Having considered the variation to 23/1426/FUL submitted by the developer, the Colvend & Southwick Community Council (CSCC) has the following response:

This minor variation does nothing to address the overwhelming legitimate material concerns expressed in the 461 registered objections to this application.

All the material concerns outlined in the report entitled “Planning Application Consultation 22.09.2023” previously submitted to the Planning department by the CSCC are therefore still valid.

In the report these concerns were categorised under the headings; Environment, Health & Safety, Human Rights, Pollution, Amenities, Infrastructure and General. Each category contained a detailed explanation of the concerns of the community and, in the Environment category, external qualified subject matter experts supplied supporting information for these concerns.

Based on the above the CSCC, as a statutory consultee, finds nothing in the variation to warrant a change to its previous position and therefore our objection to this totally unnecessary over development at Sandyhills Bay remains.

I note the Group want me to prepare a further written representation to the Council, incorporating the points mentioned in items 1-10 in your letter. I can prepare that by the middle of next week. Fee estimate - £2000 plus VAT.

Fees – my e-mail of 24 November asked for approval to issue an invoice of £2,500 for the step 3 work (detailed review of certificate and car park applications, and section 50 agreement). That e-mail also suggested preparing a draft letter fell into step 4 (further steps might be required prior to the Council deciding the application, depending on events - £0-£2,000), but the exact cost of the letter would depend on how much information the Group could supply on the section 50 and other issues.

Following your letter of 4 December, I reviewed and advised on the further revisals, which also falls within step 4. The cost of that work, and for preparing the comments below, is £2,500 plus VAT. That is slightly more than the original estimate for the step 4 work, and doesn't include the estimated fee of £2000 for preparing the further written representation to the Council. That is the difficulty with the applicant drip-feeding new information. It also makes it difficult for me to give you a new budget, as it will depend on how much more information the applicant might submit, what sort of information it is, and what you ask me to do. It could be in the range £5-10,000 (including the £2000 fee estimate for preparing the further written representation).

Variation of application – item 2 in the initial points section of your letter:

Section 32A of the Town and Country Planning (Scotland) Act 1997 provides that an application may be varied with the agreement of the planning authority, unless there is a change in the description of the development. Subsection (4) states that the planning authority may "give such notice of the variation as they consider appropriate".

The portal has an e-mail from Claire Epstein to Hough Tullett dated 1 December, stating that the changes will require neighbours to be re-notified etc. That will provide a fresh opportunity to comment. The e-mail requests £30 for the cost of the re-advertisement – presumably there has been a delay in the advertisement because the applicant has yet to pay that.

The e-mail also states that her intention is to renotify neighbours etc with an amended description of the development. However, as I mentioned, section 32A does not permit a variation which requires a change in the description. I could raise this with her. That could result in the applicant having to withdraw the application and submit a new, amended one. However, other than causing some delay, I'm not sure it would achieve anything, and has the downside that none of the existing objections would apply, so everyone would have to resubmit their objections, which they might not do, whereas amending the existing application would mean the original objections would continue to apply (although it would be better for anyone submitting a new objection to state that their previous objection should also be taken into account, just for the avoidance of doubt).

Regards

Neil