

PE1461/H

Local Government and Communities Directorate
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Your ref:
Our ref: A7453242
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Dear Andrew

CONSIDERATION OF PETITION PE1461

Thank you for your letter of 22 November 2013 to Jamie Combe and I relating to Petition 1461 concerning interference in the planning system, namely the use of threats and intimidation.

The Committee has asked for the Scottish Government's view on whether current planning policy and guidance can be amended to ensure that in situations where it is shown that intimidation or harassment has taken place during the course of a planning application, the application will be halted and/or the details of the intimidation or harassment that has taken place will be included in the consideration of the application.

With regard to planning policy, the committee will be aware that the Scottish Government is currently revising *Scottish Planning Policy* (SPP) which sets out the Government's views on nationally important land use matters.

The current SPP and the draft published in April 2013 did not contain issues relating to intimidation and harassment as the Scottish Government has not considered that they fall within the scope of the land use planning system.

The draft SPP was subject to public consultation over summer 2013 attracting over 1600 responses. Issues relating to intimidation and harassment of this nature were not raised by respondents. Derek Mackay MSP, the Minister for Local Government and Planning, has indicated that the finalised SPP will be published in June 2014.

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As indicated in the Scottish Government reply of 14 January 2013, the Government remains of the view that decisions on whether to grant planning permission or not are concerned with whether a proposal is acceptable in planning terms at the location proposed. Decisions on planning applications are therefore required to be made in accordance with the development plan unless material considerations indicate otherwise. In the first instance, it is for the planning authority to decide the merits of the planning arguments made in support of or objection to a proposal and whether they amount to material considerations and what weight to give to them in their decision on the application.

I trust this information is helpful to the Committee.

Graham Robinson
Policy Manager