



The Scottish Government  
Riaghaltas na h-Alba

## Independent Review of Planning

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

##### Organisation Name

TOLLCROSS COMMUNITY COUNCIL

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

##### Surname

BESWICK

##### Forename

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#### 3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis  
Please tick **ONE** of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes  No

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

**Yes**

**No**

## **TOLLCROSS COMMUNITY COUNCIL, Edinburgh**

### **Consultation on the Review of the Scottish Planning System**

As a community council whose members have close links to a range of community groups and the community in general, we will confine our response to the area of Community Engagement. This will, of course, touch on other areas, such as Development Planning. We do, of course, endorse the implied aim of delivering housing in larger numbers in an efficient manner.

#### **Community Engagement**

It is timely to review the planning process and determine whether the aims of the previous reforms have been met. The previous reforms made much of aspects of community engagement. Government and local government documents liberally use the term, 'community engagement'. It is appropriate to determine what this means. We believe that it should mean more than the box ticking exercise that it has become.

As a community council, we are 'engaged' at many levels. Consultations take place about Strategic Plans, Local Development Plans, Planning Guidance, Pre Application Notifications and planning applications. With planning guidance stressing community engagement, expectations have been raised about what might be described as community planning. Was it ever intended that communities would have an influential role in determining planning rules and the developments that would be approved or rejected within their areas? Experience in other countries shows that where there is genuine local involvement in planning issues, there is greater public satisfaction.

Community Councils and other local groups are currently very dissatisfied with the planning system and have never felt more disengaged from a system where they are marginalised and planning is developer controlled. We are 'consulted' to a level that we can hardly cope with but still feel that we have no observable effect on planning issues. It is an expensive process for Government, councils and developers to keep up all this 'engagement'. The only measure of its value is whether the community feels engaged.

#### **Pre application notifications (PANs).**

One of the rationales for the introduction of PANs was to involve the community more in the developments within their area and to shift the balance of power a little in favour of the community. We believe that this aim has not been achieved. Our Community Council area is undergoing many developments and we have been involved in more than a dozen PANs.

Whilst it is useful for local people to have more notice and to have developments explained to them, there have been no meaningful dialogues other than about very small, cosmetic changes to plans. Even after public meetings showing disquiet about certain aspects of the proposal, no changes have been made by developers. Therefore it is simply an early sight of the application.

An unintended consequence is that it shows the developers what objections local people will make. There are now cases where developers have been able to rewrite their full planning applications to minimise the impact of certain objections. Furthermore, there are examples of very partial reports of the consultations which only the developers write.

Therefore, there is benefit in the PAN system to the developers, but not the community. It is now considered by many community councils that objectors should not engage with the developers at this stage; i.e. keep their powder dry. For these reasons the PAN system needs to be reformed.

### **Master Plans etc.**

There is a good case for master planning so that appropriate uses arise within large development areas. Local groups have spent much time in discussions with planners and developers in order to produce Master Plans and Development Briefs/Strategies. There has been real consultation, enthusiasm and engagement in these processes. These are the only processes that could realistically be referred to as community planning. In all of these cases, at various stages, the criteria set out in the master plans have been abandoned when a planning application doesn't meet them. In almost all cases, it is housing that has lost out to other uses and in no single case has a master plan been even slightly adhered to. It is probably fair to say that the local planning authority appears to have little control either as all it seems to be able to do is react to planning applications with the presumption on approval. This

discourages the community from participating. This example shows that the ideal of community engagement causes more resentment than engagement.

### **Local Development Plans**

LDPs should certainly be retained as they give a guide to the public and developers alike but their preparation and form need revision. LDPs have changed over the years to become much more permissive. They have become heavily laced with qualifying words like acceptable, unacceptable, appropriate, inappropriate, excessive, attractive and nearby. This leads to a loss of clarity, little certainty for the public and developers and leads to the possibility of more disputes and appeals. LDPs should be returned to exactly that; plans we can all buy into and not vague guides.

A lengthy process of public consultation is undertaken when producing LDPs but there is little public confidence in this consultation. The draft plan with its preferred options is presented and, not surprisingly, these preferred options do not change despite a vast consultation. The public should be involved in writing the draft and not just when the 'settled will' of the planning authority has been presented. This process mirrors the involvement of the public with planning applications when they only become involved when the developers have settled on their plan.

### **Role of Community Councils**

National legislation and local rules, give Community Councils a quasi-statutory role in the planning process. It supposedly involves the CCs representing public opinion. However CCs have neither the financial resources nor mechanisms in place to genuinely obtain majority views for all their local people on all the issues on which they are consulted, particularly in the short time frames allowed. The national rules allude to consulting with the population but local councils have interpreted this as simply consulting CCs as a very easy option. CCs need to be given more resources and time if they are to fulfil these responsibilities.

### **Equal Rights of Appeal (ERA)**

It is right that developers can appeal a planning decision if they feel it is an unsound decision. The problem is that there can be no independent scrutiny of unsound

approval decisions. Where ERA is used in other countries, there is evidence that better decisions are made so that few appeals are necessary and those appeals that are made have a high success rate showing that the decisions did need scrutiny. A system could be devised to prevent vexatious appeals and to minimise delays and workloads. Appeals panels could be local and use only written evidence. The introduction of ERA would be a big confidence boost to communities and the public at large.

### **Balance of power in planning**

All the planning guidance, plans, rules and engagements are only steps on the way to the final issue for local communities and that is what developments take place or not in their localities. The planning system is heavily weighted in favour of the interests of the promoters of development rather than in the interests of the public as a whole or of local communities. There is a real feeling that the balance between local communities and other stakeholders needs to change in favour of communities. In a healthy society, communities have a say in the development of their area. Ways to achieve this rebalancing might include giving more legal status to Master Plans and more involvement in preparing plans and planning applications. Introducing equal rights of appeal with appropriate safeguards would also help this rebalancing. There is an obvious need for scrutiny of some of the poor decisions taken by planning authorities.