

09/11/16

Mr Nick Brian
Interim Head of Service
Perth & Kinross Council
35, Kinnoull Street
Perth PH1 5GD.

Dear Mr. Brian,

We refer to your letter [ref.BN/711550/th] of [10/10/16] in which you suggest that we might consider a mediation event on the matter of North Scone Development.

We are aware that mediation is a tried and tested method of Alternate Dispute Resolution in civil matters and is recommended by the Scottish Government who, in March 2009, issued its *Guide to the Use of Mediation in the Planning System in Scotland* (the Guide) which we found to be enlightening on the mediation process and how it has helped planners and affected communities world-wide. Unfortunately, one size does not fit all, and none of the 7 examples of successful planning mediations provided in Section 4 of the Guide bear any resemblance to the situation that Scone and Bridgend communities are facing in connection with the H29 - North Scone Development.

We would like to draw your attention to Section 2 of the Guide. At page 10 there is a sub-section entitled *When not to use Mediation*, which states:

Mediation may not be appropriate if:

- *It is necessary to determine a general legal principle of wide application*
- *There are significant issues of public interest which need to be resolved in a formal manner*
- *There is an urgent need to provide a legal remedy or provide the protection of a court*
- *Those who might take part are wholly unwilling to do so.*

Our point-by-point declarations:

- The pollution (NO₂) levels in Scone and, more particularly, Bridgend, where commuters from Scone have to sit in queuing traffic, are already higher than the EU Directive 2008-50-EC Air Quality limit values for the protection of human health (26µg/m³) and, therefore illegal. The legal principle here is whether PKC must decline planning permission in cases where development will harm or further harm the health and wellbeing of a community or allow it to go ahead.

Petra Biberbach, Chief Executive of Planning Aid for Scotland, at the *Scotland Policy Conferences Keynote Seminar: Infrastructure in Scotland - investment, delivery and the planning review* in September 2016 said:

I think, one notable difference from the Planning Act in 2006 with its focus on the technicalities of the planning system, we are now looking at the wider impact of the planning system on health, wellbeing, regeneration. So it is good to see community planning partners working collaboratively with spatial planners. So I think for me it's very gratifying to see that increasingly planners are seen as the broker in the room.

At the same event it was also said that “Infrastructure First” should be the mantra of everyone involved in the LDPs in Scotland and dialogue with communities affected by the LDP is essential.

To allow H29 to proceed before the CTRL is completed and operational and without fair and meaningful dialogue with the communities affected by the LDP seems to contradict best practice as mentioned at the Keynote Seminar.

- There is certainly plenty of public interest amongst the population of Scone and District on the issue of current and future pollution levels that will affect the health and wellbeing of its citizens for generations to come.
- It is hoped that it will not become necessary to apply to the courts for protection under these circumstances.
- On the final point, the responses we received back on the Questionnaire delivered to each household in Scone shows 98% opposed to starting any development North of Scone until CTRL is finished. That is a vast difference to when it becomes “a committed project”.

It is not that we are unwilling to participate in mediation; for mediation to work, the parties nominate a representative who has the mandate to negotiate and, where necessary, offer compromises to achieve settlement. The overwhelming results of the Questionnaire means that no compromise that would cause increased harm to the health of the Residents of Scone, would be forthcoming.

Notwithstanding, we would consider participating in a public meeting at which the developers,’ landowners,’ PKC planners’ and the Scone & District Community Council’s views may be aired for better understanding of each participants’ concerns by the others,

Kind regards
Scone and District Community Council
H. Mackinnon (secretary)