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**Bullingham L (Liam)**

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**From:** George Lyall [REDACTED]  
**Sent:** 20 February 2008 10:40  
**To:** Planning Enforcement Consultation  
**Subject:** Planning Enforcement Regulations 2007

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I have already contributed to this consultation through the RTPI Development Management Task Group and the Scottish Planning Enforcement Forum but wished to add my own personal views through Lyall Planning.

I have no problems with my comments being published.

**Q1.** Yes I support the proposal but consider they should start higher but am concerned at discrepancies which I shall refer to in Q11.

**Q2.** It is suggested the Start point is higher and the increments as well but as the maximum cannot be increased there will be fewer increments.

**Q3.** See above for Q2.

**Q4.** Basically the suggested requirements are fine but suggest the developer's agent should be included. The real problem is getting developers to include previous enforcement record information and information about sub-contractors and changes of ownership/developer during the course of a development.

**Q5.** No, 3 years is insufficient and should reflect the time limits for enforcement action.

**Q6.** Yes.

**Q7.** It is suggested that local authorities should have administrative discretion to decide on the categories of development.

**Q8.** Notices should comply with the Advert Regulations and should be "readable".

**Q9.** Yes.

**Q10.** No.

**Q11.** I am concerned that there seems to be some confusion in the minds of Enforcement Officers over the usefulness of this new tool. Part of this confusion arises from apparent discrepancies between the Act and the Draft Regs which are referred to in the SPEF response. There is in particular a real concern that using an FPN will not resolve the breach and therefore will not be of much use to most enforcement officers whose first aim is to resolve the breach. There is also a concern that there is no legal measure to enforce payment of a fine.

I am concerned that there is some confusion and dissatisfaction with this measure and it is likely to become just another underused tool in the enforcer's armoury. This is clearly not what was intended by the introduction of the measure.

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