

Agenda Item No. 3.5

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

12 April 2021

Report of the Director – Economy, Transport and Environment

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

Introductory Summary In accordance with guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG), a draft revised list of County Council requirements for planning applications has been prepared to enable a consultation to be carried out on the adoption and implementation by the Council of a revised list.

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

(2) **Information and Analysis** Local planning authorities should process and determine planning applications as expeditiously as possible. In order for local planning authorities to fulfil 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.

There are certain National requirements for information which must accompany a planning application. Local planning authorities are also able to publish their own "local lists" of additional requirements for inclusion of particulars and supporting evidence to supplement the information required by application forms and national requirements. The local planning authority's requirements have to be specified on a list published on its website.

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

An authority's information requirements must, in respect of planning applications, 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 (in Section 62 (4A) of the Town and Country Planning Act 1990) were introduced by the Growth and Infrastructure Act 2013. Under Articles 11(3)(c) and 34(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the requirements will apply to an application if the tests are met in respect of the particular development proposed, and the list was published or republished on the Authority's website during the two year period up to the application date.

The Authority adopted its first local list of requirements on 1 October 2011; this was comprehensively reviewed and updated in October 2014 and April 2018 and can be viewed on the County Council's website:

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-applications/making-a-planning-application/planappforms/local-list-of-information-requirements-and-validation-checklists.pdf>

Planning Practice Guidance contains guidance at paragraphs 38, 39 and 44 on the preparation of local lists and the process for reviewing and revising local lists:

www.gov.uk/guidance/making-an-application#Local-information-requirements

The process recommended by the guidance for reviewing and revising local lists involves the following three steps:

Step 1: Reviewing the existing local list

Local planning authorities should "*identify the drivers for each item on their existing local list. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how 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 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 consult the local community, including applicants and agents, over a period of at least four weeks. All observations received would therefore be considered prior to the publication of such a list by the County Council.

A revised local list, once published, would assist the County Council in ensuring that particulars and evidence are clearly required to have been submitted. The revised list could continue to refer to a schedule of national requirements, as well as a compilation of potential local requirements, and has been prepared with the principles and criteria of the PPG in mind. A version of the draft revised list intended for consultation is attached at appendix 1. The proposed changes to the list are shown in red text.

Consultations

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.

After the responses under the consultation exercise have been assessed, a report will be made to the Cabinet Member – Highways, Transport and Infrastructure to recommend authorisation for adoption of a revised list.

(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 38, 39 and 44 of the Planning Practice Guidance (MHCLG 2018).

Sub-section (3) of Section 62 of the 1990 Act (as substituted by the Planning and Compulsory Purchasing Act 2004) empowers local authorities to specify

particulars and evidence that they think necessary as additional requirements for applications for planning permission. Section 63(4A) of the 1990 Act and Articles 11 and 34 of the DMPO limit the scope for exercising this power, as explained above under Information and Analysis.

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

(6) **Other Considerations**

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

(7) **Background Papers** Existing local list of requirements for planning applications and the Planning Practice Guidance.

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

Tim Gregory
Director – Economy, Transport and Environment