

Development Planning Regulations Consultation
Planning Directorate
Scottish Government
2H, Victoria Quay
Edinburgh
EH6 6QQ

Your ref
Our ref : RH/RH

20th February 2008

Dear Sir/Madam,

Modernising the Planning System: Consultation on Draft Planning Enforcement Regulations

Taylor Wimpey UK Ltd is the largest house builder in Britain, building in the region of 2,500 new homes in Scotland under the brands of Bryant Homes and George Wimpey Homes, employing around 1,000 people both directly and indirectly and operating from five regional offices in Glasgow, Livingston, Dunfermline and Aberdeen. We are therefore grateful for the opportunity to be involved in the preparation of the Draft Regulations that will help modernise the planning system, assist in the delivery of new sustainable, quality and affordable homes, and contribute toward the growth of Scotland's economy.

Set out below are general comments on issues that raise concern. As members of Homes for Scotland, we fully endorse their comments.

Whilst the Draft Regulations seek to ensure that the undesirable effects of unauthorised development are remedied, and that unauthorised development is brought under control, there are some fundamental flaws that need to be addressed prior to our company being fully supportive of the changes proposed.

Our company is generally supportive of the majority of the draft regulations. However, we have concerns relating to the ability of an authority to issue Temporary Stop Notices and the logistics of how these will be implemented.

It is proposed that a TSN may be served by posting the notice on the site when a breach of planning control is suspected and that this notice would take immediate effect. Whilst in theory this is a sensible approach, in practice there is the possibility that the developer might not have information of this stop notice adequately relayed, but will essentially be held liable for all costs associated with the halt in development. This instance might readily occur when developers are using sub-contractors to develop the site on their behalf.

A remedy for this concern might be that, in light of developers having to submit notification to the authority that they intend to start work on site (under the new regulations), it would be relatively straight forward for the authority to post the notice on site and also send a copy to the developer.

There is also concern that a TSN is not to be issued in conjunction with an enforcement notice, and that there is a period of 28 days that the TSN can be effective before there is a requirement to issue this and a stop notice. Whilst the intention behind the TSN is primarily to provide planning authorities with simplified enforcement action for use in circumstances where there may be irreparable damage caused by

unauthorised works and there is some urgency, these restrictions in use have not been translated in the drafting of the regulations.

There must be clear demonstration that justification for the serving of a TSN is warranted. The timescales for the effect of a TSN should be reduced from 28 days to 3 days, at the end of which the authority must issue the enforcement notice and stop notice.

I trust that the preceding comments are clear and understandable. Taylor Wimpey UK Ltd welcomes the opportunity to further discuss these matters with the Scottish Government and should you wish to do so in advance of the publication of finalised regulations, I would be pleased to do so.

I look forward to hearing from you.

Yours sincerely

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