



Mr Ned Sharratt  
Public Petitions Clerks  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

5 January 2015

Dear Mr Sharratt

### **CONSIDERATION OF PETITION PE1534**

Thank you for providing Heads of Planning Scotland (HOPS) with the opportunity to comment on the above petition *“calling on the Scottish Parliament to urge the Scottish Government to review the current rights of appeal within planning and other consenting processes which give deemed planning consent, considering the benefits of widening the scope of appeal, and providing an equal right of appeal”*.

This is matter which is raised periodically by users of the planning system and which has been debated by planning professionals. Fundamentally the view of the petitioners is not supported because it is not compatible with the underlying principle of the Scottish planning system. As you will be aware, the planning system seeks to strike a balance between the rights of individual land and property owners and the longer term public good.

The planning system essentially removes the automatic right of individuals to develop land and property by incorporating statutory land use policies and guidance into a Development Plan. The Development Plan itself is subject to a statutory consultation process and the Planning Etc (Scotland) Act 2006 enshrined the principle of early, effective engagement with wider community interests. The issue of Third Party Rights of Appeal was debated at that time and rejected.

The planning system is complex and requires the scrutiny of the electorate through elected councillors to ensure decisions are taken in the genuine public interest whilst being mindful of the rights of individuals. This may well differ in other countries – for example in the United States individual property rights are protected in the constitution, and individual planning applications are not required.

It is the view of HOPS that the current planning system is sufficiently participatory to ensure that, through the Development Plan process, all interested parties can influence future land use. Our challenge is to ensure that engagement at the plan-making stage is as wide-ranging and effective as possible. In this respect Community Councils have an important role to play in expressing a wider view in opposition or support of proposed land use.



Heads of Planning Scotland

Finally, the introduction of a Third Party Right of Appeal would also lead to significant delays in the delivery of development, including those developments promoted and led by communities themselves. HOPS believe that such delays are not in the best interests of the wider community.

Yours sincerely

David Littlejohn  
Chair, Heads of Planning Scotland