

REAL CONCERNS ABOUT PLANNING

A joint submission to Scottish Ministers by the Musselburgh Conservation Society and Haddington and District Amenity Society

In the light of the recommendations of the panel which undertook an independent review of planning two local amenity and conservation groups in East Lothian have got together to express to Scottish Ministers their real concerns about how the planning system is letting down communities in the area. We want those in government who are responsible for the system to take note and to take action and to do so urgently in any new legislation. Ordinary people have lost confidence in the system's ability to deliver new housing in the right locations related to jobs and to transport infrastructure and in a way which will enhance, not reduce the quality of life. They feel that developers are in effect in charge, supported at appeals, and that the views of local people seem to count for little or nothing in spite of the opportunities seemingly offered for involvement. The understandable driver is a quest for new housing based upon urgent need but there is often scant regard for the local and wider impact and this is not good planning. Confidence needs to be rebuilt as a matter of urgency. We are not Nimbys; we are mostly retired professionals acting for our communities and who want to leave a better legacy to our children and grandchildren. We want to meet housing need and promote economic development but we want to do so in a fairer and more sustainable way with the involvement and support of local communities. And we want to enable and encourage planners once again to plan not just regulate.

There are two particular and related concerns that we want addressed. One is the democratic deficit that has been created by reporters now consistently overruling local authority decisions on housing developments. The other is the whole approach to planning for housing which is imposing housing numbers on local authorities without in our view due regard to the potential local impact, the ability to deliver them or to do so sustainably with all necessary infrastructure in place. There is a third matter of concern and that is the long term threat to East Lothian.

1. Reporter decisions

Taking first the decisions of reporters and the implications thereof, people get really angry when a reporter overturns a decision of democratically elected councillors which they have supported. They see this as undemocratic and unfair. This is especially so where that decision is unanimous. Certainly there is a democratic deficit here which brings into question the purpose of local democracy. It is giving rise to a serious loss of confidence in the system and people asking why they should bother getting involved in the first place.

Of particular concern to us is the 'housing need trumps all' attitude that now seems to prevail. We appreciate that there is acute housing need but that should not mean that other planning considerations are given little or no weight. It is a very dangerous road to go down in our view and whilst it will add to numbers it will lead to inappropriate and poorly serviced housing development. We should not just be in a numbers game. The decision on appeal PPA-210-2043 regarding development at Old Craighall, Musselburgh is a case in mind. Here permission was granted for 52 dwellings in a location without any easily accessible services, a bus only every two hours (nothing on Sundays) and inability to reach the allotted primary school other than by car. It also pre-judged the emerging Local Plan. Another example is the Dovecot development on the Pencaitland Road on the edge of Haddington.

We would add that the emphasis on housing numbers has led to opportunism on the part of developers who are now bringing forward totally inappropriate sites rejected by the local authority but in the knowledge that they will stand a very good chance of being supported on appeal. An

example is the proposal to build on the narrow piece of Green Belt which separates Wallyford and Musselburgh north of Wallyford station. This activity makes a mockery of and undermines the Local Plan process. We can have no confidence in that process or in the ability of the Reporters Unit to be objective if the only aim is delivering housing wherever it is offered, regardless of the implications.

We welcome the panel's recommendation in respect of due consideration being given to locally expressed views. However to restore confidence we need to be radical. We believe that there is a case for a change to planning legislation which removes the right of appeal where a council or planning committee decision to refuse an application is unanimous, is in line with the officer recommendation and reflects the expressed views of local people. And it needs to go further. There are often-expressed concerns that reporters, operating in what is in effect an agency of government, will do what the government wants them to do and do not adequately reflect local opinion, local circumstances and democratically arrived at decisions. Ideally the Scottish Reporters Unit should be truly independent of government. Certainly it should have revised terms of reference which ensure, notwithstanding housing need and the provisions of local plans, that weight given to objectors' arguments, and especially to sustainability issues, is always fair and proportionate. That does not appear to be the case at present.

2. The overall approach to planning for housing

We believe that the whole planning process in respect of housing development is now biased in favour of developers and is not adequately reflecting sustainability objectives, community aspirations or environmental concerns. We see need for fundamental changes in the way that allocations are arrived at and delivered which will mean that we get the right development in the right places at the right time and with the right infrastructure. At present we seem to get development when and where developers want it regardless of local opinion. Government will no doubt argue 'needs must' and that the need for housing is such that special measures are required because of special circumstances, i.e. the absence of a 5 year housing supply. However, the principles of good planning must not be sacrificed or a price will be paid long term even if short term issues are addressed. We need to get back to a plan-led system with robust and sensible plans formulated with proper input from local communities (see (d) below). Poor plans - and we think the currently proposed East Lothian Development Plan comes into this category - do not deserve legal endorsement.

We are encouraged by the panel's recommendations which reflect some of our concerns. Changes that we seek are set out below.

(a) Developers holding onto land which could be developed in a sustainable way or not taking action to implement consents is a significant block to the delivery of housing. We need effective disincentives to land banking by developers, financial penalties for delays in implementation and incentives to get development underway. Housing originally consented seven or so years ago on the eminently suitable vacant former Tesco site in Musselburgh, but not yet started, is an example. Another example is the long allocated and consented site at Letham, Haddington.

(b) It should be made easier for local authorities to fund and employ compulsory purchase orders to secure development that is needed and supported by the local community, particularly where permissions are not being implemented or where land owners are not willing to sell at a price that reflect all the costs of development.

(c) We need realistic staffing levels in planning departments. Numbers have been drastically reduced at a time when pressures for new housing have increased; one has the impression that the

necessary skills for operating a sound planning system both in plan making and delivering decisions are not available. With the aim of helping to restore fairness and confidence in the system, action should be taken to ensure that planning departments have the staff numbers and skills necessary both to undertake plan preparation and make decisions to agreed timescales. Funding from the Scottish Government should be ring-fenced to allow this. There is also a need in our view to require councils to have in position a qualified Chief Planning Officer at a senior management level to give some clout to planning in each local authority.

(d) The concept of community involvement needs to be reassessed so that we achieve sustainable and locally supported solutions to meeting housing need with development better related to jobs, transport provision, environmental conditions and community needs. We need to build more effective links between localised community planning and spatial planning and through these to ensure that planning is working towards building communities and better places, not just delivering numbers. Community-led planning will get us back to planning-led instead of developer-led development. There needs to be a greater balance at the outset of plan preparation between developers identifying sites that they would like to develop and communities and the voluntary sector identifying assets that they wish to see protected or improved, infrastructure that they see as being required and local developments that they see as agents of positive change. Let's have developers putting forward proposals which reflect and respond to local priorities rather than public agencies having to respond all the time to proposals generated by developers. And let's have local planning authorities being more proactive in identifying sites based upon a well thought out strategy.

(e) There has to be a much clearer relationship between development and the infrastructure needed to support it and make it sustainable. We need measures and mechanisms to ensure, through proper assessment and appropriate phasing, that all necessary infrastructure is in place before new housing is built, particularly transport infrastructure. There are far too many examples of build first and consider the necessary infrastructure later - and often that infrastructure, including new public transport, is not adequately provided if at all. For all new development there should be standard of public transport accessibility that must be met at the first occupation if we are to get people out of their cars.

(f) Class 1 agricultural land should be given the same level of protection as listed buildings. It is a diminishing asset of equal importance and should only be released for development where there are no suitable alternative sites. At Goshen Farm in Musselburgh (not a designated development site) owners have deliberately left such land derelict and unused for some years and are now arguing that its poor condition is justification for development for housing. If it were protected by law like a listed building this case could not be made. Planning laws need to recognise the importance of protecting such land.

Longer term.

Already SESplan are putting together proposals in a new Strategic Development Plan which will see even more development in East Lothian. In our view there should now be an acceptance that East Lothian should not be a location for further significant housing development by virtue of environmental constraints, lack of local jobs and the fact that rail capacity on the busy East Coast Main Line cannot be increased to any extent that would accommodate the demand for local travel, notably travel to work. We must be realistic about where major housing development can take place in a sustainable way. East Lothian is not such a location. West of Edinburgh with its Motorway

connections, concentration of employment and a range of commuter railway lines unfettered by numerous long distance trains is a far better and more sensible prospect.

That said, continuing to concentrate new development in existing communities, whether in East Lothian or elsewhere in the region, will in our view result in a reduction in the quality of life through increased traffic, an endless sprawl of unbroken development, a burden on services and loss of open space and recreational land. Add to that a lot of potential housing capacity now seems to be locked up in poor sites like Letham at Haddington. We believe the time has come to prioritise in the Strategic Development Plan and Local Plans proposals for new settlements featuring housing and jobs located relatively close to Edinburgh on transport corridors where there is carrying capacity. Healthy living could be more readily designed in. There should be an urgent investigation of how best to take this idea forward including utilising the Development Corporation model which has been successful in the past, and including CPOs, though adapted to take on board a more community-based approach.

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