



29 George Street,
Helensburgh,
G84 7QZ

18th February 2008

RESPONSE TO

the Scottish Government's consultation on

**Planning Enforcement Regulations 2007
Consultation Paper**

The Helensburgh Community Council makes the following responses to the set questions regarding the above consultation.

Q.1 Do you support the proposal that penalties should be increased for continuing breaches and if not, why not?

A1. We do, providing that the conditions, the breaches of them and time limits for repairing the breaches are all specified clearly. However, the issue of breach by the local authority itself does not appear to have been addressed.

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

A2. The amounts should be reviewed triennially and increased in line with price indices, if in that period breaches have fallen significantly; they should be increased further if there have been no reductions, unless monitoring or ad hoc research suggests otherwise.

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?

A3. If the triennial review (A2) concludes that increases in the fixed penalties are needed to reduce the number of breaches, the amount of these increases should be determined in the light of experience and research. After successive breaches or non-payment of penalties over a three-year period, the planning authority should initiate court proceedings.

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

A4. If by 'suspensive conditions have been met', you mean 'repair by a developer of previous breaches of planning permissions', we agree that this record should be included in the NID alongside the record of breaches.

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

A5. 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 provided?*

A6. Generally yes, providing the information includes a sketch layout of the intended land uses within the development site. We also recommend that replica leaflets of the on-site notice are made available to relevant local authority councillors, community councils, tenants' and residents' associations and the local press.

Q7. *Are you content with the proposed categories of development for which notices would be required to be displayed?*

A7. Yes, providing the notices are reproduced and circulated as suggested in A6.

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

A8. No - our suggestions for content and distribution are presented in A6 above.

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

A9. Largely content , but we regard the implementation of the suggestions which we have made to be necessary if the aims of fairness, maximum participation in enforcement and effectiveness are to be achieved. There needs to be a mechanism to extend or to repeat a TSN if 28 days is insufficient to take further action (e.g. over the Christmas – New Year period). There should be a recognised role for community councils, as the local statutory bodies, in initiating TSNs. Planning authorities rely on the public reporting some problem cases and this needs to be recognised.

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

A10. No.

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

A.11. We welcome the sensitivity reflected in the Equalities Impact and Regulatory Impact Assessment questionnaires. However, we believe that all Planning Permission, Refusals and Conditions should be prefaced by reasoned justifications and clear linkages to evidence presented in Correspondence, Public Hearings and Public Inquiries.



Nigel Millar
(Chairman, Helensburgh Community Council)