Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Kathleen Byron

Dear Planners

I don't think your new bill will produce a planning system that is any less flawed than the one we have there are no proposals that will improve people's experience of planning and some of the proposals will even reduce the opportunity for people to engage with the planning process. The review concluded that front loading did not work but then did nothing to remedy this.

My belief is that Equal rights of Appeal (ERA) would be a good thing! It would give communities the right to appeal planning approvals. Currently only applicants have the ability to appeal refusals of planning permission. ERA balances out who can make appeals to include those who may be most affected by a decision to approve.

ERA could help in applications where planning permission is granted but the reasons for doing so were weak or tenuous. ERA would allow these decisions to be changed, to have their conditions amended or dismissed entirely without the Local Authority risking the expense of a court battle. Most importantly ERA would encourage developers to engage communities and propose developments to suit local needs.

There is growing support for ERA from individuals like myself, local business owners, community councils as well as larger campaign groups. In the 2015-17 planning review Barriers to Engagement had a huge response and of the 1640 people who responded 93% of the community sector and 89% of the 'other' category of respondents supported ERA.

There were historically objections from objections from Homes for Scotland, other volume house builders and practitioners in the planning and development professions but recently professional planners are beginning to understand and support arguments for ERA.

ERA will not slow down the process of deciding applications and clog up the system as it will mainly be used where grounds of appeal already exist. A few weeks of additional scrutiny to ensure the appropriateness of a contested development that could blight a community for 50 years is a small price to pay. With ERA the inclusive system would have already fostered trust with the community. ERA would be less likely to be needed were good participation is practiced throughout the planning process.
There is no evidence that ERA would negatively affect the local economy and investment. Indeed evidence from Ireland (and several Australian states) which have forms of ERA demonstrate clearly that this is not the case. Moreover ERA would pose no barrier to developments that clearly serve the public interest.

ERA can be designed in ways to prevent vexatious appeals. It cannot be dismissed without recognizing there are myriad configurations that it can take. Evidence from the Republic of Ireland suggests that concerns about vexatious appeals are considerably overstated.

ERA could also be designed to ensure that it is not a drain on the public purse. Evidence from Ireland suggests that it may affect only 9-10% of all applications.

ERA would not undermine local decision making. Accountability and scrutiny are key mechanisms and values in modern democracy. ERA provides further scrutiny on weak planning proposals. It is not a means to undermine those that have been involved in making the approval. It provides equality and assurance to concerned residents and organisations that the planning developments that are approved are the best they can be. If ERA has arisen, it is because the impacts of the approved development are of concern to the local community especially those that will be negatively affected by a development for many years.

ERA, if well designed in a local form, perhaps using a regionally appointed Reporter rather than the current system could help ensure that decision making was not centralised.

Thanks for your time

Yours

Kathleen Byron