

Appendix A **Scottish Government Consultation on Miscellaneous Amendments to the Planning System**

Response to Consultation Questions

Question 1: Are there any costs or benefits not identified in the draft BRIA?

No further costs or benefits identified.

Question 2: Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA at Appendix V1?

No comment.

Question 3: We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A potential EQIA is attached to this consultation at Annex V11 for your comment and feedback.

No further equality issues are identified.

Question 4: Do you agree or disagree with the proposed removal of PAC requirements in relation to Section 42 Applications?

We agree to the removal of the PAC requirement in relation to Section 42 applications, and consider this to be a step in the right direction. One of the main objectives of PAC was to better inform local communities of major and national development and allowing them to contribute their views before a formal application. However, Section 42 applications usually relate to relatively minor matters and often the PAC public event is poorly attended, therefore it is unreasonable to require the developer to carry out PAC and incur delay and expense without any substantial benefits, especially in these difficult economic times. There are some Section 42 applications which are of greater interest to the public, but usually these relate to a single issue where there is limited scope to amend the proposal in the light of public comment, so PAC is of limited value and there would still be opportunity for the public to comment in the course of the application.

Question 5: Do you think the proposed changes to advertisement requirements are appropriate or inappropriate?

The changes proposed to the advertising requirements are welcomed and considered appropriate. The present arrangement of recovering the cost of advertising is seriously problematic. By combining the advertisement fee with the planning fee, this will streamline the registration process of a planning application and speed up the determination of applications. It is however essential that the planning fees are increased sufficiently to cover an adequate advertisement fee and that the advertisement fee is not subsidised from local authority budgets.

The other changes proposed regarding removing the requirement to advertise in terms of where neighbouring land is a road, or land where there is no premises and which is owned by the applicant or planning authority or where the application is for a householder development are also welcomed as it is considered that these

advertising requirements serve little real purpose, but add to the cost and time involved in dealing with applications.

Question 6: Are there further changes to requirements or the use of advertising in planning which should be considered?

Yes, the need for advertising in local papers and the Edinburgh Gazette should be reconsidered again. With the wider use of the internet this should be reconsidered and investigated again as a more modern and efficient way of making people aware of development proposals. It would also help to reduce the cost of the planning process to planning authorities. This Council has taken part in the Tell Me Scotland initiative and recently the planning advertisements have gone live thus being one of the first planning authorities to go live on the website.

Question 7: Do you agree or disagree with the proposed removal of the restrictions on the delegation of planning authority interest cases?

Strongly agree, as this will remove the need to present numerous applications for relatively minor developments to the Planning Committee. It will allow the Planning Committee to concentrate on the larger and more complex applications. Planning Authorities are capable of producing their own thresholds and criteria in their Schemes of Delegation to establish whether a particular application may be determined under delegated powers.

Question 8: Do you agree or disagree with a change to allow an extended period for the determination of an application to be agreed upon between the applicant and the appointed person where local review procedures would apply?

This seems appropriate and would remove the present anomaly whereby a local review cannot be sought on the grounds of non determination after the prescribed two month period for identified delegated applications.

Question 9: Do you agree or disagree with this change to the time period on determining local reviews sought on the grounds of non-determination.

Again this seems appropriate and reasonable and enables the local review procedures to be used effectively and efficiently.

Question 10: Do you agree or disagree with this change to the Appeals Regulations on procedure regarding minor additional information?

These proposed changes seem proportionate and reasonable and allow the appeal process to operate more efficiently and effectively.

Question 11: Do you think the current requirements on applications for approval of matters specified in conditions on planning permission in principle are generally excessive?

The current arrangements are inflexible and disproportionate as they technically require very minor matters to be subject to a formal application for approval of matters, when such matters would otherwise be dealt with by simple exchange of letters. In the case of Major developments, the MSC application will itself be considered Major, even though it may relate to an extremely minor aspect of the development. It is illogical to require such matters to be subject to an application just

because the original consent was a permission in principle, when similar matters relating to a full permission do not require an application.

Question 12: Are there any issues in this consultation not covered by a specific question or any other aspect of the current planning legislation on which you would like to comment?

In Section 6 of the paper it is indicated that there are no plans at present to amend the requirements on notifying cases to the Ministers. It is requested that the Ministers consider reintroducing the requirement to notify Ministers where an authority is minded to approve an application which has been subject to an objection from a neighbouring planning authority, as this was an important safeguard which has been lost as a result of Planning Modernisation. The result of the removal of this requirement has been a lack of independent and strategic overview of decisions where there is a conflict between planning authorities. It is considered that this change has undermined the effectiveness and credibility of the planning system.

The current wording of the 2008 Development Management Procedures Order requires consultation with an adjoining planning authority only where “where the development is likely to affect land in the district of that authority”. This is such ambiguous wording that it can be interpreted however individual planning authorities see fit. It can, for example, be interpreted as not relating to a major retail development which would draw its trade from a neighbouring local authority area. However, to allow planning authorities to consider applications for major retail developments with a regional impact without consulting neighbouring authorities is a bizarre and unacceptable situation, especially as the requirement to notify Ministers of significant departures from the development plan has also been lost.

It is therefore recommended that the wording of the requirement to consult neighbouring planning authorities be strengthened to remove its current ambiguity, and that the requirement to notify Ministers before approving an application to which another planning authority has objected be reintroduced.