

# NOTICE OF MEETING

<b>Meeting:</b>	<b>CABINET</b>
<b>Date and Time:</b>	<b>WEDNESDAY, 7 OCTOBER 2020, AT 10.00 AM*</b>
<b>Place:</b>	<b>SKYPE MEETING - ONLINE</b>
<b>Enquiries to:</b>	<b>Email: <a href="mailto:democratic@nfdc.gov.uk">democratic@nfdc.gov.uk</a> Matt Wisdom - 023 8028 5072</b>

## **PUBLIC PARTICIPATION:**

\* Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Cabinet's terms of reference which are not on the public agenda; and/or
  - (b) on individual items on the public agenda, when the Chairman calls that item.
- Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on Friday 2 October 2020. This will allow the Council to provide public speakers with the necessary joining instructions for the Skype Meeting.

**Bob Jackson**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

**This Agenda is also available on audio tape, in Braille, large print and digital format**

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# AGENDA

## **Apologies**

### **1. MINUTES**

To confirm the minutes of the meeting held on 2 September 2020 as a correct record.

### **2. DECLARATIONS OF INTEREST**

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

**3. PUBLIC PARTICIPATION**

To note any issues raised during the public participation period.

**4. COVID-19 RESPONSE AND RECOVERY - REPORT FROM THE LEADER OF THE COUNCIL**

To receive an update from the Leader of the Council and Portfolio Holders.

**5. LOCAL RESTRICTIONS SUPPORT**

To receive a presentation on the role to be played by New Forest District Council.

**6. MILFORD-ON-SEA, WESTOVER - SEA WALL FAILURE AND URGENT WORKS**

To receive an update from the Portfolio Holder for Environment and Regulatory Services.

**7. STATUS OF SUPPLEMENTARY PLANNING DOCUMENTS (Pages 5 - 8)**

**8. ADOPTION OF REVISED STATEMENT OF COMMUNITY INVOLVEMENT (Pages 9 - 62)**

**9. REVISED PRE-APPLICATION SERVICE (Pages 63 - 76)**

**10. PLANNING FOR THE FUTURE - REFORM OF THE PLANNING SYSTEM (Pages 77 - 90)**

**11. DELEGATION OF POWERS TO OFFICERS (Pages 91 - 110)**

There are a number of required changes to the Council's Delegation of Powers to Officers that are the responsibility of the Cabinet, to take into account new legislation and changing to staffing structures.

**RECOMMENDED:**

That the changes to the Council's Delegation of Powers to Officers in Annex 1 – Delegation of Powers to Officers – Changes to Existing Powers, be approved.

## **NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS**

### **Background**

This meeting is being held virtually with all participants accessing via Skype for Business.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website.

### **Principles for all meetings**

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the new Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by typing "RTS" (Request to Speak) in the Skype chat facility. Requests will be managed by the Chairman with support from Democratic Services. The Skype chat facility should not be used for any other purpose.
- All participants should note that the chat facility can be viewed by all those in attendance.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

### **Voting**

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

### **Technology**

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

### **Public Participation**

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Skype for Business Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Skype Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To:

**Councillors**

Diane Andrews  
Jill Cleary  
Michael Harris  
Edward Heron (Vice-  
Chairman)

**Councillors**

Jeremy Heron  
Alison Hoare  
Barry Rickman (Chairman)  
Mark Steele

## STATUS OF SUPPLEMENTARY PLANNING DOCUMENTS

### 1. RECOMMENDATIONS

- 1.1 That the Cabinet confirm the continuing status, as material planning considerations, of the Council's Supplementary Planning Documents and Guidance, as set out in Appendix A of this report, following the adoption in July 2020 of the Local Plan Review 2016-2036 (Part One: Planning Strategy).

### 2. INTRODUCTION

- 2.1 Following the adoption of the Local Plan Review 2016-2036 (Part One: Planning Strategy), by the Council in July 2020, it is now appropriate to confirm the continuing status of various supplementary planning documents which have been previously adopted by this Council, but which were originally prepared to assist in the implementation of earlier Local Plans prepared by this Council. There are 18 of such documents, as listed in Appendix A. This report confirms their continuing status.
- 2.2 These documents are used to supplement and inform the implementation of Local Plan policies and are a material consideration for the purposes of making decisions on planning applications. They cover a wide range of matters, but most often provide design guidance or additional advice on the detailed implementation of a development plan policy.

### 3. BACKGROUND

- 3.1 The Local Development Scheme (LDS) (which is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), sets out which development plan documents, when prepared, will comprise part of the development plan for the area, and encourages inclusion of details about other local planning documents which will inform planning decisions in the area. It primarily sets out the programme for the preparation of the Local Plan, but also lists the supplementary planning documents which will be considered a material consideration in determining planning applications.
- 3.2 This Council published its latest Local Development Scheme in October 2018 (Decision: <http://go-moderngov01:9070/ieDecisionDetails.aspx?ID=635>) . With the completion and adoption of the Local Plan Part One: Planning Strategy, this would now normally be due for a review, and a revised LDS prepared for Members consideration. Given the recent publication of the Government White Paper – Planning for the Future – with its proposals for fundamental reform of the English planning system and plan-making, it is not considered appropriate to confirm a full revised LDS setting out a programme of work on development plan documents at this time. (A Report on the White Paper is included in the Agenda for this Cabinet meeting.)

### 4. PROPOSED ARRANGEMENTS

- 4.1 While a full review of the LDS is not appropriate at the current time, it is expedient for this Council to make clear to the public, following adoption of the Local Plan Review 2016-2036 (Part One: Planning Strategy), exactly which of the existing supporting documents (supplementary planning documents (SPDS) and guidance) will continue to be considered material considerations in decision-making on planning applications.

- 4.2 The Council's web-site Development Plan page already clearly sets out the documents which comprise the Development Plan for the area.  
(<https://newforest.gov.uk/developmentplan> )
- 4.3 Appendix A of this reports sets out in a schedule the adopted Council documents which will continue to provide supplementary guidance. Some of these documents will have declining relevance over time, and others will, in time, be reviewed or up-dated. The appropriateness of these documents will be kept under review.
- 4.4 The current SPDs will be supplemented by new supplementary planning documents, to be considered and agreed over the coming months. Agreement of a programme of work on new SPDs will be subject to a separate report.

## **5. CONCLUSIONS**

- 5.1 The approach being taken is appropriate and pragmatic at a time when there is great uncertainty over the planning system at a national level.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are none.

## **7. CRIME & DISORDER IMPLICATIONS**

- 7.1 There are none.

## **8. ENVIRONMENTAL IMPLICATIONS**

- 8.1 None if recommendation agreed as guidance which seeks to achieve high environmental standards will remain in place.

## **9. EQUALITY & DIVERSITY IMPLICATIONS**

- 9.1 There are none.

## **10. DATA PROTECTION IMPLICATIONS**

- 10.1 There are none.

## **11. PORTFOLIO HOLDER COMMENTS**

- 11.1 This is in essence a 'housekeeping exercise' to ensure that those supplementary planning documents that were in force before the adoption of the new Local Plan Part 1: Planning Strategy remain material considerations. I therefore support the recommendation.

### **For further information contact:**

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Service Manager Policy and Strategy  
023 8028 5345  
[Louise.evans@nfdc.gov.uk](mailto:Louise.evans@nfdc.gov.uk)

### **Background Papers:**

Published documents

## Appendix A: Schedule of Supplementary Planning Documents and Guidance

The following adopted Supplementary Planning Documents and guidance will be taken into consideration in the determination of planning applications.

Document Title	Adoption date	Status	Original Development Plan policy	Relevant New LP Policy	Action
Mitigation Strategy for European Sites	June 2014	SPD	Core Strategy 2009 DM3	ENV1	Currently under review
Housing design, density and character	April 2006	SPD	New Forest District Local Plan First Alternation 2005 CS2, CS3	ENV3	Currently under review
Parking Standards	October 2012	SPD	Core Strategy CS24	CCC2	Retain pending review
Shopfront Design Guide	January 2001	SPG	Old superseded Local Plan	ENV3	Retained but can only be used for officer guidance
Design of waste management facilities in new development	February 2007	SPD	New Forest District Local Plan First Alternation 2005	ENV3	Retain but priority for review
Residential Design Guide for Rural Areas	Sept 1999	Informal Guidance	A superseded Local Plan and pre National Park	ENV3	Retained but can only be used for officer guidance
Conservatory Design Guide	April 2004	Informal Guidance	A superseded Local Plan	ENV3	Retain as informal guidance for officer guidance here relevant
Ringwood Town Access Plan	March 2011	SPD	Core Strategy 2009 CS23 CS24	STR7 CCC2	Retain
Totton Town Centre Urban Design Framework	April 2003	SPG	Referred to in para. 3.44 of LP Part 2 adopted in 2014	ENV3	Retain
West Totton development Brief No. 4	Oct 1993 – update 1998	SPG	New Forest District Local Plan 1995	TOT3	Retain
Ringwood Local Distinctiveness	July 2013	SPD	Core Strategy 2009 CS2 CS3	ENV3	Retain
New Milton	June 2010	SPD	Core Strategy	ENV3	Retain

Document Title	Adoption date	Status	Original Development Plan policy	Relevant New LP Policy	Action
Local Distinctiveness			2009 CS2 CS3		
Lymington Local Distinctiveness	February 2011	SPD	Core Strategy 2009 CS2 CS3	ENV3	Retain
Fordingbridge Town Design Statement	Nov. 2008	SPD/SPG	Local Plan adopted in 2005	ENV3	Retain
Breamore Village Design Statement	December 2000	SPG	New Forest District Local Plan 1995	ENV3	Retain as informal guidance
Milford on Sea Village Design Statement	December 2002	SPG	New Forest District Local Plan 1995 Various	ENV3	Retain as informal guidance
Hordle Village Design Statement	Dec. 2014	SPD	Core Strategy 2009 Long list including CS2,CS3,CS7, CS8, CS10	ENV3	Retain as informal guidance.
Hyde Village Design Statement	Dec 2011	SPG	Core Strategy 2009 CS2 CS3	ENV3	Retain as informal guidance.



## ADOPTION OF REVISED STATEMENT OF COMMUNITY INVOLVEMENT

### 1. RECOMMENDATIONS

1.1 Following public consultation on a review of the Council's Statement of Community Involvement, it is recommended that the Cabinet and Full Council:-

- i) note the outcomes of the public consultation that took place for 6 weeks on the proposed amendments to the Statement of Community Involvement (SCI).
- ii) agree the changes to the SCI set out in Appendix 2 and (subject to any final non-material editing) adopt the amended SCI document.

### 2. INTRODUCTION

2.1 The purpose of this report is for the Cabinet to consider the draft amendments to the Statement of Community Involvement and to adopt the revised SCI following the 6 weeks period of public consultation carried out in July-August 2020.

2.2 Planning directly affects the places where people live and work, the economy and resident's health and well-being. Meaningful public consultation and engagement on all aspects of planning is vital. It allows communities to have an input in the planning of their area. By maintaining community involvement at the centre of what the Council does, we can gain a real understanding of our community's priorities.

2.3 The Planning and Compulsory Purchase Act 2004 requires the Council to have a Statement of Community Involvement (SCI).

2.4 The Statement of Community Involvement (SCI) only relates to Planning. The SCI is a statutory document which sets out the consultation and engagement methods that the Council will use to involve interested residents, groups, organisations, businesses and other representatives and individuals in the planning process. It explains who will be consulted, when and how. The document describes how the Council will involve the community and stakeholders in the preparation and review of planning policy documents and the consideration of planning applications.

### 3. BACKGROUND

3.1 The Council's Statement of Community Involvement was adopted in 2015 and revised in August 2018 to reflect the provisions of the Neighbourhood Planning Act 2017.

3.2 As reported to the 1<sup>st</sup> July 2020 Cabinet, there are several matters that have led to the need to review the document at this time which are;

- As part of on-going review work relating to Development Management neighbour notification and community engagement in pre-application work has been reviewed with the Statement of Community Involvement needing to reflect this work.
- Government guidance, in light of the Covid19 pandemic, on reviewing and updating Statement of Community Involvement together with the introduction by government of temporary regulations to supplement the existing statutory publicity arrangements for planning applications and environmental statement for EIA development in response to the Coronavirus.

- The adoption of The Local Plan 2016-2036 Part 1: Planning Strategy in July 2020 resulting in the need for some amendments to the SCI.
- Feedback from residents relating to Neighbourhood Plan-making to include further information within the SCI to clarify the responsibility of the 'Qualifying Body' for consultation with communities and statutory consultees.

#### **4. CONSULTATION RESPONSE**

- 4.1 Following the 1<sup>st</sup> July 2020 Cabinet resolution to go out for consultation, the draft revised SCI was subject to 6 weeks of formal public consultation from Wednesday 8th July 2020 – Friday 21st August 2020. The comments received during the consultation have been considered and some minor changes, as indicated in the schedule in Appendix 2, are recommended. These have been incorporated in the document in Appendix 1. (Note: the previous changes proposed are shown in track changes in underlined sections, with yellow highlighted text showing changes made since the public consultation in July-August 2020).

#### **5. CONCLUSIONS**

- 5.1 The Statement of Community Involvement, whilst a required statutory document, is also a critical statement of the Council's commitment to involvement of the community in planning matters. It is important that the document is reviewed from time to time to ensure that it is up to date and details to the community how the Council will involve it in the Planning of the area. Following a 6-week period of public consultation, the Council has revised the statement to take account of the comments made.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 No direct.

#### **7. CRIME & DISORDER IMPLICATIONS**

- 7.1 None.

#### **8. ENVIRONMENTAL IMPLICATIONS**

- 8.1 To ensure that the Council delivers high quality development within its area that reflects the needs of local communities.

#### **9. EQUALITY & DIVERSITY IMPLICATION**

- 9.1 None.

#### **10. DATA PROTECTION IMPLICATIONS**

- 10.1 None.

#### **11. PORTFOLIO HOLDER COMMENTS**

- 11.1 While the Statement of Community Involvement may seem dry stuff, it is the bedrock of how this Council consults with residents, public bodies, interest groups and many other

stakeholders on both in regards to changing local planning policy and planning applications. I believe that the proposed document ensures that the Council will continue to consult in a meaningful and proportionate way on planning matters and support the recommendations.

**For further information contact:**

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[Claire.upton-brown@NFDC.gov.uk](mailto:Claire.upton-brown@NFDC.gov.uk)

Andrew Herring  
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[Andrew.herring@NFDC.gov.uk](mailto:Andrew.herring@NFDC.gov.uk)

**Background Papers:**

Appendix 1 – Revised SCI (as amended following public consultation)

Appendix 2 – Statement of Consultation Sept 2020 (and NFDC response to comments)

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Track changes version for Cabinet (October 2020) –  
with yellow highlighted text showing changes made  
following summer 2020 consultation

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## Statement of Community Involvement



First adopted February 2015  
(Revised October 2020)

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3. Planning in New Forest District
4. The process of Local Plan and Supplementary Planning Document preparation
5. How we will involve and consult others on the preparation of the Local Plan
6. How we will involve and consult others on the preparation of Supplementary Planning Documents
7. Neighbourhood Planning
8. How we will involve others on allocating the Community Infrastructure Levy to projects
9. Community Involvement and Development Management

## Appendices

Appendix 1: Local Planning documents - consultees

Appendix 2: Neighbourhood Planning Protocol

Appendix 3: Who the Qualifying Neighbourhood Plan body seek to engage with

Appendix 4: Publicising Planning and related Applications

Appendix 5: How we will notify neighbours

Appendix 6: Glossary

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## Preface

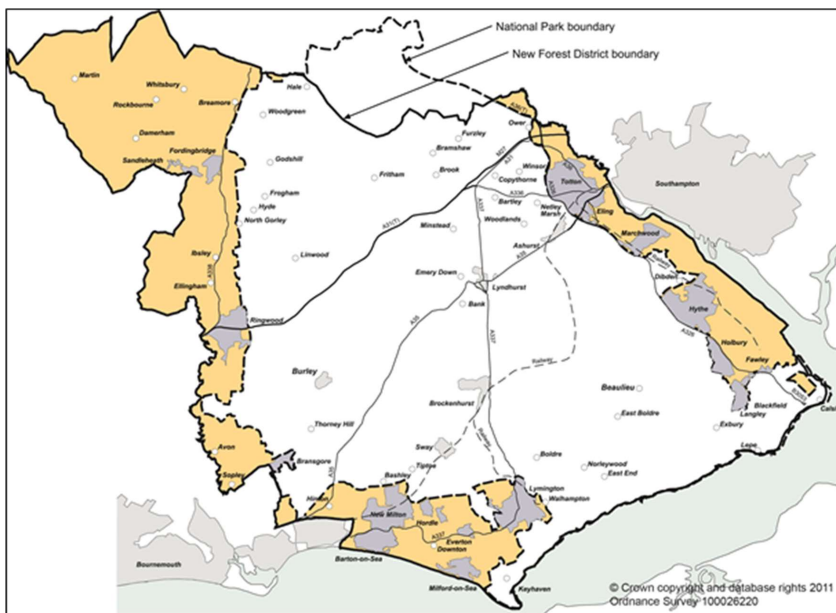
This Statement of Community Involvement (SCI) was originally adopted and published in February 2015. It was first updated in August 2018 to reflect the provisions in the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.

~~This provides additional information in Section 7 in relation to Neighbourhood Planning / Neighbourhood Development Orders. It also reproduces the published Planning Protocol which defines the nature, scope and limitations of support that will be provided by New Forest District Council Planning Services to Town and Parish councils for the purposes of the preparation of a Neighbourhood Development Plan.~~

The revisions that respond to Covid 19 will apply until restrictions on personal and group interaction arising from coronavirus are lifted, or sufficiently relaxed, to allow events held for the visiting public to take place safely.

## Introduction

New Forest District Council is the local planning authority for the parts of the District outside of the New Forest National Park. As the local planning authority, it is responsible for producing the Local Plan and other planning documents for its area and for determining planning applications for most forms of development (Hampshire County Council is the planning authority for minerals and waste planning matters). Within the National Park the National Park Authority is the local planning authority. This document relates to the parts of New Forest District outside of the National Park (the area shaded orange on the map below) referred to as the 'Plan Area' henceforth.



The Council is committed to engage with local people, organisations and businesses to get their views on different aspects of its work. Planning directly affects the places where people live and work and meaningful public consultation and engagement on all aspects of planning is vital.

### 1. What is a Statement of Community Involvement?

- 1.1 The Statement of Community Involvement (SCI) sets out how the District Council will consult and involve others in planning matters in New Forest District outside the



National Park. It covers both the preparation of local plans and planning guidance, and applications for planning permission.

## 2. A brief guide to the planning system

- 2.1 Local planning authorities are responsible for producing Local Plans and other planning policy documents which set the framework under which decisions on planning applications are made. All local planning authorities are expected to have an up-to-date Local Plan for their area. The Plan guides new development, setting the overall planning strategy for the area and setting policies and proposals for what development can happen, and where. The Local Plan is the main planning policy document for the area but can be supplemented by Supplementary Planning Documents (which provide additional guidance on the implementation of policies in the Local Plan) and by Neighbourhood Plans (which are community-led plans).
- 2.2 The Government sets national planning policies in the ‘National Planning Policy Framework’ (NPPF). Local Plan policies must comply with this national framework. The Government also publishes national Planning Practice Guidance (PPG), which gives further guidance and advice on how local authorities are expected to prepare local planning documents and implement Government policy.
- 2.3 The current planning system has no hierarchy of plans between national and local planning policies. However, the Localism Act established a new ‘Duty to Co-operate’ which requires local planning authorities and other organisations to work together constructively in preparing their plans, to try to resolve cross boundary planning issues.

## 3. Planning in New Forest District

- 3.1 The Council has an adopted Local Plan for the area. The key documents which make up the Local Plan for New Forest District (outside the National Park) are:
  - The Local Plan 2016-2036 Part 1: Planning Strategy, adopted in July 2020, which sets the planning strategy for housing and employment provision, protection of sensitive environments, town centres, and transportation for the area up until 2036. It replaces and updates parts of the adopted 2009 Core Strategy, and a small number of the more strategic policies in the Local Plan Part 2: Sites and Development Management adopted in 2014.
  - The Local Plan Part Two: Sites and Development Management, adopted in April 2014, which sets out more detailed policies implementing the strategy, including identifying sites for new development. The remaining policies of the adopted 2009 Core Strategy and 2014 Local Plan Part 2 are either saved for continued use pending review as part of the Local Plan Review 2016-2036 Part Two, or are deleted, as set out in Appendix A of the Local Plan Part One. It includes allocations of specific sites for new housing, affordable housing and employment land. It also provides additional development management policies to assist the implementation of the Part One Local Plan.
- 3.2 ~~The Local Plan Part 1: Core Strategy sets out the broad planning strategy for housing and employment provision, protection of sensitive environments, town centres, and transportation.~~

- 3.3 ~~The Local Plan Part 2: Sites and Development Management sets out the detailed proposals and policies required to implement the planning strategy for the area agreed through the Core Strategy. It includes allocations of specific sites for new housing, affordable housing and employment land. It also provides additional development management policies to assist the implementation of the Core Strategy.~~
- 3.4 The Council has adopted several Supplementary Planning Documents. These include Local Distinctiveness SPDs and the Mitigation Strategy for European Sites SPD.
- 3.5 ~~The District Council commenced early work on the review of the Local Plan in 2014.~~
- 3.6 Full details of all current planning policy documents prepared by New Forest District Council are available on the Planning Policy page of the Council's web-site:  
[www.newforest.gov.uk/planningpolicy](http://www.newforest.gov.uk/planningpolicy)

#### **Working with others**

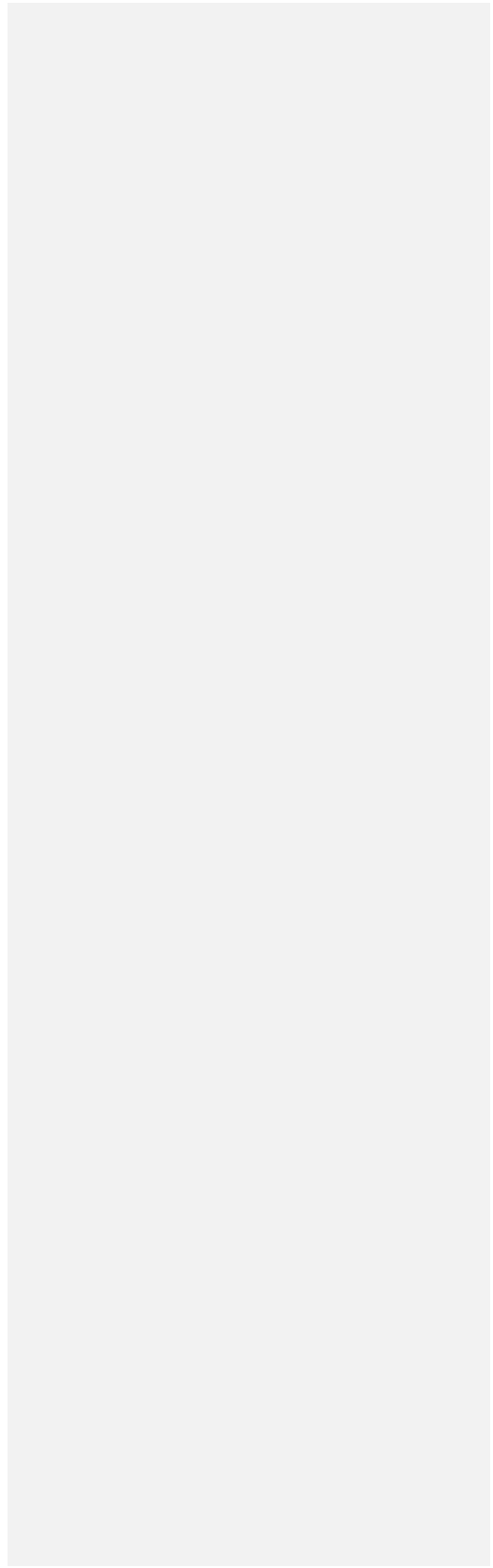
##### The New Forest National Park and Cranborne Chase Area of Outstanding Natural Beauty (AONB)

- 3.8 The Council attaches great importance to having a close working relationship with the New Forest National Park Authority (NFNPA) and the Cranborne Chase Area of Outstanding Natural Beauty (CCAONB). Given the geography of the Plan Area and its relationship with the National Park, it is essential to the proper planning of the area that there is collaboration between the two planning authorities. The Council also has a duty to have regard to the purposes of the National Park under Section 85 of the Countryside and Rights of Way Act (2000). Planning policies for the area recognise that development proposals within the Plan Area can have a significant impact on the National Park, and on protected European nature conservation sites within the National Park. The Council will also engage with the Cranborne Chase AONB Area of Outstanding Natural Beauty (AONB) and have regard to the Planning Protocol agreed between the two parties.

##### Neighbouring authorities and Local Economic Partnerships

- 3.9 The Duty to Co-operate (DTC), brought into effect by the Localism Act (2011), aims to ensure that bodies engaged in planning work together on issues that are of more than local significance. The Council will continue to work with a wide range of statutory and non-statutory bodies in fulfilling its planning duties and ensuring that issues of more than local significance are dealt with by working with its neighbours and other appropriate bodies.
- 3.10 The Council will work with neighbouring authorities and other authorities in the sub-regions on matters of strategic significance, where cross-boundary working is essential to ensure an appropriate planning strategy for the wider area is established (including the work of the Solent Local Enterprise Partnership, the Partnership for South Hampshire, and other neighbouring Local Enterprise Partnerships). This will include the joint commissioning of appropriate studies to assess housing and business needs locally and within the wider area.

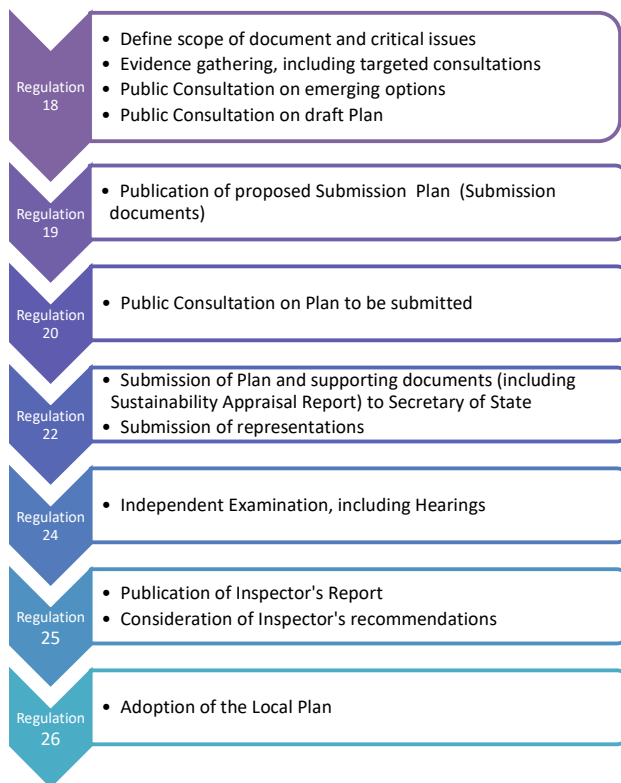
See Section 5 for further information on the Duty to Co-operate.



#### 4. The process of Local Plan and Supplementary Planning Document preparation

4.1 Procedures for preparing development plan documents are set out in national regulations, currently the Town and Country Planning (Local Planning) (England) Regulations 2012. The figure below sets out the stages in plan preparation, indicating consultation stages, as set out in the Regulations.

**Figure 1 – Stages in Local Plan preparation**

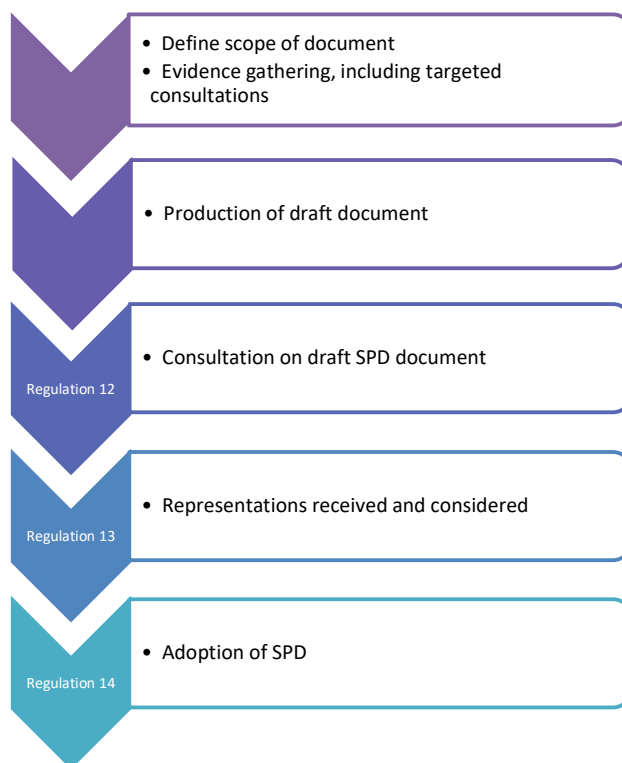


4.2 In the preparation of documents the Council will be consulting and involving others at various stages of plan preparation, from evidence gathering and developing strategic approaches to preparing the Plan for Submission and public Examination by an independent Inspector. The methods and techniques used to involve the community will vary depending on the stage of preparation reached and the type of planning document being prepared. More detail is given in section 5.

4.3 The Local Development Scheme sets out the programme for preparing local planning documents. As well as the Local Plan itself, Supplementary Planning Documents (SPDs), covering particular areas, sites or topics may be prepared. Examples of SPDs which have been prepared by New Forest District Council include the Lymington Local Distinctiveness SPD and the Mitigation Strategy for European Sites SPD (a full list of current SPDs is provided in the Local Development Scheme [and on the](#)

[Council's web-site](#)). The process for preparing Supplementary Planning Documents is simpler than for the Local Plan, the main difference being that an SPD is not subject to public Examination by an independent Inspector. However, the procedure followed in preparing Supplementary Planning Documents includes targeted involvement and consultation during the preparation of the document. The process is set out in the figure below.

**Figure 2 – Stages in Supplementary Planning Document preparation**



Further details of how we will involve others in the production of SPDs is set out in section 6.

## **5. How we will involve and consult others on the preparation of the Local Plan**

- 5.1 The National Planning Policy Guidance requires that Local Plans are prepared with meaningful engagement and collaboration with neighbourhoods, local organisations and businesses. The final Plan should aim to be a ‘collective vision and a set of agreed priorities for the sustainable development of the area’ (Paragraph 155).
- 5.2 The Town and Country (Local Planning (England)) Regulations 2012 set out the procedure to be followed by local planning authorities in relation to the preparation of local plans and supplementary planning documents, including consultation with

interested persons and bodies and the documents which must be made available at each stage. The Regulations can change over time; therefore and the Council will comply with the relevant Regulations in force at the time.

5.3 The main means of finding out the latest news about progress with Plan preparation will be the Council’s web-site [www.newforest.gov.uk](http://www.newforest.gov.uk).

The Council will use its website to:

- Provide information about progress with the preparation of planning documents
- Publish all current planning policy documents
- Give notice and details of current public consultations on planning policy documents under preparation
- Publish summaries of comments it has received on draft planning policy documents

5.4 The Council will keep a database of those wishing to be kept informed directly (normally by e-mail) about stages in plan preparation (the [LDF-Local Plan](#) contacts database).

5.5 Table 1 below sets out how the Council will involve others in the preparation of its Local Plan at various stages of plan preparation.

**Table 1 - The key stages of involving and consulting on Development Plan Documents (DPD):**

Stage:	What we will do:
<b>Early preparation Evidence gathering</b>	<ul style="list-style-type: none"> <li>- Consult on the scope of the Plan: identifying matters which may need particular attention in a new Plan</li> <li>- Gather relevant social, economic and environmental information to provide for background information and evidence</li> <li>- Engage in discussions and joint studies with neighbouring authorities</li> </ul>
<b>Production of draft plan</b>	<ul style="list-style-type: none"> <li>- Prepare a draft Plan based on evidence and views collected</li> </ul>
<b>Formal Consultation on draft plan</b>	<ul style="list-style-type: none"> <li>- Provide a minimum period of six weeks for comments to be made on the draft Plan</li> <li>- Publish the consultation document with supporting information and background studies on the Council’s website</li> <li>- Give details of the consultation and how to comment in a news release and on the Council’s website</li> <li>- Notify all those on the <a href="#">LDF-Local Plan</a> contacts database of the opportunity to comment (<u>including, where appropriate, local representative groups for those who do not have internet access</u>).</li> <li>- Hold, <u>virtual exhibitions, digital consultations, publicising on social media and providing documents for inspection on the council website</u></li> </ul>

Stage:	What we will do:
	<ul style="list-style-type: none"> <li>- Make all documents available for public inspection at Appletree Court, Lyndhurst or Publish a summary of the comments received on the website</li> </ul>
<b>Production of Plan for Submission</b>	<ul style="list-style-type: none"> <li>- Take into consideration all comments received on the draft Plan in preparing the Plan for submission</li> </ul>
<b>Publication of Plan for Submission to the Secretary of State</b>	<ul style="list-style-type: none"> <li>- Publish the Plan with supporting information and background studies on <u>the Council's</u> website</li> <li>- Give details of the consultation and how to comment in a news release and on the Council's website</li> <li>- Provide a minimum period of six weeks for representations to be made on the Plan</li> <li>- Notify all those who commented on the draft Plan that a revised Plan has been published and where the relevant documents can be inspected</li> <li>- Publish a summary of the representations received on the Council's website</li> </ul>
<b>Submission to Secretary of State</b>	<ul style="list-style-type: none"> <li>- Submit for public Examination the Submission Plan, all supporting documents and all representations received on the Submission documents</li> <li>- <u>Make all documents available for public inspection on the council's website.</u></li> <li>- Make all documents available for public inspection at Appletree Court, Lyndhurst <u>on request</u></li> <li>- Give notice to those persons who requested to be notified of the submission of the local plan to the Secretary of State that it has been so submitted.</li> </ul>
<b>Examination by independent inspector</b>	<ul style="list-style-type: none"> <li>- Those making representations on the Plan will be invited by the Local Plan Inspector to respond to questions on matters identified</li> <li>- If required, Hearing sessions will be held during the Examination on matters decided by the Inspector (<u>the method for holding these will be a matter for the inspector to decide, subject to social distancing rules in place at that time</u>)</li> <li>- Those indicating they wish to appear at a physical or virtual Hearing session will be given the opportunity to do so</li> </ul> <p>(Note: the organisation and content of the Examination is a matter for the appointed Inspector)</p>
<b>Formal Adoption by NFDC</b>	<ul style="list-style-type: none"> <li>- Publication of Inspector's Report and any Modifications to the plan required for Soundness</li> <li>- Adoption Statement published alongside the adopted DPD.</li> <li>- Notify all those who commented on the draft Plan that the DPD has been adopted.</li> </ul>



### **Sustainability Appraisal**

- 5.6 Alongside the preparation of the Local Plan the Council will undertake a Sustainability Appraisal of the emerging Plan and its proposals. This work will consider the impact of proposals on environmental, social and economic factors, including internationally significant nature conservation sites, which will be a key consideration. The Sustainability Appraisal will be subject to targeted consultation at its 'scoping' stage, and wider consultation when published for comment alongside a consultation draft Local Plan and submission Local Plan.

### **Fulfilling the Duty to Cooperate**

- 5.7 The "Duty to Co-operate" requires local authorities and other prescribed bodies to work together on planning issues, and particularly on strategic matters which have a significant impact on at least two planning areas.
- 5.8 New Forest District Council will work co-operatively with neighbouring planning authorities in Hampshire, Wiltshire and Dorset, and other relevant public bodies on matters relating to the development of appropriate planning strategies within the Plan Area and in neighbouring areas.
- 5.9 In addition to formal written consultations, this co-operation will involve discussions at both Officer, and as appropriate, Member level. Cross-boundary issues will be identified and, where possible, appropriate planning strategies will be agreed as a basis for preparing Local Plans and ensuring compatibility across administrative boundaries.
- 5.10 In south Hampshire a formal partnership of local authorities (Partnership for South Hampshire – PFSH) is well established as a vehicle for developing planning strategies for the area. The Council will participate in and contribute to the work of PFSH at both Officer and Member level.
- 5.11 New Forest District Council will also cooperate with Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) and have regard to their activities when preparing the Local Plan, so long as those activities are relevant to local plan making. For the New Forest District area these are currently the Solent LEP, and the Hampshire & Isle of Wight LNP. Local Enterprise Partnerships have a key role to play in delivering local growth by directing strategic regeneration funds and in providing economic leadership through their Strategic Economic Plans. Local Nature Partnerships work strategically to help their local areas manage the natural environment and they are encouraged to work at a broader 'landscape scale'.
- 5.12 Working relationships on strategic planning matters with neighbouring authorities in Wiltshire and Dorset have been established and will be developed as each authority's plan preparation progresses.

**6. How we will involve and consult others on the preparation of Supplementary Planning Documents**

- 6.1 Supplementary Planning Documents (SPDs) provide additional guidance on the implementation of Local Plan policies.
- 6.2 Although supplementary to the main policies, it is also important that the local community and interested organisations are involved in the preparation of these documents and have a chance to comment on the detail of how Local Plan policies and/or proposals are to be implemented. Supplementary Planning Documents are not subject to a formal examination by an independent Inspector.

**Table 2 - The key stages of involving and consulting on Supplementary Planning Documents:**

Stage:	What we will do:
<b>Awareness raising and evidence gathering</b>	<ul style="list-style-type: none"> <li>- Gather relevant background information and evidence</li> <li>- Engage in selective discussions and targeted consultation as appropriate</li> <li>- <u>Hold virtual exhibitions, digital consultations, publicising on social media and providing documents for inspection on the council website.</u></li> </ul>
<b>Production of draft plan</b>	<ul style="list-style-type: none"> <li>- Prepare a draft document based on evidence and views collected</li> </ul>
<b>Formal Consultation on draft plan</b>	<ul style="list-style-type: none"> <li>- Publish the consultation document with supporting information on the website</li> <li>- Contact those on the <a href="#">LDF-Local Plan</a> contacts database by e-mail to inform of the draft publication and opportunity to comment</li> <li>- Give details of the consultation and how to comment in a news release and on the Council’s website</li> <li>- Provide a minimum period of four weeks for comments to be made on the draft SPD document (although the norm will be for a six week consultation period)</li> <li>- Write to all those specifically requesting postal notification of publication of a specific SPD</li> <li>- Make all documents available for public inspection at Appletree Court, Lyndhurst and on the Council’s website.</li> <li>- Publish a summary of the comments received on the website</li> </ul>
<b>Adoption by NFDC</b>	<ul style="list-style-type: none"> <li>- Revised plan submitted with summary of comments received and how comments have been addressed</li> <li>- Comments received reported to members (with summary of comments)</li> <li>-</li> <li>- Publication of Consultation Statement, Cabinet / Full Council papers, and final document for adoption</li> <li>- Adoption Statement released alongside the adopted SPD</li> </ul>

## 7. Neighbourhood Plans and Neighbourhood Development Orders

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- 7.1 The Localism Act 2011 introduced statutory Neighbourhood Planning in England. It enables communities to draw up a Neighbourhood Plan for their area (within certain limits and parameters set by the agreed strategy in the Local Plan). Through preparing a Neighbourhood Plan (or a Neighbourhood Development Order) local communities can have a greater say in deciding how the planned development is accommodated in their area. These can be taken forward by Town / Parish Councils.
- 7.2 Parish and Town Councils can use neighbourhood planning powers to establish general planning policies for the development and use of land in their neighbourhood through the preparation of a Neighbourhood Plan or the granting of planning permission for a specific type of development through a Neighbourhood Development Order.
- 7.3 It is the role of the local planning authority to agree the (geographical) neighbourhood planning area. Additionally, the local planning authority must provide advice and assistance; hold an examination; and make arrangements for a referendum. The District Council has published a Neighbourhood planning protocol, and this is contained in Appendix 2 of this Statement. The protocol outlines how the District Council will undertake its statutory duties, and the level and extent of the technical advice and assistance that the Council will provide.
- 7.4 Appendix 3 sets out the guidance specifically designed to support qualifying bodies, which includes Parish or Town Council, on the consultation process relating to the preparation of a Neighbourhood Plan. It contains advice on when, who, how and where to consult to ensure effective community engagement. It suggests the qualifying body considers the following consultation mechanisms when developing a Plan or Order:
- Holding events/exhibitionsdrop in's (where allowed in line with government Covid19 guidance)
  - Adverts/posters
  - Letters/flyers to everyone in neighbourhood area
  - Questionnaires/comments forms
  - Use of websites, social media and e-mail
  - Notice in parish newsletters/local magazines
  - Visiting/contacting already established local groups.
- 7.5 Neighbourhood Plans / Orders must be in general conformity with the strategic policies of the Local Plan which the District Council will continue to produce.
- 7.5 They must also meet a number of conditions before they can be put to a community referendum and legally come into force. The conditions ensure that plans are legally compliant and take account of wider policy considerations (e.g. national policy and the Local Plan strategy). Neighbourhood Plans do not take effect unless there is a majority of support for it in a local Referendum and the Plan is adopted by the District Council.

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7.6 It will be for those preparing a Neighbourhood Plan to decide how best to consult during the preparation of the document, but they must comply with the Neighbourhood Planning Regulations in place at the time. More information about Neighbourhood Planning can be found at: [Http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/](http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/)

## 8. How we will involve others on allocating the Community Infrastructure Levy to projects

8.1 The Community Infrastructure Levy Regulations 2010 require the Council to set out a list of those projects or types of infrastructure that it intends to fund, or may fund, through the levy. This list of projects may be revised from time to time following appropriate consultation.

8.2 The consultation process will involve providers of infrastructure including bodies such as HCC, the Police and Health Authorities, NFDC departments and Town and Parish Councils, as appropriate. A recommended list of projects (known as a 'Regulation 123 list') will then be prepared and subject to further consultation before being presented for approval by the Council's Cabinet at the start of the year. Requirements for who should be consulted are currently set out in Regulation 15 of the Community Infrastructure Levy Regulations 2010 (with amendments) and the Council will apply the relevant regulations in force at the time.

## 9. Community Involvement and Development Management

9.1 For many people, the most visible impact of the planning system is the regulation of development through planning applications. Applications are normally determined in accordance with the policies and proposals of the statutory development plan for the area unless there are other material considerations that justify departing from these policies. Whenever an application is determined contrary to the provisions of the development plan, there should be specific and justified material considerations for doing so. Community involvement in considering planning applications can be an important means of identifying other material considerations. Community involvement can also help shape proposals so that they are more acceptable and appropriate to the area where the development is occurring.

9.2 There are four main stages in the Development Management Process:

- Pre-application
- Planning applications
- Appeals
- Enforcement

The following provides an overview of the Council's publicity and consultation arrangements for these four elements of Development Management.

### Pre-application Stage

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9.3 The Council welcomes and encourages discussion with applicants and developers before planning applications are submitted. Receiving considered advice prior to the formal submission of a planning application can ensure that the quality of a development is improved and that certainty in the outcome can be increased for the applicant. Applicants or developers are encouraged to consult with the community before submitting planning applications which are likely to generate public interest.

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9.4 Whilst there is no statutory requirement for the Council to engage with the community at the pre-application stage on pre-application schemes. Paragraphs 39 to 46 of the National Planning Policy Framework (NPPF) states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties, and that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. Entering into a Planning Performance Agreement with the Council provides an opportunity for identifying the preferred approach to community engagement.

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### **Planning Application Stage**

#### **What happens when a planning application is received?**

9.5 All planning applications are checked to ensure that necessary plans and details are provided to enable the application to be determined. When an application has been validated neighbours (those occupying properties that adjoin the site) are notified by letter. Consultees are also notified (as relevant depending on the nature of the application). All applications are placed on the Council's website for public view. Full details of notification undertaken are provided at Appendix 4.

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9.6 The minimum requirements for publicising and consulting on planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. We comply with the minimum requirement in all cases, in most cases we exceed this to ensure that our communities are as involved as possible. Irrespective of how the community hear about a proposal, anyone can submit comments on an application. The notification letter, site notice and press advertisement explain where the planning application can be viewed.

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9.7 Comments are invited on planning applications for a period of 21 days, which is a statutory period set out by government. All comments received prior to the determination of an application, even if outside of the 21 day publicity period will be taken into consideration. In most cases a site notice is also provided, and this will be displayed for 21 days. When comments are submitted on planning applications through the website the name and address of the individual are also published.

#### **Who we will consult?**

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9.8 The Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the stages at which statutory consultation will take place on planning applications and notifications. The Regulations set out that certain bodies must be consulted, depending on the type of application and/or constraints that affect the site. The relevant bodies are listed in Appendix 4: 'Publicising Planning and related Application'. We will notify such bodies either by sending them the weekly list, an

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email or consultation letter. Statutory bodies are made up of both internal and external consultees.

9.9 Schedule 1, paragraph 8, of the Town and Country Planning Act 1990, states that there is only a statutory requirement for local planning authorities to notify Town and Parish Councils of planning applications received if the Town or Parish Council has requested that it be notified. NFDC goes further than the regulations by. The local planning authority is then required to send a copy of the application or indicate to the Town or Parish Council the nature of the development, identifying the land to which the application relates. The Council e-mail automatically sending mails the weekly lists of applications received, decisions made, and appeals received to all Town and Parish Councils. All town and Parish Councils are notified on applications.

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**How is a planning application determined?**

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9.10 Whilst a planning application is determined primarily against the Development Plan and National policies, material consideration is also given to:

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- i) Representations of objections and support
- ii) Advice from external specialists such as Natural England or Historic England
- iii) Government guidance
- iv) Comments from town and parish council
- v) Any other material consideration

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9.11 9.11 The planning case officer assesses of the application will be based on the above and their judgement on the impact the proposed development will have. The publicity requirements mean that we will not receive all the relevant views until about a month after the council register the application and this will be longer in some cases.

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9.15 9.12 The council will determine planning applications on the information submitted. There may however be some circumstances whereby, at the discretion of the council, amendments can be accepted prior to a determination to resolve outstanding issues. In these instances, the case officer will provide the necessary time in order to provide the applicant with an opportunity to amend the application depending on the degree of change. Under no circumstances should applicants amend an application following a consultation response they have read online.

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9.13 Where the Council receives significant amendments to a current planning application, that it can accept, it will re-publish the application making it clear that amendments to the application have been proposed.

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9.14 Following a review and analysis of all the information and submissions to a development proposal, a report is prepared on the acceptability of the development. The decision on whether to grant planning permission is made either under delegated powers by the Chief Planning Officer, which will be the case for majority of applications, or by the Planning Committee. In cases where applications are to be considered by the Planning Committee, those who have already made written comments on the application can request to address the Committee at the relevant meeting.

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9.15 ~~Once the decision is issued on planning applications the decision notice, plans and officer report are available to view online, but letters of representation will be removed one year after decision date.~~

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9.16 ~~9.16~~ ~~—The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 introduced a prior approval arrangement for certain single storey extensions to dwelling houses with a statutory requirement being placed on the Council to serve notice on any owner or occupiers of adjoining properties and give them a minimum of 21 days to object. These prior approval notifications introduce a new procedure differing from that for planning applications.~~

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### Assisting the Local Planning Authority

9.17 ~~9.17~~ ~~—The council expects planning applications to be determined within timescales set by national guidance unless an alternative period has been agreed (in writing) with an applicant to allow positive and proactive discussion. The national targets are as follows:~~

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- (1) ~~Major applications accompanied by an Environmental Impact Assessment – sixteen-16 weeks~~
- (2) ~~Major applications - thirteen-13 weeks~~
- (3) ~~Minor and other applications – eight-8 weeks~~

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### Post decision

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### Appeals

9.179.18 ~~9.18~~ ~~Applicants have the right to appeal against the refusal of a planning permission to the Planning Inspectorate. There is no third-party right of appeal (i.e. for those who objected to a planning application). The Council will notify relevant parties who commented on the planning application of the appeal and advise them how they may make comments to the Planning Inspectorate. Information relating to the appeal will also be available to view on the Council's Online Planning Register.~~

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### Discharge of conditions

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9.19 ~~9.19~~ ~~—The grant of planning permission is commonly subject to planning conditions which may require the submission of further information to the council for approval. This may address matters such as materials, landscaping, natural green space and green infrastructure and highway matters.~~

9.20 ~~9.20~~ ~~—The Council will seek to deal with such applications within eight weeks from the date of receipt. Submissions made for approval of details are not subject to publicity.~~

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**Post decision Amended Plans**

9.21 ~~9.21~~ Post-decision amendments are only accepted if the amendment is very minor and are considered on a case by case basis. In cases where amendments are accepted, the amendments will not be the subject of publicity.

**Enforcement**

9.22 ~~If members of the local community draw possible breaches of planning to the attention of the Council these will be investigated in accordance with the Local Enforcement Plan which is published on the Council Website.~~

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## Appendix 1 - Local Planning documents - Consultees

New Forest District Council has an electronic database used solely for the purpose of contacting interested organisations, groups, and individuals about the preparation of local planning documents. There are four types of consultee identified on the database, as set out below.

### Type A - Specific Consultation bodies

In accordance with the Town & Country Planning (Local Planning) (England) Regulations 2012, this Council will consult the following organisations on parts of the Local Plan to the extent that it considers the document to be relevant to the organisation:

- All town and parish councils within New Forest District
- The New Forest National Park Authority
- **Cranborne Chase Area of Outstanding Natural Beauty**
- Hampshire County Council
- **Dorset County Council (Unitary Authority)**
- Wiltshire Council
- Test Valley Borough Council
- Isle of Wight Council
- Melchet Park & Plaitford; Nursling & Rownhams; Romsey Extra; Wellow Parish Councils
- Bishopstone; Bower Chalke; Broad Chalke; Coombe Bisset; Downton; Landford; Odstock; Redlynch; Stratford Tony Parish Councils.
- Southampton City Council
- **Christchurch Borough Council Bournemouth, Christchurch and Poole Council**
- Burton; Hum Parish councils
- East Dorset District Council
- Eastleigh Borough Council
- Alderholt; Cranborne & Edmondsham; Sixpenny Handley with Pentridge; St Leonards & St Ives; Verwood Parish council
- The Partnership for South Hampshire (PfSH)
- The Coal Authority
- The Homes and Communities Agency
- The Environment Agency
- Natural England
- Network Rail
- The Historic Buildings and Monuments Commission for England (**Historic England**)
- The Highways Agency
- The Hampshire and Isle of Wight Local Nature Partnership
- NHS West Hampshire Clinical Commissioning Group
- British Telecommunications PLC
- Southern Electricity
- Scottish and Southern Energy
- Southern Gas Networks
- RWE npower
- EON PLC
- The National Grid Company PLC
- British Gas

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- The Police and Crime Commissioner for Hampshire
- The Solent Local Enterprise Partnership
- The Enterprise M3 Local Enterprise Partnership
- The Marine Management Organisation
- Wessex Water
- Southern Water
- Sembcorp Bournemouth Water PLC
- The Mobile Operators Association (which represents telecommunications operators such as: Airwave, Dolphin Communications; Hutchinson 3G; Mercury; NTL; One2One; Orange; O2; T-Mobile; Vodafone etc).

### Type B - General Consultation bodies

In addition to the identified ‘Specific’ consultees set out above, the Regulations require the Council to also notify and consult additional bodies it considers appropriate.

The list below represents the type of different organisations which are likely to have an interest in the Local Plan process, and is not meant to be exhaustive.

The Council has created a contacts database which includes local groups and organisations in the categories below. However, the Council is dependent on up-to-date information being provided by these local groups and organisations in order to effectively contact them. The Council is keen to hear from other organisations that wish to be involved in the plan-making process, and will be happy to add local groups and organisations to its [LDF Local Plan](#) contacts database on request.

Organisations likely to have an interest in the Local Plan process will include:

- Residents groups and associations.
- Amenity and conservation societies.
- Sports & recreation organisations.
- Schools & colleges.
- Disability organisations and groups.
- Older persons groups.
- Ethnic minority groups.
- Gypsies and travelling show people, including the Traveller Education Service.
- Churches and other religious organisations.
- Housing associations and registered social landlords.
- Tourism organisations.
- Youth groups and organisations.
- Businesses and chambers of trade/commerce.
- Developers and planning agents/architects.
- ~~New Forest Verderers.~~
- ~~New Forest Commoners, and other representative organisations.~~
- New Forest Commoners Defence Association.
- The Forestry Commission.
- Port operators and harbour authorities at Southampton and Lymington.
- Transport operators and managers including Network Rail, train and bus companies.
- Coastal interests including commercial, leisure and amenity organisations.
- Major estates.
- The Ministry of Defence.

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- Southampton and Bournemouth Airports.
- Other Government organisations not already listed in Annex B

#### **Type C - Statutory consultees for the Duty to co-operate**

In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, this Council will co-operate with the following organisations on matters in the Local Plan it considers to be of strategic significance.

- The Environment Agency.
- The Historic Buildings and Monuments Commission for England (known as **Historic England**).
- Natural England.
- The Civil Aviation Authority.
- The Highways Agency
- The Homes and Communities Agency.
- Each Primary Care Trust established under section 18 of the National Health Service Act 2006(16) or continued in existence by virtue of that section (in 2014 this was the NHS West Hampshire Clinical Commissioning Group).
- The Office of Rail Regulation
- The Solent Local Transport Body / Transport for South Hampshire
- The Marine Management Organisation.
- The Solent Local Enterprise Partnership.
- The Enterprise M3 Local Enterprise Partnership.
- The Hampshire and Isle of Wight Local Nature Partnership

#### **Type D – Individuals**

In addition to the above, any individual that has a particular interest in local planning, for example as a landowner or a local resident, can ask to be included in the LDF Local Plan contacts database, and will receive notification of consultation stages in Local Plan preparation.

Anyone making a comment during public consultation stages of plan preparation will be added to the LDF Local Plan contacts database and will receive further notifications (normally by e-mail) about the preparation of that document until the time it is adopted.

## Appendix 2 – Neighbourhood Planning Protocol

<https://www.newforest.gov.uk/neighbourhoodplanning>

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### Neighbourhood Planning support

#### 1. Introduction and Purpose

- 1.1. New Forest District Council supports the concept of Neighbourhood Planning and the potential it offers to communities to help shape the places where they live. In deciding whether or how to progress a Neighbourhood Plan, communities will need to consider how they would carry out the work required to deliver an effective and evidence-based Neighbourhood Plan.
- 1.2. There are a range of national and other published sources of information and advice on Neighbourhood Planning, and that advice is not repeated here (see appendix one for some useful links). The aim of this note is to define the nature, scope and limitations of support that will be provided by New Forest District Council Planning Services to Town and Parish councils for the purposes of the preparation of a Neighbourhood Development Plan.
- 1.3. The note is also applicable to Neighbourhood Development Orders and Community Right to Build Orders.
- 1.4. Planning Services will coordinate the involvement of other parts of the Council as and when required, including involvement of Electoral Services at referendum stage.
- 1.5. The District Council is responsible for:
  - a. fulfilling certain statutory requirements at the beginning and end of the process (see section 3)
  - b. the provision of proportionate advice and assistance (see section 4)
- 1.6. This note outlines:
  - a. how the District Council will undertake its statutory duties
  - b. the level and extent of the technical advice and assistance that the District Council will provide

#### 2. Context: Neighbourhood Planning and the District Local Plan

- 2.1. The primary focus and first priority of the District Council is the preparation and adoption of the Local Plan. The ability of the District Council to offer support and advice for Neighbourhood Planning will vary depending on the stage of the Local Plan and the workload of the Local Plan team.
- 2.2. The Local Plan Part One covers strategic matters including strategic housing allocations, and proposes strategic housing allocations in designated Neighbourhood Areas.
- 2.3. Other sites and policies will be progressed through the Local Plan Part Two, scheduled to commence in 2018. The content and coverage of the Local Plan Part Two for designated Neighbourhood Areas would consider the aims and scope of Neighbourhood Plans and their progress.

### **3. The statutory obligations of the District Council**

- 3.1. The District Council will fulfil its statutory Neighbourhood Planning obligations as required by the prevailing regulations, which include
  - i As soon as possible after receiving the Neighbourhood Area application, publicise and consult in accordance with the statutory timeframes (Regulation 6)
  - ii To consider the consultation responses received, and (where appropriate) designate the Neighbourhood Area and publicise it on the NFDC website (Regulation 7)
- 3.2. Upon submission of a Plan Proposal by the Town/Parish Council to the District Council, the District Council will (liaising with the New Forest National Park Authority as appropriate):
  - i Confirm to the Town or Parish Council whether or not the submission plan proposal complies with Regulation 15 of the Neighbourhood Planning Regulations
  - ii Publicise and start consultation with the public on the submission plan proposal and other relevant documentation (Regulation 16)
  - iii Contact the Neighbourhood Planning Independent Examiner Referral Service (or equivalent) and appoint an appropriately qualified and experienced examiner
  - iv Submit the draft Neighbourhood Plan, supporting documents and representation to the Independent Examiner (Regulation 17) in a timeframe commensurate with the volume of representations received (Regulation 17)
  - v Arrange an Examination hearing and date in consultation with the Town or Parish Council. If a public hearing is required as part of the Examination process (rather than written representations), the hearing will be virtual if circumstances necessitate. If a physical hearing is possible and appropriate, wherever possible the venue will be in the local area.
  - vi Publish a 'Decision Statement' (Regulation 18/19) as soon as practicable following the receipt of the inspector's examination report
  - vii Subject to the Examiner's recommendations, make arrangements for holding the referendum, by post or digital means if necessary.
  - viii Adopt the Neighbourhood Plan (Regulation 19/20) at the first available meeting of the District Council following confirmation of majority support at referendum, and make it available through the District Council website.

### **4. District Council advice and assistance**

- 4.1. This section relates to the preparation of a draft Neighbourhood Plan by the Town / Parish Council prior to submission of a plan proposal to the District Council.
- 4.2. For each Neighbourhood Area, the District Council will identify an officer from the Policy and Plans Team as the first point of contact.

Initial meeting

- 4.3. At the request of the Town or Parish council and following designation of the Neighbourhood Area the liaison officer will host or attend an initial exploratory meeting on the first mutually acceptable date.

#### Neighbourhood plan objectives, scope and working arrangements

- 4.4. Before the District Council can provide technical advice or assistance on the preparation or proposed content of the Neighbourhood Plan the Town / Parish Council will first need to decide upon and provide a concise statement that sets out
- the likely aims and objectives of the Neighbourhood Plan e.g. what it is seeking to influence, change, manage, protect or deliver
  - whether or not the Neighbourhood Plan will identify or allocate housing development sites large enough to accommodate ten or more homes
  - what other policy areas or issues the Neighbourhood Plan will address
  - proposed working and decision making arrangements and how they may be resourced
  - an indicative timetable
- 4.5. The District Council accepts that the above matters may change over time.

#### Background Data and Evidence

- 4.6. Upon request the Council will make electronically available or provide access to the following, subject as applicable to licensing, Data Protection and commercial confidentiality
- Published reports and studies in the Local Plan evidence base
  - Mapping data (fees may be applicable)
  - Any other specific, relevant and proportionate requests for existing planning and environmental information for the Neighbourhood Area that is held by the District Council.
- 4.7. The District Council will not be able to
- Commission, tender for or carry out Sustainability Appraisal, Habitats Regulations Assessments, Environmental Impact Assessments, Flood Risk Assessments, Housing Need surveys or other such assessments as may be necessary
  - Commission, tender for or carry out research or forecasting for the Neighbourhood Area
  - Search for, extract or interpret third party data for the Neighbourhood Area
  - Prepare plans, maps or map-based analyses for the Neighbourhood Area.

#### Consultation and engagement

- 4.8. The Neighbourhood Plan process is intended to be local community led. It will be for the local Town or Parish Council to undertake their own Neighbourhood Plan public consultations and the District Council will generally not seek or expect to be involved other than as a consultee. Guidance specifically designed to support qualifying bodies, which includes ~~Parish or Town or Parish Council~~, on the consultation process relating to the preparation of a Neighbourhood Plan is set out in Appendix 3 of this Statement.

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- 4.9. In addition to its statutory responsibilities the District Council will publicise the Neighbourhood Plan consultation on the District Council website with a link to the published draft Neighbourhood Plan.

#### Policy and plan writing

- 4.10. On request with advance notification and given sufficient time to respond the District Council will:
- Comment on proposed policy approaches (including possible alternatives)
  - Provide initial advice on the application of sustainability appraisal to policy development
  - Review draft policies before they are finalised for consultation or publication and provide informal advice on their clarity, robustness and compatibility with the National Planning Framework and with the adopted and emerging District Local Plan.
- 4.11. The District Council will not be able to:
- Write or edit Neighbourhood Plan policies, supporting text or supporting documents
  - Undertake desk top publishing, design, printing, copying or distribution of Neighbourhood Plans or supporting documents.

#### Site allocation in Neighbourhood Plans

- 4.12. Where the Town / Parish Council has committed allocating sites for development as part of the Neighbourhood Plan, the District Council will on request and where resources are available to do so
- Share and explain the Local Plan Sustainability Appraisal Site Assessment methodology
  - Briefly review and comment on any local site selection or appraisal methodology
  - Briefly review and comment on the draft results of a Town or Parish site assessment
  - Provide initial advice on Sustainability Appraisal and Habitats Regulations Assessment including Habitats impact mitigation
  - Advise what supporting technical assessments would be appropriate for any development site(s) proposed e.g. ecological surveys, flooding assessments
  - Comment briefly on site technical studies.
- 4.13. Town and Parish Councils should encourage site promoters and land owners to seek pre-application advice from the District Council. Where appropriate some of the above matters may be provided in the form of pre-planning application advice.
- 4.14. The District Council will not be able to:
- Undertake site selection assessments on behalf of a Town or Parish Council preparing a Neighbourhood Plan
  - Carry out site technical assessments or background studies for the Neighbourhood Plan
  - Undertake detailed site design or masterplanning work unless contracted to do so by the Town or Parish Council.

| Attendance of further meetings

- |
- 4.15. On invitation and subject to availability District Council officers may attend further meetings of the working group at critical decision points leading to consultation on or submission of the Neighbourhood Plan, or the identification of sites for development. An agenda and relevant papers will be required two weeks in advance.
- 4.16. District Council officers will not be able to attend routine steering or working group meetings or meetings at weekends or concluding after 8.30pm.



**Appendix 3 -**

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**Who should the Qualifying Neighbourhood Plan seek to engage with?**

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In preparing a Neighbourhood Plan the Qualifying Body will need to engage and consult with those living, working, with an interest in or affected by proposals and relevant consultees (such as infrastructure providers). The community engagement undertaken by the Qualifying Body will need to be explained in the Consultation Statement required under Section 15(2), Part 5 of the Neighbourhood Planning (General) Regulations 2012(as amended) and which is submitted with the Plan for consideration by the Independent Examiner. Failure to demonstrate that adequate engagement with the community and statutory consultees can lead to the Neighbourhood Plan being found to be unsound.

It is important to recognise the mix of people in your community to ensure that everyone has the chance to engage in the process. Grouping residents and businesses into ‘stakeholder’ groups will help you to identify what methods you need to use to ensure you obtain their views. Typical stakeholders groups include:

- Schoolchildren (aged 5-16)
- Young people (aged 16 – 30)
- Older people
- Commuters (people living in the community but working outside)
- Community groups and societies
- Single parent families
- Persons with disabilities
- Faith groups
- People employed in the community
- Local businesses and landowners
- Black and minority ethnic groups including gypsies and travellers
- Families
- Voluntary organisations acting in the area

<b><u>Guidance for Parish/<del>town</del> <del>council</del> Council/<del>neighbourhood</del> Neighbourhood forum/<del>Forum</del> (qualifying body) in engaging with their <del>Communities</del> communities.</u></b>		
<b><u>Key Stage in the Neighbourhood Plan Process</u></b>	<b><u>Consultation for the Qualifying Body to consider undertaking</u></b>	<b><u>Methods of Consultation to consider</u></b>
<u>Stage 1: Designation of <del>neighbourhood</del> Neighbourhood area Area (and if appropriate <del>neighbourhood</del> Neighbourhood #Forum)</u>	<u>Before submitting an application to designate the neighbourhood area the parish/town council or neighbourhood forum may decide to consult with the local community about preparing a neighbourhood plan/order.</u>	<u>Not applicable</u>
<u>Stage 2: Preparing the Draft Neighbourhood Plan/Order</u>	<u>Ongoing consultation and engagement as the neighbourhood plan/order is being developed with the</u>	<ul style="list-style-type: none"> <li>- <u>Adverts/posters</u></li> <li>- <u>Letters/flyers to everyone in neighbourhood plan area</u></li> </ul>

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	<p><u>community (those living, working, with an interest in or affected by proposals, including landowners) and relevant consultees (such as infrastructure providers)</u></p> <p><u>Engagement with other bodies whose interests may be affected by your neighbourhood plan. These include:</u></p> <ul style="list-style-type: none"> <li>- <u>Hampshire County Council</u></li> <li>- <u>Infrastructure providers</u></li> <li>- <u>Natural England</u></li> <li>- <u>Environment Agency</u></li> <li>- <u>English Heritage</u></li> </ul>	<ul style="list-style-type: none"> <li>- <u>Questionnaires/comments forms</u></li> <li>- <u>Use of websites, social media and e-mail</u></li> <li>- <u>Notice in parish newsletters/local magazines</u></li> <li>- <u>Visiting/contacting already established local groups.</u></li> <li>- <u>Public meetings</u></li> <li>- <u>Focus groups</u></li> <li>- <u>Stakeholder seminars</u></li> <li>- <u>Open Days and workshops</u></li> <li>- <u>Exhibitions</u></li> <li>- <u>Press Notices</u></li> </ul> <p><u>Whatever means of engagement with the community are used it is important to maintain a record of the activity and responses received to inform the Statement of Community Involvement required to be prepared by the Qualifying Body at Stage 3.</u></p>
<p><u>Stage 3: Pre-submission publicity and consultation:</u></p>	<p><u>At this stage Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 provides that the Qualifying Body bring the Pre-submission Plan to the attention of people who live, work or carry out business in the neighbourhood plan area and invite representations.</u></p> <p><u>Under Regulation 14 the Qualifying Body must also consult any “consultation body” whose interests may be affected by the proposals contained in the Pre-submission Plan.</u></p>	<p><u>Inform local residents, local business and affected landowners of the plan, where to view it and how to make representations</u></p> <p><u>This can use such approaches as:</u></p> <ul style="list-style-type: none"> <li>- <u>Press Notices</u></li> <li>- <u>Notice in parish newsletters/local magazines</u></li> <li>- <u>Direct communications by letter</u></li> <li>- <u>Use of websites, social media and e-mail</u></li> <li>- <u>Exhibition</u></li> </ul> <p><u>The Pre-submission Plan can be made available to view online, at local libraries and other deposit locations such as Local Council offices and village/town halls.</u></p>

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		<u>Formal letters must be sent to the relevant Consultation Body that may be affected by the Plan.</u>
<u>Stage 4: Submission of Neighbourhood Plan/Order to Borough Council;</u>	<u>None required</u>	<u>Not applicable</u>
<u>Stage 5: Independent examination</u>	<u>None required</u>	<u>Not applicable</u>
<u>Stage 7: Making the <a href="#">neighbourhood Neighbourhood plan</a>/<a href="#">order Order</a>. <a href="#">Provided that more than 50% vote in favour at the referendum, the Plan will proceed to adoption by the District Council.</a></u>	<u>None required</u>	<u>Subject to strict limitations the Qualifying Body may draw attention to the referendum. The Council's Electoral Services Section will give guidance on what the Qualifying Body can and cannot do in publicising the referendum.</u>

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## Appendix 4 - Publicising Planning and related Applications

<u>Type of Development</u>	<u>Statutory Publicity Requirement</u>	<u>How the Council will publicise applications</u>
<u>Major Development:</u> <u>Residential developments involving 10 or more homes, or where the site area is 0.5 hectares or more.</u> <u>Other development: 1000m2 floor space or 1.0 hectares</u>	Newspaper advertisement (14 days) and either Site notice (21 days) or Neighbour notification (21 days)	The <del>council</del> Council will: <ul style="list-style-type: none"> <li>• Publish Public Notice in newspaper</li> <li>• Notify neighbours with adjoining boundaries to the application site properties</li> <li>• Display a site notice at or near the site</li> <li>• Consult relevant infrastructure providers</li> </ul>
<u>Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement</u>	Newspaper advertisement (14 days) and Site notice (21 days)	The <del>council</del> Council will: <ul style="list-style-type: none"> <li>• Publish Public Notice in newspaper</li> <li>• Notify neighbours with adjoining boundaries to the application site</li> <li>• Display a site notice at or near the site</li> <li>• Consult relevant infrastructure providers</li> </ul>
<u>Application that is a departure from the Local Plan</u>	Newspaper advertisement (14 days) and Site notice (21 days)	<ul style="list-style-type: none"> <li>• Publish Public Notice in newspaper</li> <li>• Notify neighbours with adjoining boundaries to the application site properties</li> <li>• Display a site notice at or near the site</li> </ul>
<u>Application which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies</u>	Newspaper advertisement (14 days) and Site notice (21 days)	<ul style="list-style-type: none"> <li>• Publish Public Notice in newspaper</li> <li>• Notify neighbours with adjoining boundaries to the application site</li> <li>• Display a site notice at or near the site</li> </ul>
<u>Minor Development</u> <u>Residential development involving less than 10 homes. Other development: floor space is less than 1000m2</u>	Site Notice (21 days) Or Neighbour notification (21 days)	The <del>council</del> Council will: <ul style="list-style-type: none"> <li>• Notify neighbours with adjoining boundaries to the application site</li> <li>• Display a site notice at or near the site</li> </ul>
<u>Change of use applications</u>	Site Notice or Neighbour Notification	The <del>council</del> Council will: <ul style="list-style-type: none"> <li>• Notify neighbours with adjoining boundaries to the application site</li> <li>• Display a site notice at or near the site</li> </ul>

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<u>Householder developments</u>	<u>Site Notice or Neighbour Notification</u>	<u>The council will:</u> <ul style="list-style-type: none"> <li>• <u>Notify neighbours with adjoining boundaries to the application site</u></li> <li>• <u>Display a site notice at or near the site</u></li> </ul>
<u>Development affecting the setting of a listed building</u>	<u>Press Advert Site Notice</u>	<u>The council will:</u> <ul style="list-style-type: none"> <li>• <u>Publish Public Notice in newspaper</u></li> <li>• <u>Notify neighbours with adjoining boundaries to the application site</u></li> <li>• <u>Display a site notice at or near the site</u></li> </ul>
<u>Listed Building consent for works affecting the exterior of the building</u>	<u>Newspaper advertisement (21 days) and Site notice (7 days)</u>	<u>The council will</u> <ul style="list-style-type: none"> <li>• <u>Publish Public Notice in newspaper</u></li> <li>• <u>Notify neighbours with adjoining boundaries to the application site.</u></li> <li>• <u>Display a site notice</u></li> </ul>
<u>Development affecting the character of a conservation area.</u>	<u>Newspaper advertisement (21 days) and Site notice (7 days)</u>	<u>The council will</u> <ul style="list-style-type: none"> <li>• <u>Publish Public Notice in newspaper</u></li> <li>• <u>Notify neighbours with adjoining boundaries to the application site</u></li> <li>• <u>Display a site notice</u></li> </ul>
<u>Applications to vary or discharge conditions attached to a listed building consent or conservation area consent, or involving exterior works to a listed building.</u>	<u>Newspaper advertisement (21 days) and Site notice (7 days)</u>	<u>None</u>
<b><u>Prior approvals and prior notifications</u></b>		
<u>Prior Notification of Larger Homes Household Extensions</u>	<u>Neighbour notification (21 days)</u>	<u>The Council will notify neighbours with adjoining boundaries to the application site</u>
<u>Prior Notification of Demolition of a building</u>	<u>Site Notice must be posted by applicant (21 days from date of notification)</u>	<u>None</u>
<u>Prior Notification of Changes of Use</u>	<u>Site Notice or Neighbour Notification</u>	<u>The Council will display a site notice</u>
<u>Prior Approval of Agricultural or forestry development (Agricultural/Forestry)</u>	<u>None (If prior approval of details is required applicant must post site notice for 21 days)</u>	<u>None</u>

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<u>Prior Approval for change of use (Class C, J, M, N, O, P, PA, Q, R, S, T)</u>	<u>Site Notice (21 days) or neighbour notification</u>	<u>The Council will:</u> <u>Display a site notice</u>
<u>Prior Notification for Telecommunication Equipment</u>	<u>Where development is not in accordance with the development plan or would affect a public right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies: Site notice (21 days) and Advertisement in local newspaper.</u>  <u>On sites of 1 hectare or more: Advertisement in local newspaper and Site notice or neighbour notification.</u>  <u>All other development not covered above: Site notice or neighbour notification.</u>	<u>The Council will:</u> - <u>Notify neighbours with adjoining boundaries to the application site.</u> - <u>Display a site notice</u>
<u>Advertisement Applications</u>	<u>None</u>	<u>The Council will:</u> • <u>Notify neighbours in adjoining properties</u> • <u>Display a site notice</u>
<u>Applications for Works to Trees Protected by a Tree Preservation Order</u>	<u>Site Notice (21 days)</u> - <u>Where the Council considers that local people might be affected, or that there is likely to be a good deal of public interest</u> - <u>Obligatory in any case where the Council is the applicant</u>	<u>The Council will:</u> • <u>Notify neighbours in adjoining and opposite properties.</u> • <u>Display a site notice</u>
<u>Notice of works to trees in conservation areas</u>	<u>None</u>	<u>The Council will:</u> • <u>Notify neighbours with adjoining and opposite boundaries to the application site</u> • <u>Display a site notice</u>

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<u>Certificates of Lawfulness for Existing Use and Development</u>	None	<u>The Council will notify neighbours with adjoining boundaries to the application site</u>
<u>Certificates of Lawfulness for Proposed Use and Development</u>	None	None

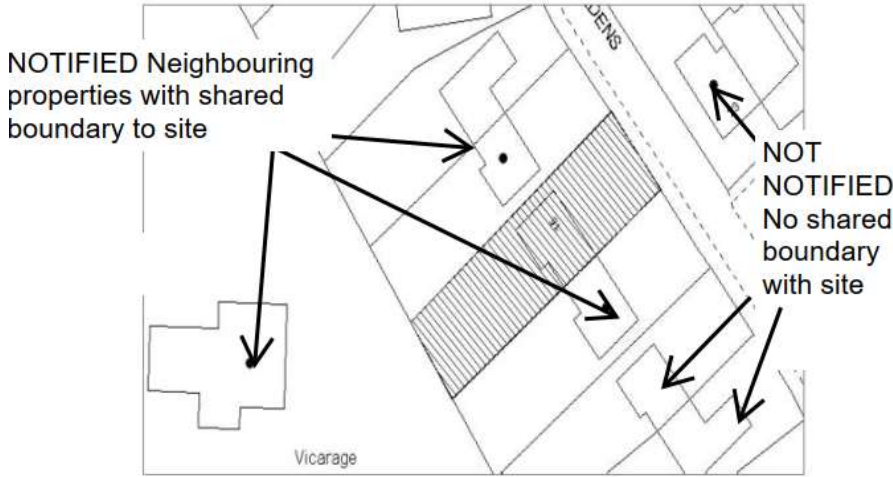
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**Appendix 5 - How we will notify neighbours**

Once a planning application has been registered, we will notify by letter all properties with a common boundary to the site, including to the rear, as is shown in the example below.



**Exceptions**

We do not notify neighbours where the applications are for Certificates of Lawfulness for a Proposed Use or Development, Non-Material Amendments following a grant of planning permission, and Prior Notifications for Demolition of a building, erection of agricultural buildings and Prior Approvals for changes of use (Class C, J, M, N, O, P, PA, Q, R, S, T). Additional properties may be notified as the planning case officers will check on their site visit that appropriate neighbour notification have been carried out.  
In addition to notifying by letter properties with a common boundary we will display a site notice at or near the application site.

**Wider neighbour notification/consultation**

Wider neighbour notification will be undertaken where the development proposed is considered to have the potential for wider impacts, such as a major development leading to significant traffic increases or the proposed development being widely visible and potentially visually obtrusive.

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## Appendix 6 - Glossary

This annex provides supplementary information on some of the techniques mentioned in the Statement of Community Involvement, and on some of the acronyms found in the new planning system.

**Appropriate Assessment** - Part of the HRA process, considers the impacts of a plan or policy on the integrity of the European sites. Where there are adverse impacts, an assessment of mitigation options is carried out to determine adverse effects on the integrity of the site.

**Council's website** - [www.nfdc.gov.uk](http://www.nfdc.gov.uk) or [www.newforest.gov.uk](http://www.newforest.gov.uk)

**DPD** - Development Plan Documents, are the main planning policy documents in the Local Plan. These include the Core Strategy which sets out the main planning strategy for the area.

**Duty to Co-operate** - The 'Duty to Co-operate' is set out in the Localism Act and ensures that local planning authorities work with neighbouring authorities and other public bodies to address strategic issues that affect local plans and cross administrative boundaries.

**European Sites** – A collective name for internationally important nature conservation sites, including Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites. Areas of international nature conservation importance that are protected under the Habitats Directive and the Ramsar Convention for the benefit of the habitats and species they support.

**HRA (Habitat Regulations Assessment)** - An assessment of the impacts of implementing a plan or policy on international protected sites for nature conservation (European Sites and Ramsar sites - wetlands of international importance designated under the Ramsar Convention). Helps determine likely significant effect of a plan or project on international protected sites and, where appropriate, assess adverse impacts on the integrity of a site, and examines alternative solutions.

**NFDC Local Plan contacts database** – A list of names and contact details of specific consultees and others to be kept informed about the preparation of Local Development Framework documents by NFDC

**Local Development Scheme (LDS)** - a sort of project plan for the preparation of the Local Development Framework. This sets out the timescales for preparing the Local Plan, including when each document will be consulted on.

**NFDC** – New Forest District Council

**NPPF** - National Planning Policy Framework, sets out the Government's key economic, social and environmental objectives and the planning policies needed to deliver them. Came into force in March 2012 and streamlined the existing suite of national planning policy documents into a single document (removing previous Planning Policy Statements and Circulars).

**NPPG** - National Planning Practice Guidance, brings together many areas of English planning guidance into a new online format to accompany the NPPF. It contains 41 categories; from 'Advertisements' to 'Water supply'. Each category contains sub-topics which when clicked on reveal a series of questions and answers.

**Neighbour notification letters** - Generally used for the advertising of planning applications, these inform property owners of planning applications submitted on adjoining property or land. The letters contain information about the proposed development, and explain how and when to comment.

**Neighbourhood Plan** - Communities can now set a vision for the future and establish general planning policies for the development and use of land in their neighbourhood in a document known as a Neighbourhood Plan. Can be detailed or general, depending on what local people want. Only become adopted policy if agreed by a majority in a local community referendum.

**Plan Area** – New Forest District Council area outside of the New Forest National Park (or part of that area) for which the District Council is the Local Planning Authority.

**SA / SEA** - Sustainability Appraisal / Strategic Environmental Assessment. In simple terms, a process of assessing the environmental, social and economic effects of policies and proposals in the Local Plan.

**SCI** - Statement of Community Involvement, a document which sets out how the Council will involve and consult the public and other organisations when preparing the Local Plan, and when determining planning applications.

**SPD** - Supplementary Planning Documents, another part of the Local Plan, these documents contain detailed guidance which supplements policies contained in Development Plan Documents.

**Site notices** - Planning applications are normally advertised using a notice posted in a convenient location near to the property or land to which the application relates. This notice both describes the proposed development, and gives details of how and when to comment.

**Targeted consultation** - This can take many forms, including sending early drafts of documents to specific organisations, or holding meetings with individuals or groups to discuss relevant issues. 'Targeted' means that the consultation will not be universal and will concentrate on those that the Council needs information or advice from at a particular stage in plan preparation.

**Town & Parish Councils** - The District is made up of 37 Town and Parish Councils. These local councils are able to prepare Neighbourhood Plans for their parish if they chose to do

## STATEMENT OF CONSULTATION – SEPTEMBER 2020

Consultation has been undertaken during the preparation of this document with consultees on the Council's Local Plan database.

The revised SCI has been produced by NFDC Policy Officers, taking full account of changes in national planning policy, government legislation, and statutory planning instruments (e.g. planning regulations).

The SCI only relates to Planning and is a statutory document which sets out the consultation and engagement methods that we will use to involve interested residents, groups, organisations, businesses and other representatives and individuals in the planning process. It explains who will be consulted, when and how. The document describes how we will involve the community and stakeholders in the preparation and review of planning policy documents and the consideration of planning applications. This revised version will replace the previous SCI adopted in 2015.

Yellow highlight text shows those changes that will be made to the amended SCI having considered the comments received through the July-August 2020 consultation.

### **Formal Consultation**

The draft revision was subject to 6 weeks of formal public consultation from Wednesday 8th July 2020 – Friday 21st August 2020 through the following elements:

- The revised SCI document was published for comment on the NFDC website, alongside a News Release to local media.
- The District Council directly consulted the bodies and individuals listed in Annex A.

## Summary of issues raised in consultation and recommended responses from NFDC

The following table sets out the main issues raised during the consultation of a revised SCI in July 2020 – August 2020 together with the recommended response of NFDC.

Organisation	Section of draft SCI the comments relate to	Issue Summary	NFDC Recommended Response
Copythorne Parish Council	General	Copythorne Parish Council are content with the statement as written	Welcomed. No change required.
Historic England	Appendix A	Please note, under Type A of Appendix A, you have referred to `The Historic Buildings and Monuments Commission for England (English Heritage)`. This should be updated to `The Historic Buildings and Monuments Commission for England (Historic England)`, or simply, `Historic England`.	Agree. Amend Appendix A accordingly.
Highways England	General	Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the A31, A36, M27 and M271.  We have reviewed the consultation and have no comments.	Welcomed. No change required.
Mr Christopher Beeton	Para 7.4. (List of possible consultees )  Appendix 1. Type A consultation bodies.	General: Suggest keeping future information and content/questionnaires online (reduces paper and other resources). But regarding development proposals, personal contact from planning officers is welcome at the parish level.  Many of these are far too distant and out of touch for consultation by NFDC with them to be meaningful. HCC should be the link to those bodies. The Environment Agency and Natural England in particular are renowned for their very general views and may well be in conflict with the very special requirements of NFDC and the New Forest.	Noted. No change required.  Noted. However, the Environment Agency and Natural England are statutory consultees and therefore must be consulted. No change required.

Organisation	Section of draft SCI the comments relate to	Issue Summary	NFDC Recommended Response
	Appendix 3. Who to engage with	<p>No mention of the local Forestry Commission.</p> <p>Questions the definitions of young people and older people. More age groups are needed and their differing requirements should be considered separately.</p> <p>Also questions the length of document – could be shorter. Little is achieved by making local consultation too detailed and complicated.</p>	<p><b>Add Forestry Commission to list of consultation bodies in the SCI</b> (the Forestry Commission is included in the NFDC Local Plan database and receives correspondence regarding consultations. But is not currently listed in the SCI).</p> <p>Noted. Different methods of engagement are set out in the statement, so as to gain as many views as possible.</p> <p>Noted. The document has been kept as short as possible.</p>
Ringwood Town Council		The Town Council has considered the revised Statement of Community Involvement and has no comments to make.	Noted. No change required.
	Hythe & Dibden Parish Council	<p>The revised SCI is broadly supported by the Parish Council as it recognises the key stages for acknowledgement of planning applications of all sizes and the benefits of a Neighbourhood Plan.</p> <p>More needs to be done to make discussions on planning open and transparent and to work on any method that engages the community to discuss the positives and negatives on their community of a development. Could there be a targeted approach where we can create town focused versions of the Local Plan and avoid significant reading which may dissuade residents from reading our District Local Plan?</p> <p>In the current climate, the Council believes that it is important to use technology to reach out to as many groups and communities as possible to engage in planning as we are all impacted when something is built in our community.</p>	<p>Welcomed. No change required.</p> <p>Noted. No change required.</p> <p>Welcomed. NFDC has set out in the revised SCI how it will use additional methods of communication and engagement.</p>

Organisation	Section of draft SCI the comments relate to	Issue Summary	NFDC Recommended Response
Southern Water	<p>Stages of involving and consulting on DPDs (pages 8/9)</p> <p>Planning application stage (page 15)</p>	<p>Southern Water welcomes being included as a specific consultation body in Appendix 1 of the revised version of the SCI. This enables Southern Water to highlight planning policy issues that relate to provision of water and wastewater at an early stage in the plan preparation process.</p> <p>As well as publishing a 'summary of the comments' received at various stages, it would be useful if the Council's response to those representations could be published.</p> <p>Whilst not a statutory consultee on planning applications, it is important that Southern Water is consulted on applications that may impact on the provision of water and wastewater services to existing customers, for example, if the proposed development affects access to Southern Water's operational assets, including underground mains and sewers. Accordingly, it is suggested that 'Consult relevant infrastructure providers' is included in the column 'How the Council will publicise applications' in Appendix 4.</p>	<p>Noted. No change required.</p> <p>These are already published at each stage of the Local Plan preparation process.</p> <p>Southern Water are consulted on applications with its area. <b>But the council agrees to add 'Consult relevant infrastructure providers' is included in the column 'How the Council will publicise applications' in Appendix 4.</b></p>
Cranborne Chase Area of Outstanding Natural Beauty	<p>General</p> <p>Map</p> <p>Working with Others</p>	<p>No mention of the Cranborne Chase Area of Outstanding Natural Beauty. A Planning Protocol between this AONB and its constituent local planning authorities has been in place for 15 years, covering both policy planning and development management.... It would be helpful to include the Cranborne Chase Area of Outstanding Natural Beauty to 'Type A, Specific Consultation Bodies' in Appendix 1.</p> <p>It would aid further understanding of the sensitivity of the area if the AONB designation was shown on the map.</p> <p>Engagement with the Area of Outstanding Natural Beauty could be included in the Duty to Cooperate on page 11.</p> <p>It might be prudent to indicate that the preparation of a neighbourhood plan is not a simple or quick process. In the light of our experience this AONB strongly recommends that Appendix 3 should be clear that neighbourhood plan groups</p>	<p><b>Agreed – The AONB will be added to the list in Type A of Appendix 1.</b></p> <p>Noted, but the purpose of the map is to clarify the Local Planning Authorities that cover the New Forest. No change required.</p> <p><b>Agree. Suitable text will be added to this section.</b></p> <p>Noted. No change required.</p>

Organisation	Section of draft SCI the comments relate to	Issue Summary	NFDC Recommended Response
		<p>should engage with the AONB at an early stage if any of the area falls within the AONB designation or its setting.</p> <p>The additional section on Community Involvement and Development Management is a particularly helpful addition to this Statement of Community Involvement.</p> <p>This AONB office finds that the public has a tendency to contact it when they perceive a process or procedure appears not to be followed.... advise that in your neighbour notification process, you regularly include the neighbour on the opposite side of the road from an application site rather than simply those that have common boundaries with the site.</p>	<p>Welcomed. No change required.</p> <p>Noted. However, the council believes that the existing procedure is straight forward and easy to understand for residents.</p>
Pennyfarthing Homes	<p>General</p> <p>9.15</p> <p>4.3</p> <p>Section 4</p>	<p>Pennyfarthing (PFH) comments should be read in the context of the present system.</p> <p>The SCI must recognise that the engagement process cannot hinder the timely determination of planning applications, must recognise the commercial interests of the applicant and accord with pre-agreed programmes.</p> <p>The SCI should seek to encourage effective community engagement in a manner that does not hinder the development process.</p> <p>Flexibility in relation to amendments of planning applications is welcomed. The SCI notes that where such amendments will assist the determination process and make a contribution to the early release and supply of housing the Council will reasonably and positively apply discretion. Paragraph 38 of the NPPF applies in this respect.</p> <p>Reference is made to the LDS that is now out of date and requires revision.</p>	<p>Noted. No change required.</p> <p>Noted. No change required.</p> <p>Welcomed. No change required.</p> <p>The LDS is a standalone document and is updated via a separate process to the SCI update. No change required.</p> <p>Noted. No change required.</p>

Organisation	Section of draft SCI the comments relate to	Issue Summary	NFDC Recommended Response
		A number of draft SPD's were produced in order to support the new Local Plan, none of which have got beyond the Reg 12 stage. Therefore, none of these documents carry any weight in the determination of planning applications.	
Pennington and Lymington Lanes Society (PALLS)	<p>Section 4</p> <p>Preface</p> <p>Section 9</p>	<p>Section 4. Local Plan and Supplementary Planning Document preparation should not only specify how the Council will provide information to communities, but also specify how they will engage with them, how the Council will respond to the feedback they receive and how the results of consultation will be reflected in the final outcome. This would necessitate changes to Table 1 and Table 2.</p> <p>The revised Preface notes that the revisions that respond to Covid 19 are temporary but has re-moved all references to events held for the visiting public such as exhibitions or workshops. These should be reinstated and noted that they would be subject to the relaxation/cessation of restrictions to allow them to take place.</p> <p>PALLS welcomes inclusion of new Section 9 but considers that the wording is too weak and does not fulfil the Council's commitment set out in the Introduction.</p> <p>Following comments were made regarding Section 9 –</p> <ul style="list-style-type: none"> <li>- Strongly support references in para 9.1. to the role of community involvement in identifying other material considerations and shaping proposals.</li> <li>- The Council should include an expectation that applicants or developers consult with communities prior to submitting planning applications on major developments and report to the Council on the process they have undertaken, the responses received and how the planning application has been modified and addresses the is-sues and/or concerns raised as a result of the consultation.</li> <li>- para 9.4 should go further and quote the rest of paragraph 020 of the National Planning Practice Guidance which states, <i>"including the identification of the communities to involve, the process of engagement</i></li> </ul>	<p>Tables 1 and 2 set out the steps the council will take in considering all comments received. The council publishes responses at statutory stages of Local Plan production.</p> <p>Given the regular changes in Government guidance relating to Covid19 pandemic, the Council does not consider this to be necessary.</p> <p>Noted. See response to Para 9.1 – 9.4 below.</p> <p>NFDC will shortly be consulting on its Local 1App requirements, and this comment may be more appropriate for that consultation.</p> <p>No change required. NFDC must follow NPPF requirements and the relevant regulations with</p>



Organisation	Section of draft SCI the comments relate to	Issue Summary	NFDC Recommended Response
		<p><i>and the best approach to incorporating their views.</i> If the developer/applicant fails to properly consult communities prior to submitting a planning application, then the Council should make it clear that it will carry out the consultation instead, which would be likely to increase the time taken to deal with the application.</p>	<p>regards to public engagement. The SCI reflects those requirements.</p>
The Lymington Society		<p>Detailed comments received, which in summary related to -</p> <ul style="list-style-type: none"> <li>- Lack of routine consultation with amenity societies as either Statutory or even Non-Statutory Consultees on planning applications.</li> <li>- The introduction of major strategic sites such as SS6 and others at Local Plan regulation 19 stage, without proper prior announcement of these sites at the regulation 18 stage. The Society recommends that the Council fully respects the SCI when preparing Local Plans and ensures that proper timescales for consultation are followed giving full, and comprehensive details of all sites included in the local plan proposal.</li> <li>- The Council has generally not involved the community in any pre-application schemes or pre-application discussions in the past. Use of "Planning Performance Agreements" should be contemplated as a routine procedure.</li> <li>- Understand the commercial considerations.... but the Society urges that far more transparency is given to all pre-application discussion at an early stage so that the community can be fully involved in the development of all major or controversial developments.</li> <li>- Recommends that Officers' considered recommendation on the planning issues raised in connection with a planning application should be posted much earlier in the process to allow the community to fully assess the Officers' recommendation and respond accordingly.</li> </ul>	<p>No change required. The council is content that planning applications are consulted in line with statutory procedures.</p> <p>No change required. The council complied with all Town and Country Planning Regulations during the preparation of the latest Local Plan strategy. This was tested at examination by independent inspectors.</p> <p>No change required. But the council is formally considering how the Pre-App process can be better integrated for appropriate development.</p> <p>See above</p> <p>No change required. Officers recommendations will only be finalised at the end of the process once all comments are received.</p>

Organisation	Section of draft SCI the comments relate to	Issue Summary	NFDC Recommended Response
		<ul style="list-style-type: none"> <li>- Apart from changes in policy or preparation of Local Plans, the Council does not regularly consult with non-statutory consultees, even for the most contentious development proposals or planning applications. Lymington Society are recognised as stakeholders in the planning process and as such should be properly consulted on major developments or those involving listed buildings or conservation areas.</li> <li>- In relation to the Planning Committee.... a maximum of three minutes is allowed for proponents and opponents of an application, no matter how big or small the application... Three people or organisations wish to speak either in favour or in opposition to an application, they are required to share the three minutes, whether they represent several hundred people or just an individual.... this is an extremely unfair restriction on proper community involvement, particularly for large applications or contentious applications. The Society urges the removal of the current three-minute limit for larger or controversial planning applications.</li> </ul>	<p>A parish briefing is posted shortly after registration.</p> <p>Noted. The Society will be added to the council's weekly list to be notified of all apps.</p> <p>The Chair of the Planning Committee is free to consider this and make extensions if felt necessary and on major schemes this may well be considered.</p>
Mr S Patch		Comments in relation to adopted strategic site SS5 and SS6 of the Local Plan	These comments did not relate to proposed changes to the SCI
Rose Baylis		Comments in relation to adopted strategic site SS6 of the Local Plan	These comments did not relate to proposed changes to the SCI

## **Annex A - List of bodies and individuals the Council directly consulted regarding the revised Statement of Community Involvement (July - August 2020)**

Local residents who have expressed a wish to be consulted on future planning matters.

Sandleheath Parish Council  
Burley Parish Council  
Southern Water  
Natural England  
East Boldre Parish Council  
New Milton Town Council  
Sway Parish Council  
Ringwood Town Council  
Homes England  
Lymington and Pennington Town Council  
West Hampshire Clinical Commissioning Group  
Ashurst & Colbury Parish Council  
CTIL Infrastructure  
Ringwood Town Council  
Bournemouth water  
Fawley Parish Council  
New Milton Town Council  
National Grid  
Hampshire County Council  
Fordingbridge Town Council  
Hampshire County Council  
Dorset Council  
Historic England  
Hyde Parish Clerk  
Hythe and Dibden Parish Council  
Burton Parish Council  
Rockbourne Parish Council  
Bransgore Parish Council  
Romsey Extra Parish Council  
Hampshire County Council  
National Grid plc  
Sixpenny Handley & Pentridge Parish Council

Melchet Park & Plaitford Parish Council  
National Grid  
Boldre Parish Council  
Health and Safety Executive  
Hampshire County Council  
Totton & Eling Town Council  
Netley Marsh Parish Council

Downton Parish Council  
Godshill Parish Council  
Bramshaw Parish Council  
Environment Agency  
Marchwood Parish Council  
Martin Parish Council  
Minstead Parish Council  
Sopley Parish Council  
St Leonards & St Ives Parish Council  
Wellow Parish Council  
Verwood Town Council  
Whitsbury Parish Council  
Woodgreen Parish Council  
Bishopstone Parish Council  
Alderholt Parish Council  
Breamore Parish Council  
Brockenhurst Parish Council  
Copythorne Parish Council  
Cranborne & Edmondsham Parish Council  
Damerham Parish Council  
Denny Lodge Parish Council  
Ellingham, Harbridge & Ibsley Parish Council  
Exbury & Lepe Parish Council  
Hale Parish Council  
Hordle Parish Council  
Lyndhurst Parish Council  
Broad Chalke Parish Council  
Coombe Bissett Parish Council  
Landford Parish Council

Odstock Parish Council  
Redlynch Parish Council  
Stratford Tony Parish Council  
Nursling & Rownhams Parish Council  
Bowerchalke Parish Council  
Godshill Parish Council  
Eastleigh Borough Council Planning Policy and Design Team  
Highways England  
Test Valley Borough Council  
Network Rail Town Planning  
Network Rail Town Planning  
Planning Policy Dorset County Council  
Planning Policy Southampton City Council  
New Forest National Park Authority  
Development Planning Manager RWE npower  
The Coal Authority  
Partnership for South Hampshire  
Milford on Sea Parish Council  
Lymington and Pennington Town Council  
Wessex Water  
Hampshire County Council  
Southern Gas Networks  
Head Office Scottish and Southern Energy  
Powergen E.ON  
British Gas  
Entec UK Ltd  
IOW Council  
Enterprise M3 c/o Economic Development Team Hampshire County Council  
Solent Local Enterprise Partnership  
Hampshire Local Nature Partnership  
Office of the Police & Crime Commissioner for Hampshire  
BT Openreach South West  
MBNL  
River catchment Coordinator New Forest Environment Agency  
River catchment Coordinator Test & Itchen Environment Agency  
Scottish and Southern Energy  
Network Investment Engineer Scottish and Southern Energy

Public Health, Adults Health and Care Hampshire County Council  
Hampshire County Council - Childrens Services Department  
Primary Care Commissioning Support Manager South Region (Wessex) NHS England  
Estates and Development Services Hampshire County Council  
Hampshire County Council  
Historic England  
Wessex Water  
Hampshire County Council Property Services  
Office of Rail and Road  
Hurn Parish Council  
Beaulieu Parish Council

## REVISED PRE-APPLICATION SERVICE

### 1. RECOMMENDATIONS

1.1 It is recommended that the Cabinet:

- i) agree to a 4 week consultation on the proposed redesigned pre-application planning service.
- ii) That the outcome of the consultation be reported back to Cabinet for it to consider whether the redesigned service should be launched in January 2021.

### 2. INTRODUCTION

2.1 The purpose of this report is for the Cabinet to consider the proposed the finding of the review of the current pre application service and consider the proposed changes and to seek authority to consult regular users of the service on the proposed changes. Whilst a revised fee schedule is appended for information the Portfolio Holder for Planning and Infrastructure will agree the revised fee schedule. The report sets out a series of proposed changes to redesign the current service.

### 3. BACKGROUND

- 3.1 This Council, in line with paragraphs 39 to 42 of the National Planning Policy Framework (NPPF), offers those wishing to carry out development in the District the opportunity to seek advice before making a planning application. This report follows a review of the current pre-application arrangements and makes a number of recommendations for change. The key objective of resigning the pre-application service is to get a greater take up of the service and ensure that the advice given is both proportionate and gives the customer clarity on whether the proposed development is acceptable.
- 3.2 The Council's current pre-application service has been assessed against the best practice guidance produced by the Planning Advisory Service (PAS).
- 3.3 A regular user survey has also been carried out to understand users views on the current service. The report confirms the results of the survey and highlights improvements suggested by regular users.
- 3.4 The report identifies areas where the current pre-application service provided by the Council could be improved.
- 3.5 The Planning Advisory Service (PAS) (part of the Local Government Association) in 2014 formed a cross sector group from Councils, the development industry and statutory consultees which led to a Pre-applications Engagement\* good practice notes being published. Figure 1

below draws from this PAS report some of the key elements that make for a good pre-application service and these have been used to assess the Councils current offer.

<b>Figure 1. Key Elements of a good pre-application service (PAS)</b>
How to access the pre-application service should be clear and easily accessible.
Opportunity for the prospective applicant to choose the level of pre-application service they require. However the LPA should advise and guide the prospective applicant to ensure the engagement is proportionate to the challenges of the proposal and that council officers' time is employed wisely.
The applicant must be clear about the information they are required to provide and this should only be for what is required for the level of advice sought.
LPAs must keep their promises about response times and quality. To help deliver this, planning services must have enough capacity to provide pre-application services that accord with the offer.
The LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate.
There should be clarity in the advice given.
Does the published information guide the prospective applicant on what is appropriate to meet their requirements?
There should be published timescales for Issuing Pre-app responses.
LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate.
Advice given should be clear.
A record should be kept of all pre-application advice.
Clear caveats on the weight to be attached to advice should be stated in any response.
There should be arrangements for keeping Councillors informed.
There should be clarity on confidentiality.
The charges should be clear on the service being offered.

### **Proportionate Pre-application Advice Service**

3.6 What constitutes a good pre-application advice service will contain a number of levels, these can include:

- Clear information available online to enable a self-service approach
- Duty Planning Officers who can provide advice and guidance on simple matters and direct enquirers to the most appropriate levels of service
- Formal pre-application advice offering meetings and a written response
- Structured Pre-application negotiation using a Planning Performance Agreement (PPA)

The best practice guidance prepared by PAS advises that Councils offer those seeking planning advice different levels of service which in turn will have different charges based on the levels of staff time involved in assessing the proposal and preparing written responses. This may, for example, be a developer wishing to establish whether it is worthwhile going through the costs of preparing detailed proposals when it is unclear whether planning permission is likely to be granted so a response relating solely to the 'Principle of Development' would be required. In other instances a site may well be allocated for development within the adopted Local Plan and the developer will be seeking advice on what form that development would be most likely to receive support and here the amount of officer time required is likely to be proportionate to the complexities and scale of the development.



- 3.7 The structure of pre-application arrangements will also need to consider how it interacts with other specialist services, this may be relatively straightforward where those specialisms are within the Council but less so where an external body or consultants are considered necessary.

### **Charging for Pre-Application Advice**

- 3.8 In setting pre-application fees it must be acknowledged that the purpose is to recover part or all of the cost of providing the pre-application advice. It is recognised that even pre-applications relating to similar developments may require differing levels of resource and therefore will have different costs associated with them, this is no different than with a planning application fee. If a pre-application fee is broadly the same or higher than the planning fee then this could be a disincentive to using the service, especially as a refusal of a planning application can be followed by a 'free' go to address the issues. This would in fact be more costly to the Council than having set a lower pre-application fee.
- 3.9 The costs of the service will not only be that of Planning Officers time but can also need to include administrative costs and other support costs when other specialists from within the Council are involved e.g. Environmental Health officers. Consideration also needs to be given to whether there should be exemptions from pre-application charges, these already exist for planning application fees and the principle examples are in respect of listed building works and adaptations of buildings for disabled persons.

### **RESULTS FROM REGULAR USERS SURVEY**

- 3.10 Results from a regular users/ agents survey conducted in November 2019 suggested that agents tended not to use the pre-application service for smaller scale and householder development. The preference is to submit an application to bring out responses from consultees and the planning officer then withdrawing and resubmitting the application under a free go. This is a costly way for the Council to deliver its Planning Service.
- 3.11 The survey identified four areas that needed to be improved;
- Improved accessibility to obtain quick advice on straightforward matters
  - Anomalies in the charges for the service in relation to planning fees
  - Deliverable up front timescales, with greater prioritisation of pre-application enquiries both in registration and in assessment
  - Addressing issues around clarity and quality of advice given.

## **4. ASSESMENT OF CURRENT ARRANGEMENTS**

- 4.1 An assessment of the pre-application service provided by the Council against the criteria set out in the PAS guidance has been undertaken and this is set out Appendix 1. This assessment has covered the following:
- Structure of Pre-application Advice
  - Charging Rates

- Response Targets
- Community and Councillor Involvement
- Use of Planning Performance Agreements

### **Charging Rates**

- 4.2 From the comparison of the fees charged by LPAs in the sub region (Appendix 2) it is noted that those of New Forest DC is higher than the average, in particular for householders and minor residential (1-3 dwellings) enquiries. There is also no charging schedule of commercial development. New Forest DC is one of only a few Councils charging for enquiries relating to works affecting heritage assets where planning permission is not required. It is not possible to compare the uptake rate of advice between the Councils, however our uptake rates on certain types of pre-application is low such as householder, with the regular users survey confirming that the cost is a disincentive.

### **Response Targets**

- 4.3 Looking at LPA response times it was found that some LPA's did not clearly publish response times to pre-application enquiries and of those who do there are wide variations between those, who like New Forest DC, apply one target for most categories and Test Valley who have some variation based on scale/complexity of the proposed development (see Appendix 3).

### **Community and Councillor Involvement**

- 4.4 The online information needs to make reference to NPPF advice encouraging those proposing developments to engage with the local community at an early stage. There are no formal arrangements currently in place for informing ward members or the Portfolio holder of enquiries or for developer to present at open forums. Informal briefings of pre-applications have now started taking place with ward members in relation to strategic sites, further work is needed to develop a Protocol for developers to present schemes to members and interested parties at an open forum. Currently there is no reference on the Website to the Council's position on the status of pre-application engagement. It is acknowledged that there are commercial sensitivities around projects however other than pre applications relating to Strategic sites the receipt of pre application enquiries will be made visible on the Web, responses to householder pre applications will be published on date of response.

### **Use of Planning Performance Agreements**

- 4.5 The information regarding pre-application advice published online currently contains no details of how the Council use Planning Performance Agreements. Template Planning Performance Agreement have been drafted and whilst these have started to be used on some of the strategic sites that are in pre-application the arrangement needs to be formalised as part of the redesigned pre-application service.

## 5. PROPOSED CHANGES

- 5.1 From the assessment undertaken of the Council's pre-application service it is evident that the way the service is structured, the information published online and the fee structure needs to be revised to make it more customer focused. From the assessment it is considered there are several initial changes which can be introduced and other changes which link into other actions that are part of the on-going work reviewing the way the Planning function is delivered.

### Initial Changes

- Change category structure
- Changes to response targets
- Introduce new pre-application enquiry forms and response templates
- Introduce use of Planning Performance Agreements and publish draft template
- Review staff hourly rate
- Review and update Website
- Introduce a new charging schedule
- Establish a virtual duty officer system
- Introduce a member Communication Strategy

### Longer term actions

- Establish a duty officer system
- Establish a Protocol for Open Forum Developers Presentations
- Establish formal pre-application arrangement with HCC/DEFRA
- 

### **Change category structure, response targets and charges**

- 5.2 Revise the structure the pre-application pages online into user based categories.
- Planning for Householders
  - Planning for Businesses
  - Planning for Residential Development
  - Conservation Areas and Listed Buildings
  - Trees and Hedges

Within these categories different levels of service should be provided. A revised response time is set out at Appendix 4.

### **Changes to the NFDC web pages**

- 5.3 Changing the way pre-application advice is structured and what is published online.

### **Implementing the changes to the Pre-Application Service**

- 5.4 It is the intention to introduce the changes outlined in this report with any modification from 2nd January 2021 and this will require a number of actions and tasks to be undertaken, this will require inputs from staff in Planning Support and some support from IT. Before the revised service is implemented there will be consultation which will be concluded by mid November

with a report to the December Cabinet meeting. A number of actions will be required before the new arrangements are launched:

- Design of new online forms
- Revision of online guidance notes for new process
- Revision of the Planning pages on the web site
- Explore Acolaid functionality and automation and implement accordingly
- Design new standard response templates
- Training for planning officers and support staff

5.5 **Use of Acolaid software:** The Acolaid software is currently the core system within Planning and whilst there is a project to replace this system changes to the pre application service needs to change in advance of a replacement system. Any work that is done to change the current way of working will provide a solid foundation to migration to a new system and is work that needs to be done as part of system migration. The following elements will need to be considered in taking forward the changes:

- to explore automation for populating Acolaid from online forms submitting, and establish how comprehensive this can be.
- align pre-app registration with application validation process to ensure consistency. Cases to be added to GIS to ensure full case history is available for officers.
- ensure level of service requested (including meetings) is recorded in Acolaid correctly to allow accurate response time monitoring
- Revise standard letter response templates to reflect the pre-app level sought. Increase automation and standard paragraphs.
- where meetings are held meeting date be logged in the actions screen to allow monitoring, minutes including actions to be circulated and agreed.
- all relevant correspondence to be uploaded to Acolaid/IDOX more consistently
- use of Enterprise to monitor tasks/workloads/completions and assist with case allocations.

5.6 It is considered essential for the overall approach to work that appropriate smart forms can be developed to direct users to the correct course of action and redirect if the user indicates they are seeking advice which is inconsistent with their chosen option. Other requirements:

- online payments facility
- online duty rota (when Duty Officer system introduced)
- Staff Training
- auto allocation to officer 'on duty' of the appointment slot
- documents submitted online should be auto uploaded to Document Management System

## **6. CONSULTATIONS**

- 6.1 Before the introduction of any changes to the pre-application arrangements are launched the proposed revisions outlined in this report will be the subject to consultation with the regular users who took part in the original survey. Regular users of the Service were made aware that work was underway to review the way the Pre-application was being delivered. The consultation will take place over a 4 week period starting in mid October 2020.
- 6.2 There will also be further internal consultation with other Council Services who provide specialist advice. Work has been done with the Finance team to confirm the hourly rate of all officers involved and to test the revised fee schedule. There will also be work to look at recharging back to teams that provide specialist advice outside the Planning Service most notably Environmental Health, There will also need to be confirmation that there is enough capacity within the IT team to support changes that may be needed to Acoloid.

## **7. CONCLUSION**

- 7.1 Providing a quality pre-application service is important both to ensure that we deliver quality development and to ensure an efficient and cost effective service. The Environment Overview and Scrutiny Panel was supportive of the suggested changes having considered it at its meeting on the 10<sup>th</sup> September 2020.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 The main financial implications are associated with three areas:

- a revised fee schedule
- introduction of Planning Performance Agreements with unique fee agreement
- a new fee for the duty officer surgery

As part of this process benchmarking against other authorities has been undertaken (see appendix 3) and it was evident that the current fee schedule is out of step with the charging levels applied elsewhere, particularly in relation to householder enquiries.

- 8.2 Whilst the decision on the fee schedule is a Portfolio decision Appendix 5 sets out the proposed revised fee schedule.

## **9. CRIME & DISORDER, ENVIRONMENTAL, DATA PROTECTION IMPLICATIONS**

- 9.1 There are no crime and disorder, environmental or data protection issues arising directly from this report.

## **10. EQUALITY & DIVERSITY IMPLICATIONS**

10.1 It is considered that there are no specific equalities implications. Pre-application advice is offered on a without prejudice basis and operates within the constraints of the Development Plan. This service and surgery will be fully inclusive and available to all.

## **11. PORTFOLIO HOLDER COMMENTS**

11.1 I am of the firm belief that appropriate pre-application discussions and advice delivers a better quality of development for our residents and a faster, more streamlined and efficient process for planning applicants. I therefore support this consultation on proposed changes to the Council's pre-application advice service and look forward to the report on the consultation responses at a future meeting. I support the recommendations

### **Further Information**

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<b>Appendix 1. Assessment of current pre-application arrangements</b>	
<b>PAS Criteria</b>	<b>Assessment</b>
1. Accessibility and clarity of the service offer	The Councils pre-application service is accessed online through a Development Management front page. Currently this page links to 18 other pages relating to different types of proposal or levels of service. This is unnecessarily complicated and needs simplification.
2. Differing levels of service should be offered.	The prospective applicants are offered different levels of service but how these interrelate is not clear. For other types of development proposals it is not readily apparent that two levels of service are being offered i.e. whether in principle a development could be acceptable and where it is given on such details as design, site layout etc. Published information needs to be clearer regarding situations where the enquirer would like a meeting or where the LPA consider a meeting would be appropriate.
3. Does the published information guide the prospective applicant on what is appropriate to meet their requirements?	It is not evident for the prospective applicant as to the information that they need to supply e.g. a small business wanting to find out whether in principle what they wanted to do was acceptable in a specific location could go to the page headed 'SMALL SCALE RESIDENTIAL AND COMMERCIAL PRE APPLICATION ADVICE ENQUIRY FORM' and find they are required to provide plans on what they want to build putting them to possibly unnecessary expense.
4. Published timescales for Issuing Pre-app responses	The timescales for responses do not differentiate between enquiries of different complexities e.g., responses on simple householder enquiry for an extension and development of 9 houses are both as being provided within 20 working days of receipt. There additionally is no consideration of adjusting timescales for responses where a meeting may be required. See table Y below which provides a comparison of response targets for several LPAs.
5. LPA should use the process in guiding development by solving problems with the proposal and suggesting alternatives as appropriate	Current quality of the responses provided has not been assessed as part of this exercise.
6. Is there clarity in the advice given	Currently the details of the pre-application service published online sets out for each of the categories the information that will be provided in the response letter. Feedback from regular users suggested that some of the information provided is of little benefit for the enquirer. A more

	proportionate form of response could provide more focused information needed by the prospective applicant and this could avoid unnecessary work for the planning officer.
7. A record should be kept of all pre-application advice	This is undertaken.
8. Responses should be clear that: 9. circumstances and policy considerations can change over time, and 10. the response is an officer opinion which is not binding on the consideration of any planning application.	This will be covered in the pre-application templates.
11. There should be arrangements in their pre-application offer for informing ward councillors and cabinet members of pre-application discussions happening in the area.	This will be covered in a review of the Protocol
12. LPAs should be clear about their practice regarding the disclosure of pre-application discussions and explain this in their service offer. Once a planning application is submitted the best practice is that the advice given is published.	Most authorities treat pre-application enquiries confidentially unless the enquirer has agreed that they can be publicised. Need to confirm that pre-application will be confidential.
13. The charges should be clear in the service offer and should relate directly to the services provided within each tier of the offer.	Charging arrangement are not clearly set out.



**Appendix 2: Pre-application fee comparisons (where additional meeting charge is payable fee given is only for a written response)**

LPA	Householder	1-3 dwellings	4-9 dwellings	Major 10-25 dwellings	Major 25+	Heritage asset
New Forest District Council	£130/£211	£396	£726	£1188	Negotiable	£66/£198
New Forest NP	£60	1 £125 2-5 £ 250	6-10 £650	10+ 25% application fee		£25
Basingstoke	free	25% of application fee	25% of application fee	25% of application fee	25% of application fee	No charge
BCP	£100 or 10% of full fee whichever it's the greater	£180 or 10% of full fee whichever it's the greater	£180 or 10% of full fee whichever it's the greater	£380 or 10% of full fee whichever it's the greater	£720 or 10% of full fee whichever it's the greater	£100 or 10% of full fee whichever it's the greater
Eastleigh	£81.75	£265	£445	£1035	£1035	No charge
South Downs	No charge	£240	£360	10-29 £900	30-99 £1800	No charge
Test Valley	£58	1 £144 2-5 £259	6-9 £432	10+ £763	10% of full fee	£25
Wiltshire	£75	1 £140 2-4 £350	5-9 £700	£1150	10% planning fee	No charge
Winchester	No charge	Full £420 DIP £102	Full £420 DIP £102	Full £720 DIP £132	Full £980 DIP £186	No charge

**Appendix 3: Comparison of LPA pre-application response targets**

LPA	Householder	1-3 dwellings	4-9 dwellings	Major 10-25 dwellings	Major 25+	Heritage Asset
New Forest District Council	20 days	20 days	20 days	20 days	negotiable	20 days
New Forest NP						
Basingstoke						
BCP	20 days	20 days	20 days	20 days	20 days	20 days
Eastleigh	28 days	28 days	28 days	28 days	28 days	28 days
South Downs	20 days	25 days	25 days	25 days	25 days	20 days
Test Valley	25 days	25 days	25 days	40 days	40 days	25 days
Wiltshire	20 days	20 days	20 days	20 days	20 days	20 days
Winchester						

#### **Appendix 4 revised response times**

Category	Timescale
Category 1 -booked duty office meeting (Householder and small business development)	Meeting to be booked at least 2 working days prior to meeting
Category 2 householder enquiry	20 working days 25 working days if meeting required
Category 3 In principle enquiry	25 working days 30 days if meeting requested
Category 4 pre application enquiry seeking full advice	30 working days 40 if meeting requested
Strategic Development sites	Agreed programme

**Appendix 5 proposed revised fee schedule**

Proposal	Fee
Householder	£60
<b>Erection of Residential Development</b>	
1 dwelling	£125
2-5 dwellings	£250
6-9 dwellings	£650
10-25 dwellings	£1100
25 plus	Negotiable
<b>Industrial/commercial/agricultural and development not covered by other fee categories</b>	
0-99m <sup>2</sup>	£125
100-499m <sup>2</sup>	£250
500-999m <sup>2</sup>	£500
1,000m <sup>2</sup>	£700 or 10% of full planning fee whichever the greater
<b>Other development proposals</b>	
Change of Use	£125
Advertisements	£60
Shop fronts	£60
Variation of Condition	£60
Formal enquiry relating to trees	£60

The following categories will be exempt from pre-application advice charges:

- Listed building applications where there is no associated planning application
- Proposals made by, or on behalf of town or parish councils, local authorities or county council
- Conservation Area demolition
- Alterations to dwelling houses or buildings to which members of the public are admitted for the purpose of providing means of access for disabled persons
- Affordable housing exception schemes in Rural areas by Registered Providers

## PLANNING FOR THE FUTURE – REFORM OF THE PLANNING SYSTEM

### 1. RECOMMENDATIONS

#### 1.1 That the Cabinet:

- a. Notes the key elements and implications of Government consultation
- b. Delegates authority to the Chief Planning Officer to respond to the consultation on Changes to the current Planning System in consultation with the Planning and Infrastructure Portfolio Holder.

### 2. INTRODUCTION

#### 2.1 On the 6<sup>th</sup> August 2020 the Government launched two consultations on proposed changes to the planning system.

The **'Planning for the Future'** White Paper on proposals to fundamentally reform the planning system; and

The **'Changes to the current planning system'** which is a consultation seeking views on a range of proposed changes to the current planning system including;

#### 2.2 This report relates to the first consultation. The consultation closes on the 29th October 2020. A report relating to the second consultation was considered by Cabinet at the September meeting.

### 3. PLANNING FOR THE FUTURE

#### 3.1 The consultation paper sets out that *'the reforms that follow are an attempt to rediscover the original mission and purpose of those who sought to improve our homes and streets in late Victorian and early 20<sup>th</sup> Century Britain. The original vision has been buried under layers of legislation and case law.'*

#### 3.2 The paper emphasises that Planning matters and acknowledges that where we live has a measurable effect on our physical and mental health on how much we work, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air we breath to our ultimate sense of purpose and wellbeing.

**The White Paper is based on three 'pillars'**

- **Pillar One – Planning for development**
- **Pillar Two – Planning for beautiful and sustainable places**
- **Pillar Three – Planning for infrastructure and connected places**

### **The aims set out:**

- be more ambitious for the places we create
- move the democracy forward
- improve the user experience of the planning system,
- support home ownership,
- increase the supply of land available for new homes where it is needed
- help businesses to expand
- support innovative developers and housebuilders,
- promote the stewardship and improvement of our precious countryside and environment,
- create a virtuous circle of prosperity in our villages, towns and cities,

Attached as Appendix 1 is a more detailed summary of the content of the White Paper setting out the 24 proposals made in the paper. The following paragraphs set out the key issues.

The White Paper sets out that the government will undertake a fundamental reform of the planning system and wants to hear views on its proposals to:

**Firstly - it will streamline the planning process with more democracy taking place more effectively at the plan making stage, and will replace the entire corpus of plan-making law in England to achieve this**

It promotes simplifying the role of Local Plans to identify land under three categories –

1. Growth areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan;
2. Renewal areas suitable for some development where there would be a general presumption in favour of development
3. Protected areas where development is restricted.

Local Plans will set clear rules with development management policies set nationally. There will be a fundamental change in the way communities are engaged in the whole process with most of the engagement at Plan making stage.

**Secondly - introduce a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data.**

Support local authorities use of digital tools to support new civic engagement in Local Plans and decision making. Local Plan will be digital, visual and map-based.

**Thirdly - deliver a new focus on design and sustainability.**

Ensure the planning system supports efforts to combat climate change and maximises environmental benefits.

Facilitate ambitious improvements in energy efficiency standards for buildings to help deliver our world leading commitment to net-zero by 2050.

Ask for beauty and be far more ambitious for the place we create with a greater focus on place making.

Make it easier for those who want to build beautifully through the introduction of a fast-track for beauty.

Expect design guidance and codes – which will set the rules for the design of new development.

**Fourthly - Improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions.**

The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally-set value-based flat rate charge ('the Infrastructure Levy').

We will be more ambitious for affordable housing provided through planning gain, and we will ensure that the new Infrastructure Levy allows local planning authorities to secure more on-site housing provision.

**Fifthly - Ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres;**

A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.

Revise the NPPF to make it clear that masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders.

#### **4. CONCLUSIONS**

- 4.1 It is recommended that the Council makes a detailed, technical response' to the consultation. Preparation of the response is recommended to be delegated to the Chief Planning Officer in consultation with the Planning and Infrastructure Portfolio Holder.

#### **5. FINANCIAL, CRIME & DISORDER, ENVIRONMENTAL, EQUALITY & DIVERSITY AND DATA PROTECTION IMPLICATIONS**

- 5.1 None in responding to the consultation, but potentially significant financial and environmental implications depending on how the proposed reforms are progressed.

#### **6. PORTFOLIO HOLDER COMMENTS**

- 6.1 That the current planning system is in need of reform is almost universally agreed, and the White Paper contains much that may be welcomed. However, many of the proposals give cause for serious concern. For example, I doubt that national development management policies will afford the same level of protection, nor ensure that development is a sympathetic, to the unique character of our District. I am sure

that the Chief Planning Officer will ensure that a constructive response is submitted, welcoming many of the objectives of the White Paper, but also expressing the Council's concerns that many of the proposals will not deliver the more streamlined process the Government appears to desire, and that in attempting to do so protections to the environment may be eroded and the quality of new development diminished. I support the recommendations.

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**Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are *Protected*.**

This new-style Local Plan would comprise an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their *Growth*, *Renewal* or *Protected* designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category.

In *Growth* and *Renewal* areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and flexibilities in use allowed by virtue of the new Use Classes Order and permitted development). For example, it may be appropriate for some areas to be identified as suitable for higher-density residential development, or for high streets and town centres to be identified as distinct areas.

In *Growth* areas, we would also want to allow sub-areas to be created specifically for self and custom-build homes, and community-led housing developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities. In the case of self and custom-build homes, local authorities should identify enough land to meet the requirements identified in their self-build and custom housebuilding registers. For *Protected* areas, the key and accompanying text would explain what is permissible by cross-reference to the National Planning Policy Framework.

Alternative options: Rather than dividing land into three categories, we are also interested in views on more binary models. One option is to combine *Growth* and *Renewal* areas (as defined above) into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it. An alternative approach would be to limit automatic permission in principle to land identified for substantial development in Local Plans (*Growth* areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.

**Proposal 2: Development management policies established at national scale and an altered role for Local Plans.**

With the primary focus of plan-making on identifying areas for development and protection, we propose that development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in *Growth* areas and *Renewal* areas, established through the accompanying text. The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans, such as protections for listed buildings (although we are interested in views on the future of optional technical standards). We propose to turn plans from long lists of general “policies” to specific development standards.

Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect

local character and preferences about the form and appearance of development.

This is important for making plans more visual and engaging. These could be produced for a whole local authority area, or for a smaller area or site (as annotated in the Local Plan), or a combination of both. Design guides and codes would ideally be produced on a 'twin track' with the Local Plan, either for inclusion within the plan or prepared as supplementary planning documents.

We want to move to a position where all development management policies and code requirements, at national, local and neighbourhood level, are written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes.

This will significantly increase clarity for those wishing to bring forward development, enabling automation of more binary considerations and allowing for a greater focus on those areas where there is likely to be greater subjectivity.

Alternative options: Rather than removing the ability for local authorities to include general development management policies in Local Plans, we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach. Another alternative would be to allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning

**Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.**

A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process.

Specifically:

- we propose to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties (see our proposals under Pillar Two);
- the Duty to Cooperate test would be removed (although further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges); and
- a slimmed down assessment of deliverability for the plan would be incorporated into the “sustainable development” test.

Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that maybe needed coming forward within the plan period. Plan-making policies in the National

Planning Policy Framework will make this clear.

The new-style digital Local Plan would also help local planning authorities to engage with strategic cross-boundary issues and use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located.

- Alternative option: Rather than removing the existing tests of soundness, an alternative option could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed.

**Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.**

Local Plans will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years. This includes land needed to take advantage of local opportunities for economic growth, such as commercial space for spin-out companies near to university research and development facilities, or other high productivity businesses. It is proposed that the standard method would be a means of distributing the national housebuilding target of 300,000 new homes annually, and one million homes by the end of the Parliament, having regard to:

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed);
- the relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development);
- the extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk. For example, areas in National Parks are highly desirable and housing supply has not kept up with demand; however, the whole purpose of National Parks would be undermined by multiple large scale housing developments so a standard method should factor this in;
- the opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account;
- the need to make an allowance for land required for other (non-residential) development; and
- inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market.

**Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.**

There will therefore be no need to submit a further planning application to test whether the site can be approved.

In areas suitable for substantial development (Growth areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan.

In areas suitable for development (Renewal areas), there would be a general presumption in favour of development established in legislation

For pre-specified forms of development such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements

For other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework; or a Local or Neighbourhood Development Order.

In both the Growth and Renewal areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application.

Areas for protection would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in or areas

**Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.**

Want to see a more streamlined digitally enabled end to end process which is proportionate to the scale of development proposed. In particular the validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process. For Spending Review, the Government will prepare a specific, investable proposal for modernising planning systems in local government.

**Proposal 7: Local Plans should be visual and map-based, standardised based on the latest digital technology and supported by a new template.**

Interactive, map-based Local Plans will be built upon data standards and digital principles.

Standardisation of Local Plans across the country. To support open access to planning documents and improve public engagement in the plan-making process, plans should be fully digitised and web-based following agreed web standards rather than document based. Will allow for any updates to be published instantaneously

Shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled. making it easier for people to understand what is being proposed where and how it will affect them.

**Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.**

Local Plans to be prepared in 30 months.

Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.

Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.

Stage 3 [6 weeks]: The local planning authority simultaneously

(i) submits the Plan to the Secretary of State for Examination together with a Statement of Reasons to explain why it has drawn up its plan as it has; and

(ii) publicises the plan for the public to comment on. Comments seeking change must explain how the plan should be changed and why. Again, this process would embody ‘best in class’ ways of ensuring public involvement. Responses will have a word count limit.

Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test. The plan-making authority and all those who submitted comments would have the right to be “heard” by the inspector (whether face to face, by video, phone or in writing – all at the inspector’s discretion). The inspector’s report can, as relevant, simply state agreement with the whole or parts of the council’s Statement of Reasons, and/or comments submitted by the public.

• Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.

Statutory duty for local authorities to adopt a new Local Plan by a specified date - 42 months for local planning authorities who have adopted a Local Plan to adopt new style plan from when the legislation comes in force.

A requirement for each planning authority to review its Local Plan at least every five years.

**Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools**

May extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they are happy to see.

## **CREATING FRAMEWORKS FOR QUALITY**

**Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.**

As national guidance, we will expect the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities. But to ensure that schemes reflect the diverse character of our country, as well as what is provably popular locally, it is important that local guides and codes are prepared wherever possible. These play the vital role of translating the basic characteristics of good places into what works locally, and can already be brought forward in a number of ways: by local planning authorities to supplement and add a visual dimension to their Local Plans; through the work of neighbourhood planning groups; or by applicants in bringing forward proposals for significant new areas of development.

**Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.**

The vision set out will require a step change in the design skills available in many local planning authorities.

We will explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes.

We will also bring forward proposals later this year for improving the resourcing in planning departments more broadly. However effective leadership is also critical to drive a strong vision for what each place aspires to be.

**Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.**

The government recognises that the work of Homes England has an important role to play in leading by example. It will engage with Homes England in the forthcoming Spending Review process to consider how its objectives maybe strengthened.

**Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.**

Schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

Where plans identify areas for significant development (areas), legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters. These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established.

Legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development (pattern book development) to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities, but in accordance with important design principles.

Develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied – enabling increased densities while maintaining visual harmony in a range of common development settings (such as semi-detached suburban development). These would benefit from permitted development rights relating to the settings in which they apply. To enable further tailoring of these patterns to local character and preferences, we also propose that local planning authorities or neighbourhood planning groups would be able to use local orders to modify how the standard types apply in their areas, based on local evidence of what options are most popular with the wider public.

## **EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT**

**Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

These measures, and the reform of our policy framework, provide an important opportunities to strengthen the way that the environmental issues are considered through the planning system.

In doing this we will want to be clear about the role that local, spatially specific policies can continue to play.

**Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.**

Processes for environmental assessment and mitigation need to be quicker and speed up decision-making and the delivery of development projects. The environmental aspects of a plan or project should be considered early in the process, and to clear timescales.

**Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century**

Will review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. Will consider whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

**Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.**

To work towards ensuring that all new homes are fit for a zero carbon future we will also explore options for the future of energy efficiency standards, beyond 2025.

Local Planning Authorities, as well as central Government, should be accountable for the actions that they are taking, and the consultation response will look to clarify the role that they can play in setting energy efficiency standards for new build developments.

We will also want to ensure that high standards for the design, environmental performance and safety of new and refurbished buildings are monitored and enforced. As local authorities are freed from many planning obligations through our reforms, they will be able to reassign resources and focus more fully on enforcement.

Pillar Three – Planning for infrastructure and connected places

**Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.**

Propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing. This would be secured through in kind delivery on site.

To better support the timely delivery of infrastructure we would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

**Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.**

The scope of the Infrastructure levy would be extended to better capture change of use.

**Proposal 21: The reformed Infrastructure levy should deliver affordable housing provision.**

Developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site. It is important that the reformed approach will continue to deliver on-site affordable housing at least at present levels.

Affordable housing provision is currently secured by local authorities via Section 106, but the Community Infrastructure Levy cannot be spent on it. With Section 106 planning obligations removed, we propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing.

This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so. Local authorities would have a means to specify the forms and tenures of the on-site provision, working with a nominated affordable housing provider. Under this approach, a provider of affordable housing could purchase the dwelling at a discount from market rate, as now. However, rather than the discount being secured through Section 106 planning obligations, it would instead be considered as in-kind delivery of the Infrastructure Levy. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. This would create an incentive for the developer to build on-site affordable housing where appropriate.<sup>16</sup> First Homes, which are sold by the developer direct to the customer at a discount to market price, would offset the discount against the cash liability.



Under this approach we recognise that some risk is transferring to the local planning authority, and that we would need to mitigate that risk in order to maintain existing levels of on-site affordable housing delivery. We believe that this risk can be fully addressed through policy design. In particular, in the event of a market fall, we could allow local planning authorities to 'flip' a proportion of units back to market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions. Alternatively, we could require that if the value secured through in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments. Government could provide standardised agreements, to codify how risk sharing would work in this way.

We would also need to ensure the developer was incentivised to deliver high build and design quality for their in-kind affordable homes. Currently, if Section 106 homes are not of sufficient quality, developers may be unable to sell it to a provider, or have to reduce the price. To ensure developers are not rewarded for low-standard homes under the Levy, local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality. It is important that any approach taken maintains the quality of affordable housing provision as well as overarching volumes, and incentives early engagement between providers of affordable housing and developers.

Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.

### **Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy**

It is important that there is a strong link between where development occurs and where funding is spent. Currently, the Neighbourhood Share of the Community Infrastructure Levy ensures that up to 25 per cent of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas. There are fewer restrictions on how this funding is spent, and we believe it provides an important incentive to local communities to allow development in their area. We therefore propose that under this approach the Neighbourhood Share would be kept, and we would be interested in ways to enhance community engagement around how these funds are used, with scope for digital innovation to promote engagement.

There is scope for even more flexibility around spending. We could also increase local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax. The balance of affordable housing and infrastructure may vary depending on a local authority's circumstances, but under this approach it may be necessary to consider ring-fencing a certain amount of Levy funding for affordable housing to ensure that affordable housing continues to be delivered on-site at current levels (or higher). There would also be opportunities to enhance digital engagement with communities as part of decision making around spending priorities. Alternatively, the permitted uses of the Levy could remain focused on infrastructure and affordable housing, as they are broadly are at present. Local authorities would continue to identify the right balance between these to meet local needs, as they do at present.

**Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.**

Some local planning activities should still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the Government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.

There will need to have sufficient leadership, strong professional planners and good access to technical expertise, as well as transformed systems which utilise the latest digital technology. There must be a fundamental cultural change on how planning departments operate needing to be more outward looking and proactively.

**Proposal 24: We will seek to strengthen enforcement powers and sanctions**

We will review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. We will introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
P & I 1	Town and Country Planning (Environmental Impact Assessment) Regulations <del>1999</del> 2017	<p>(1) To determine whether a proposed development falls within Schedule 2 of the Regulations; and</p> <p>(2) To determine whether to require an environmental impact assessment in respect of proposed developments falling within the scope of Schedule 2 of the regulations</p>	<p>Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u>, or <del>Principal Development Management Officer</del>, or Senior Development Management Officer, or Senior <del>Enforcement Planning</del> <u>Enforcement</u> Officer</p>	<p>Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19</p>
P & I 2	Building Act 1984	To approve or reject, where appropriate, all applications under Building Regulations	Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 3	Local Government Act 2000, part 1A	<p>Except in the case of the Council's own schemes, to authorise relaxation of Building Regulations as necessary</p> <p>Remarks: Relaxations relating to the Council's own schemes require approval of Cabinet</p>	Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager	Cabinet 27 of 5/10/16 77 of 06/02/19

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## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
P & I 4	Building Act 1984	To permit deviations from the approval in the course of building works	Building Control Manager, or Senior Building Control Surveyor, or District Building Control Surveyors, or Assistant Building Control Surveyors	Cabinet 27 of 5/10/16
P & I 5	Water Act 1989 (s.69 Schedule 8)	To serve notices and take action with respect to buildings over sewers  Remarks: Formerly part of Building Act 1984 (s.18)	Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager, or Senior Building Control Surveyor	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 6	Building Act 1984	To serve notices and to take action under the following: Section 8 - Relaxation of Building Regulations Section 11 - Type relaxation of Building Regulations Section 16 - Passing or rejection of plans Section 19 - Buildings constructed of materials regarded as 'short lived' Section 21 - New buildings to be provided with satisfactory drainage Section 24 - Provision of exits	Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager, or Senior Building Control Surveyor	Cabinet 27 of 5/10/16 77 of 06/02/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

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No	Source	Power Delegated	Delegated to	Minute Reference
		<p>Section 25 - New houses to be provided with sufficient water supply</p> <p>Section 60 - Provisions of soil pipes and ventilating shafts</p> <p>Section 70 - Food storage accommodation in houses</p> <p>Section 71 - Exits and entrances to certain public buildings</p> <p>Section 72 - Means of escape in case of fire from certain high buildings</p> <p>Section 73 - New buildings over-reaching adjacent chimneys</p> <p>Section 74 - Cellars and Rooms below sub-soil level</p> <p>Section 78 - Emergency measures to deal with dangerous buildings</p> <p>Section 79 - Ruinous and dilapidated buildings etc</p>		
P & I 7	Building Act 1984	<p>To serve notices and to take action under the following:</p> <p>Section 32 - Deposit of plans to be of no effect</p> <p>Section 36 - Power to require removal or alteration</p>	<p>Executive Head, or Chief Planning Officer, or Service Manager, Building Control Manager, or Senior Building Control Surveyor</p>	<p>Cabinet 27 of 5/10/16 77 of 06/02/19</p>

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
		<p>of work not in conformity with Building Regulations; Section 77 - Dangerous and dilapidated buildings and structures Sections 80 and 81 - Demolitions</p>		
P & I 8	Hampshire Act 1983	<p>To serve notices and to take action under the following: Section 11 – Underground car parks (fire precautions); Section 12 – Access for fire fighting vehicles and equipment; Section 13 – Fire precautions in large buildings</p>	<p>Executive Head, or Chief Planning Officer, or Service Manager, or Building Control Manager, or Senior Building Control Surveyor</p>	<p>Cabinet 27 of 5/10/16 77 of 06/02/19</p>
P & I 9	<p>Planning (Listed Buildings and Conservation Areas) Act 1990 <u>(as amended)</u> (s.89) Town and Country Planning Act 1990 <u>(as amended)</u> (s.330(1) and s.330(2)) Miscellaneous Provisions Act 1976 (s.16)</p>	<p>To require information on interests in land and its use</p>	<p>Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor</p>	<p>Cabinet 27 of 5/10/16 77 of 06/02/19</p>

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## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
P & I 10	Planning (Listed Buildings and Conservation Areas) Act 1990 ( <u>as amended</u> ) (s.88(5))	To enter land for the purpose of surveying the land or estimating its value for compensation for acquisition	Executive Head, or Chief Planning Officer or his or her duly authorised Agent	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 11	Planning (Listed Buildings and Conservation Areas) Act ( <u>as amended</u> ) 1990 (s.88A)	To seek Warrants to Enter Land for Section 88 purposes	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 12	Planning (Listed Buildings and Conservation Areas) Act 1990 ( <u>as amended</u> ) (s.88B(1) and s.88B(8))	To serve Notice of Intended Entry and Notice of Intention to Carry out Works	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 13	Local Government (Miscellaneous Provisions) Act 1976 (s.23 and 24)	(1) Dangerous trees - to exercise the powers conferred on the Council under Sections 23 and 24 of the Act; to take such steps as may be appropriate for the purposes of Sections 23(1), 23(2) and 23(4) of the Act, and to take the specified steps in the event of the failure of a person to comply with a notice served pursuant to Section 23(3) of the Act	Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
		Remarks: Subject to Council's Financial Regulations and Standing Orders as to Contracts		
		(2) To recover expenses reasonably incurred by the Council	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 14	Electricity Act 1989 (s.37) Town and Country Planning Act 1990 (s.90(2)) <u>(as amended)</u>	To respond to consultations under s.37 of the Electricity Act	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u> , or <del>Principal Development Management Officer</del> , or Senior Development Management Officer, or <del>Senior Enforcement Officer</del> <u>Senior Planning Officer - Enforcement</u> , or Development Management Officer, or Implementation Officer, or Site Monitoring Officer, or <del>Planning Development Management</del> <u>Case Officer</u> , or Enforcement Case Officer	Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19



## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
P & I 15	Acquisition of Land Act 1981 s.5A Planning and Compulsory Purchase Act 2004 s.105	To require information about interests in land which it is intended to compulsory purchase	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 16	Building Act 1984 Town and Country Planning Act 1990 <u>(as amended)</u> Planning (Listed Buildings and Conservation Areas) Act 1990 <u>(as amended)</u> Planning (Hazardous Substances) Act 1990 <u>(as amended)</u> Local Government (Miscellaneous Provisions) Act 1976 Planning and Compulsory Purchase Act 2004 <u>(as amended)</u>	To initiate and undertake prosecutions on behalf of the authority pursuant to these Acts and any amending legislation, or Regulations made pursuant to the Acts on matters which are the responsibility of the Cabinet	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor in consultation with Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u> , <del>Principal Development Management Officer</del> , or Senior Development Management Officer, or <del>Senior Enforcement Officer</del> <u>Senior Planning Officer - Enforcement</u> , or Development Management Officer, or Implementation Officer, or Site Monitoring Officer, or <del>Planning Case Officer</del> <u>Development Management Case Officer</u> , or <u>Planning Enforcement Case Officer</u> , or <del>Senior Arboriculturist</del> <u>Senior Tree Officer</u> , or <del>Arboriculturist</del> <u>Tree Officer</u> , or Senior Conservation and Building Design Officer, or	Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
			Conservation Officer, or Building Control Manager, or Senior Building Control Surveyor, or District Building Control Surveyors	
P & I 17	Town and Country Planning Act 1990 ( <u>as amended</u> ) s.304 Planning and Compulsory Purchase Act 2004 ( <u>as amended</u> ) s.115	To pay grants for research and educational assistance	Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 18	Local Government Act 2000, part 1A	To select footway lighting improvement schemes within the development programme budget	Executive Head, or Chief Planning Officer, or Service Manager, in consultation with the Town or Parish Council, or Planning and Infrastructure Portfolio Holder following receipt of suggestions from Town or Parish Councils	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 19	Town Police Clauses Act 1847 s.21 Hampshire Act 1983 s.68	To make and sign an Order to bring into effect temporary road closures, subject to:  i) no objections being received from the Police or County Council within 28 days	Chief Executive, or Executive Head, or Chief Planning Officer, or Service Manager, or Senior Development Management Officer, or <del>Senior Enforcement Officer</del> <u>Senior Planning Officer - Enforcement</u> , or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u>	Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19

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## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
		ii) prior consultation with District and County Councillors whose wards are directly affected; and		
		iii) prior consultation with local transport operators, the Fire Service, Ambulance Service, Town/Parish Council, and Chamber of Commerce		

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
P & I 20	Road Traffic Regulation Act 1984 s.69	To serve notices and to take action for the removal of signs for the guidance or direction of road users	Executive Head, or Chief Planning Officer, or Service Manager, or Senior Development Management Officer, or <del>Senior Enforcement Officer</del> <u>Senior Planning Officer - Enforcement</u> , or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u>	Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19
P & I 21	Local Government Act 2000, part 1A	To ensure that the Council's obligations under the County Council's agency agreements are discharged	Executive Head, or Chief Planning Officer	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 22	Public Health Act 1925 s.18	To issue notices and documents relating to street names and numbers	Executive Head, or Chief Planning Officer, or Service Manager, or Senior Systems Support Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 23	Land Charges Act 1972	To do all matters relating to the registration of Local Land Charges and the issue of the official certificate of search against the Register	Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 24	Local Government Act 2000, part 1A	To make Off-Street Parking Places Orders or Amendment Orders in	Chief Executive, or Executive Head, or Chief Planning Officer	Cabinet 27 of 5/10/16 77 of 06/02/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
		cases where no objections to published proposals have been received		
P & I 25	Local Government Act 2000, part 1A	To authorise the removal of vehicles, trailers, etc left in the Council's car parks	Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 26	Road Traffic Regulation Act 1984 s.112(2)	To request information as to the identity of a driver	Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 27	Local Government Act 2000, part 1A	To grant consents and to agree terms for the occasional use of car parks for exhibitions and similar events	Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 28	Civil Enforcement of Parking Contraventions General Regulations 2007, regulations 5, 12, 19 and 21	To serve notices and certificates, to consider representations, and to take all action on behalf of the Council	Service Manager, or Enforcement Manager, or Enforcement Operations Team Leader, or Enforcement Supervisor, or Senior Civil Enforcement Officer, or Civil Enforcement Officer, or Enforcement Operations	Cabinet 27 of 5/10/16

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
			Administrator, or Enforcement Operations Administrations Officer	
P & I 29	Civil Enforcement of Parking Contraventions General Regulations 2007, regulation 22	To recover the increased penalty charge provided for in the charge certificate	Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 30	Civil Enforcement of Parking Contraventions Representations and Appeals Regulations 2007, Schedule paragraphs 12-15	To take all action on behalf of the Council	Executive Head, or Chief Planning Officer, or Service Manager, or Enforcement Manager, or Enforcement Operations Administrator, or Enforcement Operations Administrations Officer	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 31	Civil Enforcement of Parking Contraventions Representations and Appeals Regulations 2007, regulation 7 (5)	To consider the recommendations of an adjudicator and decide whether to accept those recommendations	Chief Executive, or Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 32	Goods Vehicles (Licensing of Operators) Act 1995	To make representations on applications relating to the issue of new or variations to existing operators' licences	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Leader</u>	Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
		<p>To determine whether or not an objection to an application for or variation of a goods vehicle operator's licence is appropriate and, if so, to make objection on appropriate grounds on behalf of the Council to the grant or variation of a license (in consultation with local ward members)</p>	<p><u>Team Leader, Principal Development Management Officer</u>, or Senior Development Management Officer, or <u>Senior Enforcement Officer</u> <u>Senior Planning Officer - Enforcement</u> in consultation with Service Manager, or Team Manager (Environmental Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer</p>	
		<p>In the event of non-agreement between or with local Members, to refer to the relevant Portfolio Holder for determination whether to make representations at an inquiry to support the objection</p>		
P & I 33	Local Government Act 2000, part 1A	<p>In appropriate cases to inform the Licensing Authority that the Council, without prejudice to its formal consideration of the licence application, has no objection to a temporary heavy goods licence being issued, for not more than</p>	<p>Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, <u>Principal Development Management Officer</u>, or <u>Planning Implementation and Enforcement Team Leader</u> <u>Planning Performance Team Leader</u>, or</p>	<p>Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19</p>

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## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
		three months, to an operator	Senior Development Management Officer, or <del>Senior Enforcement Officer</del> <u>Senior Planning Officer - Enforcement</u> in consultation with Service Manager, or Team Manager (Environmental Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer	
P & I 34	Public Health Acts Amendment Act 1890 s.42	To enter into sponsorship agreements for the enhancement of roundabouts subject to no objections being received from the Police, County Council, Town or Parish Council and, in the National Park Area, the New Forest National Park Authority	Executive Head, or Chief Planning Officer in consultation with Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 35	Party Wall etc Act 1996	To be the "Appointing Officer" for the purposes of the Act	Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 36	Highways Act 1980 Road Traffic Regulations Act 1984 Local Authorities (Goods and Services) Act 1970	The functions referred to in the Agency Agreement (subject to the general qualifications and procedures contained therein) (with the	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor	Cabinet 27 of 5/10/16 77 of 06/02/19



## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
	Local Government Act 1972 s.101 Local Government Act 2000, s.15 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000	exception of the temporary traffic management measures which are subject to separate delegation arrangements)		
P & I 37	Highways Act 1980 s.278	To enter into Agreements to execute improvement schemes on the public highway, subject to prior approval from the Portfolio Holder	Chief Executive, or Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
		To enter into alternative arrangements with Hampshire County Council for minor improvement schemes	Executive Head, or Chief Planning Officer, or Service Manager	
P & I 38	Road Traffic Regulation Act 1984 (as amended)	To make and sign an Order, or to give Notice to bring into effect temporary road closures, temporary traffic diversions, temporary speed limits and other temporary traffic management measures subject to:	Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
		<p>i) no objections being received during the consultation period from either the Police or Hampshire County Council</p> <p>ii) Local District and County Members whose wards are directly affected being consulted and their views being carefully considered</p> <p>iii) Principal local public transport operators being consulted and their views being carefully considered</p>		
P & I 39	Planning (Listed Buildings and Conservation Areas) Act 1990 <u>(as amended)</u>	To offer historic building grants	Executive Head, or Chief Planning Officer, or Service Manager	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 40	Clean Neighbourhoods and Environment Act 2005 s.6	To be an authorised officer and to give fixed penalty notices (nuisance parking)	Executive Head, or Chief Planning Officer, or Service Manager, or Street Scene and Waste Supervisors, or Enforcement Manager, or Enforcement Operations Team Leader, or Enforcement Supervisor, or Senior Civil Enforcement Officer, or Civil Enforcement Officer, or	Cabinet 27 of 5/10/16 77 of 06/02/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
			Enforcement Operations Administrator, or Enforcement Operations Administrations Officer, or Planning Enforcement Officer, or Team Manager (Environmental Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer	
P & I 41	Clean Neighbourhoods and Environment Act 2005 s.4(5)	To authorise restricted works to be carried out later than 72 hours after an accident or breakdown	Executive Head, or Chief Planning Officer, or Service Manager, or Street Scene and Waste Supervisor, or Enforcement Manager, or Enforcement Operations Team Leader, or Enforcement Supervisor, or Enforcement Officer, or Planning Enforcement Officer Protection), or Team Manager (Food and Safety), or Senior Environmental Health Officer, or Environmental Health Officer	Cabinet 27 of 5/10/16 77 of 06/02/19
P & I 42	Town and Country Planning (Control of Advertisements) (England) Regulations 2007 <u>(as amended)</u>	To issue discontinuance notices where the compensation provisions set in the Town and Country Planning Act 1990, s. 223 do not apply	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u> , or <del>Principal</del>	Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
			<p><del>Development Management Officer</del>, or Senior Development Management Officer, or <del>Senior Enforcement Officer</del><u>Senior Planning Officer - Enforcement</u> following consultation with the Executive Head, or Chief Planning Officer</p>	

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
P & I 43	Planning Acts (as defined in the Town and Country Planning Act 1990 as amended)	To issue formal cautions in respect of offences committed under the Planning Acts, subject to the Executive Head, or Chief Planning Officer or Service Manager, or Solicitor being satisfied that offences have taken place	Executive Head, or Chief Planning Officer, or Service Manager, or Development Management Team Leader, <del>Principal Development Management Officer</del> , or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u> , or Senior Development Management Officer, or <del>Senior Enforcement Officer</del> <u>Senior Planning Officer - Enforcement</u> , or Solicitor	Cabinet 27 of 5/10/16 77 of 06/02/19 83 of 6/03/19
P & I 44	Community Infrastructure Levy Regulations 2010 <u>(as amended)</u>	To exercise all powers and duties and to take all necessary action and make all decisions including the making of all determinations and declarations, the service, variation and withdrawal of notices except the following:  The determination and granting of applications for relief in exceptional circumstances	Executive Head, or Chief Planning Officer, or Service Manager, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u>  Executive Head, or Chief Planning Officer, or Service Manager, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u> in	Cabinet 27 of 5/10/16 61 of 05/12/18 77 of 06/02/19 83 of 6/03/19

## FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE CABINET PLANNING AND INFRASTRUCTURE PORTFOLIO

No	Source	Power Delegated	Delegated to	Minute Reference
			consultation with the Chairman of the Planning Committee	
		To make all necessary applications through the courts and to take all such actions as may be necessary for implementation	Executive Head, or Chief Planning Officer, or Service Manager, or Solicitor, or <del>Planning Implementation and Enforcement Team Leader</del> <u>Planning Performance Team Leader</u>	
P & I 45	Planning and Compulsory Purchase Act 2004 – as amended by the Localism Act <del>2012</del> <u>2011 (as amended)</u>	To agree to proposed changes/ modifications to the submitted Development Plan document, to address issues of ‘soundness’, during the public Examination of the document.	Chief Planning Officer, or Executive Head, or Service Manager, or <del>Principal Planning Policy Planner</del> <u>Team Leader</u> in consultation with the Planning and Infrastructure Portfolio Holder.	Cabinet 77 of 06/02/19

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