

PE2075/G: Prioritise local participation in planning decisions

Minister for Public Finance written submission, 28 April 2025

Thank you for your letter of 24 March 2025 on behalf of the Citizen Participation and Public Petitions Committee with regard to the above petition. This response supplements our earlier responses of 31 January and 4 June 2024.

The Scottish planning system recognises that places matter to people. There are opportunities for community engagement built into the whole system including development planning and the development management process. There are also opportunities for communities to set out their own priorities for their places in local place plans. How and when people can get involved in planning is set out and enshrined in legislation. By engaging in planning, people have an opportunity to help shape the future of their places and influence outcomes.

Community councils have a long-defined role within the Scottish planning system, with status as statutory consultees to be notified of applications that affect their area. As such they have the opportunity to make comments and representations on planning applications that affect their community, before a decision is made.

Community councils have extensive opportunity to contribute and express local views and concerns, not only through commenting on individual applications, but also in influencing the creation of the local development plan. These opportunities for involvement were increased through provisions in the Planning (Scotland) Act 2019 to include creating local place plans.

The Scottish Forum of Community Councils, in its written submission to the Committee of 3 June 2024, suggested that community councils could have a role in the planning system as the determining body for certain applications in line with the petition call for community councils to be given decision making powers for planning applications within their areas. This would require significant changes to both primary and secondary legislation, to alter the long-established role of local authorities as the planning authorities for their areas, acting on advice of their professional planning officers.

Under planning legislation, the person or body determining a planning application – whoever that is – is under a statutory duty to determine applications in accordance with the statutory development plan which includes the relevant local development plan, unless there are material planning considerations that justify a departure from the development plan.

The Community Empowerment (Scotland) Act 2015 refers, at various parts, to community councils being engaged in decisions on the matters covered by the Act. However, it reinforces the current statutory position of community councils as consultees on matters which affect their area of representation – rather than statutory decision-takers. The Democracy Matters process is designing more empowered community decision making processes and will be moving to an implementation phase early in the next parliament.

Extending the definition of 'planning authority' to include community councils for certain applications would fundamentally change the role of community councils in the planning system and their relationship with the community they represent. Extending planning decision-making powers (and associated statutory duties) to community councils would in our view be incompatible with their current role to provide community views on applications, which would then be considered by the decision-maker if material. Therefore, the proposed measure could potentially reduce opportunity for community participation in the planning system, contrary to the spirit, aims and intentions of the 2015 Act.

The Committee also asked for the Scottish Government's view on a suggestion by Jackie Baillie MSP that decisions on planning applications could be devolved to the relevant local area committee. There is nothing in existing planning legislation that would prevent a planning authority from adopting such an approach for most applications. It is our understanding that such an approach is already operated by some planning authorities, for example at Aberdeenshire Council. This would be an operational matter for individual planning authorities to consider.

Yours sincerely,

IVAN MCKEE