

**Response to Scottish Government
Consultation Paper on
Development Management**

On behalf of

Mactaggart & Mickel

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1 Introduction

- 1.1 The consultation document and the opportunity to make a considered response to the content are welcomed. The objectives behind the changes are also noted and the acknowledgement that one of the prime objectives is to provide “*new inclusion measures*”. The report confirms that the concept of “*third party right of appeal*” at the end of the planning application process was seen as a non-effective route to enable local communities to influence development proposals and risked “*a significant barrier to the timely consideration of many much needed developments.*”
- 1.2 However, it must be acknowledged by the Scottish Government that, in promoting the aims and objectives in this consultation paper, there is conflict with other Government policy objectives. Advancing the desire to provide and increase in the annual number of new homes built over the next 10 years from 25,000 to 35,000 homes in tandem with the current development plan situation but using the new Development Management Regulations (DMP) is likely to lead to conflict.
- 1.3 For example Schedule 1 of the new Regulations refers to the “development plan” and to the pre-application consultation provisions for developments for over “**5** houses (including flats)”. On the basis that a significant amount of the land that would require to be allocated for the additional residential provision is not yet identified in an approved development plan, the provisions of this Schedule would be activated.
- 1.4 This potential for inter-policy conflict in matters of planning is an issue that must be addressed by the Scottish Government if future confusion is to be avoided. A recurring theme in the consultation papers issued to justify the proposed changes is that there is currently confusion and uncertainty on the part of parties using the planning system. It is respectfully suggested that the changes may not have the desired effect and that in attempting to make the system more “user friendly” the other objective of making it more efficient and speedy is likely to be lost.
- 1.5 The impression, from a developer based perspective is that it will, to misquote Lord McCluskey’s prediction for Human Rights legislation, provide a field day for objectors, a pain in the neck for local authorities and developers but remain “*a goldmine for lawyers*”.

2 Enhanced Scrutiny

2.1 Pre-application consultations (PACs) with local communities.

Q1: The context of this related to the perceived difficulties in judging quickly whether a proposal is a “significant departure” from the development plan. From the text in paragraph 2.6 of the paper it notes that Schedule 1 “*seeks to identify clear cut instances where proposals are likely to be significant departures from the development plan*” and that these should be subject to PACs with local communities. It fails to do this.

- 2.2 Column 1, sections 2 and 3 of the schedule refer to uses but it is unclear whether the reference to residential accommodation encompasses all type of residential accommodation in the Use Classes (Scotland) Order. This should be made clear and should specify one particular Use Class or all.
- 2.3 Section 4 should specify if it is private or public open space (e.g. open space associated with educational establishments but not playing fields).

Q2:

- In the second column the use of the term “all development” could confuse in that it fails to recognise that there are categories of development that are permitted by development Order. As the whole objective of the changes is to reduce confusion in the minds of the public and some of the administrators of the planning system in local authority management, it is important that this distinction is clearly marked. It is recommended that the words “all development not permitted by development order” might be substituted in the second column. It would also remove the position that anyone in a greenbelt location would effectively have a prohibition on **any** development.
- The reference to a proposal to “**extend**” the type of development referred to in column 1 should be clear if the 2500 sq. m refers to an increase in internal floorspace or a physical extension of a building. It is also suggested that there a few if any development plans that specifically propose the sort of development referred to in 2(b) and, unless it can be made clearer why it is required, its inclusion is questioned and could be removed.
- It is recommended that the threshold of over “**5 houses or flats**” as the basis for triggering PAC with local communities is far too low, especially if the avowed objective of the Scottish Government is to accelerate the provision of new housing in Scotland. As noted earlier the relationship between the timetable in identifying the land sought in the Firm Foundations document and the development plan approval could delay matters significantly if the “5+ homes” criterion is adopted. This is especially true if there are areas that the local authority are promoting for residential or other uses on greenbelt areas but where the approved/adopted development plan has not yet caught up with these ambitions.
- It is also the case that the introduction of the “**5 houses or flats**” limit would impose an administrative burden on the Local Authority departments. These, in turn, would lead to a demand for more resources and additional costs to be recouped in fees. Developments of this scale could have a higher likelihood of becoming non-viable once additional factors are incorporated (school/transportation/other infrastructure contributions) and result in abortive work for Local Authority officers when their resources should be concentrated on projects that are more likely to be pursued to a conclusion.
- The additional enhanced scrutiny measures will result in a longer planning application process therefore it is essential that planning authorities have the resources to deal with applications in an efficient speedy manner when lodged.

2.4 PAC : Screening for PACs

Q3: the issue should be a matter of what is required to make an informed reply to a consultation rather than collecting information for the sake of it. The process could lead to delays in the processing of planning applications unless some balance is struck because it introduces another layer of bureaucracy into the system. More guidance is required on how this would actually be implemented and still meets the objective of speeding up and making the system more “user friendly”.

It is crucial that development plans are kept up to date as intended by the Planning Act to allow the applicant to offer an accurate view on whether or not the development is one which the development plan proposes should be carried out at the site.

- 2.5** **Q4:** 21 days seems to be an adequate period for the Local Authority to respond. If it were any shorter there may be a temptation for Local Authorities to ask for additional information for “comfort” and any longer it would simply add to the inherent delays of the planning system.

However, the regulations state that the “planning authority has powers under new section 35A(6) to request further information where necessary to provide a view”. The ability of the planning authority to ‘stop the clock’ on the allocated 21 days has the potential to cause serious delays. Particularly where a planning authority is under-resourced, the request for further information could be used to buy extra time to come to a decision. It is understood that the Scottish Government intend to produce further guidance in this regard but it is crucial that the regulations for pre-application screening do not cause additional delays.

Furthermore, it is noted that the regulations refer to 21 days and not 21 working days. This is not supported.

- 2.6 **Q5:** Regulation 7 requires notification to be made to community councils however not every area has an operating community council and it is unclear if there is an alternative body on which a pre-application notice (pan) must be served. Some community councils are “dormant” and perhaps organisations such as local Tenants Associations closely associated with the location of the application site could be an alternative body. Some guidance is required on this issue.

The need to provide the planning authority with this detail is accepted. Concerns are raised about the order with which the intended process follows.

An applicant must submit a proposal of application notice with consultation details and then has 12 weeks to carry out the consultation before the application can be submitted. However the planning authority has 21 days of the 12 week period to then come back to the prospective applicant and ask them to carry out further consultation. This has the potential to cause delays as it is likely by this time the applicant would have already gone some way in the planning and arranging of consultation events which may then have to be amended. To prevent the applicant wasting time and money on organising inappropriate consultation exercises it is likely that they will wait until after the 21 day period before planning consultation exercises to ensure the planning authority does not request changes.

To prevent the 15 week period before the application can be submitted lengthening further, it is suggested that the list of those to be notified and consulted by the applicant should be presented by the planning authority along with the view of the pre-application screening notice.

The draft regulations suggest that the Scottish Government would “expect” planning authorities to develop lists of local bodies and interests with whom applicants should consult in particular cases and that these should be made available to prospective applicants. This needs to be strengthened and it is argued needs to be more than an expectation on planning authorities. To ensure consistency and provide clarity to prospective applicants the regulations should insist that planning authorities develop the suggested lists and make them available with the pre-application screening view. The prospective applicant can then use the list to ensure they target their consultation exercises correctly and state these intentions in their proposal of application notice, thereby saving time and unnecessary confusion.

- 2.7 **Q6:** In relation to the additional bodies that the Local Authority may specify as recipients of the “pan”, it should be a requirement that the Local Authority furnish the applicant the names, addresses and contact information (e-mail/phone numbers) of these bodies when responding to the notice. It is unclear whether that is the matter being referred to in paragraph 2.18 of the consultation document.

- 2.8 **Q7:** it is questionable if public meetings are a useful forum for discussion and unless properly chaired can become a forum for non-planning matters or even issues unrelated to the subject at issue. Possibly a meeting with a community council or a similar local body and the prospective developer is more manageable and relevant.
- 2.9 Some guidance must be provided on the definition of the expression “in the vicinity of...” as used in paragraph 2.16. It is unspecific and could lead to disagreements between the Local Authority and applicants. It is unclear what sanctions are available to require Local Authorities to act reasonably in requesting additional information. Some guidance is required to ensure all parties act reasonably particularly third parties.
- 2.10 **Q8: PAC reports:** The format of the report should be considered in order that there is a consistency throughout Scotland and thus remove the current trait of each authority having its own individual format, for example, Local Plan responses. A consistent approach would assist but this would be a matter for Central Government to prepare and issue.

It is not agreed that the planning authority should have 21 days from receipt of the proposal of application notice to ask the applicant to extend their planned consultation to accommodate additional groups etc. Instead it is proposed that the regulations are amended to oblige the planning authority to create a list of consultees to contact during the consultation exercises. This should be presented to the applicant along with the view on the pre-application screening notice to ensure the applicant is clear who to consult. The pre-application report will show how the applicant complied with the planning authorities requests.

- 2.11 The content of the document appears to be in the mode of “one size fits all” whereas there are a number of smaller developers or individuals proposing development within the Schedule 1 criteria that the type of report sought by this requirement would create significant difficulties, in particular the arranging of the public meeting(s) element. Some alternative arrangement is recommended to address this aspect.
- 2.12 **Q9:** the classes of development are acceptable but the part of S 37 that needs to be clarified is the use of the term “significantly contrary” and which is the authority that determines it. Some guidance is needed on this if the system is to be understandable and “user friendly”. Simple understandable and clear use of the English language is a pre-requisite of these documents.
- 2.13 **Q10:** No. If the objective is to speed up the process then some limitations must be in place. Parties who did not take the trouble to make representations at the appropriate time should be barred from taking part in pre-application hearings.

It is unsure why the extra phase of hearings is required. It is proposed that developments which are significantly contrary to the development plan should be subject to a pre-determination hearing. However, how an authority can define whether a development is significantly contrary to the development plan or not is questioned. The greatest concern is that such a hearing would just act as an opportunity for objectors to make their opinions known to the committee members without the applicant being given the chance to defend their case. It would seem from reading of the regulations that have been proposed that applicants are not able to appear at these hearings. This is considered unfair.

The draft regulations state that the persons to be given an opportunity of appearing before and being heard by the committee of the authority are those who have submitted

representations on the application. The regulations also state that under new section 38A(3), the planning authority has the discretion to allow other parties to attend the pre-determination hearing. This seems unfair to the applicant and it is argued that it should only be those who made representations that should be heard at the pre-determination hearing.

- 2.14 **Q11:** This is essentially an administrative issue for Local Authorities. However it is unclear what the purpose of the provision seeks to achieve. If there are members of the Council who have not been party to the pre-determination hearing making a decision then it does not appear to have the necessary element of fairness required.
- 2.15 It will also lead to delays given the intervals that full Council meetings occur in comparison with planning committees. It essentially allows an element of “passing the buck” and creates delay and for little or no benefit to the planning process.
- 2.16 The role of the planning committee may appear to be diminished and it also reduces the ability of Members of the Council. In particular it impacts on the ability of Members to take part in any determination under the provisions outlined in the Modernisation of Planning Appeals document where matters may be referred to a Local Review Body. Given the composition recommended for a Local Review Body, it is unclear how this could be construed as a fair hearing under the terms of ECHR provisions.

3 Processing Agreements:

- 3.1 **Q12:** Ideally processing agreements should be in place prior to the submission of an application. It allows the participating parties to know where they stand and confirms what they each have to provide and the timescale in which it has to be provided. It is unclear what sanctions the parties have to “encourage” other parties to the agreement to “deliver”. Some guidance on this aspect would be useful.

Some general concerns about the proposed intentions for processing agreements are as follows.

They cannot be required, only recommended, therefore there is doubt as to why a Planning Authority would voluntarily enter into an agreement if it could be used to demonstrate failings or if it undermined performance in processing applications to agreed timescales. If it is voluntary and therefore non-statutory, then could it constitute a contract? Consideration should be given to pay-back arrangements for planning fees in the event of failure and this could only be enforceable if the agreement has a contract status.

Confirmation is required that the officer in a planning authority negotiating and signing the agreement has delegated authority to commit the planning authority to the agreement and any subsequent milestones/events.

It would be desirable to have Agreements in place as early as possible; the only issue is that the public consultation process may throw up matters which require further work or information to address, but it may be possible to draft an Agreement prior to submission of an application and finalise this between the end of the consultation and the submission of the application. That would require commitment from both the Planning Authority and other agencies at an early stage to timescales and a firm view on the supporting information required.

- 3.2 **Q13:** It would be sensible to have the processing agreement in place prior to the submission of an application unless there are sound reasons for not doing so. If it is necessary to submit the Agreement post application submission then the 28 day target is reasonable. However, there should also be provision to allow for circumstances whereby, by mutual agreement between the Local Authority and the applicants, this period can be reasonably extended or curtailed to, for example, 14 days.
- 3.3 **Q14:** There does not appear to be provision for possible legal agreements (currently S69 or S75 Agreements) or other matters (Road Construction Consents and other infrastructure agreements) in this part. There should be some recognition in a processing agreement of the timescale taken for these agreements to be resolved and where necessary registered.

One concern relates to the ability of all parties to identify a full list of supporting information at the outset, and then resist requests for additional information from various parties as the application is processed. While there is provision in the regulations for a review of the agreement, and there will be circumstances where this is inevitable, there needs to be an end to the present circumstances where repeated calls are made for additional information, changes to layouts and so on. Each such request incurs costs for the developer; it would be incumbent on the public bodies to recognise this at the outset and to agree a comprehensive list of information requirements.

- 3.4 **Q15:** The signatories to any processing agreement should be limited to the planning authority, the applicant and, where appropriate, Statutory Consultees. Introduction of additional parties would simply slow progress.

4 Planning Permission in Principle

- 4.1 **Q16:** The removal of the established reserved matters definition and the introduction of what is essentially a free for all for the local planning authority to introduce additional elements for no apparent good planning purpose causes concern. The changes appear to stem from a notion that the distinction between reserved matters and other conditions “appears to have caused some confusion”. The proposed alterations will cause uncertainty which in turn will delay processing, a main objective of the revision of the whole system. Some guidance is required on this and situations where there are current large scale applications where a phased submission of reserved matters have been agreed. Some protection for these reserved matters applications is required.

5 Content of Application Forms and Validation

- Q17:** Application forms should be standardised through out rather than have every authority applying their own particular “tweaks” to the forms. Their notes for guidance should be written for the benefit of the public and not for professionals and each planning officer irrespective of grade should spend time filling in one of these forms to test how user friendly they are to the public.

- Content of applications for detailed planning permission: It is unclear whether the boundary of an application and the land under the control of the applicant but not part of the application will still require to be shown. The identification of neighbours to be notified is to be the responsibility of the Local Authority. However, although the responsibility for this function is to be transferred, the “comfort” available to the applicant that all of the notifiable neighbours have been notified should be provided. It is unclear from the legislation where the responsibility lies if the Local Authority fails to notify a party and that party applies to have a permission reduced if they can demonstrate that their rights have been infringed. Local Authorities have averred that applications have been invalidated because of failure to correctly notify neighbours. Local Authority departments are not infallible and some recourse by the applicants in cases such as this must be considered. Some guidance on this aspect must be provided.
- The amount of information being sought is extensive and could lead to delays in the processing. There should be some discretion available to Local Authority officers and applicants to establish what information is required and what can be safely shelved.
- Requesting additional information once the process has commenced would add to delay and make the 2 month determination period tight. “Stopping the processing clock” as a sanction against applicants failing to provide the information in good time removes the applicants right to an appeal being deemed within the prescribed period. Given the pre-application discussion it should be established at that stage all the information that is required. If the Local Authority consider additional information is required post submission then the provisions of agreeing an extension of time is negotiable and already provided for in regulations.

5.1 **Q18:** Clear guidance and parameters established and agree pre-application submission. It is important to avoid uncertainty, to avoid repetitious requests for additional information which “stop the clock”, and for all bodies to engage early and fully with developers to ensure speedy processing of applications.

5.2 **Q19:** Planning Permission in Principle Application:

- Delay is inevitable if the development plans that are approved and/or adopted are not up to date. The Scottish Government is actively encouraging the provision of additional housing land releases to construct the units sought in their Firm Foundations document. To meet this it is likely that the current crop of development plans and their likely shelf life before the new system is in place is limited. On that basis any applications to meet the objectives of the Government will be speculative albeit by default. Clear guidance is needed from Ministers on that aspect.
- It should also be made clear what legal status the “design and access statements” have in the planning process. It appears to suggest why a detailed application is not submitted in the first instance. If the development plan is up to date then an applicant should be confident then the Principle is, or should be, a foregone conclusion. Setting aside the position that objectors to a Local Plan failed to have their views adopted and might still use this and the detailed process to object, it seems that there is an issue to be addressed here.

- Within one month of receiving the application the Local Authority can ask for additional information in terms of statements and other matters to the extent that the application is effectively a detailed one. Is there a point to this? The level of supporting information should have already been resolved at pre-application and public consultation stage, and through a processing agreement if appropriate.

5.3 **Q20:** Reserved matters specified in conditions.

- 5.4 It is unclear whether this is essentially a “box ticking” exercise or something that requires consideration of the qualitative content of the material requested and submitted. It is important that the period when the application is validated is clear and unambiguous. It is respectfully suggested that the objective behind all of the legislation and advice should be to improve the quality of the decision making process and not the achievement of timescale targets set by Ministers against which Local Authority planning department’s “performance” is measured.

6 Design and Access Statements

- 6.1 **Q21:** Option 2 is preferred. However, there are fundamental concerns about the lack of skills within planning authorities to deal with design issues and assess design statements. Similarly, the resources do not appear to be available to augment these skills.
- 6.2 **Q22:** This should be considered on an individual application basis. This could be an aspect that could be dealt with via a section in the regulations.
- 6.3 **Q23:** How are “access panels” to be constituted, organised and what their powers are to be is unclear. If the implications are that a further informal and unaccountable body is being introduced into the determination process of an application then it will lead to delay. If they are introduced then their role must be limited and time constrained and not used as a device to extract unreasonable and unacceptable requirements for matters controlled by other pieces of legislation.
- 6.4 **Q24:** Design and Access Statement (DAS) should only need to be a document to accompany an application where necessary and should not be a qualitative assessment of a proposal. Some clarification of what is required should be provided in the regulations.
- 6.5 **Q25:** A Local Authority administrative matter that should not delay consideration or determination of an application.
- 6.6 **Q26:** It is submitted that the amount of information that is already available to the planning system via the proposed requirements is sufficient and additional “information” would most likely be superfluous.

7 Neighbour Notification and Publicity for Applications

- 7.1 **Q27:** The proposal on service of neighbour notification seems excessive. In many cases neighbours will be contacted in relation to the proposal at the pre-application stage as well as the neighbour notification stage. In the case of planning permission in principle, neighbours will be notified about the application at the pre application consultation stage,

on submission of planning permission in principle and at the approval of matters specific to conditions. This level of consultation is excessive and inappropriate

The proposal to transfer neighbour notification responsibility to the planning authority is supported but this must not lead to delays to the determination process.

7.2 **Q28:** Yes

7.3 **Q29:** Yes but provided that this does not delay the process and involve additional expense to the applicants. The proposed approach of keeping people informed of PPP and approval of matters specified in conditions may cause unnecessary delays.

It is unclear what will happen in cases where someone that was previously notified moves properties over the course of the determining period. This must not be allowed to delay the determination of a planning application.

7.4 **Q30:** Yes. It would also be useful if, as a matter of practice, any notes for guidance illustrated the criteria.

7.5 **Q31:** Whilst site notices have a role to play in keeping the public aware of planning application it is unclear why a Local Authority whose development plan it is would have any difficulty in assessing whether a proposals is a departure for the plan (para 7.14). If the Local Authority cannot readily identify “from the outset” whether a proposal is a departure from the development plan, the planning system is in serious trouble.

The discretionary use of a site notice is likely to result is Local Authorities using it in every circumstance to be safe. This is unnecessary and clear guidance on the application of site notices and local adverts would be more appropriate.

7.6 **Q32:** Yes but could adequately be dealt with at the neighbour notification stage.

8 Lists of Applications

8.1 **Q33:** Advertising the list and then charging the applicants is not acceptable; the submission fee should incorporate this element. The content of the notice is in the “too much information” category. If those members of the public or organisations are interested in applications there are numerous avenues they can use to find out the facts and content. Too much information is as bad as too little and the essence must be to achieve a balance. This appears to be a notification too far.

8.2 **Q34:** The effectiveness of advertisement of the availability of the list in a local newspaper on a monthly basis will largely depend on the newspaper that is chosen and the area in question. For example, in a large city like Edinburgh or Glasgow it will be harder to get a newspaper that is read by the majority of the population.

9 Statutory Consultees

- 9.1 **Q35:** Whilst the list of consultees is considered sufficient the provision of responses from the consultees should be more rigorously enforced. If a consultee has not responded within the prescribed period it should be deemed that they have no objection and the Local Authority can determine the application. The requirement for consultation responses should not be treated as a device by the consulted authority to delay matters whilst they are assessing their position.

Concerns relate to instances where objections, such as those received from a community group, indicate a requirement to change to the design and layout. This must not result in a requirement to begin the 12 week consultation period again. This point is also relevant where the planning authority makes changes to the design and layout or where market forces require a change to the mix of house types. It would cause unacceptable delays to the developer if the determination process had to start from the beginning in such instances.

Major consultees (e.g. SEPA, Scottish Water) should have to comply with the requirements or face sanctions if the progress of determining an application is unreasonably delayed.

10 Time Periods for Decision:

- 10.1 **Q36:** Given that all of the information required will be “front loaded” it is unclear why the period for determination should be extended to 4 months. Regulation 29(8) provides an option to the parties to extend the period of determination (with the ability of either party to decline). However, concerns arise that the 4 month period may be extended much further where the Local Authority uses the ‘stop the clock’ function. Planning authorities must take all reasonable measure to determine applications within the 4 month period and ‘stop the clock’ must only be used in exceptional circumstances. The 4 month period would not be appropriate for sites that fall under the category of development plan departures, unless they are national or major developments.
- 10.2 The reduction of the appeal period from 6 to 3 months was tried in England and was deemed to be too difficult to maintain. It is unclear why this matter is now being foisted on the Scottish planning system and the consultation paper provides no sound, clear cut reasons for this.

11 Decision Notices, Reports of Handling and Registers

- 11.1 **Q37:** The level of information provided in the decision notice seems unnecessary and may have repercussions if the planning authority fails to include sufficient justification for a decision. In practice such requirements are likely to result in large volumes of information being attached to the report to be safe. It is likely that, planning officer will be reluctant to interpret a committee report for fear of misrepresentation.
- 11.2 **Q38:** The requirement to provide all parties who made representation on an application to be furnished with a copy of the decision notice is an unreasonable provision. It may be sufficient to serve the notifiable neighbours with a copy, the Local Authority already having these to hand and to notify the others making representations that a copy of the decision may be accessed on-line.
- 11.3 **Q39:** Most Local Authorities prepare their Committee reports in a form that provide the information sought. In situations where the determination is delegated the reports tend to be a bit sparse. The format adopted by the City of Edinburgh council provides the necessary information and could serve as a template to other authorities.

The report of handling may require a lot of information that may not be appropriate, particularly for minor applications. This may delay the determination process.

11.4 **Q40:** See above

12 Bad Neighbour Development

12.2 **Q41:** An alternative to “*Bad Neighbour Development*”? Perhaps “*Proposal With Potential for Negative Impact on Immediate Land*”)

12.3 **Q42:** Instead of “Nightclub/Public houses” the term “licensed premises” as that would cover licensed restaurants, shops with licenses for sale of alcohol etc. and other places that require a license (betting shops etc.).

13 Miscellaneous Issues

13.2 No comments

14 Control of increase in Gross Floor Space – Mezzanine Floors

14.1 **Q44:** No

14.2 **Q45:** No

14.3 **Q46:** It would make it clear and remove any dubiety about the basis for the figure.

15 Transitional Arrangements & 16 Concluding Remarks

Q47- Q49: No

Appendix

List of Consultation Questions.

- Q1: Do you agree with the proposed categories of development to which the requirements for pre-application consultation apply?
- Q2: Do you have any comments on the thresholds in Schedule 1 of the DMR on pre-application consultation?
- Q3: Is the information required in a pre-application screening notice sufficient?
- Q4: Is 21 days a reasonable period for authorities to respond to a pre-application screening notice in all circumstances?
- Q5: Do you agree with the proposed content of the proposal of application notice?
- 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?
- Q7: Do you agree with the minimum statutory requirements for pre-application consultation in regulation 8?
- Q8: Do you agree with the requirements on the content of pre-application reports?
- Q9: Do you support the classes of development which will be subject to pre-determination hearings?
- Q10: Should the opportunity to be heard at a pre-determination hearing be extended to other parties beyond those who made representations?
- Q11: What arrangements would need to be made to convene full councils to make these decisions?
- Q12: Do you support the view that processing agreements should be in place before submission of the application?
- 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?
- Q14: Do you agree with the suggested components of a processing agreement?
- 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?
- Q16: Do you support the proposed approach to Planning Permission in Principle and approval of matters specified in conditions?
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- 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?
- 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?

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?

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

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?

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

Q23 How can access panels be used most effectively in considering design and access?

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?

Q25: What role can local authority access officers play in assessing the access element of statements?

Q26: What information do planning authorities and communities need to ensure a thorough and robust assessment of the design and access statement?

Q27: Do you consider the proposals on service of notice to neighbours to be appropriate?

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?

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

Q30: Do you support the proposed definition of neighbouring land?

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

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

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

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Q34: Is the advertisement of the availability of the list in a local newspaper on a monthly basis appropriate?

Q35: Do respondents have any views on the list of statutory consultees and the criteria for consultation?

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

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

Q38: How should planning authorities best manage the potential burden of ensuring those who made representations are advised of the decision?

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?

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