

## Development Management Consultation Paper

Response from:

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**Forward: The answers I have given are based on the need for all developments to embrace 'access for all'. Given that some 20.31% of the population, excluding age onset disability, (2001 National Census) have a long-term illness or/and disability it is imperative that the design and building of any development do not form barriers to a large percentage of our society. In order to utilize persons and organisations who already work in the field of inclusive environments and are already in place in our communities local Disability Access Panels must be included at all stages of an application.**

Q1: Do you agree with the proposed categories of development to which the requirements for pre-application consultation apply? **No, the list is not substantial enough to ensure that smaller developments are as accessible as could be. All applications should be scrutinised as early in the planning process as possible even though it may only be to flag up any potential problems that may be an issue when the detailed stage is developed and where the access statement should be finalised but remain a working document. It important that smaller developments go through a pre-consultation phase with Local Disability Access Panels to ensure that we have more than a barrier free concept to any development.**

Q2: Do you have any comments on the thresholds in Schedule 1 of the DMR on pre-application consultation? **The thresholds for screening are sufficient but what is not is the level at which point a pre-consultation is required (see above Q1)**

Q3: Is the information required in a pre-application screening notice sufficient? **Yes**

Q4: Is 21 days a reasonable period for authorities to respond to a pre-application screening notice in all circumstances? **No, I do not believe so. The stresses that are put on Local Authority Planning Departments are already substantial and this will be a substantial amount of extra work. 28 Days would be a more realistic period for responding.**

Q5: Do you agree with the proposed content of the proposal of application notice? **No, 2.15 pre-suppose that only large developments will be scrutinised. However, if smaller developments were to be scrutinised at a pre-consultation stage then it would not be reasonable to hold public meetings for the smaller developments; rather, only the larger developments should require a public meeting. Who determines what is regarded as a large development?**

Q6: Are the requirements to notify community councils and neighbours of the proposal of application notice sufficient or should others be notified at this stage as a statutory minimum? **No, it is imperative that local Disability Access Panels are notified at this stage as a statutory minimum.**

Q7: Do you agree with the minimum statutory requirements for pre-application consultation in regulation 8? **No, please see above Q6.**

Q8: Do you agree with the requirements on the content of pre-application reports? **Yes.**

Q9: Do you support the classes of development which will be subject to pre-determination hearings? **Yes but I would add that the word ‘significantly’ should be removed as to read ‘applications contrary to the local development plan’ and applications that are contrary to the structure plan should also be included.**

Q10: Should the opportunity to be heard at a pre-determination hearing be extended to other parties beyond those who made representations? **No, I do not believe so. Any person(s) who wish to be heard at a pre-determination hearing should have made representation beforehand. However, a mechanism must be put in place to ensure that everyone who may have an interest in an application knows about the application prior to the lodging of an application proper.**

Q11: What arrangements would need to be made to convene full councils to make these decisions? **The arrangements can be added to a councils ‘scheme of administration’ where a committee can make recommendations to full council for determination at a ‘Development Determination Council Meeting’.**

Q12: Do you support the view that processing agreements should be in place before submission of the application? **Yes**

Q13: Do you agree that where there is to be a processing agreement that it should be entered into not later than 28 days after validation? **Yes**

Q14: Do you agree with the suggested components of a processing agreement? **Yes, however, there should be another component where the applicant/client and the council planning officer can agree any consultees over and above the statutory consultees.**

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? **Yes there is no scope or advantage that I can see for consultees to sign the agreement.**

Q16: Do you support the proposed approach to Planning Permission in Principle and approval of matters specified in conditions? **Yes**

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? **The content is appropriate and to complicate it further with other of the options in 5.3 would be a barrier to fluency within the process.**

Q18: What other measures could help to ensure that applications are supported by adequate information at the start of the planning process whilst still encouraging efficiency in the development management system? **To ensure that the relationship between the client/applicant, Planning Officers and statutory consultees is not confrontational but rather one of partnership and cooperation.**

Q19 Do respondents consider that the draft regulations on the content of applications for Planning Permission in Principle are pitched at an appropriate level of information? **Yes**

Q20: Do respondents consider that the requirements on content of applications are sufficiently clear to allow validation to be a relatively straightforward administrative check? **Yes**

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? **I would prefer to see option two implemented with a further proviso that residential developments of more than five houses also required access statements. If we are ever going to have fully accessible homes and not simply ‘barrier free’ residential developments must have access statements issued at the detailed submission stage of an application.**

Q22: In addition to those considered in the options, in what circumstances might statements consider only one element - design or access? **It must be recognised that access is not solely for the built environment and as such must not be excluded in countryside, open space or residential developments or refurbishments. It is my professional opinion that access statements should be included in all developments, even to single houses. The cost of such statements is unlikely to increase costs substantially because the size and content of an access statement will directly relate to the size and complexity of the development.**

Q23 How can access panels be used most effectively in considering design and access? **There are at present 49 Disability Access Panels across Scotland with more being developed and their input to any access statement is paramount. This can easily be achieved by designating access panels as statutory consultees. The Scottish Disability Equality Forum is the umbrella body for all recognised Disability Access Panels in Scotland and has developed, and continues to develop the access panel network across Scotland. Access panels must be involved from the concept stage of access statements through to the management of the building to ensure the best possible access for disabled persons.**

**If training is required for panels this can be delivered via local authorities or by means of the 30 graduates from the ‘Inclusive Environmental Access and Design’ course from Heriot Watt University.**

**Disability Access Panels are manned by volunteers and as such either seldom receives regular funding or inadequate funding in comparison to the volume of work that they carry out. Therefore, as a way of recognising the invaluable contribution and expertise that access panels contribute to access statements and indeed access issues within the planning and building regulation process some method of financial recognition should be forthcoming.**

Q24: Do you consider that there is sufficient clarity in the regulations to allow for effective and timeous validation of applications where design and/or access statements are required? **No, the assessment of the application and the access/design statement must be quantitative and qualitative if statements are truly going to make a difference. How can planning officers ensure that the information contained in the statements meets with the regulations if both the quantity and quality are not both scrutinised?**

Q25: What role can local authority access officers play in assessing the access element of statements? **Before we can answer this question properly we must first look at how local authorities appoint their access officers and what work they do? Firstly, access officers are usually countryside rangers and have nothing to do with access for people with a disability and we are likely to get a completely different answer to what we expect if we ask a local**

authority what their access officer does. Further, when a disability access officer is present it is usually as part of a more demanding job where the person has had the title of disability access officer added to what is probably an already demanding post.

However, this does not mean that a local authority disability access officer does not do a good job given any existing responsibilities. The disability access officer in a local authority can be greatly assisted by the disability access panel.

However, I would suggest that unless a disability access officer is a full time post it will be extremely difficult to fully utilise the expertise that the officer may have, or is supposed to have. In an ideal situation the disability access officer would be an independent post partly paid for by the local authority and the access officer would, therefore, be able to give an unbiased opinion at all times even if the planning application lodged was for that local authority.

Q26: What information do planning authorities and communities need to ensure a thorough and robust assessment of the design and access statement? **I believe that in order to ensure a thorough and robust assessment of the design and access statements it is imperative that knowledge of inclusive environments is regarded as a separate profession, which is certainly is. I believe that planning authorities should be employing a person qualified in the field of inclusive environmental access and design or possibly this could be carried out by the local disability access panel but as a sub group of the actual panel because a panel could not critique statements on behalf of the authority and also act as the independent gatekeepers of access statements and maintain the autonomy that would be required to be fair and transparent unless the two areas of practice were kept separate in the form of different sub groups or committees.**

Q27: Do you consider the proposals on service of notice to neighbours to be appropriate? **No entirely, in that, all neighbourhood notifications should be sent out first class and not second class because in the more remote parts of Scotland second class post can take a number of days to get the notification to its destination and that could in effect invalidate the extra week that the government has added to the period for response.**

Q28: Do you agree that, in order to minimise costs and potential delay, a single notice sent to the address of the neighbouring land is sufficient for these purposes? **Yes**

Q29: Is the proposed approach to keeping people informed of PPP and approval of matters specified in conditions appropriate? **Yes**

Q30: Do you support the proposed definition of neighbouring land? **No, I do not believe that 20 meters is sufficient distance to define 'neighbouring land', perhaps 50 meters for neighbour notification would be more beneficial and more transparent than 20.**

Q31: Do you consider the proposals concerning the use of site notices and of local advertisements to be appropriate? **Yes**

Q32: Do respondents support the proposed requirements on notifying owners and agricultural tenants and the placing of local advertisements in this regard? **Yes**

Q33: Are you content with the Scottish Government's proposals for the public availability of the list? **Yes**

Q34: Is the advertisement of the availability of the list in a local newspaper on a monthly basis appropriate? **No, this should be done on a weekly basis so as to allow time for potential supporters or objectors to go through due process. Otherwise any person that wants an input may miss the deadline because of a monthly list instead of a weekly list. I do not believe that the costs involved would be substantial.**

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

Q37: Is the level of information to be provided in the decision notice appropriate? **Yes**

Q38: How should planning authorities' best manage the potential burden of ensuring those who made representations are advised of the decision? **To look at varied methods of communication including electronic, large print, audio tape, post, CD and local press or in the case of applications of national importance perhaps the national press.**

Q39: Is the information to be contained in the report of handling appropriate in order to provide a robust summary of how the application has been dealt with and the reasons behind the planning authority's decision? **Yes**

Q40: Can existing Committee reports, where available, be easily adapted to incorporate the proposed statutory requirements in paragraph 4 of Schedule 4? **Yes I believe so.**

Q41: What might be an appropriate alternative name for "bad neighbour development"? **Possibly 'Environmentally Sensitive Development' or Sensitive Sight Development'.**

Q42: Do you support the proposed additions and deletions to the list of "bad neighbour developments" and do you have other suggestions? **I would add Theme Park to the list of additions**

Q43: Are there any others uses which you consider should also be subject to controls on increases in gross floorspace ? **No**

Q44: Do you support our proposal to have different approaches depending on whether other increases in the internal floorspace have taken place? **Broadly but a floorspace of 200m<sup>2</sup> is a large area to give permission for without it being considered for planning consent.**

Q45: Do you consider that 200 square metres is an appropriate level to help achieve the objectives of helping protect town centres? **Yes for town centres but not other floorspace.**

Q46: For the purpose of controlling internal floorspace, do you support the decision to use amounts in square metres rather than a percentage? **Yes**

Q47: Are there any potential impacts on business or voluntary sectors that we should be aware of in finalising the regulations or the order?

Q48: Are there any potential impacts on particular societal groups that we should be aware of in finalising the regulations or the order? **I can't think of anything at this time but as legislation is put into practice it may be that issues come to light then. So, perhaps something can be built into the legislation that would allow for minor changes and adaptations to be made as the new system develops.**

Q49: Do you have any other comments to make on the draft development management regulations or the mezzanine floors order? **Yes, I can't agree with the development of mezzanine levels because they are inherently difficult to access and for people who have mobility impairments other methods of extending the floor space of a building would be preferable.**