

PE1461/E

Petitioner Letter of 4 April 2013

PE1461

Reply to Planning Aid's letter of 19th February 2013

Paragraph 1 - The opening statement clearly expresses that Planning Aid in Scotland's purpose is to help people shape their local environment and improve the way people engage with the planning system. A failure in that process has been duly presented to the Parliament's Public Petition's Committee. People's rights have been interfered with and they have been targeted through fear and alarm to never again legitimately record their views for shaping their own environments and continuing to engage with future issues involved within the current planning system.

Paragraphs 8 & 9 – Planning Aid have stated “ *may have a legitimate grievance and question the legislation underpinning that system* ” and that is indeed what the Petition has indicated and is attempting to rectify.

The reference in Paragraph 9 to “ *the purpose of planning law must be borne in mind – namely, to determine future use and development of land, and the legislation in place sets out a clear strategic framework to deliver this remit* ” and “ *It does not set out to deal with issues of freedom of speech or of criminal justice* ”. With respect that might be a very one sided dictate particularly when elements of each do become involved within the principles of the planning process because the situation before you is surely a planning system failing and an injustice occurring within the workings of that system. How can planning law determine the future use of land and the legislation in place set out a clear strategic framework to deliver this remit when people are prevented from taking part in it and their representative powers are interfered with? Without public representation who would be there to comment on any planning proposal and where would any planning legislation or system be without that? There has to be an acceptable standard of behaviour within any system, whether it be planning or not and within that system a standard of behaviour has to have recognised limitations and methods of redress for any disregard to the right given to the public to make representations.

Paragraph 10 - Planning Aid state “ *that any matter of intimidation with regard to the planning process must be dealt with by the police as current planning legislation is not able to cover this matter.*” That has already been tried and that failure known to the people behind the Petition. Planning Aid in the realisation that this has been occurring with members of the public so affected, frightened and left aggrieved, should, it is felt, at least be supporting any stance that would enable people to freely shape, without fear, their local environments and allow them to be able to engage in any planning system that honoured such. The Police were and are, in the views of the residents affected, nothing more than a complete waste of time and it seems so negative to repeatedly be always referring this matter back to such a Body where their approach was so negative and their ineffectiveness so very apparent. One must realise that any proper and/or effective remedy/change now requires to fall under a more dedicated safety net, covered within the actual planning legislation itself. The whole purpose of the Petition and why the Petition has been rendered, is to seek that such

inappropriate interference now takes on a recognised legality within the framework of the planning system itself.

Paragraph 13 – *“However, it should be the hallmark of an open and transparent system that the origins of representations are available publicly, but equally that this should be without fear of reprisal”*. And when that does not occur, what happens then? What happens when there is absolutely no restriction on such interference or the fact that people are left with the situation where they will never take part in similar planning representations ever again? – It is only a comment but what does Planning Aid suggest people do in these circumstances? Will continued situations similar to this simply become a forgotten statistic and add weight to why members of the electorate fall into the category of becoming apathetic to everything that is on going around them? That situation then steeps itself in total contradiction to previous Government White Papers where public participation in the planning process was, and hopefully still is, welcomed and very much encouraged.

W. Campbell
4th April 2013

PE1461/D

19 February 2013

**Planning Aid for Scotland
Submission to Scottish Parliament - Public Petitions Committee
PE01461: Protection for third parties in the planning process**

1. Planning Aid for Scotland (PAS) is an independent organisation, working across Scotland to help people shape their local environment and improve the way people engage with the planning system. As an independent organisation, impartiality is our most important guiding principle – one that we will not compromise. We deliver all our services with an impartial and professional approach.

2. PAS has built up a wealth of experience and tapped into the local knowledge of communities all around Scotland and their experiences of the planning system. In the nearly twenty years of its existence, PAS has worked with over 1,000 community councils, helping individuals and communities understand the extent to which they can influence decisions about their local environment.

3. Our services are delivered by a volunteer network of more than 300 planning professionals. We also work with legal experts, communications specialists, community artists and others. They offer not only their time but also their professional skills in order to enable people to engage proactively with the planning system.

4. PAS achieved Investing In Volunteers accreditation in 2008 and again in 2011, recognising our professional approach to working with volunteers. Volunteering is at the heart of what we do and our volunteers add a unique value to our services: something widely appreciated by our clients and partners.

5. PAS is a charitable organisation, operating on social enterprise principles.

6. Planning Aid for Scotland (PAS) welcomes the opportunity to respond to this petition. The issues it raises have been discussed by board members and staff, representing a range of perspectives.

7. PAS delivers a [free planning advice](#) service to members of the public (dealing with around 800 enquiries per year) and has limited anecdotal evidence of members of the public experiencing intimidation at the hands of applicants for planning permission. It may also be the case, however, that planning authority officers and applicants too have been victims of

intimidation. PAS is not aware of any definitive figures or research on this matter.

8. PAS recognises that any member of the public who has been a victim of intimidation within the delivery of a public service such as planning (already often an emotive subject) may have a legitimate grievance and question the legislation underpinning that system.

9. However, in response to this petition, the purpose of planning law must be borne in mind – namely, to determine future use and development of land, and the legislation in place sets out a clear strategic framework to deliver this remit. It does not set out to deal with issues of freedom of speech or of criminal justice, which are the real issues here and apply not only to the planning system but to any intimidation within the regulatory environment as a whole. In fact, case law establishes clearly that personal relationship issues are not material considerations in planning.

10. PAS would therefore concur with the position already stated in the Scottish Government response that any matter of intimidation with regard to the planning process must be dealt with by the police as current planning legislation is not able to cover this matter.

11. It is not within PAS's remit to comment further on the police matters.

Further issues raised by this petition

12. The confidentiality of members of the public making planning representations has arisen in discussion of this petition, although the petitioner states that he does not see enhanced confidentiality measures as a suitable means to address his concerns.

13. PAS recommends a consistent approach across Scotland's planning authorities to online publication of personal details, based on guidance co-ordinated by government. It is clear that planning authorities must know addresses of those making representations; that the location of representations is of interest to applicants; and that many will believe that this information should be in the public domain on this basis. PAS appreciates equally, that objectors to an application may feel uneasy about publicising their address details. However, it should be the hallmark of an open and transparent system that the origins of representations are available publicly, but equally that this should be without fear of reprisal.

14. While it might be reasonable to offer the opportunity of withholding addresses, there does not appear to be immediately acceptable solution - as the petitioner states in his letter of 5 Feb 2013 Freedom of Information rights would be likely to be able to over-ride any such measures put in place.

CONTACTS

15. Planning Aid for Scotland would be pleased to respond to any queries with regard to these representations and is always willing to consider a joint venture with the promoters of the consultation document to take forward further research or training on any aspect of the subject which relates to the core business of PAS.

Petra Biberbach
Chief Executive