

Agenda



Planning Committee

Date: Wednesday, 11 October 2023

Time: 10.00 a.m.

Venue: Council Chambers, Clydebank Town Hall, 5 Hall Street,
Clydebank G81 1UB

Contact: Email: nicola.moorcroft@west-dunbarton.gov.uk
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Dear Member

Please attend a meeting of the **Planning Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)
Councillor Gurpreet Singh Johal (Vice Chair)
Councillor Ian Dickson
Councillor Daniel Lennie
Provost Douglas McAllister
Councillor June McKay
Councillor Karen Murray Conaghan
Councillor Chris Pollock
Councillor Hazel Sorrell
Councillor Sophie Traynor

All other Councillors for information

Date of Issue: 28 September 2023

PLANNING COMMITTEE
WEDNESDAY, 11 OCTOBER 2023

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have any interests in the items of business on this agenda and the reasons for such declarations.

3 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

4 MINUTES OF PREVIOUS MEETING 5 - 26

Submit for approval, as a correct record, the Minutes of Meeting of the Planning Committee held on 20 September 2023.

5 NOTE OF SITE VISITATIONS 27

Submit, for information, Note of Site Visitations carried out on 18 September 2023.

6 SCOTTISH GOVERNMENT CONSULTATION ON 29 - 38
MANDATORY TRAINING ON PLANNING FOR ELECTED
MEMBERS

Submit report by Planning, Building Standards and Environmental Health Manager, seeking agreement to submit a response to the Scottish Government consultation on mandatory training on planning for Elected Members.

7/

7 SCOTTISH MINISTERS DECISION - SCHEDULED MONUMENT CONSENT FOR QUARRYING OPERATIONS - SHEEPHILL FORT, SHEEPHILL QUARRY, MILTON, DUMBARTON 39 - 43

Submit report by Planning, Building Standards and Environmental Health Manager, providing an update regarding the Scottish Ministers decision for the above Scheduled Monument Consent.

8 SCOTTISH GOVERNMENT BUILDING WARRANT FEES CONSULTATION 45 - 56

Submit report by Planning, Building Standards and Environmental Health Manager, seeking agreement to submit a response to the Scottish Government consultation on Building Warrant Fees.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in Civic Space, 16 Church Street, Dumbarton on Wednesday 20 September 2023 at 10.00 a.m.

Present: Councillors Karen Murray Conaghan, Ian Dickson, Daniel Lennie, June McKay, Lawrence O'Neill, Chris Pollock, Hazel Sorrell and Sophie Traynor.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Alan Williamson, Team Leader, Development Planning and Place; James McColl, Development Management Team Leader; Amy Melkevik, Lead Planning Officer; Joshua Doyle, Placemaking Co-ordinator; Matthew Spurway, Development Planning and Place Officer; Gail MacFarlane, Chief Officer - Roads and Neighbourhood; Craig Jardine, Corporate Asset Manager; John Kerr, Housing Development and Homelessness Manager; Nigel Ettles, Section Head – Litigation (Legal Officer) and Nicola Moorcroft, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Gurpreet Singh Johal.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

Councillor Lawrence O'Neill, declared an interest in the item under the heading DC23/083/FUL – Proposed erection of 27 affordable dwellings and associated works at development site at Former Faifley Bowling Club, Clydebank by Knowes Housing Association, being a member of the Knowes Housing Association Committee and intimated that he would leave the meeting during consideration of that item.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 2 August 2023 were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

NOTE OF SITE VISITATION

A Note of Visitation carried out on 31 July 2023, a copy of which forms Appendix 1 hereto, was submitted and noted.

PLANNING APPLICATIONS

A report was submitted by the Planning, Building Standards and Environmental Health Manager in respect of the following Planning applications:-

- (a) **DC23/098/FUL – New build education and community campus comprising of new Early Years, Primary schools, ASN unit, library and community facilities, together with associated parking, sports facilities and landscaping at St. Joseph’s Primary School, Faifley Road, Clydebank, G81 5EY by West Dunbartonshire Council.**

Reference was made to a site visit which had been undertaken in respect of the above application. After discussion and having heard the Planning, Building Standards and Environmental Health Manager, the Chief Officer - Roads and Neighbourhood, the Corporate Asset Manager and the Placemaking Co-ordinator in further explanation, and in answer to Members’ questions, the Committee agreed to grant planning permission subject the conditions set out in Section 9 of the report, an amendment to condition 17 to allow the sport pitch to be used to 9pm daily, Design, location and light colour of floodlights and two further conditions relating to EV Charging points and the design of floodlights, as detailed within Appendix 2 hereto.

ADJOURNMENT

The Chair adjourned the meeting for a short recess. The meeting reconvened at 11.30 a.m. with all those listed in the sederunt present.

Councillor O’Neill, having earlier declared an interest in the following item of business, left the meeting at this point.

APPOINTMENT OF TEMPORARY CHAIR

Having heard the Legal Officer in relation to the aforementioned declaration of interest by the Chair, Councillor O’Neill, the Committee agreed to appoint a temporary Chair from amongst those Members present at the meeting. It was agreed that Councillor Sophie Traynor would chair the meeting for the undernoted item of

business. Accordingly, Councillor Traynor assumed the Chair for the undernoted item of business only.

Councillor Sophie Traynor in the Chair

(b) DC23/083/FUL – Proposed erection of 27 affordable dwellings and associated works at development site at Former Faifley Bowling Club, Clydebank by Knowes Housing Association

Reference was made to a site visit which had been undertaken in respect of the above application. After discussion and having heard the Planning, Building Standards and Environmental Health Manager, the Development Management Team Leader and the Chief Officer – Roads and Neighbourhood in further explanation, and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, with an additional condition relating to the monitoring of parking on the site after 12 months following occupation of the houses as detailed within Appendix 3 hereto.

Note: Councillor O'Neill re-entered the meeting at this point.

Councillor Lawrence O'Neill in the Chair

(c) DC23/102/FUL– Proposed erection of 26 dwellings with associated ancillary development at development site, Pappert, Bonhill, Alexandria by West Dunbartonshire Council (Housing)

Reference was made to a site visit which had been undertaken in respect of the above application. After discussion and having heard the Planning, Building Standards and Environmental Health Manager, the Team Leader – Development Management and the Housing Development and Homelessness Manager; in further explanation, and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 4 hereto.

(d) DC23/070/FUL– Change of use from cafe to tyre change garage at 6 Old Street, Duntocher, Clydebank G81 6DE by Mr Peter Ferrier.

Reference was made to a site visit which had been undertaken in respect of the above application. After discussion and having heard the Lead Planning Officer in further explanation, and in answer to Members' questions, the Committee agreed to refuse planning permission for the reasons set out in Section 9 of the report, as detailed within Appendix 5 hereto.

DEVELOPMENT PLAN SCHEME AND PARTICIPATION STATEMENT FOR LOCAL DEVELOPMENT PLAN 3

A report was submitted by the Planning, Building Standards and Environmental Health Manager, seeking approval for a consultation draft Development Plan Scheme and Participation Statement in relation to a new Local Development Plan (LDP3).

After discussion and having heard the Team Leader, Development Planning and Place in further explanation and in answer to Members' questions, the Committee agreed the publication of the consultation draft Development Plan Scheme and Participation Statement out in Appendix 1 of the report.

INVITATION TO MAKE LOCAL PLACE PLAN

A report was submitted by the Planning, Building Standards and Environmental Health Manager, seeking approval for an approach to Local Place Plans, which will deliver new duties arising from the Planning (Scotland) Act 2019.

After discussion and having heard the Development Planning and Place Officer in further explanation, the Committee agreed:-

- (1) to the approach to Local Place Plans as set out in the report and gave authority to Officers to issue the invitation to prepare Local Place Plans to communities; and
- (2) that Officers would submit a burden item for members consideration in setting the 2024-25 budget for the preparation of Local Place Plans.

The meeting closed at 12.34 p.m.

PLANNING COMMITTEE

NOTE OF VISITATION – 31 JULY 2023

Present: Councillor Ian Dickson

Attending: James McColl - Development Management Team Leader and
Amy Melkevik, Lead Planning Officer

SITE VISIT

A site visit was undertaken in connection with the undernoted planning application:-

Land to East of Broomhill Wood, Bonhill, Alexandria

DC22/190/FUL - Erection of single wind turbine, 30m hub and 43m tip, access track, substation, agricultural shed and associated works by Mr Harris Smith.

DC23/098/FUL – New build education and community campus comprising of new Early Years, Primary schools, ASN unit, library and community facilities, together with associated parking, sports facilities and landscaping at St. Joseph’s Primary School, Faifley Road, Clydebank, G81 5EY by West Dunbartonshire Council.

GRANT full planning permission subject to the following conditions:-

1. The external materials to be used in the construction of the building hereby permitted shall accord with the details set out on approved drawing FC-HML-01-ZZ-D-A-48100 Rev PO3 and no substitutes shall be used without the prior written agreement of the Planning Authority.
2. Further to Condition 1 above, prior to the approved brickwork associated with the building hereby permitted being constructed on site, a sample panel of this brickwork shall be constructed on site in order for it and the associated mortar to be reviewed, inspected and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved brick details.
3. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the occupation of any unit within the development.
4. The phasing of the development shall be undertaken in accordance with the phasing details hereby approved and following the commencement of works on site, the development phasing will be undertaken on a continuous basis until completion, unless otherwise first agreed in writing by the Planning Authority.
5. Notwithstanding the approved plans, all recommendations within the Ecological Constraints Survey and Preliminary Bat Roost Assessment dated 1st December 2022 shall be followed. Further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and implemented as approved.
6. Notwithstanding condition 5 above and for the absolute avoidance of doubt, a minimum of two bat activity surveys (dusk and dawn) shall be undertaken in the activity season immediately preceding the demolition of the existing building on site. The survey results shall be submitted to and approved in writing by the Planning Authority prior to any demolition commencing on site.

7. Notwithstanding condition 5 above, no site clearance works shall be undertaken during any phase during the bird-nesting season March to September inclusive unless first agreed in writing by the Planning Authority. For the avoidance of doubt, any such agreement will require a full nesting bird survey prior to the commencement of works on site, the methodology and findings of which shall be submitted to the Planning Authority.
8. The approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed with the Planning Authority prior to the commencement of works on site.
9. Notwithstanding the approved plans, full details of the proposed planting schedule, inclusive of proposed tree planting on a two for one basis relative to those being removed, shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented with a timescale to be agreed with the Planning Authority.
10. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
11. That full details of maintenance and management for the landscaping approved shall be submitted to and approved in writing by the Planning Authority prior to the occupation of the new building hereby permitted. Management and maintenance shall commence upon completion of the landscaping.
12. Details of the management and operation of the community allotments shall be submitted to and approved by the Planning Authority prior to the occupation of the new building hereby permitted. Management and operation shall then be undertaken in accordance with the approved details at all times thereafter.
13. Notwithstanding the submitted details, that prior to the commencement of works on site, a final drainage regime inclusive of maintenance arrangements shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the development.
14. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site. The measures shall be implemented and maintained as approved.

15. That prior to the commencement of works on site, a bird hazard management plan shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include:

- Management of any flat / shallow pitched / green roofs on buildings within the site which may be attractive to nesting, roosting and loafing of birds. The management plan shall comply with Advice Note 8: Potential Bird Hazards from Building Design.

The Bird Hazard Management Plan shall be implemented as approved and on completion of the development shall remain in force for the lifetime of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.

16. No development shall take place until full details of soft and water-landscaping works have been submitted to and approved in writing by the Planning Authority. Details shall comply with Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design. These details shall include the species, number and spacing of shrubs and trees.

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The scheme shall also be implemented as approved.

17. The noise mitigation requirements detailed in the Noise Impact Assessment – Report no. 7355-05-00 Rev 00 and Report no. 7355-04-00 dated 7 June 2023 and 3 May 2023 relating to plant and mechanical services and sport pitch shall be implemented in full, namely:

- The roof top plant compounds shall have compliant plant screens as barriers that is having no gaps at the foot or between panels and a lifetime surface density of 10kg/m².
- The sports pitch shall not be used outwith the hours of 8am to 9pm daily.
- The sports pitch shall have rubber vibration reducers between the weldmesh fencing panels to reduce ball impact noise.

18. All plant and equipment (including any ventilation system) to be installed or operated shall be enclosed, attenuated and/or maintained such that any noise there from shall not exceed International Standards Organisation (ISO) Noise Rating 35 between 0700 and 2300 hours daily, within any nearby residential property, with windows slightly open for ventilation, when measured and/or calculated and plotted on an ISO rating curve chart.

19. In the event that the sports pitch floodlighting requires to operate outwith the hours of 8am to 8pm of use of the sports pitch set out in condition 17 above, it shall be switched off by 10pm.
20. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:
 - Mondays to Fridays: 0800 – 1800
 - Saturdays: 0800 – 1300
 - Sundays and public holidays: No Working
21. No commercial vehicle making deliveries to or collecting material from the development during construction shall enter or leave the site before 0800 or after 1800.
22. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6841: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
23. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by this Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by this Authority.
24. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Local Planning Authority.

25. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
26. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.
27. That prior to the new building being brought into use, a Travel Plan for the site shall be undertaken and submitted to and approved in writing by the Planning Authority. This shall include what initiatives will be brought forward in the future to ensure the achievement of a meaningful switch away from the private car inclusive of staff travel. Any agreed actions and measures shall be implemented.
28. No development shall commence within the development site outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed with West of Scotland Archaeological Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery or archaeological resources within the development site is undertaken.
29. EV Charging Points
30. Floodlights

DC23/083/FUL – Proposed erection of 27 affordable dwellings and associated works at development site at Former Faifley Bowling Club, Clydebank by Knowes Housing Association.

GRANT full planning permission subject to the following conditions:-

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used for the houses within the development site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, all facing bricks to be used shall be good quality clay bricks. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved material details and palette.
2. Further to Condition 1 above, prior to the approved brickwork associated with any house being constructed or installed on site, a sample panel of this brickwork shall be constructed on site in order for it and the associated mortar to be reviewed, inspected and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved brick details.
3. That prior to the commencement of works on site full details of the timescale for the phasing of the development shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative timescale is first agreed in writing by the Planning Authority.
4. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be proceed in accordance with the approved details.
5. Prior to the commencement of development on site, a detailed soft landscaping plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved plan.
6. Prior to the commencement of development on site, a Biodiversity Enhancement Plan setting out how the proposal enhances biodiversity beyond the current baseline, together with the implementation on site, shall be submitted to and approved in writing by the Planning Authority. All measures shall then be implemented as approved. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in accordance with the approved plan.

7. The approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed with the Planning Authority prior to the commencement of works on site.
8. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
9. Full details of the form, management, operation and timescale for completion on site of the community allotments, community gardens and play space or any alternative form of community space developed following the results of a community consultation shall be submitted to and approved by the Planning Authority prior to the occupation of the first dwellinghouse hereby permitted. Management and operation shall then be undertaken in accordance with the approved details at all times thereafter.
10. In addition to the water survey submitted with the application, a follow up water vole survey shall be undertaken and submitted to and approved in writing by the Planning Authority. All recommendations shall then be implemented as approved.
11. All recommendations within the Preliminary Ecological Appraisal dated 18th May 2023, the Bat Activity Surveys dated July 20223, shall be implemented. This shall include all required further survey work identified as being required for badgers. This further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and implemented as approved.
12. Prior to the commencement of development on site, details of the design and location of cycle storage shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details prior to the occupation of any housing unit within the development, unless otherwise agreed in writing with the Planning Authority.
13. That prior to each house hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.
14. That within 4 weeks of the last of the houses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.
15. That prior to the occupation of any house, the off-street parking provision shall be completed and be available for use by residents of the associated house. The off-street parking provision shall be then remain unobstructed and available for use by residents of the associated house at all times thereafter.
16. All on street parking and visitor parking spaces shall be formed commensurately with the development of the houses that they serve.

17. That prior to the commencement of works on site, full details of the proposed drainage regime inclusive of calculations and overland flow details shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.
18. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing to the Planning Authority prior to the commencement of any works on site. The measures shall be implemented and maintained as approved.
19. No site clearance works shall be undertaken during the bird nesting season March to September inclusive unless first agreed in writing by the Planning Authority. For the avoidance of doubt, any such agreement will require a full nesting bird survey prior to the commencement of works on site, the methodology and findings of which shall be submitted to and approved by the Planning Authority and shall be implemented as approved.
20. Prior to the commencement of development on site, details of the location and design of electric charging points/units and associated infrastructure and ducting to serve the development shall be submitted to and approved in writing by the Planning Authority. The approved car charging points/units/ducting and associated infrastructure shall thereafter be installed in accordance with the approved details at a timescale agreed by the Planning Authority and maintained at all times thereafter.
21. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
22. Prior to the commencement of works on site, details of any street furniture inclusive of grit bins and telecommunications cabinets shall be submitted to and approved in writing by the Planning Authority. Development shall then proceed as approved.
23. No house shall be occupied until the contents of a Travel Information Pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents.
24. Prior to the commencement of any works on site, full details of the incorporation of photovoltaic panels shall be submitted to and approved in

writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

25. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
26. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works and at a time and/or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.

27. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:
 - Mondays to Fridays: 0800 – 1800
 - Saturdays: 0800 – 1300
 - Sundays and public holidays: No Working
28. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by this Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by this Authority.
29. No commercial vehicle making deliveries to or collecting material from the development during construction shall enter or leave the site before 0800 or after 1800.

30. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
31. Review of parking and parking survey

DRAFT

DC23/102/FUL– Proposed erection of 26 dwellings with associated ancillary development at development site, Pappert, Bonhill, Alexandria by West Dunbartonshire Council (Housing).

GRANT full planning permission subject to the following conditions:-

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used within the development site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt no consent is granted for the brick samples submitted prior to determination and all facing bricks to be used shall be good quality clay bricks. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved material details and palette.
2. Further to Condition 1 above, prior to the approved brickwork associated with any house being constructed or installed on site, a sample panel of this brickwork shall be constructed on site in order for it and the associated mortar to be reviewed, inspected and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the Planning Authority, the development shall be completed in strict accordance with the approved brick details.
3. That prior to the commencement of works on site, full details of the timescale for the build-out of the development shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative timescale is first agreed in writing by the Planning Authority.
4. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority. The development shall thereafter be proceed in accordance with the approved details.
5. Prior to the commencement of development on site, details of the design and location of cycle storage shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details prior to the occupation of any house within the development, unless otherwise agreed in writing with the Planning Authority.
6. Notwithstanding the approved plans, all recommendations within the Preliminary Ecological Appraisal dated 18th May 2023 shall be followed. This shall include all required further survey work identified as being required for badgers. Further survey work undertaken shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and implemented as approved.

7. Notwithstanding the approved plans and condition 6 above, and prior to the commencement of works on site, a further submission which demonstrates an understanding on how the proposal enhances biodiversity beyond the current baseline including any adjustments to the approved landscaping proposals together with the implementation on site shall be submitted to and approved in writing by the Planning Authority. All measures shall then be implemented as approved.
8. The approved hard and soft landscaping and all associated approved planting details shall be implemented within a timescale to be agreed with the Planning Authority prior to the commencement of works on site.
9. Notwithstanding the approved plans, an updated planting schedule to incorporate a variety of tree types throughout the development shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site and shall be implemented with a timescale to be agreed with the Planning Authority.
10. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
11. That full details of maintenance and management for the landscaping approved shall be submitted to and approved in writing by the Planning Authority prior to the occupation of the first dwellinghouse hereby permitted. Management and maintenance shall commence upon completion of the landscaping.
12. Prior to commencement of any works on site, a site management scheme for construction traffic as recommended within the submitted Transport Statement, shall be submitted to, and approved in writing by the Planning Authority and thereafter shall be implemented in accordance with the approved scheme.
13. That prior to each house hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.
14. That within 4 weeks of the last of the houses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.
15. That prior to the occupation of any house, the off-street parking provision shall be completed and be available for use by residents of the associated house. The off-street parking provision shall then remain unobstructed and available for use by residents of the associated house at all times thereafter.
16. The additional parking provided on Pappert shall be constructed and made available for use by local residents prior to the removal of the existing parking area opposite no's 127 to 131 Pappert.

17. That prior to the commencement of works on site, full details of the proposed drainage regime inclusive of calculations and overland flow details shall be submitted to and approved in writing by the Planning Authority. The drainage regime shall then be implemented and maintained thereafter. For the avoidance of doubt, the drainage regime shall be implemented commensurately with the construction of the houses it serves.
18. That all surface water shall be intercepted within the site both during construction and on completion of the development and full details of measures to ensure that surface water run-off is contained within the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any works on site. The measures shall be implemented and maintained as approved.
19. Prior to the commencement of development with the site, details of the number, location and design of electric charging points/units and associated infrastructure and ducting to serve the development shall be submitted to and approved in writing by the Planning Authority. The approved car charging points/units/ducting and associated infrastructure shall thereafter be installed in accordance with the approved details in a timescale agreed by the Planning Authority and maintained at all times thereafter.
20. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
21. Prior to the commencement of works on site, details of any street furniture inclusive of grit bins and telecommunications cabinets shall be submitted to and approved in writing by the Planning Authority. Development shall then proceed as approved.
22. No house shall be occupied until the contents of a Travel Information Pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents.
23. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.

24. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.
25. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.
26. No development shall take place on site until such time as a noise impact assessment in respect of the proposed air source heat pumps has been submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the potential for the proposed heat pumps to cause noise nuisance affecting both the new houses hereby permitted together with existing adjacent properties. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. Should the approved noise attenuation scheme impose restrictions upon the way in which operations on the site are carried out, the site shall be operated in this manner unless otherwise approved in writing by the Planning Authority. The noise impact assessment and any recommendations in respect of attenuation measures shall be prepared by a suitably qualified person.
27. Prior to the site being occupied the applicant shall have a third party independent verifier submit a verification report to the satisfaction of the Planning Authority. Compliance with the relevant condition shall be evidenced in the report. This shall demonstrate that the projections as detailed within Noise Impact Assessment are reliable and meet with Noise Impact Assessment condition.
28. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
29. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the

following hours unless otherwise approved in writing by the Planning Authority:

- Mondays to Fridays: 0800 – 1800
 - Saturdays: 0800 – 1300
 - Sundays and public holidays: No Working
30. No commercial vehicle making deliveries to or collecting material from the development during construction shall enter or leave the site before 0800 or after 1800.
31. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1984 'Evaluation of Human Response to Vibration in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
32. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by this Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by this Authority.
33. No development shall commence on site until details for the storage and the collection of waste arising from the development has been submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first housing unit/property within the site and thereafter maintained for the lifetime of the development.

DC23/070/FUL– Change of use from cafe to tyre change garage at 6 Old Street, Duntocher, Clydebank G81 6DE by Mr Peter Ferrier.

REFUSE planning permission subject to the following conditions:-

1. The proposal would result in the siting of a Class 5 (General Industrial) use – tyre changing garage within an existing residential area. No supporting information has been submitted in terms of what other sites have been considered and why the proposal could not be accommodated within an existing business and industrial area as defined by the adopted Local Plan and proposed Local Development Plan 2. Accordingly the proposal is not supported by Policy 26(d) (i) of NPF4 together with Policy LE 3 of the adopted West Dunbartonshire Local Plan.
2. The proposal would not result in significant overall economic benefit to the local area and therefore the proposal is not supported by Policy LE3 of the adopted Local Plan.
3. The proposal is incompatible with established residential amenity due to the potential for noise disturbance to occur to the detriment of adjacent residential properties. The proposal is therefore contrary to Policies, 9, 23(e) and 26(d)(ii) of NPF4, Policies GD1, H5 and LE3 of the adopted Local Plan and policies CP1 and H4 of the proposed Local Development Plan 2.

PLANNING COMMITTEE

NOTE OF VISITATIONS – 18 SEPTEMBER 2023

Present: Councillors Karen Murray Conaghan (all sites), Lawrence O'Neill (sites at St. Joseph's Primary School, Abbeylands Road and 6 Old Street), Clare Steel (St. Joseph's Primary School, site only),

Attending: James McColl - Development Management Team Leader and Amy Melkevik, Lead Planning Officer

SITE VISITS

Site visits were undertaken in connection with the undernoted planning applications:-

Development site, Pappert, Bonhill, Alexandria

DC23/102/FUL - Proposed erection of 26 dwellings with associated ancillary development.

St. Joseph's Primary School, Faifley Road, Clydebank, G81 5EY

DC23/098/FUL - New build education and community campus comprising of new Early Years, Primary schools, ASN unit, library and community facilities, together with associated parking, sports facilities and landscaping.

Abbeylands Road, Former Faifley Bowling Club, Clydebank

DC23/083/FUL - Proposed erection of 27 affordable dwellings and associated works.

6 Old Street, Duntocher, Clydebank G81 6DE

DC23/070/FUL - Change of use from cafe to tyre change garage.

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 11 October 2023

Subject: Scottish Government consultation on mandatory training on planning for Elected Members

1. Purpose

- 1.1** To seek the agreement of the Committee to submit a response to the Scottish Government consultation on mandatory training on planning for Elected Members.

2. Recommendations

- 2.1** It is recommended that the Committee agree the proposed Council response set out in Appendix 1.

3. Background

- 3.1** An independent review of the Scottish planning system, published in May 2016, recommended mandatory training on planning for Elected Members. Public consultation on the independent review indicated broad support for mandatory training, and subsequently the requirement for mandatory training was included in the Planning (Scotland) Act 2019, with Section 45 of that Act prohibiting Elected Members from carrying out specified planning functions if they have not completed training specified by Scottish Ministers, with these functions to be specified in Regulations. These Regulations have not been published yet, and the purpose of the consultation is to inform them.

- 3.2** At West Dunbartonshire, most of the Elected Member involvement in planning functions takes place at Planning Committee. This is where the majority of non-delegated planning applications are decided, as well as all decisions on Local Development Plan matters, other planning policy matters and responses to Scottish Government and other consultations. Reviews of delegated planning decisions are undertaken by the Local Review Body, which has the same membership as the Planning Committee. Under the current Scheme of Delegation, Full Council decides on planning applications which fall into the category of National Developments, and also Major Developments that are significantly contrary to the Development Plan. Under changes introduced by the Planning (Scotland) Act 2019, certain stages of the Local Development Plan (the Evidence Report and the Proposed Plan) will also need to be approved by

Full Council, and because the Clyde Mission area, covering 500 metres either side of the River Clyde, is now a National Development, more planning applications received by the Council will be considered National Developments and considered by Full Council. As a result of these changes, Full Council will be involved in more planning decisions in the future, relating to both the Local Development Plan and planning applications.

- 3.3** Presently planning training is provided at the beginning of the new election cycle for new and returning Elected Members. This covers the development plan system, the determination of planning applications and material considerations, enforcement, the Councillor Code of Conduct and the Local Review Body. Whilst there is no formal planning training plan, training has been delivered on NPF4, placemaking matters, health and wellbeing considerations and at various stages of the local development plan process. Training is also provided on a request basis, for example, when an Elected Member who previously was not involved in the Planning Committee becomes a member of the Planning Committee.

4. Main Issues

- 4.1** The Scottish Government published a consultation paper on Mandatory Training on Planning for Elected Members in July 2023, with comments sought by 26 October 2023 ([Mandatory Training on Planning for Elected Members \(www.gov.scot\)](http://www.gov.scot)). The consultation responses will be used to inform the preparation of Regulations relating to the provision for mandatory training for Elected Members set out in the Planning (Scotland) Act 2019. The consultation paper sets out context and asks a number of questions relating to:
- The planning functions that Elected Members be prohibited from taking decisions on until training requirements have been completed - for example, the prohibition could be restricted to taking decisions on planning applications, or could extend to include decisions on the Local Development Plan and other policy documents.
 - Whether different levels of training is required for Elected Members on the Planning Committee, and other committees that take planning decisions - most non-delegated planning applications are decided by the Planning Committee, but some go to full council, and under the Planning (Scotland) Act 2019, some decisions relating to the Local Development Plan will also be taken at full council. The Local Review Body reviews decisions on delegated planning applications.
 - The content of any mandatory training and how it should be delivered - the consultation paper asks if the mandatory training should focus on the key principles and knowledge of the planning system, and suggests topics that could be covered in mandatory training (1. importance of the plan led system; 2. planning application process; 3. decision making at committee;

4. role of Elected Members; and 5. post-decision issues). A number of options for delivery are set out, including online and in-person training, and training delivered by Council officers or appointed trainers.
- Whether Elected Members should be required to pass a test before being allowed to take planning decisions
 - The frequency of mandatory training – suggestions include once a year, every election cycle or just once;
 - Whether and where information relating to the completion of training should be published – suggestions include online or in the annual Planning Performance Framework; and
 - How the long-term effects of training could be monitored
- 4.2** The Council welcomes the consultation on mandatory training on planning for Elected Members. Planning legislation and planning matters can be complex and it is essential that Elected Members have adequate training to enable them to make informed decisions.
- 4.3** The proposed response to the consultation paper is set out in Appendix 1. Key points from the response are summarised below:
- It is the view of the Council that Elected Member involvement in the determination of planning applications and decisions on Local Development Plans should be prohibited until mandatory training has been completed.
 - However, many of the Council's Elected Members have concerns that a restriction on them taking part in decisions on planning functions is anti-democratic, as they have been elected to take these decisions.
 - It is the view of the Council that the training requirements for Elected Members should be the same, regardless of whether their involvement in planning decisions takes place at Planning Committee, Full Council or Local Review Body.
 - Mandatory training should focus on the key principles and knowledge of the planning system, and the topics set out in the consultation paper are what mandatory training should cover (These are: 1. Importance of a planned system; 2. Planning application processes; 3. Decision making at committee; 4. Role of Elected Members; and 5. Post decision procedures). Councils could complement these mandatory topics with information on subjects such as conservation, listed buildings, biodiversity, enforcement, affordable housing developer contributions, placemaking, sustainability, net zero, etc
 - Training should be provided by options of in-person training for Elected Members who prefer to learn that way and an online course that can be taken by Elected Members at their own convenience.
 - The requirement for a test would focus Elected Members' focus on training, but it is recognised that this may be a disincentive for some Elected Members to be a part of committees that take decisions on planning matters.

- Mandatory training should be undertaken every election cycle, with Elected Members encouraged to keep skills and knowledge up to date via annual training covering emerging legislation and updated procedures and issues.
- It is not considered necessary to publish a list of which Elected Members have undertaken the training course, with this information available on request.
- Monitoring is supported if it will be purposeful and used to ensure mandatory training is meeting objectives.

5. People Implications

- 5.1** There are no direct personnel issues associated with this report. Some of the options set out in the consultation paper would require Council officers to deliver mandatory training to Elected Members. There may resource issues if the Planning Service have to deliver mandatory training, however, these are likely to be minimal as the Council already provides in-house training on planning for Elected Members.

6. Financial and Procurement Implications

- 6.1** There are options mentioned in the consultation paper which refer to the Scottish Government procuring an online course or an online training provider. However, no reference is made as to whether planning authorities would be required to contribute to the cost of this. The Council response advises that our planning training is currently delivered in house and any costs to the Council would be an additional burden at a time of budget restraint.

7. Risk Analysis

- 7.1** Planning decisions are quasi-judicial in nature and poor decisions can result in costs being awarded at appeal or challenged at the Court of Session, at which costs can also be awarded against planning authorities. It is important to have well informed Elected Members in order to limit decisions which could have financial and legal implications for the Council. An intended outcome of mandatory training would be decisions being taken on a better informed basis, and therefore the risk of poor decisions being taken would be reduced. However, as the Council already provides training in-house, it is not clear that the risk reduction for West Dunbartonshire Council would be significant.

8. Equalities Impact Assessment (EIA)

- 8.1** The Scottish Government has undertaken an equalities impact assessment of the consultation documents.

9. Consultation

- 9.1 An information/discussion session was held for Elected Members on 13 September 2023, at which comments which have informed this response were collated. The consultation paper and contents of this report were shared with Committee Services and Legal Services.

10. Strategic Assessment

- 10.1 As planning decisions can impact on all of the Council's strategic priorities, it is considered that the proposed mandatory training is relevant to all.

Pamela Clifford

Planning, Building Standards and Environmental Health Manager

Date: 11th October 2023

Person to Contact:	Pamela Clifford, Planning, Building Standards and Environmental Health Manager Pamela.clifford@west-dunbarton.gov.uk Alan Williamson, Development Planning & Place Team Leader Alan.williamson@west-dunbarton.gov.uk
Appendix:	Appendix 1: Response to Scottish Government consultation on mandatory training on planning for Elected Members
Background Papers:	Scottish Government consultation paper on mandatory training on planning for Elected Members - <u>Mandatory Training on Planning for Elected Members</u> (<u>www.gov.scot</u>)
Wards Affected:	All

Question 1: Should the determination of planning applications be the only specified function that Elected Members are prohibited from doing until training requirements have been completed?

Planning legislation is complex and it is essential that Elected Members have adequate training to enable them to make informed decisions. All Elected Members should be trained on all parts of planning system and not just restricted to planning applications. This should include local development planning and policy matters, enforcement, placemaking, the Local Review Body and the Councillor Code of Conduct. The planning system raises issues of probity, conflicts of interest and conduct for Elected Members and can be confusing and complex. It is an area of decision making in which Elected Members must be impartial and be seen to act impartially and training would assist in these requirements.

Elected Members have an important role to play in policy making requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources. The Local Development Plan plays a significant role in the planning system as it forms the policy basis for planning decisions on planning applications. As an Elected Member, key decisions on the content of the development plan will probably arise during the life of a council and they will rank as some of the most important decisions they will make. The content of a Local Development Plan may have a profound effect on the future quality of life for the communities that they represent. As various stages of the new Local Development Plan require to be determined by Council it is important that all Elected Members are trained to provide informed decisions.

As a general point, many of the Elected Members of West Dunbartonshire Council have concerns about restrictions being introduced on them with regard to taking decisions which they have been democratically elected to take by their constituents. Concerns were also expressed about situations arising wherein there is insufficient trained members at a meeting to allow a decision to be reached.

Question 2: Should the training requirements vary for Elected Members depending on whether they participate in a planning committee, Full Council or Local Review Body?

No. It is considered that the level of training should be the same for all Elected Members regardless of what level of decision-making they are participating at. This is because, depending on planning authority schemes of delegation, decisions on some National and Major Developments (and therefore significant applications), are taken at Full Council, and Elected Members taking decisions on these applications should have received the same level of training as Planning Committee members.

Similarly, as there is no right of appeal to decisions taken at Local Review, and therefore Elected Members on the Local Review Body are taking the final decision on a planning application, it is considered that members of the Local Review Body should receive the same level of training as Planning Committee members.

Also it gives an element of flexibility for Elected Members who are not part of the Planning Committee but then become a member of the Planning Committee as this can be done without additional training being required.

Question 3: Should the mandatory training be focused on the key principles and knowledge of the planning system?

Yes. Mandatory training should be focused on the general key principles and knowledge of the planning system, with planning authorities complementing this with information relating to local level policies and issues such as conservation, listed buildings, biodiversity, enforcement, affordable housing developer contributions, placemaking, sustainability, net zero, etc. .

Question 4: Do you agree with the list of topics to cover?

Yes. The list of topics is comprehensive and appears to cover the key principles and knowledge that would be required to enable competent involvement in planning decisions with more local matters as detailed in Question 3 above being covered separately.

Question 5: Are there any other topics that you think should be covered in the mandatory training?

No

Question 6: Which would be your preferred option for how the training should be delivered?

It is considered a combination of Options 1 and 3 would be appropriate. Option 1 (*Training could be delivered in-person with the Scottish Government setting out the overarching key principles which the training should cover and it would then be up to each local authority to develop the detailed content and deliver the training*) would enable planning authorities to provide an in-person training session for Elected Members who would prefer to learn this way. Planning authorities could add local issues to such a session, but with key principles set out by the Scottish Government, there would be a consistency in the training delivered by all planning authorities. Option 3 (*Training could be delivered online with the Scottish Government developing (or procuring) an online training course for Elected Members to access individually at a time that suits them*) would provide consistency of training across all planning authorities and would also allow Elected Members to access training at a time that suits them, and also to revisit it if they think necessary.

Option 4 is not supported as it could not be certain that the chosen training provider would be of sufficient quality and the planning authority would have had no say in their selection. It is not clear who would meet the costs of supplying this training, and with many authorities currently providing their training in-house, this could be an additional cost at a time of budget restraint. Also, as it is likely that planning authorities would have demand for training at the same time (i.e. following elections), if there was only one or a few authorised training providers, there could be a delay in

some planning authorities receiving training, impacting on the timescales for decisions to be made.

Question 7: Do you have any further comments on how the training should be delivered?

No

Question 8: Should there be a requirement for Elected Members to have passed a test before being allowed to undertake a planning decision?

The requirement of undertaking a test would focus Elected Members attention on the training, however this may be a disincentive for some Elected Members to be part of the Planning Committee or take part in planning decisions. A test is used in Licencing and it is quite effective and is an accepted part of training. Consideration would need to be given if the test should be just for Planning Committee members or all Elected Members involved in planning decision making.

Question 9: How often should Elected Members be required to retake the training?

Mandatory training should be once every election cycle and this should include new Elected Members and refresher courses for more experienced Elected Members. It should be within 3 months of being elected and continued membership of Planning Committee will require training/refresher training.

Thereafter, Elected Members should be encouraged to keep their skills and knowledge up to date by attending training sessions on at least an annual basis Elected Members should be updated regularly on changes in legislation and procedures, as up to date knowledge is essential for those Elected Members involved in making decisions on planning applications and on local development plan documents.

Question 10: Should Elected Member's completion of the training be made available to the public?

There should be no requirement to publish this information but it should be available if a member of the public requests it. The information will be recorded within the Council, and if there is a prohibition on any Elected Members taking part in a decision, this would be known by the Member and by council officers.

Question 11: If the completion of training is made public, do you think the information being provided within PPF / statutory annual reports and on the Local Authorities website are sufficient?

As above, it is not considered necessary to publish this information however if it was to be published the Planning Performance Framework/statutory annual reports would be place to report it.

Question 12: Do you have any comments / suggestions on the best ways to monitor the long term effects of the mandatory training of Elected Members?

Given there are some concerns around the introduction of mandatory training, it is considered that some form of monitoring should be introduced to ensure it is meeting objectives. However, any monitoring should be purposeful, and not just done for the sake of doing it.

Monitoring could include quantitative data around how many Members have been trained in each planning authority, and the numbers involved in decisions on planning applications, to monitor if the requirement to undertake training has reduced Elected Member involvement. It could also include qualitative data collected from Elected Members, planning officers, applicants and communities around what their views on the impact of training has been. To make this more worthwhile, if possible pre-mandatory training baseline data should be collected for comparison purposes.

The provision of training and the number of trained Elected Members could be a performance indicator in the Planning Performance Framework.

Question 13: Do you have any comments on the impact assessments undertaken as part of the consultation on mandatory training on planning for Elected Members?

No

WEST DUNBARTONSHIRE COUNCIL**Report by the Planning, Building Standards and Environmental Health
Manager****Planning Committee: 11 October 2023**

Subject: Scottish Ministers Decision - Scheduled Monument Consent for Quarrying Operations, Sheephill Fort, Sheephill Quarry, Milton, Dumbarton.

1. Purpose

- 1.1** To provide the Committee with an update regarding the Scottish Ministers decision for the above Scheduled Monument Consent.

2. Recommendations

- 2.1** That the Committee notes the decision of the Scottish Ministers.

3. Background

- 3.1** The Council agreed to accept the conditions of the Review of Minerals permission (ROMP) for Sheephill Quarry in January 2021. The planning permission granted in 1949 for Sheephill Quarry allows the full excavation of the whole site, which includes the rock under Sheep Hill Scheduled Monument and the agreed ROMP includes this area. The vitrified fort of Sheephill was designated as a Scheduled Ancient Monument by the Secretary of State in 1970. An application was made for Scheduled Monument consent to Historic Environment Scotland on 13th September 2021. Previously, Scheduled Ancient Monument Consent (SAMC) was granted in 2002 by Historic Scotland subject to a condition that the archaeological excavation be carried out in strict accordance with a Written Scheme of Investigation and that the loss of the fort shall be mitigated by the excavation, recording and publishing of findings. Although the Planning Committee in November 2021 submitted a response to the Scheduled Monument Consent. It recognised the long complex history of Sheephill Fort and the previous grant of Scheduled Monument Consent. The Council indicated that the Scheduled Monument Consent (SMC) should be refused as Sheephill Fort is an important archaeological site which should be retained. The Council advised that when assessing the application for SMC consideration should be given by Historic Environment Scotland to their own policies relating to Scheduled Monuments and in particular the Scheduled Monument Consent Policy. If Historic Environment Scotland are minded to grant consent the Council would recommend that a strict Written Scheme of Investigation of the loss of the fort is required to mitigate by the excavation, recording and publishing of the findings. This formed the basis of this Council's response to the Scheduled Monument Consent.

3.2 On 18th November 2021 Historic Environment Scotland notified the Scottish Ministers of its intention of grant of scheduled monument consent. On 9th September 2022 the Scottish Ministers directed that they would determine the application themselves.

4. Main Issues

4.1 The application was considered by means of written submissions and a site visit by a Reporter appointed by the Scottish Ministers for that purpose. The Reporter recommended that scheduled monument consent is granted subject to conditions. The Scottish Ministers agreed with the Reporter's recommendations and has granted scheduled monument consent subject to conditions. The decision letter and associated report is available: <https://www.dpea.scotland.gov.uk/Casedetails.aspx?ID=121939>

4.2 The Scottish Ministers agree with the Reporter's findings and conclusions with regard to the relevant policy in Historic Environment Policy for Scotland (HEPS) and the Scheduled Monuments Consents Policy (SMCP) which provides specific policies intended to apply to and inform the determination of applications of this type. The SMCP makes clear that the scheduling designation is in order to secure the long-term protection of monuments in the national interest, in situ and as far as possible in the form that they have come down to us. It sets out various principles that apply to scheduled monuments. Of particular relevance to this case is that "The principle of preserving scheduled monuments will only be set aside in circumstances where wider considerations are deemed, on balance, to be of greater importance to the national interest".

4.3 The Scottish Ministers also agree with the following findings of the Reporter:

- The proposal would be directly contrary to the SMCP, and consequently also contrary to the overarching principles and policies outlined in HEPS.
- Policy documents cannot anticipate or be easily applied to the circumstances of every case, particularly where they are novel or exceptional in some way. In such cases, this does not mean that the policy should be set aside, but it increases the likelihood that there may be justification for a proposal despite being contrary to policy.
- The national policy context in which the 2002 decision (to grant scheduled monument consent for the same works as proposed in this current application) was taken was similar to current policy. This is in that policy presumed against granting scheduled monument consent for developments which would have an adverse impact on scheduled monuments unless there were exceptional circumstances.
- No exceptional circumstances were found to support the 2002 decision. The decision document concluded that the proposal was contrary to the policy that applied at the time. Scheduled monument consent was nevertheless granted.

- 4.4** The Scottish Ministers note that it appears to the Reporter that the 2002 decision was taken in view of compensatory provisions in the Act and the financial liability that Historic Scotland may have faced if consent had been refused. The Reporter's view is that compensatory provisions are not material and should not have a bearing on the decision. The Scottish Ministers do not share that view and consider that in deciding whether or not to grant consent they are entitled to take into account the significant cost implications for the public purse.
- 4.5** Notwithstanding the Reporter's view regarding the issue of compensation, the Reporter still recommends approval of the application. He advises that given the underlying intent of policy in regard to protection of scheduled monuments has not altered (in the time since the 2002 decision), there is a compelling case for maintaining consistency in decision-making in the particular circumstances of this case. In 2002, no exceptional circumstances were presented despite policy seeking to protect scheduled monuments in recognition of their national importance, as it continues to do. The Reporter states that given nothing appears to have materially changed since 2002, he considers that this application should be determined in a manner consistent with the 2002 decision.
- 4.6** The Scottish Ministers however consider that in this case, consistency in itself is not a sufficient reason for approving the current application. The Scottish Ministers are also entitled to reach a different view to that taken in 2002 on the merits of preserving the scheduled monument. The Scottish Ministers have concluded that the proposal is directly contrary to the SMCP and HEPS. However the Scottish Ministers give substantial weight, as a material consideration, to the significant cost to the public purse likely to be incurred in the event of refusing consent, under the provisions in section 7(1) of the Act (compensation for refusal of scheduled monument consent). The liability for compensation in the event of a refusal of consent is likely to amount to several million pounds. The Scottish Ministers consider that this material consideration outweighs the relevant provisions of SMCP and HEPS in this case and justifies a departure from those policy documents.
- 4.7** In reaching this decision, the Scottish Ministers have taken into account the fact that although it is of national importance and can contribute significantly to understanding of the past, the scheduled monument is located within the quarry boundary and is consequently inaccessible to the public. The loss of Sheep Hill, as well as the monument upon it, would result in a complete inability to continue to understand, appreciate or even be aware of its historical existence, importance and original landscape context.

4.8 The Scottish Ministers agreed with the Reporter that a requirement for archaeological investigations and recording would be consistent with the requirements of policy SMCP4 in the Scheduled Monument Consents Policy. It is justified to require such investigations, in recognition of the site's national importance, but particularly because once it has been destroyed, the only means by which its historical existence would be capable of being understood and appreciated would be through reference to published records. The Scottish Ministers granted scheduled monument consent for the proposed quarrying operations subject to three conditions relating to archaeological investigation work.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications for the Council.

7. Risk Analysis

7.1 A risk assessment is not required.

8. Equalities Impact Assessment (EIA)

8.1 There are no equalities issues identified.

9. Consultation

9.1 There are no requirements for consultation.

10. Strategic Assessment

10.1 The Council agreed the conditions of the Review of Minerals Permission (ROMP) in January 2021 and it supports the strategic priorities of the Council.

Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 11th October 2023

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None

Background Papers: Scottish Ministers Decision – Scheduled Monument Consent for Quarrying Operations Sheephill Fort
<https://www.dpea.scotland.gov.uk/Casedetails.aspx?ID=121939>
WP 98/076: Review of Minerals Permission

Wards affected: Ward 3 (Dumbarton)

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 11 October 2023**

Subject: Scottish Government Building Warrant Fees Consultation**1. Purpose**

- 1.1 To seek agreement of the Committee to submit a response to the Scottish Government consultation on Building Warrant Fees.

2. Recommendations

- 2.1 It is recommended that the Committee agree the proposed Council response set out in Appendix 1.

3. Background

- 3.1 This consultation forms part of the work undertaken by the Verification Delivery Model work stream, which is one of the seven work streams being directed by the Building Standards Futures Board. The consultation seeks to obtain views on proposed increases to the building warrant fees required to deliver change to strengthen the building standards system and the development of a new building warrant fees model in Scotland. It intends to gather views and opinions from a range of stakeholders, construction sector organisations and businesses, and the general public.

- 3.2 The consultation was published on 21 July 2023 and closes on 24 October 2023.

4. Main Issues

- 4.1 The consultation: [Building Warrant Fees: consultation - Scottish Government consultations - Citizen Space](#) covers four main areas, as follows:

- Overview of building warrant fees
- Building warrants fees for High Risk Buildings (HRBs)
- Local authority building standards enforcement
- Devolved building warrant fees

- 4.2 The proposed changes outlined in the consultation aim to increase the building warrant fee income for building standards verifiers to sustain, strengthen and improve the system in Scotland. This will include raising additional income to support the proposed changes to the building standards system, brought through the work of the Futures Board work streams, which put an additional resource requirement on verifiers,

certifiers and the Scottish Government Building Standards Division. It is intended that it will introduce a building warrant fees model that can be used flexibly in the future and put in place an annual uplift across all fees, initially for a 3-year period.

4.3 The consultation seeks to obtain views on an increase in building warrant fees and on increased fees specifically for new and enhanced verification requirements for High Risk Buildings, to support the Building Standards Hub, enhanced Scottish Government Building Standards Division (BSD) monitoring and auditing and if the local authority Building Standards enforcement role should be funded by building warrant fees. It also seeks views on whether building warrant fees should be devolved or set nationally.

4.4 The proposed response to the consultation paper is set out in Appendix 1 and comprises of 12 questions related to:

- Part 1: Building Warrant Fees
- Part 2: High Risk Buildings
- Part 3: Building Standards Enforcement
- Part 4: Devolved Fees
- Part 5: Impact Assessments

4.5 Part 1: Building Warrant Fees

The building standards system in Scotland operates under the Building (Scotland) Act 2003, introduced in 2005. Verifiers are appointed by Scottish Ministers and the 32 local authorities are currently appointed to deliver the building standards service in their own geographical areas. Their role is to protect the public interest by providing an independent check of applications for building warrants. The current verification service fee structure was initially established in the Building (Fees) (Scotland) Regulations 2004. Building warrant fees are set on a sliding scale and are based on the 'value of work' of the project being undertaken. In July 2017 there was a change to the building standards fee levels to increase the income of the system to achieve full cost recovery for verification. Before that, the fees had not been changed since 2005.

4.6 Building warrant fees are used by verifiers to deliver the building standards verification (building warrant) service. Funding is also provided via Grant Aided Expenditure calculations (GAE) to support the building standards statutory enforcement role. The verification service is intended to be self-financing and as such, it is expected that fee income should cover the cost of providing the verification service. It is however, at the discretion of local authorities how the fee income is used to fund the verification process, to meet the requirements of Scottish Government's Building Standards Performance and Operating Frameworks for Verifiers.

- 4.7** A number of changes to the building standards system are currently being developed through the Building Standards Futures Board work streams. It is intended that these changes will strengthen and sustain the building standards system and will be introduced over the next few years. It is crucial that sufficient funding to local authority verifiers to prepare accordingly as the proposed changes will place an additional resource requirement on verifier staff, in relation to cost and time. Work is being progressed through four main work streams: Compliance Plan Approach for High Risk buildings; the Verification Delivery Model Working Group – the creation of a permanent Central Building Standards Hub (BSH) which would support delivery of the verification service such as the Scottish Type Approval Scheme (STAS, Technical & Procedural Information Papers and the Customer Dispute Resolution Process); the Digital Transformation work stream is investigating options for the digital transformation of the building standards system in Scotland; and the Workforce Strategy work stream - sustainable workforce, skilled workforce, professional framework, and a profession for everyone.
- 4.8** The Scottish Government Building Standards Division (BSD) commissioned two linked research projects on the building standards fees system to review the building standards income and level of reinvestment in service delivery, and to provide a building warrant fees model, which is flexible to allow changes to building standards fees over a 3-year period.
- 4.9** The proposal to increase fees will also introduce requirements for enhanced monitoring, auditing and reporting by the BSD to provide assurance to Scottish Ministers that the strengthened system is being implemented and delivered as planned by local authority verifiers. The resources needed to support the implementation phase and for further development of the system will also be considered with the fees research providing a breakdown of the likely increased future cost of the building standards verification service. It also identifies potential increases to building warrant fees to fund the proposed changes.
- 4.10** The consultation seeks comments on the proposals to increase fees across all 'value of work' bands, add an annual inflation uplift and introduce a new fee calculation model that allows for future adjustments within the 3 year lifespan of the model that may be made on the basis of further research, evidence and reporting. The Council's response is supportive for the increase of building warrant fees in line with inflation especially if the verification function is to be self-financing.

Part 2: High Risk Buildings (HRBs)

- 4.11** Following the tragic events at Grenfell Tower, London in June 2017 a Ministerial Working Group (MWG) was set up to oversee a review of building and fire safety through the creation of two expert Review Panels. One panel considered Fire Safety and the other focussed on Compliance and Enforcement. The Review Panel on Compliance and Enforcement in Scotland concluded that the Scottish system is not broken but that evidence clearly shows that there was a need to strengthen the system. The Review Panel concluded that, whilst maintaining the core elements of the system some reshaping would be advised to ensure that it addresses the identified weaknesses. Both Review Panels identified the potential for a 'national or central hub' that would provide expertise in specialist and safety critical areas of the design of complex buildings.
- 4.12** The establishment of a new Compliance Process for High Risk Buildings through the introduction of a Building Warrant Compliance Plan, a Compliance Plan Manager (CPM) role and a pre-application assessment process is proposed. Going forward the Compliance Plan process will also be tailored to suit building warrant applications for residential buildings with any storey at a height of more than 11 metres; educational establishments (Schools, colleges and universities), community/sport centres and non-domestic buildings under local authority control/where they have an interest in a building; hospital and Residential Care buildings.
- 4.13** This proposal introduces an additional, enhanced fee for building warrant applications for High Risk Buildings to cover additional costs experienced by verifiers on the introduction of the High Risk Buildings compliance plan process including the requirement to proactively monitor these applications. Again the Council is supportive in principle of an enhanced fee which should be proportionate and fair to the additional work required for High Risk Buildings.

Part 3: Building Standards Enforcement

- 4.14** The statutory obligations relating to building standards for which fees are not charged include enforcement and the maintenance of the building standards register. The majority of local authority verifier teams are expected to fund both the verification and local authority statutory enforcement roles through building warrant fee income. The consultation seeks views to provide enhanced and consistent enforcement activity within the building standards system and formally funding the building standards statutory enforcement role through the building warrant fee. The recommended response recognises that Building Standards Enforcement is a statutory function which is currently funded by annual grant aided expenditure. It is unfair to penalise the majority who comply with the system by having them pay more in fees to cover the costs of those who do not. The Building Warrant fee needs to be proportionate to the development and it

cannot sustain a wide range of building standards functions without impacting negatively development viability and potential income.

Part 4: Devolved Building Warrant Fee

4.15 Currently, the structure of fees for building warrants is set centrally by the Scottish Government and provides for consistent and predictable costs nationally. The payable fee to the local authority verifier depends on the value of the building warrant work and other factors such as any certification discounts and surcharges. The research reviewed the fee system in England and Wales that is set by each individual local authority or approved inspector and explored the advantages and disadvantages of three main options. It is considered that a devolved system (in full or part) would introduce variations in fee levels and approaches across Scotland, which could cause complication for those users who operate across several authorities and cause significant challenges for Local Authorities delivering Building Standards. One of the purposes of setting building warrant fees locally is full cost recovery. This would be a complex exercise for Building Standard Authorities to engage with, taking up officer time and there would remain the inability to estimate what level of income will be received in any given year so full cost recovery could not be guaranteed. There are further complexities to consider if Building Warrant fees are set locally not least how the centralised functions like the Central Hub would be fairly funded from each Local Authority, economies of scale for smaller local authorities and higher fees in a local authority could discourage development.

5 People Implications

5.1 The consultation proposals if implemented would place additional resource requirement on verifiers. The additional income from increased building warrant fees would be required to offset the additional resources required to meet these duties. It is recognised at a national level that there is a shortage of experienced building standards officers, which make recruiting additional, knowledgeable staff very challenging.

5.2 The increased requirements and levels of knowledge to fulfil the proposals will require additional resources to train existing staff and to expand the building standards team to fulfil all the additional duties required.

6 Financial Implications

6.1 A strengthened and sustained building standards section will require more financial resources to employ, train and retain staff. This is

recognised by the Scottish Government and is one of the main purposes of this consultation. An average increase of resources of 30% was assumed, but this will be subject to further research and refinement over the planned 3 year staged fee increases, with the intention that the necessary funding for the strengthened system is identified and fully delivered by year 3. It is difficult to accurately predict the actual effect that the proposed fee changes would have for the Council. It is expected that the outcome of this consultation will result in a likely increase in building warrant fees for the Council. It is likely that some, or all, of the additional income would be required to be invested back in the service to help support the building standard function and the additional responsibilities.

6.2 The building standards system is designed to be self-financing and it is expected that the Building Standards Hub would be financed from building standards fees.

6.3 The proposal to increase fees will also introduce requirements for enhanced monitoring, auditing and reporting by the BSD to provide assurance to Scottish Ministers that the strengthened system is being implemented and delivered as planned by local authority verifiers.

7. Risk Analysis

7.1 If the building standards system is to be self-financing as well as cover costs for a central Building Standards hub and additional responsibilities for high risk buildings it is essential that the building warrant fees are of a scale and level to ensure this.

7.2 Building Warrant fee income can vary from year to year depending on the national and local economy and development taking place in the area. If the additional income does not materialise the Council will have this additional cost that is in effect a cut to their income at a time when Local Authorities are under severe financial constraints. These monies will have to be found from the local authority budget, resulting in reduction in the Building Standards budget and quality of service.

8. Equalities Impact Assessment (EIA)

8.1 The Scottish Government has undertaken an equalities impact assessment of the consultation documents.

9. Consultation

9.1 The Chief Officer: Resources and Legal Services have been consulted in the preparation of the report.

10. Strategic Assessment

10.1 The proposals are in keeping with the Council's Strategic priorities.

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Appendix: Appendix 1 : Response to Scottish Government consultation on Building Warrant Fees

Background Papers: Scottish Government Consultation on Building Warrant Fees. The consultation can be accessed here:
[Building Warrant Fees: consultation - Scottish Government - Citizen Space](#)

Appendix 1: Response to the Consultation on the Increase in Building Warrant Fees

Question 1.1: Do you agree building warrant fees should be increased to strengthen the building standards system in Scotland?

Strongly agree - Additional demands on building standards to strengthen and sustain the service need to be adequately financed and therefore the building warrant fees should be increased in line with inflation especially if the verification function is to be self-financing.

Question 1.2: - Do you agree that a proportion of the building warrant fee should be used to support a central Building Standards Hub?

Strongly agree - The work of the Hub will enhance and help standardise the service delivered by all local authorities, thereby improving the customer experience.

Being able to draw on specialist knowledge is extremely important to smaller Local Authorities, who often have to rely upon expensive third party specialists. Providing training, in a standardised way, to increase the professionalism of staff across Scotland should also be supported.

Whilst supportive in principle, further details of the cost of the Building Standards hub is required and how it is to be shared among Local Authorities. It is understood the expected cost would be about £1m per year. The costs to each authority are likely to be significant and more detail is required as to how the costs to each local authority are to be apportioned. It should be noted that the building warrant fees are being asked to finance significant costs: Local Authority Building Standards Services to be self-financing and to fund the Central Hub. Any increase must be proportionate to the scale of development and should not act as a deterrent to economic growth. This is particularly prevalent in a social and economic challenging area like West Dunbartonshire where the area is affected by downturns in national economic conditions, and slow to react to upturns in the economy, making development viability challenging.

In addition, the country is facing economic challenging times following the pandemic the additional income may not materialise together with more requirements on development in terms of sustainability and net zero. If the additional income does not materialise local authorities will have this additional cost, which is in effect a cut to their income at a time when Local Authorities are under severe financial constraints. These monies will have to be found from the local authority budget, in all likelihood, result in a cut to building standards budget and the quality of service provided.

Question 1.3 - Do you support the introduction of enhanced verification and certification auditing, monitoring and reporting of fee investment to support the implementation of the strengthened building standards system over the next 3 years?

It is agreed that there should be an open, honest and transparent use of the building warrant fees to provide a quality customer focussed building standards service. However as detailed above Local Authorities are facing severe financial constraints and the Building Standards service in years, where there is a fall income is not self-financing and the Council will subsidise the service. Equally, if there is an increase income the Council will require some of this income to be reinvested in the Council to offset the years were there has been a fall income. There is a fine balance to achieve in terms of building standards income and financing the service.

Question 1.4 - Do you agree that, before any planned increases or adjustments to building warrant fees in the second and third year, progress should be reviewed against suitable criteria towards the planned outcomes?

Yes - It seems reasonable to have a new fee calculation model that allows for future adjustments within 3-year lifespan of the model, which allows further research, evidence and reporting. This will allow the model to be fully assessed before further increases are introduced in year two and three given the fee income is intended to finance full cost recovery for the local authority, to part finance the Building Standards hub and to subsidise additional requirement for high-risk buildings. This increase finance support from the building warrant fee is require to be closely monitored in year one to ensure that it is fully meeting these new costs before planned increases are introduced in year 2 and 3. .

Question 2.1 - Do you support the introduction of an enhanced fee for High Risk Building warrant applications?

Support—An enhanced fee should be proportionate and fair to the additional work, as these projects often pay higher building warrant fees and as detailed above it should not be deterrent to economic growth and development. These developments are already facing higher costs in terms of increased building costs and enhanced requirements in terms of net zero and sustainability. .

Question 3.1 - Should a portion of building warrant fees be used to fund the local authority compliance enforcement role but only as it relates to the building warrant process?

No - Enforcement, as a statutory function, should be funded by annual grant aided expenditure. It is unfair to penalise the majority who comply with the system by having them pay more in fees to cover the costs of those who do not. The Building Warrant fee needs to be proportionate to the development and it cannot sustain a wide range of building standards functions without impacting negatively development viability and potential income.

Question 3.2 - Should a portion of building warrant fees be used to fund the local authority building standards wider statutory role covering both building

warrant compliance enforcement and dangerous and defective buildings?

No – The Building Standards function needs more robust legislation to enable the recovery of costs from owners of defective and dangerous buildings in a timely and cost effective way. Often Local Authorities have to find a budget to fund repairs to defective and dangerous buildings and often this involves significant costs with little or no guarantee that these costs will be repaid by owners. This is particularly challenging when Local Authority budgets are under increasing financial constraints.

Question 4.1 – Should building warrant fees be set at national or local level?

National level - There are many complexities to consider, not least how the centralised functions like the Hub would be fairly funded from each Local Authority, economies of scale for smaller local authorities, could fees higher in the local authority discourage development but likewise, could we deliver the required service with lower fees to attract development? It is not clear if these fees could be used as income generating for other services within a local authority, nor how this would affect increased Scottish Government scrutiny. With the strengthening of the building standards system, it will be difficult to know what level to pitch fees at. Further detail to support this is as follows:

- One of the purposes of setting building warrant fees locally is full cost recovery. This would be a complex exercise for Building Standard Authorities to engage with, taking up officer time and there would remain the inability to estimate what level of income will be received in any given year so full cost recovery could not be guaranteed.
- In areas like West Dunbartonshire which have a high percentage of contaminated land sites as well as other site related constraints Building Warrant fees are likely to be higher due to these upfront costs and additional resources required to resolve, this is likely to be a disincentive for developers who may develop in other less challenging Council areas which may have cheaper Building Warrant fees.
- May cause competition between different Councils in terms of setting Building fees therefore impacting on resources.
- Building Warrant fees are not ring-fenced, at present so there is currently no correlation between income and resources. Councils could ultimately raise fees for general income purposes rather than for full cost recovery, which would not benefit the Building Standards service.
- Recently the Planning Legislation has allowed the setting of discretionary fees for pre application discussions to be set locally and this Council having recently set them, this involved a lot of benchmarking and work by officers to get a fair and reasonable tier of fees.

Question 5.1 - Are there any proposals in this consultation which you consider impact or have implications on people with protected characteristics? Choose from the following options:

No – Not aware of implications on people with protected characteristics.

Question 5.2 - Do you think that any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)?

Yes - The proposals will require additional resources and staff and therefore the additional fee income discussed in this consultation

Question 5.3 - Do you think that any of the proposals in this consultation have any impact or implications on island communities?

N/A

Question 5.4 - Do you think that any of the proposals in this consultation have any impact on the inequalities of outcome caused by socio-economic disadvantage?

Yes - An increase in fees will add to the costs of those making small home improvements as well as the larger developments. This may make the costs for those with a socio-economic disadvantage prohibitive to carrying out the works and thereby improving the building. It also has more impact in areas like West Dunbartonshire, which have social and economic challenges