

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning and Infrastructure
DATE	31 May 2012
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Planning Reform and Consultations
REPORT NUMBER	EPI/12/114

1. PURPOSE OF REPORT

This report summarises a number of consultations on planning reform which are being carried out by the Scottish Government. The consultations ask a number of specific questions on different parts of the planning system. The Council's proposed responses to these are set out in Appendices 1 to 5.

2. RECOMMENDATION(S)

It is recommended that Committee endorse this report and appendices as the City Council's response to the Scottish Government consultations on planning reform.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising out of this report. However, implementation of some of the measures proposed could have positive implications in terms of increasing the efficiency of the planning system as a whole and reducing bureaucracy. The proposed changes to planning application fees are likely to result in an increase in income to the Council, although with an expectation that increased income is invested in improving the planning service. However, until the fee levels are set, we do not know the level of increase.

4. OTHER IMPLICATIONS

There are no other implications arising out of this report. No EHIRA is required as this is a consultation response to the Scottish Government. The Scottish Government has carried out their own equalities impact assessments on the documents referred to here.

5. BACKGROUND/MAIN ISSUES

On March 28, 2012 Derek Mackay, the Minister for Local Government and Planning made a statement to the Scottish Parliament setting out the Scottish Government's proposals for future reform of the planning system.

The Planning Reform Next Steps document summarises the package of proposals which aim to help the planning system reach its potential in supporting economic recovery. The emphasis is on non-legislative measures but legislative changes will be brought forward where necessary.

The key priorities for the next stages of planning modernisation are:-

- promoting the plan led system
- driving improved performance
- simplifying and streamlining processes
- delivering development

As a result, the Scottish Government is seeking views on five consultations.

- Fees for Planning Applications
- Development Delivery
- Development Plan Examinations
- Miscellaneous Amendments to the Planning System
- General Permitted Development Order

This Report summarises these consultations and our detailed responses are set out in Appendices 1 to 5.

Fees for Planning Applications

The first consultation paper discusses a new fee regime for planning applications. The key features of the consultation paper are:-

- Ensuring that fee levels more accurately reflect the resource employed in processing planning applications
- Moving towards one fee covering all aspects of processing, including advertising and providing pre-application advice
- Reducing the fee for the most straightforward classes of application
- Establishing a link between performance and fees.

The overall impact of these potential changes is likely to result in an increase in fee income for planning authorities. Our detailed responses to these issues can be found in Appendix 1.

Development Delivery

In the current climate where public and private sector funding is curtailed, there have been growing issues in relation to the funding and delivery of infrastructure, which is necessary to enable and service associated development. In some cases, the existing processes are struggling to provide the required infrastructure, with resultant impact on the delivery of development.

The purpose of this consultation is to get views on the efficacy of current processes in delivering development; and to invite views on what could assist the delivery of development and infrastructure. It seeks views on the current planning system, delivering development and developer contributions and

discusses some new and innovative approaches to development and infrastructure delivery.

Our detailed responses to these issues can be found in Appendix 2.

Development Plan Examinations

The 2006 Planning Act introduced a series of changes to the procedures for the examination of LDPs. This is bringing some significant benefits. Whereas local plan inquiries took on average 70 weeks, recent plans have taken around 24 weeks. However, the examination of some more recent plans has taken considerably longer (although this was not the case for the Aberdeen Local Development Plan) while the costs of the process are causing concern to planning authorities at a time when budgets are under pressure.

The “binding” nature of reporter’s recommendations is proving to be a source of concern for some planning authorities who see some recommendations, particularly on housing land supply, as undermining the work they have done with stakeholders to the extent that the resultant plan is no longer seen as their plan.

The consultation paper seeks views on the future approach to development plan examinations. It looks at options to improve current practice which are: allowing greater discretion for Councils to depart from the reporter’s recommendations; restricting the scope of examinations; and removing the independent examination from the process.

Our detailed responses to these issues can be found in Appendix 3.

Miscellaneous Amendments to the Planning System

The purpose of this consultation is to seek views on draft legislation for a number of refinements and amendments to the procedures on development management, schemes of delegation, local reviews and appeals.

Views are sought on a number of approaches to making Pre-Application Consultation requirements more proportionate in relation to applications to amend existing planning permissions (known as “Section 42 Applications”) for major and national development.

The Scottish Government intends to amend the current advertising requirements so that:

- a) advertising is not required where neighbouring land is a road or a private means of access to land; or land with no premises which is owned by the applicant or the planning authority
- b) advertising is not required where the application is for householder development and neighbouring land has no premises on it
- c) the separate charging regime for recovering the costs of advertising from applicants (the Town and Country Planning (Charges for Publication of

Notices) (Scotland) Regulations 2009) will be removed and such costs will be met out of fee income, with an adjustment to fee levels to cover this.

There is a proposal for a consultation requirement to consult Network Rail on developments within 10 metres of a railway line or the boundary of railway property.

Current legislation prevents the delegation of applications in which the planning authority has an interest (as applicant or as owner of or having a financial interest in the land to be developed) or which have been made by members of the planning authority. Many applications for relatively minor developments, which would previously have been delegated to an officer for decision, have therefore had to be referred to committee for a decision. This delays decisions and diverts planning authority resources. It is proposed to remove these restrictions.

It is proposed to allow time extensions to local review body cases under certain circumstances and there are minor amendments proposed to appeal procedures and in respect of planning conditions.

Our detailed responses to these issues can be found in Appendix 4.

General Permitted Development Order

Householders can now do more to their properties without the need to apply for planning permission. This consultation is on proposed changes to non-domestic permitted development. It proposes removal of some minor developments from planning controls in relation to the extension and alteration of existing commercial, industrial, retail and warehouse land and premises as well as more scope for local authorities and other institutions to carry out development without the need for specific planning permission. It also proposes that planning controls should be increased over hill tracks. The secondary legislation to bring the changes in to force will be laid in late summer.

Our detailed responses to these issues can be found in Appendix 5.

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;

- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- 13 - We take pride in a strong, fair and inclusive national identity; and
- 15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

Scottish Government – Planning Reform Next Steps
<http://www.scotland.gov.uk/Publications/2012/03/3467>

Scottish Government - Consultation on Fees for Planning Applications 2012
<http://www.scotland.gov.uk/Publications/2012/03/3164>

Scottish Government - Development Delivery Consultation 2012
<http://www.scotland.gov.uk/Publications/2012/03/3965>

Scottish Government - Development Plan Examinations Consultation 2012
<http://www.scotland.gov.uk/Publications/2012/03/3942>

Scottish Government - Consultation on Miscellaneous Amendments to the Planning System 2012
<http://www.scotland.gov.uk/Publications/2012/03/5577>

Scottish Government - Consultation on the General Permitted Development Amendment Order 2012
<http://www.scotland.gov.uk/Publications/2012/03/8498>

8. REPORT AUTHOR DETAILS

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Appendix 1 - CONSULTATION QUESTIONS for Fees for Planning Applications

Question 1: Are there any costs or benefits not identified in the draft BRIA?

This question would best be answered by others.

Question 2: Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA at Section C?

This question would best be answered by others.

Question 3: We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EQIA is attached to this consultation at Section D, for your comment and feedback.

The changes are considered to be proportionate and it is not foreseen that they would more affect one sector of the population more than others.

Question 4: Do you consider that linking fees to stages within processing agreements is a good or bad idea? What should the second trigger payment be?

Aberdeen City Council considers this to be a bad idea. We are unsure how this approach would be consistent across Scotland. An additional level of bureaucracy and additional costs for the planning authority would be introduced into the process. Processing agreements will vary considerably depending on the type and complexity of the development and the internal procedures of each planning authority and thus it would be difficult to apply the second trigger in a consistent way both within each planning authority and across all planning authorities. It is also questioned what would be the fall back position for authorities should the '2nd' payment not be made on time or at all? Would the planning application be put on hold indefinitely? Would the applicant have the right to move for appeal/local review for non-determination?

Question 5: Do you agree or disagree with the proposal that where applications are required because permitted development rights for dwellings in conservation area are restricted, then a reduced fee should be payable?

Agree Disagree

Question 6: Do you agree or disagree with the proposal that there should be a separate fee for renewals of planning permission?

Agree Disagree

Question 7: Do you agree or disagree that the new fee is set at an appropriate level?

Agree Disagree

Question 8: Do you agree or disagree with the proposal that the fee should increase on an annual basis?

Agree Disagree

Question 9: Is using site area the best method of calculating fees for windfarms of more than 2 turbines? If not, could you suggest an alternative?

Yes No

In your response please provide any evidence that supports your view.

Aberdeen City Council does not have much experience in this field, but it is suggested the fee should be based on the 'per turbine' method as there is the potential for the site area to be manipulated so that the fee is a lot less than it may otherwise be, resulting in a fee being paid that does not cover the costs of the processing of the planning application by the planning authority. It is suggested that the fees should be based on the sliding scale fees for dwellinghouses

Question 10: We seek views on our intention to amend The Electricity (Applications for Consent) Regulations, and specifically on the following:

a) Should the fee for applications >50MW be set in line with those <50MW?

Yes No

b) Should the application fee be capped at £100,000?

Yes No

If not what should the fee level be capped at?

No comment

c) Should applications for thermal generation stations incur a larger fee?

Yes No

Question 11: Please list any types of developments not included within the proposed categories that you consider should be.

No comment

Question 12: We would welcome any other views or comments you may have on the contents and provisions on the new regulations.

No comment

APPENDIX 2 - DEVELOPMENT DELIVERY CONSULTATION QUESTIONS

Consultation question 1a: Do you think the current planning system supports or hinders the delivery of development and infrastructure?

- Strongly supports** ✓
- Mostly supports**
- Does not influence**
- Mostly hinders**
- Strongly hinders**
- Don't know**

Please explain why you have chosen your above answer.

Comments We believe that the current system enables Councils to support the delivery of development and infrastructure through the allocation of generous amounts of housing and employment land and any necessary supporting infrastructure in LDPs. Action Programmes can identify up front what the infrastructure requirements are and the potential means of delivering these requirements and this is what we will be doing in our own LDP Action Programme. We are currently progressing Masterplans and planning applications for major sites and this is happening quickly in Aberdeen, and we are welcoming the use of processing agreements to provide greater certainty in the timing of required information and decisions. However, the delivery of development is still dependent on market conditions to some extent and the availability of finance from the banking sector. In Aberdeen planning officers and elected members have been working in partnership with others through the Trinity Group to explore and facilitate solutions to these to support the delivery of development.

Consultation question 1b: What additional measures could be taken to support development and infrastructure delivery?

Comments The UK financial sector is concentrated in London and, to a lesser extent, Edinburgh and it is operating in what is a relatively flat UK property market. Conditions in Aberdeen, however, are more buoyant and demand for office space in particular is high. This has been highlighted in a number of commercial property reports such as Rydens and the Scottish Property Federation. This does not however, seem to be widely recognised and we think this could be holding back the finance of viable projects locally. Whilst Aberdeen will continue to promote itself as a place for doing business, as it has done through the Trinity Group, ACSEF and other mechanisms, we think that more promotion is required from both the Scottish and UK Governments that Aberdeen has the means, the demand and the will to become a major force for the recovery of the Scottish and UK economy if only financial institutions can see that potential and invest in the area.

Sustained investment in local and regional infrastructure is viewed by stakeholders as vital to the long term prosperity of Aberdeen City and Shire and to meeting the strategic priority within the Scottish Government's Economic Strategy of aligning investment in infrastructure and place to ensure sustainable economic growth in Scotland.

In this context, additional measures such as the establishment of a Regional Investment Fund ("RIF") to create a delivery mechanism to support development and infrastructure delivery (with a primary focus on the unlocking of regional economic potential).

Such a RIF could have the potential to operate in a 'banker role', whereby the RIF provides either upfront finance or finance-raising guarantees to facilitate project investment. Alternatively, investment could be wholly or partially repayable, where future income from successful developments could be identified and "recycled" into other projects.

Whilst this Authority is aware that a variation of this proposed Regional Investment Fund theme is operating elsewhere in Scotland under the aegis of the EU's Joint European Support for Sustainable Investment in City Areas ("JESSICA") programme, however due to Aberdeen's relative prosperity it is unable to participate in JESSICA. Therefore we consider it would be appropriate to seek Scottish Government support to establish a complementary Regional Investment Fund for those areas of Scotland ineligible for European Regional Development Fund Priority 3 support.

Consultation question 2: How well do you think the process of seeking developer contributions through Section 75 planning obligations is functioning?

- Process functions well
- Process requires some MINOR changes ✓
- Process requires some MAJOR changes
- Section 75 Planning Obligations is not an appropriate process for securing developer contributions

Please explain why you have chosen your above answer and identify what can be done to alleviate any issues raised?

Comments One of the main delays in finalising Section 75 Obligations is that they are necessarily registered against the property (as against the developer who could sell them on). There are frequently delays in completing Title Deeds through complexities in finding out who actually owns pieces of land. Sometimes this can take months. Providing greater resources for Council's legal services may help this but would not completely eradicate delays. One means of doing this could be to introduce a charge for processing Section 75 Obligations so that more resources could be put to them. Alternatively, developers could be encouraged to try and resolve as many of the title deed issues as possible prior their submission.

Consultation question 3: What additional measures or support could the Scottish Government undertake or provide to facilitate the provision of development and infrastructure within the current legislative framework?

Comments We recognise that the central funding of infrastructure, paid for by central or local government, has its limits in the current financial climate. Nevertheless, it is vital that major committed infrastructure projects such as the Aberdeen Western Peripheral Route, Haudagain improvements and Third Don Crossing continue to be supported because investment in such projects is vital in securing our long term growth and prosperity.

HUB...

Consultation question 4: What innovative approaches are you aware of in facilitating development and infrastructure delivery and what are your views on their effectiveness?

Comments The Strategic Development Planning Authority, Aberdeen City and Aberdeenshire Councils and NESTRANS have recently developed guidance on a Strategic Transport Fund. The Aberdeen City and Aberdeenshire Cumulative Transport Appraisal (CTA) demonstrates that new development across the north-east will have an impact on transport infrastructure and that movements rely on a network of road, rail and public transport with a high degree of interdependency between the two council areas. A package of defined transport projects are identified by the CTA to mitigate the impacts of new development and the purpose of this guidance is to provide a mechanism for securing contributions from development to fund the delivery of this infrastructure. In doing so, this guidance will help deliver the development potential identified in the structure plan and ensure support for sustainable economic growth priorities in Aberdeen City and Aberdeenshire.

The projects include road and public transport interventions in a variety of locations where the cumulative impact of new housing and employment uses is likely to cause increased congestion. By sharing the financial burden widely across the region, no one development will be liable for the cost of a specific strategic project or delayed by its implementation. By being upfront about the mechanism for making contributions, developers will have greater certainty over strategic transport requirements.

The Guidance details who will be expected to contribute, how much the contributions will be, how and when they will be paid and how the contributions will be used. The Guide can be found on the SDPA website; <http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.asp?IID=963&sID=38>

A number of other initiatives have also been undertaken locally to support new development. These include the recently approved Business Improvement District ("BID") in Aberdeen city centre, and the on-going preparation of a business case for Tax Incremental Financing ("TIF") to

support development activities in Aberdeen.

Aberdeen City Council has an active engagement with the North Territory 'hub' Programme and anticipates the 'hub' model of revenue funded infrastructure playing a significant future role in the delivery of community infrastructure facilities in the future.

Consultation question 5: Would you be supportive of the introduction of a Development Charge system in Scotland to assist in the delivery of development and infrastructure?

Yes

No



Please explain why you have chosen your above answer.

Comments We consider this a crude mechanism that may not be directly relevant to all development proposals. It could mean that developers are paying a charge for development in locations with few constraints, such as schooling or roads constraints. On the other hand, developments in highly constrained areas could pay the same charge. This does not seem fair and could be seen to discourage development from areas where there is spare infrastructure capacity.

Consultation question 6: Do you have any information or can you suggest sources of relevant information on the costs and/or benefits to support the preparation of a BRIA?

Comments No comment.

Consultation question 7: We would appreciate your assessment of the potential equalities impact these issues may have on different sectors of the population.

Comments See Question 5. An across the board development charge could discourage development in areas where there is spare infrastructure capacity. Some of these areas are likely to be in areas of multiple deprivation or regeneration areas – i.e. where development is most needed or would be of most benefit.

APPENDIX 3 – DEVELOPMENT PLAN EXAMINATIONS CONSULTATION QUESTIONS

Question 1: How well do you think the examination process is functioning and should any changes be made to the process at this stage?

ACC Response: In the case of Aberdeen's Local Development Plan, we felt that the examination process worked very well, especially when compared with the old system. Under the old system, the time spent between the start of the Inquiry and adoption of the 2008 Aberdeen Local Plan was approximately 28 months. Under the new system it took approximately 8 months. Costs were considerably less under the new system.

Comment is made in the paper that delays under the new system appear to arise because the reporters consider that some plans do not conform with the structure plan or government policy, particularly in regard to housing land. We would argue that it should be incumbent on planning authorities to ensure that their Local Development Plans (LDP) do conform to their structure plans and that full housing requirements are met within their plans (as was the case with the Aberdeen LDP). In addition, the full housing requirements and allowances should be clearly set out and be unambiguous in Strategic Development Plans. To do otherwise is inevitably going to cause problems at Examination and it is in the hands of planning authorities to avoid such situations.

Further potential problems can also be avoided through regular contact and training with the DPEA prior to examination so that both planning authorities and the DPEA are clear about what is expected from each other. This happened in the case of Aberdeen and officers found it very helpful. However, the Examination still generates a huge amount of paperwork and we think that more use of electronic formats and CD's and less hard copy would be helpful, cheaper and better for the environment.

One area which we feel could be re-examined is modifications to the Proposed Plan following the representation period. We would agree that from the Proposed Plan stages, authorities should proceed to adoption as quickly as possible. However, we think that the ability to make possible changes during the examination (through our response to the reporters) should be clarified and made more explicit where these are of a relatively minor nature.

Other than these minor issues we do not favour any major changes to the examination process.

Question 2: If you think changes are needed which option do you support, and why?

ACC Response: We do not favour option 1 whereby reporters can highlight the need for planning authorities to address issues such as housing land

supply at the end of the examination. This would not resolve such issues and provide closure and is likely to lead to further delays.

Allowing Council's greater discretion to depart from reporter's recommendations would be more locally democratic. However, it would need to be made clear that any such changes should not make the LDP inconsistent with the Strategic Development Plan (SDP) or National Planning Framework (NPF), otherwise the LDP could be challenged, or the planning authority could be directed by Scottish Ministers to prepare a new Proposed Plan.

From our recent experience early, effective, engagement greatly helps to overcome concerns that the public may have, although given the nature of the local development process and the direct impact on communities/developers there will always remain objections, and to some extent the Local Authority is best placed to understand these. However, it is important that the Government have a level of input into the content of Plans and maybe a process where the Government can choose to call in the plan for examination if it does not conform to SPP, NPF or any relevant strategic development plan may be of benefit. This process could involve close scrutiny of the participation statement, both at the start of the project and on submission of the plan. However, we are unsure that this would save a great amount of time. It also raises the prospect of different representations being processed differently. It is unclear to us what the implications of this option would be.

One option could be for the Examination to consider Council interest issues only. However, where there is a situation of competing sites, it is likely that other non Council sites could be drawn into the Examination.

Another option would be to consider issues where there are representations of a particular scale – essentially considering more controversial issues only. However, the level at which this is set is likely to be controversial in itself, particularly in cases which are close to any set threshold.

Councils could be allowed to determine which issues are considered at Examination. This is also likely to be controversial and could lead to challenges by aggrieved third parties.

Completely removing the independent examination from the process and having the Council determine the representations is not favoured. Under these circumstances, planning authorities are likely to be seen as judge and jury. Having an independent examination should increase confidence in the system that a fair hearing is available to all. Independent scrutiny also allows a fresh pair of eyes to look at our plans and this should lead to improvements in their quality.

Question 3: Are there other ways in which we might reduce the period taken to complete the plan-making process without removing stakeholder confidence?

ACC Response: In the case of the examination into the Aberdeen LDP, the Council accepted all of the reporter's recommendations. However, we were still required to await a 28 day period for Ministers to decide whether or not to issue a direction in the case of the LDP. We feel that in cases where a planning authority accepts all of the reporter's recommendations, this requirement should be waived and the planning authority should be allowed to adopt its LDP with immediate effect.

Question 4: Do you think any of the options would have an impact on particular sections of Scottish society?

ACC Response: The option of restricting the scope of the examination could see different representations treated differently. We feel that all representations, whether they be from developers, multi-national companies, government agencies or the general public should be treated the same.

Appendix 4 - CONSULTATION QUESTIONS ON MISCELLANEOUS AMENDMENTS TO THE PLANNING SYSTEM 2012

Question 1: Are there any costs or benefits not identified in the draft BRIA?

This question would best be answered by others.

Question 2: Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA at Annex VI?

This question would best be answered by others.

Question 3: We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EQIA is attached to this consultation at Annex VII for your comment and feedback.

The changes are considered to be proportionate and it is not foreseen that they would more affect one sector of the population more than others.

Question 4: Do you agree or disagree with the proposed removal of PAC requirements in relation to Section 42 Applications? Please explain why.

Agree

It is agreed that removing this requirement would make the process more proportionate, bearing in mind that PAC would already have been carried out for these proposals.

It is also suggested that the requirement for PAC be removed from renewal applications, when these are the first renewal of an application. This is because the PAC process would have been carried out just three years earlier.

Question 5: Do you think the proposed changes to advertising requirements are appropriate or inappropriate?

Appropriate

Please give reasons for your answer.

The removal of the requirement to advertise where there are no premises on neighbouring land, where that land is a road, or is owned by the applicant or the planning authority is a sensible change, which will avoid possible time delays and costs. It is considered that no harm would be caused to neighbouring owners by this change.

Similarly, for householder development where there is neighbouring land without premises it is agreed that there is no likely impact on the land through a development of this scale.

Including advert costs within the fee scale will help save on administration costs and is welcomed.

Question 6: Are there further changes to requirements or the use of advertising in planning which should be considered?

Yes

Please give reasons and evidence to support your answer.

It is considered that press adverts in general are of limited value. Any party wishing to regularly check for advertised applications could check with equal ease on-line or at libraries.

Site notices are also considered to be of limited value and effectiveness in some cases and are particularly resource intensive due to the necessity to send out a member of staff to post them on site.

Question 7: Do you agree or disagree with the proposed removal of the restrictions on the delegation of planning authority interest cases?

Agree

If you disagree, please give your reasons.

This would remove many minor, non-controversial applications from the agenda of committee meetings, which is to be welcomed. It is considered that adequate safeguards would exist by the controversial applications being 'caught' by the other triggers in the scheme of delegation.

Question 8: This section proposes a change to allow an extended period for the determination of an application to be agreed upon between the applicant and appointed person where local review procedures would apply. Do you agree or disagree with this change?

Agree

Please explain your view.

It is agreed that this a sensible amendment to allow the system to be more flexible. There are no disadvantages foreseen. This would also be consistent with the arrangements for major and non-delegated applications.

Question 9: Do you agree or disagree with this change to the time period on determining local reviews sought on the grounds of non-determination?

Agree

Please explain your view.

It is agreed that this is a sensible amendment, three months is a more reasonable time period. The LRB process can be longer depending on whether a site visit is required and more information sought.

Question 10. Do you agree or disagree with this change to the Appeals Regulations on procedure regarding minor additional information?

Agree

This is sensible and essentially a 'tidying up' of the legislation.

Question 11: Do you think the current requirements on applications for approval of matters specified in conditions on planning permission in principle are generally excessive?

Yes

Please explain your views, citing examples as appropriate.

For some conditions, the requirement for fresh applications is excessive. A return to the procedure whereby certain more fundamental matters are the subject of fresh applications, whilst agreement of the details of the proposal is dealt with informally would be welcomed as saving resources spent unnecessarily on administration.

Question 12: Are there are any issues in this consultation not covered by a specific question or any other aspects of the current planning legislation on which you would like to comment? If so, please elaborate.

None

Appendix 5 = CONSULTATION QUESTIONS on General Permitted Development Order

Q1. Are there any costs or benefits not identified in the draft BRIA?

This question would best be answered by others.

Q2. Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA?

This question would best be answered by others.

Q3. We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EQIA is attached to this consultation at Annex 3 for your comment and feedback.

The changes are considered to be proportionate and it is not foreseen that they would more affect one sector of the population more than others.

Part 1. Amendments to existing classes of permitted development.

Q4. Should we retain class 26 which allows for *the deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result?* If class 26 should be retained are there any changes to the controls that would strike a better balance?

Yes No

Not applicable to ACC

Q5. With regard to the proposed amendments to existing classes;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

It is suggested that the development value level should be higher, possibly up to £500,000 in order to 'future proof' for inflation.

Part 2. Proposed new classes of permitted development.

Q6. With regard to the proposed new classes 7E and 7F which relate to Electric vehicle charging points;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

No comment

Q7. With regard to the proposed new classes 7A and 7B which relates to extensions of a shop/financial or professional services establishment & provision of free-standing trolley stores;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

No comment

Q8. With regard to the proposed new class 7C which relates to extension or alteration of hospitals, universities, colleges, schools and nursing or care homes;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

No comment

Q9. With regard to the proposed new class 7D which relates to extension of offices;

- (a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

- (b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

It is suggested that the amount of 'extension' permitted should reflect the Class &C by allowing up to 100sqm

Q10. With regard to the proposed new class 7H which relates to use of land for a pavement café;

- (a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

- (b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

There is a concern that amenity issues may arise from this where there are residential properties to either side or above a property which might want a to provide a 'pavement café' and would suggest that consideration be given to the merits of restricting the hours of usage in such circumstances – 9am-9pm for example would not appear onerous

Q11. With regard to the proposed new class 7G which relates to erection, construction or alteration of an access ramp;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments