

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

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.

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.

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.

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.

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



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.

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.

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.

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.

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

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

Further issues raised by this petition

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.

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.

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

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.

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Chief Executive