Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Bill Geary

Regarding the above, can it be amended to give equal right of appeal to Communities and Developer. The current one-sided appeal system unfairly favours Developers to the extent that, once permission has been granted, mistakes, even breaches of Planning Policy, cannot be challenged. The Local Community, it seems, is regarded largely as a source of vexatious delays and difficulties.

Take, for example, a Planning Application for flats at Canonmills Bridge in Edinburgh. The initial Planning Permission for this development slipped through generally unnoticed by the local community, which is not uncommon. (Notification can be extremely limited and haphazard – for example at Canonmills Bridge a Planning Variation notification was sent to 61 neighbours in July 2015, but to only 14 neighbours in October 2016.) Post-permission, when it was brought to wider public attention, there was almost universal local objection – search the Evening News or Herald websites. The Permitted Development actually breached Planning Policy for Waterside Development, allowing for the creation of a multi-storey riverbank on the Water of Leith, the first in a hundred years. The Ombudsman is considering a complaint in this regard and the Council may be asked to apologise for allowing such a breach, but further, more meaningful, appeal was not possible.

Regarding the October 2016 variation, 45 (of 104) public objections raised safety concerns regarding pedestrian access at the rear of the proposed building. It was also pointed out that this access, as drawn, was simply impossible to build. However the variation was granted in April 201. Subsequent requests for clarification have led an acknowledgement by the Developer but as yet no resolution has been explained. The last correspondence from the Council, on 24 November, promised a further response. In this case, the error is derived from misleading technical information supplied by the Applicant but, even then, appeal is not possible.

Thank you for your consideration,

Yours faithfully,

Bill Geary