

## RTPI in Scotland

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Dear Sir/Madam



## RTPI

mediation of space · making of place

### Royal Town Planning Institute in Scotland

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Patron HRH The Prince of Wales KG PC GCP

14 June 2011

### **The Historic Environment (Amendment) (Scotland) Act 2011** CONSULTATION ON DRAFT REGULATIONS

The Royal Town Planning Institute is grateful for the opportunity to respond to the above consultation paper. The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and politically-neutral professional body committed to supporting devolved government in Scotland. The Institute has approximately 2200 members in Scotland, working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and higher education.

Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

Our detailed responses to the consultation paper are given overleaf. If you wish any clarification or further assistance, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, reading "Charles Strang". The signature is written in a cursive, flowing style.

**Charles Strang**  
Scottish Planning Policy Officer

## **The Historic Environment (Amendment) (Scotland) Act 2011**

### CONSULTATION ON DRAFT REGULATIONS

Comments by the Royal Town Planning Institute in Scotland

Since this is basically a tidying up of existing legislation, and we have been involved in pre-consultation discussions through BEFS and in the Parliament, comments are relatively few. Paragraph numbers relate to those in the consultation document.

#### Para 2.11

Could copies of the notice of application be made available to the Planning Authority, the Community Council, and neighbours?

#### Para 2.13

A form provided by Ministers is appropriate. Presumably this will be available on the Web, and will be able to be filled out there.

#### Para 2.14

Such consistency is appropriate in this case.

#### Paras 2.15 – 2.22

We are concerned that the fixed penalty notices may be seen as an alternative, rather than complementary, to prosecution, and we note that there is concern in the legal profession over the operation of the parallel procedures in the Planning etc Act, as explained in the February edition of *Scottishplanner* in an article entitled [Planning Fixed Penalties – a get-out-of-jail-free card?](#) by Fred Mackintosh, Advocate. Given the importance of original fabric, and the relatively small fines envisaged, it is hoped that the choice of punishment will still fit the crime. Guidance may be required.

#### Para 2.23

It is assumed that in circumstances where the ownership is unclear or unknown it would also be possible to carry out work and make a charge against the property.

#### List of Consultees

This could usefully be weeded. Please note that the Institute is the Royal Town Planning Institute, and not as set out.

#### Annex B

##### Para 2(3)

The plan should be to scale, with a north point.

Consideration could be given to notification of the planning authority, neighbours and the community council (and also similarly see para 4).

#### Schedule 2 Form of Notice of Liability for Expenses

It should be made clear that (if?) outstanding expenses can include charges for administration and interest. They should be included if at all possible.

#### Note 1

The parish, address and entry number in the Statutory List should be given, and the non-statutory description also. (This also should apply to Schedule 3's Note 1)