To whom it may concern,

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

No this bill is a missed opportunity that yet again whilst well meaning keeps the planning system in the favour of the applicants and against the communities where planned activities are undertaken. Without an equal right to appeal being at the heart of the bill, this appears to be a more streamlined way for communities to be disempowered, and have developments that are unsuitable, unnecessary and potential not in the local plan or the local interest given a help by the planning system.

2. To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

Build houses on brownfield land. If housebuilders do not build on brownfield land then ban them from building on greenfield land until they do. We have the land, we have the infrastructure, but until we spend money and a bit of time preparing brownfield land for alternative use it will remain derelict, or economically underperforming. Every council area will have areas of land that could have housing, but are not being used because housebuilder would rather dig up all that is green and government encourages them by overturning planning authorities or communities who do not want to see development occurring at places where there are already stretched infrastructure.

For me it is telling that it seems that the government strategy on planning seems to be focussed on a dash for more houses, rather than asking why we got to this situation in the first place.

3. Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

If regional and local planning can be overturned then we will have areas where this will not be achieved. If Equal Right to Appeal were enshrined in the planning, regions could look at where infrastructure or developments could be situated more widely, rather than just at the local authority level. However if developers know the system is tilted strongly in their favour they still will not need to pay any heed to regional, strategic or national planning.
4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

Similarly, local planning can be overturned then we will have areas where there will not even be the pretence of a system that complements developers needs with local authority priorities and certainly not communities needs. If Equal Right to Appeal were enshrined in the planning bill, local development plans become a powerful tool. At the moment they are just a document to be ignored unless a developer happens to vaguely meet one of the items in the LDP.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

They may do, but if there is little confidence that community and environmental safeguards exist in the full planning system, much work would need to be done to convince that these tools that help rather than the steamroller being replaced by a tank as it crushes legitimate objections.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

The bill needs to enshrine equal right of appeal, as otherwise community involvement however strongly felt, well presented and legitimate has the very slightest of slight chances of being effective. Community bodies are massively outgunned and outspent by the developers, but it doesn’t need to be this way. In any case since the system is so strongly in favour of development, the developers have almost unlimited avenues to gain the permission they desire, whereas communities can pull together for years, and still be overruled by a decision maker distant from the decision.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

I do not believe the planning enforcement is in any way adequate. Developers have essentially got carte blanche once planning permission is granted and under-resourced and over stretched planning authorities would need significant additional central funding in order to start using the current tools effectively. Fines can be taken into account and may even be budgeted for. A complete ban on any developments by an applicant from taking place for a set period would be a much better deterrent
than simply a cash fine which will be added onto the cost of the entire development (and which they will in all likelihood not receive no matter how they fail to comply).

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

No comments with regard to this.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

It would help them make their decisions, but who would offer the training, and would this training give increased prominence to the desires of developers and not communities. Whoever trains the trainers could tilt the decisions.

On this subject it would also help if developers were asked to be trained in environmental, social, cultural and community matters before putting in major planning applications. The number of key issues that are not considered by developers is dishearteningly repeated time and time again across the country.

Also if local councillors are often overruled when planning decisions are called in, without Equal Right of Appeal… this may mean that in fact more good decisions, well assessed by local authorities are overturned than currently are. Would this be a considered a success of the Bill or a failure?

10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

Yes. Although will there be monitoring of the decisions where planning authorities are overturned, or community groups and well held objections are quashed.

11. Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high –performing planning system the Scottish Government wants? If not, what needs to change?

No comment on this section.

12. Are there any other comments you would like to make about the Bill?

My belief is that Equal Right of Appeal can be brought in under this bill and make the planning bill in Scotland fair and fit for purpose. Communities by and large do not
stand against development, they stand against bad development. Applicants have all the ace cards in the current system and as a result, communities are bulldozed… both literally and figuratively.

Kind regards,

Graham Kerr