Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Penny Uprichard

This is my response to the Planning Bill call for evidence. As it is a long and complicated document, I intend to focus on matters which are particularly relevant to my experience of planning over the last 22 years. Many of these points will seem trivial when set against the broad strategy of the Planning Bill, but they are what affects those who engage in planning on a weekly basis. I confirm that I am happy for my response to be published.

Community Engagement – the Bill says that ‘The Scottish Government is committed to . . . . and to people having their voices heard in the planning and delivery of services’. The only statement supporting this aim is that ‘objections will be taken into account’. Local authorities do not have to prove they have taken representations into account, and can simply ignore them. The fact that 95% of representations are decided by delegated powers surely proves that Councillors and the public are deprived of any real role in matters of planning and landscape.

The document ‘Barriers to Community Engagement’ confirmed the need for revision of the present system, when it said that ‘there is a serious lack of trust, respect and confidence in the system, and that community engagement exerts very little influence on planning outcomes’. I believe this is entirely true. I know a number of people who say there is no point in commenting on or objecting to applications because there is no hope of being listened to, or winning.

As an example, there were 2,500 responses to the 2006 draft of the Fife Structure Plan, including those from dozens of Community Councils. All of them were ignored, including those from statutory consultees Scottish Natural Heritage, Historic Scotland and the Scottish Environmental Protection Agency. Scottish Ministers duly approved the Plan. Surely it was not intended, when local authorities were given the powers to assess objections, that they should be able to dismiss responses in such large numbers?

I believe that Councils should have to give reasons for ignoring or overriding objections. The Structure Plan included over 1,000 houses to be added to St. Andrews and 1,400 to Cupar – two proposals for which there was virtually no public or residential support.

Equal Right of Appeal – I remember the first consultation on this subject, in 2006, which I believe resulted in 82% support for the proposal. The then Minister, Mr. Malcolm Chisholm, said that there would be no such Right of Appeal. It is time for democracy to be restored, and for the public to have an Equal Right of Appeal with developers.
The cost of legal challenges – I lodged a legal challenge to the Fife Structure Plan in 2009, and lost in the Supreme Court in 2013. The impression throughout, in the Outer House and the Inner House, was that such impertinent attempts to interfere in planning decisions must be discouraged. The total bill was over £200,000. This included a PEO for the Supreme Court – when I lodged my case there had not been any PEOs awarded in Scotland, and I believe the first one was for £40,000.

The planning system has an iron grip on planning and would probably find it more convenient if objections were not allowed.

**Paper copies** – about one-third of people in Scotland are not I.T. literate. They are not catered for in the planning system, where everything is online, with rare exceptions. The FifePlan (recently approved) covers the whole of Fife and very few people will ever have read it. Furthermore, it is so large that it is difficult to carry. I requested a paper copy to be put in the local office, and was refused by DPEA. How ridiculous is this, to arrange for a local Plan which is so huge that can't be printed out?

**Plan-led system** – we are supposed to be living under such a system, but in fact officials are apparently able to change it at will. The recent successful challenge to a school in North East Fife (intended to be built in Green Belt) resulted in a decision by the Inner House that Fife Council had carried out an illegal planning process over 4 years. There has been no apology, and no acknowledgment of the fact that the taxpayer paid £3.5 million for this botched proposal.

Over the last 11 years in Fife we have moved from six Local Plans to three, and now we have a so-called Local Plan covering the whole of Fife - incomprehensible to most people, filled with jargon (‘spatial strategy’ is a mystery to most readers) and with errors that have not been corrected since the initial consultation. It is not surprising that many of us have the impression that we are being rolled over by a totalitarian system.

**Review Bodies** – I believe that both sides (developers and objectors) feel that these bodies are unsatisfactory. In Fife, Councillors who represent the area in which the appeal site is situated are not allowed to be on the Review Body. Is this a decision by Fife Council, or is it part of the legislation? Third parties are not allowed to speak at these events.

**Statutory consulteeship** – Community Council is the only statutory consultee in St. Andrews. For years Fife Council misused the process, by allowing only 6 working days instead of seven for a response after publication of the weekly list, and insisting that a ‘minimum of 14 days’ meant 14 days or less for responses after a request to be a statutory consultee. After months of correspondence they finally agreed to comply with the rules.