

This was our response on 4 April 2017 to the Scottish Government's Planning System Proposals:

TOLLCROSS COMMUNITY COUNCIL, Edinburgh
A consultation on the future of the Scottish Planning System

Last October we submitted a response to the consultation on the Review of the Scottish Planning System. We are discouraged but not greatly surprised to find that our response obviously didn't carry much weight with those who drafted the current proposals.

Although we agree in principle with several of your proposals –

Proposal 4: Stronger local development plans

Proposal 6: Giving people an opportunity to plan their own place

Proposal 7: Getting more people involved in planning

Proposal 11: Closing the gap between planning consent and delivery of homes

Proposal 13: Embedding an infrastructure first approach,

we are not inclined to give detailed answers to the 80 odd questions within your Places, People and Planning document as few if any of those questions address our real-world experience of the deficiencies of the Planning System. We would, though, like to comment on some of the statements in the document.

Failure to implement development plans

On Community Councils you say (2.17) “As these organisations are voluntary and therefore limited in what they can achieve, we will continue to encourage them to engage earlier in the process to help them actively shape proposals rather than just react to them. We do not believe that existing arrangements for community councils to be consulted on planning applications should be removed.” but what you say doesn't address the real problem; we have in the past engaged enthusiastically with development plans but when the actual planning applications come along they bear little relation to the development plans on which they should be based and the City Council lets the developers get away with it, presumably for fear of the potential expense of having to defend against (and probably lose) an appeal if they turn down an application. If you want an example, come and have a look at what's been happening with the Fountain Brewery site.

Equal Rights of Appeal (ERA)

We don't accept your reasons for rejecting the idea of Equal Rights of Appeal (2.40)-

First "that this would work against early, worthwhile and continuous engagement that empowers communities by encouraging people to intervene only at the end of the process rather than the beginning where most value can be added" but as we point out above, in our experience getting our community engaged early has not in practice resulted in a situation where we wouldn't have valued the right to appeal – in fact, the existence of such a right might have kept some developers more honest or encouraged the planners to be more realistic in what they proposed;

second that "this would also ignore the important role of elected members in representing communities in planning decisions and community involvement in the development plan process, whilst delaying and undermining much needed development" but in practice elected members quite often actively ignore community concerns, and much needed development can also be delayed and undermined by *developers* appealing against a decision *they* don't like;

third that "Nationally, it would be a disincentive to investment in Scotland, compared to other administrations" which seems to us to imply that you think any investment in Scotland is desirable however bad the outcome;

fourth that it would "mean that more decisions are made by central government, without such a right necessarily being representative of the wider community" though *developer* appeals already result in more decisions being made by central government, and we wonder just whom *developers* represent other than their own shareholders.

We note that you "support the view of the independent panel on this issue" but we're not clear in what sense the panel was independent – Crawford Beveridge is a senior business executive who chairs the Scottish Government's Council of Economic Advisers, Petra Biberbach is CEO of PAS (formerly Planning Aid for Scotland) and John Hamilton is chair of the Scottish Property Federation; so, the panel certainly wasn't independent of the Business, Planning and Property establishments

There seems to be a presumption that natural justice mustn't be allowed to frustrate the great god Development.

Balance of power in planning

Nowhere in your proposals do you confront the issue of the imbalance of power within the planning system.

Local authorities have for years been increasingly starved of funds and neither they nor Community Councils have the resources needed to fully engage with local communities. Meanwhile, the planning system appears to us to continue to be dominated by the financial interests of developers.

We recognise that you are no longer open to any radical change to your proposals and we could have been tempted just to give up and admit defeat but we want you to know that we and probably many other communities will continue to object to bad planning applications, to protest against poor planning decisions, and to campaign for a planning system that delivers congenial places for communities rather than profits for a privileged minority.