

The power of public participation in local planning in Scotland: the case of conflict over residential development in the metropolitan green belt

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Abstract While the principle of public participation is an acknowledged requirement of planning in most Western countries there is continuing debate, and insufficient empirical evidence, on the effectiveness of public participation in practice. This research examines the power of public participation in local planning in Scotland with particular reference to the pressing issue of conflict over residential development in the metropolitan green belt. The paper first defines key concepts underlying the research, and identifies the principal actors in the residential development process. The post-2006 institutional framework for planning in Scotland is explained to establish the legislative and procedural context for a case study of conflict between developers and the local community in a village in Glasgow's green belt. Using a combination of analysis of planning documents, interviews with local planners and developers, and a survey of village residents the empirical study provides detailed insight on the principles, practice, problems for public participation in local planning in Scotland. Finally, a number of conclusions are presented on the prospects for public participation in Scotland.

Keywords Power · Planning · Participation · Green belt · Scotland

Introduction

Recent developments in public policy in the UK have emphasized a need for greater public participation in decision making which is seen as having potential to improve the quality and legitimacy of decisions (Lowndes et al. 2001). The underlying assumption appears to be that greater public participation in decision making processes will lead to more socially acceptable and sustainable outcomes (Barnes et al. 2003; Chilvers 2008). In marked contrast to the rhetoric of public participation concerns have been voiced over the effectiveness of the process in practice (Cooke and Kathari 2001; Reed 2008) and, as Aitken (2010, p 249) observed, 'projects or decision making processes which make claims to being participatory do not necessarily accurately reflect public interests and participants do not necessarily play influential roles'. Further, 'whilst public participation is now accepted as an essential requirement of planning there is limited literature which considers the effectiveness of participation in practice' (Conrad et al. 2011, p 761). The present research was designed to contribute detailed insight into the effectiveness of public participation in planning by undertaking an analysis of the principles, practice, problems and prospects for public participation in local planning in Scotland.

The research is grounded in the specific context of conflict between different stakeholders over residential development in the metropolitan green belt. This is apposite as the countryside around Scotland's towns is

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under increasing pressure for development as a result of a centrifugal movement of population from urban core areas. The search for housing land is a major source of conflict between the opposing forces of private profit and public interest, and the metropolitan fringe environment around many towns and cities can be viewed as a battleground in which different interests engaged in the residential development process compete for dominance. Central to this conflict are the concepts of power, politics, and public participation in the local planning system. Despite the importance of this particular issue for the contemporary geography of Britain's metropolitan regions there have been relatively few in-depth investigations of the efficacy of public participation in relation to the conflicts inherent in the production of the residential environment in urban fringe areas around Scottish cities (Pacione 1990, 2013), with most studies to date referring to England and Wales (Gregory 1970; Blacksell and Gilg 1981; Rydin 1986; Elsom 1986; Ambrose 1986; Keyes 1986; Roche 1987; Simmons 1985; Adams 1994; Gunn 2007; Gant et al. 2011).

The present research employs the case study approach to provide a detailed analysis of the power struggle between private capital, public planning and local communities over residential development in a pressured area of Glasgow's metropolitan fringe. This approach is appropriate because, as Yin (1984, p 20) observed, the strategy has a distinct advantage when 'a how or why question is being asked about a contemporary set of events, over which the investigator has little or no control'. The empirical evidence on which the research findings are based was derived using a combined methodology comprising examination of local planning documents, discussions with planning professionals and developers, and interviews with a 10 % random sample (comprising 147 respondents) of households in the study village of Milton of Campsie. The empirical study is set within the conceptual and legislative framework of the post-2006 Scottish development planning system.

The paper is organized into ten main parts. Following the introduction to the research in part 1, part 2 provides a brief overview of the key concepts underlying public participation. In part 3, the principal actors in the residential development process are identified with specific attention focused on the house builder and the local planner. In the fourth part, the particular institutional framework for planning in

Scotland is outlined and key issues relating to the distribution of power and public participation in local planning identified. Part 5 explains the development planning and management process in order to establish the legislative and procedural context for the case study. Part 6 identifies the planning context for the case study, before part 7 provides a detailed examination of a particular conflict over residential development in a case study village within Glasgow's metropolitan green belt. This discussion, which is informed by empirical evidence from the household survey, examines public participation from three perspectives—(a) principles, (b) practice, and (c) problems. The Reporter's recommendations in relation to the case study site are revealed in part 8. In part 9 a prospective view is presented on the potential for enhanced public participation in land use planning in Scotland; and finally in part 10 a number of conclusions are provided in relation to the on-going conflict between private profit and public interest in the production of the built environment around Scotland's cities.

Defining key concepts

While it is beyond the scope of the present paper to provide in-depth discussion of the various meanings and definitions ascribed to the key concepts relating to public participation in governance in general and planning in particular it is appropriate to provide an overview of how these concepts are interpreted in the current research.

Power: definitions of power reflect the theoretical perspective embraced (Lukes 2005) but, in general, power may be interpreted as different forms of constraint on human action, and as that which makes action possible. Power is frequently defined as the ability to influence the behaviour of others with or without resistance. This is central to the conflictual relations that exist between stakeholders in the contested process of residential development under investigation in the present research.

Local democracy: democracy implies rule by the people, and is intimately linked to the idea of promoting the common good (Haus and Sweeting 2006). Local democracy introduces the concept of geographic scale. Of relevance for the concept of local democracy, Kimber (1989) identified three

fundamental principles of democracy as—(a) upward control, i.e. sovereignty residing at the lowest levels of authority, (which resonates with the concept of subsidiarity); (b) political equality, and (c) social norms by which individuals and institutions only consider acceptable acts that reflect the first two principles. Debate over the principle and praxis of local democracy is an continuing debate in civil society and an integral element in the present case study.

Subsidiarity: is the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level. For Buckley (2008) subsidiarity encompasses the libertarian notion that the responsibility to address a social need (e.g. for affordable housing) should lie exclusively at the level of social organisation with the greatest competence regarding that issue.

Citizenship: the concept of citizenship is complex (Beiner 1995) but, in general, it is a conditional concept for local democracy that denotes the relationship between an individual and the state. Possession of citizenship is associated with the right to live and work in a country and to engage in political life. As discussed below, the civil and political rights of citizenship are linked to the place and power of local communities within the planning system.

Urban planning: concerns the design and implementation of specific policies and laws to guide land use usually by or at the direction of governments (Allmendinger 2009). Planning may be viewed as instrumental—serving as a means of agency (e.g. in local service delivery), or political—serving as an arena for debate over decisions that affect the lives of local people. The latter perspective is of particular importance in the context of the present research.

Public participation: is a political principle and practice that seeks and facilitates the involvement of citizens potentially affected by, or interested in, a decision. The principle of public participation holds that those who are affected by a decision have a right to be involved in the decision making process, and that their contribution will influence the decision (Barlow 1995). Public participation in planning may be seen as a means of citizen empowerment and as a key element of local democracy. Fundamentally, as we shall see in the present research, the degree of participation open to citizens varies with local context.

Principal agents in the residential development process

There is now sufficient empirical evidence (Clawson 1971; Baerwald 1981; Fleming 1984; Goodchild and Munton 1985; Short et al. 1986; Farthing 1995; Hull 1997; Gallent et al. 2006; Radcliffe et al. 2009) to enable us to identify the major actors in the production of the built environment. The principal agents include rural landowners, speculators, builder-developers, households as either potential house purchasers or existing residents, estate agents, financiers and other professionals involved in the development process, pressure groups that can be national organizations pursuing general policies (such as countryside conservation or the House (now Home) Builders Federation) or local community councils and residents associations mobilized in support of a particular issue, and different levels of government. Two of the main protagonists in the debate over residential development in the metropolitan fringe are the house-builders and the planners, each of which seeks to pursue particular objectives.

The house-builders

The structure and operation of the UK housebuilding industry has been detailed elsewhere (see for example, Ball 1996; Wellings 2006; Calcutt 2007; Goodier and Pan 2010). Here we are particularly concerned with the motives underlying the behavior of developers and how these impact on the distribution of power in the local planning system. The residential builder must progress through several stages in the production of the built environment. These involve land search and assembly; development design and application for planning permission; housing construction; and marketing and selling. The first two stages are often most problematic and it is at these points that housebuilders and the planning system come into direct conflict.

A primary concern of builders is to ensure that an adequate supply of land is always available. Because of different interpretations of what is meant by an adequate land supply housebuilders have become ‘one of the major adversaries of the planning system’ (Rydin 1986, p. 28). The debate over land availability has intensified since the early 1970s with, in general, builder-developers arguing that the planning-system restricts their ability to obtain a basic factor of production and that development controls inflate the

price of land and, therefore, of houses. The main building pressure group, the Home Builders Federation, has extended the argument on behalf of its members to contend that planners are frustrating households' home-ownership ambitions and threatening the livelihood of small builders, as well as hindering labour mobility and thereby hampering economic regeneration (House Builders Federation 1985; Home Builders Federation 2002, 2007). The width of the gulf between builders and planners over the adequacy of housing land reflects their different motives. The goal of the planning system is to ensure the orderly release of building sites within an approved policy framework. In deciding on a regional and sub-regional housing allocation, structure plans take account of a wide range of demographic, social, economic and environmental factors. Estimates of future demand for housing are based on national and regional forecasts of population change, local studies of household formation, vacancy rates, and the net effect of improvement and rehabilitation programs. The intraregional distribution of the total amount of housing land required will reflect the importance attached to growth or restraint in different localities. The capacity of existing infrastructure networks and the cost of necessary improvements will be taken into account, as well as the need to protect agricultural land, high quality landscapes and historic settlements. In contrast to this long term strategic viewpoint, the chief aim of house-builders is to ensure a regular supply of land for development and to realize a profit. An adequate land bank is essential to maintain continuity of production. Planners and developers also diverge on the best geographical location for new residential development, the former generally favouring brown-field sites within the existing urban envelope, and the latter preferring greenfield sites which they regard as more marketable. The issue of the marketability of individual sites lies at the crux of the conflict between developers and planners. As we shall see later, in the case study, these divergent interpretations of the most appropriate local housing strategy condition the conflict between housebuilders, planners and local communities over development in the green belt.

The planners

The role and value of planning in capitalist society has been debated at length since the structuralist critique of

positivist science (Scott 1980). For Marxist analysts, planning is of limited relevance being merely part of the legitimization apparatus of the state. Liberal analyses, on the other hand, underline the practical utility of the planning system in ameliorating the excesses of capitalism and reserving some of the benefits of development for the public. In the UK the public have accepted the implications of a strong system of urban planning initiated by the Town and Country Planning Act 1947 (Cullingworth and Nadin 2006). The basic principle is that of private land ownership but public accountability in use, so that landowners seeking to undertake development first have to obtain permission from the local planning authority. The primary objectives of 'the 1947 system' were urban containment, protection of the countryside, and the prevention of scattered development. These objectives have dominated physical planning for most of the postwar period, and are advanced by local authorities through the twin processes of development planning and development management. The particular application of these processes in Scotland is explained below.

The allocation of sites for private residential development forms a major part of both development planning and development control. Development plans (structure and local plans) are essentially statements of policy. However, development plan maps do not indicate permission to develop. This must be applied for by the landowner and in reaching a decision on a planning application the local authority is entitled to take account of 'other material considerations', i.e., factors other than the statutory development plans. The development management power of the local authority is not absolute, however, since a builder refused planning permission may appeal to the Secretary of State in England (or Scottish Ministers) who also has the power to 'call in' matters of regional or national importance. Furthermore, while in principle the 'other material considerations' clause gives the planner considerable discretion in applying development controls, in practice the 'working rules' are that (a) the onus of proof lies with the local authority, (b) each case should be treated on its merits, and (c) partly contradicting the previous guideline, precedent should play a part. Each side in the contest seeks to employ these principles to support their own case. Thus, for example, an applicant can employ the onus on the local authority principle, can argue the particular merits of the case, or use the local authority's past

development management record to support the application or weaken the authority's policy stance. The larger builder-developers are increasingly being aided in this practice by professional consultants. The local authority on the other hand can argue the particular planning demerits of a case or can seek to establish their firm strategic planning policy.

As we see below, recent changes to the planning system in Scotland have meant that developers are now more directly involved in the land availability studies, and local planners must actively consider the requirements of house-builders when preparing development plans and during the development management process. The motives, actions and powers of local residents—the third major interest group in the debate over residential development in the green belt—will be considered in detail later in the empirical case study. First, it is important to understand the institutional framework for planning in Scotland.

Planning in Scotland

The basis of the Scottish planning system was modified by the Planning etc. (Scotland) Act of 2006 which aimed to replace a system that was seen 'as over-bureaucratic, slow to respond to social and economic needs, unpredictable, complex, difficult to understand and intimidating (and that) appeared to lack transparency and caused frustration in central and local government as well as individual applicants and communities' (Audit Scotland 2011, p 7) with a modified system that introduced new processes to enable development and encourage better partnership working among public sector bodies, developers and communities; the aim being to make the planning system more efficient and effective, more encouraging and enabling of development, easier to understand and more inclusive of local communities. As we shall see, the 'modernisation' of the planning system in Scotland has had significant implications for the power of public participation in local planning.

The Planning etc. (Scotland) Act 2006 introduced a new statutory basis for development planning setting out the roles of the Scottish Ministers and local authorities with regard to development planning, management, and enforcement. This included replacement of structure and local plans by strategic development plans and local development plans. In

addition, 'the regulations provide a minimum set of requirements to ensure that *Scottish Ministers' priorities* for the operation of the development plan system are achieved (Scottish Government 2009a, p 1, emphasis added). The central aim of the modernisation was to establish a 'plan led' system in which national, strategic and local plans set out clear priorities and guide individual planning decisions. As we shall see later, this shift of power towards the national government at the expense of local accountability has been of particular significance for debates over the nature and location of residential developments.

The post-2006 planning system is based on three principal legislative documents—a National Performance Framework, a National Planning Framework 2, and Scottish Planning Policy—supported by occasional Planning Circulars.

The National Performance Framework laid out the government's 'single overarching purpose...to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish through increasing economic sustainable growth' (Scottish Government 2007a, Chapter 8). This purpose is defined by five strategic objectives that aim to make Scotland 'wealthier and fairer', 'smarter', healthier', safer and stronger', and 'greener'; supported by fifteen national outcomes that describe what the government wishes to achieve over a 10 year period, with progress monitored by forty-five national indicators and targets.

Of direct significance for development planning and management, two of the national indicators and targets refer explicitly to 'increasing the rate of new house building' and 'increasing the percentage of adults who rate their neighbourhood as a good place to live'. As the case study demonstrates, in some pressured areas of the metropolitan fringe these national targets may be contradictory at the local scale.

The National Planning Framework 2 complements the National Performance Framework and sets out the spatial strategy for Scotland's development to 2030 thereby providing a context for regional and local development planning (Scottish Government 2009c). To ensure effective delivery NPF2 is supported by an Action Programme identifying how and by whom fourteen national developments (such as the new Forth river crossing) and other key elements of NPF strategy will be implemented. Planning authorities are required to take NPF2 into account when preparing

development plans, and it is a ‘material consideration’ in determining planning applications.

The third key document, Scottish Planning Policy, sets out the purpose of the Scottish planning system in the statement that ‘the Scottish Government believes that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. The way in which the planning system is structured and operated should be directed towards that purpose and to supporting the Scottish Government’s five strategic objectives and fifteen national outcomes’ (Scottish Government 2010, p 1). Significantly for the present research into contested residential development in the metropolitan fringe the inherent conflict of interests in the planning process is acknowledged explicitly:—‘The planning system has a critical balancing role to play when competing interests emerge in the consideration of future development. It is essential to recognise that planning issues, by their very nature, will often bring differing interests into opposition and disagreement and the resolution of these issues will inevitably disappoint some parties. The planning system cannot satisfy all interests all of the time. It should, however, enable speedy decision making in ways which are transparent and *demonstrably fair*’ (Scottish Government 2010, p 2 emphasis added).

This poses the fundamental question of ‘fair for whom?’ As we shall see, this issue is the leitmotif running through the examination of public participation in the case study. The nature of ‘fairness’ is a question that has taxed moral philosophers for centuries. Here we need only acknowledge the contested meaning of fairness. As Smith and McDonough (2001) point out, on one hand a process view of fairness can refer to a wish for a neutral and equal consideration of all concerns by an impartial decision making body. On the other hand, fairness may refer to the outcomes of a process whereby a result is perceived to be fair if it meets the interest of an individual or community. In the context of the present research, the contested nature of the concept is apparent in the expressed views of different interest groups.

House-builders generally regard the planning system as overly restrictive. Abbott (1999) emphasises the constraining hand of local planning authorities, expressing despair at the extent to which green belt controls, low housing output targets in plans, development taxes and other policy constraints prevent the

house-building industry from achieving its business goals. The Scottish Green Belt Alliance (2005, p 8), on the other hand, while acknowledging that ‘economic growth is important for Scotland and developers make a crucial contribution to it...with regard to fairness it may be noted that the planning system may have an unfair bias in favour of developers’. Environmentalists in general regard the planning system as pro-development and cite recent Scottish Government policy statements to support of their view—The Scottish Government is ‘committed to the goal of raising the rate of house-building to 35,000 new houses a year... a target that sets a national political context that is strongly supportive of house-building (Scottish Government 2008, p 2). SPP3 goes on to state that this ‘should guide authorities to allocate *more than enough land i.e. a generous supply* to help ensure delivery of homes’ (Scottish Government 2008, p 9 emphasis added).

Scottish Planning Policy (Scottish Government 2010, p 14) also states that ‘the planning system should contribute to raising the rate of new house-building by identifying a generous supply of land for the provision of a range of housing *in the right places* (emphasis added). The fundamental geographical issue for development planning and management is the meaning attached to the ‘right places’. Central to this question is the greenfield–brownfield debate and the concept of sustainable development. Scottish Government (2008, p 15) observes that planning authorities must exercise development planning functions with the objective of contributing to sustainable development. SPP3 goes on to state that, ‘the selection of appropriate sites and the amount of land needed to meet the housing requirement should in principle consider the re-use of existing land and buildings before development on greenfield sites’ However, it then proceeds to fog the issue by observing that, ‘overall the most sustainable option may not necessarily be the brownfield site within the urban area, and equally the least sustainable option may not necessarily be greenfield land on the urban fringe’ (Scottish Government 2008, p 16). The policy concludes that ‘where brownfield and infill sites cannot meet the full range of housing requirements it may be necessary to release greenfield land next to the built up area’ (Scottish Government 2008, p 18). This opens the possibility of development not only on greenfield land within the urban area but on *green belt* land.

While the green belt generally remains one of the strongest defences of open land around settlements in pressured metropolitan areas, as Elsom, et al. (1993) have pointed out it is more of a ‘shaper’ than a ‘stopper’ of development. British house-builders will always choose greenfield/green belt sites over brown-field land since they have ‘traditionally made their money from greenfield sites with relatively easy physical conditions’ (Adams and Watkins 2002, p 129). This brings them into direct conflict with local communities who wish to retain the integrity and identity of their existing settlement. In reality, despite a policy preference for sustainable development on previously used land within urban areas there remains considerable pressure for greenfield/green belt land release.

Before examining a detailed case study of the power of public participation in the conflict over residential development in Glasgow’s metropolitan fringe it is first necessary to explain the process of development planning and management that conditions the struggle between the principal stakeholders.

Development planning and management in practice

Development planning in Scotland is based on quinquennial strategic development plans and local development plans. The former set out a vision for the long term development of the four main city regions, focusing on issues including land for housing, green belts, major business and retail developments and infrastructure provision. Local development plans identify sites for new developments and lay out policies that guide decision making on planning applications. As in the case of strategic development plans, each planning authority is required to publish and then update a local development plan for their area at least once every five years.

The second main component of the planning system, development management regulates proposed land developments. Decisions are made by the appropriate authority in accordance with a hierarchy of developments (Scottish Government 2009d) ranging from those of national significance (e.g. a large wind farm); major significance (such as a new housing development of fifty or more dwellings or of a site exceeding 2 ha); to those of local significance (e.g.

house extensions). Where a planning application sits within the hierarchy of developments will determine how it is handled. Decisions on ‘major developments’ will normally be made by elected councillors of the relevant planning authority. National and major developments are also subject to a statutory requirement for pre-application consultation by the prospective developer. Planning authorities are required to determine planning applications in accordance with the development plan unless material considerations (e.g. arising from other national or local policies) indicate otherwise.

Figure 1 indicates the planning application and appeals process in relation to an application from a house-builder for a major new greenfield development. The local planning authority also considers representations from local communities and interest groups and from elected local councillors. As Fig. 1 shows, in determining the application a planning authority can (a) grant permission unconditionally, in which case the development proceeds; (b) grant permission subject to conditions; or (c) refuse permission. When the elected members of the planning authority decide to refuse planning permission or grant permission subject to conditions the applicant has a right of appeal to the Scottish Ministers within three months of the issue of the decision notice. Planning appeals to the Scottish Ministers are usually dealt with by a Reporter appointed by the Directorate for Planning and Environmental Appeals (DPEA). Significantly, prior to the Planning etc. (Scotland) Act of 2006 an objector could indicate how they preferred their representation to be handled (i.e. by written statement or public enquiry). Now, the Reporter decides how any unresolved representations should be considered. This important shift in practice is aimed at speeding up the appeals process, and places an onus on objectors to include all relevant information in their initial submissions. There is no provision for those who have made representation to submit further information once the examination has commenced unless requested to do so by the Reporter. Most appeals are now decided by written submissions. More complex issues, such as housing land supply, are often dealt with by a hearing. In the case of the housing land supply hearing relating to the East Dunbartonshire Local Plan 2 (East Dunbartonshire District Council 2011) the Reporter invited representatives from the council planning department, social landlords,

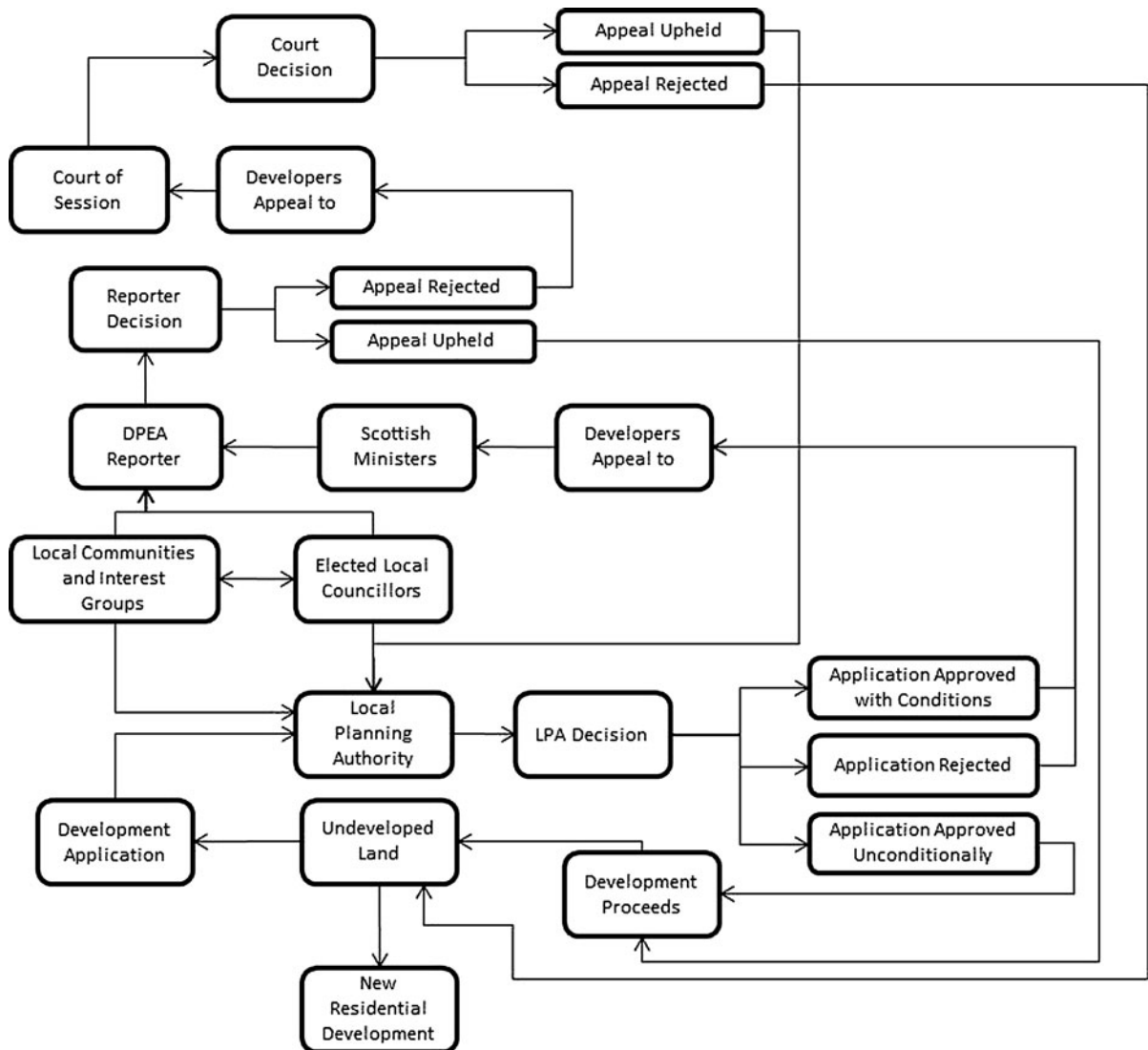


Fig. 1 The planning application and appeals process in Scotland—agencies and actors (Source Author)

property agents and developers. Any modifications to the draft local plan which are recommended by the Reporter will generally be binding on the planning authority. This represents a significant shift in the balance of decision making power from local to central government. Under the pre-2006 system the planning authority not only appointed the Reporter but also considered the Reporter's conclusions and recommendations and then decided what action to take. The planning authority was not obliged to accept the Reporter's recommendations but had to set out its response to each in a statement giving their reasons for accepting or rejecting each recommendation. If any

party to a planning application believes that unfairness or a failure to comply with any requirement of the law prejudiced the decision of the planning authority they may appeal to the Court of Session within six weeks of the decision. If the Court accepts that a decision taker acted unfairly or has not complied fully with the law it may quash the decision and refer the matter back to the decision maker for re-examination.

Having established the legislative and procedural background to the post-2006 development planning, management and appeal system in Scotland we can turn to focus attention on a particular case study to understand the conflictual relationships among the

different interest groups, and the role of public participation in the battle over residential development in the metropolitan fringe. The empirical focus of the research is on the Redmoss Farm site on the edge of the village of Milton of Campsie in East Dunbartonshire.

The redmoss farm dispute: the planning context

East Dunbartonshire district has experienced long-standing pressure for new residential development. Between 1961 and 1971 the resident population of the former Strathkelvin district increased by 32 %, and by a further 13 % between 1971 and 1981. Analysis of the socio-economic status of the new population clearly indicated that this growth was directly related to the high rate of private sector house building in the district over the period. Between 1971 and 1987 the proportion of owner-occupied housing in Strathkelvin rose from 49 % to 61 %. Much of this new development occurred in the northern part of the district around the villages of Lennoxton, Torrance, and Milton of Campsie.

Following this period of sustained growth the local plan for the Campsie and Baldernock area, formally adopted in 1986, concluded with a categorical recommendation that no further growth should take place – ‘The District Council will oppose any private housing proposals which would result in an extension of the built up area beyond the green belt boundary or involve sporadic development within the green belt or countryside area’ (Strathkelvin District Council 1986, p 10). This resolution was in accordance with the regional policy on residential development in the green belt, as detailed in the structure plan (Strathclyde Regional Council 1986)—‘The spread of built up areas and the encroachment of development into the countryside within the green belt around the conurbation shall not accord with the regional development strategy’ (p 18); and ‘Residential development as infill or redevelopment sites within urban areas, excluding zoned open space but including land held by local authorities, new town development corporations and other public bodies, which they have no realistic expectations of developing within five years, will take preference over peripheral greenfield sites’ (p 26).

Despite these unequivocal policy statements, the attraction and marketability of greenfield sites land-banked by developers has sustained developer demand

for further residential development. As the Finalised Draft of the East Dunbartonshire Local Plan 2 stated, ‘the demand from the development industry for land for private housing continues to be a major land use issue in East Dunbartonshire. The 2005 Local Plan attempted to strike a balance between the needs of the community for houses and the strongly expressed demand to sustain a high quality environment by protecting the green belt and retaining open areas within urban settings’ (p 16). Nevertheless, and in marked testimony to the strength of developers’ ‘hope value’, the war of attrition between private house builders and local communities in the district has continued over the past three decades. The pressure on the district greenfield/green belt is clearly evident in Fig. 2 which shows, in addition to the locations of agreed new residential developments in Local Plan 2, the distribution of green belt sites for which house-builders applied for planning permission to develop.

One of the most contested sites, and the subject of the present case study, is the Redmoss Farm site on the western edge of the village of Milton of Campsie. The land was purchased by the developers forty years ago at a time when substantial house building was envisaged between the villages of Lennoxton and Milton of Campsie. The Strathclyde Region structure plan, approved in 1981, abandoned this concept in line with an increasing emphasis on redeveloping the existing urban fabric. Reversal of the previous growth policy was reaffirmed in the 1986 and 1988 updates of the structure plan and in the relevant local plan. The house-builders, nevertheless, applied for planning permission in April 1988. Refusal of planning permission by the local authority in June 1988 stimulated an appeal by the developer in August 1988. A public local enquiry was held on the dispute in August 1989. In April 1990 the Secretary of State issued a decision letter in which he dismissed the developer’s appeal on the grounds that it was not justified either in relation to *housing need* or in relation to the detailed characteristics of the *green belt* at the location. However, the potentially enormous windfall profits from receiving planning permission encouraged house builders to submit further planning applications to develop the Redmoss Farm site in their 2010 representations on the Local Plan 2.

The key considerations in this latest land battle refer to green belt policy; the provision of affordable housing; the policy aim of encouraging sustainable

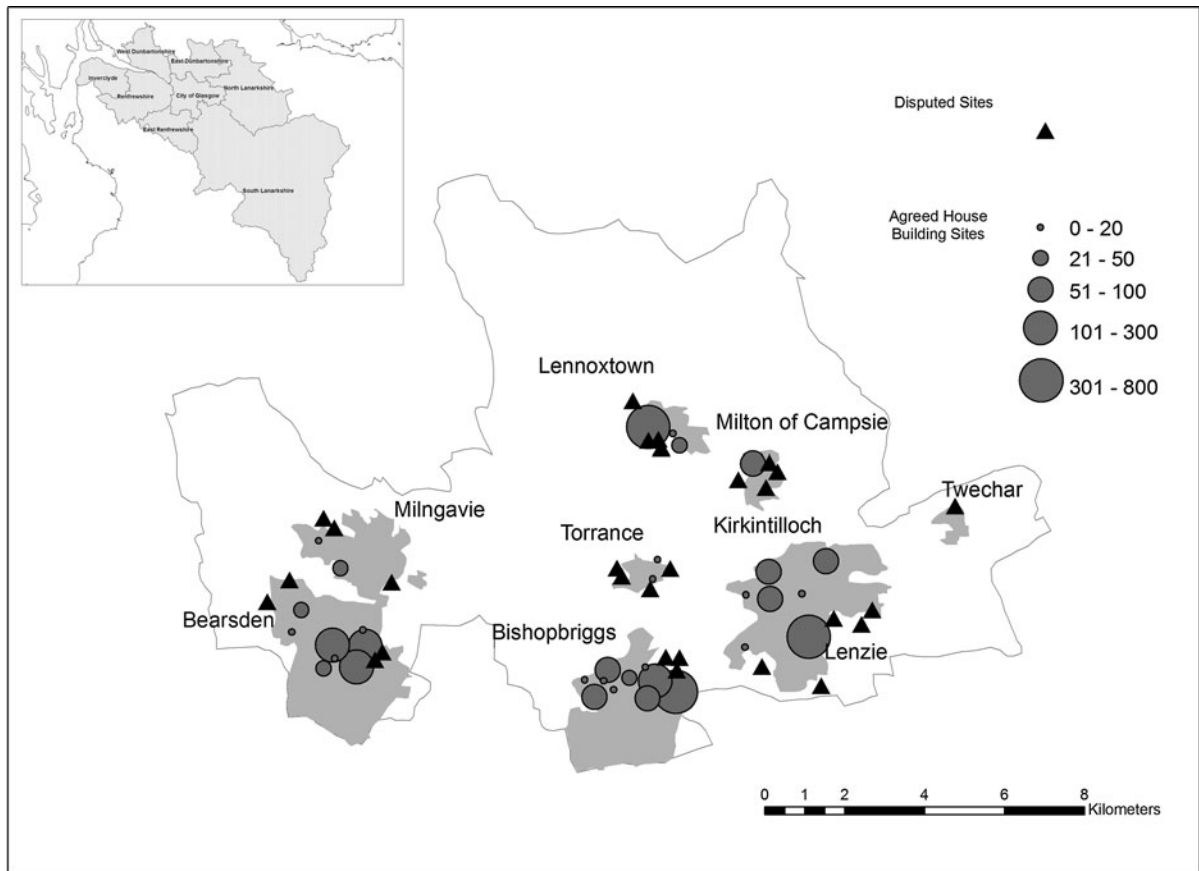


Fig. 2 Distribution and size of agreed house building sites, and location of disputed sites in East Dunbartonshire (Source Author)

development; the divergent views expressed by the private house builders and local residents as to the impact of the proposed residential development on the existing village settlement; and critically for the present research, the key question of ‘who decides, who wins?’

The house-builders fired the first salvo by applying for planning permission for a residential development of 190 exclusively affordable housing units on two areas totalling 9 acres of the total 38 acre Redmoss Farm site, with the remaining land being provided as a Local Nature Reserve (Fig. 3). The nature of this application reflected the strategic learning of the applicant. In contrast to the earlier 2005 Local Plan application to build exclusively ‘executive homes’ on the site this application sought to resonate with a need for affordable housing in the district, and a view that a function of a green belt is to ‘protect and where appropriate enhance the landscape character and

biodiversity’ and ‘provide for the enjoyment and recreational use of the countryside’.

The house-builders contended that release of the land from the green belt was justified on several grounds. First, the Draft Local Plan failed to meet identified requirements for affordable housing. The 2008 Strategic Housing Investment Plan (SHIP) identified a need for 105 affordable properties in Milton of Campsie between 2009 and 2015, with more recent figures indicating an affordable housing shortfall of 190 units. Since one current market housing site in the village would deliver only 4 affordable units in this plan period the proposal to build 190 affordable units on the Redmoss Farm site is ‘the perfect opportunity to address the shortfall’. The developers also pointed out that the Glasgow and Clyde Valley structure plan provides additional justification in stating that where urban/brownfield locations are unavailable or insufficient, as in Milton of Campsie,

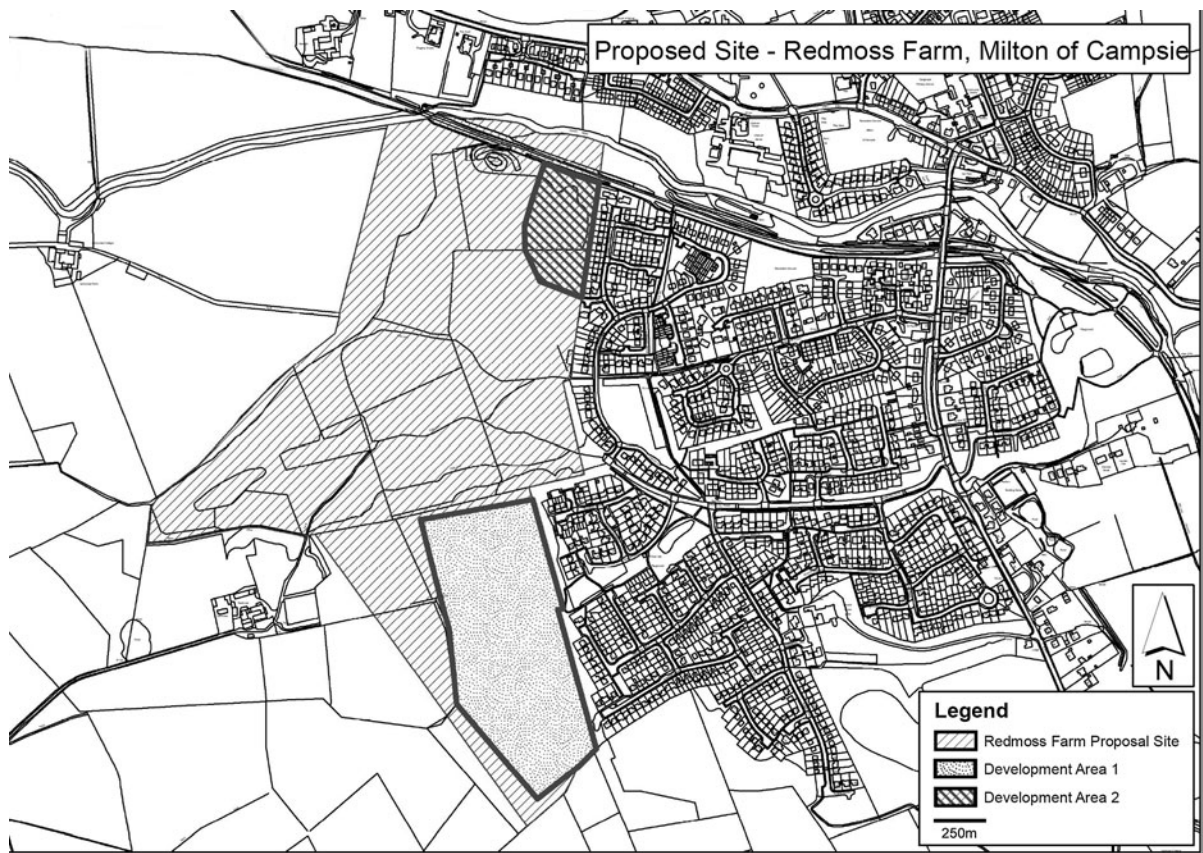


Fig. 3 The Redmoss Farm site, Milton of Campsie (Source Author)

limited green belt incursion may be considered where sites are developed exclusively for affordable housing.

Secondly, the builders referred to SPP21 which requires local plans to take a long term, at least twenty year, perspective in defining the urban edge of settlements, stating that inner boundaries should not be drawn too tightly around the urban edge. Third, the developers argued that while part of the proposed development site is located in a designated Local Nature Conservation Site (Redmoss Grasslands) it is considered that loss of recreational/ecological value will be ‘vastly outweighed’ by significant improvements to the wider area through a proposed Local Nature Reserve. The builders therefore objected to the designation of part of the site (Fig. 3—Area 2) as part of the LNCS, and asked that the green belt boundary be redrawn to exclude the site to allow it to be developed for affordable housing.

The district council rejected these three representations questioning the developer’s interpretation of

the housing land supply statistics, and emphasising the need to defend the green belt. With reference to the land supply the council pointed out that, in terms of market housing, the Local Plan identifies thirty-nine sites in East Dunbartonshire which meet the requirement of Scottish Planning Policy 2010 for ‘a supply of effective land for at least five years to be maintained at all times to ensure a continuous generous supply of land for house-building’. With particular reference to affordable housing the council identified twenty-one sites which, together with the policy of seeking a target percentage of 25 % of affordable housing in market housing developments of ten units or more, ensured that the land supply identified in SHIP was in accordance with the number of affordable units that could be realistically funded from the government housing association grant.

In relation to the defence of the green belt, the council pointed out that the East Dunbartonshire green belt is an integral part of the Glasgow and Clyde

Valley green belt and that the Glasgow and Clyde Valley Joint Structure Plan required the continued designation and safeguarding of the green belt as a key policy in support of metropolitan development strategy. Accordingly the designated area, boundaries and development management guidance of East Dunbartonshire's green belt are fully in accord with relevant national and strategic policy guidance. Furthermore, based on a recent review of the local green belt (East Dunbartonshire District Council 2009) the council rejected the developer's claim that the green belt boundary on the west of Milton of Campsie should be adjusted; the inner edge of the green belt here being strongly defended by appropriate man-made and natural features:- 'To the west of the town the green belt boundary is defined by residential properties, boundary gardens and large pockets of dense woodland and agricultural land...The green belt edge is adjoined by large expanses of active agricultural land which slope away from the green belt boundary into the countryside... any change to the boundary westwards would increase the risk of coalescence with the eastern boundary of Lennoxtown' (p 10) (Figs. 4, 5).

All representations from developers, elected councillors, local community groups and residents were

received by the Reporter for decision in May 2010. In this instance, the reporter decided to ask for strategic environmental assessments to be carried out for eight potential green belt development sites, one of which was Redmoss Farm. Public consultation on the suitability of the proposed sites for development generated 628 responses from local residents as well as individual representations from local councillors and MSPs opposed to the release of green belt land for development. Of these representations 215, more than one in three, referred to the Redmoss Farm site in Milton of Campsie. The most common issues raised in opposition to the proposed development related to (a) the need to preserve the green belt, and loss of open space (b) the adverse impact on wildlife and biodiversity, (c) the traffic implications of additional vehicles, and overloading of village infrastructure, (d) no need for additional housing in the village, (e) settlement coalescence and loss of village identity, and (f) the remoteness of decision making (Fig. 6).

The Reporter's conclusions will be revealed later. Here, we focus attention on the Redmoss Farm dispute as the context for examination of the rhetoric and reality of public participation in the local planning process. As Fig. 6 reveals the 147 respondents in the



Fig. 4 The Redmoss grasslands green belt site comprises now-disused farmland purchased by the developer 40 years ago and land banked for future development (*Source* Author)



Fig. 5 The proposed Area 2 development site is a designated Local Nature Conservation Site in the green belt located between the back gardens of existing houses and agricultural land to the west (*Source* Author)

household survey provided a total of 1,119 views in opposition to the proposed development. Significantly no respondents expressed a positive view of the effectiveness of the current practice of public participation in the local development planning process. In the section on ‘[Practice](#)’ below, we introduce a representative selection of respondents’ views to illuminate the discussion of the key issues underlying public participation in the case study context of residential development in the metropolitan green belt.

Public participation in planning

The discussion is organised in three parts focused in turn on the principles, practice, and problems of public participation in the study context.

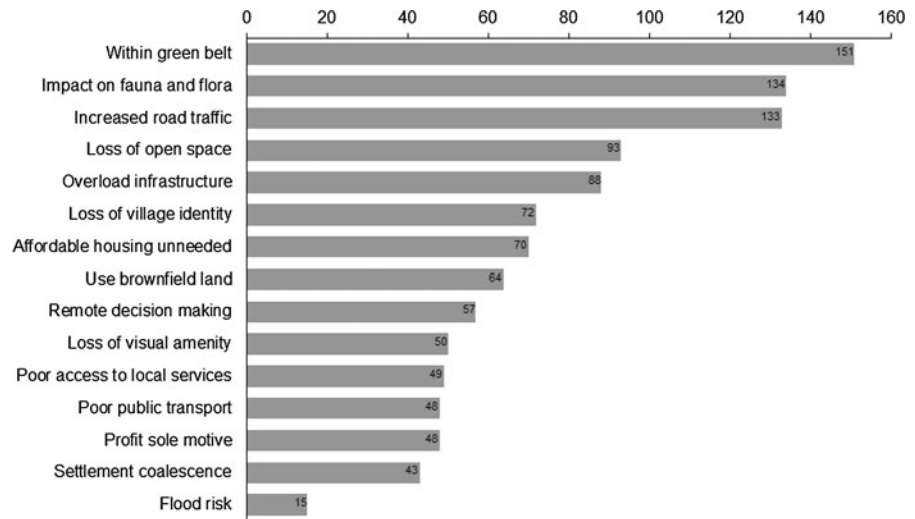
Principles

Public participation is now widely regarded as an integral element of public policy and planning and in many countries is enshrined as a legal requirement within planning systems (Conrad et al. [2011](#)). Advocates of participatory planning contend that

incorporating the views of the public into planning decisions gives the decisions greater legitimacy. As Sandercock ([1998](#), p 30) argued ‘from our modernist reliance on state-directed futures and top-down processes, we have to move to more community-based planning from the ground up, geared to community empowerment’. Others have argued that while the principle of public participation in planning has been institutionalised as a method of good practice too much emphasis is placed on process to the neglect of the key question of ‘the justice and sustainability of the material outcomes of planning interventions’ (Healey [2003](#), p 10).

Scottish planning policy emphasises the importance of public participation. As stated by the Scottish Executive ([2002](#), p 5), ‘community involvement is an integral part of the planning system, giving the public the opportunity to influence the future development of their area through involvement in the preparation of development plans and in decision making on planning applications’. The fundamental question is what is meant by public participation, and the extent to which the policy rhetoric is translated into political praxis. This issue is examined below with particular reference to the Redmoss Farm dispute.

Fig. 6 Major reasons for opposition to residential development of the Redmoss Farm site (*Source* Author's survey)



Practice

The Scottish Government's policy on community engagement in planning is set out in Scottish Planning Policy (Scottish Government 2010a) and in relevant Planning Circulars (Scottish Government 2007a; 2009a, b; 2010b). The process of public participation in a projected planning development commences with a pre-application consultation in which prospective applicants for planning permission are required by law to consult communities before a planning application is submitted for a national or major development (the latter including residential developments of fifty or more houses). According to Scottish Government (2010b, p 16), 'the purpose of pre-application consultation is for communities to be informed about development proposals and to have an opportunity to contribute their views before a formal planning application is submitted to the planning authority'. Where pre-application consultation is required the prospective applicant must send a proposal of application notice to the planning authority at least 12 weeks before submitting an application for planning permission. The notice must provide a general description of the proposed development, the site location, a plan of the site, contact information for the developer, and a description of what form of consultation the developer proposes to undertake. The minimum consultation requirement set out in law is to consult relevant community councils and hold at least one public event which is advertised in the local

press at least 7 days in advance. They must send a copy of this notice to relevant community councils.

According to Scottish Government (2010b, p 16), 'the aim is to improve the quality of planning applications, mitigate negative impacts where possible, address misunderstandings, and air and deal with any community issues that can be tackled'. Evidence from the present research suggests that this may be a naïve expectation. A significant number of respondents had no knowledge of the pre-application consultation procedure and many of those who did questioned the value of the exercise. For example, one local resident stated:

I've never heard of this. No-one told me about this. Did they send out the notice during the school holidays? (Respondent 87),

while another objected,

I don't get the local newspaper and the community council only send around their newsletter now and then and even then sometimes we don't get one. Surely the Council should be telling us about this? (R23).

During the pre-application consultation the intended dialogue is between the community and the prospective applicant. However in a situation where there exists a long-standing antagonism between developers and the local community this process is unlikely to achieve the aims set out in the legislation. This is apparent in the views of survey respondents:

Why should I get involved with them (the developers). They'll just use the information we provide to counter our arguments when they submit their planning application to build on our green belt. (R99)

I don't trust the developers. They're only after making money for themselves. They are proven liars, deliberately misrepresenting the facts to suit their own purposes. (R26)

The Scottish Government's view on the pre-application consultation is that 'the proposals, if adjusted (following public consultation) should benefit from that engagement and assist *the efficient consideration of applications once submitted*' (Scottish Government 2010b, p 17; emphasis added). This instrumental view of the plan making process is indicative of the emphasis attached by the Government to maximising the efficiency of the planning system in support of National Planning Priorities rather than to ensuring the effectiveness of public participation.

The process of public participation in preparing the local development plan, following the pre-application consultation, is shown in Fig. 7. The participation statement sets out how local people can engage in the process of plan preparation either as an individual or as a member of a local organisation, such as a community council, residents' association, local business or amenity group. The nature of public participation in East Dunbartonshire is stated in the Council's view that 'community and stakeholder engagement in the process last throughout the period of the plan preparation. However, in accordance with Government policy, the character of the engagement will change as the plan progresses (see Fig. 7). In early stages, the Council will concentrate on involving stakeholders in identifying and assessing issues and options. When the Council's thinking starts to coalesce around preferred development options at the time of the Main Issue Report the approach will be more consultation based: asking people to respond to proposals. Following publication of the proposed plan, the character of engagement will change again: the Council will have reached a settled view on what the final content of the plan should be and the emphasis will be on providing information and facilitating representations' (East Dunbartonshire Council 2012a, p 8).

This form of 'consultative participation' is encapsulated by the 'degrees of tokenism' steps on

Arnstein's ladder (Fig. 8). The empirical evidence from the case study household survey underlines the view that participating in a consultation process is not the same as having influence. As one local resident put it:

I am very concerned about this process which is totally undemocratic. Nothing could be more autocratic than a situation where the views of most of the people in the village and every one of our elected representatives can be ignored by one non-elected Government appointed Reporter (R39).

More generally, as Cornwall (2008, p 271) states, it is not enough for a local authority to create a space for community participation if other required considerations are absent'. We shall consider the extent of this 'democratic deficit' later when examining alternatives to the current participation regime. In the meantime, we consider the efficacy of the only type of community group with a formal role in the planning system.

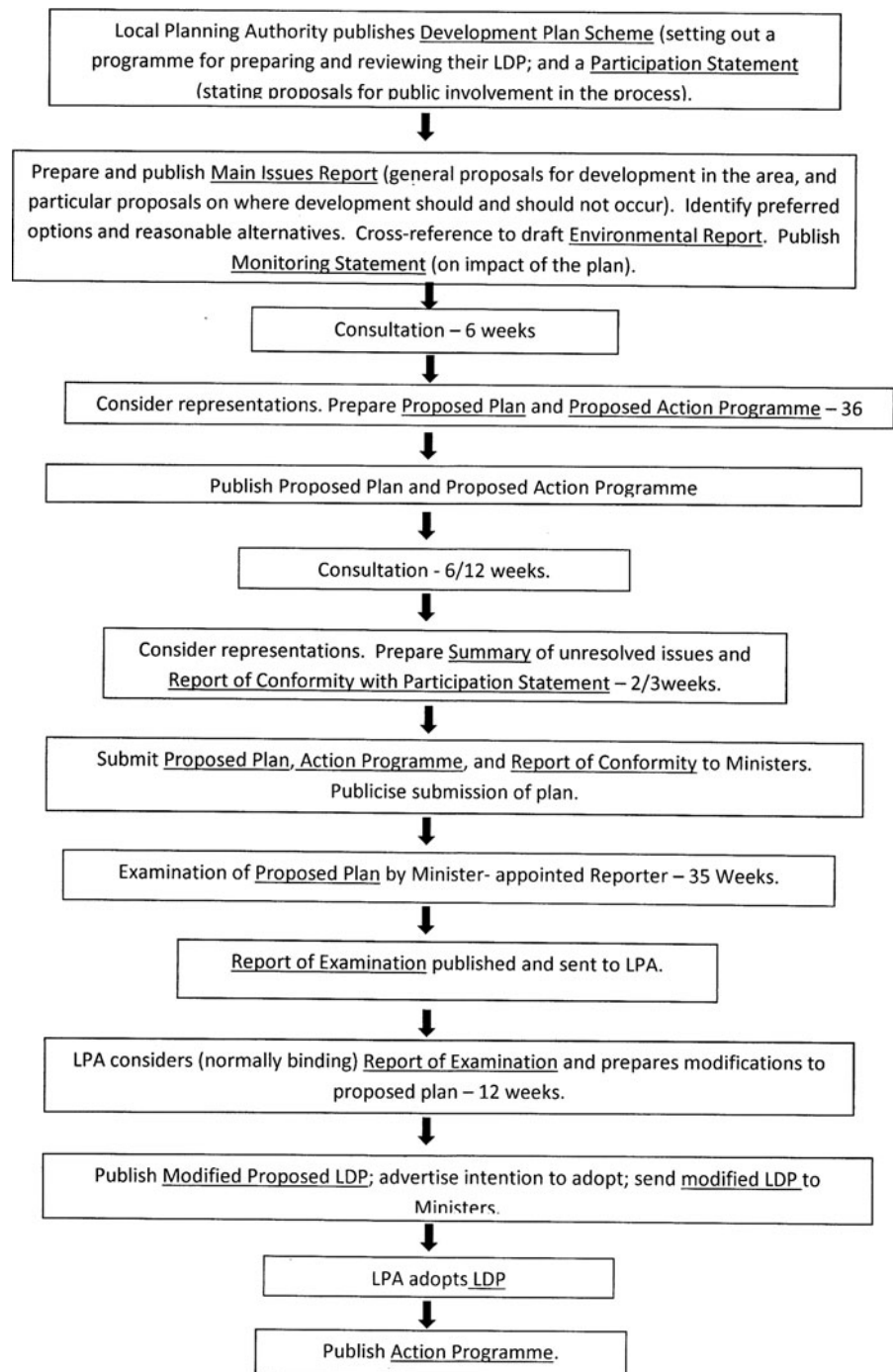
Community councils are consulted when development plans are being prepared, during the pre-application consultation, and when a planning application has been submitted. Planning authorities must give the community council at least 14 days to consider and respond to an application before they determine it. Many community councils take a pro-active role by monitoring the weekly list of planning applications, consulting with relevant planning officers, holding public meetings to publicise plans and gauge community feeling, and in expressing local views to the planning authority.

The community council in Milton of Campsie, as with all others in Scotland, has a limited budget, often uncontested elections, is not permitted to own assets, and has limited decision-making powers. The role of the village community council was not well understood. Few residents were aware of its statutory function. Typically most residents shared the view that:

I don't know much about it; I'm not sure who they are or when they meet. I think they have to be elected but I've never voted. (R44).

On the other hand a minority of respondents were aware of community council activity in relation to planning issues:

Fig. 7 The local development plan process
(Source Author)



They are only really active when there is a threat to the village. They call a public meeting and that's very important to get people involved. The last one was about Redmoss and it was very well attended. It helped to mobilise opposition to the

developers, but usually they are under the radar (R125).

The overall impression of respondents was that the community council was benign and of not much

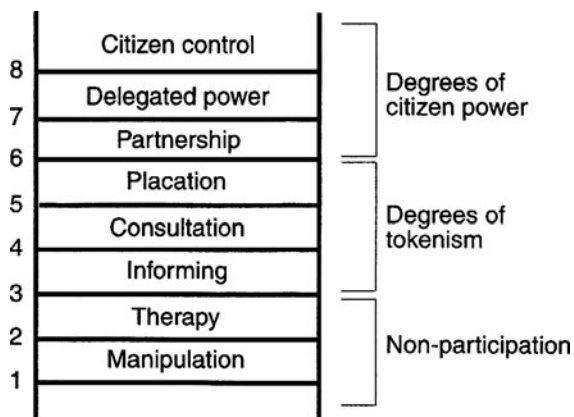


Fig. 8 Arnstein's ladder of citizen participation (Source Arnstein 1969)

relevance except in a crisis. More generally, lack of government support for community councils has been identified as a concern among members of the public who have been involved in planning consultations (Jenkins et al. 2002). This impression of impotence was reaffirmed in 2011 when the Association of Scottish Community Councils announced its intention to disband. The last president of the organisation stated that community councils were 'dying off' and warned that the 9,000 community councillors have very little support, are ageing, and that membership is dwindling. It is also often the case that while nominally elected, community councillors are often simply appointed uncontested (Shannon 2011). This does not auger well for the statutory process of community participation in planning. Further, as Bort et al. (2012, p 18) concluded, 'the primary problem with community councils is that they are mainly consultative bodies and the local authorities have no duty or requirement to reflect what they are told by community councils. This is not local democracy'. In light of these conclusions, we consider later some alternative means of enhancing local power.

As Fig. 6 indicates a large number of concerns were expressed by household respondents in relation to the proposed development at Redmoss and the planning and participation process underlying any decision. In addition to the issues discussed above, the interview survey of village residents revealed a number of specific sources of dissatisfaction with the existing decision making process. Chief among these were feelings of powerlessness, frustration, distrust of

developers and government, and anger at being dictated to by remote officials that collectively coalesced around a perceived local democratic deficit. In the following discussion we interrogate the survey evidence to explore these issues in depth.

Sources of dissatisfaction with the process of public participation in the Redmoss case study included feelings of helplessness. As one resident explained:

I have lived in the village all my life. If the builders get the go ahead you think to yourself when will they stop. I don't know what I can do except hope the proposed plan gets kicked out (R23)

Another felt:

What's the point of having meetings to object; they just ignore us and do what they intended to do all along (R135)

The felt lack of local community influence was also reflected in perceptions of an imbalance in power between the local residents and developers: Some respondents believed that

The developers get preferential treatment because of their cosy relationship with the planners. They are invited to private meetings to discuss what sites they want to build on. (R88)

I understand that the planning department carried out a site visit with the developer with no public notification and no local residents invited (R40).

We can't call up paid experts to write reports for us. It's also difficult for local people who work all day to find the time to prepare arguments against the developers. The planning department are quite helpful in explaining the procedure but they say it's not their job to suggest approaches to oppose the builders' plans (R76)

This sense of imbalance in the power relationship between developers and local communities appears to be supported by a recent government publication. At the launch of a new Planning Performance Framework the Heads of Planning in Scotland expressed their confidence that the system would 'serve all the users of the planning system well' (HOPS 2012, p 3) then went on to identify the key stakeholders consulted as: 'Homes for Scotland, CBI Scotland, RIAS, Federation

of Small Businesses, Scottish Property Federation, Planning Aid Scotland, and Improvement Service” with no explicit acknowledgment of their responsibilities to local people (HOPS 2012, p 10).

Feelings of powerlessness were matched by anger and resentment over what were perceived to be ongoing attacks on the quality of life of people in the village:

This developer has sought repeatedly to build on this land since we moved here in 1972. They were again refused planning permission earlier this year but 6 months later I hear they are at it again. It costs the developers nothing to sit on the land and keep submitting planning applications in the hope they eventually win. Surely there should be a rule about how many times they can do this? (R44)

I am absolutely disgusted with this application being callously submitted again by builders who always put profits before the interests and rights of the village residents. Surely I have a right to enjoy the peace and quiet of village life that attracted me here in the first place? (R5).

These views on the marginalisation of the voices of local people were accompanied by equally negative perceptions of the motives and actions of the developers who, as we have noted, have made a succession of attempts over several decades to build on the Redmoss site:

All the benefits of the Redmoss development would accrue to the house building company at the expense of the local community and surrounding environment: (R22).

I wonder what, other than profits for the builder, are the thoughts behind building on green belt land with the risk of village coalescence. Profits for a remote building company cannot possibly warrant this (R20).

There was widespread cynicism of the actions and tactics of the developers:

This is a repeat of attempts that the developer has made through the planning appeals process for several years and is nothing more than a cynical effort to by-pass the views of local residents by putting the decision in the hands of government reporter (R165).

The developers are deliberately misrepresenting the quality of the site by describing it as abandoned farmland. Ironically, thanks to their neglect over years, the land is now designated as a Local Nature Conservation Site, is adjacent to a Wildlife Corridor, and is partly covered by Tree Preservation Orders (R178).

Particular opprobrium was directed towards the developer’s proposals to provide a country park on the land remaining after development, and to justify the proposal in terms of a local need for affordable housing. Respondents were dismissive of the proposed nature reserve:

The builders’ suggestion that we lose half the area to keep what is already there in the form of a smaller ‘country park’ is frankly laughable (R155).

The Redmoss grasslands are already enjoyed by village residents without the need for a managed nature reserve. This is simply a ploy by the builder to make money at our expense (R 153).

There is no logical social or environmental reason for the proposal to develop two separate parts of the Redmoss site. Area 2 (see Fig. 3) is simply part of the developer’s strategic ploy, aligned with vague commitments to a nature reserve, to prepare the ground for a future application to infill between the two areas of housing should their speculative application be approved (R7).

With reference to the developer’s proposal to construct affordable housing on the land, it is clear that debate over the need for and supply of affordable housing in East Dunbartonshire and the shortage of public funding for social housing has afforded the developers a strategic opportunity which is reflected in the increasingly number of applications for planning permission for residential development that contain at least an element of affordable housing, the current local requirement being a minimum of 25 %. The developers’ proposals to supply such housing by building on green field sites represents a major challenge for the local authority obliged to meet affordable housing targets and for local communities where any additional housing may be located. The strength of the developer’s argument to be permitted to



Fig. 9 The Lilyburn former industrial brownfield site is located within the village envelope and has planning permission for 60 affordable homes (*Source* Author)

build on green belt land at Redmoss is countered by several considerations. First, while there is an acknowledged shortage of affordable housing in East Dunbartonshire this need varies geographically within the District (East Dunbartonshire Council 2012b). The village of Milton of Campsie with 10.4 % of its stock as social housing (compared to the District average of 11.8 %) has a very small need for additional affordable housing. There is also planning permission for a brownfield site for 60 affordable houses within the existing village envelope (which remains undeveloped due to the current economic downturn) (Fig. 9). Respondents questioned the developer's proposition that there was a need for more housing in the village:

An increase of around 10 % in the number of houses in the village when presently we have no need for more affordable housing is ridiculous (R165).

The local councillor has advised that there is no need for additional affordable housing in the village. Also we have been advised that Bearsden and Milngavie have a greater need for

affordable housing so why are all the proposed sites in this area? (R177).

Second, doubts are raised about the efficacy of the current geography of affordable housing provision. While meeting affordable housing targets is a responsibility of local authorities this restriction to administrative boundaries applies pressure to green field sites in Districts such as East Dunbartonshire and ignores the opportunities for building on available brownfield land in adjacent local authorities (such as Glasgow and North Lanarkshire). While designated Housing Market Areas for private sector housing cross local authority boundaries to the benefit of the wider regional strategy, as Scottish Executive research concluded, for affordable housing 'it is the highly questionable proposition that people in these areas who have some degree of housing need must be housed within the local authority boundary that leads to problems' (Shiel et al. 2007, p 49). As one respondent queried:

Who are these 200 'affordable' houses for? There is certainly no need for these in Milton of Campsie so is our village supposed to import

people from elsewhere at the expense of the existing settlement? (R45).

Third, the shortage of affordable housing in parts of East Dunbartonshire, stemming from the currently restricted government funding for social housing, means that the local authority must rely on the 25 % affordable quota for these houses to be delivered by private housebuilders who develop market housing sites. In practice this means that the local authority must allocate four times as much land as is necessary to meet the District's affordable housing shortfall, with direct consequences being pressure on the green belt and conflict with local communities.

Finally, recourse to private sector developments on greenfield land to provide affordable housing is an unsustainable strategy that ignores alternative models. Defined as 'housing of reasonable quality that is affordable to people on a modest income' (Scottish Government 2008, p 1) affordable housing can take a number of forms including public sector provision, shared ownership, shared equity, and use of alternative non-government funding sources such as the European Investment Bank ((Gibb and Leishman 2011), all of which could obviate the need to build on green belt land.

Another major concern identified by respondents was the loss of local powers of decision making under the post-2006 planning system in Scotland. Strategies to 'streamline' the process of planning and decision making have been introduced in a number of West European states (Albrechts et al. 2001) and as Cowell and Owens (2006, p 404) observed, this has had 'implications for the access of different interests, political representation and policy determination'. In Scotland, as we have discussed, reorganisation of planning under the post-2006 system has resulted in prioritisation of national economic growth and, in the specific context of local land use planning, a 'presumption in favour of growth approach' (Scottish Government 2010a) that has effected a shift in balance of decision making power from local communities and local authorities to a central agency whereby final decisions on appeals against the local plan are made by a government appointed Reporter.

The remoteness of decision making under the post-2006 planning system, was a major source of discontent in the study village. As several residents expressed:

The best people to decide what is right for their village are the people of the village, those who have first-hand experience of the local area and can identify with its needs. Decisions of this magnitude should not be left to some stranger in a suit laying down the law simply because he can (R97).

Who does this Reporter think he is to decide what we need? All the councillors are against this proposal as well as the people in the area. Are we not to be given a choice in this matter or is it the case that we are not important? (R113)

This process is totally undemocratic. The developer should not be allowed to by-pass the decisions of the local people and the local plan and make an appeal to the central government This is grossly unfair (R46).

This final observation, albeit implicitly, introduces the key question of third party rights of appeal. This idea was considered in a Scottish Government consultation paper (Scottish Executive 2004) but was excluded from the new 2006 Scottish planning system. From the viewpoint of the development industry the Scottish Council for Development and Industry have contended that TPRA 'serves neither the interests of the vast majority of those involved in the planning process, nor the economic and social interests of the community at large' (Planning Portal 2005, p 1). In contrast, Scottish Environmental Link (2005) regarded this as 'a missed opportunity for Scotland's people and our environment....Ruling out TPRA sends a bleak message to all those who are concerned about their local surroundings – you can engage with the process but not on an equal footing with developers.... This is not equity, this amounts to offering the public a 'speaker's corner' where they can voice their concerns but neither developers nor councils will be obliged to listen' For Ellis (2004, p 1555), 'there remains a fundamental imbalance between the rights of challenge offered to first parties (i.e. developers) and those given to objectors (i.e. third parties)', while for others, including the survey respondents, the lack of equal rights between developers and objectors indicates that values of equity, communicative governance, and citizen participation are secondary to the hegemonic position of the development industry (Monbiot 2000).

Problems

The case study approach employed in the present research provided in-depth insight into the conflictual relationship between private profit (the developers) and public interest (the local community) mediated by the post-2006 Scottish planning system. The empirical findings from the case study are supported more generally by the recorded experience of people seeking to participate in the post-2006 planning system in Scotland. As a recent Planning Democracy (2012, p 7) report concluded, ‘despite the recognition of the value of participation in the planning system and the rights enshrined in the legislation....people do not feel that these promises are being realised in practice’. The revealed dissatisfaction with the praxis of public participation in planning in Scotland derives from several sources.

The main problem undermining the effectiveness of current public participation strategies in promoting the goals of local democracy concerns the centralisation of the power of decision making over local development matters. Prior to the reorganisation of Scottish planning in 2006 the balance of power in decisions over release of land for development lay with the local authorities who were able to decide whether or not to adhere to the recommendations of the Reporter. Under the post-2006 system this power to determine local land use issues has shifted from elected local councils to a non-elected government appointed Reporter whose decisions are binding on the local authority and against which local residents, in contrast to developers, have no right of appeal.

Second, the current (im)balance of power between local communities and central government reflects divergent views on the role and value of public participation in planning. As Abram and Cowell (2004) observed, if one believes that local politics is essentially about service delivery then public participation is primarily an information input to a managerial concept of politics. If, on the other hand, one believes that local politics incorporates opportunities for local communities to seek improvements in local conditions through a process that often involves an element of conflict (as in the present case study) then this managerial interpretation of public participation becomes more problematic.

Third, with the political concern for efficiency and the government’s belief that the costs of delay in

decision making is a brake on the economy, some planning professionals and most developers regard public participation as an additional element in planning decision making rather than a key priority (Lowndes et al. 2001). Such attitudes are revealed in the ascription of dismissive labels to opponents of development as ‘NIMBYs’ (Lake 1993) or ‘the usual suspects’ (Sherlock et al. 2004) as a means of delegitimising the views being espoused and de-fusing opposition. This can lead to the feelings of powerlessness, anger and frustration that were identified among local residents in the case study.

A fourth problem with existing mechanisms for public participation in Scottish planning concerns the inequality of resources among stakeholders. We have previously noted the limited funding for community councils, the sole statutory body able to voice local views to planners. In addition to the uneven financial power of stakeholders there can also be a disparity in expertise. The planning system is a complex process involving legal, bureaucratic, technical and political elements. Developers with a financial interest in having a development proposal approved can afford to employ experts to work on their behalf whereas local communities tend to rely on any expertise available from within their ranks, (which may also privilege wealthier and better educated ‘publics’). As we have seen in the case study, while local planning departments can assist in answering questions they do not generally see it as part of their role to advise on public representations. For some critics this is manifested in an inbuilt inequality in the planning system whereby ‘planners in Scotland seem not to support third party representations with the same amount of time and resources as they dedicate to supporting developers drafting proposals, the effect of this is that communities are left to their own devices and the inequality of expertise is perpetuated (Planning Democracy 2012, p 9).

Fifth, there is evidence of unequal access to information and lack of transparency in the planning consultation process. As the household survey findings suggested, developers and public authorities often engage in detailed negotiations and discussions, (for example, on housing land supply), that are not open to or shared with the wider public. The principle of natural justice, (i.e. a duty to act fairly and without bias), requires that no party has privileged access to a decision maker. In the case study, as we have seen, the

perceived inequality of the relationships between planners and developers and planning officials and local residents gave rise to a degree of cynicism about the planning process and people's power to influence it.

Sixth, a related issue of concern identified referred to the timescales for planning engagement. The government focus on efficient decision making in planning has emphasised the requirement for local planning authorities to ensure development plans are up to date and that application decisions are made within strict timeframes. In view of the increasing complexity of supporting documentation (see Fig. 7) this poses the question of whether local communities are given sufficient time to prepare responses to planning proposals and applications. The favoured approach of 'front loading' participation in planning is designed to encourage early engagement in the process of plan preparation and in proposals for development as a means of reducing scope for disagreement at the 'business end' of the process. However, while this may be a sound managerial objective in practice, as the survey revealed, many people only become aware of a planning proposal via a pre-application consultation notice or later when the application is under consideration when the timescale may be insufficient to enable communities to organise an effective response.

Finally, a major source of dissatisfaction for local communities revealed in the case study findings was that having expended considerable time and energy in a battle against unwanted development, under the current planning system the developer is able to submit repeated applications for the same land, to the effect that for local communities the process can seem endless.

The redmoss case study: the reporter's decision

The Reporter's findings are indicative of how planning policy is interpreted and applied in practice. The principle conclusions related to the Redmoss dispute focused on key issues of affordable housing land; the green belt boundary, and the principle of sustainable development.

The Reporter agreed with the developer that an affordable housing shortfall for Milton of Campsie had been identified in the East Dunbartonshire strategic housing investment plan (SHIP) for the period 2012–2015, with a medium priority grading. It was

also acknowledged that the structure plan allows for limited incursion into the green belt where the site is developed exclusively for affordable housing. Accordingly, the Reporter concluded that 'there is policy and other support in principle for release of appropriate green belt land for affordable housing and clear justification for examining the inner boundaries of the green belt with a view to release of limited areas of land for development' (DPEA 2011, p 194).

Second, the Reporter acknowledged that the proposals of the developers would extend the settlement boundary westwards to incorporate two discrete areas with a combined capacity of 190 houses, with the remaining land becoming a local nature reserve within the green belt (Fig. 3). The developers contended that this new designation 'would protect the area from built development and secure the green belt boundary in this area' (DPEA 2011, p 194).

Third, in terms of sustainable urban development, the Reporter observed that the Area 1 site (Fig. 3) would be more than a kilometre from local shopping, community and primary school facilities and 800 metres from the nearest local bus service. The main road into the existing housing area (Redmoss Road) serves as a local distributor road and would be capable of accessing the site subject to alterations and with junction improvements onto the main road through the village. Road access to the Area 2 site (Fig. 3) is convoluted via three existing roads and a cul de sac.

Fourth, it was found in support of the local community's contentions, that the overall two site proposal 'lacks a cohesive development form and does not appear as a logical expansion of the Milton of Campsie settlement. The northern site in particular has the appearance of a 'backland site' located to the rear of existing houses with awkward road access and little visual connectivity with the adjoining housing area' (DPEA 2011, p 195).

Fifth, with reference to the proposal to create a local nature reserve the Reporter took the view that the status, funding, long term management and legal mechanisms for a nature reserve or 'country park' are not clearly developed and do not provide sufficient justification for a significant green belt release. 'In any event I do not consider that a local nature reserve, in itself, would create a robust viable settlement edge to mitigate the peripheral sprawl of further housing development in the area' (DPEA 2011, p 195).

Overall, the Reporter concluded that ‘the proposed scale and location of green belt release is so significant as to undermine the structure plan metropolitan strategy. These considerations are not outweighed by the need for additional affordable housing sites. Accordingly, there should be no modification to the Local Plan in relation to the Redmoss Farm site’ (DPEA 2011, p 196).

Public participation in local planning in Scotland: prospect

Notwithstanding the Scottish government’s stated commitment to public participation in planning, the present research suggests that current processes are not working sufficiently to enhance local democracy. Accordingly there is a need for renewed consideration of alternative approaches. This conclusion is supported by the government’s own decision to begin consultation on a proposed Community Empowerment and Renewal Bill (Scottish Government 2012). It is beyond the scope of the present research to engage in a comprehensive assessment of all possible alternative approaches to public participation. However, in addition to our earlier discussion of options including TPRA, it is appropriate to highlight two radical approaches that we believe have potential to reduce the local democratic deficit.

A fundamental issue is that of land ownership. As the case study evidence has shown landowners have a right to submit planning applications for development that contravene the local development plan and can do so in perpetuity to the discomfort of a local community. It is suggested that these problems could be resolved by a transfer of land ownership from the private developer to the public community. Clearly, as the Redmoss study reveals, landowning developers are understandably reluctant to sell land they are holding in the ‘hope value’ of realising a significant profit should planning permission be forthcoming, and on which the costs of retention in an unmanaged state are minimal. Resolution of this impasse in the public interest, (as expressed in the representations of the vast majority of local residents), would require government action to facilitate community ownership of land.

Community land ownership has a long history in Scotland dating back to the first community buy out of private land in 1908 and has been given impetus by

recent land reform measures making explicit provision for community-based acquisition of land (Bryden and Geisler 2007). The Land Reform Act (Scottish Executive 2003) introduced a ‘community right to buy’ allowing community bodies in areas with a population below 10,000 to register an interest in and buy registered land at market value *when offered for sale*. While the CRTB applies to property in both private and public ownership, under present legislation, it is dependent upon the voluntary action of the landowner making the property available on the market. These powers do not advance the interest of local democracy in situations described in the case study where the developer has retained ownership of the site for forty years and has repeatedly rejected offers from residents to purchase the land at market value. Local authorities have powers of compulsory purchase that can be used in certain circumstances (Scottish Government 2011). These include bringing vacant and unused property back into use and possibly transfer of property to a community group once it has been purchased. However, ‘these powers have not often been used for this purpose’ (Scottish Government 2012, p 23). Nevertheless, there are a wide range of projects for which a local authority can justify compulsory purchase. ‘In some cases the scheme might benefit the immediate population, whereas in others the scheme may benefit the wider public’ (Scottish Government 2011, p 3). In the case of the Redmoss grasslands a case for compulsory purchase could be based on the land development policies enshrined in the approved local development plan and the long history of refusal of planning permission for the green belt site.

As the survey evidence has shown, some local residents referred to possible infringement of their human rights by the developer’s application to build on the green belt land at Redmoss. This is an interesting perspective that demonstrates the strength of feeling generated by the proposed development. It also exposes for debate the contested concept of public interest and the rights of the developer to dispose of their property as they see fit and, importantly, focuses attention on evaluation of the *outcomes* of planning. In contrast to the dominant notion of a unitary ‘public interest’ that implies ‘the utility of a proposed action can somehow be aggregated irrespective of the distribution of costs and benefits...a rights approach would suggest that there has to be some formal consideration of who bears the costs and whether these

result in impacts that exceed acceptable limits' (Ellis 2004, p 1565). In contrast to the view that utilitarianism is sufficient justification for planning decisions (Campbell and Marshall 2002), a rights approach offers a different ethical perspective on planning outcomes that introduces an emphasis on the distribution of costs rather than the aggregate benefits of a planning decision.

The Human Rights Act of 1998 incorporated into UK law the provisions of the European Convention on Human Rights (Grant 2000). ECHR articles with particular relevance for planning are Article 6 (the right to a fair and public trial within a reasonable time); Article 8 (the right to respect for private and family life, home and correspondence), and Article 1 of Protocol 1 (the right to peaceful enjoyment of possessions and protection of property). Interpretation of the applicability of ECHR legislation to the Scottish planning process is an on-going matter for the judicial system and while there have, as yet, been no successful legal challenges to the planning system on ECHR grounds, case law continues to develop. Fundamentally, the very fact that the local community in the case study has considered seeking redress under human rights legislation for violation of their rights is a salutary reminder of the strength of dissatisfaction with the current system of public participation in Scottish local planning.

Conclusion

The modernisation of planning in Scotland and centralisation of the power of decision making under the post-2006 system introduced the quintessential geographical question of the appropriate scale of governance. As the empirical evidence from the Redmoss case study demonstrates a decision viewed as economically and socially acceptable and sustainable at a national level may produce an opposite evaluation on the ground at the local scale. A significant number of respondents to the survey referred explicitly to their dissatisfaction with the way in which the planning consultation process played out and, in particular, with the overarching conditioning power of central government to set the rules of engagement and, in so doing, exert a dominant influence on outcomes that impact most heavily on local communities. As Bell et al. (2005, p 463)

concluded, 'the structure of the planning system may encourage oppositional participation but planning policy and government support may make successful opposition increasingly difficult'. As Aitken (2010, p 262) concurred, 'this raises questions as to the implications of policy commitments to public participation, particularly in relation to types of developments which are explicitly supported by government policies'. In the specific case of the proposed residential development on Redmoss grasslands several respondents observed that given the Scottish government's support for national economic growth expressed in the National Planning Framework (Scottish Government 2009b) and their view of the housebuilding industry as a key mechanism for growth this tips the balance of power in favour of pro-growth interests over local community interests. If so this violates the principles of citizenship, local democracy and subsidiarity that underlie effective public participation in planning.

One approach to redressing such 'disenfranchisement by scale' is to reduce the size of the unit of government. Advocates of local control contend that this conveys political equality, liberty and responsiveness (Dahl 1981). However it is necessary to treat with caution any suggestion that local government, because it serves a more restricted population than central government, must be more attuned to popular local needs. As we have seen in the present research, local government and local planning authorities operate under constraints imposed by the higher tier authority. Decentralisation *per se* is not an absolute benefit unless it is accompanied by powers to make decisions that are in accordance with the wishes of the local community. In the context of local government in Scotland, it may be that the current organisation of 32 District Councils is insufficiently granular to provide a system of local democracy in which local communities are empowered to make decisions on matters that affect the future development of their area. This conclusion is supported by the limited influence on local planning decisions exerted currently by most community councils.

To date progress towards a more participatory form of local planning has been thwarted by a variety of factors. Some of these relate to genuine concerns over the ability of local communities to accept and manage the responsibility that accompanies the political rights of citizenship; over whether departures from centrally

determined performance standards can be accommodated; and the need for a higher authority to adjudicate between conflicts at the lower level. Others, however, have argued that the major obstacles have been institutionalised resistance from professionals, bureaucrats, planners, and politicians (Gyford 1987). Furthermore, as the evidence of failed attempts to introduce TPRA in Scotland have indicated, there appears to be a favoured bi-partisan relationship between state and capital that has served to marginalise local citizens from decisions regarding the development of their communities.

There is no single model for the ‘popular restructuring’ (Pacione 1992) of local decision making in pursuit of local democracy. However, any new arrangements must acknowledge the conflicting motives and imperatives of state, capital, local authorities, and citizens but underline the need for a dynamic synergy that, while enabling all to achieve some of their goals, shifts the focus of attention from managerial efficiency towards satisfying the expressed needs of local communities. Such a re-ordering of the power relationships in society and empowerment of local communities through devolution of decision making in accordance with the principle of subsidiarity can only be approached by a fundamental re-examination of the current emphasis on procedural efficiency in Scottish planning, and implementation of more radical approaches that provide meaningful local community engagement with decision making that advances beyond ‘degrees of tokenism’ towards ‘degrees of citizen power’. Approaches to counter the ‘democratic deficit’ at the local level may be energised by a range of strategies from re-vitalised community councils, introduction of third party rights of appeal, and application of human rights law, to a transfer of land and property from public or private ownership to the control of local communities. That the case for more radical strategies will not be advanced without lengthy political debate underlines the political nature of local planning and the fundamental importance of the balance of power in local plan decision making. Meanwhile, as the present research has demonstrated, the combination of a determination on the part of house-builders to realise the potential profits to be made from development on greenfield land, and the equally determined resistance of local communities seeking to protect the quality of their residential environment will ensure continuing

conflict between private profit and public interest in the production of the built environment around Scotland’s cities that will require continued research on the fundamental question of the power and effectiveness of public participation in the local planning system in Scotland.

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