Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the Scottish Battlefields Trust

The Scottish Battlefields Trust is an independent advocate for the promotion, interpretation and protection of Scotland’s battlefield heritage. We are a voluntary charity and as part of our work we seek to encourage sensitive approaches to development within battlefield landscapes and, where those sensitivities are not adequately considered within applications, to register our concerns, make proposals for mitigation, or when all else fails to oppose inappropriate development proposals.

We are generally supportive of proposals which assist local communities in protecting and improving their local environment. We are however concerned that not all applications will arise from a context which has been predicted during the creation of overarching local plans, and it is therefore necessary to provide communities or special interest groups the capacity to remain meaningfully involved in the planning process, on an individual case basis as well as during development of LPPs for example.

We therefore remain concerned about perpetuating a system which permits government reporters to overturn the judgements of local authority committees – those who are most accountable in the community and in theory most informed as to its wishes and needs – without right of appeal from the council or local campaigners.

We would like to encourage ministers to take into serious consideration the possibility of supporting a mechanism for third party right of appeal, so that specialist organisations such as ourselves – who are not currently consulted by statutory obligation – have a fair opportunity to raise serious issues which may be of national as well as local significance. We note that your 2016 planning review written evidence identified that ‘civil society respondents’ to consultation generally favoured some such mechanism, the planning sector was open to it in some form, but that the development sector was concerned about the resulting costs and delays. It is our understanding that Scottish ministers are first and foremost the representatives of their constituents, civil society respondents as we might in this case consider them, who all too often feel their rights are imbalanced with those of well-resourced developers, for example.

Whilst we agree that energy is best spent in engaging interested parties at an early stage in the process, if that process does not occur to the satisfaction of communities or campaigners then there is apparently no further safety net proposed which permits them to have a voice. We would be most concerned to see a planning bill pass which missed the opportunity to remedy such deficiencies, and even more so to see one which entrenched the capacity of central government or unelected officials to disregard strong local sentiments or well-reasoned representations from organisations such as ourselves, without a right of reply. Recent events on Culloden battlefield provide an example, where it appears that power has been taken away from local representatives and international campaigns have been powerless to help.
In due course we would also like to see legal protection offered to historic battlefield landscapes as registered in the Historic Environment Scotland Inventory, through a scheduling mechanism which allows their cultural and tourism value to be taken seriously within the planning system. Although this is beyond the remit of the current discussion it is an essential consideration in the search for a means to prevent the continuing erosion of our battlefield heritage.

Kind regards,

Arran Paul Johnston
Director
Scottish Battlefields Trust