630

TRANSform Scotland

72 Newhaven Road, Edinburgh, EH6 5QG
0131 467 7714

Scottish Waste Awareness Group (SWAG)

7 Melville Terrace, Stirling FK8 2ND
01786 471333; <http://www.wascot.org.uk>

Whale & Dolphin Conservation Society

Alexander House, James' Street West, Bath,
Avon BA1 2BT
01225 334511

World Wildlife Fund for Nature (WWF Scotland)

8 The Square, Aberfeldy, Perthshire, PH15 2DD
01887 820449

Appendix ii Jargon, acronyms & technical terms

AGLV	Area of Great Landscape Value. Used by some councils to refer to Green Belt areas.
Appellant	Party in planning PLI. See Chapter 5.5
Development Plan	Consists of the Structure Plan and Local Plans. See Chapter 5.2
ECHR	European Convention on Human Rights. See Chapter 5.3.4
EIA	Environmental Impact Assessment. See Chapter 5.2.5
EIR	Environmental Information Regulation. See Chapter 3.2
EIS	Environmental Impact Statement. See Chapter 5.2.5
Enforcement action	When a council or some other regulatory body makes a developer or operator comply with the terms of their permission.
EU	European Union
FoES	Friends of the Earth Scotland
GM	Genetically modified
GNA	Good Neighbour Agreement. See Chapter 5.4.1
HMSO	Her Majesty's Stationery Office. See i 5
HSE	Health and Safety Executive. See Chapter 3.3.6
JR	Judicial Review. See Chapter 5.4.2
LA	Local Authority
LA21	Local Agenda 21. see Chapter 3.3.8
LBAP	Local Biodiversity Action Plan. See Chapter 5.2.3
Local Plan	Plan produced by local authority detailing planning objectives on a local level. See Chapter 5.2.2
MP	Member of Parliament
MSP	Member of the Scottish Parliament
NPPG	National Policy Planning Guideline. See Chapter 3.3.2 and Appendix iii
NTS	Non technical Summary
PANs	Planning Advice Notes. See Chapter 3.3.2 and Appendix iii
Planning for Real	An exercise which is carried out in conjunction with a range of stakeholders, including the general public, to find out how they would like their surroundings to be used. See Chapter 5.2.3
PLI	Public Local Inquiry. See Chapter 5.5
POE	<i>Protecting Our Environment</i> . See Chapter 1.1
QC	Queen.'s Council. A QC is an advocate entitled to practice in the highest courts.

RSPB	Royal Society for the Protection of Birds
Rural Local Plan	Plan produced by local authority detailing planning objectives on a local level in rural areas. See Chapter 5.2.2
SEIRU	Scottish Executive Inquiry Reporters Unit. See Chapter 5.1 and Appendix i
SEPA	Scottish Environment Protection Agency. See Chapter 3.3.3
SNH	Scottish Natural Heritage. See Chapter 3.3.3
SSSI	Site of Special Scientific Interest. Designation by SNH.
Structure Plan	Plan produced by local authority detailing planning objectives on a regional level. See Chapter 5.2.1
SWT	Scottish Wildlife Trust
TPRA	Third Party Right of Appeal. See Chapter 5.6

Appendix iii: List of NPPGs and PANs

NPPGs

NPPG 1	The Planning System
NPPG 2	Business and Industry
NPPG 3	Land for Housing
NPPG4	Land for Mineral Working
NPPG 5	Archaeology and Planning
NPPG 6	Renewable Energy Developments
NPPG 7	Planning and Flooding
NPPG 8	Town Centres and Retailing
NPPG 9	The Provision of Roadside Facilities on Motorways and other Trunk Roads
NPPG 10	Planning and Waste Management
NPPG 11	Sport, Physical Recreation and Open Ground
NPPG 12	Skiing Developments
NPPG 13	Coastal Planning
NPPG 14	Natural Heritage
NPPG 15	Rural Development
NPPG 16	Opencast Coal and Related Minerals
NPPG 17	Transport and Planning
NPPG 18	Planning and the Historic Environment
NPPG 19	Radio Telecommunications

PANs

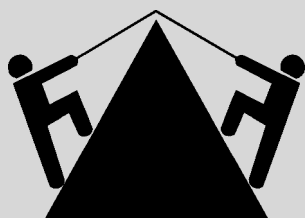
PAN 33	Development of Contaminated Land
PAN 36	Siting and Design of New Housing in the Countryside
PAN 37	Structure Planning
PAN 38	Structure Plans; Housing Land Requirements
PAN 39	Farm and Forestry Buildings
PAN 40	Development Control
PAN 41	Development Plan Departures
PAN 42	Archaeology
PAN 43	Golf Courses and Associated Developments
PAN 44	Fitting New Housing Development into the Landscape
PAN 45	Renewable Energy Technologies
PAN 46	Planning for Crime Prevention
PAN 47	Community Councils and Planning
PAN 48	Planning Application Forms
PAN 49	Local Planning
PAN 50	Controlling the Effects of Mineral Workings
PAN 50	The Control of Noise at Surface Mineral Workings (Annex A)
PAN 50	The Control of Dust at Surface Mineral Workings (Annex B)
PAN 50	The Control of Traffic at Surface Mineral Workings (Annex C)
PAN 50	The Control of Blasting at Surface Mineral Workings (Annex D)
PAN 51	Planning and Environmental Protection
PAN 52	Planning in Small Towns
PAN 53	Classifying the Coast for Planning Purposes
PAN 54	Planning Enforcement
PAN 55	The Private Finance Initiative and the Planning Process
PAN 56	Planning and Noise
PAN 57	Transport and Planning

PAN 58	Environmental Impact Assessment
PAN 59	Improving Town Centres
PAN 60	Planning for the Natural Heritage
PAN 61	Planning and Sustainable Urban Drainage Systems
PAN 62	Radio Telecommunications
PAN 63	Waste Management Planning

All NPPGs and PANs are available by calling the Scottish Executive Planning Helpline.



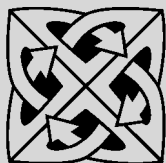
Environmental Campaigning



This handbook is part of the series *Redressing the Balance: working towards environmental justice in Scotland*. Each handbook in the series is designed to aid people working towards environmental justice within their own communities with a range of practical, detailed advice, together

with pointers to other books, web sites and organisations.

Many people who start an environmental campaign have no previous experience of campaigning. *Environmental Campaigning* provides the necessary background to help anyone start and sustain a campaign in their local community. It shows what information is needed to protest against a proposed development or to influence legislation, and discusses appropriate tactics. The handbook also provides a detailed insight into the Scottish planning system.



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