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**PUBLIC PETITIONS COMMITTEE PETITION 1534
Equal Rights of Appeal in the Planning System
RTPI Scotland Response**

INTRODUCTION

Community engagement has been a core part of planning and the planning system for over 40 years. The Institute firmly believes that communities have a vitally important role to play in developing a vision for, and in the decision-making process on, the future of the places where they live, work or play. Our Royal Charter charges us to promote the science and art of planning for the benefit of the public and we have promoted the need for effective community engagement over a number of years through a range of policy papers and consultation responses. Indeed, one of the five objectives of the Institute's Corporate Strategy is "Empowering Communities". RTPI Scotland provides financial support for PAS (formerly Planning Aid for Scotland) and around 18% of our members are PAS Volunteers and give up their free time to support communities to better engage with the planning system.

We believe that community engagement in planning works best when it is based around building a positive and holistic vision on the future of a street, neighbourhood or town, rather than a 'one-off' reactive debate on a specific development. Given this, we are of the view that it would be more effective to invest time and resources in community engagement at the early stages of development plan preparation rather than introduce the proposed "Equal Rights of Appeal" (ERP). We also feel the introduction of ERP:

- will go against the grain of developing plan-led approaches to planning
- should only be explored once the impacts of the 2006 Planning Act have been assessed
- doesn't recognise that there are increasingly imaginative and creative approaches being taken to engaging communities in planning across Scotland
- may well centralise decision making on planning applications
- is likely to slow down the speed of decision making on planning applications

PLAN-LED APPROACHES

Planning is about creating great places for people. It does this through providing vision on how best to shape our communities over the short, medium and long term. Scottish Government is currently reforming the planning system and a key part of this is the move towards a plan-led system where Development Plans provide the direction on the future of places. Planning isn't about saying no; it is

about implementing a positive vision of a sustainable future and so the planning system has an important role to play in delivering the right developments in the right place at the right time.

Planning reform through the Planning etc. (Scotland) Act 2006 sought to bring in new measures to improve transparency, efficiency, inclusivity, and engagement within the planning system. There are a number of measures which have been introduced or amended within Development Management procedures which provide clarity, consistency and opportunity for engagement for members of the public. Key to this has been the focus on taking forward a plan-led system, and the primacy of the Development Plan in decision making. Therefore the 'upstreaming' of engagement and front-loading of the planning system are key elements of planning reform. This can empower communities to have much more ownership of the vision and way forward for an area. It can give communities the opportunity to shape their place and to understand the direction of travel of development for a planning authority area in a meaningful way, leading to better outcomes and a less adversarial system. It allows communities to contribute to, and influence, the Development Plan rather than only getting involved in the planning process at the Development Management stage, much later in the planning process, and often after some of the key policy and locational decisions on development have been established.

RTPI Scotland recognises the important role that Community Councils can play in the planning process. While this is often at the planning application stage, we suggest that a key part of the culture change associated with planning reform must be to encourage earlier engagement of Community Councils in the development planning process. If Community Councils are given the right support there could be a role for them in, at the very least, providing a local community/neighbourhood focus to ensure that there will be a high quality of locally-based solutions and outcomes to the real problems faced by their community.

DEVELOPMENT MANAGEMENT

The 2006 Act also introduced a statutory requirement for pre-application consultation on Major Developments. This is a step forward for the planning system, requiring the engagement of the Community Council and also a community engagement event for members of the public to attend and contribute towards development proposals and have their views heard.

The new legislation also brought in a requirement to provide reasons for all planning decisions, not just refusals as with the previous regime. This gives clarity to all parties of the material considerations and planning policy reasoning for the approval or refusal of that planning application. Furthermore, the responsibility for neighbour notification of planning applications is now has been

moved from the applicant and now sits with the planning authority, which gives a more consistent approach to the notification process.

CULTURE CHANGE

Although progress has been made, planning reform is still ongoing. Whilst the majority of statutory amendments have been made with the provisions within the Planning etc. (Scotland) Act 2006, and the subsequent secondary legislation coming into force in 2009, this new focus on earlier and more meaningful engagement of communities has required a culture change both within the planning profession, and with the public. RTPI Scotland therefore believes that we must allow the current system to bed down and be assessed before undergoing further significant statutory changes, such as the introduction of ERP. There has been no evaluation of the impacts of the changes that have been introduced from the 2006 Act in relation to community engagement.

In this time however, we have seen planning authorities develop more innovative ways to engage communities in major planning projects, and the Development Plan. These include, but are not limited to:

- [*West Bowling Charrette run by West Dunbartonshire Council*](#) – aimed to develop proposals for the future development of the area involving the local community, embracing a design-led process, a positive shift by the council in experiencing successful working with a community;
- [*Your Place / Your Future / Your Say: TAYplan Consultation and Engagement Programme*](#) – this consultation and engagement programme at the Main Issues Report stage of the Strategic Development Plan offered an opportunity for communities and members of the general public to engage in the Development Plan process. The aims of the programme were to provide more opportunity for people to engage with TAYplan in diverse ways including social media, raise awareness of how people can get involved in influencing how their place changes and assisting their understanding of land use planning, and deliver a programme which will be seen as best practice; and
- [*Young people engaged in the transformation of Dundee's Waterfront by Dundee City Council*](#) – promoting greater understanding of the positive role of planning, and reinforcing the important connection between people and place, in this case the regeneration of Dundee Waterfront

PLANNING FOR LOCAL PEOPLE

We are concerned that the introduction of ERP would likely result in the centralisation of decision making, as appeals on any major planning applications would likely to be decided by the Department of Planning and Environmental Appeals in Scottish Government. This goes against the aims of planning reform

to front-load engagement and make decisions for local people at the local level. It also moves the decision away from the planning authority as the local democratically elected body.

RTPI Scotland is currently undertaking research on better linking Community Planning and Spatial Planning. We believe that integration of these could be a platform for increased community engagement across local authority services, sharing outcomes, processes, procedures and resources.

RTPI Scotland supports the PAS guidance on effective engagement for all players in the planning process, including communities – [SP=EED](#) (Scottish Planning = Effective Engagement and Delivery) as a practical guide what can be used by communities as well as the planning authority and developer to move from informing and consulting to more meaningful participatory engagement in planning.

RESOURCES AND SPEED

Planning authorities are under increasing pressure to speed up the time taken to process planning applications. This is happening at a time of tightening resources and staff levels. Although we don't have figures for Scotland it is interesting to note that recent publication by the National Audit Office *The Impact of Funding Reductions on Local Authorities*¹ said that there had been 46% budgeted real-terms reduction in spending on planning and development services in England, 2010-11 to 2014-15 compared to 37% estimated real-terms reduction in government funding to local authorities 2010-11 to 2015-16. Heads of Planning Scotland research in 2013 showed that planning fees only accounted for 73.8% of their costs. Given this, the regular challenging of decisions by third parties would put more pressures on a planning service with reducing resources. It is probable that this would slow the planning system down considerably, contrary to the aims of planning reform to speed up the planning process and provide positive outcomes and decisions for communities without unnecessary delays. It would also reduce certainty and predictability for communities, developers and investors.

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¹ <http://www.nao.org.uk/report/the-impact-funding-reductions-local-authorities/>