

A basic introduction to the Planning System for Local Councils – LALC

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1

What is Planning ?



2

2

Regulates Development

*“the carrying out of building, engineering, mining or other operations in, on, over or under land, OR the making of any material change in the use of any buildings or other land”.
Town and Country Planning Act 1990 s.55*



3

Operates in the public Interest

'When considering applications for development within Areas of Outstanding Natural Beauty....permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.' (NPPF, para 177).

'We' not 'I'

4

(Growing) role of councils

- Encouraging PCs (and councillors) to become more involved in the planning system:
 - new powers e.g. Neighbourhood Plans, Neighbourhood Development Orders, Neighbourhood Priority Statements
 - financial inducements (e.g. bigger share of CIL)
 - new requirements e.g. on developers to consult
 - encouraging and making it easier for you enter into pre-application discussions (including changes to pre-determination) etc.
- Representative role
- Eyes and Ears

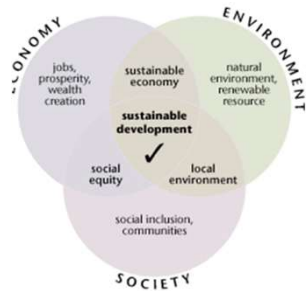
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Involves balancing harm/benefits in the public interest

6

Planning is policy-led

- National policy
 - National Planning Policy Framework (NPPF)
 - Planning Practice Guidance
 - Planning Policies
- district policies
 - Local Plan (incl emerging)
- Neighbourhood policies
 - Neighbourhood Plans
 - Village Design Statements
 - Design Codes etc.



7

Outcome of revised housing methodology – Lincolnshire LAs

| Local Authority | Under previous standard methodology | Proposed methodology (July 2024) | Final agreed methodology (December 2024) | Average Annual Net additions (2021/22-2023/24) |
|---------------------------------------|-------------------------------------|----------------------------------|--|--|
| East Lindsey | 437 | 1092 | 1009 | 544 |
| Boston | 250 | 379 | 356 | 317 |
| Lincoln | n/a (see below) | 459 | 413 | 148 |
| South Holland | 427 | 573 | 542 | 680 |
| South Kesteven | 687 | 912 | 895 | 567 |
| West Lindsey | n/a (see below) | 527 | 487 | 626 |
| North Kesteven | n/a (see below) | 690 | 652 | 648 |
| Lincoln, North Kesteven, West Lindsey | 1054 | 1676 | 1552 | 1422 |
| Lincolnshire Totals | 2855 | 4632 | 4354 | 3530 |

Source: Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK
All figures presented are based on data available at the date of publication and should not be considered as definitive.

8

Material Considerations

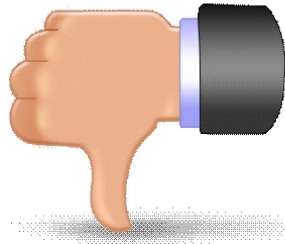
- Include (but not limited to):
 - Layout, density
 - Overlooking/overshadowing/loss of outlook
 - Wildlife/wildflowers/trees/agricultural land
 - Heritage assets (listed buildings etc.)
 - Access/traffic
 - Local economy/jobs
 - Preserve community life
 - Design/appearance/materials
 - Noise/smell
 - AONB and other 'sensitive' locations
 - Climate change
 - Crime/anti social behaviour
 - Planning history/cumulative impact



9

Non Material Considerations

- History / character of applicant
- Personal circumstances
- Land ownership
- Impact on individual
- Commercial considerations
- Impact on property value
- Matters of decency or taste
- Matters covered by other legislation
- Private issues e.g. access
- Number of representations (ish)
- Disturbance during development (ish)



10

10

Planning Applications

- Development requires planning permission
 - Different forms of planning application
 - Full
 - Outline
- Also, some special types of approval e.g., Listed Building, Conservation Area, Advertisement

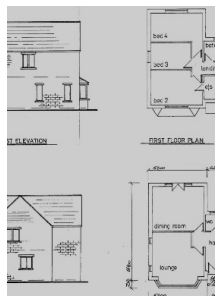


11

11

Look at the application and what it proposes

- Is the application accurate? You know about the area!
- Are features like footpaths, trees, hedges, boundaries shown correctly?
- Are maps up-to-date? Are all nearby properties marked?
- Does the application correctly describe how the site has been used in the past?
- How well would the development fit into its surroundings?
- Impact on neighbours and proposed occupiers?
- Would it blend in, dominate or provide a welcome contrast?
- Sympathetic design? - Alignment of roofline, pitch & materials affect impact
- If it's a large scheme - how will it affect the local area?
- Does it meet a real need in area – e.g. housing (incl affordable) or small business units?
- How well connected would it be to local services?



12

Permitted Development

- Some development is – Permitted Development ('PD')
 - Minor Development e.g. small house extensions (but may require other forms of approval such as Building Control)
 - Similar change of uses i.e. from a shoe shop to a clothes shop
- Minor works by statutory undertakers and other bodies, including parish councils
- Some areas have special or reduced PD rights (as well as special planning rules) – Conservation Areas, Listed Buildings, etc.
- Seen huge increase in 'permitted development' rights
- Can be amended through an Article 4 Direction
- Prior approval

13

13

Who Makes Planning Decisions?

- Over 200,000 planning applications determined each year, mainly by unitary/district councils, but also County Councils, National Park authorities, Government, Planning Inspectorate and others
- Each development proposal involves an assessment of the balance of all material considerations (including comments)
- Subject to a period of consultation (normally 21 days) and a number of different groups – (statutory, incl. parish councils)
- Comments to be taken into account if lawful
- Vast majority dealt with under 'delegated powers'
- Minority determined by Planning Committee but tend to be more the complex or contentious ones

14

14

Planning Application Decisions

- Refused
- Grant planning permission
- Grant planning permission- subject to
 - conditions
 - planning obligations
- Approval contained in the Decision Notice
- Applicant right of appeal
- Minor (non-material) changes can be made to a permission
- Local Authority decision timescales and league tables

15

15

Planning Obligations

- Development should not be a burden on the community in which it takes place
 - Section 106 Agreement
 - Community Infrastructure Levy
- But can't make a scheme unviable
- 'Other' – new homes bonus, Biodiversity New Gain, Community gain e.g., inshore wind turbines



16

Role of Councillor

- Take a long term view what is best for the community
- Approach with an open mind (not a closed one)
- Avoid bias: predisposition v predetermination
- Take into account views of community and applicant (but only one consideration)
- Try to be consistent
- And prepared
- Like a jury can only base decisions on evidence presented
- Remember Standards and Code of Conduct expectations
- Consultee, eyes and ears but not a decision maker

17

17

Commenting on planning applications

- Asked to respond using standard form
- But can be email or letter
- Look at the evidence but note that comments submitted via public access systems not normally "moderated"
- Defensible (balanced judgement, stick to material considerations and consider weight)
- Simple, focussed, evidenced issue carries more weight than 1,000 letters of "I don't support this"
- Lawful
- Consider conditions
- Not expected to be experts (but expectations higher than for wider community)

18

18



Final Thought

19

Useful sources of information

- Local Authority website (local plan, conservation areas, TPOs etc.)
- Government (national planning policy & guidance etc) (<https://www.gov.uk/government/collections/planning-practice-guidance>)
- Government's Planning Portal (does it require planning permission etc.) (https://www.planningportal.co.uk/info/200130/common_projects/17/extensions)
- Heritage Gateway (national and local heritage assets) (<https://www.heritagegateway.org.uk/gateway/>)
- Magic (natural environment) <https://magic.defra.gov.uk/>
- LALC/NALC/SLCC - <https://www.slcc.co.uk/advice/>; <https://www.nalc.gov.uk/>

20

20



ANY
QUESTIONS OR
COMMENTS ?

Thank you

21

21
