Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the Association of Mediators

The Association of Mediators was established over twenty years ago on the initiative of Sheriff Marcus Stone. The membership has included professional practitioners drawn from the legal and other professions interested in the need to resolve disputes in a way which is simple, transparent and effective.

Mediation is an independent profession with generally recognised standards of competence and ethics. The Association exists to promote mediation and other forms of alternative dispute resolution as processes for settling disputes.

The Association of Mediators welcomes on the whole the changes in the direction of change in the planning system that is proposed in the Planning (Scotland) Bill.

We are particularly supportive of the stated primary policy objective of the Bill and wider review as aim to change planning’s operation and its reputation from that of a regulator to a positive and active enabler of good quality development; a shift from reacting to development proposals to proactively supporting investment and quality place making.

We look forward to being able to see the further detail set out in the secondary legislation stage on the implementation of the Bill and engaging on that stage also.

We have direct experience in the planning system and a number of longstanding Planner and Architect/ Mediators in our membership. Their experience in being involved in both Planning and Architectural Mediations will be of interest to the Scottish Government in considering the changes proposed. We are happy to assist in any way we can in that regard.

It is noted that the Review prior to the Bill encouraged the wider use of mediation in the planning process as a principle, this was welcomed. Often planning is such an adversarial process. Giving parties the opportunity to meet within a mediated setting, share experience and ideas and get involved in place making bodes well for future dialogue and working together to achieve quality places that work for people.

Where there is tension in the preparation of Local Place Plans and Local Development Plans, in the process of considering planning applications or appeals, we are of the view that mediation should be the first stage in attempting to find common ground and building on the dialogue. Too often this opportunity does not come to fruition at present.

We welcome a further dialogue with you on how mediation can become embedded in the planning process. It is important that those with direct experience of planning mediation, such as ourselves assist in broadening the discussion and allow you to take advice from a variety of mediation organisations.
The Association of Mediators will therefore be delighted to share our experience and expertise in assisting the process to become embedded in the Scottish planning system.

We would ideally like to see mediation statements form part of the normal course of public engagement, commitments to mediation agreements form part of planning proposals, conditions etc and the spirit of working together as opposed to in opposition become commonplace.

Thank you for the opportunity to comment.

Yours sincerely

Hugh W J Crawford DA, BArch, Dip TP, RIBA, FRIAS, FRTPi Chartered Architect, Town Planner and Mediator Honorary President and Chair of the Association of Mediators

Suzanne C McIntosh BA (Hons) MRTPI Hon FRIAS and Honorary Treasurer of the Association of Mediators