Local Government and Communities Committee
Planning (Scotland) Bill
Submission from Richard and Catherine Lye

This submission is based on our own experience of the planning process. We have no expert knowledge and, with only a short time to submit these comments, we have not been able to familiarise ourselves with the detail of the proposed legislation. We apologise in advance that we have not been able to structure these comments to relate directly to the points listed in the Committee’s call for views.

1. In rural areas, particularly, a neighbours’ notification area of up to 90 metres (as was previously required) would be more suitable requirement than the current 20 metres; the first dwelling on any line from a development site and within 90m of it will usually be significantly affected by the development. It would be a simple matter to ensure that any property within line of sight should be notified. We found ourselves in the situation recently where a planned development at a property, with which we share 3 boundaries and which affected us more than other neighbours, was not notified to us as our house is more than 20 metres from the site.

2. The timescales involved in the planning process in relation to notification of planning meetings is too short. Most people do not have planning knowledge and require to do research in order to make representation. 5 days is not long enough to do this if one works full time and can only work on this in uncommitted time.

3. Those proposing developments should be required to present, at their entire expense (i.e. there should be no cost to Local Authorities or regulatory bodies such SEPA or Scottish Water), written confirmation from the relevant regulator that all environmental and similar considerations have been satisfactorily covered in the proposed development; final confirmation of Planning Consent should be withheld until such confirmation has been provided – i.e. the consent is only “in principle” until this formality has been completed. We have been aware of instances where potential environmental issues have been subject to an “advisory note” which we believe is unsatisfactory.

4. Enforcement of conditions has also been a matter of great concern for us. Neighbours become “policemen” for the enforcement of planning conditions. This is not conducive to good neighbourly relations.

We would welcome any strengthening of powers. In our experience, planning conditions are not enforced – even when brought to the attention of the local planning department. We also feel that planning authorities should be obliged to use “section 75” agreements (again, wholly at the expense of the applicant) or something
similar which imposes limitations to use as part of the title to the property where limitations of use need to be preserved if ownership changes.

5. We have experienced a development with a long history of repeated retrospective planning permissions. It makes a nonsense of the planning process and discredits it in the mind of the general public if applicants are able to forge ahead with developments with impunity.

6. We note there is a proposal to provide training to local government councillors involved in planning matters. We attended two Planning Committee meetings recently and it was clear to us that members had to deal with some very complex and technical issues. We were impressed by some of the questioning by them; however, we are certain that training for all involved would be beneficial.

7. From discussing planning matters with our neighbours, it is apparent that there is a lack of trust in the planning process. We could relay many unsolicited comments about the planning process to the Committee which have been made to us which we would want to distance ourselves from – however it did highlight to us the low esteem in which the current planning regime is held.

It was apparent during these discussions that there was no desire to engage with the planning process. Several individuals expressed a lack of interest in becoming involved as they felt the outcome was a forgone conclusion. This does not inspire confidence in the planning process and our democratic rights therein.