

**Planning Enforcement Regulations 2007
Consultation Paper
Responses from ERROL COMMUNITY COUNCIL**

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

Yes

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

Not on the initial amounts.

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?

We see no reason why the maximum should be set as low as £5000. We also believe that the incremental progression should be geometric rather than arithmetic (*i.e.* £500, £1000, £2000, £4000, £8000, £16000, £32000, etc).

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?

No.

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?

We can see no definition of "major" and "small scale" within these proposals nor in section 27 of the 1997 Planning Act (referred to in section 4(1) of the Regulations). We would agree that "small scale" developments should not be required to display such notices, but we believe that "large scale" (in addition to "major") developments should be so required. "Large scale" should be defined as developments where more than a certain number of houses are being built in an area or more than a certain area of land is affected (whether or not all contiguous development is being undertaken subject to one planning permission or several).

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

We would suggest that criterion 3(b) be amended along the lines of "readily visible to and legible by the public".

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.

General comments on consultation

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

We believe that breach of planning conditions should be a civil, rather than a criminal, matter so as to make prosecution easier. Breach of a Court Order would, of course, still be a criminal offence.

Michael J B Almond,
Honorary Secretary,
Errol Community Council.

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