

## **NEW FOREST DISTRICT COUNCIL - REVIEW OF LOCAL INFORMATION REQUIREMENTS FOR PLANNING APPLICATIONS**

### **1. THE PURPOSE OF THE REPORT**

- 1.1 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015) sets out the minimum (national) information required for a planning application to be valid (see appendix A). In addition to the national information requirements required under the DMPO 2015 there are a number of other mandatory requirements applicable to some applications, these are set out in Appendix C.
- 1.2 Additional information can be required and the New Forest District Council has required additional information since 2008, this is referred to as the 'local list' of information required for a valid planning application. Under the relevant regulations, the 'Local List' should be reviewed every two years, the last review undertaken by this Council was in 2016. In these circumstances the information required to be submitted with applications has reverted to the nationally prescribed requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 This report sets out:
- a the reasons why it is considered appropriate to reinstate a local list of information required to support planning applications
  - b the arrangements for the consultation exercise
  - c the draft local requirements which will form the basis of the consultation

### **2. BACKGROUND**

- 2.1 In 2008 the standard planning application forms for England was introduced (referred to as 1APP) and this was accompanied by regulations which prescribed more comprehensive information requirements for the validation of planning applications. In addition to the requirements on this national mandatory list the regulations enabled Local Planning Authorities to produce local lists of information requirements, though this was optional.
- 2.2 The Government recommended a process for adopting a local list for the different types of application which a local planning authority determines. Essentially there are four stages:
- Firstly the resolution of the relevant Committee to consult on the proposed 'local list' for different application types.
- Secondly a consultation period of six weeks is recommended in the Guidance during which the views of stakeholders will be sought on a detailed list for each type of development.
- Thirdly, following the consultation process officers will report back to Committee with a 'local list' for formal approval.
- The adopted 'local list' will be published on the local authority website and the Planning Portal and made available in paper copies.
- 2.3 The Council consulted upon and adopted a local list in 2008. In 2010 the then Department for Communities and Local Government's (DCLG) published Guidance on the Information Requirements and validation for planning applications, this was withdrawn in 2014 and incorporated into the National Planning Practice Guidance. It was under this guidance that in 2013, following a consultation exercise, the Council introduced a revised local list of requirements for the validation of planning applications.

- 2.4 An amendment to the Town and Country Planning (Development Management Procedure) Order in 2012 meant that Local Planning Authorities could only use Local Lists where it has been reviewed and published on the local authority website within the two years immediately before the planning application is made. This requirement has been carried through into paragraph 11 (3) of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO 2015): This states the particulars and evidence required to be submitted with a planning application beyond that prescribed in the national requirements shall only apply in the following circumstances:
- (a) list of requirements is published on the authority website;
  - (b) the particulars or evidence that the authority require fall within that list;
  - (c) the particulars or evidence the authority require to be included in the application—
    - (i) are reasonable having regard, in particular, to the nature and scale of the proposed development; and
    - (ii) are about a matter which it is reasonable to think will be a material consideration in the determination of the application; and
  - (d) the list was published (or republished) during the 2 year period immediately before the date on which the application is made.
- 2.5 In accordance with the Town and Country Planning (Development Management Procedure) Order the Council undertook consultations on the Local List in both 2014 and 2016. Taking on board the comments received in the Consultation the review in 2016 contained a number of minor revisions to the earlier requirements and a commitment to a further review within two years.

### **3. PROPOSED DRAFT LOCAL LIST**

#### **3.1 Why have a Local List of information requirements for Planning Applications?**

The provision of particulars or evidence over and above that required under the National List can have the following benefits:

- Gives the applicant a clear understanding of what information will be required and avoid subsequent dispute when additional details are requested.
- Adequate information is submitted with applications to enable proposals to be clearly understood from the outset.
- Ensuring those consulted are provided with sufficient information to be able to make a constructive response to the Local Planning Authority.
- Avoids the need for additional information to be sought during the determination of the application, leading to delay in a decision being reached.
- Failure to submit adequate information may lead to the imposition of pre-commencement conditions which could delay the start of development.

#### **3.2 What additional information can a Local List include?**

Since the previous Local List was adopted in 2016 it is evident that the Council will be experiencing a significant increase in the applications for larger scale residential/mixed developments. The 2016 Local List has been reviewed in light of the anticipated increase in 'major' planning applications as well as changes contained in the revised National Planning Policy Framework issued. A comparison between the 2016 information requirements and those now proposed is contained in Appendix B.

3.3 The regulations set out two requirements against which any local list for information to be submitted with applications which should be assessed:

- It is proportionate to the nature and scale of development proposals, and
- Is about a matter which it is reasonable to think will be a material consideration in the determination of the application.

3.4 A revised list which will be subject to Consultation is contained in Appendix C, this table sets out the drivers for requiring the additional information and is referred to as Part 1 of the Local List. The drivers for the proposed information requirements are:

- The Adoption of the New Forest District Local Plan 2016-2036 Part 1
- National Planning Policy Framework (2019)
- National Planning Practice Guidance

A comparison between the proposed Local List and the 2016 information requirements is set out in Appendix B. Appendix D sets out proposed information requirements by application types.

3.5 All too frequently the validation of applications is delayed because the drawings submitted are not drawn to a recognised scale, are poorly drawn or incomplete. The previous Local List did contain standards for plans and drawings accompanying planning applications. It is proposed to consult on expanding the requirements for plans and drawings, this is set out in Appendix E and referred to as Part 2 of the Local List.

#### **4. CONSULTING ON THE PROPOSED LOCAL LIST**

4.1 It is considered that the consultation should follow the same format as that undertaken in respect of the 2014 and 2016 Local List reviews, i.e. town and parish councils, internal and external consultees and agents (including all agents who attended the Agents Forum held in January 2019). In terms of how the Consultation is undertaken it is considered this should be as previously, with 6 weeks allowed for responses. The Planning Committee will then receive a report summarising the responses to the consultation and recommendations for what particulars or evidence will be contained in the Local List requirements for different application types.

#### **5. RECOMMENDATION**

5.1 That the proposed Local Information Requirements for planning applications as set out in this report be published for consultation with internal and external consultees, agents who regularly submit applications and Town/Parish Councils.

5.2 A report be brought back to a future meeting of the Committee summarising responses received and setting out a final Local List for adoption.

**For Further Information Please Contact:**

**Background Papers:**

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