Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Residents Against Greenbelt Erosion

1. Does the Planning (Scotland) Bill balance needs for development with views of communities and protection of the built and natural environment?

No.

The basis of our planning laws was to ensure that land use changes are in the Public interest.

Public engagement is essential if there is to be trust in the planning process.

The proposals in the Bill are aimed at centralising decision making, which reduces public input via their local councils, and reduces local democracy. In planning there are many decisions best made locally as they impact most on the local population and have lasting effects on the local environment.

As local campaigners we acknowledge the need for some new development, but also have local knowledge of what is valuable to retain, and what makes it a good place in which to live, work and play, and value our green space. Green space can be both publicly accessible land, or private farmland or woodland. Its importance to local population may be aesthetic, as in attractive views, quiet and natural sounds, or for informal recreation and physical activity which is so important to be able to access close to one's home for regular use, or as green lungs to improve air quality. These qualities are not contributing to economic growth so may appear to be of less value to those with an economic growth agenda. Local communities also have an understanding of the transport and infrastructure issues that may be overlooked from a national perspective. For example, overflowing car parks at stations when outlying villages have new housing built, sewage works which overflow when there is heavy rainfall, traffic bottlenecks increasing journey times.

The existing planning process appears to have a bias in favour of the development industry and is unfairly treating communities who get involved in local planning issues. The development industry creates huge profits in land value uplift when planning consent is obtained on greenbelt land. Volume house builders make “obscene” levels of profit, whilst also contributing to rising housing prices, with an impact on homelessness issues. However the proposed Planning Bill appears to be focused on securing development, and in particular increasing house building without reference to the negative aspects of unfettered development.

The proposed Bill seems to present a one sided view of planning as a hindrance to development. It does not appear to be tied into wider policies on wealth distribution, or addressing inequalities, or environmental protection, or the creation of sustainable communities.
Our local campaign to protect an area of greenbelt was listened to by the local council, their planning department recommended refusal of the proposed development which was outwith the LDP. The developer was able to appeal to the Scottish Government, the DPEA Reporter held a Public Inquiry which we participated in. This was at great cost to us in both time and money as we needed legal representation. Our experience showed that there is no financial or other help available to communities to prepare their case. It is already hard enough to make objections due to the short timescales which developers are able to manipulate by putting in applications just before holiday periods, and the costs and complexities put off less affluent and determined individuals. We had to learn a huge amount about the planning system, the jargon used, the relevant criteria, and the process.

We faced being dismissed as Nimbys, as though we were motivated by a potential financial loss, rather than that we had detailed local knowledge and concern for the place we live in, and would like to conserve the environment. In our case the Reporter recommended refusal (i.e. he agreed with our view on this development) but the Minister disagreed and over-ruled the Reporter to give consent to the plan. We were dismayed that he could do so with only a 2 line reason, he decided more weight should be given to the economic and sporting benefits of the project which he considers of national importance. He supplied NO evidence to justify this (which was also lacking in the public inquiry).

We feel that a political decision was made, based on a bias in favour of economic development, and possibly due to a media campaign by the developers using a celebrity to promote their project. The decision is flawed as it goes against existing planning rules, and gives consent for housing in a lucrative greenbelt site, with serious doubts that the supposed benefits can be achieved. Our group and the large number of supporters of our campaign have discovered that what counts is who you know, how high your media profile is, and how rich you are. Planning seems to be able to be corrupted.

Centralising Planning decisions has in our opinion led to decisions which show poor judgement, for example the Trump golf course near Aberdeen, the Tennis centre at Park of Keir, and the Pentland Film Studios. In these cases there has been an absence of evidence to identify a need for the proposed facility, and secondly an absence of any scrutiny of the best location if there is such a need. The proposed Planning (Scotland) Bill does not appear to address this issue.

If there were an Equal Right of Appeal, particularly in cases outwith the Local Development Plan, or an Environmental Court as exists in other parts of the UK, as the ultimate arbiter on planning issues, we would have more trust in the system. Currently we feel that there is little point to having a planning system that can be so easily over-ruled by developers. And little reason to engage with it. We suspect that developers have far too close a relationship with the Scottish Government, this Planning Bill does nothing to improve that. The planning system must be transparent and fair all the way through. Equal Right of Appeal is a concrete way to show that communities will have a voice.
2. Will it help to increase house building?

We think this is the wrong question. The high cost of housing is an integral part of the housing problem, not simply the numbers of new houses built. There is an increasing requirement for single person accommodation, which is not well catered for in the housing estates on green field sites that developers prefer to build to maximise their profits. There are other tools for government to increase the number of homes available, for example: to upgrade existing houses (removing VAT on this); encouraging local councils to create more social housing, land banking by developers should be addressed, rent controls considered, unoccupied homes, foreign ownership, using the land which already has consent, land value taxation? These should be considered before changes to LDPs are forced on local communities because house builders say that is what they need.

6. Local Place Plans appear to be the only part of the Bill to address opportunities for community engagement in planning, despite this being one of the stated aims. However, already communities can contribute to the LDP. If there is no requirement for the Local Place Plan to be incorporated into the LDP, what incentive is there to spend hours of voluntary time discussing what would benefit our communities if it can be ignored by the LDP, which can in turn be over-ruled by the Scottish Government.

10. Poor performing local planning authorities.

The idea that they could be taken over by the Scottish Government sounds potentially dangerous and open to abuse such as when local planning authorities make decisions that the Scottish Government disagree with. In fact it would seem to encourage cronyism; what safeguards would there be to prevent this and local democracy being further eroded? Planning should be decided locally.

12. Other comments:

There should be proper consultation on any proposals dependent on an “enabling” housing development, e.g. Trump golf course, Tennis Centre. This should be independent and thorough, not commissioned by the developer. Local businesses and organisations should be properly consulted about possible impacts on their business/organisation, and whether there is a need locally.

If the Scottish Government are going to over-rule local decisions or the recommendations of their own experts on the basis of a proposal being of national importance or economic benefit, there must be evidence to back this. Planning should protect us from losing greenbelt to short term business ideas which have a high risk of failing. If a proposal is relying on celebrity endorsement surely this should immediately raise concerns. A sound proposal in the public interest should not need this.
Summary:

Community views must be heard so that the public can have some trust in the planning system. Their views are valid and a local perspective is valuable to prevent long term negative changes.

Communities have no right of appeal and this Bill does not address that.

Currently decision making is centralised and all decisions can be over-ruled by a Minister with no supporting evidence. The proposals in this Bill do nothing to change this position but apparently reinforce it.

We do not see any benefit in this Bill from a community perspective; it appears to be based on a developer’s agenda.