

## **PROPOSED NEW FOREST DISTRICT COUNCIL REVISED 1APP (PLANNING APPLICATION) LOCAL REQUIREMENTS**

### **1. INTRODUCTION**

- 1.1 The Government requires all Local Planning Authorities to review their Local 1APP planning information requirements (The Local Requirements) every two years, with the first review completed by the end of July this year. The Local Requirements mean that applicants must submit additional information, in terms of drawings and supporting documents, beyond the basic National Requirements which comprise the forms, fee, certificates, some drawings and Design and Access Statements in certain circumstances.
- 1.2 To support the Council's implementation of CIL in April 2015 small, but important, changes to the validation checklist are required.
- 1.3 This matter was reported to the Planning Development Control Committee in October # 2014, at which time the report attached as Appendix 1 was agreed by Members for consultation purposes.
- 1.4 On 9 October a substantial electronic consultation was launched, covering town and parish councils, regular consultees and regular agents. The consultation finished on 4 December 2014. All comments received at the time of the publication of this report # are set out in a summarised form below and can be seen in full at Appendix 2. Any comments received after the publication of this report will be responded orally.

### **2. COMMENTS RECEIVED**

- 2.1 At the time of publication of this report 9 comments were received. These are summarised below:
- 2.2 David Cutler Associates  
It would appear that the proposed changes will be relatively straightforward to deal with and that there will be no changes to the amount of plans and drawings required as the floor space can be calculated from the floor plans prepared as part of the planning application. As a company that still prepares its drawing by hand but can PDF drawings and submit electronically, I trust that there are no proposals to change the ability to do this and that hand drawn plans, provided accurately prepared, will still be acceptable.
- 2.3 Architectural Designs  
Seems a very sensible and straight forward process for assessing fees due.
- 2.4 Quayside Architects  
We reasonably presume that this additional information will only be required for development that is likely to incur CIL charges.

## 2.5 Hampshire County Council Countryside Service

This response is being submitted as that of the Highway Authority in respect of Public Rights of Way. There is a National Requirement under Planning Practice Guidance (Defra Rights of Way Circular (1/09) - <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>) that all public rights of way crossing or adjoining a proposed development site must be marked on the plan to be submitted with the full planning application, and that the applicant should make clear how the potential development will impinge on any rights of way.

As statutory consultees we find that this information is frequently missing from the applications we receive for consultation. We therefore ask that this Requirement be more clearly and explicitly stated within the next revision of New Forest District's Local Planning Application Requirements.

## 2.6 Plan and Site Services

According to The R.H. Eric Pickles the removal of CIL for developments of 1 to 10 dwellings is to go before Parliament in November 2014 .The intention is to remove the levy so there will be little need for additional forms

Years ago comparative floor areas were required by LPA's but it was dropped. The checking of the same went to employees that could not read a scale rule or plan & lead to further disputes.

We have survived the last 5 years by becoming poorer. I suspect the next 5 years will be more of the same. I think we need to stand back & take a look at what we are doing & trying to achieve & let us find a smoother less involved way of doing it.

Why don't we follow the French model which for most developments is far less involved & flows smoother?

## 2.7 Dean Marsh Architectural Design Ltd

Initial concerns:

- More unnecessary form filling and duplication of information.
- Agent liability for information (most peers are suggesting that they will insist applicant completes form = slower process).
- Why can't this form be part of a post-approval process / Condition? (the apparently ill-thought suggestion that CIL payments will be invoiced within 30 days aside?).
- The ability to collect monies aside, this appears to be a more 'clunky' process than previously?
- Ongoing liability after future change-of-use to buildings after CIL process appears onerous?

Why not have a simple net GI areas confirmation, plus confirmation of 'status' for applicant / application, rather than a protracted process of elimination form?

Why involve the designer / agent at all? Is it not largely a funding / taxation matter for the developer?

## 2.8 Natural England

No comment

## 2.9 Hythe and Dibden Parish Council

The Parish Council would like to draw your attention to the item “methods of measuring floor space by R.C.I.S”. This is a code of practice not easily accessible, there is a link to the RCIS website but it is only available to R.C.I.S. subscribers. The general public could request membership however there would be a fee to pay and this is not acceptable to everyone. As a way forward the following is suggested

1. Simplified guidance notes need to be provided
2. These guidance notes should be readily available on the NFDC website.

## 2.10 Highways Agency

No specific comment to make on the list of requirements. Clearly a number of document types can be relevant to HA’s interest and the important thing is that applications with potential to impact on the SRN are referred on to us.

## **3. PROPOSED RESPONSE**

3.1 The proposed amendments to the Local 1APP requirements only apply to the requirements for the CIL additional information form (which can be seen at Appendix # 3) and not any other aspects of the Local 1APP requirements or regarding the CIL process itself.

3.2 The CIL additional form has been produced by the Government and is not a form devised by the Council and complies with the CIL Regulations. Should the CIL Regulations be amended the Council will review its position with regards to the information sought.

3.3 The additional information form cannot be a post-approval requirement as Regulation 65 of the CIL Regulations 2010 requires the collecting authority to issue a liability notice ‘as soon as practicable after the day on which a planning permission first permits development’.

3.4 It should be noted that as the Council only has a CIL rate for residential development, the additional form is only a requirement for development of the C3 use class (dwelling houses).

3.5 Guidance notes on the implications and application of CIL, which will include information on measuring floorspace, will be published on the Council’s website.

## **4. ENVIRONMENTAL, CRIME AND DISORDER, EQUALITY AND DIVERSITY IMPLICATIONS**

4.1 The proposed revised 1APP requirements and the manner in which they are used would ensure that sufficient information is to hand regarding environmental, crime and disorder, equality and diversity during an application’s process allowing this to be available to all interested parties and to be taken on board when the decision is reached.

## **5. CONCLUSION**

5.1 In conclusion, the overall support for, and lack of objection to, the proposed Local 1APP requirements is welcomed. The success or not of these amendments to the

Local Requirements will be judged over time. The two yearly review will include not just a look at the Requirements but also an examination of how they are used as part of the wider planning process. This will ensure that, overall, the Council's approach to dealing with development proposals and its Requirements are proportional and that, while requiring sufficient information is to hand to facilitate an informed decision, they do not unnecessarily inhibit development and allow the Council to work with applicants.

## **6. RECOMMENDATION**

6.1 That the CIL Additional form is added to the Local 1APP Requirements.

### **For further information contact:**

Dean Brunton Planning Policy  
Officer  
Email: [dean.brunton@nfdc.gov.uk](mailto:dean.brunton@nfdc.gov.uk) Tel: 023  
8028 5345

or

David Groom  
Development Control Manager  
e-mail: [david.groom@nfdc.gov.uk](mailto:david.groom@nfdc.gov.uk) Tel: 023  
8028 5345

### **Background Papers:**

Guidance on information requirements  
and validation DCLG March 2010  
Development Management Policy Annex  
DCLG March 2010  
Current NFDC Local List of  
1APP requirements.(2008)

**PLANNING DEVELOPMENT CONTROL COMMITTEE - 08 October 2014**

**PROPOSED NEW FOREST DISTRICT COUNCIL REVISED  
1APP (PLANNING APPLICATION) LOCAL REQUIREMENTS**

**1. INTRODUCTION**

- 1.1 DCLG "Guidance on Information Requirements and Validation" 2010 advises that local planning authorities should prepare a "local list" (validation checklist) which sets out the information that is required to be submitted with planning applications for different types of development and for other types of applications in order for those applications to be deemed valid.
- 1.2 The Government requires all Local Authorities to review their own Local 1APP planning information requirements (Local Requirements) every two years, with the first review to be completed in July 2013. This was undertaken and a series of requirements were set by this Council, requiring applicants to submit specific information in terms of drawings and supporting documents beyond the basic National Requirements.
- 1.3 This report seeks Members' agreement on further proposed Local Requirements requiring additional information in terms of floor areas and existing and proposed uses to tie in with the implementation of Council's adopted Community Infrastructure Levy (CIL) Charging Schedule. The proposed additional requirements will be the subject of consultation with regular agents, consultees and the Town/Parish Councils, with the matter referred back to Committee in December for a final decision taking into account any comments received.
- 1.4 A copy of the proposed covering letter giving details of the consultation is attached as Appendix 1 to this report and the Additional Information form is attached as Appendix 2.

**2. THE COMMUNITY INFRASTRUCTURE LEVY**

- 2.1 CIL was created under the terms of the Planning Act 2008, and establishes a new system for collecting developer contributions towards essential infrastructure.
- 2.2 At its meeting 14 April 2014, Full Council formally adopted the New Forest District Council Community Infrastructure Levy Charging Schedule. The Council will start charging CIL from 6 April 2015.
- 2.3 To support the implementation of CIL, the following small, but important, changes to the validation checklist are required. These involve the provision by the applicants of floorspace information in terms of both existing and proposed to allow the CIL liability, which is calculated on the gross internal floor space of new development, to be calculated.

**3. IMPLICATIONS**

- 3.1 The changes to the 1APP planning information requirements are minor in that they require an additional form (attached at Appendix 2) to be completed by applicants

so the council can establish whether there will be a potential CIL liability.

- 3.2 The changes will have minimal resource implications for the applicants and the Council and the time taken to validate applications and appropriate guidance will be issued to developers and made available on the web as soon as possible to ensure they are clear on the new system and what information is required from them.
- 3.3 Major applications received from the 12 January 2015 and minor applications received from the 9 February 2015 will need to provide the new information set out in the revised 1APP checklist. This will enable CIL to be calculated as appropriate for applications to be approved from 6 April 2015.

#### **4. ENVIRONMENTAL, CRIME AND DISORDER, EQUALITY AND DIVERSITY IMPLICATIONS**

- 4.1 The proposed revised 1APP requirements and the manner in which they are used would ensure that sufficient information is to hand at the start of an application's process. The information will be used to inform all interested parties, and to be taken on board when the decision is reached. Any comments on these aspects that come out of the consultation exercise will be taken on board before the final list is agreed.

#### **5. CONCLUSION**

- 5.1 In accordance with current Government advice and, subject to the agreement of the Planning Development Control Committee, the list will be published on the web site for eight weeks beginning on 9 October 2014, with the key stakeholders as identified in para 1.3 above contacted by e mail and asked to comment. The letter to go out is attached at Appendix 1. Any comments received will be collated and reported to this Committee on 10 December, together with a copy of the final proposed 1APP, Local Requirements, amended to take account of the comments received.

#### **6. RECOMMENDATION**

- 6.1 That the proposal to require the information contained in the CIL additional Information to form part of the 1APP Local Requirements, as set out in Appendix 2 to this report, be published for consultation with regular planning agents, internal and external consultees and Town/Parish Councils, with a view to considering comments received prior to the adoption of the final revised List.

For further information contact:

Dean Brunton Planning Policy  
Officer  
Email: [dean.brunton@nfdc.gov.uk](mailto:dean.brunton@nfdc.gov.uk) Tel: 023  
8028 5345

or

David Groom  
Development Control Manager  
e-mail: [david.groom@nfdc.gov.uk](mailto:david.groom@nfdc.gov.uk) Tel: 023  
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<b>David Cutler Associates</b>	<b>David Cutler</b>	<b>10/10/2014</b>
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It would appear that the proposed changes will be relatively straightforward to deal with and that there will be no changes to the amount of plans and drawings required as the floor space can be calculated from the floor plans prepared as part of the planning application. As a company that still prepares its drawing by hand but can PDF drawings and submit electronically, I trust that there are no proposals to change the ability to do this and that hand drawn plans, provided accurately prepared, will still be acceptable. Please let me know if there are any proposals to change this.

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<b>Architectural Designs</b>	<b>Steven Peters</b>	<b>16/10/2014</b>
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Thank you for your interesting letter dated the 9th October 2014. Seems a very sensible and straight forward process for assessing fees due. Please could you clarify whether the application submitted before this date but building work not implemented after 6th April 2015, would they be able to be calculated by your new system. Also, do you have a figure in place for the calculations of square meterage? Look forward to your response.

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<b>quayside architects</b>	<b>Neil Holmes</b>	<b>12/11/2014</b>
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We reasonably presume that this additional information will only be required for development that is likely to incur CIL charges.  
I can't see where this is made clear in your consultation.

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<b>Natural England</b>	<b>Charles Routh</b>	<b>18/11/2014</b>
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we have no comments to make with respect to the above consultation

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<b>Hythe and Dibden Parish Council</b>	<b>Sean Spencer</b>	<b>18/11/2014</b>
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The Parish council has considered the above. As a result the following is offered for your consideration.

The Parish Council would like to draw your attention to the item "methods of measuring floor space by R.C.I.S". This is a code of practice not easily accessible, there is a link to the RCIS website but it is only available to R.C.I.S. subscribers. The general public could request membership however there would be a fee to pay and this is not acceptable to everyone. As a way forward the following is suggested

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<b>Highways Agency</b>	<b>ian thoburn</b>	<b>20/11/2014</b>
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Thank you for your email of 9 October 2014 notifying the Highways Agency of this consultation.

As the executive agency responsible for operating, maintaining and improving England's strategic road network (SRN), the HA are concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. In the case of Local planning application that is the A31, A36 and the western extremity of the M27.

I have no specific comment to make on the list of requirements. Clearly a number of document types can be relevant to HA's interest and the important thing is that applications with potential to impact on the SRN are referred on to us

Regards

Ian Thoburn

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<b>Hampshire County Council Countryside Service</b>	<b>Petronella Natrass</b>	<b>22/10/2014</b>
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Thank you for consulting us on the next Revision to the New Forest District Local Planning Application Requirements . This response is being submitted as that of the Highway Authority in respect of Public Rights of Way .

There is a National Requirement under Planning Practice Guidance (Defra Rights of Way Circular (1/09) - <https://www.gov.uk/government/publications/rights-of-way-circular-1-09>) that all public rights of way crossing or adjoining a proposed development site must be marked on the plan to be submitted with the full planning application, and that the applicant should make clear how the potential development will impinge on any rights of way.

As statutory consultees we find that this information is frequently missing from the applications we receive for consultation. We therefore ask that this Requirement be more clearly and explicitly stated within the next revision of New Forest District's Local Planning Application Requirements.

Many thanks,

Petronella Natrass  
Countryside Access Development Officer

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**Plan and Site Services**

**Alun Brown**

**09/10/2014**

According to The R.H. Eric Pickles the removal of CIL for developments of 1 to 10 dwellings is to go before Parliament in November 2014 .The intention is to remove the levy so there will be little need for additional forms

Years ago comparative floor areas were required by L P A 's but it was dropped. The checking of the same went to employees that could not read a scale rule or plan & lead to further disputes.

We have survived the last 5 years by becoming poorer . I suspect the next 5 years will be more of the same . I think we need to stand back & take a look at what we are doing & trying to achieve & let us find a smoother less involved way of doing it.

Why don't we follow the Frech model which for most developments is far less involved & flows smoother?

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**DEAN W MARSH**

**Dean Marsh**

**09/10/2014**

**ARCHITECTURAL DESIGN**

**LTD**

Initial concerns:

- More unnecessary form filling and duplication of information.
- Agent liability for information (most peers are suggesting that they will insist applicant completes form = slower process).
- Why can't this form be part of a post-approval process / Condition? (the apparently ill- thought suggestion that CIL payments will be invoiced within 30 days aside?).
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Why not have a simple net GI areas confirmation, plus confirmation of 'status' for applicant / application, rather than a protracted process of elimination form?

Why involve the designer / agent at all? Is it not largely a funding / taxation matter for the developer?

So much for the 1App process simplifying matters...