Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the Badenoch and Strathspey Conservation Group

BSCG is a voluntary community group, established in 1975. We have long recognised the key role that the land use planning system should play for safeguarding natural capital and delivering genuinely sustainable development.

We engaged with the Planning Review process and welcome the opportunity to provide further comments to the Committee. However, we are disappointed that the Bill fails to reflect the concerns that we and others have raised; and this is in spite of the Review identifying the “serious lack of trust, respect and confidence in the system”.

People need to feel that contributing to the planning process is productive and worthwhile. In this respect we note that a recent Scotland-wide poll (commissioned by the National Trust for Scotland) found that 60% of people feel they have no influence on local planning decision affecting their local area; and 90% want local communities to have the same rights of appeal in the planning system as enjoyed by developers, indicating substantial dissatisfaction with the balance of power in the present system.

BSCG has spent a substantial amount of time, money and effort engaging in planning at all levels and stages in the process. Our experience of the planning system has been deeply unsatisfactory, onerous, time consuming and expensive. This is in large measure because the present system is significantly weighted in favour of development.

Below are responses to Questions 1 and 4.

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.

An Equal Right of Appeal is the single most important reform needed.

BSCG considers that a fair and equal right of appeal is a fundamental requirement for our planning system. The planning system cannot function in a fair and just way and deliver sustainable outcomes in the public interest without an equal right of appeal. MSPs should not expect communities to have confidence in planning when the system is so skewed in favour of development. The Barriers to Engagement report states that community engagement exerts very little influence on planning outcomes. This is amply borne out in our own experience. ERA should be a high priority change that the Bill delivers. The present inequality in right to appeal seriously distorts the decision making process. Many damaging planning outcomes would be avoided if the system were fairer.
The Bill does too little to prevent damaging developments in protected areas, and towards safeguarding biodiversity. We would like to see the 'mitigation hierarchy' embedded in the Bill, whereby, if significant harm from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. We would like to see clearer and more informative justification for the inclusion of a damaging project in a plan.

We are deeply concerned at the natural heritage damage and biodiversity losses that are ongoing in the Cairngorms National Park as a result of unsustainable development. An example of this unsustainable development is the promotion of a new town despite major environmental, landscape, biodiversity and access impacts within and beyond the site. A national poll undertaken by the industry leader Survation in September 2017 (commissioned by BSCG) showed that far more people opposed building this new town in the Cairngorms National Park (over 44%) than supported it (under 25%).

Planning needs to play a major role in mitigating and responding appropriately to climate change. Therefore we wish to see a specific duty (in addition to the general duty provided by the 2009 Climate Change (Scotland) Act) placed on planning authorities in developing plans and determining applications.

We consider a firm foundation of regulations can reduce uncertainty, confusion and the risks of problematic, damaging and unsustainable outcomes. We view the contention that lighter regulation could 'streamline' the planning process as highly misleading. Applying regulations with the lightest possible touch is liable to result in controversial, environmentally and socially damaging and ill thought through projects that do not serve the long term interests of society.

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 focused 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?

We do not favour a 10 year review cycle. It is too long a time period and provides too infrequent opportunities for communities and others to input into the plan process. The introduction of reviews within a 10 year plan cycle would add to uncertainty, confusion and lack of transparency for the public, who already find it difficult to comprehend the planning process.

It would be a step backwards. A 5 year cycle keeps plans up to date, as was the intention in the 2006 Act.

There would be a reduction in environmental assessment and too much scope for significant environmental change in the periods between plans, rendering environmental assessments out of date and inadequate. Environmental baselines could change significantly.

We would like to see Habitat Regulations Appraisals undertaken at a strategic level in addition to at a project level.
The Main Issues Report stage, when key issues and sites can be commented on at an early stage in the plan process rather than when it has already been worked up to the draft plan stage, is valuable and should be retained. It provides one of the most useful opportunities for public engagement in the plan process. In our experience it can work well and provide clear and meaningful engagement early in the plan process.

We wish to see a planning system that is thoroughly transparent throughout all stages. We welcome that some planning authorities make their meetings publicly available on the web and consider that it would be a valuable improvement if all planning authorities were required to do this.

Gus Jones
Convener