



RTPI Scotland
Royal Town Planning Institute

Sustainable places

Human Rights and Planning

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Planning – balancing differing interests

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 those 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.



Statutory provisions

- TCPSA 1997 s.3ZA - “The purpose of planning is to manage the development and use of land in the long term public interest”
- Human Rights Act 1998: Art 8 – right to respect for private and family life; 1st Protocol Art 1 – protection of property
- Public sector equality duty
- EIA Regs



Draft NPF4

Each part of Scotland can
be planned and developed
to create:

sustainable places,
where we reduce emissions
and restore and better
connect biodiversity;



Sustainable places – draft NPF4

- Encourage low- and zero- carbon design + energy efficiency
- Reduce the need to travel unsustainably
- Diversify and expand renewable energy generation
- Secure positive effects for biodiversity
- Encourage sustainable design and use of resources



Sustainable places – delivery

Sustainable places

Reduce the need to travel unsustainably:

- Motorists -v- cyclists -v- pedestrians -v- local traders
- Air quality/ health -v- pollution from motor vehicles
- Cost of public transport -v- driving
- Disabled people



Sustainable places

- Validity of traffic order - low traffic neighbourhood
- Miss S heavily reliant on car transport as a result of her disability
- Argued suffered disproportionately as a result of LTN
- Held Council had met PSED

R (On the application of Sheakh) v London Borough of Lambeth
[2021] EWHC 1745 (Admin)



**It's not just about
humans.....**



“The osprey has no means of taking that step on its own behalf, any more than any other wild creature. If its interests are to be protected someone has to be allowed to speak up on its behalf”



Insert title here – it could be two or three lines. Go to ‘Master Views’ and edit the ‘Slide Master’ to update.



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Sustainable places – delivery

- Balancing exercise
- Human/ other rights do not trump other planning considerations
- Evidence/ justification

