

# REPORT TO CABINET

REPORT OF: ECONOMIC PORTFOLIO HOLDER

REPORT NO.: PLA 713

DATE: 11<sup>th</sup> August 2008

<b>TITLE:</b>	<b>ADOPTION OF LOCAL LIST OF INFORMATION REQUIRED TO BE SUBMITTED AS APPROPRIATE WITH AN APPLICATION UNDER THE PLANNING ACTS</b>
<b>FORWARD PLAN ITEM:</b>	Yes
<b>DATE WHEN FIRST APPEARED IN FORWARD PLAN:</b>	17 July 2008
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	KEY DECISION

<b>COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:</b>	Cllr Frances Cartwright Economic Development Portfolio	
<b>CORPORATE PRIORITY:</b>	Key Priority: to enhance Development Control Performance and it a legal requirement of the Planning and Compensation Act 2004	
<b>CRIME AND DISORDER IMPLICATIONS:</b>	Minor	
<b>FREEDOM OF INFORMATION ACT IMPLICATIONS:</b>	This report is publicly available via the Local Democracy Link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>INITIAL EQUALITY IMPACT ASSESSMENT</b>	<b>Carried out and appended to report?</b>  No	<b>Full impact assessment required?</b>  No

<b>BACKGROUND PAPERS:</b>	Planning and Compulsory Purchase Act 2004 DCLG circular advice 02/2008 Town & Country Planning (General Development Procedure) Order 1995 (as amended) Report to Development Control Committee on 1 July 2008
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## **1. INTRODUCTION**

- 1.1 On 6 April 2008 a new National Planning Application form was introduced together with an amendment to the Town & Country Planning (General Development Procedure) Order 1995 (as amended) which set out the Statutory Requirements for plans and information to accompany a planning application.
- 1.2 These pieces of legislation set out for the first time the exact information required to support a planning application and crucially that an application is invalid if the required information is not attached.
- 1.3 It should be noted that the information is divided into two lists; the National List that sets out the mandatory requirements for all applications and a Local List that sets out optional information that a Local Planning Authority can request to support an application. These lists are set out in Appendix A attached to this report.
- 1.4 The Local List has no legal effect until it is published on the Council's website after adoption.

## **2. RECOMMENDATIONS**

- 2.1 **That Cabinet recommends to Council:**
  - **Adoption of the Local List which is attached to this report as Appendix A.**
  - **Delegate the correction of any typographical errors, amplifications or amendments within the list, but not additional items to it, to the Strategic Head of Sustainable Communities.**

### **3 DETAILS OF REPORT**

#### **3.1 Background**

- 3.1.1 The introduction of the National Single Application Form (1APP) for all applications made under the planning acts has been proposed by the government during the previous two years and was introduced on 6 April 2008. Access to this document is made via the Planning Portal which automatically directs the applicant to the correct form and inserts the Councils Logo onto the forms. The use of the Planning Portal and electronic forms is part of the Government's objectives to promote "E-Government".
- 3.1.2 The use of E-forms and an electronic submission results in the elimination of the applicant having to submit hard copy plans. This is viewed as a cost saving to the development industry and providing for the speedier transmission of information during the consultation process. This is seen as enhancing the performance of Local Planning Authorities and dovetails with the recent reports submitted to the Development Services Manager from consultants provided by the Planning Advisory Service.
- 3.1.3 The Lead Professional has liaised with the Head of Development Control at Boston Borough Council so that the drafting time has been shared between the two Authorities and is therefore a joint document.

#### **4. Information**

- 4.1.1 The Local List comprises matters taken from a "List" compiled by the Government and is not a list of matters considered suitable by Officers. Your Officers have considered whether there are any purely Local Matters that should be included and concluded that it was not necessary because, for example the marketing of redundant agricultural barns for commercial purposes before allowing residential use, could be included in the headings in the National List. The difference between matters included in the National List and those that are not is that the former matters when not submitted with the application render it invalid, whilst the latter if not submitted have to be requested using another Article in the General Development Procedure Order.
- 4.1.2 South Kesteven District Council and Boston Borough Council have, along with every other Local planning Authority, selected every matter on the list with the exception of issues relating to Minerals. This is because Local planning Authorities never determine Mineral applications and every other matter may be necessary for a particular application.
- 4.1.3 The Government's overarching concept is that an LPA should only ask for information necessary to determine an application. There is a mechanism to resolve disputes between parties if there is disagreement.
- 4.1.4 The drafting of the Lists together with their adoption is one of the tasks of the Improvement Plan Board for Development Control and adoption will enable the requirements to be notified to the Planning Portal. This is one of the elements that, together with electronic consultation will contribute to efficiency improvements in

Development Control.

## **4.2 Consultation**

- 4.2.1 The Circular advocates 6 weeks consultation but this is not a legal requirement. Other Lincolnshire Authorities have undertaken the exercise and a selection of Planning Agents who attended a forum did not demur when told that this Council would not be consulting. A number agreed that it was a wasteful exercise.
- 4.2.2 Your Officers do not advocate consultation because it is considered that little response would be engendered and, in truth, little or no change would be made to the list. As stated the Local List has been extracted from the Government list with the same phraseology being used. It is considered that it could be a waste of Council resources.

## **4.3 Operation**

- 4.3.1 It is considered that the contents of the List speak for themselves and therefore this report will confine itself to outline the proposed method of operation of the List.
- 4.3.2 The lists will be circulated to 150 developers who have made at least two planning applications to this Council prior to it being posted on the website.
- 4.3.2 Pre-application discussions will be undertaken between the developer and a planning officer. The Development Services Manager and Customer Services Manager have agreed alternate methods of communication to ensure that there is access to planning officers by developers. The usual methods of assisting persons whose 1<sup>st</sup> language is not English are available. Planning Officers will validate applications because their professional judgement is needed to determine whether an application is valid.
- 4.3.3 A valid application should mean that sufficient detail is included for consultees to be able to make meaningful judgement about the application. In this regard it is considered that this will enhance the Consultation Process with Parish Councils because more and clearer information is attached to an application form. It is also considered that the process can be undertaken in a more timely fashion because there will be fewer requests for additional information and that this will contribute to sustained performance in Development control.

## **5. COMMENTS OF SECTION 151 OFFICER**

- 5.1 No direct financial implications arising from this report.

## **6. COMMENTS OF MONITORING OFFICER**

- 6.1 The Planning and Compensation Act 2004 amends the Town and Country planning Act 1990 to introduce the requirement for a list as detailed in this report. The government has produced a national list of matters required, a locally produced list can add to those requirements but cannot detract. The local list should be compiled from a

recommended national list of additional information which the planning authority can require to validate an application. If a local list is not adopted, the statutory requirements of the national list would prevail.

The overall content of any local list will be at the discretion of the local planning authority.

Guidance recommends consultation on the contents of any local list. It is recommended to ensure the list is clear and transparent to local applicants.

## **7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

### **7.1 Comments of Planning Policy Manager**

- 7.1.1 The adoption of this list is a necessary element of delivering the Development Management function at the council.

### **7.2 Comments of Economic Development Manager**

- 7.2.1 Welcome the inclusion of strategic economic development and regeneration elements within the Local List which requires information to support applications for development in both Bourne and Grantham Town Centres as well as in other employment areas that the Council is promoting.

### **7.3 Comments of the Grantham Growth Point Project Officer**

- 7.3.1 The Grantham Growth Point team welcomes the Local List and acknowledges its alignment and relationship to visioning work currently being undertaken for Grantham.

### **7.4 Comments of Local Strategic Partnership Co-ordinator**

- 7.4.1 The Sustainable Communities Plan (SCP) is currently being prepared. It is essential that planning applications demonstrate the objectives of the LSP such as details of Community Involvement before submission of the scheme.

## **8. CONCLUSION**

- 8.1 The adoption of the Local List will provide clarity to developers, enhance the consultation process and contribute to the sustained performance of Development Control.

## **9. CONTACT OFFICER**

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