

**MODERNISING THE PLANNING SYSTEM: DEVELOPMENT MANAGEMENT
CONSULTATION PAPER FROM SCOTTISH GOVERNMENT**

RESPONSE FROM ARGYLL AND BUTE COUNCIL – 18 APRIL 2008

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

Response to Q1:

The proposed categories of development are acceptable, providing that Scottish Ministers agree to the “regional variation” between “urban” and “rural” authorities within the planning hierarchy for major developments, which was forwarded in respect to the consultation response on the “planning hierarchy”.

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

Response to Q2:

The general headings within Schedule 1 are acceptable, however, the need for a specific “proposal” within the development plan rather than a “provision” is unacceptable and would result in the need for pre-application consultation for relative minor developments. Specifically, unless the schedule substitutes the word “proposal” for the word “provision” in category 2 and 3 of Schedule 1, pre-application consultation would be required, for example, for a change of use of a house to a small shop serving the day to day needs of a local community in a housing estate (but not a hot food shop). More importantly the proposed schedule would require statutory pre-application consultation for more than five houses on an infill site, brown field site or wind-fall site within any settlement.

Similarly, it is proposed that “all development” in the green belt would require statutory pre-consultation which would imply statutory pre-consultation for even minor householder development. The above situations are clearly unacceptable and would result in statutory pre-consultation for relatively minor developments. It is therefore essential that householder developments be excluded in the green belt and the word “proposal” is substituted by the word “provision” in categories 2 and 3 of Schedule 1.

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

Response to Q3:

As there is the provision for a planning authority to seek additional information if required, the information suggested is sufficient.

Q4: Is 21 days a reasonable period for authorities to respond to a pre-application screening notice in all circumstances?

Response to Q4:

Generally the period of three weeks to respond is acceptable although there could be issues relative to public holiday periods and it is recommended that the proposed three weeks be referred to as 15 working days to allow for public holidays.

Q5: Do you agree with the proposed content of the proposal of application notice?

Response to Q5:

The proposed content of the notice is generally acceptable, although the notice should also include a certificate to state which Community Councils and which “owners and occupiers of neighbouring land” that the applicant intends to notify and when. There should also be a neighbour notification plan.

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?

Response to Q6:

It needs to be made clear that the requirement to notify the relevant Community Council(s) and neighbours in the case of pre-application consultation is the responsibility of the applicant, otherwise this would be a further unacceptable burden for planning authorities, and a standard certificate should be included in the regulations for this purpose. Additionally in order to try and prevent “material amendments” to applications (which would require a fresh planning application) and the need to start the pre-consultation process from the start (ie. a 12 week notice), statutory consultees should also be included in the list of persons/organisations to be consulted and a copy of their response included in the ultimate application. Failure to include the statutory consultees could require significant alterations to a proposal at the application stage (to take account of access, SuDS or flood risk for example). This would then require a new application and presumably new community consultation and notices etc. The regulations need to make it clear that if a “material amendment” requiring a new application is needed during the processing of the application that the process needs to start from the beginning, including community consultation etc. Without having to

start at the beginning again in such circumstances, it could be claimed by the original persons notified that the eventually approved scheme was not what they agreed too. Such a circumstance could result in maladministration claims against the Council.

Notwithstanding that this could lead to serious delays, without this requirement the whole principle is of pre-application consultation is undermined.

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

Response to Q7:

The minimum statutory period appears acceptable, however it is considered that statutory consultees should be included in the “pre-application consultation” and as such their views should be sought in order to confirm that they can deliver in the prescribed period. Additionally there is a case to reduce the period from 12 weeks to say 8 weeks (to avoid undue delay) in the case of a “material amendment” to an application already under consideration which has already been the subject of “pre-application” consultation. It should also be made clear in the Regulations that any “material amendment” to the application is likely to require a new planning fee.

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

Response to Q8:

The power to decline an application if it does not include the required information on the process is inadequate or the process is inadequate is to be welcomed. It is however recommended that the Scottish Government prepare guidance on the actual requirements together with standard pro-forma. This would provide for a degree of consistency between Scottish Councils.

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

Response to Q9:

As the proposed hearings as are being aimed at “significant departures” and “EIA” developments and in order to avoid confusion over what constitutes “significant”, the cases in question should simply be those included in “Schedule 1” pre-application consultation. This would provide consistency between the processes, particularly with regard to what constitutes a significant departure to the development. It is noted that Ministers consider Schedule 1 to represent significant departures to the development plan (ref. consultation paper, para 2.6). Furthermore, there should

only be a requirement for a hearing where there has been a “substantial” body of objection. Whilst the definition of what constitutes “substantial” is normally left to individual Councils, a definition should be included in the regulations or the proposed “model code of conduct”. In this regard it is suggested that substantial should be letters from 20 or more individuals that raise a material planning consideration. Guidance should also be given on how pro-forma letters, e-mails and petitions contribute to the final definition of “substantial”. It is also considered essential that the “model code of conduct for hearings” be provided in advance of the regulations and includes clear advice on the above. This will provide consistency between Councils, reduce complaints and provide a baseline for potential maladministration claims, relative to when hearings should be undertaken (or not).

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

Response to Q10:

The opportunity to be heard at a hearing should be restricted to those who made representations on the application (or their advisers). To allow persons who did not make initial representations would add to confusion and potentially add to delays at hearings, unless their attendance was critical to determine a material consideration in a role as an expert witness.

Q11: What arrangements would need to be made to convene full councils to make these decisions?

Response to Q11:

Whilst this arrangement is likely to affect a relatively small number of applications, by definition these are likely to have the greatest economic impact (EIA development in particular) and any unnecessary delays are expensive and offer no added value. To add an additional layer of decision making will only result in delay and frustration where no added benefit would accrue. The full Council will not be fully trained in the new regime (which at Ministers suggestion should be targeted to a single highly trained committee) and this would lead to a review of a decision made by an expert group by those no longer involved in the process. This clearly contradicts Ministers position in terms of concentrating resources and expertise to a single Committee.

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

Response to Q12:

If a processing agreement has to have any weight and substance it must be a place before the submission of the application. This is particularly necessary as a key component of such an agreement would be what is required for the application, together with the agreed pre-application consultation with consultees.

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?

Response to Q13:

Any processing agreement entered into after validation would have little weight or benefit, particularly if consultees had not been consulted during pre-application consultation and their views taken into account in the actual application.

Q14: Do you agree with the suggested components of a processing agreement?

Response to Q14:

Keeping a process agreement simple and straightforward is essential to their success and in this regard the key headings and suggested template is acceptable.

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?

Response to Q15:

It is considered essential that statutory consultees, with the exception of Community Councils, be included in the process agreement in order to ensure that all the technical information required has been identified as part of the pre-application agreement. Thereafter it is essential that the statutory consultees respond within the agreed timetable. Inclusion in the processing agreement should be restricted to the "technical" consultees only, in order to provide advice on the technical aspects of a proposal and what will be required in order to give a concise consultee response. Whilst not part of the question, the issue has been discussed about fee returns if an agreement is not complied with. As there can be no statutory basis for authorities to enter into such agreements, such a penalty would be a disincentive to discuss the possibility of a processing agreement and planning authorities are more likely to decline entering into such an agreement. Similarly, the penalty is

one-sided only, what penalties would apply to developers who did not comply with the agreement, would they be required to return the planning authorities time already taken up in drawing up the agreement at an agreed hourly rate be appropriate. Similarly what would the case be if statutory consultees did not comply, would the consultee return the planning authorities time at an agreed rate and the return the planning fee to the applicant be appropriate?

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

Response to Q16:

There continues to be some confusion between reserved matters and general conditions. However, it is suggested that this relates more over terminology rather than what requires further approval ie. terminology such as reserved matters approval (not consent) or application for outline planning permission (not permission in principle) etc. rather than what actually needs consent. The removal of “outline planning permission” and its replacement with “planning permission in principle” will reduce confusion, however conditions attached to planning permissions in principle will need to be carefully considered to avoid unnecessary applications.

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

Joint Response to Q17 & Q18:

It is considered that minimum requirements for a planning application need to be specified in regulations and that the prescribed plans and drawings detailed in the consultation paper be considered the minimum. Such an approach would improve consistency, improve the quality of submissions, improve the speed of validation and set the minimum standards that the public can expect. Most importantly it would remove any doubt from potential applicants/agents on what the minimum quality of submission is required. This would save considerable time, effort and expense by constantly going back and forward to agents during the validation process. This without a shadow of a doubt will improve quality throughout Scotland. In order to overcome any “misunderstandings where the specific statutory requirements fall short of the information needed to determine the

application”, this can simply be overcome by including in the regulations “any other plans or assessments as may be required by the planning authority”. Similarly the proposed regulations 15 and 28 (regarding further information) would also satisfy any particular shortfalls in the prescribed plans and drawings. There is also a clear case for allowing planning authorities to “stop the clock” when formal requests for information is made under the terms of regulation 15 or 28. This would provide a much better and accurate performance report as it would not penalise planning authorities for essentially poor submissions by applicants. It would also focus the applicants attention to provide the information and prevent unnecessary appeals in terms of “ non-determination”, or forced refusals.

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?

Response to Q19:

As with an application for detailed planning permission it is considered that the regulations should prescribe the minimum standard of plans and drawings) and in terms of Planning Permission in Principle (PPP) this should relate to the location plan and site plan requirements specified in the consultation paper para 5.3. Thereafter the provisions for requesting additional plans is acceptable. As is considered the case with prescribing the plans and drawings for detailed planning permission, this will improve consistency, improve the quality of submissions, improve the speed of validation and set up the minimum standards expected by applicants. This is particularly relevant to PPP where there can be a tendency for applicants with little experience of planning requirements submitting applications with simple “red line” plans.

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

Response to Q20:

The statement made in the consultation paper in para 5.18 (validation should be treated as an administrative check that information required by statute has been included) clearly contradicts the processes required for pre-application consultation reports, particularly paragraph 2.20 which states “where a planning authority judges that the applicant has not complied with the requirements on pre-application consultation, the planning authority MUST decline to determine the application” and thereafter giving the reasons for rejection. It also contradicts the requirements associated with access and design statements dealt with later in the paper, where

initial assessments at the validation stage cannot simply be written off as “quantative” rather than “qualitative” (consultation paper, para 6.30) as to do so significantly undermines their function and purpose. This clearly requires that an application must be made invalid in certain prescribed circumstances and as there is a judgement involved requiring reasons, it simply cannot be simply written off and considered a “relatively straightforward administrative check”. The requirements for a minimum standard of plans and drawings, together with the statutory requirements and associated judgements laid out above clearly lifts such a validation check from simple administration to complex technical. This distinction cannot be under-emphasised if statutory requirements and judgements are to be made and certain minimum standards required in the submission of a planning application.

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?

Response to Q21:

Design and access are material considerations in the assessment of a planning application, albeit, that the material weight given to each can vary from application to application. The key to when a design statement is required must therefore be weighted against what added value it will give to the application process. Such added value is not restricted to solely national and major developments. It is often the case that a design concept surrounding a proposal is not immediately apparent, even in relatively minor applications. Seeking clarification can lead to wasted resources on seeking information on principles and concepts that have been applied and how issues relating to access (including for the disabled) have been dealt with. It is therefore considered that Option 1 be recommended as to when a statement will be required in statute.

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

Response to Q22:

Design statements are considered to be required in all instances referred in response to Q21 above. With regards to an access statement it is considered that this can be restricted to those buildings and land uses where access for the general public is allowed to part or all of the development site. It is considered that any access issues with regard to buildings and land uses not intending any general public access or the internal layout of any

building can be better considered under building standards legislation.

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

Response to Q23:

It is considered that local access panels which do not cover all of Scotland and contain essentially volunteers are unlikely to have structures to deal with planning consultations in an efficient manner (ie. within 14 days of their receipt.) It is suggested that access panels would be most effective in terms of development plan policy preparation. In terms of development management the most effective role would also be in producing in consultation with development plan units "supplementary advice and guidance" on design and access (for access through a development only and not in terms of internal aspects to any buildings). This supplementary guidance could then be referred to in the access statement prepared by the applicant (and include if necessary a response from the access panel). It would be relatively straightforward to check that the approved "supplementary guidance" had been complied with.

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?

Response to Q24:

As indicated in the response to Q20 design/access statements, particularly where they are required by statute cannot be written off as a simple administrative quantitative procedure. The initial validation procedure needs to include a "qualitative" judgement. Without such a qualitative judgement at validation stage, this would undermine both the value and function of the statements and does not do them justice. Particularly with regard to access statements there needs to be a clear policy and national guidance (with detailed design requirements) in place prior to any statutory requirement for access statements being introduced. In regard to design statements, the national advice contained in PAN 68 should be reviewed prior to introducing statutory requirements. Without clear and precise national advice prior to the statutory requirement for design/access statements, it will lead to frustration and delays in an already overburdened planning system. It could also lead to legal challenge as it could be claimed "access" was not given the weight it deserves.

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

Response to Q25:

By extending local authority access officers role to include consultation on planning applications has clear resource implications. It is also likely to extend decision making times. Also there is the potential conflict with SPP1 which advises that access is better deliver through building standards. In terms of the issues involving access through a development, this is best done by “development plan supplementary guidance”, which is given a clear lead from new national advice on access statements.

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

Response to Q26:

As indicated in response to Q24 any statutory provision for design and access statements cannot be introduced until there is a clear policy and guidance framework from the Scottish Government. Such advice should also include detailed “supplementary guidance”, particularly on disabled access (after full consultation with the relevant access panels) which can be used in the assessment of applications. Without such detailed advice and guidance, delays and frustrations will be built into the process and realistic expectations (particularly those of local access panels/groups) will not be met or there will be significant variations between authorities.

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?

Joint response to Q27 & Q28:

Given the reluctant acceptance of neighbour notification passing to planning authority the proposals to simplify notification to a single notice, regardless if it is a domestic or non-domestic property is to be welcomed. Such a move will minimise cost and reduce delay. The increase in the time period for response of representations from 14

to 21 days is unlikely to impact in any significant way on performance.

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

Response to Q29:

It is considered onerous that any person making a representation on an application for PPP, should be formally notified by the planning authority in relation to an application for approval of matters specified in condition. In cases where PPP have attracted significant objections, the costs associated with notifying, in many cases hundreds of postal addresses or e-mail address will greatly exceed the relative small increase in fees proposed to cover costs. This is especially true if an applicant decides to submit a number of applications for approval of matters specified in conditions. Such a two-tier system should not be introduced and neighbour notification should be restricted to its sole purpose – neighbour notification and not be extended to “representee” notification. As indicated such a move is both onerous and unreasonable and significantly exceeds the purpose of neighbour notification ie. as specified by Ministers “neighbour notification is the formal means by which local people with an interest in land or property are directly notified of a planning application relating to a neighbouring site (consultation paper, para 7.1). No where in this “definition” is there any mention (or need) to notify many hundreds of representees who may not be “local” and who will not have an “interest” in the “neighbouring development site”.

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

Response to Q30:

The simplified definition of neighbouring land is to be welcomed although clarification should be included regarding “if the boundary of the land for which the development is proposed” relates to the actual land below where the “development” will take place or if it is intended to refer to a wider planning unit, for example, if an extension is proposed to a dwellinghouse and the application site is drawn solely round the proposed extension, which so happens to be 21 metres from any of the dwellinghouses ownership boundaries, no neighbour notification would be required, or is it intended that the “boundary of land for which the development is proposed” is the

curtilage or the land within the same ownership boundary these may not necessarily be the same.

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

Response to Q31:

The simplification of advert types and the ability to recover costs for “departure” adverts is to be welcomed, although it is suggested that every application should be advertised regardless of “type” of application. This would remove any doubt or challenge over when an application should be advertised. Advertising every application would very much simplify an overly complex procedure for applying for planning permission. However, the introduction of “discretionary” site notices should be avoided as such an open ended provision could lead to unwanted challenges and maladministration claims. Any requirement for site notices must therefore be statutory and prescriptive (if required in the first place).

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

Response to Q32:

As agricultural tenants have a clear interest in the land (unlike many individuals making representations on an application for PPP) it is reasonable that a planning authority formally notify them of the detail of an application providing that their name and address is given in the relative certification.

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

Response to Q33:

It is considered that publishing the list on the Council web site in public libraries together with having it available at a Council’s principle office in adequate. Advertising list in newspaper (particularly monthly) would be too onerous.

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

Response to Q34:

As there is no justification to advertise the availability of the list, it is considered that a simple statement should be incorporated into the proposed Schedule 8 advertisement, advising that a list of all applications received weekly is available from the Council web site, local libraries and their main office. Similarly, to make matters even simpler, all valid planning applications received should be advertised weekly. Essentially, advertising every application avoids countless paragraphs of regulation, which can be open to challenge. Procedures should be open and simple; namely advertise every application.

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

Response to Q35:

The list of statutory consultees is currently considered appropriate and major steps forward, in terms of efficiency, should result from the introduction of e-consultation. However, of significant importance, particularly with regard to Community Council's is the ability of statutory consultees to receive and respond on planning consultations electronically in a timely manner. If this ability to respond in a timely manner and electronically does not exist a consultee should lose its "statutory" designation.

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

Response to Q36:

Given that both national and major development are likely to be the most complex, the extension in time periods is appropriate. However, it should be noted that there will be a number of "local" developments which will be both complex and require some form of hearing and it would be unreasonable to expect more than 80% of "local" developments to be processed within two months.

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

Response to Q37:

The level of information indicated would at first sight seem excessive and not readily required. However, in terms of a "mainstream" application, there are only minor changes which are of some benefit,

namely, the plan reference numbers referred to in the approval and if there is an associated S75 agreement and these are to be welcomed. However, excessive information would include reference to any variation to the original proposal as this would be adequately covered by plan referencing and could if retained result in challenges to decisions on the basis of inaccurate descriptions and lack of inclusion of “variations”. Similarly, in terms of approval of matters specified in conditions, the need to include the reference number of the original application is excessive as any application description should adequately cover this matter.

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

Response to Q38:

It is accepted that good practice should require all those who made representation on a planning application to be notified of a decision. However, this can be resource intensive which can delay decisions on other applications as valuable time is being spent notifying of decisions. Additionally, in cases where there are large numbers of representations, it would be extremely difficult to recover costs from the applicant (this would be on the basis that all the processing costs should be covered by planning fees). Whilst in the case of Argyll and Bute the number of applications receiving “large numbers” of objections may only be in the order of 50 or so per annum, the financial and staff cost is significant. In terms of a possible remedy to notification of decision where large number of objections are received, where a balance is required against “good practice” and “financial and staff resource” the following procedure is proposed. In cases where an application requires a hearing either based in statute or as a result of a local scheme of delegation a single notice is placed in the press and the Council’s web site, advising of the decision and where the basis of the decision can be viewed. This is put forward on the basis that all persons making representations have been notified of the hearing and if they are significantly interested they will attend such a hearing. This would overcome difficulties with names on petitions and “pro-forma” letters.

Where there is no requirement for a hearing (say less than 20 individual representations) then it would be reasonable to notify individuals of the decision and direct them to where a full copy of the decision and associated plans can be viewed and when decided by committee where the committee minutes can be viewed. It is considered that such an approach which requires a letter notifying representees of the decision, only these cases which are not determined by a hearing will balance “best practice” and “resource” issues. Such an approach will also avoid complex fee or pre-decision fee recovery to cover the very significant costs of notifying

large numbers of representees. The issue of cost recovery for such cases cannot be ignored, as administration, paper, envelopes and postage costs are very significant and given that it is the Scottish Governments view that the cost of processing a planning application should be fully covered by planning fees.

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?

Response to Q39:

The information to be included in the report handling is acceptably with one major exception and this relates to the requirements associated with hearings. Whilst the principle of hearings prior to a decision being made is fully acceptable the requirement in regulation for a "report on a pre-determination hearing, including a statement of the main issues raised" is unacceptable. This requirement is unacceptable as it requires the preparation of a separate report to a pre-determination hearing, without any recommendation on the application, which will mean that a committee would essentially need to sit and listen to argument without making any decision. Thereafter a further report, namely, the main committee report would need to be prepared to include a summary of representations and issues raised at the pre-determination hearing and only then include a recommendation which committee could consider. In this regard and as extensive experience has shown, the hearing can be carried out and decisions can be made on the same day. The planning report can include a summary of representations made during the processing of the application and advise how these have been addressed and incorporate a full recommendation taking into account all material planning considerations. This has the advantage of allowing objectors, supporters and Members knowing the planning officers views and recommendation on the application prior to the hearing and allow all parties to examine and expand on their views (against or for the recommendation) and for Members to make a decision when all discussion and argument after cross examination if necessary is fresh in their mind. It is therefore suggested that a report only advise on the need for the hearing. To add this additional layer of two full sittings of a committee to make a decision is unnecessary and will lead to delay.

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

Response to Q40:

Argyll and Bute committee reports essentially contain the required information at this point in time, with the exception of the issues raised in Q39 above. However, what is worthy of highlighting is the issues related to the actual register. The need to incorporate a copy of the actual report, will need significant adjustments to Council computer systems to accommodate this requirement. An “electronic” register is the only reasonable way of meeting the requirement for a report and all information to be placed on Part II of the register within 7 days. It is therefore essential that the e-planning compacts make sure that these requirements can be met electronically and that regulations allow for the keeping of an electronic register only. The ability to keep an electronic copy of a register only, will avoid unnecessary resources being given to maintain a duplicate “paper copy”. In effect without the regulations allowing for an electronic copy of the register, without any need for a paper copy, the additional requirements are not only unreasonable but are unlikely to be able to be provided within 7 days.

Q41: What might be an appropriate alternative name for “bad neighbour development”?

Q42: Do you support the proposed additions and deletions to the list of “bad neighbour developments” and do you have other suggestions?

Joint Response to Q41 & Q42:

The issue is not with the name of “bad neighbour” development or to a lesser degree the list of proposed developments. The key issue relates to the required advert. In this regard and as outlined in responses to other questions it is considered that all planning applications should be advertised, regardless if they represent “bad neighbour” or not. In this regard, the advertisement of all applications will reduce possible challenges on the need for advertisement (or not) for certain applications. If the principle purpose of all the changes when brought together is to increase public awareness of planning applications, then simply, all applications that have been validated in any one week should be advertise. This will draw together a number of advert requirements, allow the advert heading to advertise where any application can be viewed, remove doubt over why an application is being advertised and avoid challenges over why adverts had been omitted. However, above all it is simple, understandable, robust, good practice, avoids any doubt about the validity and receipt of any application and meets the primary objective of increasing public awareness.

Q43: Are there any other uses which you consider should also

be subject to controls on increases in gross floorspace?

Q44: Do you support our proposal to have different approaches depending on whether other increases in the internal floorspace have taken place?

Q45: Do you consider that 200 sq metres is an appropriate level to help achieve the objectives of helping protect town centres?

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

Joint Response to Q43, Q44, Q45 & Q46:

It is not considered that the need for planning permission for mezzanine floors of the proposed scale in square metres is unreasonable.