



SRPBA
SCOTTISH RURAL PROPERTY AND BUSINESS ASSOCIATION

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Consultation on Planning Enforcement Regulations
Planning Directorate
The Scottish Government
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By email: planningenforcement@scotland.gsi.gov.uk

Dear Sir/Madam

PLANNING ENFORCEMENT REGULATIONS 2007

The Scottish Rural Property and Business Association (SRPBA) welcomes the opportunity to comment on the consultation paper on the Planning Enforcement Regulations.

Question 1

There is a great deal of negotiation between local authorities and developers during the building stage. If local authorities are under pressure to use fixed penalty notices it could be to the detriment of relationships, which are pivotal to sustainable development which responds to the needs of communities.

Question 2

Regulation 2 should set the amount of the penalty for breach of an enforcement notice at £500.00 in respect of breach of the first EN and for each breach of a subsequent EN there should be an increase of £250.00.

Regulation 3 should set that for breaches of conditions notices penalty should be £50.00, rising by £25.00 steps to a maximum of £200.00. The penalties should cover costs, not generate revenue.

Question 4

MID should not include details of any recent planning enforcement action taken against the developer. Presumably if the wrong information is provided this would become breach of condition attracting a fixed penalty. The developer providing such information may find himself the subject of increased monitoring. This requirement has the potential to damage relationships between local authority officials and developers before a development has even commenced. Again, these relationships are pivotal to responding to the needs of communities.

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Question 5

No.

Question 6

Planning Officers may create a substantial amount of work for themselves in respect of complaints. However, from the point of view of community engagement, it is a good idea that interested parties should be pointed toward how to find out further information.

Question 7

The proposed categories of development for which notices would be required to be displayed seem fair.

Question 8

The criteria is sufficient.

Question 9

Yes.

Question 10

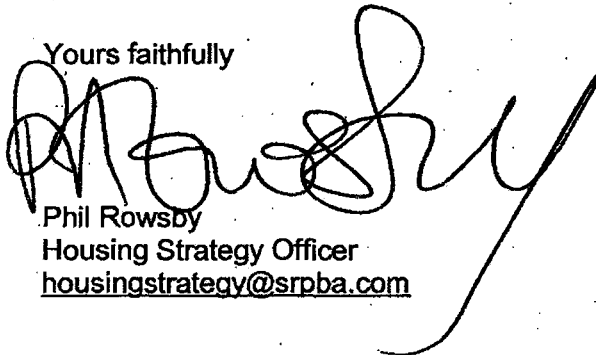
If a building is being utilised for the amenity of on-site workers then a TSN should not prohibit the use of the building. The reason being that if a temporary stop notice stops work on site then employees, who maybe forced to come into work just to hang around, should not have any building that they are using for shelter, eating and socialising closed down.

Question 11

Planning Authorities need to be aware of the potential for good relations with developers being damaged in favour of responding to the concerns of a minority of members of the community. The local authorities should not be encouraged to use fixed penalties notices as a means of generating revenue. Similarly temporary stop notices can cost developers thousands of pounds in lost revenue in one day, therefore these should not be used as a means of placating complainants.

If you require any further clarification on any of the points raised in this response please do not hesitate to contact me.

Yours faithfully



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