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## Overview

This unit is concerned with dealing with regulatory requirements and statutory consents and minimising their impact upon a development.

It is about identifying the regulations and also the constraints which might apply to a project. You must be able to show how to identify potential constraints and evaluate the impact they would have upon the project.

It is about meeting development requirements and also dealing with constraints. You must be able show how to match potential solutions and options to requirements or constraints and to present these to stakeholders in a clear, objective and readable format.

It is about preparing and processing applications for statutory consent. You must be able show how to identify what consent is needed, where and when it is needed and how to submit clear, valid timely applications. You should also be able to show how applications can be negotiated in order to ensure consent.

It is about submitting appeals following refused applications. You must be able show how you have prepared and submitted an appeal by providing the necessary evidence.

## COSBEDMO12 - SQA Unit Code FM6V 04

### Establish regulatory requirements and secure consents in built environment design management

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#### Performance criteria

#### Identify, evaluate and confirm project regulatory requirements and constraints

*You must be able to:*

- P1 Choose investigation methods and techniques which are valid, reliable, consistent with legal requirements and which identify the feasibility of the project
- P2 identify the requirements and preferred options of planning and other regulatory bodies which have an interest in key factors of the project
- P3 identify and assess the relative importance of existing and anticipated regulations
- P4 identify and review opportunities and constraints on project options which could result from both existing and anticipated regulations
- P5 summarise any regulatory constraints which might affect the viability of the project and explain the procedures for appealing against negative decisions

#### Report and advise on options for potential developments

*You must be able to:*

- P6 identify and assess existing solutions which appear to satisfy the regulatory constraints which may apply to the development
- P7 investigate and test the requirements and preferences of planning and other regulatory bodies which have an interest in key development factors and report valid options and objections to the stakeholders
- P8 match findings which have legal implications to relevant legislation and related guidance
- P9 produce an accurate and unambiguous report based on the investigation findings which clearly identifies the options available
- P10 assemble any supporting data which is relevant to the investigation, but which is not included in the report, store it safely and index it clearly for future reference
- P11 provide clear and accurate advice on the findings and implications of the investigation to stakeholders

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#### **Prepare and process applications to secure statutory consents**

- You must be able to:*
- P12 identify which aspects of the project are subject to statutory controls and will need consents
  - P13 check and confirm with the relevant authorities the requirements, current procedures and likely timescale for statutory approvals and other consents
  - P14 forecast how long the submission and approval of applications for consent will take and how this will fit in with the project schedule
  - P15 identify the implications of delays, failure to apply for and achieve consent and circulate the information to the stakeholders
  - P16 prepare and assemble the information that will be needed for the application
  - P17 prepare and submit a clear and valid application for the consent
  - P18 provide the consent authorities with additional clear, relevant and accurate information when it is requested
  - P19 manage negotiations with statutory authorities to secure consents
  - P20 plan and agree alternatives with the client in anticipation of approval being refused

#### **Prepare and process appeals and negotiate to secure statutory consent**

- You must be able to:*
- P21 identify, within the appeal period, whether there are grounds for a formal appeal against a refusal to grant consent
  - P22 evaluate the strengths and weaknesses of the application
  - P23 prepare an appropriate appeal based on clearly specified grounds, and submit it in the proper form and within the time allowed
  - P24 present a justifiable case supporting the appeal in negotiations with statutory authorities
  - P25 agree changes to proposals following the results of appeals

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### Knowledge and understanding

*You need to know and understand:*

#### Identify, evaluate and confirm project regulatory requirements and constraints

- K1 how and why to choose investigation methods and techniques which are valid, reliable, consistent with legal requirements and which identify the feasibility of the project (evaluation)
- K2 what to identify as the requirements and preferred options of planning and other regulatory bodies which have an interest in key factors of the project (understanding)
- K3 what to identify as the relative importance of existing and anticipated regulations (understanding)
- K4 how and why to assess the relative importance of existing and anticipated regulations (analysis)
- K5 what to identify as opportunities and constraints on project options which could result from both existing and anticipated regulations (understanding)
- K6 how and why to review opportunities and constraints on project options which could result from both existing and anticipated regulations (analysis)
- K7 how to summarise any regulatory constraints which might affect the viability of the project, and explain the procedures for appealing against negative decisions (application)

#### Report and advise on options for potential developments

*You need to know and understand:*

- K8 what to identify as existing solutions which appear to satisfy the regulatory constraints which may apply to the development (understanding)
- K9 how and why to assess existing solutions (analysis)
- K10 how and why to investigate and test the requirements and preferences of planning and other regulatory bodies which have an interest in key development factors (analysis)
- K11 how to report valid options and objections to the stakeholders (application)
- K12 how and why to match findings which have legal implications to

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relevant legislation and related guidance (synthesis)

- K13 how to produce a report based on the investigation findings which clearly identifies the options available (application)
- K14 how to assemble, store and index any supporting data which is relevant to the study, but which is not included in the report (application)
- K15 how and why to provide clear and accurate advice on the findings and implications of the investigation to stakeholders (synthesis)

#### **Prepare and process applications to secure statutory consents**

*You need to know and understand:*

- K16 what to identify as aspects of the project which are subject to statutory controls and will need consents (understanding)
- K17 how to check and confirm with the relevant authorities the requirements, current procedures and likely timescale for statutory approvals and other consents (application)
- K18 how and why to forecast how long the submission and approval of applications for consent will take and how this will fit in with the project schedule (analysis)
- K19 what to identify as the implications of delays (understanding)
- K20 how to circulate information about the implications of delays, failure to apply for and achieve consent to the stakeholders (application)
- K21 how to prepare and assemble the information that will be needed for the application (application)
- K22 how to prepare and submit a clear and valid application for the consent (application) how to provide the consent authorities with additional clear, relevant and accurate information when it is requested (application)
- K23 how and why to manage negotiations with statutory authorities to secure consents (evaluation)
- K24 how and why to plan alternatives with the client in anticipation of approval being refused (synthesis)
- K25 how and why to agree alternatives with the client in anticipation of approval being refused (evaluation)

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#### **Prepare and process appeals and negotiate to secure statutory consent**

*You need to know and understand:*

- K26 what to identify as grounds for a formal appeal against a refusal to grant consent (understanding)
- K27 how to evaluate the strengths and weaknesses of the application (evaluation)
- K28 how to prepare an appropriate appeal based on clearly specified grounds (analysis)
- K29 how to submit an appropriate appeal based on clearly specified grounds (application)
- K30 how do you present a justifiable case supporting the appeal (application)
- K31 how and why to agree changes to proposals following the results of appeals (evaluation)

### Additional Information

#### Scope/range

**Identify, evaluate and confirm project regulatory requirements and constraints**

**1. Investigation methods and techniques:**

- 1.1. standard document search
- 1.2. comparative field research
- 1.3. client and user consultation
- 1.4. discussion with regulatory and statutory bodies and local authorities
- 1.5. commissioning investigations by specialists

**2. Key factors:**

- 2.1. infrastructure issues
- 2.2. land use
- 2.3. physical development
- 2.4. environmental considerations
- 2.5. timetable
- 2.6. financing

**3. Regulations about:**

- 3.1. development and use of land
- 3.2. structures
- 3.3. buildings and highways
- 3.4. renewal and clearance
- 3.5. health, safety and welfare
- 3.6. transport infrastructure
- 3.7. environment
- 3.8. conservation
- 3.9. access (e.g DDA)

**Report and advise on options for potential developments**

**4. Regulatory Constraints:**

- 4.1. development and use of land
- 4.2. structures
- 4.3. buildings and highways
- 4.4. renewal and clearance
- 4.5. health, safety and welfare

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4.6. transport infrastructure

4.7. environment

4.8. conservation

4.9. access (e.g DDA)

#### **5. Requirements and preferences for:**

5.1. infrastructure issues

5.2. land use

5.3. physical development

5.4. environmental impact

5.5. timetable

5.6. financing

5.7. sustainability

5.8. maintenance

#### **6. Stakeholders:**

6.1. the client

6.2. owners

6.3. occupiers

6.4. community and special interest groups

6.5. planning authorities

6.6. civic and historical societies

6.7. regulatory authorities (e.g. heritage/environmental bodies)

6.8. public enquiries

#### **7. Advice provided:**

7.1. orally

7.2. in writing

7.3. using graphics

7.4. electronically

#### **Prepare and process applications to secure statutory consents**

#### **8. Aspects of the project:**

8.1. development and use of land

8.2. structures

8.3. buildings and highways

8.4. renewal and clearance

8.5. health, safety and welfare



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8.6. transport infrastructure

8.7. environment

8.8. conservation

8.9. access (e.g DDA)

#### **9. Consents:**

9.1. planning

9.2. building control

9.3. environmental

9.4. utilities

#### **10. Alternatives:**

10.1. amending the brief

10.2. amending the proposal

10.3. appealing

10.4. withdrawing the application

#### **Prepare and process appeals and negotiate to secure statutory consent**

#### **11. Appeal against a refusal to grant consent for: :**

11.1. development and use of land

11.2. structures

11.3. buildings and highways

11.4. renewal and clearance

11.5. health, safety and welfare

11.6. transport infrastructure

11.7. environment

11.8. conservation

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### Establish regulatory requirements and secure consents in built environment design management

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**Relevant occupations** Architects; Civil Engineers; Graphic Designers; Architectural Technologists; Town Planning Technicians; Building Surveyors

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