Executive

All Wards

Committee

7th October 2009

NATIONAL CHANGES TO PLANNING APPLICATION REQUIREMENTS

(Report of the Head of Planning and Building Control)

1. **Summary of Proposals**   To endorse the suggested Council response to the CLG consultation 'Streamlining information requirements for planning applications' as compiled by Officers.   The changes are proposed following the Killian-Pretty review of the planning process, in an attempt to streamline the system and introduce a clearer and more proportionate approach for applicants submitting planning applications. Thus the CLG propose a new policy statement, some amending legislation and a revised guidance document.

2. **Recommendations**

The Committee is asked to RESOLVE that

the response at Appendix 2 to Communities and Local Government regarding the consultation document 'Streamlining information requirements for planning applications' be endorsed and submitted.

3. **Financial, Legal, Policy, Risk and Sustainability Implications**

Financial

3.1 There are no perceived financial implications as a result of the proposed changes to planning application requirements, as these changes are in the details rather than in any other aspect of the planning process.

Legal

3.2 The consultation proposes to amend the following piece of legislation:

The Town and Country Planning (General Development Procedure) Order 1995 (as amended)

The proposed legislation would be the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2010 and would come into force on 6 April 2010.

Policy

3.3   There are no identified policy implications for the Council as a result of the consultation response. The principles of the legislation and thus the procedural arrangements for its implementation would remain unchanged, and thus only the details would alter.

Risk

3.4   All consultation responses to Communities and Local Government must be submitted within the designated time period (responses must be returned by the 23 October 2009). If a response is not made or returned within this timeframe, Communities and Local Government will not have knowledge of the views of Redditch Borough Council when reviewing legislation and policy.

Sustainability / Environmental

3.5   There are no concerns raised below in the key issues section in relation to the impact of the proposal on sustainability.

Report

4.   **Background**

4.1   The Killian Pretty review of the planning system has identified areas where there are concerns that the planning process has become overly bureaucratic and regularly places inappropriate administrative burdens on applicants as a result of the implementation of recent changes in legislative requirements. These concerns relate particularly to the information submitted in support of planning applications. This can be further separated into three separate elements: the lists of documents required in order to validate an application, the situations when a design and access statement is required, and the completion of the agricultural holdings certificate.

4.2   The current system comprises of a national list of information requirements for applicants set out in the legislation. In addition, Local Planning Authorities have the opportunity to set out their own local list of requirements. Here in Redditch, this is the Local Validation Checklist. There is also separate guidance published by Government on what could be included within the local list.

4.3   The opportunity to create local lists has resulted in some Local Planning Authorities adopting extremely long and arduous local lists of information requirements, causing expense and delay to applicants in some cases, which is not always perceived as necessary.

Design & Access Statements

4.4   The legislation currently sets out when a Design and Access Statement should be submitted in support of an application, and associated guidance is published on their content.

Agricultural Holdings Certificates

4.5   It has also been identified, and can be corroborated anecdotally by Officers, that the completion of the agricultural holdings certificate required as part of the standard application form is confusing and difficult.

5.   Key Issues

5.1   The following is a summary of the proposed changes and Officer comments thereon. A summary of the proposed changes can be found at Appendix 1 and the proposed response to the consultation can be found at Appendix 2.

Local Lists

5.2   The changes proposed regarding information requirements and the validation of planning applications in the Government consultation document are perceived likely to make the process simpler, clearer and less confusing for all those involved, both service users and officers operating the planning service. Therefore, fewer disagreements over what information is required are expected and fewer delays in validating applications.

5.3   Additional supporting guidance, which is clearly laid out and easily understood, is also proposed, and this again should aid the implementation of the process both for officers and service users.

5.4   The <u>requirement to review</u> the local list in accordance with the proposed new guidance is welcomed, as it should lead to a clearer and better laid out list, which will include justification for the items of information required, and thus will provide a more logical and reasoned approach to the process. Such a review, including public and Member consultation, should lead to a document that can be relied upon and has credibility for all.

5.5 The proposals to require <u>summaries of major applications</u> are considered to be beneficial to other service users such as neighbours, consultees and other interested parties, who would be able to gain knowledge of the proposals without reading large quantities of technical documentation. This will also help to give an initial outline of the proposals to case officers, which can be particularly helpful in the first few days of an application when queries are often raised as a result of initial consultation.

5.6 The <u>proposed monitoring</u> of the use of local lists, which will consist of the Government identifying which authorities have adopted and reviewed local lists, is not considered by officers to be a meaningful performance indicator, as it does not demonstrate the benefit, quality or ease of use of the document. It is considered that rather than identifying the existence of local lists, their content and user-friendliness should be foremost in monitoring. Although this would be a more useful assessment, it is acknowledged that it would be more difficult to measure.

Design and access statements (DASs)

5.7 The proposed changes to the requirements for design and access statements are twofold. Firstly, the situations in which a design and access statement is required are proposed to change, and secondly, the content is proposed to alter slightly, with more guidance and support being provided in the proposed national documents.

5.8 There are currently circumstances where quite minor development applications require a DAS to be submitted, which takes additional time to assess, and does not add greatly to the planning process. Therefore, retaining the requirement only where proposed development is significant or likely to impact on sensitive locations is considered to be a sensible method of streamlining the system and eliminating a laborious element of the process for officers.

5.9 Additional and clearer guidance on the content of a DAS, and how it should defer when it relates to development that may affect a listed building is also welcomed, although the omission of any requirement to refer to access seems an error and an oversight, given the intention and title of the statements. However, this additional guidance should also deflect agents and applicants from seeking advice direct from the LPA, or at least means that they can be referred to the documents more quickly.

5.10 It is very important that the DAS consider the context of the development as a whole, and so the added emphasis on this is also considered likely to have benefits for the system as a whole.

Agricultural Holdings Certificates (AHCs)

5.11   The completion of an agricultural holdings certificate is required in every application to certify either than none of the land is agricultural holding or, if it is, that tenants have been notified. Despite its inclusion in the standard planning process, the AHC has always been a source of confusion and is regularly a reason for not validating applications when they arrive. Therefore, moves to make it simpler and clearer are definitely welcomed by planners, and particularly the technical support staff. They are a necessary and important part of the process that we would not want to see lost, however it has been unfortunate that the AHC has been made so difficult to understand, and so changes that simplify it are not opposed. Hopefully, this will make the process simpler and clearer, and thus more applications will be submitted correctly and so time will be saved by officers when validating applications.

New suite of national guidance and supporting documents

5.12   The draft versions of these documents seem to have been put together in such a way that they provide helpful advice to LPAs, and probably also to regular agents. However, they are not the kind of documents that are easily used by individual applicants who only make a planning application once, and therefore it will still be important to ensure that the review of the local list of information includes enough help and support for these types of customer, as well as the useful referencing for those more able to access these documents.

6.   Other Implications

Asset Management   -   None known.

Community Safety   -   None known.

Human Resources   -   None known.

Social Exclusion   -   None known.

7.   Lessons Learnt

7.1   This is a change to current procedure, which results from lessons identified by a review of the system, and it is therefore hoped that this will improve the process, if implemented.

7.2   Members will be aware that this Council has recently reviewed its Local Validation Checklist, and it is therefore likely that a further review will not be overly onerous, unless the published legislation next April varies significantly from that proposed here. However,

additional time in which further lessons can be learnt will therefore be available before the next review, which should benefit the process.

8. **Background Papers**

CLG consultation document 'Streamlining information requirements for planning applications'

http://www.communities.gov.uk/publications/planningandbuilding/streamliningconsultation

Report to 1 July 2009 Executive Committee: Local Validation Checklist Review

9. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

10. **Author of Report**

The author of this report is Ailith Rutt (Development Control Manager), who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 – Summary of proposed changes

Appendix 2 - Proposed response to CLG consultation