

# Upholding Local Planning Objections

## Scottish Conservative & Unionist Party

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# Foreword

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**We would amend planning laws so that the Scottish Government cannot not overturn a council planning decision.**

The SNP likes to complain of a ‘power grab’, yet the real ‘power grab’ is that hundreds of council decisions on planning are being overruled by the SNP Government each year. This has seen developments go ahead despite community objections.

That is why we will bring forward legislation to stop the SNP Government from overturning council decisions. This will force the SNP Government to respect council decisions and ensure that national projects benefit communities.

Over 13 years of government, the SNP have disregarded communities and our councils because they are focused on another independence referendum. We will focus on rebuilding our communities by ensuring that national developments benefit communities.

**We will focus on rebuilding our communities by ensuring that national developments always benefit local neighbourhoods.**

# Background

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- **The SNP Government have a call-in power which allows them to overturn council planning decisions.** Section 46 of the Town and Country Planning (Scotland) Act 1997 (c 8) (the 1997 Act) allows Scottish Ministers to direct that a particular planning application, or particular class of planning application, be referred to them for their decision.<sup>1</sup>
- **This power is not defined in any way, meaning that the SNP Government can have any decision referred to them.** The call-in power is not restricted in scale or area meaning that theoretically any decision can be appealed to the Scottish Government.
- **This has leads to hundreds of council planning decisions being overridden each year.** In 2017, Scottish Conservative research found that the Scottish Government overturned 209 planning applications that were previously rejected by local authorities.<sup>2</sup> In 2019, 4 in 10 council planning decisions that were appealed to the SNP Government were overturned. 40 per cent of 267 delegated appeals to Scottish Ministers in 2019-20 had the original decision overturned. This number was even greater in 2018-19 as nearly 50 per cent of appeals were over turned. (Scottish Government, Annual Planning Performance Statistics, 21 July 2020, page 30, [link](#))

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<sup>1</sup> *SPICe, Scottish Ministers' power to call-in planning applications, 24 November 2014, [link](#); legislation.gov.uk, Town and Country Planning (Scotland) Act 1997, [link](#)*

<sup>2</sup> *The Scotsman, 9 January 2017, [link](#)*



# Our Solution

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- **We would bring forward legislation to end the call-in power and appeals to ministers, meaning that councils decisions on planning are final.** We would amend the Town and Country Planning (Scotland) Act 1997 to remove the call-in power from Scottish ministers and their role in the appeals process.
- **This means that the delivery of a national infrastructure priority will require negotiation with councils to ensure communities benefit.** As the Scottish Government would need to secure the consent of councils this would ensure that national projects have community benefits.

