

Planning and Environmental Protection Committee 17 March 2009

CONSULTATION WITH RELEVANT STAKEHOLDERS ON THE CONTENTS OF LOCAL REQUIREMENTS LISTS FOR VALIDATION OF PLANNING AND RELATED APPLICATIONS

REFERRED BY: HEAD OF PLANNING SERVICES
REASON: RECOMMENDED BY THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
CASE OFFICER: Ms Theresa Nicholl
TELEPHONE: 01733 453410
EMAIL: Theresa.nicholl@peterborough.gov.uk

1 DESCRIPTION

Recent changes in legislation allow Local Planning Authorities to set their own standards (Local Lists) for information to accompany applications. The legislation also allowed Local Planning authorities to review their lists and if they are proposing to make amendments (other than minor amendments) should re-consult and adopt new lists.

On 16 December 2008 Committee resolved to consult on a proposed addition the local list that arose from the Planning Obligations Implementation Scheme (POIS), namely: That prior to validation of any planning application to which the (POIS) applies, applicants will submit either proposed Heads of Terms in respect of any S106 agreement, or a Unilateral Undertaking, dealing in full with any issues arising out of the (POIS).** The Committee report of 16 December 2008 is attached at Annex A.

2 SUMMARY

Comments received as a result of the consultation are attached at Annex B

The Head of Planning Services recommends that the addition to the local lists is adopted for the purposes of validation of planning applications.

3 BACKGROUND

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

The Government amended the Town and Country (General Development Procedure) Order 1995 to introduce a mandatory standard application form (1App) and associated information requirements for validation of applications, from 6 April 2008.

The associated information requirements comprise a National Core List that applies to all Local Planning Authorities and additional items that may be specified locally.

Best Practice Guidance

The Lists are outlined in the Department for Communities and Local Government's White Paper, 'The Validation of Planning Applications Guidance for Local Planning Authorities'. Planning Obligations are included in the recommended national list of local requirements that may be adopted locally.

The paper advises on the recommended best practice process for determining the content of the Local Lists. They recommend:

- The relevant committee authorises consultation on the content of the proposed local lists for planning and related applications
- Minimum period for consultation with relevant stakeholders should be 6 weeks
- Formal review of comments and report back for formal resolution and adoption of the Local Lists by the relevant committee
- Publication of the adopted Local Lists on the Local Authorities website (and made available through the Planning Portal) in addition to paper copies being made available at planning reception or on request.

The White Paper goes on to advise that where a Local Planning Authority has consulted and adopted Local Lists in accordance with the procedures outlined above, they can be used as the local requirements when validating applications under the amended Town and Country (General Development Procedure) Order.

4 HISTORY

- **Prior to 2006**

Validation requirements were in the form of notes on the application forms and advice given by Planning Officers and Technical staff.

- **2006 to April 2008**

Encouraged by Central Government, more extensive Validation Checklists were introduced and published on the council website in addition to hard copies being provided with application forms in the reception and on request at Bridge House.

- **April 2008 to Present**

Adoption of the Local Lists as agreed by committee and published as required.

5 CONSULTATIONS/REPRESENTATIONS

The White Paper advises that the minimum period for consultation with relevant stakeholders should be 6 weeks.

Relevant stakeholders are defined as:

- **Statutory consultees**
The Environment Agency, Natural England, English Heritage, Network Rail, the Strategic Health Authority, the Highway Authority, the Regional Development Agency and statutory undertakers.
- **Parish and Town Councils**
- **Relevant Voluntary and Community Groups**
Residents Groups/amenity societies
- **Agents/applicants forums or representative group of agents**

6 REASONING

The following is based on the main considerations identified in Section 2 of this report.

The (POIS), once adopted, will apply to many applications submitted. This could involve a considerable amount of new work for the department. In order that the additional work does not prejudice the performance targets and as such our customer focus, the (POIS) foresees that the best way of dealing with S106 issues is to start, and in some cases finish, the process at the earliest possible date. Bearing in mind that many of the more simple S106 issues are relatively straightforward, then the best way is to 'front load' the process, ensuring that delays do not occur during the life of the application.

The inclusion of this item in the Local Lists will help planning applicants to understand, from the outset, the type and extent of information that will be required of them

The inclusion of this item in the Local Lists will enable Peterborough City Council to have all the information it needs in order to determine most applications and draft the decision notice including any planning conditions required

This will allow officers and Members to make decisions based on robust information and should reduce the need for officers to request information during the evaluation of the application. Whilst this will impose an obligation on developers to consult on development proposals prior to submission, it should provide them with greater certainty and speed up the decision making process, and thus assist the commencement of development.

The Local Lists will improve ability to achieve performance targets.

7 CONCLUSIONS

The proposed amendment to the content of the Local List is considered essential to the effective delivery of The Planning obligation Scheme.

The Head of Planning Services recommends that;

Members agree to the suggested amendment to the local list for validation of planning applications.

**For information the source:

The Validation of Planning applications – Guidance for local planning authorities

Planning obligations (or “section 106 agreements”) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developer”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Where Development Plan Documents contain policies that give details of likely planning obligation requirements, a local planning authority may require a statement of the proposed Heads of Terms to be submitted with the application.