



Department for
Communities and
Local Government

Streamlining information requirements for planning applications consultation

Government response

© Crown copyright, 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

December, 2012

ISBN: 978-1-4098-3769-5

Contents

| | |
|--|---|
| Introduction | 2 |
| Outline Planning Applications | 3 |
| Local Information Requirements | 6 |
| Standard Application Form: agricultural land declarations and ownership certificates | 7 |

Introduction

1. In July 2012 the Government published a consultation paper, *Streamlining information requirements for planning applications*, which sought views on a number of proposals to encourage a more proportionate approach to the information that applicants are asked to provide with planning applications. This document provides a summary of the responses which were received to each of the broad proposals.
2. The consultation paper was structured into the following three broad themes:
 - Outline Planning Applications
 - Local information requirements
 - Standard application form: agricultural land declarations and ownership certificates
3. Specific proposals and more open ended questions were put forward under each these overarching themes. The substantive proposals were:
 - A. Streamline Information Requirements for Outline Planning Applications
 - B. Encouraging local planning authorities to keep their list of local information requirements under frequent review.
 - C. Merging standard application form requirements for agricultural land declarations and ownership certificates.
4. A total of 186 responses were received. Local authorities represented the largest group of respondents. There was also strong representation from the developers and developer associations as well as a number of non-departmental public bodies, business associations, voluntary groups and professional trade associations.
5. The following breakdown provides an indication of the profile of responses:

| | |
|---|-----|
| Local Authorities | 37% |
| Parish Councils | 4% |
| Non-Departmental Public Bodies | 2% |
| Individual / Professional Planners | 8% |
| Professional Trade Associations | 6% |
| Developers, Developer Associations and Landowners | 10% |
| Voluntary Organisations | 8% |
| Other | 25% |

Outline planning applications

Proposal A

Streamline Information Requirements for Outline Planning Applications

6. Outline applications should be about establishing whether a particular type of development is acceptable on a site in principle. To this end, article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (*“the Development Management Procedure Order”*) identifies certain ‘reserved matters’, which may be set aside at the outline application stage for subsequent approval by the local planning authority. These are *layout, scale, appearance, access and landscaping*. Nevertheless, the same legislation requires certain details to be submitted alongside outline applications, even where those matters have been reserved.
7. Specifically:
 - Where **layout** is reserved, the approximate location of buildings, routes and open spaces included in the development is still required
 - Where **scale** is reserved, the upper and lower limit for the height, width and length of each building included in the development must still be indicated
 - Where **access** is reserved, the area or areas where access points will be situated must still be shown
8. To reduce information requirements for outline applications, the consultation paper proposed to amend the Development Management Procedure Order to:
 - A1. Remove the national requirement to provide details of layout at the outline stage, where layout is reserved.
 - A2. Remove the national requirement to provide details of scale at the outline stage, where scale is reserved.
 - A3. Retain the national requirement to indicate access points at the outline stage, even where access is reserved.

A1. Remove Layout Requirements (consultation paper question 1)

9. A total of 169 responses to this proposal were received, of which 95 respondents (56%) agreed with the proposal and 74 respondents (44%) did not agree. There was support for the proposal across a broad cross-section of respondents, although the response from local authorities was more mixed.
10. There was very strong support for this proposal amongst the development industry, as well as planning agents, land owners, chambers of commerce and other business membership groups. Many of these responses stated that outline applications are about establishing whether a particular use and quantum of development is acceptable *in principle*. It was argued that where layout has been reserved for later determination, the requirement to provide details of layout at outline stage runs contrary to the rationale of an outline application. As such, this proposal was viewed as helping to return outline applications to their original purpose.
11. A small number of respondents went as far as to suggest that the time and expense associated with providing such details at outline stage means there is little

point in submitting an outline application, which can be as costly as submitting a full application.

12. Support for this proposal was not confined to developers, business groups and land owners, however. Approximately half of the local authorities that responded to this question supported the proposal. Of the local authorities that were supportive, many cited their continuing ability to request further information in relation to reserved matters under existing powers.
13. Objections to the proposal were primarily from local planning authorities, parish councils, residents associations and certain voluntary organisations. The majority of arguments against this proposal centred on its perceived negative effect on the ability of the local planning authority, as well as statutory consultees and the local community, to understand and assess the potential impacts of a proposal. It was argued that the current requirements should be retained to facilitate effective decision-making and certainty for all interested parties.
14. A small number of responses expressed concern about the interaction of this proposal with Environmental Impact Assessment legislation, citing an increased risk of judicial review where information required to assess environmental effects is not provided.

Response

15. The proposals do not alter any of the current requirements under European legislation and applicants would still be required to provide information necessary to satisfy these requirements.
16. We recognise that depending on the nature of a development, and on local circumstances, it may be beneficial for applicants to provide details of layout at the outline application stage to help the local planning authority understand the impact of a proposal. Given the powers available to local authorities, however, we do not consider it necessary to nationally mandate this in all cases where layout has been reserved.
17. We consider that local planning authorities are better placed to judge the information required on a site-by-site basis and this proposal will allow for greater flexibility and proportionality, having regard to the complexity and specific context of a particular application. As such, we have decided to take this proposal forward.

A2. Remove Scale Requirements (consultation paper question 2)

18. A total of 164 responses to this proposal were received, of which 97 respondents (59%) agreed with the proposal and 67 respondents (41%) did not agree. The level and profile of support for (and objection to) this proposal was very similar to proposal A1. Indeed, a large number of responses simply stated “see above” or made exactly the same comment as were made in relation to layout.
19. The arguments in favour and against this proposal were broadly analogous to those put forward in relation to proposal A1. Those who supported the proposal cited that the statutorily required information in relation to scale is not necessary to determine outline applications in many cases, and that local planning authorities have existing powers to request such information on a site-specific basis, as appropriate. The

current requirement to provide the “*upper and lower limit for the height, width and length of each building*” within the proposed development was highlighted as particularly onerous at the outline stage, when the dimensions of individual buildings is unlikely to be finalised.

20. Objectors were concerned about the ability of local authorities and third parties to fully understand the impact of a development if the current requirements were removed. This fed into concerns about the impact on the effectiveness of local decision making and the design quality of development. A small number of respondents had particular concerns about the potential impact of tall buildings on sensitive locations and surrounding landscapes.

Response

21. For the same reasons as for proposal A1, we will be taking forward this proposal as consulted on.

A3. Retain Access Requirements (consultation paper question 3)

22. A total of 157 responses to this proposal were received, of which 137 respondents (87%) agreed with the proposal and 20 respondents (13%) did not agree. A small minority of respondents objected to the proposal, on the grounds that it was inconsistent with the proposed removal of national requirements relating to layout and scale.

Response

23. It is important to retain the current requirements so that an early assessment can be made of whether safe vehicular and pedestrian access will be possible. As such, we have decided to leave the current requirements in the Development Management Procedure Order unchanged, as consulted on.

Design and Access Statements (consultation paper question 4)

24. Question 4 of the consultation paper asked respondents whether there would be merit in reviewing the content of Design and Access Statements where provided in support of outline applications. A total of 156 responses to this question were received, of which 122 respondents (78%) agreed that there was merit in reviewing the content of Design and Access Statements and 34 respondents (22%) did not.
25. The response indicated a broad consensus that the current system is ineffective, with widespread support across a range of respondents for such a review of Design and Access Statements. Moreover, it was apparent that dissatisfaction with design and access statements goes beyond those which are provided in support of outline applications.
26. Although there was consensus that the system is not currently effective (as reflected in the proportion of respondents who welcomed a review), there were disparate views about how best to address these shortcomings.

Response

27. The Government will review opportunities to simplify Design and Access Statement requirements.

Local Information Requirements

| |
|---|
| Proposal B. Encouraging local planning authorities to keep their list of local information requirements under frequent review. |
|---|

28. To encourage a shift towards more proportionate use of local powers to request specific information with planning applications, the consultation document proposed to introduce a requirement that local planning authorities revisit their local lists of information requirements on (at least) a two-yearly basis, if those lists are to have an impact on the validation of planning applications.
29. There was strong support for this proposal. A total of 160 responses were received, of which 127 respondents (79%) supported the proposal and 33 respondents (21%) objected. There was support across a full range of interested parties, although the response from local planning authorities was more mixed.
30. The majority of respondents supported the proposal, which was widely regarded as a positive step in ensuring local lists are more robust and justified, whilst encouraging a more proportionate approach to information requests.
31. Of those respondents who objected to the proposal, the majority did so on the grounds that this would introduce an unnecessary administrative burden on local authorities. Several responses suggested that the review period should be longer than two years.
32. Despite broad support for this proposal, a considerable number of respondents suggested that it would not address the broad powers local planning authorities have to request information and the lack of applicants' ability to challenge requests which are considered unreasonable.

Response

33. We have decided to take forward this proposal as consulted on. This will bring the Development Management Procedure Order into line with the National Planning Policy Framework, which states at paragraph 193 that local lists should be reviewed "on a frequent basis" and as such, we do not consider that this proposal represents a new burden on local authorities.
34. The Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012, includes measures which will place limits on the powers of local authorities to require information with planning applications by stipulating that such requests must be genuinely related to planning and reflect the nature and scale of the development proposed. We are considering further complementary measures that may be taken forward through secondary legislation.

Standard Application Form: agricultural land declarations and ownership certificates

| |
|--|
| Proposal C. Merging standard application form requirements for agricultural land declarations and ownership certificates. |
|--|

35. For a planning application to be valid, an 'agricultural land declaration' must be completed, whether the proposed development is on agricultural land or not. Many applicants do not realise it applies to them and sometimes fail to complete the declaration, which renders their application invalid.
36. To reduce the number applications which are invalid on the basis of this technicality, the consultation paper proposed to alter the standard application form by amending the ownership certificate to include a reference to agricultural tenants and deleting the separate agricultural land declaration.
37. In total, 142 responses to this proposal were received, of which 133 respondents (94%) agreed and 9 respondents (6%) did not agree. There was very strong support for this proposal, which was considered to be a logical step to improve the functionality and clarity of the standard application form. It was suggested this move would make the form more user-friendly and reduce the number of unnecessarily invalid applications received by local planning authorities.
38. A range of technical suggestions for improvement were also received in response to question 8, which asked respondents whether they had any suggestions for further rationalising the standard application.

Response

39. We will be taking this proposal forward as consulted on. Making this change does not require a change in legislation and it will be introduced in due course.
40. The detailed suggestions for further rationalisation have been shared with Planning Portal and will be considered alongside the regular feedback it receives from users of the online forms.