

Modernising the Planning System: Development Management

Response of the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities welcomes the opportunity to contribute to this consultation. However, we are disappointed that the consultation procedure detailed in the Equalities Impact Assessment (Annex E) does not appear to have been followed. The EIA states (step 2): "*In light of limited information on the views of religious and faith groups on the potential impacts of the policy, the Scottish Government sought to raise awareness with such groups by advising a number of representative organisations of the draft proposals during the pre-consultation stage.*"

In view of the fact that the Scottish Government "*[has] no information on the potential impact of this policy on [religious and faith] groups*" the EIA states (step 3) that it will "*particularly encourage this group to engage in the consultation process.*"

However, we are unaware of any attempt even to contact, let alone to engage with representative organisations either within the Jewish community or in any of the major Christian denominations with which we are in regular contact, and therefore urge that consultation procedures should be subjected to urgent scrutiny to prevent any repetition of this failure.

Moreover, since the Planning Directorate has signally failed to meet its own standards, we suggest that these proposals should be the subject of a further consultation during which the Directorate should actively engage with faith communities in order to obtain the information it admits in the EIA that it currently lacks.

Neighbour Notification and Publicity for Applications

Q27: Do you consider the proposals on service of notice to neighbours to be appropriate?

No.

We welcome the lengthening of the minimum period during which individuals may make representations about proposed development, but believe that the proposal does not go far enough. Since the planning authority is to be allowed 5 working days after the validation date to notify neighbours, and that "*first or second class post is considered appropriate*", only 14 days will be left during which submissions may be received. It is not unusual for people to go away on holiday for two weeks at a time, with the result that some individuals and organisations may entirely lose their opportunity to participate in the planning process.

It cannot be assumed that the owners of communal buildings will always receive timeous notification of developments under these proposals. For example, in some of the smallest Jewish communities communal buildings are only utilised on an intermittent basis, in some cases only every two to three weeks. It is therefore, very possible that the notification may be received too late for the Board of Management to submit any response.

Q28: Do you agree that, in order to minimise costs and potential delay, a single notice sent to the address of the neighbouring land is sufficient for these purposes?

No.

We note that the intention of the proposed changes is "*to make the planning system more inclusive and transparent*". Restricting notices to the occupier of neighbouring land will have precisely the opposite effect, potentially excluding the owner of the land from the planning process, and thus keeping owners in the dark as to possible developments that may affect their property.

It cannot be presumed that the owner and occupier of a property are the same person, nor even that they are in regular communication, and owners should not have to rely on the goodwill of their tenant for information about the development of adjacent properties. Short-term tenants in particular may have little interest in neighbourhood development, and may therefore simply discard the notice on the assumption that the owner will also have received a copy. Even if the notice is forwarded, the time available to the owner to consider and respond to the proposal will be considerably reduced, and perhaps lost entirely if, for example, the tenant is away on business or holiday when the notice arrives.

For example, several synagogues own premises occupied by the synagogue caretaker, and as a result of these proposals the Board of Management of the synagogue may forfeit the opportunity to comment on a proposed development if the notification were to arrive just after the caretaker has left for her fortnight-long summer holiday.

Bad Neighbour Development

Q41: What might be an appropriate alternative name for "bad neighbour development"?

We agree that the term "bad neighbour" is "*unduly negative and can create a misconception*" about proposed planning applications. In view of the types of activity included in the list we suggest that "community development" would be more appropriate.

Q42: Do you support the proposed additions and deletions to the list of “bad neighbour developments” and do you have other suggestions?

The term "bad neighbour" implies that the listed developments are likely to have an adverse effect on the local community, that will, in terms of Schedule 7:

- (a) affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;*
- (b) alter the character of an area of established amenity;*
- (c) bring crowds into a generally quiet area;*
- (d) cause activity and noise between the hours of 8 pm and 8 am; and*
- (e) introduce significant change into a homogeneous area.*

In view of this definition, we do not believe that places of worship should be included in the list of potential bad neighbours. On the contrary, faith communities bring positive benefits to local communities, and places of worship are often the hub of activities that contribute to the social and economic life of the wider local community.

“Faith in England’s Northwest: Economic Impact Assessment”¹ indicates that “45,667 faith volunteers in the Northwest generate between £60.6 million and £64.4 million per annum.” – i.e. they save the public purse that sum. (These figures exclude the work of national faith-based welfare organisations that operate in the area, such as the Children’s Society, and NCH Action for Children, and also exclude the value of other services such as the provision of premises for community activities.)

No comparable research has been conducted in Scotland, but research for Volunteer Development Scotland indicates that more than 30% of the population in rural communities, and 15% in urban areas are involved in volunteering.² Since research also indicates that volunteering is higher among members of faith communities than among the general population³, and 67% of Scots identified themselves in the 2001 census as belonging to a religion, the value of faith volunteering to the Scottish economy is likely to be considerably higher than the above finding for the North West of England.

In addition, faith communities contribute to the economy, as well as to the social life of their local area, by providing vital facilities such as Church halls for the use of a wide range of community groups, which may have no connection with their own congregations. “Faith in England’s Northwest: Economic Impact Assessment”¹ estimates that the local economic value of this facility is in the region of £800,000 per annum from a total of 1,385 venues. Given that there are considerably more places of worship than that throughout Scotland (at least 450 Roman Catholic and well over 1000 Church of Scotland churches alone), it is probable that the economic value is even higher, even if not all are actively involved in providing facilities for their local community.

Updating terminology, for example from dance, and music halls to nightclub, should not be used as an excuse to smuggle in substantive changes, and, particularly in view of the above, we do not believe that there is any justification for places of worship, which do not generally "cause activity and noise between the hours of 8pm and 8am" etc, to be included in the list as a potential bad neighbour.

Q47: Are there any potential impacts on business or voluntary sectors that we should be aware of in finalising the regulations or the order?

The requirement to advertise places of worship as a potential bad neighbour development would have major financial implications for faith communities, many of which already struggle to find the necessary money for running costs, necessary maintenance, and, particularly in the case of the Jewish and Muslim communities, for security.

The imposition of a requirement to advertise as a potential bad neighbour development may prevent a faith community from being able to undertake the types of activities described above, and, in some cases, may result in services having to be withdrawn.

Q48: Are there any potential impacts on particular societal groups that we should be aware of in finalising the regulations or the order?

As will be apparent from the above, local communities may suffer the withdrawal of vital services if faith communities are unable to undertake development of places of worship owing to the additional financial burden imposed by the required advertising of a potential bad neighbour development.

Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

¹ DTZ Pleda Consulting, February 2005 for the Northwest Regional Development Agency
<http://www.faithnorthwest.org.uk/resources/142208/economicimpactassessment2005.pdf>

² Scotland's Volunteering Landscape: The Nature of Volunteering, June 2006
[http://www.vds.org.uk/Portals/0/Resource/1553/The%20Nature%20of%20Volunteering%20\(RFSNo9\).pdf](http://www.vds.org.uk/Portals/0/Resource/1553/The%20Nature%20of%20Volunteering%20(RFSNo9).pdf)

³ Who volunteers? Volunteering trends: 2000-2007
<http://www.nfpsynergy.net/reportdownload.php?pdf=VolunteeringtrendsJan08.pdf>