

**NORTH LINCOLNSHIRE COUNCIL**

**PLANNING COMMITTEE**

**CONSIDERATION OF ISSUES RELATING TO THE INTRODUCTION BY  
CENTRAL GOVERNMENT OF PROCEDURES TO ENABLE GREATER  
FLEXIBILITY WITHIN THE PLANNING SYSTEM**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To inform Members of the recent introduction by Central Government of three measures available to local planning authorities whereby existing planning permissions can be amended.

**2. BACKGROUND INFORMATION**

- 2.1 Members will recall on 31 August 2007 a planning policy report to Planning Committee amended the scheme of delegation whereby the ability for developers to amend planning permissions by exchange of letter with planning officers was removed. The resulting process meant that all amendments must be dealt with through the formal process of submitting a further planning application for the amendment and that any changes on site to an approved scheme would be entirely at the developer/applicant's own risk.
- 2.2 Recent procedural changes introduced by Central Government do not require any further changes to the council's scheme of delegation but changes will have to be made to the Development Control procedures manual with regard to the types of amended applications that can be submitted for consideration by the local planning authority.
- 2.3 The changes implemented by Central Government on 1 October 2009 stem from previous Government reviews. In particular the Killian Pretty Review of 2008 and the Government's White Paper 'Planning for a sustainable future' in 2007 looked at ways of making the planning system more efficient and responsive. The outcomes of such documents concluded that the planning application process required streamlining in respect of the amount of time spent on minor developments which clog up the system to enable more time in which local planning authorities could determine larger planning applications more speedily. The need for greater efficiency, coupled with the economic downturn and subsequent recession, has resulted in procedural changes.

## 2.4 Extension to time limits

2.4.1 Since 2007 there has been a dramatic slowdown in the take-up rate of major schemes that already have planning permission. The Government fears that if large numbers of permissions are not implemented and subsequently lapse this could have the effect of delaying any economic recovery. Prior to 1 October 2009 any planning permissions which lapsed would have required developers to make a new application for those schemes and therefore there would be significant implications in terms of delay and additional costs. Additionally, local planning authorities would find themselves dealing with a sudden upsurge in applications as the economy moves out of recession. Consequently, the Local Government Association, the Confederation of British Industry and the British Property Federation called for changes to be made to legislation so that time limits for the implementation of existing planning permissions could be extended. This procedural change was implemented on 1 October 2009 and is a temporary measure brought about by a change to the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

## 2.5 Non-material amendments

2.5.1 This procedural change arose from concerns that in many cases new planning applications were being required for relatively small changes to schemes which can result in unnecessary time and money being spent on the processing of new applications, both on the part of the developer and the local planning authority. Section 190 of the 2008 Planning Act inserts Section 96A into the Town and Country Planning Act 1990. Applications for non-material amendments are not considered to be planning applications and decisions will be made in letter form without the normal consultation and publicity requirements, or fee, that a planning application would require.

## 2.6 Minor material amendments

2.6.1 Whilst no new legislation has been introduced, Government guidance defines this procedure as follows: '*A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved.*' In a similar way that the non-material amendment procedure will allow for speedier changes to be made to schemes, the minor material amendment route is also a speedier process but is more appropriate for schemes which received objections or were determined by the Planning Committee. Such amendments will be subject to reconsultation and a new notice issued.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 The three procedures set out in paragraphs 2.4.1 to 2.6.1 are Central Government's advice to enable greater flexibility and certainty for developers and local planning authorities. It is clear that Central Government's intention is for these procedures to be implemented at the discretion of the local planning authority and also to decide whether a change to a planning permission can be dealt with under any of the three procedures.
- 3.2 Where proposed alterations to a scheme are so significant that the procedures are not appropriate, a fresh planning application will be required. The changes in procedure should help in assisting the local economy by virtue of reducing timescales for amending approved schemes and preventing some existing permissions from lapsing. Additionally, streamlining of the processing of amended schemes should assist the planning department in terms of time spent on processing applications for relatively small changes or on resubmissions of those planning applications which would previously have lapsed.

### **4. ANALYSIS OF OPTIONS**

- 4.1 There are no options to analyse, the report being submitted for information only.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

#### **5.1 Financial**

- 5.1.1 It is not anticipated that these procedures will have any significant impact upon the amount of planning fees received by the local planning department.

#### **5.2 Staffing**

- 5.2.1 The procedures should reduce the amount of time that staff will spend in processing applications for relatively minor changes, both in terms of consultation exercises and assessment of the schemes.

#### **5.3 Property**

- 5.3.1 None.

#### **5.4 IT**

- 5.4.1 Option 1 will require minor implications for IT. The council's web site will need to be updated to reflect the procedures discussed.

**6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)**

6.1 None.

**7. OUTCOMES OF CONSULTATION**

7.1 The issues surrounding the minor material amendment procedure have been discussed with officers of other local planning authorities within Lincolnshire. The only consultation response considers that where there are no suitable conditions to amend on a planning permission applicants must first apply to add a suitable condition (under Section 96A of the Town and Country Planning Act) and then apply to vary the added condition.

**8. RECOMMENDATIONS**

8.1 That the report be noted.

**HEAD OF PLANNING**

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**Background Papers used in the preparation of this report**

'Greater flexibility for planning permissions' guidance by Communities and Local Government, November 2009

'Greater flexibility for planning permissions' consultation by Communities and Local Government, June 2009

Killian Pretty Review, 2008

'Planning for a sustainable future' consultation document, 2007