



East
Northamptonshire
Council

Policy and Resources Committee –7 November 2011

Priority Planning Applications

Purpose of report

Development in East Northamptonshire can play an important role in delivering the Corporate Plan objectives, particularly but not exclusively, economic development and regeneration. To assist in meeting the Corporate Plan objective of having a business friendly planning service it is proposed to identify some applications as priority applications, to ensure that they are given the highest priority for resources.

1.0 Background

- 1.1 At the last meeting of the Policy and Resources Committee, agreement was given to introduce a charging regime for the provision of pre application advice. This regime took effect from the first of this month. A separate report on this agenda seeks agreement to a new protocol to accompany this approach, together with agreement to other consequential changes to existing protocols.
- 1.2 As part of this approach Members agreed to the creation of an additional Principal Planning Officer post on a temporary contract basis, with a view to supporting the effective delivery of the service and in particular providing for a business friendly planning service for priority applications. It is now felt important to set out which types of application are considered to be a priority in supporting the delivery of the Council's corporate outcomes.
- 1.3 Creation of priority application status will mean that such applications will be progressed as fast as possible through the pre-application and application planning process. Where development is time-critical, in some cases assistance may be sought from developers to back-fill resources within the Development Control team to enable this to happen
- 1.4 However it is important to note that such applications will still be subject to statutory consultations and meet all statutory requirements. In addition priority status should not be taken as an indication that application approval has been pre-determined. Consideration of all material planning matters will still form part of the determination process.

2.0 Processing Priority Applications

- 2.1 In determining what is a priority application it is important to note that this is a "priority" "in terms of supporting the delivery of the Councils corporate outcomes", and **not** an indication that applications falling outside of these categories will not be progressed in a timely and effective manor. To do otherwise would not be a fair or equitable approach to take, as all applicants should expect their applications to be dealt with on a timely basis. We will continue to aim to process all applications within the government target times, provided that all necessary information is provided in a timely manner by developers and statutory consultees.

- 2.2 Where developers meet the criteria for a priority application and wish to ensure the processing of their application through the statutory planning process to a timetable, consideration will be given to the deployment of dedicated officer support to speed process. However, in such cases, short-term back-filling resource may be necessary in order to ensure that the balance of other applications can still be processed in a timely manner. In these cases developers may be asked to cover the cost of this back-fill.
- 2.3 In such cases the Council will prepare a legal agreement with the developer early in the pre-application discussions to ensure that the additional financial support is clearly independent from the council's role in the determination of planning permission. This will take the form of a unilateral undertaking by the developer through a legal agreement to fund the cost of the additional activities which the council will have to undertake. This can include help with community and stakeholder engagement, negotiation of the proposal at pre-application stage and its consideration through the planning system such as scrutiny of impact reports or preparation of specialist reports.
- 2.4 For clarity and transparency the legal agreement will not include any direct payment for officers deal with the priority application nor will there be any joint commissioning of reports in order to preserve the integrity of the local planning authority's role in scrutinizing the impact and outcomes of the proposals
- 2.5 In addition it is proposed that where an application fulfils the criteria for a priority application, a note to this effect is placed on the application file, together with the reasons. In addition where a contribution to back-fill costs is made this will also be recorded on the file together with the name of the officers providing back-fill.
- 2.4 It is also proposed that all priority applications are brought to the Development Control Committee for determination.

3.0 Proposed Definition of Priority Applications

- 3.1 It is proposed to have a simple definition of what applications should be considered a priority. This is:
Applications for development which propose the creation of at least 20 new permanent jobs (not just for the construction of the development) and which also meet at least one corporate plan objective.
- 3.2 Member's views are sought on this definition.

4.0 Equality and Diversity Implications

- 4.1 There are no equality and diversity implications arising from the proposals.

5.0 Legal Implications

- 5.1 All applications will still subject to statutory consultations and meet all statutory requirements. Consideration of all material planning matters will still form part of the determination process.
- 5.2 A number of the categories of priority application will require the completion of associated section 106 legal agreements to secure developer contributions. In order that these agreements are progressed in a timely manner, support for external legal support may be included in the legal agreement, as a planning permission cannot be issued until the accompanying agreement has been signed.

6.0 Risk Management

- 6.1 There is a risk that creation of priority application status may create an impression in

some quarters of unfair advantage or pre-determination of process. It is important therefore that categorisation and determination of priority applications is transparent. It is also suggested that an annual summary of priority application timeframes and determinations is brought to the Development Control Committee for scrutiny against overall performance.

7.0 Financial Implications

7.1 There are no new financial implications arising from the creation of priority application status. Costs of any back-filling required will be met from developer contributions as noted in paragraphs 2.3-2.5.

8.0 Corporate Outcomes

- 8.1 The proposed changes will support:
- the delivery of a business friendly planning service
 - support sustainable regeneration
 - high quality service delivery.

10.0 Recommendation

10.1 The Committee is recommended to consider and agree the proposed priority application definition and approach outlined in the report.

(Reason: In the interests of supporting the delivery of the Corporate plan objectives and in particular providing for an efficient and effective business friendly planning service.)

Legal	Power: Town and Country Planning Act 1990				
	Other considerations:				
Background Papers:					
Person Originating Report: Trevor G Watson tgwatson@east-northamptonshire.gov.uk 01832 742218					
Date: 5 October 2011					
CFO		MO		CX	

(Committee Report Normal Rev. 22)