

Planning Service Charter

Introduction - What is a Service Charter?

The Council Strategy aims to improve people's lives. One of the key priorities is to provide good quality services. We are committed to delivering the highest possible quality and level of service to the local community and all users of the service.

To deliver the best possible standard of service to customers, we have prepared a *Planning Service Charter*. The Charter sets out in detail what the Council Planning Service provides and the standards of service you can expect.

We intend to provide services through best practice and in line with public needs. We shall continually seek improvements and we welcome any feedback, suggestions or comments which may help to improve the services we offer.

The Council's Planning Service is responsible for the promotion and control of development, the conservation, and enhancement of the environment and local transport policy.

The service seeks to:

- (i) deliver both consistent and timely decision-making with high quality outcomes;
- (ii) play a positive and effective role in achieving a better quality of life for all, economic growth and better public services;
- (iii) provide effective mechanisms whereby the differing and sometimes conflicting objectives of stakeholders can be resolved in a way that is fair, open and accountable to all stakeholders;
- (iv) be responsive to local needs and seeks to integrate with other initiatives such as the community plan and sustainable development;
- (v) provide a sound planning policy framework to guide new, sustainable development in East Hampshire to make sure local needs are met;
- (vi) protect and improve East Hampshire's environment and heritage;
- (vii) help to maintain the vitality and viability of town and village centres; and
- (viii) promote safe and sustainable transport networks within East Hampshire.

We will promote and control development in East Hampshire to protect and enhance the quality of life and improve economic and social opportunities. We are committed to building an environment accessible to everyone.

We deal with:

- planning applications;
- appeals;
- complaints about breaches of control;
- planning enforcement;
- planning policies;
- development briefs;
- landscape advice;
- protection of the natural environment including bio-diversity;
- conservation areas and listed buildings;
- tree preservation;
- grants for conservation and enhancement schemes;
- highway advice on planning applications; and
- local Land Charges and Land & Property Gazetteer.

This charter sets out in detail what the service provides and the standards of service you can expect. It also tells you what to do if you are unhappy with the service.

Contacts

- You can visit us at the Council Offices, Penns Place, Petersfield, Hants, GU31 4EX which are open Monday to Friday, 9am-5pm.
- Our phone numbers are:
 - (01730) 234246 (for planning applications)
 - (01730) 234219 (for planning policy)
 - (01730) 234208/234207 (for building control)
 - (01730) 234214 (for conservation areas, listed buildings, landscape, and trees)
 - (01730) 234284 (for highway advice)
 - (01730) 234252 (land charges)
- Our fax numbers are:
 - (01730) 234348 (for planning applications)
 - (01730) 234250 (for planning policy, conservation areas, listed buildings, landscape and trees /heritage)
 - (01730) 234210 (for building control)
 - (01730) 234263 (for land charges)
- Our Minicom number is (01730) 234103.
- Our website address is www.easthants.gov.uk
- Our e-mail address is planningdev@easthants.gov.uk

Our commitments

1. We are committed to making our services available electronically in line with **“Our Commitment to e-government”** – see page 1.
2. We will provide a clear and fair service to all our users in line with **“Our Commitment to Customer Service”** – see page 1.
3. We will widely consult on all planning matters in line with **“Our Commitment to Publicity and Consultation”** see page 4.
4. Planning applications will be handled in line with **“Our Commitment to Applicants for planning permission”** – see page 7. This Commitment is sent to all applicants when we acknowledge their application.
5. We will investigate complaints about possible breaches of planning control and take appropriate action in accordance with **“Our Commitment to Planning Compliance”** – see page 11.
6. We aim to protect and enhance the District’s natural and built heritage and in particular will deal with conservation areas, listed buildings, and tree preservation in line with **“Our Commitment to Heritage”** – see page 15.
7. We will review and update our planning policies in line with **“Our Commitment to Plan for the Future”** – see page 18.
8. We will give highway advice on development in line with **“Our Commitment to Highway Advice”** – see page 19.
9. We will advise on building work and deal with building control applications and dangerous structures in line with **“Our Commitment to Building Control”** – see page 20.
10. We will continue to seek ways of improving our service in line with **“Our Commitment to Land Charges and Land and Property Gazetteer”** – see page 24.
11. We will set targets, review our performance each year, and publish the results.
12. **If you need to complain about the service we have provided, our procedure is set out on page 3.**

1. Our Commitment to e-government

1.1 We are committed to making our services available electronically.

Our website (www.easthants.gov.uk) provides access to the following information:

- documents and drawings submitted with planning applications, and decision notices;
- our **on-line applications** service which enables planning applications to be submitted via the Planning Portal www.planningportal.gov.uk and drawings to be attached in a variety of formats, with the facility to pay fees on-line;
- the opportunity to **comment on-line** on planning applications and other consultation material;
- application and other forms;
- our registers of recent planning applications and decisions, their status and key dates;
- planning appeals and decisions;
- our policies and plans;
- details of performance;
- our publications (which can be downloaded); and
- contact details;

Data Protection

1.2 In publishing planning application details on line our primary aim is to encourage more community engagement through giving greater opportunity to see and comment upon development proposals. It is not our intention however, to replicate all the planning file and subsequent correspondence electronically. We will also not publish individual letters of representations either for or against a development proposal on line. This is because of resourcing issues but more importantly, it raises data protection issues. We do not agree that it is the public interest to publish personal details on the Internet. This does not affect however, any right to access all the documents on the Statutory Register of Planning Applications. Full access to the Register is available at our Offices.

2. Our Commitment to Customer Service

2.1 We recognise that our customers have diverse and sometimes conflicting interests and where we can, try to resolve conflict by discussion. Sometimes however, we have to take a decision that will disappoint someone. We aim to make sure that our decisions are consistent and transparent and that we provide a clear and fair service to everyone, regardless of the outcome of their case.

Advice

- 2.2 We offer advice on simple planning, and building control matters and we encourage early discussion of planning applications prior to their formal submission. Advice is available by appointment at our offices at Penns Place, Petersfield but may be subject to a charge. We can however, only offer general guidance and advice. In many cases you will need to seek your own detailed professional advice and you must carry out your own survey and site investigation work. Our purpose is to control new development in the public interest. It is not our purpose to give you free planning advice to help you maximise the development value of land. We have published a leaflet that explains our pre-application advice and our charges. Please contact us for a copy or download it free from our website. You should ring in advance to arrange an appointment. We can also offer some specialist advice in a number of areas including conservation, trees and some highways matters. Again, we may charge for this advice and you are always advised to make an appointment. Where we cannot help we will suggest where further advice may be sought.

Information

- 2.3 We publish weekly lists of planning applications and decisions, quarterly statistics and information on how we are dealing with our workload and a list of our publications. Planning applications and decisions, our Local Plan, the emerging Local Development Framework, Committee agendas and other publications can be inspected at our offices and on our website.
- 2.4 For a charge we will answer written enquiries about the planning history or status of a property. We can also supply information on land use, development, and population on request. Please see our fees and charges publication.

Correspondence and enquiries

- 2.5 Correspondence will be answered within **10 working days** where possible. Where a formal response is likely to take longer, an acknowledgement will be sent within **3 working days** and we will keep you up-to-date with progress on the matter. Telephone enquiries will be dealt with immediately, or passed to a specific officer who will respond by telephone by the **end of the following working day**. Enquiries by e-mail will be dealt with, as with other correspondence, normally within **10 working days**.

Identification of staff

- 2.6 All council staff have identity cards that they are expected to display prominently. The cards give the name and service of the cardholder and they include a photograph. If staff call at your home or place of business or meet you on site, you are entitled to see their identity card so you can satisfy yourself that they represent us. If you receive a refusal to such a request, do not admit that person and immediately telephone the police.

Treating everyone fairly

- 2.7 The council is committed to promoting equal opportunities for the community it serves and seeks to ensure that no discrimination occurs on the grounds of colour, race, nationality, ethnic origin, marital status, sex, disability, sexual orientation, or religious grounds.
- 2.8 If you have difficulty in communicating through disability or language differences, we will try to help you.

Customers' views

- 2.9 Our customers' views are important to us and we welcome suggestions from them. We consult user groups on service development and undertake regular surveys of our customers. Compliments and complaints are also important to us because they give us valuable information about our services and where improvements may be necessary.

If you need to complain

- 2.10 We aim to provide high quality and efficient services to all customers. We hope that there will never be a need for you to complain about Planning Services, but we know that things can sometimes go wrong and when they do, we need to know.
- 2.11 Your complaint can help us, not only to deal with your particular problem, but also to take action to prevent similar occurrences.
- 2.12 We will look at the pattern of complaints and try to improve areas experiencing continuing problems.
- 2.13 We will investigate your complaint promptly and fairly, try to rectify any mistakes we find and always tell you the results.
- 2.14 We recognise there will be occasions when we are unable to completely satisfy customers but we will try to be as helpful as possible, even if we cannot always find the ideal solution. Because of this, our procedure includes a number of appeal stages, including your final right of appeal to the Local Government Ombudsman.

How to make your complaint

- You can call 01730 266551 between 9am and 5pm on weekdays and the person you speak to will take the details of your complaint.
- If you wish to visit the offices and speak to someone, it may help if you ring to make an appointment first, to make sure that the right person is there to see you.
- If you wish to complain by letter, your complaint should be sent to us at the Council's Offices, Penns Place, Petersfield, Hants, GU31 4EX. Please mark your letter for the attention of Planning Services.
- If you wish to complain by email, send your email to: planningdev@easthants.gov.uk.

- You can also complain via our customer comments system on our website at: www.easthants.gov.uk.
 - Alternatively, you can speak to your local councillor whose details can be found in the Partners magazine, on our website, or at any of our offices.
- 2.15 We hope it will be unnecessary for you to go through these steps but if you are still unhappy, you can write to the **Local Government Ombudsman**. The Ombudsman has a duty to investigate complaints against local councils but he will only normally look at administrative processes followed by the Council and not planning decisions themselves. He cannot change planning decisions. The Ombudsman will ask us to try to settle the matter locally before starting an investigation. You can contact the Ombudsman at The Oaks, No. 2, Westwood Way, Westwood Business Park, Coventry, CV4 8JB. Telephone 024 7682 0000, www.lgo.co.uk

What you can do to help

- 2.16 Whatever the nature of your business with us it is always best to contact us at an early stage. This could save everyone time, especially in making a planning application, by making sure the right information is submitted.

When you are notified of a planning matter, please remember that we want your views whether in favour or against. An early response will help us to take a balanced view.

If you think development is proceeding without planning permission let us know immediately. We may not be able to take instant action but the longer you wait the harder it could be. Your call will be treated in strict confidence. We will always try to keep your personal details confidential.

Please let us know your views on the service we provide, both where you think we have done well and where there is scope for improvement. We particularly welcome your suggestions for improvements to the service.

3. Our Commitment to Publicity and Consultation

- 3.1 We exercise planning control in the public interest and are committed to publicising and consulting on planning proposals. Applicants are entitled to know how their applications will be publicised, and neighbours and other interested parties should know what opportunities they have to comment.
- 3.2 We have to consider all applications that we receive and many applications are submitted without any prior discussion. We encourage applications in line with the policies in our Local Plan but, once an application is submitted, we adopt a neutral position until consultations have been completed.

- 3.3 We encourage and advise applicants to talk to neighbours informally before submitting their application. This will not affect the consultations that we will carry out, but it can make them easier.

How we consult on planning applications

- 3.4 An electronic weekly list of all applications is sent to councillors, Parish and Town Councils, libraries and on request can be sent to members of the public. All planning applications received are published on our website. Individual notification letters are sent to neighbours who we consider are likely to be directly affected by a proposal. These are normally those neighbours who immediately adjoin the application site.
- 3.5 You will normally have at least **21 days** to comment. In the case of significant development proposals an exhibition and/or public meeting may be held in appropriate cases. We often seek the views of other organisations such as English Heritage, Natural England, and the Environment Agency.
- 3.6 Where statutory notices are required, we publish them in local newspapers and on or close to the site (for at least **21 days**).
- 3.7 We consult neighbouring district councils where appropriate and any properties in other districts that are next to the application site.
- 3.8 All details submitted with planning applications can be inspected at the Council's offices in Petersfield, or on our website. Copies of planning applications are normally available at the Council offices within **5 working days** of receipt and on the website within **10 working days**. You may purchase copies of documents, subject to copyright provisions. We will give the name and contact details of the planning officer dealing with the case in our consultation letters and you can phone or email for further information.
- 3.9 Sometimes we will discuss improvements or changes to applications. We will, where we believe it necessary, reconsult neighbours and Parish/Town Councils (usually allowing for **14 days**) on amendments if we consider that the changes raise new issues that could lead to further objections. We will not always reconsult however, on what we consider are relatively minor changes where:
- we believe that the amendment addresses our concerns; or
 - we consider there is no greater material affect on third parties; or
 - further notification would unnecessarily delay the determination of the application.

How to comment

- 3.10 Comments may be made by anyone, regardless of whether they were individually consulted. We welcome any comments, whether in support or against a development proposal, but we can only take account of "planning considerations". These include matters such as the effect on traffic or parking, the appearance of the proposal, overlooking, disturbance, loss of light or privacy, impact on the local

environment, and whether the proposed use is suitable. We cannot take into account matters such as loss of property value, loss of view, land and boundary disputes, matters covered by leases or covenants, the impact of construction work, property maintenance issues, competition between firms, or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks etc.).

- 3.11 Comments should be submitted as soon as possible. Comments submitted out of time may be received too late to influence the decision on a planning application. Comments should be made in writing by individual letter but can also be left at our website or by e-mail. In all cases you must give us your name and address so that a proper record can be kept of your comments. We will not take into account anonymous representations, or those that are marked private and confidential - all comments are open for public inspection.
- 3.12 Many decisions are taken by the Council's Head of Planning Services in line with powers delegated by the Planning Committee. We have published a leaflet that sets out these powers. Please contact us to arrange a copy or download it free from the website. If the application is to be decided by a Planning Committee any planning comments received will be summarised in the report that is considered by the Committee. We will not normally circulate individual copies of representations to the Councillors. The Committee agendas are published **5 working days** in advance (and can be read at the Council offices and on our website). The meetings are held in public and we have a scheme that allows the applicant and the public in certain circumstances to address the Committee. We have published a leaflet that explains this system. Please contact us for a copy or download it free from our website

Letting you know the outcome

- 3.13 Because of the number of letters we receive, we do not normally acknowledge any individual comments or enter into a dialogue, but if you have commented we will write to let you know our decision on the planning application.
- 3.14 Only the applicant can appeal against the decision but, if an appeal is made, you will be notified and will then have the opportunity of making further representations to the Government Planning Inspector dealing with the appeal.
- 3.15 Lists of decisions and appeals are published on our website and all files can be inspected at our offices.
- 3.16 We widely consult on our plans, policies, and guidance. A list of all our current planning publications, many of which are free, is available on our website.

Statement of Community Involvement

- 3.17 We have prepared statutory Statement of Community Involvement (SCI) setting out how the public and other stakeholders can get involved in planning matters. We will follow the policies and procedures set out in the SCI when we consult on planning matters. Please contact us for a copy or download it free from our website.

4. Our Commitment to Applicants for Planning Permission

Advice before you make a planning application

- 4.1 We welcome and encourage discussions before you submit your application and we have published a guidance note that sets out the pre-application service that we can offer. Please contact us for a copy or download it free from our website. A planning officer is available at our offices to give informal advice to any local resident on proposals to alter or extend their home in East Hampshire by morning appointments. If planning permission is required, advice will be given on how to submit a planning application.
- 4.2 Developers, professional advisers, and anyone who wishes to realise the development value of land must first make an appointment to see someone familiar with the area to make sure that any discussions are of maximum value. You must also first have submitted draft proposals before an appointment is agreed. We may also charge for any advice given. We will not give planning advice about the potential development opportunity of land over the telephone and no advice will be given without full and proper details having first been given to us.
- 4.3 Any advice given will be accurate and objective but will be without prejudice to the formal consideration of an application. The level of advice will also depend upon the level on information that you supply at the outset and is no substitute to you carrying out proper research and survey work. In submitting a planning application you will still need to make sure that you demonstrate that the application is acceptable and speaking to a planning officer will not in itself suffice. It is your responsibility to make sure that the application is acceptable in all respects. We make no guarantee that any planning application will be either recommended for approval or automatically granted planning permission. We will however, give you information about relevant planning policies and previous decisions and, where appropriate, our standards for such matters as parking provision or amenity space etc. We will also advise you about other supporting information that may need to accompany your application, the likely time scale for dealing with it and the procedures to follow.
- 4.4 Advice notes are available on how to make a planning application, together with copies of our planning policies and other relevant documents, as well as general leaflets on the development control system and information on Committee dates. You can also see copies of earlier decisions on similar applications at our offices and some information is available on our website. Wherever possible, we will advise you on other approvals or consents which you may need.

- 4.5 Before we meet, you should provide accurate drawings with sufficient detail and to a recognisable scale to explain your proposal. For larger schemes, you are encouraged to consult the local Parish or Town Councils and local interest groups before submitting your application and to demonstrate any changes made to the proposals as a result of this consultation. For small householder schemes, it is helpful if you discuss your proposal informally with your neighbours before you make your application.

Submitting a planning application

- 4.6 An application has to be made on the right forms. These are available from our offices, or can be downloaded from our web page, or from the Planning Portal at www.planningportal.gov.uk. We have published an Advice note on the Registration of Planning Applications. It is your responsibility to make sure that a planning application complies with the law. If you are in any doubt as to what is required or what the planning fee should be, please contact us.
- 4.7 We encourage you to submit your application electronically through the Planning Portal www.planningportal.gov.uk. The Portal provides electronic forms. You can submit drawings in a variety of formats and you can pay the fee on-line.
- 4.8 If you appoint an agent to act on your behalf, all correspondence will be sent to that agent, who will also be contacted if information or amendments are needed. It will be your agent's responsibility to keep you informed about what is happening to your application. We will not otherwise write directly to you.
- 4.9 We will let you know, normally within **5 working days**, if any further information is required to make your application valid. If this additional information is not received within **10 working days**, we will return the application to you.
- 4.10 We will register and acknowledge valid applications, normally within **3-5 working days**. The acknowledgement will give the name and contact details of the planning officer dealing with your application. A target date by which we hope to make a decision will be given, although this can change if, for example, amendments are needed. Your rights as an applicant will also be explained.
- 4.11 If we establish, before we make a decision on your application, that it is for a proposal which does not need planning permission, you will be told as soon as possible and we may refund half the planning fee that you paid. However, we will not refund any part of the fee if we have already issued a decision on your application.

Dealing with your application

- 4.12 We aim to deal with your application within the statutory time period of **8 weeks** (13 weeks for major applications) although this is not always possible. We will give you a target date for dealing with the application when we acknowledge it. If we do not expect to be able to deal with it within time we will explain the reasons to you and ask you for more time.

- 4.13 We publicise applications and ask the views of neighbours and the local Parish or Town Council before making a decision. Your application will be available for inspection at the Council offices in Petersfield and details will be available on our website. Some Parish and Town Councils also make plans available for inspection.
- 4.14 You can track the progress of your application on our website.
- 4.15 Consultation letters will normally be sent within **5 working days** of receiving a valid application and site and press notices where required, will be publicised within **15 working days**. Unless otherwise required by legislation, consultees will be allowed a minimum of **21 days** to comment, after which the application may be decided. A **14 day** period is normally allowed when reconsultation takes place on significant amendments (see paragraph 3.9 above).
- 4.16 If the planning officer dealing with your application needs to discuss the proposal with you (this is not always necessary) we will contact you as soon as possible. This may not be until after the consultation period is over. A visit to the property will take place although this will not necessarily be by appointment. By submitting a planning application, we expect you to have accepted that we need to access your property without further notice.
- 4.17 We will ask only for additional information necessary for the determination process. If we find that we need more information, we will let you or your agent know as soon as possible. We will set a date by which the additional information should be sent to us.
- 4.18 We will normally determine applications as submitted. We will not support a process of continuing amendments to an application which delays the decision making process beyond the statutory time period. We will not normally agree to a deferment of an application unless we are satisfied that there is an overriding planning purpose. Applications will normally be determined as soon as possible unless they are withdrawn, or amended with our prior agreement.
- 4.19 If the application is unacceptable but minor adjustments could overcome the concerns, the planning officer may explain this to you or your agent. Where the amendments are very minor, you will be given a reasonable time to send us revised proposals. If, at the end of that period, we have not received the amendments we will decide the proposals as originally submitted.
- 4.20 If amendments that are more substantial are necessary, particularly if they are likely to require further consultation, we may invite you to withdraw the application and submit a revised scheme. No additional fee is payable in most circumstances but please check with us. We will not support the submission of late amendments that seek to substantially alter the nature of the application in circumstances where, to accept those amendments, would delay the determination of an application. In those circumstances, we will not accept any amendments and we will return them to you.

- 4.21 Unsatisfactory applications will be refused without further discussion where:
- a) The proposal is unacceptable in principle; or
 - b) A completely new design would be needed to overcome objections; or
 - c) Clear pre-application advice has been given, but the applicant has not followed that advice; or
 - d) No pre-application advice has been sought; or
 - e) The development does not comply with Local Plan or other published standards.
- 4.22 The planning officer dealing with your application will try to keep you or your agent informed of progress and how and when it will be decided. While the planning officer may express views on the proposals, a formal decision can only be made by the planning committee or by the Head of Planning Services. You should not rely upon any advice given until it is confirmed in writing by the Council's formal decision notice.
- 4.23 If your proposal is one, which needs to be considered by a planning committee you will be given notice of the date of the Committee meeting at which it will be considered.
- 4.24 Information on our performance in dealing with applications is reported to the Council's Overview and Scrutiny Committee every quarter and published on our website.

Notifying you of the decision

- 4.25 We aim to issue all decision notices within **2 working days** of the decision. The notice will be accompanied by a clear explanation of your rights of appeal if we have refused permission or granted permission subject to conditions.
- 4.26 The planning officer who dealt with the application or someone who was at the Committee will be available, by prior appointment, to explain the decision and what further action you can take.
- 4.27 A copy of the decision will be available for public inspection at our offices within **2 working days** of the issue of the formal decision letter and the decision will be posted on our website **the day after it is issued**. Reference to the decision will also be included in our published weekly list of applications and decisions.

Appeals

- 4.28 We aim to deal with appeals within the timescales specified by the Planning Inspectorate.
- 4.29 Copies of appeal decisions made by the Planning Inspectorate or the Secretary of State are available on the Planning Portal (www.planningportal.gov.uk) and will be available for public inspection at our offices and on our website within **5 working days** of receipt.

Implementing developments

- 4.30 A planning permission may include conditions requiring you to submit further details for approval. Any request for approval of details will be dealt with in the same way as a planning application, including consultation where appropriate. In general, however, these will be dealt with more quickly than full planning applications. No works must start on site until the necessary approvals have been agreed by us in writing. It is in your interest to submit the details needed for planning conditions early.
- 4.31 Development must be carried out according to the approved plans and any conditions attached to the permission. It is the developer's responsibility to let us know if amendments to the approved plans are proposed. A planning officer will be able to advise as to whether the changes need to be formally approved, but you must first send us the drawings highlighting any changes proposed and we will make a charge to give you this advice. We will only consider changes once we have received the necessary fee. We will not however, agree more than what we consider very minor changes to a development. If more substantial or multiple changes are required a fresh planning application must be submitted. If changes are proposed these should normally only be proposed by the original applicant for planning permission within **3 years** of the development being granted permission.
- 4.32 Even when you have planning permission, you may still need the property owner's approval to carry out the development and the permission will not override any restrictive covenants that affect your property.

5. Our Commitment to Planning Compliance.

- 5.1 We are committed to dealing with planning applications as quickly as possible and not to stand in the way of development without justification. We also expect landowners and developers to observe the spirit of planning legislation and not carry out development until the necessary planning permission has been obtained. When development takes place without permission we have a full range of enforcement powers available to establish whether a breach of planning control has taken place and powers to remedy the situation if harm is caused by it.

Complaints

- 5.2 Most breaches of the planning rules are brought to our attention by members of the public. There is a procedure established for investigating such complaints.
- 5.3 Allegations that development has been carried out without planning permission will be individually recorded. We will normally acknowledge any written complaint within **3 working days** of receipt and the complainant will be given the name of the Case Officer dealing with the matter.

- 5.4 The initial site visit is normally carried out within **5 working days** of the receipt of the complaint. However, priority will be given to those alleged breaches, such as unauthorised works to listed buildings and protected trees, which need to be dealt with quickly before work becomes too advanced, or irreparable harm is caused.
- 5.5 We will normally write to you within **15 working days** of our first site visit to tell you what we have found and explain what we intend to do next. Thereafter we will try to get you informed of progress.
- 5.6 If the investigation shows no breach of planning control has taken place we will write to you to confirm our provisional views within **5 working days** of this being established.
- 5.7 Where it is not possible to find out whether a breach of planning control has taken place, we may issue a “planning contravention notice” requiring information on precisely what is taking place and an explanation as to why no planning permission has been sought. We will keep you informed of the response we receive to the notice.
- 5.8 Where a breach is established we will confirm this with you. There is a variety of courses of action available. The ability to take enforcement action is entirely at our discretion and the type of action taken will relate to the nature of the breach.

There are three principal courses of action available:

- **Negotiate a Solution** - In many cases breaches of control can be rectified through negotiation rather than by more formal action and such an approach will be taken when this is seen to be the most reasonable way of dealing with a breach.
- **Submission of a Retrospective Application** - In some cases, it may be expedient to seek the submission of a retrospective application. This is where the person who owns the property is invited to submit a planning application to regularise the work that has been carried out.
- **Formal Action** - Where it appears justified, any relevant evidence will be gathered and an assessment made about whether or not to take formal action should be taken.

The important point is that it is **not** an offence to start building works or make a change of use without planning permission. Therefore, just because something has not got planning permission it does not necessarily mean that we will take action to stop it (see paragraph 5.12 below).

- 5.9 Where we invite a retrospective planning application to be submitted it does not necessarily mean that we agree with the development. It simply has the advantage of allowing us to get full details of the work that has taken place and consult neighbours before making a decision. It is also in line with Government advice. It may also be possible to make amendments or impose conditions that overcome the concerns of neighbours. Once an application has been submitted it will be treated on its merit like any other application, and we will ensure that the complainant is consulted.

- 5.10 If an application is not submitted, we will decide whether formal enforcement actions should be taken. If, for instance, the unauthorised development is considered not to cause harm, then enforcement action is not appropriate. This accords with our normal procedures and Government advice. When coming to the decision not to take formal action, full regard will be given to any representations received about the development from the complainant. The complainant will be advised of the decision. If, on the other hand, the decision is to proceed with enforcement action, the complainant will be informed.
- 5.11 Often the person making the complaint will wish to have it treated in confidence. We will respect this wish wherever possible. However the success of any subsequent enforcement action may be limited if the evidence of a complainant cannot be used where an appeal is made to the Secretary of State or a prosecution brought through the Courts.

Enforcement

- 5.12 There are a number of options from which to choose and the one selected will depend on the nature of the case. Our priorities are to protect amenity, safeguard the environment, and uphold local planning policy in the speediest and most effective way. The Government advises Councils only to resort to enforcement action where it is plainly necessary and there is obvious harm or nuisance being caused. Government advice of enforcement is contained in Planning Policy Guidance Note18 (PPG18): Enforcing Planning Control.
- 5.13 We serve Enforcement Notices that generally require the use of the land to stop and/or any buildings or structures that do not have planning permission to be removed. We must find out the names of all the owners and occupiers of the property and make sure they are served a notice. The notice itself has to be precise as to what action we require to happen and by when. There are rights of appeal to the Planning Inspectorate and the notices can be challenged if they are inaccurate. An appeal to the Planning Inspectorate will suspend the requirements of the enforcement notice until the appeal is determined.
- 5.14 When conditions imposed on a planning permission are being disregarded, we can serve a "Breach of Condition Notice" on the developer and in certain circumstance on the occupier/owner. If this is not complied with, we can then take further legal action. There is no right of appeal against a Breach of Condition Notice to the Planning Inspectorate. Where appropriate we will use this procedure in preference to the service of enforcement notices.

Timescales

- 5.15 It is not always possible to anticipate how a particular case will develop and the timescale for resolving a complaint can be difficult to predict. It can be a source of concern to complainants that unauthorised development can persist for sometime.

The factors that can delay progress include:

- the collection of relevant and satisfactory evidence;
- negotiation to try and resolve a case without resorting to formal action;

- the submission of a retrospective application; or
 - an appeal against a formal notice.
- 5.16 High priority is given to the preparation and service of the appropriate notices, which are normally served within **10 working days** of their authorisation.
- 5.17 Within **10 working days** of being authorised to serve notices, we will advise the owner and/or occupier of the land affected in writing of our decision to serve a notice.
- 5.18 The complainant will normally be informed within **10 working days** of the enforcement notices being served. We will explain what action the notice requires, and when the period for compliance runs out.
- 5.19 The complainant and neighbours will be advised of any appeal that is lodged against an enforcement notice and the grounds upon which the appeal has been made. They will then be able to make further comments to the Planning Inspector dealing with the case. At this stage, names and addresses are not confidential.
- 5.20 If the appeal is allowed we can take no further action. If the appeal is dismissed, arrangements to inspect the land will normally be made by the Case Officer within **15 working days** of the compliance period expiring, to make sure that the requirements of the enforcement notice have been satisfied.
- 5.21 If the unauthorised development remains in place after the enforcement notice become effective we will normally start legal action and the complainant will be kept informed of the outcome of any prosecution and or injunctive action. Alternatively, we may consider carrying out the works ourselves to remedy the breach. If the enforcement notice has been complied will let your know and then close our files.

Commitment to Compliance relating to Trees and Listed Buildings

- 5.21 As with planning compliance relating to development, when unauthorised works are undertaken to a protected tree or listed building, enforcement powers are available to investigate the alleged breach.
- 5.22 Most breaches are brought to our attention by members of the public. There is an established procedure for investigating such complaints.
- 5.23 The Compliance Team will lead and coordinate an investigation of any breach relating to a listed building or protected tree, working closely with Heritage Team officers. In the first instance it is necessary to establish whether an offence has been committed and if so, thereafter to ensure all appropriate evidence is collected and expert input provided to inform decision making relating to possible prosecution. A joint site visit will normally take place within **five working days** of the initial enquiry.
- 5.24 Subsequent to the initial site visit and collection of evidence pursue the alledged breach. A case file would be prepared and formal interviews arranged **within 15 working days** of the initial enquiry.
- 5.25 The evidence from formal interviews under caution would be reviewed and a course of action decided upon. The Council's Legal Section provides advice and guidance

throughout and input into the decision as to whether a prosecution should be initiated after a review of all the collected evidence.

- 5.26 If it is decided that a prosecution in the Magistrates' Courts is necessary and appropriate, this will be brought to Court **within 6 months** of the offence having been committed.

6. Our Commitment to Heritage

- 6.1 We place great emphasis on protecting the natural and built heritage. We will support and advise on practical measures that individuals and organisations can take. We will pay full regard to protecting this heritage. We will have special regard, when adopting policies and controlling development, to the preservation and enhancement of conservation areas, listed buildings, nature conservation, biodiversity, landscape, and trees.
- 6.2 We have published detailed policies in our Local Plan and have a number of other publications and general advice notes on such topics. Specialist expertise is available to give advice on landscape, trees and conservation matters in general and deal with proposals for listed buildings and conservation areas.
- 6.3 We have designated areas of special architectural or historic interest in the district as conservation areas. We will keep these areas under review and designate further areas or make amendments to boundaries where necessary. We will respond to suggestions for new areas from residents' associations or members of the public, these should be accompanied by evidence of the area's special character or history.
- 6.4 Following a period of public consultation, we will notify residents, businesses and other occupiers within **one month** of conservation area designation. If you are not sure whether you live in a conservation area please contact us.
- 6.5 We are drawing up character appraisals for each of our conservation areas. These can be purchased for a charge or downloaded free charge from our website or purchased for £10.00 per document.
- 6.6 Subject to Government approval where necessary, we will consider making "Article 4 Directions" limiting "permitted development" rights where these pose a significant threat to the character of a conservation area and where there is clear public support for such action.
- 6.7 Planning applications in conservation areas should always be accompanied by full details. Outline applications will not be accepted for conservation areas or for listed buildings. We will use our powers of direction to require full details to be submitted.
- 6.8 In conservation areas, demolition of an unlisted building greater than 115m³ or a complete structure requires separate "conservation area consent". Proposals for demolition must be accompanied by details of proposed new development – where applicable. Generally, demolition of buildings will only be permitted where a contract has been let for an approved replacement development.

- 6.9 We will advise the Planning Compliance Team regarding complaints about breaches of listed building or conservation area control and will take appropriate action, as set out in “Our Commitment to Planning Compliance”.

Historic Buildings

- 6.10 We keep a database of all listed buildings in the district. Information on listed buildings is also available on our website.
- 6.11 We keep a Register of Listed Buildings “At Risk”, covering buildings which are in poor condition and/or vacant. Buildings reported to be at risk will be surveyed as quickly as possible. We will help identify new uses for at risk buildings, and will take statutory action (including repair/urgent works notices) where necessary. We annually review the number of listed buildings at risk on the Register.
- 6.12 We aim to ensure that expert advice is available to owners of listed buildings on technical matters, historical research and building restoration.
- 6.13 Listing is the responsibility of the Department for Culture, Media, and Sport, advised by English Heritage. If you believe that a building is suitable for statutory listing, we will advise you on how to apply for this and on the sort of information on the building that should accompany any application. If we believe that a building may be listable, we may also submit a request for a formal decision.

Tree Preservation

- 6.14 We recognise the importance of trees to the townscape and will make Tree Preservation Orders (TPO) to protect trees of high amenity value. Priority will be given to trees on development sites or where important trees are at risk. Where there is an immediate threat to an important tree we will ensure that the TPO takes immediate effect and lasts for **six months** by which time we will have decided if we should confirm the Order. If you own a tree which has been protected you will have **28 days** after the making of the Order to object. Any objections received will be taken into consideration when we decide if we should confirm the Order. When we serve a TPO, we will explain your rights and responsibilities as the owner.
- 6.15 We seek to prevent the loss of, or damage to, trees of high amenity value when granting planning permission for development, or considering applications for works to protected trees.
- 6.16 If you wish to carry out works to trees in conservation areas, you must give us **6 weeks’ notice** in writing. We will deal with these proposals as quickly as possible, although we have to wait 3 weeks for public comment. We will give you a formal response in all cases and where appropriate we will give you detailed advice on the extent and nature of the work that may be allowed.
- 6.17 We recommend you use a suitably experienced/qualified tree surgeon to carry out works to trees. We can supply a list of tree contractors which can also be downloaded from the Heritage Team page on our website.

- 6.18 If you wish to carry out works to a protected tree, you should apply for consent on forms available from the Heritage Team. The forms can also be downloaded from our website. Whenever possible we will make a decision within **eight weeks**. If you are not happy with our decision, you can appeal to the Government Office of the South East and we will provide you with information to help you. Unauthorised works to protected trees are likely to be an offence and may lead to prosecution. See our Commitment to Planning Compliance.

Grants

- 6.19 We can give grants for environmental enhancement schemes and repair works to listed buildings – general maintenance works do not qualify. Further information about eligibility and prioritisation of funds can be found on the Heritage Team’s page of our website.
- 6.20 We have published, and will keep up-to-date information on the criteria for grant eligibility, the levels of grant available and the Council’s priorities. We will also advise you on grants that may be available from other agencies.
- 6.21 We will respond to inquiries about grant eligibility within **10 working days**, and aim to give a formal response to grant applications within **2 months** of receipt of full details.

Information

- 6.22 You will have an opportunity to comment on proposals affecting conservation areas, listed buildings and protected trees, which will be publicised in accordance with “Our Commitment to Publicity and Consultation”.
- 6.23 Locations of properties in conservation areas, listed buildings, or areas affected by tree preservation orders are available on our website.

7. Our Commitment to Plan for the Future

- 7.1 Planning policies set out in the Local Plan show how we aim to improve people’s lives by meeting the economic and social needs of the District in ways that protect the rich natural and historic heritage. The policies aim to help us build successful communities, protect the environment and to help us provide a good quality service.
- 7.2 The policies cover the following areas and help to promote and control sustainable development in the District:
- General policies for development in the District
 - Countryside and heritage
 - Transport, energy and pollution
 - Housing
 - Economy
 - Health and Community

The Local Plan and the Local Development Framework

- 7.3 Our Local Plan was adopted in March 2006. Gradually over the next few years, this will be replaced by a new Local Development Framework for the District. The new framework will contain a variety of documents that cover policies for development, how the Council will involve the wider community and the public in what we do, and provide supplementary planning documents on a number of topics.
- 7.4 We will keep the Local Development Framework up to date and review its progress through the Annual Monitoring Report. This will allow us to respond to changes within the District and changes at national and regional level.

Public Engagement

- 7.5 Involving people in our work is key to what we do. There is a lot to gain by engaging with a wide range of people and organisations. We will remember that local people know their area very well and can offer valuable ideas. We will try to involve groups in the District that we do not normally hear from such as young people, businesses and black and minority ethnic groups.

General Policy Advice

- 7.6 We provide general planning policy advice to residents, developers and other organisations.

Providing Information, Research and Monitoring

- 7.7 We undertake various surveys and research work to provide us with an up to date evidence base for our work. In addition, we produce an Annual Monitoring Report that checks whether our Local Plan policies are working and progress with our Local Development Framework.
- 7.8 We can also provide information about the District including population, employment and other facts and figures. We will ensure that the website information and links are kept up to date.

8. Our Commitment to Highway Advice

- 8.1 The Highway Development Control Team (the Team) acts as Agents for Hampshire County Council (HCC). HCC is the Highway Authority. The Team advises on the highway implications of planning applications within the District.
- 8.2 A fee may be charged to professionals where a written response or site visit is necessary.
- 8.3 The Team consider the likely impact of development on the transport network and determines necessary mitigation works or financial contributions. Financial contributions are negotiated to reduce the impact of the development on the local transport network. Major planning applications are referred to HCC.

Our Commitment is to

- respond to consultations on planning applications within **10 working days**;
- forward major planning applications to Hampshire County Council within **3 working days**;
- liaise regularly with Hampshire County Council's Development Control Section; and
- seek financial contributions from developers to reduce the impact of development on the transport network.

What are major applications for the purposes of highway advice?

8.4 Major planning applications are those above the following thresholds:

- 100 residential dwellings
- 2,000 sq.m non food retail
- 1,400 sq.m food retail
- 4,500 sq.m industrial/warehousing

8.5 In addition to these thresholds, any applications that involve works on the highway are also referred to HCC for approval.

What are Works?

8.6 Any works on the highway that are needed to provide access to a development site or reduce the impact on the highway network are carried out by the developer to standards set by HCC and supervised by HCC Engineers. The developer must enter into a legal agreement with HCC to gain permission to work on the highway.

What are legal Agreements?

8.7 HCC use Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to permit work on the highway.

- A Section 106 Agreement is a planning obligation used to secure financial contributions and/or works.
- A Section 278 Agreement allows the developer to carry out works on the highway.

Hampshire Parking Standards and Strategy 2002

8.8 This is the County Council's parking standards document. It can be obtained electronically at <http://www.hants.gov.uk/carparking/index.html>.

Movement Access Streets and Spaces (MASS)

8.9 This is the County Council's highway design guide for new residential development and is available from The Highways Development Control Section, Hampshire

9. Our Commitment to Building Control

- 9.1 We check building work in the District to ensure compliance with the building regulations and associated codes of practice to safeguard the health and safety of people in and around buildings. We are committed to providing a quality service to our customers by means of a professional, flexible and responsible approach within the framework of the Building Act and Building Regulations. The legislation sets out minimum acceptable standards of design and construction and we will ensure that these standards are met.
- 9.2 We fully support the Government's "Building Control Performance Standards" (1999) and we will endeavour to provide a level of service as laid down in that document according to the resources available.

Advice and guidance

- 9.3 If you appoint a builder or agent, we can deal directly with them, thus saving you time and effort by helping to resolve certain problems quickly and efficiently.
- 9.4 Whether or not you appoint your own agent, architect, engineer or surveyor, we can offer impartial advice and guidance on your project. We will not however, act as your private surveyor, but we will, nevertheless, give informal comments on proposed work. We may be able to suggest more economical ways of achieving the same objective.

Applications

- 9.5 There are two methods of applying for building regulation approval of your building project. For all domestic work, you can submit a Full Plans submission where drawings, calculations and specifications are submitted to and approved by us. For some domestic work a Building Notice, giving brief details of your proposals may be submitted. Building Notices are only acknowledged and are reliant on the builder's work meeting with the building regulations.
- 9.6 You can obtain copies of forms from our website. Alternatively, you can complete an electronic form and submit your application, with drawings on-line.
- 9.7 Works to shops, offices, factories, hotels and boarding houses must be made by the Full Plans route because we must consult the Fire Brigade.
- 9.8 You may also need to use the Full Plans route for domestic work if it involves building over or near a sewer or drain that you share with your neighbour(s) or your property fronts a private street. This is because we must consult the relevant water authority in case a "building over" agreement is required.

- 9.9 We set our fees locally within a framework set by the Government. We aim for our fees to be competitive, fair and set at a level to fully cover our costs. A fee schedule is available on request and is published on our website.
- 9.10 If making a Full Plans application, you should enclose the appropriate fee together with two copies of the drawings and if appropriate, structural calculations and thermal calculations, giving full details of your proposals.
- 9.11 We will acknowledge your application within **3 working days**, letting you know if for any reason it is incomplete and we will give you the name of the Surveyor dealing with your project.
- 9.12 Although the normal statutory limit for dealing with your Full Plans application is **five weeks**, we will aim to give you a decision or formal response on any outstanding items or additional technical information required within **three weeks** if your work is purely domestic. We will deal with all applications within the prescribed time limits set out in the legislation.
- 9.13 We will only reject your application if it shows major contraventions of the Building Regulations. Wherever possible we will approve it, if necessary with conditions here we need additional information or if minor changes are needed. If you or your agent disagrees with our decision, you have the right to appeal to the Department of Culture and Local Government.
- 9.14 If you submit a Building Notice, you can start work on site within **24 hours**. You must wait for **48 hours** if you follow the Full Plan route. However, the correct fee must accompany your Notice.
- 9.15 The Building Regulations cover:
- Foundations
 - Fire protection in the form of egress, fire fighting.
 - Drainage systems
 - Damp proof courses and membranes, contaminated land
 - Thermal insulation
 - Structural stability
 - Weather proofing
 - Flues and vents to heating appliances
 - Ventilation
 - Staircases design including, landings and galleries
 - Glazing
 - Facilities and access for disabled people
 - Sound proofing
 - Electrical installations
- 9.16 We will inspect certain work on site as necessary to ensure compliance with the Building Regulations
- 9.17 Building control surveyors have mobile phones and can generally respond quickly to requests for site inspections. Consequently, you can contact them directly to arrange a site visit the same day. However, to ensure that a statutory visit can be

made it is advisable to contact the surveyor before 10.00am that day. Visits can be made before 9.00am and after 5.00pm on weekdays, and in special circumstances at weekends. You can get the phone number you need to contact the surveyor directly by ringing (01730) 234208 / 234207.

- 9.18 Some minor changes to the details of building work may be agreed with the Building Control Surveyor as the work proceeds as long as the finished work complies with the Building Regulations. If more major changes are needed, it may be necessary to submit a fresh Full Plans application. Please be aware however, that in some instance any changes may separately need planning permission. You should also check before making any changes that you have all the correct permissions.
- 9.19 If you make a Full Plans application, we will send you an invoice for the inspection fee shortly after the first site inspection has been made, so that you can make the necessary arrangements.
- 9.20 When you or your builder notify us that the work is completed, and a satisfactory final inspection has been made, we will issue a formal Certificate of Completion indicating the work complies with the Building Regulations. This can be particularly useful if the building is subsequently sold or if you are securing additional funds against the property.

Irregular work

- 9.21 Sometimes work is carried out contrary to the Building Regulations where enforcement action needs to be taken. Wherever possible we will discuss these problems with you so that the work can be corrected quickly, with the least inconvenience to all concerned.

Regularisation

- 9.22 Sometimes work is completed without our knowledge and requires retrospective approval. We will do all we can to help you, but you will need to submit a Regularisation Application Notice and pay the appropriate fee. We will then inspect the property within **48 hours** and let you know if anything more needs to be done to comply with the building regulations for a regularisation certificate to be issued. Some parts may need to be opened up for inspection and we will advise you. We will try to keep this to a minimum.

Party Walls

- 9.23 Party wall matters are between adjoining owners, but if your work affects a party wall or your neighbour's property or foundations we can advise.

Dangerous structures

- 9.24 If you are concerned that a building or structure is dangerous, you can contact us at any time. In the interest of public safety, Surveyors are on call **24 hours a day** to give attention to dangerous structures within **two hours** of initial contact.

- 9.25 Where necessary an imminent danger may be removed immediately by our own contractors.
- 9.26 If we need to take this action in respect of your property, we will make every effort to contact you first but, if this is not possible, a card will be left at the premises indicating what action has had to be taken and who should be contacted for further advice.
- 9.27 If your property is in a dangerous condition, but is not considered an immediate danger, a formal Dangerous Structure Notice will have to be served, but we will give you reasonable time to respond and offer a point of contact for further guidance.
- 9.28 There is a charge for dealing with dangerous structures to cover our reasonable administration costs and our contractor's charges.
- 9.29 Where minor defects are found in properties we will, if possible, carry out an inspection and offer informal advice on the best way of rectifying the problem.

Quality

- 9.30 We operate a Quality System for Building Control approved by the British Standards Institution as fulfilling the objectives set out in BS.EN. ISO 9001: 2000.
- 9.31 Most of our Surveyors hold relevant professional qualifications that cover a wide range of disciplines including surveying, structural engineering and fire engineering and energy analysis. They have many years experience and regularly attend training courses to ensure that they are up to date with modern methods of construction. We offer a multi functional service covering structures, fire precautions, services, drainage and where appropriate we will liaise with other council departments.
- 9.32 We make maximum use of new technology and we use state of the art software to check engineer's calculations as well as other aspects of the proposed work such as heat loss from buildings and energy (SAP) ratings of new buildings.
- 9.33 We keep extensive records on every property that we deal with so that future owners can plan further works with confidence. This also means that prospective purchasers can ensure that work carried out in the past has been inspected and approved. This information can also be analysed to give warning of any potential problems particularly in relation to ground conditions.
- 9.34 We liaise closely with building control offices in other local authorities to share our experience and exchange knowledge and information on a regional level. It also helps to achieve a good level of consistency throughout the County.
- 9.35 We participate in a partnering scheme for building professionals whereby we will approve your plans for work outside the district. We also inspect work in our own district received from other partnering authorities.
- 9.36 We take commissions to carry out Disabled Access Audits, SAP energy ratings and Site Investigations on a consultancy basis. We can carry this out countywide and for Energy we operate nationally. We are fully indemnified by a leading insurer and trade in line with protocol of the Royal Institution of Chartered Surveyors.

10. Our Commitment to Local Land Charges and Land and Property Gazetteer Unit

- 10.1 The Local Land Charges Service aims to complete **100%** of official written and electronic searches within **10 working days**. We also aim to help personal callers when carrying out personal searches.
- 10.2 The Land and Property Gazetteer Unit has BS7666 accreditation for our Corporate Land and Property Gazetteer. Property information is linked to the Street Naming and Numbering function and provides official address information to the rest of the council and consultees.

Our Commitment is to:

- give clear, concise and accurate information at all times
- treat everyone with respect and courtesy
- actively seek ways of improving the quality of our service
- assist with all search related queries
- assist with relevant property related queries.

Local Land Charges

- 10.3 The Local Land Charges Service provides solicitors, conveyancers and their agents and clients with information specific to the land or property that they are interested in acquiring. This information is obtained by submitting official local search forms to us together with the relevant fee.
- 10.4 The official local search consists of two parts:-
- (a) Restrictions on the property which are binding on successive owners, e.g. Financial Charges, Tree Preservation Orders and Enforcement Notices.
 - (b) Replies to enquiries on a nationally agreed form giving information of a more general nature: e.g. highway proposals, planning history and other planning related matters and outstanding notices.

All this information is supplied to the Local Land Charges Service by other Council Departments, the Government, and outside bodies e.g. HCC highways

A personal search

- 10.5 A personal search is a search of the Local Land Charges Register **only** and does not reveal the full information provided by an official search. Once that has been carried out for a statutory fee the personal search is over. A personal search can be undertaken only at the Local Land Charges Section. Personal search agents

carrying out such searches on behalf of third parties are expected to possess sufficient knowledge of the search process to enable them to carry out their personal searches without guidance from our staff.

Land and Property Gazetteer Unit

- 10.6 The Land and Property Gazetteer Service has linked to the National Land and Property Gazetteer (NLPG), which had been set up by the Improvement and Development Agency (IDeA). To achieve this link, we have set up a corporate Local Land and Property Gazetteer (LLPG) to establish the links required to reach BS7666 accreditation for our Property Gazetteer. This British Standard entails a standardised address structure being adopted for all properties.

Disclaimer (Please note)

The contents of this Charter are not legally binding. If you are in any doubt or difficulty; if you are involved in a dispute; or if you need to know your rights; you should seek your own independent legal advice from a solicitor or other suitably qualified person.