



Streamlining information requirements for planning applications

A response by the English National Park Authorities Association October 2009

General Comments

1. The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities. It is governed by the Chairs of the nine Authorities, and our response, therefore, represents the collective view of the Authorities. It has been prepared by officers, working within the policies established by the National Park Authorities (NPAs), including through internal consultation amongst the Heads of Planning Professional Group. Individual NPAs may wish to submit separate comments, which will draw on the specific issues for their particular area.

2. The consultation paper sets out the Government's proposals for changing the information requirements for planning applications in response to the Killian Pretty review recommendations. While there are proposals that can be supported, the timing of the review, so soon after the introduction of some of the measures seems too early to allow them to properly bed in. The consultation paper highlights anecdotal evidence that some councils are considered to make unnecessarily onerous demands of developers. It does not, however, indicate whether this is such a widespread problem that the system requires such an early revision.

3. The Government should not lose sight of the benefits that frontloading the application system has brought. Getting adequate information prior to registration is the corner stone of a timely and efficient process, and it directly supports the achievement of national performance targets. It is also critical to a well informed consultation process and therefore to the quality of decision making. Ministers have expressly supported a more front loaded approach with regard to major infrastructure projects, precisely because of the benefits that stem from it.

4. The Consultation document specifically asks a number of questions and our responses to these are set out below.

Question 1

Asks if LPAs agree with a set of Principles & Criteria for preparing a local list of information requirements (to replace the existing system of local/national lists)?

5. In response, it is noted that the existing system sets out a range of factors that LPAs should consider requiring information on. It provides guidance that suggests that

Authorities should use their judgement in deciding how much information to seek in any particular circumstance. The proposals do away with the suggested list and instead emphasise the need for LPAs to limit their requirements to what information is actually necessary.

6. It is not clear if this change will really make much difference. Deleting the list will not remove the need for information on the items formerly on the list. When information is sought it will still be at the discretion of the LPAs.

7. In terms of the Principles & Criteria suggested, these are generally accepted. However, in relation to 'Proportionality', the wording should be simplified. A 'graduated approach dependent on the scale & sensitivity of the proposal' will be difficult to define in practice. Sensitivity can be the result of many factors and defining meaningful thresholds is often impracticable.

Questions 2 & 3

Ask if a more proportionate approach from LPAs will be encouraged by requiring them to review their local list, by December 2010?

8. The consultation paper notes that some LPAs have not yet completed preparation of their local list. While any new system needs to be reviewed to see if it is achieving its objectives, doing so, so early after its introduction raises questions as to whether Authorities are yet in a position to accurately identify the strengths & weaknesses of their local lists.

9. ENPAA considers December 2010 to be too soon. It is also worth noting that LPAs are committed to Local Development Scheme schedules & other programmes and may find such an early review problematic. Authorities will already be in the process of programming objectives & budgets for 2010/11.

Question 4

Asks if LPAs should set out the plans required to be submitted, using a proportionate approach?

10. Yes – we agree.

Questions 5 & 6

Ask if supporting documents accompanying 'major' applications should have a summary provided with them, and whether other types of applications should also require summaries?

11. In principle, this is supported. The documentation accompanying some major applications can be difficult to assimilate, particularly for members of the public. However, it should be noted that rural planning authorities receive applications for single agricultural buildings that constitute 'major' applications. In practice, they often require little in the way of supporting documentation, therefore requiring an additional summary in such cases would be contrary to the principle of proportionality which the consultation paper espouses.

12. On the question of whether other types of applications should also require summaries, the Yorkshire Dales National Park Authority, by way of example, recently

received an application for the conversion of a barn to a single dwelling, accompanied by 450 pages of text describing the perceived historic/archaeological interest of the building.

13. A simpler approach may be to require a summary whenever submitted documentation exceeds a set length.

Question 7

Asks if a performance indicator measuring invalidation rates would improve the operation of local lists?

14. It should be noted that a high proportion of applications in rural areas are submitted by members of the public & unqualified agents, rather than architects & other professionals. This has a more significant affect on the number of invalid applications than national/local lists.

15. A performance indicator should measure the performance of the Local Planning Authority. Validation is heavily dependent on the performance of individuals outside the Authority.

Question 8

Asks if the above measures will support a more proportionate approach?

16. We believe it might, subject to the comments above.

Questions 9 & 10

Ask about deleting the requirement for a Design & Access Statement (DAS) for householder development, minor non-residential development & removal/variation of conditions in National Parks & other areas?

17. In practice, DAS contribute little to the understanding of minor development. The thinking behind such schemes is usually self-evident. Their deletion is supported.

Question 11

Asks if the issue of context should be discussed in relation to the scheme as a whole, rather than in relation to each of a number of sub-headings?

18. This is supported. Not all of the issues covered by the sub-headings are relevant to every scheme. Comment on each is therefore unnecessary in a sizeable proportion of cases.

Question 12

Asks about other exemptions/ changes?

19. None are suggested.

Question 13

Asks for any other views on the draft guidance?

20. The paper notes that Agricultural Holding Certificates are required to be signed for all applications and that this often produces invalid applications, because many

applications have no relation to agriculture and applicants therefore assume they don't need to sign it. The consultation paper, however, does not propose deleting this requirement. On the face of it, the Agricultural Holding Certificate is an anomaly. There are many other forms of tenancy that are not given the same treatment.

21. A certificate requiring the applicant to have notified everyone with an interest in the site should be sufficient, regardless of whether that interest is agricultural or not.

Question 14

Asks for views on the assumptions made in the paper about the impact of the changes proposed on small businesses?

22. Clearly, removing DAS requirements will save applicants money. The effects of modifying national/local lists are far more difficult to evaluate. The consultation paper assumes that some Authorities are making excessive demands for information. This is not accepted as being the norm, and therefore the benefits, if any, are likely to be limited & localised.

Other views on the Draft Guidance (Appendix 3)

23. It is recommended that all LPAs gather information on the ethnicity of applicants and monitor performance of applications, to assess whether planning applications submitted by members of different ethnic groups achieve the same rate of approval/refusal.

24. While there is no objection in principle to such monitoring, it is noted that a proportion of applicants decline to answer questions on their ethnicity/gender/age when completing forms, as evidenced by their response to customer satisfaction surveys (such as BVPI 111). Does the Government intend to rule that failure to answer these questions will render the application invalid? If not, we fear the accuracy of data collected will not be sufficiently robust.

ENPAA

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