

Bullingham L (Liam)

From: Sally Davies [REDACTED]
Sent: 01 April 2008 19:58
To: Development Management Consultation 2007
Cc: Nick Turnbull
Subject: Development Management Consultation MAFA Response
Attachments: Equal opportunities.pdf; Respondent form MAFA.pdf

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DEVELOPMENT MANAGEMENT CONSULTATION

Mull Aquaculture and Fisheries Association Consultation Response 01/04/08

This consultation paper concerns new secondary legislation on procedures relating to processing planning applications, or "development management".

Thank you for the opportunity to comment on the Development Management Draft Regulations. I respond on behalf of the Mull Aquaculture and Fisheries Association, after consultation with our chairman Nick Turnbull. MAFA represents the interests of the aquaculture and marine fishing industries of Mull & Iona. We are happy for our response to be made public.

We have listed below only the questions on which we are able to comment

Q1: Do you agree with the proposed categories of development to which the requirements for pre-application consultation apply?

NO ? Marine aquaculture does not readily fit within terrestrial planning regulations and definitions. The same scale of development (in production terms) may be spread out over a large area (eg widely spaced circular cages) or condensed into a small area(eg square steel cages) with the type of infrastructure dependant on several environmental variables. It needs to be clear whether the definition of a major development is by cage/equipment surface area, or extent of moorings. If only above surface equipment is considered , most farms would fall under 2 hectares. If mooring spread is included almost all would be in excess of two hectares. In the case of completely new sites, it may be appropriate for many proposals to be classed as major developments. However, many aquaculture applications are for amendments to existing sites. In cases where the development already exists, it should not be necessary to classify changes such as addition of extra cages, change in cage type, moderate increase in area occupied, installation of ancillary equipment, minor change in cage position as major development. These are unlikely to be of a scale and nature which makes them of more than local significance.

It appears a high proportion of aquaculture applications may fall into the "major" category and therefore require formal pre application consultation. Given the flexible nature of aquaculture equipment and the pressures for change (eg cage changes driven by AUTODEPOMOD) there are likely to be many applications for site modification. If these are all classified as "major" and subject to formal preapplication consultation there will be unnecessary delay and expense to the developer, and likelihood of "consultation fatigue" on the part of regulators and consultees.

Q2: Do you have any comments on the thresholds in Schedule 1 of the DMR on pre-application consultation?

YES - Suggest a category covering marine aquaculture is added, with most modifications to existing sites excluded from the requirement for full formal preapplication consultation, whether or not EIA is required. This does not mean that preapplication consultation would not be undertaken, but that the lengthy formal process and public meeting would be avoided for less significant applications

04/04/2008

Q7: Do you agree with the minimum statutory requirements for pre-application consultation in regulation 8?

NO ? suggest a public meeting would not always be necessary. It should be possible to "opt out" of this if community council(s) and Local Authority agree it is unnecessary.

Q9: Do you support the classes of development which will be subject to pre-determination hearings?

NO. As with the preapplication consultations, there is a danger that many aquaculture modification applications will require these hearings. This will be a burden, delay and expense to both developer and regulator

Q10: Should the opportunity to be heard at a pre-determination hearing be extended to other parties beyond those who made representations?

Not to introduce new matters, but it should be possible for the developer (with the agreement of the local authority) to provide evidence from a third party in relation to matters already raised in representations.

Q15: Do you agree that the sole parties signing the processing agreement should be the planning authority and the applicant, or do you think there is scope for statutory consultees to also sign the agreement?

Seems sensible for statutory consultees to also sign, as if their responses do not match the timescale the agreement may not be met. Urge that regulators and statutory consultees should be encouraged & assisted in every way possible to meet deadlines, with or without a processing agreement

Q17: Do respondents consider the approach to the content of planning applications to be appropriate or are any of the other options in paragraph 5.3 preferable?

NO, the options in paragraph 5.3 are too prescriptive. We believe the regulations should be widely drawn in this regard and that guidance should provide examples on the sorts of plans and drawings which could be required for various types of development

Q21: Do you have a view on the two options on the range of applications to be accompanied by a design and/or access statement?

Option 2 is preferable in that it offers somewhat more flexibility in whether or not a statement is required

Q22: In addition to those considered in the options, in what circumstances might statements consider only one element - design or access?

As noted, an access statement inappropriate for aquaculture installation

Q36: Do respondents consider it appropriate to extend the statutory period for determining an application for national and major development to 4 months?

As above ? not appropriate or necessary that many aquaculture modifications will be classified as major developments, even when only minor changes to existing site. These should not be subject to unnecessary delay. For major and EIA developments a four month deadline seems reasonable ? providing it is met.

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