



**APRS**  
The Association for the  
Protection of Rural Scotland

## **PLANNING BILL STAGE 3 DEBATE**

**JUNE 2018**

### **PARLIAMENTARY BRIEFING**

#### **Summary**

During the Planning Bill Stage 3 debate:

**Please oppose amendment 130**, which seeks to remove a requirement that developers should where possible utilise brownfield sites before Green Belt sites [Group 22: Determination of applications: Brownfield Land]

**Please support amendments 160 and 161, or 205 and 223**, which would make the planning system fairer for communities [Group 29: Right To Appeal Against Planning Decisions]

**Please support amendments 195 and 196**, which allow for review of and reporting on Local Place Plans and the effectiveness of community engagement [Group 13: Local Place Plans]

**Please support amendments 14, 15, 16, 17 and 18**, which would bring the development of new hill tracks under planning control [Group 26: Hill Tracks]

#### **Green Belts**

APRS has long advocated better protection for Scotland's Green Belts. Scotland's eleven Green Belts are a precious resource of national importance. They protect and enhance the landscape setting of the towns and cities they surround, and help to direct growth into appropriate locations within settlements. They provide access to the countryside for people living in towns and cities, often those in deprived areas with limited access to open space. They have the potential to act as 'Green Lungs' for our towns and cities and to contribute to meeting Scotland's 'net zero' climate change targets - but only if they remain protected from inappropriate development.

The purposes of Green Belts remain as valid now as ever; as well as their planning benefits, they are an important quality of life investment for future generations and deserve stronger protection. The Scottish Government and local Councils should give stronger protection to Green Belts and should promote their positive management for landscape, biodiversity, food production, recreation and health benefits.

The term "Green Belt" is well-understood and popular with the general public. In a poll of Scottish residents carried out for APRS by Survation in June 2017, 74.6% of those who expressed an opinion agreed that "All Green Belt land in Scotland should have

stronger protection from building development". However, the integrity of our Green Belts is seriously threatened, primarily by housing development. APRS would like to see local authorities ensure that brownfield land (derelict or vacant sites) is prioritised for such developments.

Several MSPs delivered passionate speeches about the value of Green Belts to their constituents during the [Save the Green Belt Member's Debate](#) in the Scottish Parliament on 8 March 2018.

APRS is therefore disappointed that the Scottish Government has not sought to improve protection of Green Belts in the Planning Bill. Given this, APRS would like local authorities to be required to ensure that developers have considered possible brownfield sites for development before approving applications for development on designated Green Belt land. This requirement was inserted into the Bill at Stage 2, but the Scottish Government proposes to remove it at Stage 3.

**APRS therefore urges you to oppose amendment 130, which would remove this requirement from the Bill.**

### **Equal Rights of Appeal**

The Scottish Government intends the Planning Bill to produce an improved planning system and help to achieve its aspiration to achieve a Fairer Scotland. The Scottish Government also aspires to a 'plan-led system' where the Local Development Plan sets out the future development of an area and forms the basis of the decision-making framework against which planning applications are assessed. Communities that input into the development of Local Development Plans should therefore reasonably expect the planning authority to decide planning applications in accordance with the Local Development Plan. However, in cases where a planning application is approved despite being contrary to the Development Plan the community is unable to appeal the decision. In contrast, developers have the right to appeal against the refusal of planning permission, even when the proposed development is contrary to the Local Development Plan.

The current planning system is therefore fundamentally unfair and biased against communities, and unfortunately the proposed Bill does not rectify this deficit. APRS feels that the single most important step which the Bill could take to achieve a fair and open planning system that works well for local communities would be to introduce a limited right of appeal for communities. This would improve decision-making, help to ensure that Local Development Plans consider local community input at an early stage and substantially increase public confidence in the system, thereby supporting the Scottish Government's aspiration to achieve a Fairer Scotland.

Amendments 160 and 161 or amendments 205 and 223 introduce a limited community right to appeal against developments in certain circumstances. For example, only relevant Community Councils or individuals that had already engaged with and objected to a proposal could appeal, and only if certain circumstances apply, in particular, if the approval decision is contrary to the agreed Local Development Plan.

**APRS therefore urges you to support either amendments 160 and 161 or amendments 205 and 223, which would introduce a limited community right of appeal.**

### **Local Place Plans**

Community engagement under the Planning Bill is partly envisaged as happening through participation in the development of new Local Place Plans. The support for this

process and how effective it will be in front-loading the development planning process to address local concerns is not however immediately apparent. It is therefore sensible that a review and reporting requirement is added to the Bill along with the ability to amend this part of the legislation by regulation if it proves necessary.

**APRS therefore urges you to support amendments 195 and 196, which would ensure review of Local Place Plans.**

## **Hill Tracks**

APRS believes that full planning control should be required for new private vehicle tracks in the uplands (normally referred to as "hill tracks"), to ensure greater environmental and landscape protection and to introduce public oversight to the construction of these tracks.

Poorly constructed hill tracks can cause landscape and environmental damage and have been a concern to environmental and recreation groups for decades. Tracks can be built under permitted development rights (PDRs) if they are for agricultural or forestry purposes. However, many landowners build tracks under PDRs which are primarily for sporting purposes and which should therefore require full planning permission. Since 2014 landowners have been required to give Prior Notification to planning authorities before constructing new tracks, but this falls far short of the full planning application which we believe should be required. Scottish Environment LINK's September 2018 [Changing Tracks](#) report demonstrated that the Prior Notification system is failing to protect our most iconic landscapes, and the system also fails to enable the public to engage with the planning system, as comments are not accepted.

**APRS therefore urges you to support amendments 14, 15, 16, 17 and 18 which introduce a requirement for planning applications for new hill tracks in sensitive landscapes and for sporting purposes.**

## **APRS**

APRS is the charity which promotes the care of **all** of Scotland's rural landscapes. We campaign with others for better national landscape and planning policies. We advise our members and others how best to protect the local landscapes which they value as the settings for their lives.

### Further Information

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