Dear MSP,

The Planning Bill: currently open for comment.

We have huge concerns that Government policy is driving this Bill in a direction against the democratic will of the people.

1. **Empowerment and equality**: There are several consultation opportunities being removed within the Bill resulting in an overall loss of community engagement opportunities (e.g. loss of the Main Issues reports, lengthening of the development plans from 5 to 10 years).

   Now there are gross inequalities which are faced by local community people in the planning process...where are these addressed.

2. **Local driven plans**: We would like to see communities really empowered to make their own place plans. Freedom of Information has revealed that Local Development Plans and Supplementary Guidance are rejected by Government Reporters if they do not agree with Government Policy. Local plans should be an equal part of a conversation with policy guidelines set elsewhere, not a junior partner. Additionally, we would like a statutory duty to involve community councils and bodies in NPF and LDP development; in a genuine conversation.

3. **Good enforcement rules**: Planning conditions need proper enforcement. Planning conditions can make unacceptable developments more acceptable to the public, it is crucial that they are strictly controlled. We want planning authorities to be supported to take action and far greater resources to go to enforcement. There should be an increase in fines and fees for retrospective applications.

4. **An Equal Right of Appeal**: We need a step towards equality and provided for a right of appeal in this new planning bill. Please MSP’s do the right thing and give communities something to celebrate. We are asking for the bill to include a right of appeal for communities under certain circumstances. We also want the developers right of appeal to be limited to applications that accord with the development plan.

5. **Better regulation**: What we would really like to see here is something done to prevent the commonly used developer tactic of putting in repeat applications. There is nothing to stop developers from coming back time and again with slightly altered applications, requiring communities to start all over again with their responses to the planning process. This would create a “presumption against” that form of development in that place. We also want the Bill to include a mechanism where there is a presumption against development in cases of...
repeat applications unless the applicant can prove material changes in the proposal or circumstances.

6. **Adequate resourcing:** Planning is hugely under resourced, many planning departments have lost huge numbers of planners resulting in loss of expertise as well as putting huge strain on planners and communities. The Local Place Plan initiative is set to fail and increase inequalities unless communities themselves are given funds and access to experts to produce their own plan.

7. **Land Value Capture:** We need a bill that tackles over-inflated land values. This means ending the generous public subsidy given to the development industry.

8. **Environment protection:** How we can improve planning so that it cares for people and place rather than just the residual site value in developers’ ledgers.

Wild land matters to Scotland’s people - a recent YouGov survey for the John Muir Trust showed that 80% of Scotland’s people want to keep Scotland’s Wild Land Areas free from major developments. That is a colossal 16 to 1 majority giving their backing to wild land protection. In spite of the fact that Scotland has some of the world’s supreme, unique, renowned landscapes and wild spaces, it shamefully has only two National Parks (Norway has 44).

At our last meeting we had a presentation from Can Galloway be our next National Park?”. This can only amount to criminal negligence on the part of politicians and disregard in caring for the protection of Scotland’s rare environments for future generations. In the absence of National Park and NSA status, this planning Bill needs to set rules and boundaries to protect these areas. The enforcement of planning and environmental laws is often questionable and when it is not enforced, you in effect authorise the conduct you seek to prohibit.

It is why it is important to keep the peatlands wet, for biodiversity conservation and for the climate. The Scottish Government’s blind commitment to industrialising our forests and peatlands for the development of industrial windfarms and the necessary infrastructure (powerlines, sub stations and roads).

Industrialisation, on this massive scale of our wild land, of our pristine water catchment zones designed, by our Victorian ancestors, to remove water supplies away from industrial areas, has led to deteriorating water quality for many people in Scotland.

In South Ayrshire and Dumfries and Galloway we have much to protect, in the UNESCO Biosphere, Galloway Forest and Dark Sky Park. It is a major driver of the south-west’s rural economy, attracting tourists from all over the world to visit, spend money and support jobs in our most fragile local communities. Recently, Scotland was voted the most beautiful country in the world in a Rough Guides readers’ poll. The YouGov poll shows that Scotland is united in wishing to keep our wild landscapes free from large-scale wind farms, giant pylons, super quarries and other inappropriate commercial developments.
As our MSPs you will be able to play a vital role in the shaping of this Planning Bill. Planning is often the only way the public can really have a say in shaping the country they live in, helping to create the landscape of Scotland’s future. Please represent your constituents’ best interests and make this Planning Bill about Empowerment of the People giving them a Real Voice and Equal Rights.

Faithfully

Mhairi L McKenna
Chair of Ballantrae Community Council.

Acknowledgements:
I would like to thank:
Planning Democracy www.planningdemocracy.org.uk,
John Muir Trust https://www.johnmuirtrust.org/ and
Members of our Council
for information shared in this letter