Local Government and Communities Committee
Planning (Scotland) Bill
Submission from Claudia Beamish MSP

The focus of my principal submission relates to community involvement in the planning system. I am regularly contacted by constituents regarding a variety of developments where they feel their views have been disregarded.

I also focus on the opportunities which compulsory purchase could bring to communities for regeneration of unpopulated parts of Scotland.

**Community involvement** - Proper, meaningful engagement with the public on their surroundings has to be a priority if an inclusive planning system is to be established. Community involvement and the concerns they have must be taken into account from the start of the process.

There must be robust criteria for the publication of any planning application with the outcome of consultations freely available and publicised. The public have to see that their contribution has been taken into account.

**Equal Right of Appeal** - The ongoing issue of Equal Right of Appeal previously referred to as 3rd Party Rights is a concern often raised with me. I have also raised this over a number of years. It is vital that communities have a voice during the appeals process. However, I accept that the definition of community must be clearly outlined in the Bill, with strict criteria on who can appeal and on what basis. There is clear precedent of definition of community in the Land Reform Act. Greater community involvement throughout the process is necessary. The planning system has to find a balance between progressing commercial/social developments and listening to the communities, underpinned by respect for our environment. This means true sustainable development.

**Mapping of non-existent Communities**

Community land Scotland have requested for Non-existent communities to be mapped and protected for re-population and also that compulsory purchase of land for re-population of areas that were depopulated be made easily accessible. I support these measures being part of the Bill and identify myself with this part of the Community Land Scotland submission to this consultation. I agree with the organisation that a mapping exercise would need to be undertaken for this action to be taken forward.
Serial Applications - A glaring example of community frustration in my area is the continual pursuit by a developer for a sand and gravel quarry at in South Lanarkshire. This is an issue I have had to revisit several times since I became an MSP in 2011. The frequency of serial applications for this development only serves to grind down a community as their views, the local authority position and Government reporter’s findings are ignored.

In October 2017 I objected again to their third application as I could see very little difference to their first and second proposals. ‘This is not a suitable site’ from all quarters does not appear to deter further applications meanwhile a community are left demoralised that the planning system cannot protect them from this continued uncertainty. There should be stricter criteria for reapplication and a longer timescale before this is allowed. There should also be an obligation for developers to consult on altered applications.

Beyond community involvement, other areas I would like to raise relate the protection of our environment and the wellbeing our communities.

On shore fracking - I proposed Members Bill on fracking to ban unconventional oil and gas extraction, including by means of hydraulic fracturing in Scotland last year. A vote was won in the parliament supporting my amendment to the Scottish Government motion which makes an indefinite moratorium policy. Due to my amendment, there is an agreed position to ensure this commitment of the Scottish Government is included in the next review of the National Planning Framework. While this is beyond the Planning Bill itself, I think it important to highlight this issue now for the record.

Flooding –

Building on Flood Plains - I am concerned by the number of instances where a local authority has notified Scottish Ministers of a planning application to which SEPA have raised an objection due potential flood risks. Following a recent FOI, it transpires that since April 2013 to date there have been 43 instances of SEPA objections. SEPA should have a statutory right in relation to building on flood plains not just an advisory one if we are to protect our floodplains and also prevent flooding of properties.

Agricultural buildings loophole - It is also necessary to ensure that the loophole in planning law is closed which at present allows the building of agricultural buildings on flood plains. Not only is this unacceptable per se, but there should be clear reference in the Bill to prevent such agricultural buildings being in any way a precedent for allowing consideration of a residential application.
Green spaces and Active Travel - Finally the planning bill should legislate for planning applications for both residential and commercial development to include green space and opportunities for safe active travel as integral. Good access to integrated public transport and walking and cycling routes benefit not just the health of our communities but reduce the carbon emissions necessary in tackling climate change.

I hope my comments will be taken into account as this planning bill progresses.

Yours sincerely

Claudia Beamish MSP
Submitted as Member of the Scottish Parliament for South Scotland