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5/12/07
LB

Consultation on Planning Enforcement Regulations
Planning Directorate,
The Scottish Government,
2H Victoria Quay,
Edinburgh,
EH6 6QQ.

3rd December, 2007.

Dear Sirs,

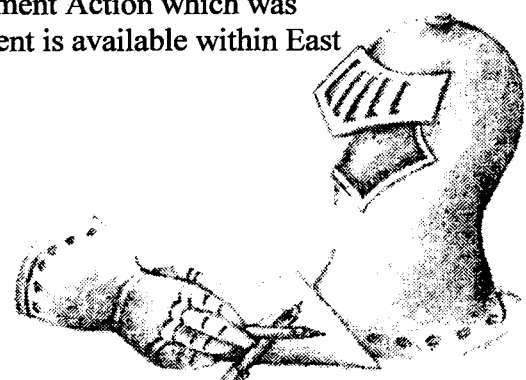
Modernising the Planning System: Consultation on Planning Enforcement Regulations 2007.

I welcome the opportunity of responding to the above-mentioned consultation paper.

I note that within the paper there is no reference as to why breaches take place sufficient to merit enforcement action. As an architect with some 30 years experience I would suggest that any enforcement must be tied in to the Council's ability to deliver decisions within a sensible time framework. Within East Lothian I have never received consent within the two months statutory period for any application. Currently I am awaiting a response to a request as to whether a development requires planning permission and although I have reminded the Department twice it is now over five months since my initial enquiry. As a second example of unacceptable delays I refer to a recent planning approval for work at a nearby farm. There were no letters of objection, nor were there any onerous conditions and indeed the planning report recommended approval. The time taken for this, however, was some 13 months after registration. In these circumstances, it is perfectly understandable that development takes place prior to consents being granted as commercial reality these days often involves realistic time tabling.

I would therefore suggest that in order to benefit from easier enforcement procedures, it should be a condition that the Planners have responded within the statutory time framework.

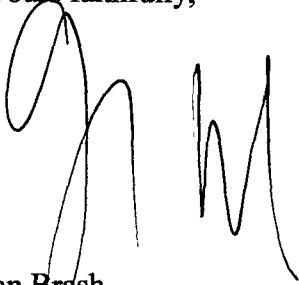
Could I also refer to the requirement for a Charter for Enforcement Action which was necessitated by the new Planning Act. As yet, no such document is available within East



Lothian Council, albeit they have had over 12 months to prepare this. The enforcement process is far from transparent and until this is addressed it is wrong to ease the imposition of penalties.

I trust my comments will receive appropriate consideration and look forward to reading the finalised document.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Ian Brash', written in a cursive style.

Ian Brash.

Copy: Councillor Barry Turner, Chair of Planning, East Lothian Council. ✓