

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
10 SEPTEMBER 2014
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

Department of Communities and Local Government Technical Consultation

Summary

The Government has published the consultation, which runs for 8 weeks from 31 July 2014 until 26th September 2014. The consultation covers a wide range of planning proposals, which are summarised below as part of the Government's drive to reduce red tape and support housing and growth.

Changes to retain temporary permitted development rights, increase the range of uses that be changed as permitted development; allow more buildings and extensions to be constructed as permitted development.

Given the existing permitted development rights the proposed changes fundamentally further reduce the need for planning permission for specific changes of use or buildings works. This would be achieved in some cases by using the vehicle of prior notification where if no objection is received a development may proceed and where objections are received there are restrictive material planning considerations which can be taken into account in considering the acceptability of the proposal. The main thrust of the changes are unlikely to have a significant positive impact or improve the vitality of Stockton Town Centre. However the changes could lead to a potential loss of planning fee income and the situation will be closely monitored.

New requirements relating to the imposition and discharge of planning conditions including a deemed discharge approval provision in default of a decision being made within 8 weeks.

This provision is to constrain the Local Planning Authority on imposing pre commencement conditions and to introduce a deemed approval process to encourage decisions on conditions being made within the statutory period.

Changes to consulting Statutory Consultees and referral to the Secretary of State

This provision is to reduce the amount of consultation on the basis of avoiding unnecessary consultation or where pre application comments have already been provided. This emphasises the importance the Government attaches to pre application consultation and the duty placed on consultees to provide consistent sound and robust advice. As Members will be aware in planning appeals, planning inspectors now have the ability to award costs against consultees where the Local Planning Authority have refused applications on advice from consultees where that advice has been found to be unsound and unjustified.

Environmental impact assessments

This is to increase certain thresholds to avoid the need to submit an Environmental Impact Assessment

Nationally significant infrastructure projects changes

This relates to new guidance relating to how non material and material changes to existing Development Consent Orders should be dealt with

Changes to Neighbourhood Plans

The introduction of a statutory time limit of 10 weeks in which to make a decision on whether to designate a neighbourhood area where the boundary follows existing parish or electoral ward boundaries, there is no existing designation or outstanding application for all or part of the area

To remove the statutory requirement for a minimum of six weeks consultation and publicity by those preparing the plan – but introducing a new statutory requirement to test the consultation undertaken throughout plan preparation

To require those preparing the plan to consult all land owners who could be affected by the plan (not just those whose land is being planned for)

To clarify the information which is required be submitted alongside the neighbourhood plan in order for the Council to ascertain its compatibility with obligations under the Strategic Environmental Assessment Directive Assessment

Letter from a Member of Sefton MBC Planning Committee

Attached at Appendix A is a copy of a letter from a Member of Sefton MBC Planning Committee which has been sent to all Chairs of the Planning Committees throughout the Country. It is for Members to decide what they would like to do with it

Recommendation: That the report be noted and Members are asked for their comments

Proposed Permitted Development Changes

1. GPDO – Part 1 Class A – AMENDED PD RIGHTS or houses to erect larger rear extensions:

Part 1 Class A was amended in May 2013 to allow houses to erect larger rear extensions (subject to prior approval) during the 3 year period from 30/05/2013 to 30/05/2016. The current version of the legislation requires that any such larger rear extension must be completed on or before 30/05/2016. It is proposed to **amend** the legislation so that the

above right to erect larger rear extensions (subject to prior approval) would operate on a **permanent** basis

2. GPDO – Part 3 – AMENDED PD RIGHTS for a change of use from B1 (a) (office) to C3 (residential):

The current Part 3 Class J, which allows the above change of use, requires that the C3 use must begin on or before 30 May 2016. It is proposed to **extend** this time limit to **30 May 2019**.

In addition, it is proposed to introduce a **replacement** version of the legislation that would apply from May 2016 onwards and would be subject to **prior approval** with respect to the same issues as the current version (i.e. transport and highways impacts, contamination risks, and flooding risks). The key difference is that the replacement version would **not** be subject to the exemption relating to Article 1(6A) land. Instead, the replacement version would be subject to prior approval with respect to the additional issue of ***“the potential impact of the significant loss of the most strategically important office accommodation”***. The consultation document states that *“to ensure that the ability of the policy to deliver much needed new housing is not undermined, this will be a tightly defined prior approval, and we would welcome suggestions about the specific wording”*.

3. GPDO – Part 3 – NEW PD RIGHTS for a change of use from B1(c) (light industrial) or B8 (storage or distribution) to C3 (residential):

This would be subject to **prior approval** with respect to transport and highways impacts, noise impacts, contamination risks, flooding risks and potentially (subject to consultation) *“the impact of a residential use being introduced into an existing industrial/employment area”*.

4. GPDO – Part 3 –NEW PD RIGHTS for a change of use from certain “sui generis” uses (specifically launderette, amusement arcade or centre, casino, or nightclub) to C3 (residential):

This would allow ***“limited external modifications sufficient to allow for the conversion to residential use”*** and would be subject to **prior approval** with respect to transport and highways impacts, contamination risks, flooding risks, and potentially (subject to consultation) *“the design and external appearance of the building”*.

5. GPDO – Part 3 –NEW PD RIGHTS for a change of use from A1 (shops), A2 (financial and professional services), or certain “sui generis” uses (specifically launderette, amusement arcade or centre, casino, or nightclub) to A3 (restaurants and cafes):

The new PD rights would be subject to a size threshold of 150m².

In the case where the adjoining premises objects to the proposed development, would be subject to **prior approval** with respect to *the impact of the proposed change of use on local amenity, covering issues such as noise, odours, traffic and hours of opening which will only be able to be considered under prior approval when neighbours object*.

It is claimed the new PD rights will “provide safeguards where the retail premises is a local service or its loss will have an adverse impact on the shopping area”. It is not clear how such a provision would operate.

6. GPDO – Part 3 –NEW PD RIGHTS for a change of use from A1 (shops), A2 (financial and professional services), or certain “sui generis” uses (specifically launderette, amusement arcade or centre, or nightclub) to D2 (assembly and leisure):

Does not include a "casino"

This would Not be subject to a size restriction but would be subject to **prior approval** with respect to transport and highways impacts (including “parking”), and noise impacts. Does not include "contamination risks" or "flooding risks" as material considerations.

7. GPDO – Part 3 – REMOVED PD RIGHTS for a change of use from A3 (restaurants and cafes), A4 (drinking establishments), or A5 (hot food takeaways) to a “betting shop” or a “pay day loan shop”:

8. GPDO – Part 4 – NEW PD RIGHTS for, the film and television industries to use buildings and land for commercial filming for up to 9 months in any 27 month period:

To allow the temporary use, along with the construction of associated sets, “on single sites of up to **one hectare**, which can be split between buildings and land”.

This would be subject to a maximum period of **9 months** in any 27 month period.

Does not allow the demolition, excavation, the physical alteration of an existing building, other engineering works, or overnight temporary sleeping accommodation. Any outside sets would be subject to a **height limit** of 10m (or similar).

This would be subject to **prior approval** with respect to transport and highways impacts (including a “travel plan”), noise impacts, and light impacts.

9. GPDO – Parts 8, 41, 42 – AMENDED PD RIGHTS for B1(b), B1(c), and B8 properties to erect larger new buildings and extensions, and for A1, A2, and B1(a) properties to erect larger extensions:

Part 8 Class A allows B1(b), B1(c), and B8 properties to erect new buildings and extensions, Part 41 Class A allows B1(a) properties to erect extensions, and Part 42 Class A allows A1 and A2 properties to erect extensions. These Classes were amended in May 2013 to allow the above properties to erect larger new buildings and extensions during the 3 year period from 30 May 2013 to 30 May 2016. Furthermore, during this period, for some A1 and A2 properties, Part 42 Class A allows extensions that are closer to the boundary. The current version of the legislation requires that any such larger new building or extension must be completed on or before 30 May 2016. It is proposed to **amend** the legislation so that the right to would operate on a **permanent** basis.

10. GPDO – Part 16 – NEW PD RIGHTS for sewerage undertakers to erect a pumping station, valve house, control panel or switchgear house into a sewerage system:

There would be a capacity limit of **29 cubic metres**.

11. GPDO – Part 42 – NEW PD RIGHTS for A1 properties to erect new buildings and to increase their loading bay capacity:

At present, Part 42 Class B allows A1 properties to erect a “*trolley store*” within the curtilage. To erect “*small, ancillary buildings [to] facilitate ‘click and collect’ services*” subject to a floor space limit of 20m², a height limit of 4m, and certain other restrictions.

This would be subject to prior approval with respect to “*the design, siting and external appearance of any new structure*”

Would allow A1 properties to “*increase their back of house **loading bay capacity**, allowing them to store more goods for home delivery and ‘click and collect’*” and would allow “*the installation of new loading bay doors and new loading ramps in existing shops*”, but would set out that “*the size of an existing loading bay cannot increase by more than 20%*”.

12. GPDO – Part 43 – NEW PD RIGHTS for non-domestic properties to install solar PV equipment up to 1 megawatt (MW):

Proposed to introduce to allow non-domestic properties to install solar PV equipment with a capacity of up to **1 megawatt (MW)** (i.e. 20 times the current limit).

Would be subject to **prior approval** with respect to “*siting and design, in order to minimise the impact of glare on neighbouring or overlooking properties*”.

Would be subject to various restrictions, including those relating to the height of the solar PV equipment and their protrusion beyond the roof slope.

13. GPDO – NEW PD RIGHTS for sui generis waste management facilities to replace buildings, plant or machinery:

To allow “*those waste management facilities currently sui generis*” to replace “*any plant or machinery and buildings on land within the curtilage*”. Any replacement building, plant or machinery could not exceed the existing facilities by more than **50% or 100 square metres** (whichever is lesser). The footprint of any replacement plant or machinery could not exceed that of the existing plant or machinery by more than **15%**.

14. General Permitted Development Order – OTHER:

The consultation document asks for “*any other comments or suggestions for extending permitted development rights*”. “*The Government intends to introduce new legislation to implement any changes **at the earliest opportunity**, subject to the Parliamentary process*”.

The Government is producing a **consolidated version** of the General Permitted Development Order, which will include the new legislation that results from this consultation

15. USE CLASSES ORDER (amendments to Use Classes A1 and A2):

It is proposed to **transfer** “*the majority of financial and professional services currently found in A2*” from **Use Class A2** to **Use Class A1**. All uses currently within Use Class A2 (e.g. banks, building societies, estate agents, solicitors, accountants, employment agencies, etc.) would be moved to Use Class A1 **except for “betting shops” and “pay day loan shops”**.

A change of use between any use currently within A1 and most uses currently within A2 (i.e. excluding “*betting shops*” and “*pay day loan shops*”) would no longer require planning permission.

A change of use from A3, A4, or A5 to a “*betting shop*” or a “*pay day loan shop*” would **no longer** be permitted development.

16. MEZZANINE FLOORS (increase in the 200m² limit for retail properties):

A building used for the retail sale of goods (other than hot food) can increase its floor space by up to **200m²** via a mezzanine floor without requiring planning permission. It is proposed to **increase** this limit, and the Government would “*welcome views on what size would be appropriate*”.

17. ARTICLE 4 DIRECTIONS (not to apply where prior approval has already been given):

At present, if an applicant has been given prior approval for PD works, but an Article 4 direction (which restricts those particular works) comes into force before the use is instituted or before the operations are begun (as applicable), then those works would no longer be permitted development. It is proposed to **amend** the legislation so that an Article 4 direction would **not** apply to works for which prior approval has already been given.

18. FEES (new fee for a prior approval application that relates to only building operations):

Current fees:

-**£80** for a prior approval application that relates to only a **change of use**.

-**£172** for a prior approval application that relates to a **change of use and building operations**.

Proposed new fee:

-**£80** for a prior approval application that relates to only **building operations**.

*Where a prior approval is required to carry out physical development it is intended to introduce a fee of £80, including for the erection of a structure in a retail car park or the installation of solar panels on a non-domestic building, it is **unclear** whether this fee would apply to a prior approval application for a larger rear extension under Part 1 of the GPDO.*

19. MAXIMUM PARKING STANDARDS (restricting powers to set maximum parking standards):

The Government “*supports the motorist and wants to see adequate parking provision for them*” and wants “*to understand whether local authorities are stopping builders from providing **sufficient parking space to meet market demand***”. Asks for views on whether “*parking policy should be strengthened to tackle on-street parking problems by **restricting powers to set maximum parking standards***”.

20. PLANNING CONDITIONS (introduction of deemed discharge):

1. There is the intention to introduce a **deemed discharge** for planning conditions (i.e. where an application to discharge a condition has been submitted, but the Local Planning Authority hasn't issued a decision within a certain time period).

However this would **not** apply in certain situations, such as where the development is subject to an EIA, or is likely to have a significant effect on a qualifying European site, or is in an area of high flood risk. Furthermore, it's proposed that such a deemed discharge should **not** apply to conditions that require a section 106 agreement (TCPA 1990) or a section 278 agreement (Highways Act 1980), or those that require the approval of details for outline planning permissions required by reserved matters.

2. This would only apply if the applicant first serves a **notice** on the Local Planning Authority. The applicant would be able to serve such a notice after 6 weeks (from the date when the application to discharge the condition was received by the Local Planning Authority), and the notice would set out that a deemed discharge will occur if the Local Planning Authority doesn't issue a decision within a further 2 weeks (or any longer period that the applicant may choose).

3. *"Where a deemed discharge applies, this would **not** prevent a local planning authority from taking enforcement action against development that does not comply with the details submitted to them in support of the request to discharge the condition".*

4. Views are requested on whether such a deemed discharge should be available for other types of consent, such as advertisement consent, planning permission granted by a local development order, etc.

5. Proposed to reduce period for refunding the fee if the Local Planning Authority fails to issue a decision within 12 weeks to **8 weeks**.

6. Will require the Local Planning Authority to "**share draft conditions** with applicants for **major developments** before they can make a decision on the application". The Local Planning Authority would be required to share draft conditions at least 5 or 10 working days before planning permission is granted.

7. Views are requested on whether any subsequent changes to conditions (e.g. made by a planning committee, etc.) should also be shared before planning permission is granted.

8. Where a Local Planning Authority has imposed a pre-commencement condition, the Local Planning Authority will now have to produce a "**written justification** as to why it is necessary for that particular matter to be dealt with before development starts. This would be *"in addition to the general justification that local planning authorities are already required to provide for using conditions"*.

9. The consultation asks for views on whether such a written justification should apply to **all** conditions that require further action to be undertaken before an aspect of the development can go ahead.

21. STATUTORY CONSULTEES and REFERRALS TO THE SECRETARY OF STATE:

It is proposed to **reduce** the range of development for which the Local Planning Authority needs to consult with **Natural England, Highways Agency** and **English Heritage**

It is proposed to **reduce** the range of applications (including English Heritage's own applications and the Local Planning Authority's own applications) that are notified or referred to the Secretary of State.

The consultation asks for views on the idea that a statutory consultee, if satisfied with a scheme at a pre-application stage, could choose to confirm that it does **not** wish to be consulted on the same scheme at the application stage.

Local Planning Authorities' will be required to notify railway infrastructure managers of "**all planning applications** where any part of a proposed development is **within 10 metres of a railway**". The consultation document states that it would expect railway infrastructure managers to ensure that Local Planning Authorities' are "*aware of the location of all railways, including railway tunnels*".

22. Development Management Procedure Order 2010:

It is proposed to produce a **consolidated version** of the Development Management Procedure Order 2010.

23. MEASUREMENT OF THE END-TO-END PLANNING PROCESS:

Suggestions are requested about "*how each stage of the planning application process should be measured.*" *The Government is keen to improve the information it has about the total time it takes for developments to be delivered including the **pre-application** and **post-permission** stages so that it can more accurately measure the time it takes to deliver development*".

24. ENVIRONMENTAL IMPACT ASSESSMENTS (increasing certain thresholds):

For "**industrial estate development**" under Schedule 2 paragraph 10(a) of the EIA Regulations 2011, it is proposed to increase the screening threshold from 0.5 hectare to **5 hectares**.

For "**urban development projects**" under Schedule 2 paragraph 10(b) of the EIA Regulations 2011, it is proposed to increase the screening threshold from 0.5 hectare to **5 hectares**, including where there is up to 1 hectare of non-residential urban development.

25. NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS:

1. It is proposed to introduce **guidance** on the assessment of whether changes to an existing Development Consent Order would be non-material or material. The consultation document sets out three "*characteristics of a change that means there will be a greater likelihood of it being non-material*" and asks for views on these characteristics.

2. For an application for a **non-material change**, it is proposed to transfer the requirements to consult on the application from the Secretary of State to the applicant. The consultation

document also sets out other minor amendments to these requirements to consult, an amendment to the requirement for maps, and the removal of the requirement for the applicant to pay the Secretary of State's costs for consulting on the application.

3. For an application for a **material change**, it is proposed to amend the requirements to consult at a pre-application stage. The applicant would be required to consult "*those persons who could be directly affected by the change*" (rather than every person consulted about the original application), would no longer be required to prepare a statement of community consultation, and would no longer be required to publish a notice in local and national newspapers and other publications.

4. For an application for a **material change**, it is proposed to allow the Secretary of State to choose not to hold an examination "*if he considers that one is not necessary*". In such a case, anyone who has made a relevant representation will be given the opportunity to submit further representations.

5. For an application for a **material change**, it is proposed to reduce the time period for the examination from 6 months to 4 months, to reduce the time period for the Examining Authority to produce a report and recommendation from 3 months to 2 months, and to reduce the time period for the Secretary of State to reach a decision from 3 months to 2 months.

6. It is proposed to introduce **guidance** on the operation of the process for making non-material and material changes to Development Consent Orders. This guidance will mainly be aimed at applicants.

7. For each of **10 non-planning consents**, it is proposed to allow the applicant to include such consent within their application for a Development Consent Order **without** requiring the permission of the relevant consenting body

26. NEIGHBOURHOOD PLANNING:

Proposals

1. To introduce a statutory time limit of 10 weeks in which to make a decision on whether to designate a neighbourhood area where the boundary follows existing parish or electoral ward boundaries, there is no existing designation or outstanding application for all or part of the area
2. To remove the statutory requirement for a minimum of six weeks consultation and publicity by those preparing the plan – but introducing a new statutory requirement to test the consultation undertaken throughout plan preparation
3. To require those preparing the plan to consult all land owners who could be affected by the plan (not just those whose land is being planned for)
4. To clarify the information which should be submitted alongside the neighbourhood plan in order for the Council to ascertain its compatibility with obligations under the Strategic Environmental Assessment Directive Assessment.

27. Key Questions of the consultation and Impacts of the proposed changes

1. Permitted development rights for (i) light industrial (B1(c)) buildings and (ii) storage and distribution (B8) buildings to change to residential (C3) use.

While there is broad support in principle for initiatives to increase the overall supply of housing, this proposal does not address the underlying reasons behind the shortage of building new houses (including the problems of obtaining finance, and the high cost of housing in an overinflated market) and does not contain effective measures to mitigate the risk of housing being developed in unsuitable and unsustainable locations as the potential of being able to consider "*the impact of a residential use being introduced into an existing industrial/employment area*" does not automatically rule out the principle or provide robust criteria to use in assessing what is an unacceptable impact.

Vacant B1 and B8 premises are often located on prestige or high quality business parks or within parts of general industrial estates, and are not in locations that are supported by access to services that are required by residents.

The Spatial Planning team disagree with this proposal. Stockton Borough Council supports the Tees Valley Strategic Economic Plan (SEP) which seeks to achieve an additional 25,000 jobs in the Tees Valley. Light industrial units and storage and distribution buildings can both make an important contribution to maintain and expanding employment. SBC need to be able to consider the impact of their loss through the planning process. Whilst increasing housing supply is a very important objective and one which the Spatial Planning team supports, it needs to be fully recognised that it is only one of the strands that supports economic growth and a balanced approach taken. There are also concerns that providing permitted development rights does not allow for contributions to infrastructure.

Do you have suggestions for the definition of the prior approval required to allow local planning authorities to consider the impact of the significant loss of the most strategically important office accommodation within the local area?

The Spatial Planning team have no specific suggestion for the definition of prior approval required but consider that it should include reference to the need not to deter inward investment.

Should the new permitted development right (i) include a limit on the amount of floor space that can change use to residential (ii) apply in Article 1(5) land i.e. land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites and (iii) should other issues be considered as part of the prior approval, for example the impact of the proposed residential use on neighbouring employment uses?

The Spatial Planning team consider that if the new permitted development rights are enacted then (i) would be difficult to quantify, (ii) should not apply in Article 1(5) land and (iii) other uses should be considered as part of the proposal. The potential for ad hoc changes of use

to residential within an employment area to negatively impact on neighbouring business uses is a major concern.

2. Office to residential permitted development rights

Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential (C3)?

This is an extension of an existing situation; now allowing the Local Planning Authority to consider ***“the potential impact of the significant loss of the most strategically important office accommodation”***. However the provision still does not address the underlying reasons behind the shortage of building new houses (including the problems of obtaining finance, and the high cost of housing in an overinflated market) and does not contain effective measures to mitigate the risk of housing being developed in unsuitable and unsustainable locations and is very much directed to assist development in the South East.

The Spatial Planning team do not agree with this proposal. It is acknowledged that there have been some highly speculative office developments and that the potential exists for there to be an oversupply of this type of use. However, this needs to be properly considered through the planning process. Offices can also be very important for maintain and increasing jobs. There is a very real risk of business tenants with a rental on their office accommodation losing their accommodation if the owner decides to convert to residential. In order to plan properly businesses need to know that their accommodation is secure. Again there appears to be an overly housing focused, unbalanced approach to achieving economic growth.

3 Permitted development rights allowing larger extensions for dwelling houses should be made permanent?

The Prior notification system is fundamentally flawed and does not take into account the impact of the development on future occupiers and does not provide a fall back position for the impact of the proposal to be assessed by a professionally qualified planner.

The Spatial Planning team disagree with this proposal. Larger extensions can have a significant negative impact on residential amenity if not considered thoroughly. In order for the assessment to be thorough a significant commitment of resources is required including an officer site visit. This should require a planning application in order to generate the necessary fee income to cover the cost.

4 NEW PD RIGHTS for a change of use from certain “sui generis” uses (specifically launderette, amusement arcade or centre, casino, or nightclub) to C3 (residential):

The Spatial Planning team regard the proposed changes of use as acceptable in principle at a broad strategic level. However, providing permitted development rights does not allow for contributions to infrastructure and does not allow the impact on residential amenity of other uses to be taken into consideration e.g. if there is a cluster of amusement arcades / nightclubs and one converts to residential then it is unlikely that the converted residential use will provide an adequate degree of residential amenity.

5. Should the new permitted development right include (i) a limit on the amount of floor space that can change use to residential and (ii) a prior approval in respect of design and external appearance?

The Spatial Planning team consider that (i) would be difficult to quantify and that (ii) prior approval should be required in respect of design and external appearance in order to be able to positively influence the quality of development.

6. Permitted development right allowing shops to build internal mezzanine floors should be increased from 200 square metres

Previously the construction of a mezzanine floor with shops was not development. However due to the significant adverse impact from mezzanine floors being added to retail units in out of town centres/retails parks on Town Centres, a limit of 200 sq. m was imposed and any increase in mezzanine floor area over this limit currently requires planning permission

This new provision would only be acceptable if the new permitted development right is restricted to A1 uses within designated Town centres to avoid further significant impact from out of town centres/retail parks.

7. Deemed discharge for planning conditions

Providing the appropriate exemptions apply to avoid situations where there are health/safety considerations or complicated scrutiny of submitted information which would have significant adverse impacts on the Community such as Sustainable Urban Drainage systems. Otherwise this will lead to refusal of applications to discharge planning conditions and the need for applicants to reapply

8. The time limit for the fee refund to be shortened from twelve weeks to eight weeks

It is considered that applicants still fail to provide all the information necessary to satisfy a Local Planning Authority to discharge a condition or in the case of Health or safety that the actual details e.g. a sustainable urban drainage system may require significant specialist scrutiny and amendment which cannot realistically be determined within the 8 week period. This proposal would be too punitive to Local Planning Authorities particularly given the small statutory fee accompanying the submission and would be likely to lead to unnecessary refusals of applications to discharge conditions.

9. Environmental Impact Assessment Thresholds, proposes to make changes to the size thresholds for some projects listed in Schedule 2 to the Town and country Planning (Environmental Impact Assessment) Regulations 2011 to reduce the number of projects which are unnecessarily subject to screening for the need for an assessment.

The Spatial Planning team consider that the approach of setting thresholds is flawed as individual site characteristics are key to determining environmental impact and these can only be properly considered on a site by site basis, as to whether screening is required.

10. Neighbourhood Plan

To introduce a statutory time limit of 10 weeks in which to make a decision on whether to designate a neighbourhood area where the boundary follows existing parish or electoral ward boundaries, there is no existing designation or outstanding application for all or part of the area

To remove the statutory requirement for a minimum of six weeks consultation and publicity by those preparing the plan – but introducing a new statutory requirement to test the consultation undertaken throughout plan preparation

To require those preparing the plan to consult all land owners who could be affected by the plan (not just those whose land is being planned for)

To clarify the information which should be submitted alongside the neighbourhood plan in order for the Council to ascertain its compatibility with obligations under the Strategic Environmental Assessment Directive Assessment

Designating Eaglescliffe & Egglecliffe and Wynyard Neighbourhood Plan Areas took 118 and 39 days respectively – however, this was largely down to the schedule of democratic meetings rather than any delay on the Local Planning Authorities part. Wynyard actually took significantly longer but they were asked to withdraw, reconsider and resubmit.

Designating areas is now delegated to the Head of Planning, so there are unlikely to be any substantial delay to the process caused by the democratic diary in future. The Wynyard neighbourhood area designation was significantly improved by Spatial Planning's input and review, but this needed liaison with the community group – by their nature, community groups are largely non-professional volunteers who make decisions by committee and they may take significantly longer to respond than anticipated. The six week consultation will still be required, making a 10 week deadline quite tight.

Existing Parish and Ward Boundaries are likely to be more problematic than freshly drawn neighbourhood areas, and therefore likely to take just as long to determine. Parishes are historic (for example, the new housing sites south of Yarm will relate to Yarm but be in Kirklevington Parish) and Ward boundaries are based on a specific number of people/dwellings for electoral purposes, not distinct neighbourhoods. There is no reason to assume that parishes/wards will fulfil the criteria for designating neighbourhood areas, particularly in relation to following physical features on the ground and may therefore take longer to understand and determine.

Corporate Director of Development and Neighbourhood Services

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WARD AND WARD COUNCILLORS

All

IMPLICATIONS

Financial Implications:

The increase in permitted development and prior notification applications for change of use and building works will result in a loss of planning fee income

Legal Implications:

There are no known legal implications.

Environmental Implications:

These have been identified in the report

Human Rights Implications:

These have been considered in the consultation document

Community Safety Implications:

None

Background Papers:

Department of Communities and Local Government Technical Consultation