

Development Management

March 2008

Introduction

The Federation of Small Businesses is Scotland's largest direct-member business organisation, representing over 19,000 members. The FSB campaigns for an economic and social environment which allows small businesses to prosper.

We welcome the opportunity to follow up our earlier comments on the Planning etc. (Scotland) Bill with a more detailed response to the draft regulations on Development Management. Our response focuses on the area of most relevance to small businesses, which is primarily non-householder minor applications.

Issues

1. Pre-application consultation

In our earlier response to the Planning etc. (Scotland) Bill, we noted our support in principle for pre-application consultations, as early and effective communication with communities can lead to the best outcome for developers. We now confirm our agreement with the categories identified as requiring pre-application consultations which appear to be appropriate to the scale and nature of the developments outlined, with less risk of small businesses incurring the high cost of using planning consultants for relatively minor applications.

2. Pre-determination hearings

We welcome the requirement for pre-determination hearings. In assessing who should be given the opportunity of being heard by the appropriate committee, we would recommend that the views of the local business community should be taken in to consideration, as this could provide a useful economic dimension to hearings.

3. Design & Access Statements

With regards to section 6 on when a design and/or access statement might be required, to some extent, we would favour Option 2. Requiring all non-householder applications to provide such statements, as suggested in Option 1, could add significantly to the cost of all small business applications which could constrain economic growth. In terms of access, we are fully supportive of the need to ensure that public buildings are accessible to all, but would

suggest that building regulations requirements are sufficient to ensure that this is the case in most developments.

Within Option 2, we are particularly concerned that additional design statement requirements for applicants in conservation areas, World Heritage Sites and National Parks may disproportionately affect small businesses. The nature of these areas is such that businesses there are more likely to be small. The requirement for design and access statements will incur additional costs for these businesses and discourage economic growth in areas where it badly needed. In the case of National Parks, it could be considered to work against their established socio-economic aims. We would suggest that rather than requiring design statements, planning authorities in such areas should issue design guidelines which make it clear that an application is more likely to receive consent if it is in compliance with these. This would give architects a framework to work within, without adding to business costs.

4. Neighbour notification

We welcome the transfer of responsibility for notifying neighbours about a planning application from the applicant to the planning authority, as long as this can be done without adding significantly to the cost of submitting a planning application. The cost of provision of this service should be kept to a minimum and reflect actual costs only.

5. Time periods for decisions

We have no objection to the extension of the time period for determination of major applications being extended to 4 months which is a more realistic timescale for such applications. We do have concerns about the first exception set out in section 10.3, however, which allows an extension to the time period for even local developments to be extended if the application is called in for determination by the Cairngorm National Park Authority (NPA). To avoid unnecessary delays to local or minor business developments in this area, it should be made considerably clearer where an application can be called in for determination by the NPA. There is a perception that almost all non-householder applications are currently called in, and we are therefore concerned that small businesses could become less competitive than their counterparts in other areas if this perception is allowed to continue.

In general, there should be a much stronger emphasis placed on adhering to the timescales set out in the regulations. The current achievement rate of only 45% of non-householder minor applications being dealt with within a 2 month period is damaging to the economy and must not continue.

For further information on any of the points raised in this submission, please contact Eileen Calveley, Policy Manager, on eileen.calveley@fsb.org.uk or 0141 221 0775.