

Bullingham L (Liam)

From: [REDACTED]
Sent: 09 January 2008 15:48
To: Planning Enforcement Consultation
Subject: Planning Enforcement Regulations 2007



Appendix to Planning
Enforcemen...

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I enclose the consultation response from the Shetland Islands Council regarding the consultation paper
relating to the proposed Planning Enforcement Regulations 2007.

Regards

Norman Sineath
Planning Enforcement Officer
Shetland Islands Council.

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Shetland Islands Council : Consultation response on proposed Planning Enforcement Regulations 2007.

Q1. Do you support the proposal that penalties should be increased for continuing breaches and if not, why not?

Yes.

Particularly the serving of the Fixed Penalty Notices as it is being proposed that the planning authority should issue a second or subsequent Enforcement Notice or Breach of Condition Notice where a breach remains uncorrected. If any such Notice were also not complied with then there would be an option to issue a further FPN and the penalty would rise to the next level on the increment scale. This process could be repeated if necessary, each time rising to the next level of the scale. The Scottish Planning Enforcement Forum have recently raised concerns with the Scottish Government about this process and have asked them to consider streamlining this so that second/subsequent Notices do not need to be issued. We support SPEF in this matter.

Q2. Do you have any views on the proposed amounts for the fixed penalty, in particular the proposed initial amounts?

The amount of the fixed penalty should in some way reflect the seriousness of the breach. It is possible that certain breaches of Breach of Condition Notices are more serious than some breaches of Enforcement Notices.

Q3. Do you have any views on the proposed increase in the amount of each subsequent fixed penalty, in particular with regard to the number of FPNs that would be required to reach the maximum and whether the fixed penalty should increase by a larger amount for each subsequent offence?

No.

Q4. Do you have any views on the proposed level of information requested in the NID or any suggestions for other information, for example declaring that any suspensive conditions had been met, might be useful?

NID should include statement that all suspensive conditions have been complied with.

Q5. Are you content with the proposed time limits for recording relevant enforcement action?

Yes.

Q6. Bearing in mind that the purpose of the notice is to make people aware of the development and direct them to the appropriate contacts for further information, are you content with the level of information to be included?

Yes.

Q7. Are you content with the proposed categories of development for which notices would be required to be displayed, and if not, why not?

The current proposals are for only national and major developments to require a site notice. The Scottish Government view is that neighbour notification will notify interested parties for the other developments, which will be the vast majority of applications. We believe that the main purpose of the site notice is for information to the public, not the monitoring of the notice itself. Previously this Council has taken the view that the appropriate form of notification of development is through site notices and not the current system of neighbour notification. Our view is therefore that ALL development should be subject to site notices, replacing the need to undertake cumbersome, time consuming and ineffective (particularly in rural locations) neighbour notification.

Q8. Do you consider this sufficient, or would you like to suggest other criteria for the siting, display, size, etc, of these notices.

Yes.

Q9. Are you content with the proposed draft Regulations and if not, why not?

Yes.

Q10. Are there any other situations where you believe use of a Temporary Stop Notice should not be permitted?

No.

Q11. Do you wish to comment generally on the draft Regulations, RIA, EqIA, or other issues in respect of this consultation?

No.