Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Kilmacolm Residents' Association

It is the view of the Kilmacolm Residents' Association (KRA) that the new Planning (Scotland) Bill does not address the main shortcomings of the existing flawed planning system.

Equal Rights of Appeal

Currently our local Council prepares and publishes a 5 year Local Development Plan (LDP) in which the Council and residents should have the assurance that the LDP will run its course and another LDP would be in preparation for the following 5 years, being developed through consultation with all interested parties.

It is extremely worrying that Land Owners and Developers will still be able to make bids to develop and build on Greenbelt land and that the local Councils, interested bodies and residents have to spend a huge amount of time, effort and money, questioning and opposing.

It is also extremely distressing to find that if the Council rejects an unwanted bid from a developer, that the developer can simply 'appeal' the decision (at a further cost to everyone) and hope that someone from the Government - who probably doesn't live near the proposed development - 'might' overturn the rejection.

But, even worse, should the local Council decide not to reject a planning bid and approve it - the residents who live near the area and know that the planning application would be detrimental to the community - are **NOT** allowed to appeal the decision.

This will mean that speculative applications with pressure from landowners to develop greenbelt land - which are subsequently approved by Council officials and elected Councillors, perhaps using information that has not been disclosed - cannot be challenged by the local residents. So even after being consulted for local opinion, no matter how strong and accurate the views of the local residents are, they cannot be publically presented at an appeal.

The new Planning (Scotland) Bill needs an effective and robust system to allow planning decisions to be questioned (and opposed if necessary). It needs an effective 'equal rights of appeal' to be added to the new bill. This would not increase the time of development but ensure that it is a level playing field for all.

The 'Planning Permission in Principle' problem

Any system that allows Land Owners and Developers to apply for 'Planning Permission in Principle (PPP)' should be abolished. This is extremely unfavourable when it allows speculators to increase the cost of land and then do nothing with it - therefore preventing development. If PPP has to be retained, then it should be time
limited - perhaps for as short as 2 years. After this time the permission should be automatically withdrawn if the land has not been presented for development with an official application on a Council planning system.

Also, there may be a way to increase the Scottish Government's income by introducing a tax on the increase in value of land from the 'agricultural value' to that of the 'permission in principle value' of 50% on both the landowner and the developer's shares? This would be due payable within one week of the land being sold for development.

**Community Councils need to work for the Community**

It’s vitally important that Community Council guidelines and their constitutions are altered so that they shall hold an election with a ballot at each election term.

Community Councils should also be sufficiently funded to enable them to commission professional planners and landscape planners, on a short-term basis as required, to prepare the proposed Local Place Plans in the future.

Community Councils must also have effective positive ways of communicating with their local residents by way of website, emails, Facebook and leaflet drops. No one should be able to say "I didn't know about that!".

It is the Community Council who should be leading the creation of Local Place Plans or it is entirely possible that other groups may form to fill the vacuum and perhaps have their own agendas for future development that is conflicting to the communities wishes.

Community Councils must be fully held to account, over how they have engaged and consulted with those they are elected to represent. If they are not - it is possible that they could be infiltrated by people who may profit from being on the Community Council.

We thank you for the opportunity to comment on the Planning (Scotland) Bill and hope that when it is published that it will be unsurpassed for ensuring that Scotland is viewed as the country with a planning process that is the envy of the UK.

Yours sincerely

Bill Crookston (Secretary)
Kilmacolm Residents Association