

**EXPLANATORY MEMORANDUM TO
THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (AMENDMENT)
(ENGLAND) ORDER 2008**

2008 No. 550

And

**THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (AMENDMENT)
REGULATIONS 2008**

2008 No. 551

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The Town and Country Planning (General Development) (Amendment) (England) Order 2008 amends the Town and Country Planning (General Development Procedure) Order 1995. It provides for a mandatory standard application form published by the Secretary of State for all applications for planning permission from 6th April 2008 and introduces new provisions on the validity of planning applications.

2.2 The Planning (Listed Buildings and Conservation Areas) (Amendment) Regulations 2008 amend the Planning (Listed Buildings and Conservation Areas) Regulations 1990 to make similar provision for applications for listed building and conservation area consents.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Background**

4.1 Section 59 of the Town and Country Planning Act 1990 (the 1990 Act) gives the Secretary of State the power to make development orders for two main purposes, either to vary the scope of development control or to prescribe some of the procedures for granting planning permission. Since 1995 there have been two separate Orders under section 59 dealing with the two separate purposes: the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Development Procedure) Order 1995 (the GDPO 1995). However, the GDPO 1995 dealt only with the procedure for certain types of application such as applications for approval of reserved matters and for certificates of lawful use or development. Applications for planning permission were provided for in the Town and Country Planning (Applications) Regulations 1988 (the Applications Regulations). Section 62 of the 1990 Act was substituted by section 42(1) of the Planning and Compulsory Purchase Act 2004 so as to enable a development order to make provision for applications for planning permission made to a local planning authority. Therefore, for simplicity, the provisions in the Applications Regulations relating to applications for planning permission will now be combined with the provisions for other types of application under the GDPO 1995.

4.3 The Planning (Listed Buildings and Conservation Areas) Regulations 1990 are being amended to ensure consistency of approach across the related consent regime.

4.4 Regulation 9 of the Town and Country Planning (Control of Advertisements) Regulations 2007 came in to force on 6 April 2007 and made similar provision for applications for express consent for advertisements.

5. **Territorial Extent and Application**

These instruments apply to England.

6. **European Convention on Human Rights**

As both instruments are subject to the negative resolution procedure and neither amend primary legislation, no statement is required.

7. **Policy background**

7.1 Proposals for these changes were contained in the consultation papers '*Standard Application Form*' issued in March 2005 and '*Validation of Planning Applications*' issued in July 2006.

7.2 Section 62 of the Town and Country Planning Act 1990 as amended by section 42(1) of the Planning and Compulsory Purchase Act 2004 allows the Secretary of State to make provision for a standard application form for planning permission and other consents. These proposals are in accordance with a policy objective of the 2004 Act, i.e. to streamline and simplify the planning application process in line with the Government's policy to reform the planning system by clarifying the information needed to support planning applications.

7.3 Until now, Government policy has been to allow local planning authorities to produce their own application forms. This has resulted in significant variations across the country and has created difficulties for applicants, in particular those that apply to more than one local planning authority, who have had to deal with differences in the format of the questions asked and the way information is requested.

7.4 The consultation on the Standard Application Form took the form of a paper and a prototype electronic form called 1APP. This consultation exercise concluded at the end of June 2005. A full analysis of the responses was published on the ODPM website in September 2005 which can be found at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/381285>.

7.5 The consultation generated a total of 251 responses. 136 responses were from local planning authorities while others came from a range of representative groups including the private sector.

7.6 57% of respondents indicated a positive response to the introduction of a standard application form as a means of requesting vital information at the outset of the planning application process. Responses to the consultation welcomed the idea of an online standard application form, which was viewed as a positive step towards encouraging electronic submission of applications. However, in order to ensure that the planning system is readily accessible by potential applicants paper forms will continue to be acceptable for applications for planning permission in addition to the electronic form.

7.7 The standard application form will make the planning application process quicker and easier for the applicant, by providing certainty about the information required at the outset and allow one application to be made for a range of consent regimes. The standard application form has also been custom-designed to facilitate electronic submission of applications. New regulations are also being prepared to provide for a standard application form for the cutting down or pruning of trees under Tree Preservation Orders. These are expected to come into force in October 2008.

- 7.8 The current requirements for validation are unclear, with no certainty about the level and detail of information required in support of an application before it can be validated. This is an important concern because if a local planning authority fails to determine a valid application within the period set out in the GDPO 1995 the applicant has a statutory right of appeal to the Secretary of State. The provisions on validation aim to clarify what is meant by and what comprises a 'valid planning application', to ensure that both local planning authorities and applicants can be certain what is required to enable proper validation.
- 7.9 The consultation paper '*Validation of Planning Applications*' issued in July 2006 invited comments on proposals based on a checklist approach comprising a mandatory Communities and Local Government list of requirements which would be concise and focus only on requirements specified in the GDPO 1995 (i.e. form, certificates, plans and drawings and where applicable, the appropriate fee). In addition, it was proposed that local planning authorities would be able to add to the national list of mandatory requirements with their own additional mandatory requirements, in order to meet local circumstances.
- 7.10 The consultation received 107 responses. 45 responses were received from local planning authorities and 26 other responses from the public sector while comments were also received from other representative groups such as the Home Builders Federation.
- 7.11 Over 62% of respondents agreed with the principle of adopting a checklist approach comprising national and local lists, which would clarify validation, and that the lists should be tailored to specific types of applications. 44% of respondents agreed that the proposals provided the correct level of consistency and standardisation and the need for local flexibility and differences in policy. However, some respondents, principally from the private sector, commented that there was an imbalance to the proposals, prompting concerns that there was the potential for local authorities to require the submission of information, disproportionate to the type and scale of development.
- 7.12 Revised best practice guidance on the validation of planning applications was published in December 2007 to explain the changes in these SIs. The guidance encourages local planning authorities to choose their local requirements from a nationally defined list of information which covers a range of significant national policy requirements such as flood risk assessment and land contamination assessment. The main reason for setting out national policy requirements in a nationally defined list as opposed to making them part of the national statutory requirements is to ensure that changes to national policy can be accommodated easily. Local planning authorities will be able to update their lists as necessary without the need for an amendment to legislation.
- 7.13 A local authority will continue to be able to request whatever further information it feels it needs in relation to an individual application. However, only the list of documents published on its website will have any bearing on the validity of an application (see paragraphs (3) and (3A) of the amended article 20 of the GDPO 1995 and paragraphs (8) and (8A) of the amended regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990). The amendment to the GDPO 1995 makes it clear that a valid planning application will be one which complies with the statutory requirements and published local requirements. Any additional local information can be requested post validation.
- 7.14 A circular accompanying the introduction of these measures will be published when these SIs are laid. The circular will contain guidance on the operation of the standard application form and the new approach to validation of planning applications. We have already issued revised guidance in advance of these SIs being laid on the validation of planning applications, primarily targeted at local planning authorities. It explains the changes and what a local planning authority is expected to do in order to compile their lists. In this guidance we encourage local planning authorities to consult with a range of stakeholders for a minimum period of 6 weeks before adopting and publishing their lists.
- 7.15 The GDPO 1995 is the main legislation setting out the process for submitting and considering planning applications. It was last consolidated in 1995, but has been amended a number of times

since then and has become complex. The Government intends to undertake a review and simplification of the GDPO 1995 as set out in the Planning White Paper '*Planning for a Sustainable Future*' (May 2007).

8. **Impact**

- 8.1 Impact Assessments for both the standard application form and validation of planning applications are attached to this memorandum.
- 8.2 The introduction of a standard application form and improved validation procedures should have a positive impact for both public and private sectors as there will be greater certainty and clarity about the information needed at the start of the application process. This should enable local planning authorities to make informed and timely decisions.

9. **Contact**

Asma Mouden at Communities and Local Government (Tel: 020-7944-3934 or e-mail: asma.mouden@communities.gsi.gov.uk) can answer queries regarding these instruments.

Summary: Intervention & Options

Department /Agency: Communities and Local Government	Title: Amendment to the Town and Country Planning (General Development Procedure) Order 1995 (GDPO) and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 - Introduction of the Standard Application Form	
Stage: Final	Version: Final	Date: 20 February 2008
Related Publications: Standard Application Form – Report on Response to Consultation (March 2005)		

Available to view or download at:

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

Contact for enquiries: Asma Mouden

Telephone: 020 7944 3934

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

The design of application forms for planning permission and other consent regimes is currently at the discretion of local planning authorities (LPAs), resulting in many different forms for the same purpose across LPAs. The lack of consistency in forms, imposes a cost on some applicants who have to familiarise themselves with several types of forms, complicating the planning system.

What are the policy objectives and the intended effects?

To streamline and simplify the planning process by:

- preventing applicants from needing to familiarise themselves with several application forms;
- improving the quality of applications for planning permission and certain consents;
- improving the consistency of planning applications;
- preventing unnecessary delay in their handling by LPAs; and
- through standardisation facilitate the electronic delivery, receipt and processing of applications.

What policy options have been considered? Please justify any preferred option.

1. **Do nothing** - this maintains the status -quo of each local planning authority having the remit to develop their own application forms in whatever way they deemed appropriate.
2. **Standard Application Form** – This will involve regulations which will mean that the standard application form is the only legal method of applying for planning permission that can be used for most categories of applications. This will consolidate and rationalise the current forms across a range of consent areas.

Option 2 is preferred to achieve the Government's objective of streamlining and simplifying the planning

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

A review will be undertaken within three years to assess the effectiveness of both the process and legislative changes made as a result of this project. At the review stage, more information will be required on the actual benefits to business and LPAs.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

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:

Iain Wright.....Date: 26th February 2008

Summary: Analysis & Evidence

Policy Option: 2	Description: Amendment to the Town and Country Planning (General Development Procedure) Order 1995 (GDPO) and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 - Introduction of a Standard Application Form for planning permission and associated consents
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COSTS	ANNUAL COSTS	<p>Description and scale of key monetised costs by 'main affected groups' LPAs will be required to implement a system to accommodate the Standard Application Form. This is costed in the business plan as a one off cost of £4m. This cost is believed to be outweighed by the savings to LPAs which will accrue from the increase in uptake of electronic planning applications.</p> <p>As at 25th February 216 LPAs had switched over to the Standard Application Form, whilst 139 LPAs had set dates to do so in advance of 6 April. As a result, in some cases these LPAs have already incurred some of these costs. (see Option 2 costs)</p>
	One-off (Transition) Yrs	
	£ 4m	
	Average Annual Cost (excluding one-off)	
	£ 0	
Total Cost (PV) £ 4m		
<p>Other key non-monetised costs by 'main affected groups'</p> <p>None.</p>		

BENEFITS	ANNUAL BENEFITS	<p>Description and scale of key monetised benefits by 'main affected groups'</p> <p>Applicants who apply to more than one LPA would benefit from the consistency of forms across authorities and should be able to complete the form more efficiently. These benefits have been monetised using the admin burden baseline to give savings of £59m per year to business.</p>
	One-off Yrs	
	£ 0	
	Average Annual Benefit (excluding one-off)	
	£ 59m	
Total Benefit (PV) £ 491m		
<p>Other key non-monetised benefits by 'main affected groups'</p> <p>Large savings for LPAs through the savings associated with using electronic applications.</p> <p>Improve the consistency of planning applications.</p>		

Key Assumptions/Sensitivities/Risks

Benefits are partially dependent on the introduction of new procedures for the validation of planning applications comprising a mandatory Communities and Local Government list and LPA local list of information which are to be introduced as part of an accompanying regulation. – see accompanying Impact Assessment (IA).

Price Base Year 2005	Time Period Years 10	Net Benefit Range (NPV) £ see best estimate	NET BENEFIT (NPV Best estimate) £ 487
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What is the geographic coverage of the policy/option?	England
On what date will the policy be implemented?	6 April 2008
Which organisation(s) will enforce the policy?	LPAs
What is the total annual cost of enforcement for these organisations?	£ N/A
Does enforcement comply with Hampton principles?	Yes
Will implementation go beyond minimum EU requirements?	No
What is the value of the proposed offsetting measure per year?	£ 0
What is the value of changes in greenhouse gas emissions?	£ 0
Will the proposal have a significant impact on competition?	No

Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)	
Increase of £ 0	Decrease of £ 59m		Net Impact	£ -59m
Key:		Annual costs and benefits: Constant Prices	(Net) Present Value	

Evidence Base (for summary sheets)

CONTEXT

Current requirements for planning application forms

1. Until now, there has not been a standard planning application form for the different planning consents. Long standing Government policy has been to allow each local planning authority to produce their own forms.
2. The Planning Portal currently operates a range of electronic application forms for planning permission and associated consents which are widely used by applicants and LPAs in England.
3. LPAs in England dealt with 644,000 planning applications in 2006/07. Past correspondence from local authorities has suggested that many applications they receive are deficient in that they contain insufficient information to allow a decision to be made. As a result, such applications have to be returned to the applicant for more information, causing delays and creating bottlenecks in the application process.

The Green Paper proposal for a user friendly checklist

4. The Planning Green Paper - 'Planning: delivering a fundamental change' (December 2001) - recognised that applicants need much better guidance about how to prepare and submit a planning application so that it can be processed quickly and efficiently. The Green Paper proposed that authorities should draw up user-friendly checklists of what information they expected to see in applications and set out some of the information that might be included in the check-lists.

The Planning and Compulsory Purchase Act 2004

5. Section 42 of the Planning and Compulsory Purchase Act 2004 amended the powers in the Town and Country Planning Act 1990 to allow for secondary legislation prescribing the form of applications for planning permission and certain consents. It enables the Secretary of State to make a development order¹ to make provision specifying the procedure for applications for planning permission. This replaces the power in the Town and Country Planning Act 1990 for the Secretary of State to prescribe the procedure by regulations. It also provides new powers to make provision as to the form of applications for consent under tree preservation orders, for the display of advertisements and for listed building and conservation area consents. It is intended that these new powers will be used to introduce a Standard Application Form for planning permission and for the other consents mentioned above.

The Planning Portal's on-line application form

6. The Planning Portal is a Government funded online one-stop-shop for all aspects of the planning system in England and Wales. It has been 'live' since May 2002 and provides information, guidance, local development plans and an on-line planning application service. Every local authority in England and Wales is linked to the Planning Portal and its current on-line planning application form has a high degree of acceptance amongst authorities and applicants. The Planning Portal also operates a successful Information

¹ Section 59 of the Town and Country Planning Act 1990 (the 1990 Act) gives the Secretary of State the power to make development orders for two main purposes, either to vary the scope of development control or to prescribe some of the procedures for granting planning permission.

Communication Technology (ICT) supplier accreditation scheme based upon an agreed set of XML schema (data standards for planning applications and development plans), delivering true interoperability between local planning authority back office systems and the Portal and its on-line application form.

E-communications

7. The Town and Country Planning (Electronic Communications) (England) Order 2003 modified legislation relating to planning under section 8 of the Electronic Communications Act 2000 to facilitate the use of electronic communications for making certain applications and appeals. As a result, since 2003 the electronic submission of planning applications and supporting documents has been permitted.

The relationship between Validation Criteria and Standard Application Form policy proposals

8. The proposals to introduce a Standard Application Form and to introduce the proposed standard validation criteria are closely linked. While separate impact assessments have been prepared for the two policies in order to explore the implications of each individual proposal, it is important to note that the impacts of the two proposals are closely aligned and reinforce each other.
9. To allow suitable analysis of the individual options, the baseline of the Standard Application Form IA does not include the impacts of the validation criteria. Equally, the baseline of the validation criteria does not include the impacts of the Standard Application Form policy.

Groups affected

10. The proposal will directly affect:
 - All those who apply for householder consent, full or outline planning permission including approval of reserved matters, listed building consent, conservation area consent, advertisement consent, waste planning consent, certificates of lawful development and applications for prior approval;
 - All LPAs in England;
 - Information Communication Technology (ICT) suppliers who provide LPAs with their electronic back-office systems into which application information is fed; and
 - The Planning Portal.
11. The proposal will indirectly affect:
 - Statutory consultees and any person or body who may make representations on planning applications in England;
 - The Mayor of London²; and
 - The Planning Inspectorate.

Rationale for Government Intervention

² The Mayor of London will acquire extended planning powers over some applications of potential strategic significance under the Town and Country Planning (Mayor of London) Order 2008 coming into force on 6 April 2008.

12. The design of application forms for planning permission and other consent regimes under the planning system is currently at the discretion of LPAs. There are therefore many different forms and they vary in quality. Those who make applications across the country are not asked to supply the same information with each application but they may be required to produce information later; this creates a lack of clarity and uncertainty for the applicant. Under the recommended option below, in most cases, the Standard Application Form will contain and be accompanied by sufficient information for the determination of applications and therefore reduce the need for LPAs to seek additional information.
13. In addition, the advent of electronic processing of applications and the electronic transfer of information between the various bodies in the planning system has led to the need for a standardisation of information in planning applications across the country. Without standardisation, the electronic delivery of the planning system will be lacking 'interoperability' of information that is required to ensure that applicants, LPAs, the Planning Inspectorate and third parties have electronic access to all the details of applications. This will therefore improve transparency.

Consultation

Within government

14. As part of the project management activity associated with the implementation of a Standard Application Form, the following policy areas within Communities and Local Government have been considered:
 - Telecoms (for prior notifications);
 - Householder planning consent;
 - Listed building consent;
 - Planning application fees;
 - Waste planning consent;
 - Advertising Consent/Certificate of lawful development; and
 - Tree Preservation Orders and Works to Trees in Conservation Areas.
15. In addition, we have consulted with a range of Government Departments and related organisations who have been involved in the development of the Standard Application Form including specific information requirements and associated guidance. They include the Department for Environment, Food and Rural Affairs, the Environment Agency, the Greater London Authority and Natural England.

Public consultation

16. Proposals for an electronic planning application were consulted on in March 2005. The consultation exercise concluded at the end of June 2005. Detailed findings from the analysis of the responses were published on the Department's website in September 2005 (www.communities.gov.uk).
17. The consultation generated a total of 251 responses. 136 responses were from LPAs while others came from a range of representative groups including the private sector.
18. 57% of respondents indicated a positive response to the introduction of a Standard Application Form as a means of requesting vital information at the outset of the planning application process. Responses welcomed the idea of an online Standard Application

Form, which was viewed as a positive step towards encouraging electronic submission of applications. A small number of respondents were concerned that the Standard Application Form might not capture all possible planning application scenarios and that additional layers of complexity within the form might be required for less straightforward applications. Both electronic and paper versions of the Standard Application Form have since been extensively redesigned to take account of the comments received. The question sets have been subsequently tested with a sample of LPAs nominated by the Planning Officers Society.

19. However, in order to ensure that the planning system can be widely accessible to all potential applicants, paper versions of the Standard Application Form will be available in addition to the electronic version.
20. The large majority of respondents were Local Government organisations. A few replies came from members of the public, ICT suppliers and statutory consultees.

Options

21. Two options have been considered:

- 21.1 **Do nothing** – This effectively maintains the status-quo of each local planning authority having the remit to develop their own application forms in whatever way is deemed appropriate.
- 21.2 **Standard Application Form** – This would consolidate and rationalise the current forms across a range of consent areas. Use of the form would be mandatory for English LPAs. A single set of questions has been developed by Communities and Local Government (after appropriate consultation) and published to cover each relevant application scenario. The introduction of a Standard Application Form will make applying for planning permission much simpler and more consistent across LPAs by standardising the information requirements. The form has been designed to seek only essential information, which may result in the reduction in the number of questions for some applicants.

COSTS AND BENEFITS

Option 1 - Do-nothing

22. Benefits

There will be no additional benefits from continuing with the current situation, other than not needing to change the administrative systems.

There will be no additional financial costs to society resulting from doing nothing.

Costs

The delays in receiving and processing planning applications due to different forms in each LPA will continue.

Another consequence of non standard application forms is that the level of detail for some impacts.

Option 2 - Standard Application Form

23. Benefits

Benefits to Applicants

In order to evaluate the benefits of introducing a single national planning application form, it is necessary to consider how many applications may be affected by this measure. Based on the 644,000 planning applications handled by LPAs in 2006/07, we estimate that approximately 643,000 of these applications will be made on the Standard Application Form in the future or about 99%. The estimate excludes minerals applications which are not covered by the Standard Application Form³.

Applicants who apply to more than one LPA would benefit from the consistency of the forms across authorities and so should be able to complete the form more efficiently. Standardisation of information sought from applicants will facilitate the electronic delivery of the planning system as this requires 'interoperability' of information. This is likely to have long-term benefits for society in general in helping to streamline the whole planning application process.

Based on figures set out in the Department's Simplification Plan⁴ the administrative burden of applying for planning permission is measured as £1,110m, which breaks down as:

Type of Application	Administrative Cost	Definition
Householder	£192m	Minor developments by home owners e.g. house extensions, fencing, ancillary buildings, tree felling and pruning etc.
Minor	£300m	Developments of under 10 houses or 0.5 hectares
Major	£188m	For dwellings, where 10 or more are to be constructed (or if number not given, area is more than 0.5 hectares). For all other uses, where the floor space will be 1000 sq. metres or more
'Large Scale Major'	£430m	Largest and most complex types of major application i.e. those that include a planning obligation 'Section 106' agreement

The introduction of the Standard Application Form should be of most benefit to smaller developers who work across various local planning authority boundaries - these types of organisation are likely to submit minor applications and will find clearer, more accessible guidance of considerable help. Businesses who are involved in more complex developments (i.e. requiring a major planning application) should also notice a large improvement in the way they interact with the planning system, though large developers submitting 'large scale major' applications may not notice a huge improvement as the principal driver of administrative burden does not come from the form.

Following input from business groups, we consider the following to be a reasonable calculation of the time savings that will be delivered:

³ The statistical returns received by county councils does not give a breakdown of the type of application made to the council (i.e. minerals, waste or other county matter application) but the total of all applications. However, the number of applications decided can be broken down by type.

⁴ Communities and Local Government Simplification Plan: The Route to Better Regulation can be found at: www.communities.gov.uk/index.asp?id=1505053

- Minor applications - 9% (£27m)
- Major applications- 8% (£15m)
- 'Large scale major' applications - 4% (£17m).

We therefore estimate a saving in administrative costs of £59m per year for applicants applying for planning permission.

Benefits to LPAs

Based on the recent report *Planning Costs and Fees*⁵ processing of planning applications including both fee and non-fee related applications cost LPAs approximately £423million inclusive of staffing costs. Giving each task appropriate and careful consideration is resource-intensive; the Standard Application Form will enable resources to be targeted more carefully. LPAs will benefit from the improved quality of applications and the reduced need to seek information later in the process. As a result, the Standard Application Form will help to reduce the overall cost associated with the handling of planning applications.

A proportion of these benefits will accrue from helping to enable the switch over to electronic applications. The Communities and Local Government's e-Planning Programme review carried out by KPMG⁶ calculated total savings of £85m-£93m⁷ to LPAs from switching all planning applications to electronic applications. Figures from the Planning Portal suggest around 20% of applications are currently submitted online. The Government is not planning to make e-planning compulsory. However, the e-planning blueprint commits the Government to a target of 90% of planning permissions to be electronic by 2011. This suggests the potential annual savings from the increase in uptake of electronic applications by 2011 to be in the order of £43m ((70%-20%)*£85m).

It is not possible to attribute how much of this increase in uptake will be attributable to the introduction of an electronic Standard Application Form. It is likely however to be responsible for a significant proportion of any increase in uptake as a standard form will make applying online easier for applicants.

Benefit to PINS

PINS should save resources through this proposal as reviewing applications at appeal stage should be easier.

Other Benefits

The transparency of the development control process should be improved.

This option would allow greater consistency in the information captured by the Standard Application Form, which will enable LPAs to appropriately assess individual impacts. It could also open up opportunities to gather improved statistics on planning applications in the future.

24. Costs

⁵ Planning Costs and Fees, Arup (May 2007)

⁶ e-Planning Baseline Review, SP3 – Planning Applications Service, April 2005

⁷ This comprises an estimated £6.25m cash saving and an estimated £79m-87m efficiency saving for LPAs.

There will be a small cost to LPAs to implement the system to accommodate the Standard Application Form. KPMG estimated this cost in their business review to be:

	All LPA (£m)
Opportunity cost	£1.7
Administrative cost	£2.3
Total	<u>£4.1</u>

Opportunity cost refers to the time of LPA officers. Administrative costs refer to direct financial costs for LPAs.

This equates to a cost at local authority level of:

	Cost per Authority⁸
Opportunity cost	£4,000
Administrative cost	£6,000
Total	<u>£10,000</u>

In some cases the new IT systems may be covered by existing maintenance contracts, so these costs could be overestimates. In addition, as part of the Planning Delivery Grant paid to LPAs for improvements to their planning services, an element of the grant is paid towards improving e-planning services. This includes improvements to their IT systems to accommodate the Standard Application Form. A total of 25% of the award which local authorities receive for Planning Delivery Grant must be spent on capital investments and many local authorities have used this to improve their IT facilities⁹.

We believe this cost should be outweighed by the savings accrued to local planning authorities from the increase in uptake of electronic planning applications.

The Government has advised all LPAs they must switch over to the Standard Application Form by 6 April 2008. As at 25th February 216 LPAs had done so, whilst 139 LPAs had confirmed their migration to the Standard Application Form in advance of 6 April. The Deputy Director of Housing and Planning reinforced this advice about the importance of implementing the Standard Application Form in a letter to LPA Chief Executives on 1 February.

SPECIFIC IMPACT TESTS

Small Firms’ Impact Test (SFIT)

- 25. The proposals set out in this Impact Assessment are likely to affect two types of small businesses:
 - Planning software developers; and
 - Developers.

⁸ Rounded to the nearest £1,000. Based on 396 Local Planning Authorities
⁹ Evaluation of Planning Delivery Grant 2005/2006, published by Department for Communities and Local Government, September 2006 Product Code 06HC03845/26

26. The implications for each of these parties are addressed below. In summary, it is thought that the Standard Application Form will not adversely affect or otherwise exclude small businesses from participating in the planning process as normal. In fact, the Standard Application Form should yield significant business process/product benefits to organisations identified above.

Planning software developers

27. A central component of the work currently undertaken by the Planning Portal ('the Portal') has been the communication with and development of these businesses. The Portal has forged strong relations with each of the software suppliers in this market with the result of excellent understanding of and buy-in to, the Planning Portal product. As such, it is felt that the changes resulting from the development of a Standard Application Form will simply follow the trend set by this earlier work. In effect, the Standard Application Form will act as an expansion to the scope of the service provided by the Portal rather than fundamentally alter the basis for applications.

Developers

28. It is thought that the single application form will not represent a significant negative impact upon their business. The consistency of forms across LPAs should benefit this group especially for those who apply for planning permission frequently and to different LPAs.

Race, Disability, Gender and Other Equality assessment

29. The proposal to introduce a Standard Application Form will affect all those who submit planning applications in England. However, it should not have an impact - either positive or negative – on any section of society or particular group of people. We are aware of the need to be understood by all sections of society – including those within minority groups for whom English may not be their first language. Following advice from a number of Government bodies who provide forms which are used by the wider population the Standard Application Form will be delivered in English to all local authorities. If translations are considered necessary, it will be for individual local authorities to provide the form in other languages as appropriate. The format of the Standard Application Form itself and the associated guidance are designed to be easy-to-read and user-friendly, making appropriate use of plain English.

Health Impact Assessment / Rural Proofing

30. The preferred option considered has no specific impact in either of these two areas.

Competition Assessment

31. A competition assessment was carried out and we have concluded that no firm will be disadvantaged over another by these proposals. A planning application must be submitted to the local planning authority in which the planning proposal is located and so there is no choice or competition. All businesses that submit a planning application will be subject to the same legislation.

Legal Aid

32. There will be no Legal Aid impact.

Sustainable Development, Carbon assessment, Other Environment

33. We do not expect this proposal to be of detriment to the principles of sustainable development.
34. This proposal will not lead to an increase in carbon or green house gas emissions, nor have a negative impact on the environment.

Human Rights

35. These proposals have no implications for human rights.

Enforcement, Sanctions and Monitoring

36. LPAs will have to adopt a planning application form that is different from the one they currently employ. It is also likely to be necessary for modifications to be made to the IT system(s) that supports Planning functions. The costs associated with this are examined under costs and benefits. The Government considers that the changes required to implement the proposals are well within the capability and capacity of any local planning authority.
37. The mechanism for enforcing the legislation and associated sanctions will remain the same as those currently in place under existing legislation. An application not submitted in the correct form or with the required accompanying documents and / or fee will be treated by the local planning authority as invalid and will not be processed until the requirements are met.
38. LPAs that continued to supply their own forms and accept applications on those forms after 6 April would be acting in breach of section 327A(2) of the Town and Country Planning Act 1990 which states that they must not entertain an application if it fails to comply with a statutory requirement. There are no formal enforcement measures in the legislation but LPAs could be challenged in the courts through judicial review.
39. The Government has not explicitly sought any additional formal reporting from LPAs. However, through the current regular monitoring reports submitted to the Department we should be able to assess whether there have been any significant improvements in the handling and processing of planning applications by LPAs after the introduction of the Standard Application Form.

Implementation and Delivery Plan

40. Roll out to all LPAs will be completed on 6 April 2008.
41. The Standard Application Form is being introduced alongside changes to the criteria for the validation of planning applications coming into force on 6 April 2008 when use of the Standard Application Form becomes mandatory. The Government is issuing guidance on these measures in a circular.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

Summary: Intervention & Options

Department /Agency: Communities and Local Government	Title: Amendment to the Town and Country Planning (General Development Procedure) Order 1995 (GDPO) and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 - Changes to the criteria for the validation of planning applications	
Stage: Final	Version: Final	Date: 20 February 2008
Related Publications: Validation of Planning Applications – Consultation		

Available to view or download at:

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

Contact for enquiries: Asma Mouden

Telephone: 020 7944 3934

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

At present, there is a wide variation in the information requested by local planning authorities (LPAs) in support of an application before it can be validated. This can place a burden on applicants who are sometimes required to supply large amounts of information which is not always necessary. It also creates uncertainty for applicants. We wish to build on the current best practice, and ensure that LPAs request only appropriate information when assessing planning applications.

What are the policy objectives and the intended effects?

The aim of this measure is to clarify the criteria that needs to be met in order for a planning application to be considered valid. This is intended to provide applicants with more certainty about the information required when an application is submitted; provide more consistency about the information sought for planning applications; and ensure that as much of the information needed to determine applications is provided at the start of the process.

What policy options have been considered? Please justify any preferred option.

1. Do nothing - leave the current secondary legislation in place and rely on existing Best Practice Guidance on the Validation of Planning Applications to advise on what should be included as part of a valid application.
2. Introduce a Communities and Local Government and an LPA list of requirements for validation as part of the Standard Application Form. Under this option LPAs will no longer be able to select validation criteria which are not on either list. (see Evidence Base for further explanation of each option)

Option 2 is preferred to achieve the Government's objective of streamlining and simplifying the planning application process.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

Three years at which time further information will be required on how LPAs respond to the lists. Additionally as set out in the Planning White Paper, the Government intends to undertake a review of information requirements in 2008, with the aim of reducing information requirements.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

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:

Iain WrightDate: 26th February 2008

Summary: Analysis & Evidence

Policy Option: 2	Description: Amendment to the Town and Country Planning (General Development Procedure) Order 1995 (GDPO) and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 - Changes to the criteria for the validation of planning applications
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups'
	One-off (Transition) Yrs	
	£ 0	
	Average Annual Cost (excluding one-off)	
	£ 0	Total Cost (PV) £ 0
Other key non-monetised costs by 'main affected groups'		
LPAs may lose some flexibility when selecting validation criteria for planning applications.		

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' Clarity for applicants as local lists will be published on the internet which would ensure that local variations are identifiable and easily accessible. This should lead to £1m savings for consumers who submit their householder applications and £27m savings for business.
	One-off Yrs	
	£	
	Average Annual Benefit (excluding one-off)	
	£ 28m	Total Benefit (PV) £ 233m
Other key non-monetised benefits by 'main affected groups'		
Environmental and social issues are addressed at the outset.		

Key Assumptions/Sensitivities/Risks

Benefits are partially dependent on the introduction of a Standard Planning Application form which is to be introduced as part of an accompanying regulation. – see accompanying Impact Assessment (IA).

Price Base Year 2005	Time Period Years 10	Net Benefit Range (NPV) £ 233m	NET BENEFIT (NPV Best estimate) £ 233m
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What is the geographic coverage of the policy/option?		England	
On what date will the policy be implemented?		6 April 2008	
Which organisation(s) will enforce the policy?		LPAs	
What is the total annual cost of enforcement for these organisations?		£ N/A	
Does enforcement comply with Hampton principles?		Yes	
Will implementation go beyond minimum EU requirements?		No	
What is the value of the proposed offsetting measure per year?		£ 0	
What is the value of changes in greenhouse gas emissions?		£ 0	
Will the proposal have a significant impact on competition?		No	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium Large
Are any of these organisations exempt?	No	No	N/A N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Decrease)	
Increase of £ 0	Decrease of £ 27m	Net Impact	£ -27m

Evidence Base (for summary sheets)

Context

1. One of the key aims of the planning reform agenda is to ensure that planning applications are dealt with efficiently and that the public are properly consulted before applications are determined. The introduction of Government targets on speed of handling planning applications, as part of providing a quality planning service, and the requirement for all LPAs to meet the BVPI 109¹⁰ targets by March 2007, has been highly successful in encouraging LPAs to ensure the timely and effective processing of applications. As a result, many high-performing LPAs have adopted a more rigorous approach to validation by ensuring that all relevant information and documentation required to determine the application, is submitted with the application. In addition to speeding up the process from registration to decision, providing information at the outset also ensures that those who are consulted on the application have all the information they need to make informed representations to the LPA about the proposed application. Government targets have increased the importance of clarifying the definition of a valid planning application in regulation and guidance.
2. The introduction of the Standard Application Form as a mandatory requirement, which is being introduced on 6 April 2008 at the same time as the changes to the validation criteria, is a key part of the Government's programme for making applying for planning permission and other associated consent regimes less complex, time-consuming and burdensome. One of the aims of the national Standard Application Form is to ensure that it enables as much information as necessary for determination of the application to be provided at the time of application.

The relationship between the new Validation Criteria and Standard Application Form policy proposals

3. The proposals to introduce a Standard Application Form and to introduce the proposed standard validation criteria are closely linked. While separate impact assessments have been prepared for the two policies to explore the implications of each individual proposal, it is important to note that the impacts of the two proposals are closely aligned and reinforce each other.
4. To allow suitable analysis of the individual options, the baseline of the Standard Application Form IA does not include the impacts of the validation criteria. Equally, the baseline of the validation criteria does not include the impacts of the Standard Application Form policy.

Current provisions

5. The Town and Country Planning (General Development Procedure) Order 1995 (GDPO) states, in article 20, that the period for the determination of a planning application begins the day after a "valid application" under article 4 of the GDPO (applications for approval of reserved matters) or regulation 3 of the Town and Country Planning (Applications) Regulations 1988 (the 1988 Regulations) is received by the LPA. Regulation 3 of the

¹⁰ 60% of major applications determined within 13 weeks; 65% of minor applications within 8 weeks; and 80% of 'other' applications within 8 weeks.

1988 Regulations provides that an application for planning permission must include the particulars specified in the form and be accompanied by a plan which identifies the land to which it relates and any other plans and drawings and information necessary to describe the development which is the subject of the application.

6. Regulation 4 of the 1988 Regulations enables a LPA to require an applicant to supply any further information, plans and drawings necessary to enable them to determine the application. Before enactment of the Planning and Compulsory Purchase Act 2004, section 62 required that a planning application must include such particulars and be verified by such evidence as may be required by the 1988 Regulations or by directions given by the LPA under those Regulations. However, in the context of what constitutes a valid application, Article 5(4) of the GDPO referred only to Regulation 3 of the 1988 Regulations or 'any other statutory requirement'. The wording of Article 5 of the GDPO and section 62 led to considerable uncertainty about whether or not failure to provide information in response to a direction by the LPA under the 1988 Regulations made the application invalid. As a result, a number of applications were subject to disputes between LPAs and applicants as to whether sufficient information had been provided. This led to some applications being determined without the LPA having the full information necessary for a decision or appeals to the Secretary of State on the grounds of non-determination. It also led to a number of court challenges.
7. A new section 62 was substituted by section 42 of the Planning and Compulsory Purchase Act 2004. Section 62(3) gives the LPA power to require that an application for planning permission must include such particulars as they think necessary and such evidence in support of anything in or relating to the application as they think necessary. As a result of the new section 62, the provisions in Regulation 3 of the 1988 Regulations will be replaced by provisions in the GDPO. The new provisions in Article 5 of the GDPO and Regulation 3 of the Planning (Listed Buildings and Conservation Areas) Regulations will provide more certainty by setting out a definition of a valid planning application.

Rationale for government intervention

8. Government intervention is necessary to ensure that actors in the planning system submit and respond to a standard information set. Specifically, intervention is necessary in order to:
 - resolve the current ambiguity as to the status of supporting information, i.e. whether the lack of supporting information makes an application invalid;
 - clarify for applicants what is and is not required for a valid application and to speed up and simplify the process of validation (by enabling it to be carried out by administrative support staff for example);
 - empower consultees by ensuring that they are provided with all the information necessary when considering their views on a scheme; and
 - ensure that the secondary legislation supports LPAs in their aims to improve the efficiency of their processes by the provision of information at the start of the application process ('front-loading') and by clarifying their information requirements.

Consultation

Within government

9. In our consultation on proposals set out in the consultation document *Changes to the development control system – Second Consultation Paper* issued in March 2005 a range of Government bodies were consulted including the Planning Inspectorate, English Partnerships, the Greater London Authority, the Commission for Local Administration in England, the Highways Agency and The Countryside Agency.
10. We have continued to consult with the above organisations on our proposals set out in the consultation document *Validation of Planning Applications* issued in July 2006.

Public consultation

11. This measure builds on proposals that have been subject to several consultation papers. These include *Changes to the development control system. - Second Consultation Paper* and the *Standard Application Form* both issued in March 2005 covering a period of 12 weeks respectively. Revised proposals were consulted on for 9 weeks as part of the July 2006 consultation paper *Validation of Planning Applications*. A full analysis of responses can be found at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/674882>
12. The July 2006 consultation proposed a checklist approach to validation comprising a mandatory Communities and Local Government list of requirements which would be concise and focus only on requirements specified in the GDPO (i.e. form, plans and drawings and where applicable, the appropriate fee). In addition, LPAs would be able to add to the mandatory national list with their own requirements, in order to meet local circumstances.

There were 107 responses to the consultation. 45 responses were received from LPAs and 26 responses from the public sector; comments were also received from other representative bodies such as the Home Builders Federation.

13. Over 62% of respondents agreed with the principle of adopting a checklist approach which would clarify validation and that the lists should be tailored to specific types of applications. 44% of respondents agreed that the proposal of adopting a national and local list of requirements for the purposes of validation provided the correct level of consistency and standardisation and the need for local flexibility and differences in policy.
14. However, some respondents, principally from the private sector, commented that there was an imbalance to the proposals, prompting concerns that there was the potential for LPAs to require the submission of information which would be disproportionate to the type and scale of development. As a result of the consultation responses, we have provided clear advice set out in revised guidance *Validation of Planning Applications – Guidance for local planning authorities*¹¹ on the procedure for drawing up the local lists based on a recommended nationally defined list of information, from which LPAs would draw when compiling their lists.

Options

15. Two options have been identified:
 - 15.1 **Option 1: Do nothing.** Leave the current secondary legislation in place and rely on existing Best Practice Guidance on the Validation of Planning Applications to advise on what information should be included as part of a valid planning application.

¹¹ Published in December 2007 and is available at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/582764>

- 15.2 **Option 2: Introduce a mandatory Communities and Local Government list and a LPA list of requirements for validation as part of the Standard Application Form.** The mandatory Communities and Local Government (CLG) list would cover the basic requirements already set out in the GDPO (for example the form, plans and drawing and the appropriate fee etc) and would be specified on the Standard Application Form. The form would also flag up key areas of national planning policy or regulatory importance through the questions asked and would specify that further information would be required in particular circumstances (for example in cases of contaminated land or flood risk) before the application could be determined. The national mandatory list would be supplemented by the LPA's own list of mandatory requirements for validation tailoring national policy and regulatory requirements to fit local circumstances. As part of updated guidance on the validation of planning applications LPAs will be encouraged to choose their local requirements from a nationally defined CLG list which addresses the most significant national requirements such as flood risk assessment and land contamination assessment. Under this option LPAs will no longer be able to select validation criteria which are not on either list. This approach would help LPAs to focus their requirements only on information which is necessary to determine an application. Where information is necessary for a particular type of scheme or is locally specific this should be requested post validation.

Alternative options considered

16. The following alternative options were considered unfeasible: -
- 16.1 To allow LPAs to request extra information up to five days after receiving an application. This option was consulted on as part of the March 2005 consultation paper but was seen as unfeasible as it was judged to be unduly weighted in favour of authorities by allowing them to request almost unlimited additional information prior to validating an application. It also did not make validity requirements clear to applicants.
- 16.2 A Communities and Local Government list of requirements as part of the Standard Application Form which did not go beyond the current minimum requirements, with all other information being provided after validation. This option would involve a reverse of the current policy position as it would prevent LPAs from 'front-loading' their information requirements. This would be problematic as it would make the timely handling of applications almost impossible and reduce the information available to consultees. It could also mean that applicants for large schemes might not provide information relating to key material planning considerations until late in the process, leading to delays and preventing transparency for members of the community wishing to comment on the proposal. In addition, if developers address the information requirements of other regulatory obligations on planning (such as under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) at an early stage this ensures that these factors are built into the design proposal and can guide the development of a scheme. In that way they can be dealt with more efficiently and at a lower cost and lead to higher quality sustainable development.
- 16.3 A Communities and Local Government list of requirements for validation as part of the Standard Application Form. This would be centrally controlled and would be more specific than the requirements in the GDPO and 1988 Regulations. This would be an extensive and wide-ranging list which aimed to cover all policy and regulatory requirements (locally specific and national). It would also be an exhaustive list, which would set out all national and local requirements that would involve mapping out the national requirements based on the GDPO and key national policy requirements specified in Planning Policy Guidance/Statements. In addition, the list would cover locally specific policy requirements adopted by LPAs. A comprehensive national list would lead to an over-burdensome system which required additional or unnecessary information in some regions as it would

not take into account differences across areas, for example the fact that information needed to determine an application in a metropolitan authority would be very different from that required by a rural authority.

COSTS AND BENEFITS

Sectors and groups affected

- LPAs,
- Applicants for planning permission and
- Consultees to planning applications.

Breakdown of costs and benefits

Option 1 - Do nothing

Benefits

17. The only benefit of Option 1 is that secondary legislation would not have to be amended. This must be balanced against the fact that the summary of responses to the 2005 consultation stated that “the vast majority of respondents argued that change was necessary.”¹² This statement is further supported by the 2006 consultation exercise which strongly suggested that clarifying information requirements at an early stage is the best approach. Findings of the 2004 research report into Standard Application Forms carried out by Arup stated that “a large majority of the authorities interviewed were strongly of the opinion that there should be a much clearer definition of a ‘valid’ application” which could only be achieved by clarifying the current legislation.¹³

Costs

18. Option 1 would impose no additional costs as the policy shift towards requiring information at the outset is already established. As the Evaluation of Planning Delivery Grant 2005/06 states, “applicants are also increasingly getting the message that the applications have got to be complete on submission.”¹⁴
19. In addition, the fact that this policy shift is not reflected in the secondary legislation currently leads to ongoing confusion in the planning system. By retaining the current situation, the cost implications to developers and businesses will become progressively worse because of the lack of clarity surrounding supporting information. This increases the burden of uncertainty on applicants leading to increasing dissatisfaction with the system. It is also likely to lead to more appeals for non-determination to the Secretary of State on possibly invalid applications and more legal challenges in the courts. It would impede the progression of the culture change agenda by preventing LPAs from continuing the re-engineering of their processes by requesting information upfront and prevent the clarification of application requirements. In addition, if the uncertainty remains surrounding the validation requirements then planning officers will continue to have to spend time on the registration and validation of applications, and in answering queries on validation. This could reduce the time and resources available for them to focus on determining applications, leading to costly delays for businesses.
20. The continued uncertainty surrounding information requirements for a valid application could lead applicants to fail to submit information at an early stage which LPAs see as key

¹² Changes to the development control system: second consultation paper – analysis of responses p9

¹³ Standard Application Forms: Final Report, Arup with Nick Davis - March 2004 p25

¹⁴ Evaluation of Planning Delivery Grant 2005/06, Addison & Associates with Arup – September 2006 p34

to making an informed decision on an application. As the 2004 report by Arup on Standard Application Forms states “some applicants seek to take advantage of the legal ambiguity surrounding this issue to argue that their application is technically valid and therefore able to be processed as it is.”¹⁵ Ongoing confusion over the information requirements for a valid planning application could make the planning application process less transparent and make it harder for disadvantaged people or smaller businesses to understand planning applications.

Option 2 – Introduce a mandatory Communities and Local Government and an LPA list of requirements for validation as part of the Standard Application Form

Benefits

Benefits for applicants

21. A key benefit of Option 2 will be to support the Standard Application Form proposals (see above)
22. This option would allow LPAs to specify what information they needed with each type of application in addition to the requirements from the national list which are included on the form. It would reduce costs related to disputes for business. At the same time, the requirement for LPAs to publish the information needed for validation to accompany applications would mean that applicants remained fully informed about what information they were required to submit.
23. In most cases setting out at the outset the information which is required for specific types of application will help to speed up the decision making process leading to time savings for applicants. Being clearer about what information makes a planning application valid will help mitigate uncertainties within the planning system, with some local flexibility regarding information requirements to ensure applications are ‘fit for purpose’ in the local policy context .
24. Based on figures set out in Communities and Local Government’s Simplification Plan¹⁶ an across-the-board saving of 2.5% against the administrative cost of applying for planning permission has been agreed with stakeholders, which equates to:
 - £23m savings for minor, major and ‘large scale major’ applications (2.5% x £918m);
 - £4m savings for householder applications submitted by business on behalf of home owners (2.5% x 78%¹⁷ x £192m); and
 - £1m savings for individuals who submit their own householder applications (2.5% x 22% x £192m).

We therefore estimate a saving in administrative costs of £27m per year for businesses and £1m for individuals applying for planning permission.

Benefits to LPAs

25. LPAs should benefit from the decrease in disputes as result of the clarity that this reform will bring. In addition, while there may be some loss in local flexibility by limiting the required information to a set list, LPAs will be able to mitigate the loss of flexibility by choosing appropriate items from this list to meet their requirements. Such local flexibility

¹⁵ Standard Application Form: Final Report, Arup with Nick Davis – March 2004 p24

¹⁶ Communities and Local Government Simplification Plan: The Route to Better Regulation can be found at: www.communities.gov.uk/index.asp?id=1505053

¹⁷ Number of householder applications submitted by business on behalf of home owners (see Householder Development Consents Review)

would mean that validation requirements could be altered as policy changed over time without frequent amendments to the Standard Application Form or legislation.

Other Benefits

26. This option would ensure that specific local environmental policy requirements were addressed early in the application process, leading to better public awareness and higher quality development in line with local development plan policy. In some cases, the requirement to include an environmental assessment will enable a range of issues to be addressed, limiting the amount of information required to accompany the application.

Costs

27. LPAs will incur no costs when they choose their local validation criteria as they will already have chosen the criteria that is relevant to them from the nationally defined CLG list contained in the *Validation of Planning Applications – Guidance for local planning authorities*.
28. There will be some loss in flexibility to LPAs as they will be expected to select information requirements from the nationally defined CLG list and can only validate applications based on the mandatory Communities and Local Government list and LPA list. The nationally defined CLG list is however, extensive and has been consulted on as part of the guidance document discussed above. LPAs will also retain the freedom to request additional information post validation. However, it is expected that such requests would be reduced by clarifying the information requirements before the application is submitted.

Other Costs

29. If LPAs did not address environmental issues such as biodiversity and habitat protection in their lists then this could have environmental costs. However, these issues are covered by regulation, planning policy statements and existing guidance and are highlighted in Communities and Local Government guidance on validation for LPAs to decide whether they are material planning considerations in some areas. So, the flexibility provided by local discretion would be balanced by national guidance and regulation.

SPECIFIC IMPACT TESTS

Small Firms' Impact Test (SFIT)

30. The Federation of Master Builders (FMB) is a trade association which protects the interests of small and medium-sized building firms. They discussed these proposals with their members, including a very experienced head of a small firm of housebuilders who has used the planning system for many years. In their response to Communities and Local Government following their discussions about Option 2 they generally accepted them as a very positive step which was likely to improve the overall process for both parties; however FMB did show concern over their application by LPAs. They cited present inconsistencies in the approach taken between different LPAs at the application stage as a key concern, which if perpetuated under the new criteria would effectively nullify the desired effect of the regulations.
31. However FMB suggest that these potential effects could be lessened if the wording of the new requirements is clear, concise and not open to interpretation. Unclear lists of requirements would probably tip the balance in the favour of the interpreter (the LPA), and not be of any benefit to small business. As a result, we have issued a nationally defined CLG list of local requirements as part of the revised guidance on validation. LPAs would use this as a basis for their local list, as well as model lists developed for each types of application covered by the Standard Application Form. In addition, the guidance advises LPAs to seek only information that is necessary for a decision to be made and should not require a level of detail to be

provided that is unreasonable and disproportionate to the scale of application. We also make it clear that LPAs should include key national requirements such as flood risk assessments.

32. This measure will benefit all businesses and small firms which will provide greater certainty about the level of information required in support of an application.

Race, Disability, Gender and Other Equality assessment

33. We expect that the proposal will not have an adverse impact on any section of society or particular group of people. On the contrary, the proposal should enable LPAs to consider how proposed developments achieve high quality design objectives.

Health impact assessment / Rural Proofing

34. We expect that this proposal will not have a negative health impact.
35. The proposal would allow the most flexibility to LPAs in rural areas to ensure that their specific information requirements can be 'front-loaded'. It would ensure that a 'one size fits all' solution is not imposed by Central Government and that local planning policy issues are addressed by applicants early in their application and that information is available to local communities.

Competition Assessment

36. The nine questions of the Office of Fair Trading's Competition Filter were answered and the results showed that our proposals would not have a significant impact on competition. In fact, the clear publication of requirements by LPAs would help to mitigate the advantage which incumbent firms may have over new entrants to the market in the current system. This is because the current ambiguity and application-by-application variation means that businesses which have experience of the information requirements of particular LPAs or even particular planning officers could have an unfair advantage. Increasing clarity and transparency through the Standard Application Form and having clearly published requirements as part of a user-friendly list should make it easier for new applicants to engage with the planning system.

Legal Aid

37. There will be no Legal Aid impact.

Sustainable Development, Carbon assessment, Other Environment

38. We do not expect this measure to be of detriment to the principles of sustainable development.
39. This measure will not lead to an increase in carbon or green house gas emissions, nor have a negative impact on the environment.

Human Rights

40. These proposals have no implications for human rights.

Enforcement, Sanctions and Monitoring

Enforcement

41. No new or specific 'enforcement' is necessary here, as the proposals would simply amend existing legislation. LPAs would enforce the new provisions by refusing to validate an application which did not contain the required information. The amended provisions make it clear that if an applicant submitted details in accordance with the statutory requirements and the LPA's local list then a LPA would be unable to invalidate an application. Failure by an LPA to publish their local requirements would effectively remove their right to question the validity of the application. If an applicant felt that the supporting information requested by the LPA was not relevant to the specific development type - in other words, that the authority was not behaving 'reasonably' then they could apply for judicial review. If an applicant disagreed with an LPA's decision not to validate their application, they could appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Sanctions

42. The sanction for an applicant not complying with the validation requirements would be that the application would not be registered as valid by the LPA and so the application would not be determined and the applicant would not be able to appeal for non-determination of the application. The sanction for an LPA whose decision not to validate an application was overturned as a result of judicial review may be that they would have to validate and begin processing the application again. The sanction for a LPA whose decision not to validate an application was not supported on appeal to the Secretary of State would be that the Secretary of State would then be able to determine the appeal instead.

Implementation and Delivery Plan

43. This measure is being implemented alongside changes to the GDPO introducing provisions for a Standard Application Form to take effect on 6 April 2008, when use of the form will become mandatory. Guidance on these measures will be contained in a circular covering both Standard Application Form and validation requirements. The new validation requirements are already covered in revised guidance on the validation of planning applications published in December 2007 which is intended to help LPAs prepare for these new procedures before 6 April.

Post Implementation Review

44. The Government will monitor closely the implementation of this measure in discussion with LPAs, developers and general users of the planning system. In addition, we will continue to review information requirements as necessary in support of an application to make sure that the system meets government objectives of fairness, openness and efficiency. As part of proposals set out in the Planning White Paper, the Government intends to undertake a review in 2008, with the aim of reducing information requirements associated with the submission of planning applications in order to help streamline the planning application process.

In line with the guidance for impact assessments there will also be a review of the costs and benefits to the proposal three years after implementation.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
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Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No