

Report to	Planning applications committee 17 January 2013	Item
Report of	Head of planning services	6
Subject	Revocation of East of England Plan and Article 31(1)(cc) statements	

Purpose

To advise members of the changes to the statutory planning framework and new requirements in respect of the wording of decision notices.

Recommendation

To:

- (1) note the report and the changes implemented by the government;
- (2) in respect of applications previously reported to this committee but where the decision has not yet been issued, delegate to the head of planning to consider the implications:
 - (a) of the revocation of the East of England Plan, and unless there are significant impact on the recommendation and decision made, to make appropriate adjustments to the decision notice to delete all references to the East of England Plan;
 - (b) of article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010, and, unless there are significant impact on the recommendation and decision made following consideration make appropriate adjustments to the wording of the decision notice;
- (3) delegate to the head of planning authority to include an appropriately worded statement under article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 on all relevant decision notices.

Corporate and service priorities

The report helps to meet the corporate priority a prosperous city and the service plan priority working to improve quality of life for residents, visitors and those who work in the city now and in the future.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All

Cabinet member: Councillor Bremner – Environment and development

Contact officers

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Background documents

None

Report

Background

1. The government announced last November that the statutory East of England Plan (the Regional Spatial Strategy for the region) would be revoked from 3 January 2013. The government also announced the need for additional information relating to positive working in decision notices issued after 1 December 2012.

East of England Plan

2. The East of England Regional Strategy provided the statutory regional framework for development and investment across the region, including setting targets for housing delivery. As members are aware planning applications should be determined in accordance with the development plan (which included the East of England Plan) unless material considerations indicate otherwise. In order to localise the planning system, section 109 of the Localism Act provides for the abolition of the regional planning tier. The statutory development plan for Norwich now comprises any saved local plan policies and adopted development plan documents. All decisions made after 3 January 2013 will not make reference to this document.
3. There are a number of applications that have been reported to this Committee but not yet formally determined and issued because of the need to resolve the details of, and sign, a planning obligation (section 106 agreement). The formal decision will need to be made in the context of current planning policies pertaining at the time. This means that references to the East of England Plan will need to be deleted. It is not expected that the revocation will have a significant impact on the decisions already made albeit that the wording of decision notices will need to be varied. Recommendation 2(a) proposes delegated authority to the head of planning to consider the implications of the revocation and make appropriate adjustments to decision notices. Only in case where significant impact on the decision would there need to be the item reported back to committee for further considerations.

Article 31(1)(cc) Statement – positive and proactive working

4. On 6 December 2012, the head of planning advised this committee of changes to the requirements in respect of decision notices from 1 December 2012. The amendment to the regulations requires that “The notice shall include a statement explaining how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application”.
5. The detailed wording of the statement will not normally be written in full in the reports to committee but will be drafted by officers. Recommendation 3 is

worded to clarify that there is the relevant general authority available to the head of planning to add the appropriate statement.

6. Paragraph 187 of the National Planning Policy framework states that councils “should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”. As part of the Council's desire to work in a positive and proactive manner with developers a pre-application advice process is in operation.
7. There are a number of applications that have been reported to this committee but not yet formally determined and issued because of the need to resolve the details of, and sign, a planning obligation (section 106 agreement). The formal decision will need to be made in the context of current planning policies pertaining at the time and therefore an appropriately worded statement related to positive and proactive wording needs to be added. Recommendation 2(b) refers to this matter.