

## PE1722/O

Petitioner submission of 11 January 2021

**Joint Petitioners' Response:** *Iona and Mull Community Councils, South West Mull and Iona Development, Mull and Iona Community Trust, and Mull and Iona Ferry Committee*

We enormously appreciate the consistent views expressed by all members of the Committee at its last meeting (12.11.20). We also greatly appreciate the participation of the Minister for Energy, Connectivity and the Islands and his support for the principle of our Petition. We remain convinced of the Minister's strong personal commitment to the Islands Act and to sustaining island communities.

In line with the Committee's clear arguments, **we very strongly request that the Committee and the Minister now jointly secure a positive, meaningful outcome for island communities** through:

- Accepting it is necessary for Scottish Government to **act directly** on the agreed principle, that all lifeline car parks should be free of charge;
- Using Scottish Government's **equally principled policy of no charges on 'fixed links' (bridges)** as an excellent comparator and precedent to guide that action;
- Recognising that the purpose of our Petition is to **address principles of equity and fairness for all island residents** that have been demonstrated and accepted, that are enshrined in Scottish law and policy, and with which all public bodies are obliged to comply; whereas Island Community Impact Assessments (ICIAs) are in no way an alternative to supporting this Petition – their purpose is to identify **whether** there are significant impacts.

In December 2020, we wrote to the Minister – as Iona and Mull Community Councils and Dr John Holliday from Tiree – to explain our very serious concerns that the draft guidance for ICIAs does not fulfil the intentions of the Islands Act, and cannot address the needs of this Petition. We explained why, as island communities, we sincerely need him as our Island Minister to act in the terms above. We cited what is, to us, a particularly alarming and urgent example:

Argyll & Bute Council carried out a Community Engagement Review (March 2020) of the Mull Traffic Regulation Order process. The Mull TRO was so disastrous that it was revoked by the Council on legal advice and catalyzed our Petition on behalf of all island communities. We declined to participate in the Council's Review because it was led and overseen by the people who had themselves imposed the TRO, who could not possibly assess their own actions with any objectivity. The review was not shared with us as the communities directly affected, and we only came across it by chance last month (December 2020). The review concludes that: *"while car parks are integral components of island lifeline ferry services, whether charges should be imposed should be considered on a case by case basis"*.

The participants in this internal review entirely exonerated themselves of any wrongdoing in relation to the TRO, only admitting to a narrow technical failure. They produced recommendations for generating *more* consultation responses, whilst ignoring the fact that they failed to listen or respond in any way to the mountains of consultation responses that were actually submitted to them. We have absolutely no confidence whatsoever that our Council understands why we fought so hard to prevent the imposition of charges, nor that the draft guidance for ICIAs would shift the current power imbalance between the Council and its island communities, or

prevent imposition of another damaging *fait accompli*; the ICIA guidance would in fact give an additional veneer of legitimacy to exactly the same behaviour and outcome.

We explained to the Minister that the **draft Island Community Impact Assessment guidance entrenches and *further worsens* the disadvantages and dangers for island communities**. The Islands Act must move from good words to meaningful actions if it is to 'island proof' and protect – let alone – empower island communities, i.e.:

- Allowing island communities to express views after off-island “experts” have been consulted and off-island “evidence” gathered does not redress the enormous power imbalances between Relevant Authorities and island communities and does not allow meaningful impact assessments to be carried out.
- Island communities are already subjected to outdated processes that are more ‘consultative’ than the approach of the draft ICIA guidance, e.g., as in the TRO process, that require notification of island statutory bodies at the outset, and allow plenty of views to be expressed – but ***our recurring experience is that no attention is paid to consultation with us***.
- **Off-island evidence will produce very little of meaning or value**: to fulfil the intention, purpose and spirit of the Islands Act, island communities must be **full partners** in the process **from the first step** and recognised as the primary stakeholder, and holder and interpreter of evidence regarding their community and any impacts on it. We have proposed a critical and proportionate way to manage this requirement through ‘live’ Island Profiles.
- **We fear it may soon become impossible for island communities to engage effectively with official bodies**, because – *even more than currently* – we will *constantly* have to expend scarce volunteer resources rowing back on bad processes and decisions, whilst (completely contrary to the Islands Act) having no power or ‘teeth’ in these processes. We stress this in the context of shared fatigue at the extent of demands put on Community Councils to respond to enquiries, surveys, notices etc, and to put our case to official bodies *who do not listen*.
- **The intention behind a review mechanism is certainly positive, but we do not agree that this ‘empowers an island community’**. By not producing consultative, sound ICIA’s *in the first place*, the review mechanism creates an unbalanced contest between un-resourced powerless island communities and **heavily-resourced powerful Relevant Authorities**, able to dismiss any challenge and assert that they followed the guidance.
- As above in our direct experience, ICIA’s will bring a veneer of legitimacy and authority to decisions that – accidentally or intentionally – risk endorsing and enabling harmful actions without having genuinely assessed their impacts.

We could not be more supportive of the intentions of the Islands Act and of ICIA’s, or more appreciative of the Minister’s own commitment, and we are very keen to support him in delivering on these intentions in any way we can. However, ICIA’s are separate from and no solution to our Petition. We again urge the Committee and the Minister to act directly in support of our Petition, by appropriately balancing consideration of local authority autonomy with the fundamental responsibility to take *principled action* consistent with Scottish Government’s own legal and policy priorities. **Acting on our Petition, before the conclusion of the current Parliamentary session, would have great significance for island communities and minimal real-world implications for local authority budgets.**