LocalGovernment and Communities Committee

Planning (Scotland) Bill

Submission from Andrew Kirkpatrick

Dear Members of the Committee

I wish to make the following comments on the proposed new Planning Bill soon to be debated in parliament. I am not convinced that this Bill, taken as a whole, will produce a planning system for Scotland, that will balance appropriate development with the views of communities. Nor will it protect the built and natural environment.

These proposals will not necessarily result in higher levels of new house building which are in keeping with the Local Development Plan. Changes in the Bill which encourage the use of old Industrial land, removal of empty derelict property and Gap sites in village, town and city would regenerate and bring economic benefit to many areas of the country.

The bill seems to have given scant thought to problems arising from new builds on the decreasing greenbelt. Local communities are disenfranchised by the present system in planning and looked forward to the Bill redressing that. Sadly, it does not. If asked why most people feel this way the answer is clear. The system favours Developers, Landowners and others, against the individual and the community.

Some inclusions in the Bill and some changes could remedy the planning problems.

1 Local authorities could set up a Local Development Group to buy land where and when required for building.

2 MSPs in committee should carefully examine how to make planning a democratic community-based event. This should have a proper structure for decision making.

3 Areas protected in the Local Development Plan, should have their protection enshrined in law.

4 Equal Right of Appeal in Planning decisions for an individual or community is a must. At present, an applicant has the upper hand in the process so there is no level playing field.

5 Councillors should have training if they are to be involved in voting on plans. It would also be helpful if this included knowledge of traffic, transport, ecology, environment and provision of local services.

6 Community councils must be involved where these exist, but all of these should be set up by local election.
7. Developers consultation should be exactly that, consultation. At present, many simply put a few plans on a wall and fail to properly explain the implications of the plan. In some cases they even fail to answer properly, questions local people ask. In the worst cases, some deliberately mislead the public.

8 Planning adverts should be more widely available and allow the public longer to comment.

9 Should cases go to the Reporter, more time should be available for public comment. After this stage and even after site visits, applicants are allowed to make further submission. This is inequality of access.

10. Applicants have a final arbiter should the Reporter find against them. This is a political arbitration by appeal to the Minister. The final arbitration should be with an Independent Court of Appeal in Planning. At present communities can only seek judicial appeal if they are well off communities. This means that areas of deprivation with no access to the finances to go to Law, are again deprived of their Democratic right to help decide the future of their area.

I hope my comments are helpful to the Committee as you decide the future of Planning law. May your decisions lead to fairness, where local people are heard and where they have Equal Rights with Developers.

Andrew Kirkpatrick