

# HYS – PLANNING APPLICATION PROCESS PRESENTATION – GARETH JONES

## 1. Overview

- Gareth Jones – Development Control Manager role (responsible for the Council service which deals with planning applications)
- Presentation re the planning application process in general sense only, not about specific applications
- All applications differ and are dealt with on their individual merits
- However the process they must all follow is broadly the same

## 2. The Planning Application Process

- Pre-Application
- Application
- Post Application / Decision
- Talk about each in turn

## 3. Pre- Application Stage

- HDC doesn't seek applications they tend to come to us, and by law we have to deal with them
- It's common for applicants to have pre application contact with Local Planning Authorities (LPA) to discuss their proposals, as well as other parties inc local residents, parish councils, consultees etc
- Some forms of development require an Environmental Impact Assessment (EIA):
  - Screening – process whereby the LPA establishes if an EIA is required
  - Scoping – process of establishing what should be covered by the EIA
- Applicant develops their proposals and makes decision on whether to pursue as a planning application

## 4. Application Stage

- Application submitted, checked and if sufficient information it is **registered** as a valid application
- Once registered applications for *major* development must be determined within 13 weeks otherwise the applicant can appeal against non-determination (see note below)
- **Consultation & publicity**
  - there are prescribed statutory requirements on who, how and how long the LPA consults / publicises applications; normally via:
    - letters to neighbours, post yellow site notice and / or advertise in the local press
    - letters to consultees
    - allowing at least 21 day to respond
    - responses received after 21 days but before a decision is made will be taken into consideration
    - representations must be in writing (paper / electronic)

- **Officer Assessment**
  - Conducts site visit(s) and records (notes, photos etc)
  - Assess all of the material inc
    - \* application details
    - \* site / context
    - \* planning policy context
    - \* representations
    - \* etc
  - Dialogue with interested parties (consultees, applicant etc)
  - Prepares a report for Planning Committee
  
- **Decision Time**
  - Applications for large wind turbines will be reported the Council's Planning Committee to be determined and due to the level of public interest these are likely to be specially arranged meetings outside the normal cycle of meetings
  - Planning Committee is a public meeting
  - A week before the Committee meeting we'll write to everyone who's made a representation on the application to notify them of the meeting and provisions for public speaking
  - At the same time (ie 1 week before the meeting) the agenda, including the officer's report, will be published
  - The officer's report is a synthesis and assessment of the considerations material to determining the application. It will make a recommendation to the Committee (normally to either approve or refuse the application).
  - At the meeting:
    - \* officers will present the application and their findings
    - \* those registered to address the Committee do so
    - \* the application is debated by the Committee
    - \* the Committee determine the application (normally approve or refuse). NB the Committee is not bound to follow the recommendation of officers
  - NB if the application is not determined within 13 weeks the applicant has the option of appealing against non-determination

## 5. Post Application / Decision Stage

- Everybody who commented on the application is notified of the decision by letter.
  
- If approved:
  - there is no right of appeal
  - there are likely to be conditions / obligations which control how the development proceeds / is operated
  
- If refused:
  - the applicant can appeal – likely to result in a Public Inquiry, whereby an independent Planning Inspector determines the application on behalf of the Secretary of State
  - in the event of an appeal everyone who commented on the application will be notified in writing

**END**