

# **TRANSform Scotland**

*the campaign for sustainable transport*

## **Planning etc. (Scotland) Bill, Stage 1**

Written evidence to The Scottish Parliament Communities Committee  
6th March 2006

### **1. Introduction**

- 1.1 TRANSform Scotland is the national sustainable transport alliance, working for a more sustainable and more socially-just transport system. Our membership includes bus, rail and shipping operators, local authorities, national environment and conservation groups, consultancies and local transport campaigns.
- 1.2 We welcome the inclusion in the Planning etc. (Scotland) Bill of reference towards sustainable development. However, we believe that this should apply to all levels of planning, including the National Planning Framework.
- 1.3 Furthermore, we endorse the call of Scottish Environment LINK and others for a third party right to appeal in planning (TPRA) and request the retention of statutory provisions that will result in national/major infrastructural projects (such as the construction of new trunk roads) be subject to public local inquiries.

### **2. Sustainable development**

- 2.1 We welcome the commitment in Part 2 of the Bill that planning authorities responsible for producing Strategic Development Plans should "exercise th[at] function with the objective of contributing to sustainable development" (§3D(2)).
- 2.2 However, we fail to understand why this responsibility is not extended to the Scottish Executive itself, in preparation of its National Planning Framework. We regard this as a major inconsistency in the Bill. We recommend that the Bill be amended so that contributing to sustainable development is extended to the Scottish Executive itself.

### **3. National Planning Framework**

- 3.1 TRANSform Scotland supports the principle of an up-to-date and influential National Planning Framework (NPF). However, we regard the Bill proposals as lacking as regards both public involvement and independent scrutiny.

- 3.2 Firstly, Part 1 of the Bill makes no provision for public consultation, let alone public involvement, in the generation of the NPF. Through this omission, central government will leave itself open to the charge that the NPF lacks accountability, and that the NPF reflects an over-centralised approach to decision-making.
- 3.3 Secondly, the Bill provisions for Parliamentary scrutiny of the NPF are inadequate. We consider the Parliamentary 40-day examination and scrutiny to be unnecessarily restrictive. Furthermore, that while the legislation says that the Scottish Ministers should “have regard” to the views of the Parliament (§3B(3)), there is no provision that the Scottish Ministers should act upon the recommendations of the Parliament. This is patently unsatisfactory.
- 3.4 We support the proposal put forward by Planning Aid for Scotland that the NPF be subject to examination by an independent reporter, whose findings would be made available to Parliament as part of its scrutiny process. We recommend that the Bill be amended along these lines.
- 3.5 Finally, we recommend that regular updates of the National Planning Framework should be made a statutory requirement, and should be subjected to both Strategic Environmental Assessment and wide public consultation.
- 3.6 Additionally, and as set out above at §2.2, we believe that if the NPF is to obtain a statutory basis that the Bill should contain provisions to ensure that it contributes to sustainable development. It is inconsistent that the legislation should set this out as a requirement for local planning authorities, but should not be a requirement for a national planning authority such as the Scottish Executive.

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