

## 7. Rights and Challenges in the Scottish Planning System

The purpose of this information sheet is to provide a basic guide to the avenues available to anyone (e.g. applicant, member of the public, community group, or other affected party) who does not agree with a planning decision. It also explains some of the limitations with regard to challenging planning decisions, and why these exist.

**Update:** The Planning (Scotland) Act received Royal Assent in July 2019. The Act introduces significant changes to the Scottish planning system and a programme for introducing reforms has been prepared by the Scottish Government. Visit this [link](#) for more information. In the meantime, the planning system operates as set out below.

### Introduction

Public engagement is one of the principles on which the Scottish planning system is founded and PAS's aim is to facilitate effective public engagement in planning, ideally before decisions have been reached.

The planning system provides certain opportunities for people likely to be affected by planning decisions to make their views known and encourages them to do so. This is tempered, however, with measures to ensure that the processing of planning applications is not unduly delayed or obstructed.

Planning is, by its nature, often a contentious process. The need to apply for planning permission exists because property development by individuals to meet their own desires and needs inevitably affects the interests, to a greater or lesser extent, of neighbours or the wider community, sometimes adversely.

However, planning is not just a matter of protecting local amenity or conservation assets, but of ensuring that, strategically, the public interest is served with a forward supply of suitable land for housing, business and other activities and not unreasonably constraining the rights of property owners to develop their own property.

Planning authorities (i.e. your local council or National Park Authority) are therefore given the legal duty of making sometimes difficult decisions on behalf of the public. They are guided in this by the Development Plan for their area (*see our Information sheet on Development Plans*), Scottish Government guidance, and by the precedent applications and case law.

### Planning Decisions

Planning involves a great deal of seemingly bureaucratic procedure due to the many different factors and interests that must be taken into account.

Planning legislation is extensive and deals primarily with the processes leading to a planning decision, to ensure that the decision is an **informed** one and taken **legally**. (The decision itself is not covered by planning legislation, but rather by the development plans and planning policies prepared by a planning authority.)