Local Government and Communities Committee

Planning (Scotland) Bill

Submission from John Reiach

Planning law lies at the heart of modern democracy, yet is frequently hidden from the public in the interests of political or financial expediency. Decisions are often made behind closed doors, on dubious grounds of 'commercial confidentiality', a kind of catch-all for justifying secrecy.

Moreover, if a citizen wants to engage with a planning issue, he or she must often dig around in the dark, grappling with unfamiliar jargon and procedures, which tends to be both time-consuming and frustrating.

So planning procedure must be both more transparent and more 'user-friendly' - 2 sides of the same coin really - with the opportunity, encouragement even, for the public to partake in decisions which will impact on their lives for years to come. Too often people discover too late that a major road, or hotel development, is due to be built in their home environment, with all the long-term noise, air pollution and other blights, that ensue for them and their families.

While we elect politicians to act in our best interests on our behalf, all too often they let us down. So it is vital that the local community in an area of proposed development should have the opportunity to influence the planning process. This must include a straightforward and equal Right of Appeal if the decision goes against them, in order to even the playing field - currently the proposer has this right, but not a third party. This is a glaring injustice which needs to be urgently rectified. The only legal resort currently available to a third party is Judicial Review, which is extremely costly, (hiring a legal team, paying court costs etc.), and in any case JR is limited to points of procedural law and cannot address the essential moral or environmental merits of a planning decision, whereas the Applicant, often in a far stronger financial position, can appeal a decision that goes against him or her for a fraction of the cost.

The built environment today is changing increasingly quickly, and the danger is great, particularly to vulnerable historic areas. Hence the urgency for a more transparent, universally accessible and fair planning procedure. A fragile environment like the Old Town of Edinburgh has already been seriously compromised by a series of disastrous local authority planning decisions taken over the last 10 years, with more ongoing and currently very little the local community can do about it. With very little space to play with by definition, the Old Town has seen several large developments, on inadequately small sites, for what one could best define as 'short-term letting', namely, purpose-built student accommodation and widespread tourism provision.

Planning is not simply about the physical appearance, appropriateness within context etc, of our built environment. It is also about the use to which buildings are put. Local authorities claim to have planning guidelines, but all too often they turn out to be no more than that, and are disregarded by the authorities who wrote them.
Hence, in the Old Town of Edinburgh for instance, there is increasing tourism over-provision and, the other side of the coin, an inverse lack of sufficient housing to sustain the settled community, which in turn is threatening the very life of the historic town. A museum is a very different prospect from a centuries-long established, living community.

In summary, planning law needs to be made fairer, and Equal Right of Appeal for a third party would be a big first step in this direction. While it might slow the process down marginally, it is a price worth paying. And in any case it might encourage applicants to think carefully about the suitability of their projects before submission, thereby saving public money and helping to ensure a satisfactory outcome.

John Reiach