

**PE1534/U**

Stockbridge and Inverleith Community Council Letter of 21 January 2015

**Further evidence of the need to third party right of appeal. January 21st 2015**

The Ombudsman has recently upheld a complaint from a local resident, that no TIA (Transport Impact Assessment) was done for the contentious planning application for the Edinburgh Academicals to build a large 2500 seater stadium incorporating a row of shops and function suites and against the Local Plan. The planners deemed a TIA not necessary despite the fact that it went against advice issued to developers and Local Authorities by the Scottish Government in the document: "*Guidance on Transport Assessment for Proposed Developments (published by Transport Scotland in June 2012)*".

The Stockbridge and Inverleith Community Council wrote to Edinburgh planning department on 22 March 2013 to ask that a TIA be done quoting the above document and were ignored. The Community Council, at the Planning Hearing on the application, verbally indicated the need for a TIA and said that the comments from the Consultant Report from Halcrow (commissioned by the Edinburgh Council on the traffic methodology used) were being disregarded or misinterpreted in the Planning Report on the application. Once again we were ignored.

The Ombudsman has taken a year to report on this issue and although making it clear that the planning department was wrong in not asking for a TIA the Ombudsman merely asks for a written apology from the Head of Planning which was sent on 5<sup>th</sup> Jan 2015. This is not good enough – the Ombudsman states that the information put before the Development Management Committee to enable them to make their decision was not complete. Furthermore you should that this was not the only complaint on this application - another is still being considered by the Ombudsman.

Third party right of appeal would enable blatant mistakes of this sort to be challenged by the community at the proper time. At the moment, the local community as a whole has a cynical opinion of both Local and Scottish Government and this is not good for democracy and not good for politicians. The Ombudsman is a cumbersome system that pronounces maybe a year later or more and is not able to correct the results of any errors. If the developer can appeal a decision, then to be acting impartially and fairly, the system must allow the community to be able to appeal a decision too. In contentious applications the local community with its own expertise is often more cognisant with the details and policies than are the planners advising or the planning councillors taking the decisions. If you still refuse to allow third party appeal for the community then it should also be removed from the developer. Councillors would not then be able to imply to the local community that they decided in favour of the developer as they can't afford the legal fees if the developer should go to Appeal.

If you require any more information please let me know.

Pam Barnes  
Planning Officer, Stockbridge and Inverleith Community Council