

**PE1800/B**

Petitioner submission of 23 August 2020

With reference to both the original petition and this submission I wish to provide some clarity on what our petition is, and is not, asking for. I apologise for any confusion.

We have no objection to Ministers being able to 'call in' a planning application. It is accepted that Ministers should have that right. It is what then happens to the process subsequent to a public local inquiry (PLI). After a Reporter, or Reporters, are appointed they submit their report to Scottish Ministers. The Minister can then either accept the recommendation or refuse to accept the recommendation. What we are asking for is a separation of these functions. We are calling for an expansion of the remit of the Land Tribunal so as the PLI report is considered by a body other than Scottish Ministers in order for the final decision to be made. It simply cannot be right that Scottish Ministers are seen as both judge and jury. Whether there is bias or not, there is the potential of perceived bias if the person making the final decision, sometimes ignoring the recommendation of Reporters from the Planning and Environmental Appeals Division (DPEA), is the same person that called the application in. Why would Scottish Ministers burden themselves with this task and continually open themselves to criticism? A separation would remove the perception of bias and help instil confidence in the planning system.

In submitting the original petition, we asked for the expansion of the remit of the Scottish Land Court and were advised that the subject may lie closer to the remit of the Lands Tribunal. Now that the Scottish Government is consulting on the possibility of merging both bodies, it makes no material difference. The request stands; it's the separation of the process and the role of Scottish Ministers that we are requesting.

The reference in the Government's submission regarding property rights, is a red herring and has nothing to do with the process that we are seeking to rectify.

Where the Government submission refers to decisions being made at a local level and sometimes by Scottish Ministers is where we begin to take issue. We agree that Ministers should retain the right to call in a planning application. We think that this should be the end of the process as far as Ministerial involvement is concerned. Once the planning application is called in and DPEA Reporters appointed, their report, which lays out all of the evidence, their reasoning and conclusions, along with their recommendation to either grant or refuse consent, should then be submitted to an independent body to let them decide the final outcome. If that body ends up being a merge of the Scottish Land Court and the Lands Tribunal or they stay as separate bodies, it would be seen as a fairer and more transparent process.