

Mr John Swinney MSP,
17-19 Leslie Street
Blairgowrie.
PH10 6AH

Dear Mr Swinney,

Perth & Kinross Council
Planning Concerns

We note that we have not received any response to our letter of 14th April 2017 regarding the failure of the Scottish Government to commence the section (Part 2a) of the Planning (Scotland) Act 2006, relating to the assessment of a planning authority.

You are aware that despite lobbying by MP's, MSP's, Local Councillors, Community Councillors and the general public, the North Scone Housing application came before the Development Management Committee on 24/5/17.

The meeting can only be described as shambolic, commencing with the self-proclamation by Committee Members that they were "lacking in experience and training", which led to the submission of a motion to defer the business of the entire meeting until such time as the members felt confident in their levels of training.

After extensive discussion and advice, given in private by the Legal Services representative, the Member's attention was drawn to the likely threat that the applicant for North Scone could well take the matter directly to the Reporter if the decision was deferred by committee. (A threat repeated on a number of other occasions during the meeting) To the best of our knowledge it was not clarified that such an action would be an exercise of the applicant's rights as the application could be assumed to be a "Deemed Refusal", which was as a result of the Planning officers' inability to complete their works within the proscribed timetable.

As a result of these extensive discussions the initial motion to defer was rescinded, and after that, following further discussions, the opportunity was given to members to withdraw if they felt inexperienced enough. As a result two of the Committee members left the meeting.

It was only following all this process that the meeting business got underway approximately one hour late.

When the agenda item for North Scone Housing commenced we were given an opportunity to address the Members and took this opportunity to highlight:-

- The well-researched objections submitted by Scone Community Council which were appended to the meeting report and referred to material considerations.
- The corroborating comments reported by our independent consultant, which also commented on these material considerations, and were appended to the report.
- The extensive detailed objections, which had been submitted by over 900 people, primarily on the grounds of material considerations.
- The fact that the recommendation for Approval, by the Head of Planning, was incorrect as it was erroneously based on the supposed compliance with the LDP.
- The very serious problems of pollution were stressed by our expert, outlining the dangers to health of the current illegal levels of pollution along with the severe detrimental health effects which would be increased by granting any such consent.
- The inadequate level of information provided by the applicant for public scrutiny the planning officers, who should have recommended refusal. However the officers had in fact recommended approval with thirty-six conditions, most of which were required to provide further information.
- The concerns we had that conditional consent would prohibit such further information not be available for public scrutiny.

The applicant John Stephen was then given the opportunity to address the Members and he took the opportunity to highlight:-

- The intention of his Company to submit the matter to the Reporter “within the week” should the application not be decided at the current meeting.
- The necessity for the application to be consented at that meeting to allow the business of AJ Stephen to continue.

Despite neither of the comments made by the applicant being a Material Consideration in terms of planning legislation no guidance was given to the Members on this aspect. Furthermore, during the Member’s deliberations, further attention was again drawn, by the Council Legal Adviser, to the threat of the applicants submission to the Reporter.

While it is regrettable that John Stephens could make this threat however he was within his legal rights as the application matter could be a "**DEEMED REFUSAL**". However this situation has arisen purely due to the inability of the Planning Department to deal with the application within the legal timetable.

On the day and potentially due to lack of advice given to the inexperienced Planning Committee members, the Committee members appear to have ignored all the objections submitted by over 900 parties and the other representations to have reached a decision based mainly on the verbal presentation by John Stephens. The presentation was based mainly on the threat of reporter involvement and his Company’s prosperity, neither of which are material considerations in planning terms.

The committee seemed more concerned in avoiding Reporter involvement and in ensuring the ongoing financial wellbeing of AJ Stephen rather than the health and wellbeing of the greater Perth population.

It appears that this is yet another failure by the Planning Officers to handle matters correctly and centres around their lack of information to Committee members which could reflect badly upon themselves.

We would reiterate our concern that the Scottish Government has failed to commence the section (*Part 2a*) of the Planning Scotland Act 2006, which would allow an assessment of planning authority performance.

In addition to our concerns regarding the lack of accountability we are aware of a number of other areas within Perth & Kinross, at Dunning and Kinross for example, where similar concerns have occurred.

In light of the continuing concerns it is vital that this matter is addressed and we would request formally that you as a minister in the Scottish Government, in addition to being our local MSP, take urgent action to ensure the commencement of section (*Part 2a*) of the Planning Scotland Act 2006 with immediate effect.

Such a move does not require any new legislation and it is only fair and appropriate that such action is taken.

The commencement of section (*Part 2a*) of the Planning Scotland Act 2006 would thereafter permit us to request again that the Minister for Local Government and Housing carry out a formal investigation.

We would reiterate that we are willing to provide details of our concerns, and most likely the concerns of others in Perth & Kinross, to allow such an investigation to be carried out, in order to ensure that the Planning Officers of Perth & Kinross Council are held accountable for their actions.

Yours faithfully
For Scone & District Community Council

Hazel MacKinnon
Secretary