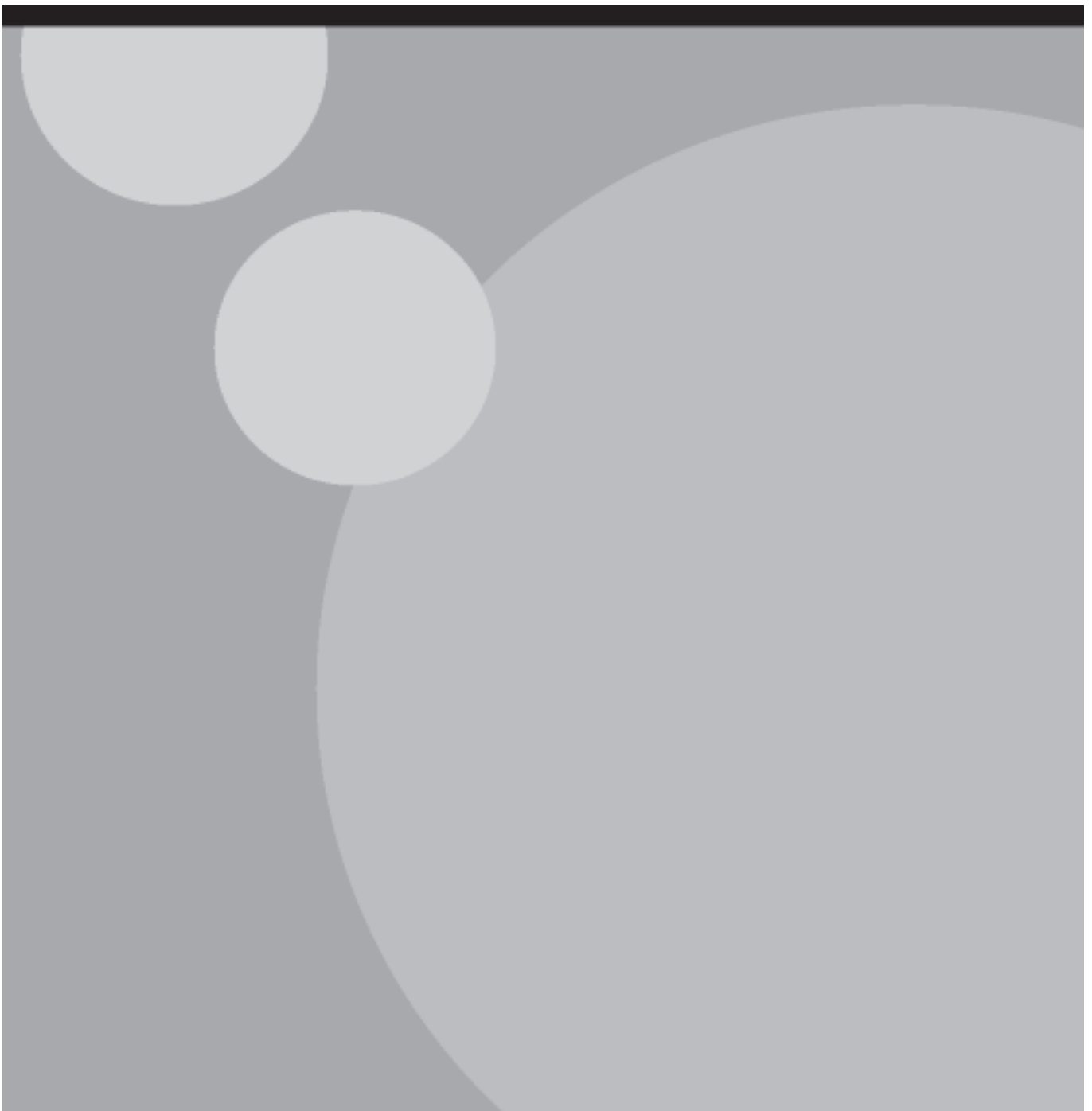




Streamlining information requirements for planning applications

Consultation





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Contents

| | |
|---|----|
| Introduction | 2 |
| The consultation process and how to respond | 4 |
| Outline applications | 6 |
| Local information requirements | 9 |
| Standard application form: agricultural land declaration and ownership certificates | 12 |
| Further considerations | 14 |
| Consultation questions – response form | 15 |
| Consultation information | 22 |
| Annex 1: Draft Statutory Instrument | 23 |
| Annex 2: Proposed Ownership Certificate Wording Changes | 26 |
| Annex 3: Consultation Stage Impact Assessment | 27 |

Introduction

Background

1. In The Plan for Growth, issued alongside the 2011 Budget, we announced an ambitious programme of measures to simplify and streamline the arrangements for making and determining planning applications in England. This reflects our wider ambition to make the planning system more efficient and positive in outlook and operation.
2. An important part of this is making sure that what an applicant must do to seek and obtain planning permission is proportionate. Applicants are obliged to satisfy a wide range of information requirements when they submit their planning applications to the local planning authority. Some of these requirements are nationally prescribed, but local planning authorities have strong, broad powers to impose their own requirements.
3. The key purpose of stipulating what a planning application must comprise is to ensure local planning authorities have the information that is essential for a sound, confident decision. It also means that statutory consultees and other third parties who look at and comment on applications can see what permission is being sought for, and what the impacts (both positive and negative) are likely to be. The measures proposed in this consultation paper uphold these important principals.
4. The Killian Pretty Review of 2008 recommended that information requirements for all planning applications should be made clearer, simpler and more proportionate, with unnecessary requirements removed. A range of regulatory, policy and guidance changes were then made, but concern about disproportionate information persists.
5. The key issue is that the right information must be available, at an appropriate time, to support good decision-making. The National Planning Policy Framework guides applicants to discuss information requirements with the local planning authority and key consultees early on. The changes proposed here support this approach: they remove nationally-imposed requirements that are not needed for every application, allowing space for local agreement on what is needed.

The issue

6. We want to ensure that the information that applicants for planning permission are asked to provide is proportionate. This applies to both national and local information requirements. We intend now to go further than the improvements already made, particularly for outline applications.

Scope of proposed changes

Summary of proposed changes

7. In summary, this paper seeks views on two sets of changes to secondary legislation and one change to the standard application form:

- Proposal A Reduce the nationally-prescribed **information requirements for outline planning applications**
- Proposal B Strong encouragement for local planning authorities to keep their **local information requirements** under frequent review
- Proposal C Amalgamate standard application form requirements for **agricultural land declarations** and **ownership certificates**

What would remain the same?

8. This paper does not propose changes to the following:
- Primary legislation. There is no immediate vehicle for further reforms to primary planning legislation. Substantive improvements can be made through changes to existing secondary legislation, though the strength of existing primary legislation on local authority powers to require information is a point of concern
 - The basic information requirements for planning applications prescribed nationally¹.
 - Design and Access Statements. Requirements for these have already been scaled back, and the Government does not wish to undermine the ability to promote good design through the planning system. However it is open to views for changes that could be made, especially at the outline stage (see question 4)
 - Local planning authority powers to decline to determine an outline application if they are unable to do so unless further details (relating to 'reserved matters') are submitted²
 - Requirements in respect of other regulations such as Environmental Impact Assessments³ and the Habitats Regulations⁴

¹ i.e. those set out under article 6 of the Town and Country Planning (Development Management Procedure)(England) Order 2010 – the 'DMPO' (SI 2010: 2184)

² See article 4(2) of the DMPO

³ Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824)

⁴ Habitats and Species Regulations 2010 (SI 2010/490)

The consultation process and how to respond

| | |
|------------------------------------|---|
| Topic of this consultation: | This consultation seeks views on proposed changes to the information requirements for planning applications. |
| Scope of this consultation: | <p>Current regulations on this are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010.</p> <p>This proposals in this paper address three distinct areas:</p> <ul style="list-style-type: none"> • Nationally prescribed information requirements for outline applications (specifically in respect of reserved matters) • The local lists of information requirements that local planning authorities produce and apply at the local level • The agricultural land declaration and the ownership certificates on the standard application form |
| Geographical scope: | England |
| Impact assessment: | A consultation stage Impact Assessment is attached (Annex 3). |

Basic information

| | |
|--|---|
| To: | Local planning authorities in England, applicants, third parties. |
| Body/bodies responsible for the consultation: | Department for Communities and Local Government |
| Duration: | The consultation is published on 3 July 2012 and ends on 11 September 2012. This is a 10 week period. |
| Enquiries: | <p>Julie Shanahan Tel. 0303 44 43378 E-mail: julie.shanahan@communities.gsi.gov.uk</p> |

| | |
|--|--|
| How to respond: | <p>By e-mail to: Info.requirements@communities.gsi.gov.uk</p> <p>A downloadable questionnaire form, which can be emailed to us, will be available on our website at www.communities.gov.uk/consultations</p> <p>Alternatively, paper communications should be sent to: Julie Shanahan Information Requirements Consultation Department for Communities and Local Government Planning Directorate Zone 1/J3 Eland House Bressenden Place London SW1E 5DU</p> |
| Additional ways to become involved: | If you require this material in an alternative format, please contact us. |
| After the consultation: | The Department for Communities and Local Government will publish its response to the consultation as soon as is possible following the close of consultation. |

Background

| | |
|-------------------------------|--|
| Getting to this stage: | The Government announced its intention to publish proposals on simplifying information requirements for planning applications in the <i>Plan for Growth</i> in March 2011. A letter was sent to Chief Planning Officers in July 2011 asking for early views on the information requirements for planning applications. |
| Previous engagement: | This consultation builds on the invitation for early comments from July 2011. |

Outline applications

Background

9. An applicant proposing to erect a building or buildings (as opposed to simply a change of use) may apply in the first instance for 'outline' planning permission, with a view to obtaining permission in principle for the type for development proposed, before going to the expense of preparing detailed plans.
10. Outline applications should be about establishing whether a particular type of development is, in principle, acceptable on a site. To this end, legislation identifies layout, scale, appearance, access and landscaping as 'reserved matters', which can be set aside at the outline application stage and instead reserved for subsequent approval by the local planning authority.
11. However in recent years the information required at the outline stage has grown and applicants frequently report that outline applications can be as costly and time consuming to prepare as full applications.
12. In part this is because secondary legislation⁵ still requires a range of details to be submitted at the outline stage, even where a matter is reserved for later determination. The required details are:
 - Where layout is reserved, the approximate location of buildings, routes and open spaces included in the development is required
 - Where scale is reserved, the upper and lower limit for the height, width and length of each building included in the development must be indicated
 - Where access is reserved, the area or areas where access points will be situated must be shown

⁵ Article 4 of the Town and Country Planning (Development Management Procedure)(England) Order 2010

**Proposal A:
Streamline Information Requirements for Outline Applications**

13. We propose to amend Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 ('the DMPO') to reduce information requirements at the outline stage which relate to issues which will be dealt with under a subsequent 'reserved matters' approval.
14. Of course, it will still be necessary for outline applications to stipulate the **use** or uses proposed for the development, and the **amount** of development proposed for each use⁶. This requirement will be retained.
15. Current requirements on layout and scale unnecessarily drive-up the level of detail that applicants must provide in outline applications, and in so doing add unreasonably to the costs and time of preparing them. We therefore propose to remove the detailed information requirements relating to layout and scale for outline applications, where these matters are reserved, by deleting paragraphs 3 and 4 of Article 4 in the Development Management Procedure Order.
16. We recognise that, depending on the size of the development, and on local circumstances, it may be beneficial for applicants to provide an indicative layout, to enable the local planning authority to gauge the appropriateness of the scale of development proposed. **However, given the powers available to local authorities, we do not consider it necessary to continue to mandate this at the national level.**

Question 1

Do you agree with the proposal to remove the national requirement for details of layout to be specified at the outline stage, where layout is 'reserved'?

Question 2

Do you agree that there should not be a mandatory national requirement to provide details on scale at the outline stage, where scale is 'reserved'?

17. Where access is a reserved matter, there would remain a requirement to indicate where access points to the development would be situated. This is so that an early assessment can be made of whether safe vehicular and pedestrian access will be possible. As per current guidance in DCLG Circular 01/2006, the requirement at the outline stage (unless 'access' is not reserved) is for *indicative* access points only.

⁶ Paragraph 52 of DCLG Circular 01/2006: Guidance on Changes to the Development Control System

Question 3

Do you agree with the proposal to retain the national requirement for access points to be indicated in the outline planning application, even where access is 'reserved'?

18. We would like to hear your views on any further changes that could be made that would complement our proposed measures to simplify outline applications.

Question 4

Do you consider that there would be merit in reviewing the content of Design and Access Statements where these are being provided in support of outline applications?

Question 5

Are there any additional changes that could be made in respect of outline applications, to further reduce any unnecessary information requirements at that stage?

Local information requirements

Background

19. Section 62(3) of the Town and Country Planning Act 1990 gives local planning authorities a very broad power to require that applications for planning permission in their area must include:
 - Such particulars as they think necessary
 - Such evidence in support of anything in, or relating to, the application as they think necessary
20. Recent case law has confirmed that this power is very broad. As such there is little opportunity for an applicant to challenge the right of their local planning authority to ask for any particular piece of information to be provided in support of any particular planning application.
21. These powers are supplemented by article 29(3)(d) of the Development Management Procedure Order. This renders 'invalid' any planning application that is not accompanied by everything that the local planning authority has required using their powers under Section 62(3). The consequence of this is that the authority is under no statutory obligation to consider and determine that application. The applicant has no right of recourse to appeal, and so has no option, if they want the clock to start ticking, but to provide the missing information requirements.
22. There are two provisions in place which seek to encourage proportionate use of the planning authority's power, and to give applicants some certainty over what the planning authority might expect of them:
 - (a) Firstly, there is a requirement in Article 29(4) of the Development Management Procedure Order that, in order for a local information requirement to have a bearing on validation, the local planning authority must have published a list of their local information requirements on their website – and the evidence and particulars regarding what is required
 - (b) Secondly, national policy states that local planning authorities should only request supporting information that is relevant, necessary and material to the application in question⁷. This is supported by detailed guidance⁸

⁷ Paragraph INF1.1 of the Development Management Policy Annex: Information Requirements and Validation for Planning Applications, March 2010, <http://www.communities.gov.uk/publications/planningandbuilding/developmentannexinfo>

23. The National Planning Policy Framework underlines the importance of considering the cumulative development plan 'asks' on applicants, to ensure development is viable. We consider it appropriate for local planning authorities to take a similar approach when setting out local information requirements which, under current legislation, will affect the costs of submitting a valid application and which could, in some cases, affect the ability of a prospective applicant to apply for planning consent.
24. Furthermore, the publication of the National Planning Policy Framework and the intended removal of regional strategies provide a clear imperative for reviewing existing local lists. A clear message in extant guidance⁹ is that, in their local lists of information requirements, local planning authorities should identify the drivers for each of the items on their lists, and that "these drivers should be statutory requirements, national, regional or local plan policies, or published guidance that explains how adopted policy should be implemented."
25. This principle of identifying drivers remains good. But clearly, some of those drivers have been reduced with the publication of the National Planning Policy Framework and if regional strategies are removed. Therefore, in light of current reforms at the national and regional levels, it is reasonable to assume that current local lists, prepared before the National Planning Policy Framework was published and before the removal of regional strategies was announced, will contain some information requirements that relate to national and regional policies that are (or will shortly be) no longer applicable.

**Proposal B:
Strong encouragement for local planning authorities to keep their
local information requirements under frequent review**

26. To encourage a much greater shift towards proportionate use of local planning authorities' powers to impose information requirements at the local level, we propose to amend articles 10 and 29 of the Development Management Procedure Order, with the effect of requiring local planning authorities to revisit their local lists of information requirements on (at least) a two-yearly basis. This would be achieved by stipulating that, in order to have an impact of the validation of planning applications, the lists that they are already encouraged to prepare under Article 29(3) must have last been published less than two years before the planning application in question was submitted to them.

and reiterated in the National Planning Policy Framework para: 193

<http://communities.gov.uk/publications/planningandbuilding/nppf>

⁸ Guidance on Information Requirements and Validation, DCLG, March 2010

<http://www.communities.gov.uk/publications/planningandbuilding/validationguidance>

⁹ Ibid, para 64

27. The proposed amendments to the Development Management Procedure Order are set out at Annex 1.
28. In undertaking those reviews, we strongly expect local planning authorities to consider the cost burden on applicants and how justified each information request is. This is clearly in the spirit of current guidance which states “local planning authorities are reminded of the need to take a proportionate approach. Where it is clear that information would not be relevant to the determination of the application, it should not be required from the applicant”.¹⁰
29. Local planning authorities should also be mindful of the National Planning Policy Framework, which states that “*Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis*”.¹¹
30. The objective here is the need to do as much as is possible in the short to medium term (i.e. without changing primary legislation) to give local planning authorities an impetus to revisit their local lists from time to time (and at least every two years) and, in so doing, to consider the cost implications for applicants. We propose to give local authorities six months after the coming into force of the revised regulations, to complete a review of their local lists.
31. Of course, consideration of proportionality will need to be maintained whenever local information requirement powers are used, not just when local lists are reviewed.

Question 6

Do you agree with the proposal to amend Articles 10 and 29 of the Development Management Procedure Order, to require local planning authorities (if they wish their local information requirements to have an impact on validation) to republish their local lists of information requirements at least every two years?

¹⁰ Guidance on Information Requirements and Validation, DCLG, March 2010, para 49

¹¹ The National Planning Policy Framework para: 193

Standard application form: agricultural land declaration and ownership certificates

Background

32. The 'standard application form', which must be filled in when a planning application is submitted, includes a certification section which applicants must complete to confirm that certain legal requirements have been met. Currently, applicants must complete two separate certificates relating to land ownership:
- an 'agricultural land declaration', on which the applicant must confirm that the site is not an agricultural holding, or that the applicant has given notice of their application to every person other than themselves, who is a tenant of an agricultural holding on all or part of the land to which the application relates
 - a set of ownership certificates, one of which must be completed, which variously confirm whether or not the applicant owns the land to which the application relates / whether the applicant has given the requisite notice to everyone else who has a freehold or leasehold interest in any part of the land or building to which this application relates / or that, despite reasonable steps having been taken, the applicant is unable to identify any persons with such interests
33. For a planning application to be valid, the 'agricultural land declaration' must be completed. This is the case whether or not the site proposed for development is on agricultural land. This causes some confusion. Many applicants do not realise it applies to them. They can therefore fail to complete the declaration, and in consequence can unnecessarily render their application invalid on the basis of a technicality.

| |
|---|
| <p>Proposal C: Agricultural Land Declarations and Ownership Certificates</p> |
|---|

34. In order to reduce the number of invalid applications we propose to change the standard application form by amending the ownership certificate to include a reference to agricultural tenants, and deleting the separate agricultural land declaration. The proposed wording is set out in Annex 2.
35. As well as tidying up this unhelpful administrative anomaly, our longer term intention is to go further than this by rationalising the standard

application form in due course as we consider there to be significant potential to do so without affecting the ability of the local planning authority to determine the application. We will work with stakeholders on this. The Planning Portal holds electronic versions of the planning application forms for local authorities and has a section on the national mandatory information required for planning applications:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/nationaldocuments>

Question 7

Do you agree that the standard application form should be amended to include reference to agricultural tenants in the ownership certificate?

Question 8

Do you agree that the standard application form could be further rationalised?

If yes, please suggest components of the standard application form which could be omitted without affecting the ability of the local planning authority to determine the application.

Further considerations

36. The proposals set out in this consultation paper focus on areas where we think there is merit in making changes.
37. We would like to hear your views on whether there are any further changes that could be made to nationally prescribed information requirements that would complement the proposals set out in this consultation paper.

Question 9

Are there any further changes that could be made in respect of information requirements for planning applications?

Consultation questions - response form

We are seeking your views to the following questions on the proposals to streamline information requirements for outline planning applications, encouraging local authorities to review their local lists taking into account cost burdens, and changes to the standard application form.

How to respond:

The closing date for responses is 11 September 2012.

This response form is saved separately on the DCLG website.

Responses should be sent preferably by email:

Email responses to: info.requirements@communities.gsi.gov.uk

Written responses to:

Julie Shanahan
Information Requirements Consultation
Department for Communities and Local Government
Planning Directorate
Zone 1/J3
Eland House
Bressenden Place
London SW1E 5DU

About you

i) Your details:

| | |
|--|--|
| Name: | |
| Position: | |
| Name of organisation (if applicable): | |
| Address: | |
| Email: | |
| Telephone number: | |

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority/county council/county borough council

Parish council

Community council

Non-Departmental Public Body (NDPB)

Planner

Professional trade association

Land owner

- Private developer/house builder
- Developer association
- Voluntary sector/charity
- Other

| | |
|-------------------|--|
| (please comment): | |
|-------------------|--|

**iv) What is your main area of expertise or interest in this work
(please tick one box)?**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

| | |
|-------------------|--|
| (please comment): | |
|-------------------|--|

Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree with the proposal to remove the national requirement for details of layout to be specified at the outline stage, where layout is ‘reserved’?

Yes No

Comments

Question 2: Do you agree that there should not be a mandatory national requirement to provide details on scale at the outline stage, where scale is ‘reserved’?

Yes No

Comments

Question 3: Do you agree with the proposal to retain the national requirement for access points to be indicated in the outline planning application, even where access is ‘reserved’?

Yes No

Comments

Question 4: Do you consider that there would be merit in reviewing the content of Design and Access Statements where these are being provided in support of outline applications?

Yes No

Comments

Question 5: Are there any additional changes that could be made in respect of outline applications, to further reduce any unnecessary information requirements at that stage?

Yes No

Comments

Question 6: Do you agree with the proposal to amend Articles 10 and 29 of the DMPO, to require local planning authorities (if they wish their local information requirements to have an impact on validation) to republish their local lists of information requirements (at least) every two years?

Yes No

Comments

Question 7: Do you agree that the standard application form should be amended to include reference to agricultural tenants in the ownership certificate?

Yes No

Comments

Question 8: Do you agree that the standard application form could be further rationalised?

If yes, please suggest components of the standard application form which could be omitted without affecting the ability of the local planning authority to determine the application.

Yes No

Comments

Question 9: Are there any further changes that could be made in respect of information requirements for planning applications?

Yes No

Comments

Question: Impact Assessment

Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 3)

See also the further specific questions within that Impact Assessment

Yes No

Comments

Thank you for your comments.

Consultation criteria

About this consultation

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If you have any queries or complaints regarding the consultation process, please contact:

DCLG Consultation Co-ordinator

Zone 6/H10 Eland House

London SW1E 5DU

email: consultationcoordinator@communities.gsi.gov.uk

Annex 1 - Draft Statutory Instrument

STATUTORY INSTRUMENTS

20** No. ****

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 20**

| | | |
|-------------------------------|---------|-------|
| <i>Made</i> | - - - - | *** |
| <i>Laid before Parliament</i> | | *** |
| <i>Coming into force</i> | - | - *** |

The Secretary of State, in exercise of the powers conferred by sections 59 and 62(1), (2) and (6) of the Town and Country Planning Act 1990⁽¹²⁾, makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 20** and shall come into force on [*date*].

(2) This Order applies in relation to England only.

Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in relation to applications for outline planning permission

2.—(1) The Town and Country Planning (Development Management Procedure) (England) Order 2010⁽¹³⁾ is amended as follows.

(2) For article 4 (applications for outline planning permission), substitute—

“Applications for outline planning permission

4.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority’s subsequent approval.

⁽¹²⁾ 1990 c.8.

⁽¹³⁾ S.I. 2010/2184.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of 1 month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

(3) Where access is a reserved matter, the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.”

Amendment of the Town and Country Planning (Development Management Procedure) (England) Order 2010 in relation to local information requirements

3.—(1) Town and Country Planning (Development Management Procedure) (England) Order 2010 is amended as follows.

(2) In article 10 (general provisions relating to applications), for paragraph (3) substitute—

“(3) Paragraph (2)(d) only applies if—

- (a) the local planning authority either publish a list of requirements on their website for the purposes of article 29(3), or re-publish such a list on their website with such revisions as the authority consider appropriate;
- (b) the particulars or evidence that the authority require to be included in the application fall within the latest published version of that list; and
- (c) the publication or re-publication mentioned in sub-paragraph (a) occurs on or after [*coming into force date*] and within the period of 2 years before the application is made.”

(3) In article 29 (time periods for decision), for paragraph (4) substitute—

“(4) Paragraph (3)(d) only applies if—

- (a) the local planning authority either publish a list of requirements on their website for the purposes of paragraph (3), or re-publish such a list on their website with such revisions as the authority consider appropriate;
- (b) the particulars or evidence that the authority require to be included in the application fall within the latest published version of that list; and
- (c) the publication or re-publication mentioned in sub-paragraph (a) occurs on or after [*coming into force date*] and within the period of 2 years before the application is made.”

Transitional period

4. Article 3 does not apply in relation to any planning application made before [*six months after coming into force date*].

Signed by authority of the Secretary of State for Communities and Local Government

Date Name
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

The Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184) (“the DMPO”) provides for procedures connected with planning applications in England.

Article 2 of this Order amends the DMPO (article 4) in relation to outline planning applications:

- removing the requirement to state, where layout is a reserved matter, the approximate location of buildings, routes and open spaces; and
- removing the requirement to state, where scale is a reserved matter, the upper and lower limit for the height, width and length of each building.

Article 3 amends the DMPO (articles 5 and 29) in relation to lists of information and evidence required by local planning authorities under section 62(3) of the Town and Country Planning Act 1990 (applications for planning permission) which planning applications must include to be valid. The amendment provides that any such list must have been published – or revised, if appropriate, and re-published – on or after the date this Order comes into force and within 2 years before the application was made.

Article 4 makes transitional provision so that a list of information and evidence published before this Order comes into force will still have effect for applications made during the six months after this Order comes into force.

[An impact assessment has been prepared in relation to this Order. It has been placed in the library of each House of Parliament and copies may be obtained at www.communities.gov.uk.]

Annex 2 - Proposed Ownership Certificate wording changes

Standard application form: 1APP

Where the applicant is the sole owner and there are no agricultural tenants:

Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates, **AND that none of the land or building(s) to which the application relates are part of an agricultural holding.**

Where the applicant is not the sole owner, but knows who the others are, and/or there are one or more agricultural tenants:

Certificate B

I certify/The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner **or agricultural tenant** (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run; **agricultural tenant is**) of any part of the land or building to which this application relates.

Where the applicant is not the sole owner, and does not know who all the other owners (or agricultural tenants) are:

Certificate C

I certify/The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners **or agricultural tenants** (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run; **agricultural tenant is**) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so. The steps taken were...

Where the applicant is not the sole owner, and does not know who any of the other owners (or agricultural tenants) are:

Certificate D

I certify/The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner **or agricultural tenant** (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run; **agricultural tenant is**) of any part of the land to which this application relates, but I have/ the applicant has been unable to do so. The steps taken were...

Annex 3 - Consultation Stage Impact Assessment

| | |
|---|---|
| Title: Impact Assessment of proposed changes to streamlining information requirements for planning applications IA No: Lead department or agency: Department for Communities and Local Government (DCLG) Other departments or agencies: | Impact Assessment (IA) |
| | Date: 28/03/12 |
| | Stage: Consultation |
| | Source of intervention: Domestic |
| | Type of measure: Other |
| | Contact for enquiries: Julie Shanahan (0303 444 3378) |
| Summary: Intervention and Options | RPC: Amber |

| Cost of Preferred (or more likely) Option 2 | | | | |
|---|----------------------------|--|------------------------------|----------------------|
| Total Net Present Value | Business Net Present Value | Net cost to business per year (EANCB on 2009 prices) | In scope of One-In, One-Out? | Measure qualifies as |
| £55m | £56m | - £6.7m | Yes | Out |

What is the problem under consideration? Why is government intervention necessary?

Central Government and local planning authorities have powers to require applicants to supply specific information with their planning applications. Users of the system report that in recent years the amount of information they have to provide has increased significantly. This affects many applications, but is particularly acute in the case of outline applications. We believe some of the information that both the Government and local planning authorities specify is not necessary. It places unjustifiable additional costs on those seeking planning permission, delays validation, and further slows down consideration and determination of an application as local planning authorities have more information to absorb. It can also make applications harder for third parties to understand and comment on.

What are the policy objectives and the intended effects?

The objective is to ensure that the information that applicants must submit with their planning applications is relevant and proportionate, in order to reduce costs for applicants and make the applications themselves easier for local planning authorities and third parties to navigate. This will be achieved through amendments to the Town and Country Planning (Development Management Procedure) (England) Order 2010 ('the DMPO') to reduce the information requirements specified nationally and encourage regular reviews of the requirements set locally. The effect will be reduced compliance and administrative burdens on applicants and authorities, making a significant contribution to wider planning system simplification.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1: Do nothing: No change to current information requirements.

Option 2: (Preferred Option) Make amendments to regulations to (i) simplify outline planning applications; (ii) strongly encourage local authorities to regularly review their local list addressing cost burdens, and (iii) rationalise the notification and certification section of the standard application form.

| | | | | | |
|--|--|-----------------------|-----------------------|---------------------------|----------------------|
| Will the policy be reviewed? It will be reviewed. If applicable, set review date: April 2015 | | | | | |
| Does implementation go beyond minimum EU requirements? | | | No | | |
| Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base. | | Micro Yes | < 20 Yes | Small Yes | Medium Yes |
| What is the CO2 equivalent change in greenhouse gas emissions? (Million tonnes CO2 equivalent) | | Traded: n/a | | Non-traded: n/a | |

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____ Date: _____

Summary: Analysis & Evidence

Policy Option 2

Description: Regulatory amendments to streamline information requirements for outline applications and to encourage local authorities to review their list of local information requirements. This will be accompanied by appropriate policy. The opportunity will also be taken to rationalise the notification and certifications section of the standard application form.

FULL ECONOMIC ASSESSMENT

| Price Base Year 2011 | PV Base Year 2011 | Time Period Years 10 | Net Benefit (Present Value (PV)) (£m) | | |
|-------------------------|----------------------|-------------------------|---------------------------------------|------------|---------------------|
| | | | Low: £50m | High: £62m | Best Estimate: £55m |

| COSTS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Cost (Present Value) |
|---------------|--------------------------------------|-------|---|-------------------------------|
| Low | | | £0.196m | £1.76m |
| High | | | £0.229m | £2.06m |
| Best Estimate | | | £0.213m | £1.92m |

Description and scale of key monetised costs by 'main affected groups'
 Costs for 50%-75% of local authorities of reviewing and revising local lists of information requirements in year 1 and every two years during the appraisal period (10 years): £0.2m per annum.

Other key non-monetised costs by 'main affected groups'
 -

| BENEFITS (£m) | Total Transition (Constant Price) | Years | Average Annual (excl. Transition) (Constant Price) | Total Benefit (Present Value) |
|---------------|--------------------------------------|-------|---|----------------------------------|
| Low | | | £6.6m | £51.2m |
| High | | | £8.0m | £63.4m |
| Best Estimate | | | £7.5m | £57.3m |

Description and scale of key monetised benefits by 'main affected groups'
 Applicants - average annual savings from making outline applications less onerous: £4m (PV over 10 years: £34.5m).
 Applicants - average annual savings from review of local lists: £2.6m to £4.0m (PV over 10 years: £16.7.8m to £28.9).

Other key non-monetised benefits by 'main affected groups'
 There will be savings for local authorities and interested parties who will spend less time reviewing documents because statements will be more concise and better focused on the key issues.
 Additional benefits accrued from the review every two years.

| | | |
|--|--------------------------|-----|
| Key assumptions/sensitivities/risks | Discount rate (%) | 3.5 |
| The main assumptions and risks are outlined in the evidence base, the main items are: - the cost of outline permission is currently 50% of the current cost of preparing a full application; - reduced detailed requirements for outline applications saves 20% of application cost; - 50%-75% of authorities review their local lists every two years. In those areas 10%-15% of householders and minor developments are affected and 15%-30% of major developments. | | |

BUSINESS ASSESSMENT (Option 2)

| | | | |
|--|-----------------|--------------------------|-----------------------------|
| Direct impact on business (Equivalent Annual) £m: | | In scope of OIOO? | Measure qualifies as |
| Costs: | Benefits: £7.5m | Net: - £7.5m | Yes |
| | | | OUT |

Evidence Base (for summary sheets)

Background

1. The planning process can be overly complex and slow. The Killian Pretty review¹ from 2008 identified a number of areas which added to the complexity. A key issue raised was the amount of information required at the planning application stage. Some changes were implemented following that review, but there is considerable scope to go further.
2. In 2011, the Plan for Growth² highlighted scope to simplify the information requirements for planning applications, in order to help remove unnecessary burdens and make the planning process simpler and quicker. This is in line with the Government's wider commitment to removing unnecessary red tape. It is important that the information requirements set out at the national level should reflect this wider push for decentralisation and reducing top-down prescription. Equally, we expect local planning authorities to make more proportionate use of their own powers in this area.

Outline applications

3. The purpose of an outline application should be to establish whether a particular type of development is, in principle, acceptable on a particular site. Once outline planning permission has been granted, the applicant will need to secure further local planning authorities approval for what are termed 'reserved matters' (layout, scale, appearance, access and landscaping). This approach allows them to stagger the planning stage of the development process, and thus to spread the costs (spending more as certainty that their proposals is increased). Local communities can also benefit as they can make their arguments on the matter of principal at the outline application stage and on matters of detail at the reserved matters approval stage.
4. The original benefits of the outline application option have however been eroded in recent years as the amount of information which applicants are required to supply at the outline application stage has grown considerably. Applicants have told us that the concept of an outline application has all but disappeared. The costs and work for the local planning authority and local communities has also increased as more effort has to be expended on interpreting and considering all of the information supplied at the outline stage.
5. The British Property Foundation (BPF) have written to us confirming that current information requirements relating to layout and scale have contributed to the fact that very few outline applications are now made.
6. We believe that simplifying the information requirements for outline planning applications offers a significant opportunity to reduce their overall costs without reducing, the ability of the local planning authority to robustly deal with matters of detail at the later 'reserved matters' stage.

Local information requirements and validation

7. By virtue of section 62 (3) of the Town and Country Planning Act, local planning authorities themselves can require that planning applications submitted to them for determination must include such particulars *as they think necessary*, and / or such evidence in support of anything within or relating to the application *as they think necessary*.
8. A planning application which does not contain all that the local planning authority has required (in addition the requirements set out nationally) will not be 'valid'. As such, the local planning authority is under no obligation to consider and determine it.
9. Applicants have no right of appeal against local authority information requirements, or in the event of any subsequent 'invalidity' situation. The primary legislation makes it clear that the local planning authority power extends to anything "*they think necessary*". This has been confirmed in recent case-law.

¹ <http://www.communities.gov.uk/publications/planningandbuilding/killianprettysummary>

² http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

10. Since 2010, guidance on information requirements and validation has emphasised the need for requirements to be necessary, relevant and proportionate to the development. However, applicants often suggest that many local planning authorities remain too cautious, and / or take a 'gold plated' approach. The basic claim is that they make unreasonably wide use of their powers.
11. The National Planning Policy Framework extols the importance of considering the cumulative development plan 'asks' on applicants, to ensure development is viable. We consider it appropriate for local planning authorities to take a similar approach when setting out local information requirements which, under current legislation, will affect the costs of submitting a valid application and which could, in some cases, make it financially impossible for a prospective applicant to gain access to the planning application system.

Rationale for change

12. Considering the detailed issues set out above, the leading imperative for change is the unnecessary costs and delays which excessive information requirements place on applicants, particularly those who are only seeking outline permission. Though some information requirements are clearly needed and necessary, depending on the situation and location of the site, information should not be required 'just in case'.
13. In addition, we believe these reforms will enable local planning authorities to handle outline applications more efficiently, as they should no longer be faced with large volumes of information of limited relevance at the outline stage, and which can divert minds from the matter at hand, i.e. the principal of development. Third parties too should benefit from the increased clarity on what substance of each application is.
14. Streamlining information requirements for planning applications is an important part of wider reforms to the planning system to ensure it better supports the delivery of sustainable development and growth. It also addresses the even wider drive to cut unnecessary red-tape.

Policy objectives

15. Ensuring that the information which is submitted alongside a development proposal is proportionate will contribute to a more effective and efficient planning system. A lower cost of making an application will lessen any disincentive to seek planning permission, both directly (less information required to be submitted) and indirectly (applications more likely to be determined quickly). It will also save money for local planning authorities as they have to sift through less information to locate the items they require.

Options

Option 1: Do nothing. No change to present information requirements.

Option 2: publish amendments to regulations and the standard application form:

- i) Reduce the nationally-prescribed **information requirements for outline planning applications**
- ii) Strong encouragement for local planning authorities to keep their **local information requirements** under frequent review
- iii) Amalgamate standard application form requirements for **agricultural land declarations** and **ownership certificates**

Outline of Preferred Policy Proposal (Option 2)

Each of the amendments listed above is described in more detail below.

i) Reduce the nationally-prescribed information requirements for outline planning applications

16. We propose to change regulations so that a more proportionate level of information is required at the outline stage.
17. Currently an applicant for outline permission can elect for certain matters to be 'reserved' for later consideration by the local planning authority. These are: access, appearance, landscaping, layout and scale. However, even if the layout is reserved for later determination in this way, applicants still as a minimum have to provide information relating to the approximate location of buildings, routes and open spaces. Similarly, even where scale and access are reserved, some detailed information regarding these aspects of the proposal is required at the outline stage³.
18. The proposals would remove the nationally prescribed minimum requirements in relation to layout and scale. These are not always necessary at the outline stage and can sometimes be dealt with more appropriately through reserved matters. Local planning authorities would however retain their power to require any details of the 'reserved matters' listed above to be submitted with the outline application, if they consider this to be necessary.
19. The reduced nationally-prescribed requirements would be as follows. Draft wording for the Statutory Instrument is set out in the consultation document.
 - **Use** – the use or uses proposed for the development
 - **Amount** – the amount of development proposed for each use
 - **Access** – the area or areas where access points to the site will be situated

ii) Strong encouragement for local planning authorities to keep their local information requirements under frequent review

20. Government is clear in the National Planning Policy Framework that local planning authorities need to consider the cost burden and viability implications of the total 'ask' in their local policies and assessments which are in addition to national requirements. The Government considers it equally appropriate for local planning authorities to review their local lists of information requirements, every two years, and in so doing to consider the principle of proportionality, and cost burdens that individual and cumulative information requests can have on applicants.
21. In reviewing the use of local lists and when requesting additional information, Government wants to be clear that it is important that local planning authorities continue to ask for, and receive, any information that is necessary in order to determine the application. Local authorities will, of course, retain their ability to require sufficient information to make sound and informed decisions.
22. Proposed Statutory Instrument and policy text is set out in the consultation document.

iii) Amalgamate standard application form requirements for agricultural land declarations and ownership certificates

23. The 'standard application form', which must be filled in when a planning application is submitted, includes a certification section which applicants must complete to confirm that certain legal requirements have been met. These include:
 - an 'agricultural land declaration', on which the applicant must confirm that they have given notice of their application to every person other than themselves who is a tenant of an agricultural holding on all or part of the land to which the application relates; and
 - a set of ownership certificates, one of which must be completed, which variously confirm whether or not the applicant own the land to which the application relates / whether the applicant has given the requisite notice to everyone else who has a freehold or leasehold interest in any part of

³ The Town and Country Planning (Development Management Procedure)(England)Order 2010 - SI 2010:2184 (Article 4)

the land or building to which this application relates / or that, despite reasonable steps having been taken, the applicant is unable to identify any persons with such interests

24. For a planning application to be valid, the 'agricultural land declaration' must be signed. This is the case whether or not the site proposed for development is on agricultural land. This causes some confusion, leads to some applicants neglecting to sign the declaration, and in consequence can unnecessarily render their application invalid on the basis of a technicality.
25. In order to reduce the number of invalid applications we propose to change the standard application form by amending the ownership certificate to include a reference to agricultural tenants, and deleting the separate agricultural land declaration. The proposed wording is set out in the consultation paper.
26. As well as tidying up this unhelpful administrative arrangement, our longer term intention is to go further than this in rationalising the standard application form in due course as we consider there to be significant potential to do so without affecting the ability of the local planning authority to determine the application. We would be happy to work with interested parties on this.

Costs and Benefits of Option 1

Option 1: Do nothing. No change to present information requirements.

27. The do nothing option would not lead to any additional costs or benefits but would mean that for many planning applications the amount of information required by local planning authorities would continue to be disproportionate and non-essential to the determination of the particular applications being submitted. The status quo would not deliver the policies around ensuring cost burdens are taken into account as set out in the National Planning Policy Framework.

Costs and Benefits of Option 2

28. The degree to which individual planning applicants currently suffer from disproportionate requirements for supporting information will vary across types of application and local authority. As a result, the estimates of the costs and benefits are dependent on a number of assumptions. To reflect the fact that potential costs and savings cannot be estimated accurately, ranges indicate where sensitivity analysis has been done around the assumptions made.

i) Reduce the nationally-prescribed information requirements for outline planning applications

Sectors/ groups affected:

- Individuals and business making applications for outline approval
- Local planning authorities
- Third parties (e.g. statutory consultees, or other interested parties who look at planning applications during the determination process)

Benefits - summary

Applicants

29. The main beneficiaries of the proposed change will be applicants (both householders and businesses) who will experience financial and time savings because there will be less information, and so less preparatory work, needed for an application for outline permission. Those items still needed at outline stage will be more proportionate to the scale of the proposed development, and will be less onerous than the current ones. They will be more appropriate to the level of certainty and permission which is being sought by the applicant, and to the purpose of the outline application option.

Assumptions:

1. Homes and Communities Agency data shows the average annual number of outline planning applications (large projects and small projects) over the period from 2007 to 2010 for England was 1,956 and 1,718 respectively.
 2. It is difficult to estimate the average cost of making outline planning applications and sound evidence is minimal in this area. However, Arup (2009) conducted research on “Benchmarking the costs of planning applications to applicants”.⁴ This report details the costs of a full planning application (see Table 4 for further details). The cost of a major planning application is estimated at around £18,000 (average of major residential and non-residential developments). The cost of a minor planning application is estimated at around £2,500 (average of minor residential and non-residential developments).
 3. Therefore, using this evidence, the cost of outline planning applications can be estimated. It is assumed that outline planning applications cost 50% of full planning applications. This is a cautious assumption. We expect that it will often be higher, and in some cases approaches the same level of costs as for a full application. We invite views on this below.
 4. The reduction in the costs of applying for outline permission, as a result of the proposals here to make information requirements for outline applications less onerous is estimated at 20% (central scenario). We would very much welcome comments on this assumption. There is little quantitative evidence available at present on which we can calculate this figure, and so these figures are estimate-based at this stage.
30. On this basis the average annual benefits to applicants from making the requirements for outline applications less onerous are estimated at £3.6m for major applications; and £0.4m for minor applications. Therefore the total benefits to applicants are estimated at £4m per annum (total over 10 years in present value terms, £34.5m).

Q1: What is the cost of an outline planning application as a proportion of the cost of a full planning application?

Sensitivity Analysis

31. The analysis above assumes that the reduction in costs due to outline applications being less onerous is 20%. Sensitivity analysis illustrates the range of savings that could be achieved if the costs of outline applications were reduced by 10% to 30%. The analysis above also assumes that outline applications cost 50% of the average cost of a major planning application at £18,000 and a minor application at £2,500. Sensitivity analysis illustrates the potential savings that could be gained based on the full range of applications costs.
32. The tables below detail the average annual cost savings based on a range of costs of full applications and a range of savings as a result of the policy.

Table 1: Average annual cost savings of a major outline application

| Cost of a full major application | % reduction in costs | | |
|-------------------------------------|----------------------|-------|-------|
| | 10% | 20% | 30% |
| Non-residential: £11,641 | £1.1m | £2.3m | £3.4m |
| Average: £18,257 | £1.8m | £3.6m | £5.4m |
| Residential: £24,873 | £2.4m | £4.9m | £7.3m |

⁴ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/benchmarkingcostsapplication.pdf>

Table 2: Average annual cost savings of a minor outline application

| | % reduction in costs | | |
|------------------------------------|----------------------|-------|-------|
| Cost of a full minor application | 10% | 20% | 30% |
| Non-residential: £1,085 | £0.09m | £0.2m | £0.3m |
| Average: £2,543 | £0.2m | £0.4m | £0.7m |
| Residential: £4,000 | £0.3m | £0.7m | £1m |

33. Table three shows that if there is a 10% reduction in the costs of non-residential outline applications (major and minor), average annual cost savings could be £1.2m. If there is a 10% reduction in the costs of residential outline applications, average annual cost savings could be £2.8m.

34. Similarly, depending on the cost of the outline application, a 20% reduction in costs could lead to average annual savings of £2.5m to £5.5m; and a 30% reduction in costs could lead to savings of £3.7m to £8.3m (p.a.).

Table 3: Average annual total cost savings for major and minor outline applications

| | 10% | 20% | 30% |
|--|---------------|---------------|---------------|
| Total savings: major and minor applications | £1.2m - £2.8m | £2.5m - £5.5m | £3.7m - £8.3m |

Qn 2: What is the most appropriate estimate of the scale of cost reduction due to outline applications being made less onerous?

Local Planning Authorities

35. It will also take less time to process an application for outline approval as less information will be supplied that needs assessing, and the information that is submitted should be more relevant to the case in hand. This will enable applicants and local planning authorities more time to spend on negotiations and meetings (for instance at the pre-application stage), or in addressing what aspects should be dealt with through conditions and reserved matters.

36. There will be a cost saving to local authorities but there is no data available to make any assumption around this. It is therefore not possible to quantify these savings at this stage.

Qn 3: To what degree will the proposed changes to outline applications benefit local planning authorities?

Applicants

37. The reduced information requirements should act as an incentive for applicants to choose the outline route instead of opting for a full planning application from the start. This will enable costs and risk to be spread over a longer project period. We should expect therefore to see a marginal rise in the numbers of outline applications.

38. We can also expect a shift towards outline applications for smaller sites and minor developments as the requirements for non-major development will be substantially simpler than currently. The reduced costs for a minor development should encourage more use to be made of outline applications for developments on these scales. This could either mean new proposed development which would otherwise not have been taken forward because costs were previously prohibitive, or applicants choosing the outline route instead of a full application. It is not possible to estimate which of these scenarios would be more likely. The reduced requirements should also cut the need for applicants to use consultants to process the application for them.

39. It is not clear what role the current costs of outline permissions play in the land sale market for smaller sites. However, it could be assumed that with the simpler process, and the reduced costs, the market for land sales with outline permission would benefit. We are keen to get responses as part of the consultation process on this issue.

Qn 4: How will the proposed changes impact on the numbers of outline applications submitted each year?

Costs

40. These measures are designed to reduce the costs to planning applicants. No additional costs are anticipated.

ii Strong encouragement for local planning authorities to keep their local information requirements under frequent review

Sectors/ groups affected:

- Individuals and business making applications for planning approval
- Local planning authorities
- Third parties (e.g. statutory consultees, or other interested parties who look at planning applications during the determination process)

Benefits – summary

41. The level of savings to any given applicant will depend on the level of streamlining their local planning authority actually decides to make when they review their local lists. The savings will clearly be greater for applicants in areas where the local planning authority does not review their local list at the specified time, as in those areas local information requirements will no longer have an effect on whether or not an application is valid. Realistically, we consider it unlikely that many local planning authorities will want to lose their ability to require information at the local level.
42. In summary, therefore, the benefits of this measure will be a reduction in the number of potential local information requirements that are recorded on local lists, and a reduction in how many of those local information requirements are required of individual applicants.
43. The savings calculated are therefore based upon our assumptions as to how many of the information requirements already set out by local planning authorities will, when reviewed by those authorities, be considered to be unnecessary or disproportionately costly.
44. If all information requests made locally in the future take account of the need to keep overall application costs in proportion, this proposal could result in an increase in applications: some prospective applicants may currently be declining to prepare and submit an application because the information requirements are making the cost of doing so prohibitive. This is most likely to be true for modest, speculative development for which an outline application would typically be used in the first instance.
45. Applicants will be the main beneficiary of this measure. However, local planning authorities should also benefit, once the reviews have taken place, as there should then be less documentation to review for each application. Consequently, applications should take less time to process.

Assumptions

46. Local authorities were last given an impetus to review their local lists of information requirements in the Development Management Policy Annex published in March 2010⁵. This policy document was supported by guidance urging that existing local lists should be reviewed:

“Where a local planning authority already has a published local list on 6 April 2010, it should review it.”⁶

47. This policy was introduced following public consultation in 2009 and was supported by an Impact Assessment. Using the same approach as in the 2010 Impact Assessment⁷, it is possible to estimate the potential savings to applicants of a further round of reviews. We can also use the consultation responses from that policy change to revise some of the assumptions used. For example, it assumed a saving of 10% on the cost of completing an application. However some respondents to the 2009 consultation felt this benefit was overstated. For this reason, we have reduced our estimated savings to 5%.
48. We propose to give local planning authorities six months from the coming into force of any regulatory changes (see consultation document) to get their revised local lists onto their websites.
49. Whilst we anticipate that all local planning authorities will republish their local lists every 2 years, not all will conduct a review before doing so. For the purpose of the analysis we assume that 50%-75% of authorities review their local lists (we invite views on this – see question below). This means that only applications in these authorities are affected. It is assumed that lists are first reviewed in year 1 (and hence the benefits accrue from then).

Qn 5: Is it fair to assume that 50%- 75% of local planning authorities will review their local lists every two years?

50. Applications for all types of development could benefit from frequent reviews of local information requirements. In quantifying the savings, it is assumed that a range between **10-15% of householder development and minor development applications will benefit**. It is assumed that a larger proportion of major applications will see some benefit from reduced information requirements. This type of application is still likely to require a relatively broad range of supporting information, due to its greater impact on the surrounding area, and that these can carry significant costs and thus impact on the viability of the scheme overall. **It is assumed therefore that a range of between 15-30% of all planning applications for major development will benefit.**

Qn 6: Are the above assumptions relating to the number of planning applications likely to be affected fair?

51. The average number of decisions made annually on householder applications, minor applications, and major applications between 2009 and 2011 has been used to estimate the savings. Decisions on householder and minor development applications totalled approximately 334,000 applications on average between 2009 and 2011 out of 449,000 applications in total or just over three quarters of all decisions. Major developments accounted for a further 13,700 decisions on average per annum.
52. The approximate costs for preparing a planning application have been taken from survey estimates summarised in Arup research for CLG⁸, Benchmarking the Costs to Applicants of Submitting a Planning Application. The research finds there is a wide range in the costs of submitting a planning application both within categories of development and across different categories.
53. The categories in the Benchmarking Costs report do not directly match the categories reported in the statistics on planning applications. Table 4 below shows the assumptions made of the costs for different types of planning application with reference to the categories in the research. The median

⁵ Development Management Policy Annex: Information requirements and validation for planning applications, DCLG, March 2010

⁶ Guidance on Information Requirements and Validation, DCLG, March 2010

⁷ IA available at http://www.legislation.gov.uk/ukxi/2010/567/pdfs/ukxiem_20100567_en.pdf

⁸ <http://www.communities.gov.uk/publications/planningandbuilding/benchmarkingcostsapplications>

figure of the cost of preparing a planning application has been used in calculating the savings. The costs reported for an application for a *single house construction or conversion* are assumed to apply to all minor dwellings applications. This may underestimate the costs for all applications in the minor development (dwellings) category, which includes developments of between one and nine houses. The costs of preparing an application by a *small or medium sized enterprise* are used to estimate potential savings for other minor development which includes offices, research and development, and light industry; general industry, storage and warehousing; retail, distribution and servicing; and other.

Table 4: Assumptions on costs of preparing a planning application by type of development and numbers of applications affected

| Type of application | Average annual number of applications (2009-2011) ⁹ | Category of application from Benchmarking Costs research | Range of costs given in research | Midpoint used in estimates |
|-----------------------------------|--|--|----------------------------------|----------------------------|
| Householder development | 208,600 | Householder development | £0 - £1,375 | £687.50 |
| Minor development – not dwellings | 75,900 | Applications by small and medium sized enterprises (SMEs) concerning the establishment of premises | £420 - £1,750 | £1,085 |
| Minor development - dwellings | 49,600 | Single house construction or conversion | £2,000 - £6,000* | £4,000* |
| Major development – dwellings | 5,700 | Major development for approximately 100 dwellings | £10,740 - £39,006 | £24,873** |
| Major development – not dwellings | 8,000 | Major development for retail development of approx 2500 sq m | £1,781 - £21,500 | £11,641 |

*These are not the costs published in the report for single house construction or conversion. An outlier in the sample meant the median used here is more representative of the majority of applications in the sample.

** As the research looked at the costs of preparing an application for 100 dwellings, this may be an overestimate of the cost for some major dwellings applications. An application for 100 dwellings counts as a small scale major application.

54. As the costs of preparing information to accompany different types of applications are likely to vary considerably, and the categories of development in the Benchmarking Costs report are narrower than the categories for which statistics on decisions are available, the cost savings should be regarded as illustrative.
55. A more cost aware approach to information requirements at the local level will result in a saving to applicants. It should enable more applicants to make planning applications. We assume the benefit to be on average 5% of the overall cost of applying for permission. Assumptions around the savings made on an individual application have been subject to a sensitivity analysis in order to provide a range of illustrative savings.

Table 5: Estimated savings for applicants under a central scenario assuming 5% reduction in costs and 66% of LPAs reviewing their local lists

| | Proportion of applications affected (range) | Average annual savings | Discounted 10 year savings |
|-------------------------|---|------------------------|----------------------------|
| Householder development | 10- 15% | 448,164 | 3,857,656 |

⁹ Numbers of applications taken from DCLG Statistics of Planning Applications <http://www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/statisticsplanning/>

| | | | |
|-----------------------------------|---------|-----------|------------|
| Minor development - not dwelling | 10- 15% | 257,348 | 2,215,175 |
| Minor development - dwellings | 10- 15% | 620,000 | 5,336,766 |
| Major development - dwellings | 15- 30% | 797,491 | 6,864,549 |
| Major development - not dwellings | 15- 30% | 523,845 | 4,509,094 |
| Total | | 2,646,848 | 22,783,238 |

Numbers may not sum correctly due to rounding

Sensitivity Analysis

56. Table 5 above gives estimates of savings assuming a reduction in costs of 5% and a range in the proportion of applications of each type affected. Table 6 below shows how the savings would vary when costs of making an application are reduced between 2% and 10% in addition to varying the proportion of applications on which savings are made. This shows that the level of the savings estimated is being driven more by the assumptions around reduction in costs than it is by the number of applications affected.

Table 6: Sensitivity analysis – annual savings under different assumptions

| Cost savings | Proportion of applications affected | | |
|--------------|-------------------------------------|-----------|-----------|
| | Low | Central | High |
| 2% | 776,520 | 1,058,739 | 1,340,958 |
| 5% | 1,941,300 | 2,646,848 | 3,352,396 |
| 10% | 3,882,601 | 5,293,696 | 6,704,792 |

Qn 7: What level of cost saving on those applications affected do you anticipate as a result of reviewing local lists?

57. It should be noted that this represents a cautious estimate of the benefits accrued. This is because additional benefits of the second and subsequent reviews (at two year intervals) are not included at this stage. Whilst the second and subsequent reviews are likely to lead to less significant reductions in costs for applicants (as they are likely to focus on any fundamental local or national policy changes in the intervening years, rather than a review of all existing requirements), they are still likely to lead to some additional savings for applicants and local authorities.

Qn 8: What is the likely savings to be accrued from subsequent reviews after two years?

Costs - summary

58. Local authorities were last asked to review their local lists in March 2010, and to publish their lists on their website by December 2010. The Impact Assessment relating to this change estimated the cost to local planning authorities in reviewing their lists at £4,000 each but argued that any costs to local authorities should be offset quickly (12-18 months) once the revised lists were published because less information required also means shorter processing times. We can reasonably assume that this previous estimate of cost recuperation timings is sound. This confidence comes from the fact that no comments to the contrary were received when we included this assumption in the consultation stage of final Impact Assessments undertaken for the previous round of changes. Similarly, we have had no reports from any local planning authorities, since the last reviews were triggered, that the work involved was a burden or that unrecoverable costs were experienced.

59. In reality, the cost of the review will largely depend on how robust, confident and committed each local authority is on proportionality and cost-awareness for applicants. Those that are satisfied with the existing local lists in this regard might choose not to review them, and may instead simply re-endorse and re-publish their existing lists. However, time has passed since the Government last asked for local lists to be reviewed and changes have been made to many development plans in the intervening period. The advent of the National Planning Policy Framework the prospect of the removal of regional strategies and the drive to help promote local economic growth all mean that we confidently assume that a majority of local planning authorities will review and rationalise their local requirements, to some extent.
60. The reason the National Planning Policy Framework and the proposed removal of regional strategies provide a very strong imperative to review local lists is quite plain. Extant guidance on validation and information requirements makes it clear¹⁰ that local planning authorities should identify the drivers for each of the items on their lists, and that "these drivers should be statutory requirements, national, regional or local plan policies, or published guidance that explains how adopted policy should be implemented."
61. Through the streamlined National Planning Policy Framework the national policy ask has been drastically reduced. Therefore, in light of new national planning policy, and in particular the reduction in detailed policy at the national level, it is reasonable to assume that some items on current local lists, prepared before the National Planning Policy Framework was published, will no longer be required by national policy. The proposed removal of regional strategies is an equally good example of why it is logical to review local lists again.
62. In addition, the National Planning Policy Framework strongly emphasises the need for local authorities to pay regard to the overall cost burden of their policies, including through their Development Management activities, on applicants. Whilst the biggest shift on national policy overall will drive the need for an initial review of local lists, the specific policy on cost burdens should continue to drive the need for subsequent reviews. As economic cycles change, it will be necessary for local authorities to continuously keep under review the overall cost burdens on applicants in the context of the planning system.
63. Where a review is needed, it can (depending on local circumstances) be limited to a cost-burden / proportionality analysis of the current local list, rather than a wholesale 'starting from scratch' review. This should reduce the costs to the authority. Where a wider review is required, because the list does not reflect the ask in national policy, this can be considered to be a part of the normal activity and responsibility of local planning authorities and would not need to be impact assessed as it is outwith the scope of these proposals.
64. Based on the above discussion, whilst we anticipate that all local planning authorities will republish their local lists it is likely that some will not conduct a substantial review. For illustration we assume, as with the benefits above, that 50%-75% of local planning authorities will review their local lists as a result of the policy change. The cost (per review) of doing so is estimated at £4,000¹¹ in the first year. This gives a total cost of £0.6m to £1.0m. Further reviews will be completed in years 3, 5, 7 and 9 but the cost is assumed to be 50% lower (as discussed above). This means the total cost in these years will be £0.3m to £0.6m. Together these costs are estimated at £1.8m to £2.1m in present value terms. These costs are likely to be more than offset by savings made by LPAs from assessing less information (LPAs are only likely to undertake a review if it is beneficial to do so).

Qn 9: What sort of benefits should we assume from the proposal to review local lists having regard to the cost burden on applicants as well as local planning authorities?

Qn 10: Is it right to assume the costs to local authorities to be about the same as in the 2010 Impact Assessment of £4,000 in year 1? Cost £2,000 in year 3?

¹⁰ Guidance on Validation and Information Requirements, DCLG, March 2009, Paragraph 64.

¹¹ The £4,000 figure is carried forward from the consultation stage and final Impact Assessments 2009 and 2010.

iii) Amalgamate standard application form requirements for agricultural land declarations and ownership certificates

Sectors/ groups affected:

- Individuals and business making applications for planning approval
- Local planning authorities

Benefits – summary

65. Redesigning the standard application form is expected to avoid confusion about whether the ‘agricultural land declaration’ needs be signed and thereby reduce the number of applications rendered invalid. The main beneficiaries of the proposed change will be applicants (both householders and businesses) who will experience financial and time benefits when there is no longer a need to re-submit planning applications that fall foul of the confusion.
66. This proposal will also save time and resources for local planning authorities and other interested parties/consultees who are responsible for checking whether the documentation is valid, and will allow redeployment of those resources to other work.

Costs – Summary

67. The alteration, including a reference to agricultural tenants on the ownership certificate, is not expected to lead to any additional costs since the content of the form will remain unchanged.

Qn 11: How many applications per year are found to be invalid as a result of the agricultural land declaration?

One In One Out

68. These policy changes lead to direct cost savings for business. It is assumed that it is business applicants (rather than householders) that will realise these savings, as it is our understanding that the majority of outline applicants are business developers, and that information requirements are typically greatest for larger applications, submitted by businesses. We also assumed that most of the applicants for Listed Building consents (to demolish) and Conservation area consents that will benefit from these changes are made by business. We are keen to hear views on these points. At this stage, based on these assumptions, total cost savings are estimated at: £7.5m per annum (£57.3m in present value terms over 10 years). The Equivalent Annual Net Cost to Business (EANCB) is - £6.7m. This policy is therefore an OUT.

Table 5: Estimated cost savings to business as a result of the policy changes

| | Average annual savings | Total savings (10 years, PV) |
|--|-------------------------------|---|
| i) Simplify outline applications | £4m | £35m |
| ii) Review local lists to address cost burdens | £3.5m | £22.8m |
| TOTAL | £7.5m | £57.3m |

Risks

69. For the main part, these proposals should make the planning process for applications quicker and simpler. They proposals are not expected to give rise to any substantial risks.
70. There is potential that, in response to the reduced national information requirements for outline application, local planning authorities could use their own powers to require applicants in their areas to continue to supply that information. However, this risk would be mitigated by the proposed encouragement for local planning authorities to review their local lists of information requirements and, in doing so, to consider the proportionality of the associated cost burden.

Monitoring

The results of these proposals, and of wider planning reforms, will be indicated by changes in the number of valid outline applications being submitted to local planning authorities. We will also collect information from applicants, after the changes have been implemented, to identify whether or not the desired outcomes have been achieved.

Specific Impact Tests

Competition assessment

There is no impact on competition from this proposal.

Small Firms' Impact Test / Micro businesses

The proposal to make information requirements for planning applications more proportionate will benefit all businesses which make planning applications. It is likely that the current requirements create a disproportionate burden for smaller firms and micro businesses which will be reduced by the proposed changes.

Legal Aid Impact Test

There will be no legal aid impact from this proposal.

Sustainable Development, Carbon Assessment, other Environment

This proposal will not have negative economic, environmental or social impacts and will not have a negative impact on future generations.

This proposal will not lead to increased carbon and other green house gas emissions, nor have a negative impact on the Environment.

Health Impact Assessment

There are no detrimental health impacts from this proposal.

Race, Disability, Gender and Other Equality

These proposals do not impair the ability of the planning system to ensure appropriate access for all to new developments, and has not other race, disability, gender or equality impacts.

Human Rights

We do not expect a negative impact on human rights from this proposal.

Rural Proofing

We do not expect this proposal to have a disproportionate impact on rural areas, or negative consequences for them.