

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

7 April 2014

Report of the Strategic Director – Economy, Transport and Environment

**2 REQUEST TO APPROVE A CONSULTATION EXERCISE
CONCERNING THE ADOPTION OF A REVISED LOCAL LIST OF
INFORMATION REQUIREMENTS FOR PLANNING**

Introductory Summary A draft revised local list of requirements for planning applications in accordance with guidance issued by the Department for Communities and Local Government (DCLG), has been prepared to enable a consultation to be carried out on the adoption and implementation by the Council of a revised local list.

(1) **Purpose of the Report** To seek approval from the Committee for the Strategic Director – Economy, Transport and Environment to consult on revisions to the local list of information requirements for planning applications.

(2) **Information and Analysis** It is widely agreed that all local planning authorities should process and determine planning applications as expeditiously as possible. In order for local planning authorities to fulfill this task, it is necessary that planning applications are clear and precise, and contain all the information that needs to be taken into account.

In 2008, the Government introduced the use of standard planning application forms (1APP). These forms apply to all full applications except for proposals for mineral development, for which (as regards Derbyshire) applicants use the specialist form available on the County Council's website.

The Government also sought to establish a clear and consistent set of information requirements to accompany planning applications and, in April 2008, introduced a national list of information requirements that should be submitted with applications in order for them to be registered as valid. Local planning authorities are also able to publish their own local list of additional requirements to supplement the application forms and other national requirements. The local planning authority's requirements should be specified on a formally adopted local list which has been published on its website less than two years before an application is submitted.

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The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location.

In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

These statutory tests are set out in Section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 29(4)(bb) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

The Authority prepared and adopted its first local list of information requirements on 1 October 2011 and was subsequently published on the Authority's website. This first local list was prepared in accordance with previous guidance that is now cancelled. Advice to authorities on this is now provided in the National Planning Practice Guidance (NPPG) a web-based resource published by DCLG on 6 March 2014, which has replaced previous guidance and can be viewed on the planning portal website (<http://planningguidance.planningportal.gov.uk/>).

A local list should be reviewed and updated where necessary every two years. The NPPG contains guidance on the preparation of local lists and the process for reviewing and revising local lists. Amendments to article 10 and 29 of the Development Management Procedure Order 2010 make it clear that a local planning authority cannot require an applicant to submit information contained within the local list of requirements if the last one is more than two years old.

The recommended process to review a local list involves the following three-step process:

Step 1: Reviewing the existing local list

Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how the adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a

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local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

Step 2: Consulting on proposed changes

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

Step 3: Finalising and publishing the revised local list

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website.

I have therefore reviewed the existing local list and consider that it needs to be revised. Prior to publication of a revised local list, I would wish to consult the local community, including applicants and agents, for a period of at least four weeks. All observations received would then be considered prior to the adoption of a revised list by the County Council.

The revised local list, once adopted, would replace the existing published local list on the Council's website and would assist applicants and the County Council in ensuring that complete and valid applications have been submitted. The revised list could continue to contain a schedule of national, as well as a compilation of potential local requirements. The revised draft has been prepared with the principles and criteria of the NPPG in mind. A version of the draft revised list intended for consultation will be circulated at the meeting for discussion.

Consultations

No consultations or publicity are required at this stage. The consultation exercise to be carried out will be extensive. It will include consultation with statutory consultees, the minerals and waste industry, planning agents and consultants, neighbouring authorities and parish/town councils.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** This local list of requirements for planning applications is being revised in accordance with paragraphs 038 and 044 of the NPPG (DCLG 2014).

Section 62 (4A) of the 1990 Act (inserted by the Growth and Infrastructure Act 2013) empowers Local Authorities to specify particulars and evidence that they think necessary as additional requirements for applications for planning permission. Articles 6 and 29 of the Town and Country Planning

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(Development Management Procedure) (England) Order 2010, as amended, provides that such requirements for particulars and evidence must first be published in a list of such requirements on the relevant authority's website.

(5) **Environmental and Health Considerations** As contained in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **BACKGROUND PAPERS** Existing local list of requirements for planning applications: National Planning Practice Guidance.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **approve** the carrying out of a consultation exercise on the adoption by the Council of a revised local list of requirements for planning applications

Mike Ashworth
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