



Milton Keynes Partnership

PART ONE: GENERAL PLANNING PROCEDURES

Pre-Application Stage

The purpose of the pre-application stage is to provide the applicants that are considering applying for planning permission / submission of details with preliminary advice on the:

- key issues to be included within the submission as part of the planning application and which will be considered in the assessment of the application;
- Need for screening and scoping under EIS Regulations.
- potential need and extent of pre-application consultations;
- likelihood of success;
- matters (to be) included within the Site specific legal agreement

To promote best practice within the development control process it is imperative that all types of applications received by the MKP undergo this stage in the planning process.

Wherever practicable MKP will facilitate pre-application meetings with the main consultees to ensure early advice is available to applicants prior to formal submission.

Pre application consultation.

Milton Keynes Partnership places considerable emphasis on early and continuous community involvement. The requirements for pre application consultation will need to be agreed at the pre application meeting. The Case Officer should refer to the Statement of Community Involvement which has been produced jointly by MKC and MKP and which identifies a toolkit for public engagement at pre application stage and the methodology for involving all parts of the community. As a minimum pre application consultation on outline applications should include public surgeries and exhibitions, briefings to Parish Councils and Local Ward Members and a presentation to the Local Strategic Partnership Planning Sub Group.

MKP have established Stakeholder Groups for the Western and Eastern Expansion Areas. Stakeholders include representatives from Parish Councils, Ward Members, Local Resident Groups, the Highway Authority, the Voluntary Sector and Thames Valley Police. All applicants are encouraged to present draft proposals to the Stakeholder Groups prior to formal submission. MKP widely recognises the benefit of community involvement and the added value made to the development process.

Full details of pre application consultation including notes from the Stakeholder Group meetings must be provided with the Planning application.

Procedure:

a) Organising a Pre-Application Meeting

The Development Control Manager will allocate the project to a case officer.

The case officer will;

1. Obtain a description of the proposed development from the interested parties, concise location details and the key issues for discussion.
2. Nominate the appropriate people (including external technical bodies) to attend.
3. Order a pre-application file from EP's records office

The case officer will arrange and organise the meeting with the nominated people.

b) Preparing for a Pre-Application Meeting

To ensure the pre-application meeting is constructive and useful to both parties, the allocated case officer should initially assess the key issues raised by the interested parties and other matters such as those identified in the Pre-Application Initial Assessment (**Appendix 1**).

Whenever practicable, the case officer should receive drawings prior to the meeting and ensure these are distributed to all persons attending the meeting.

c) Meeting Notes

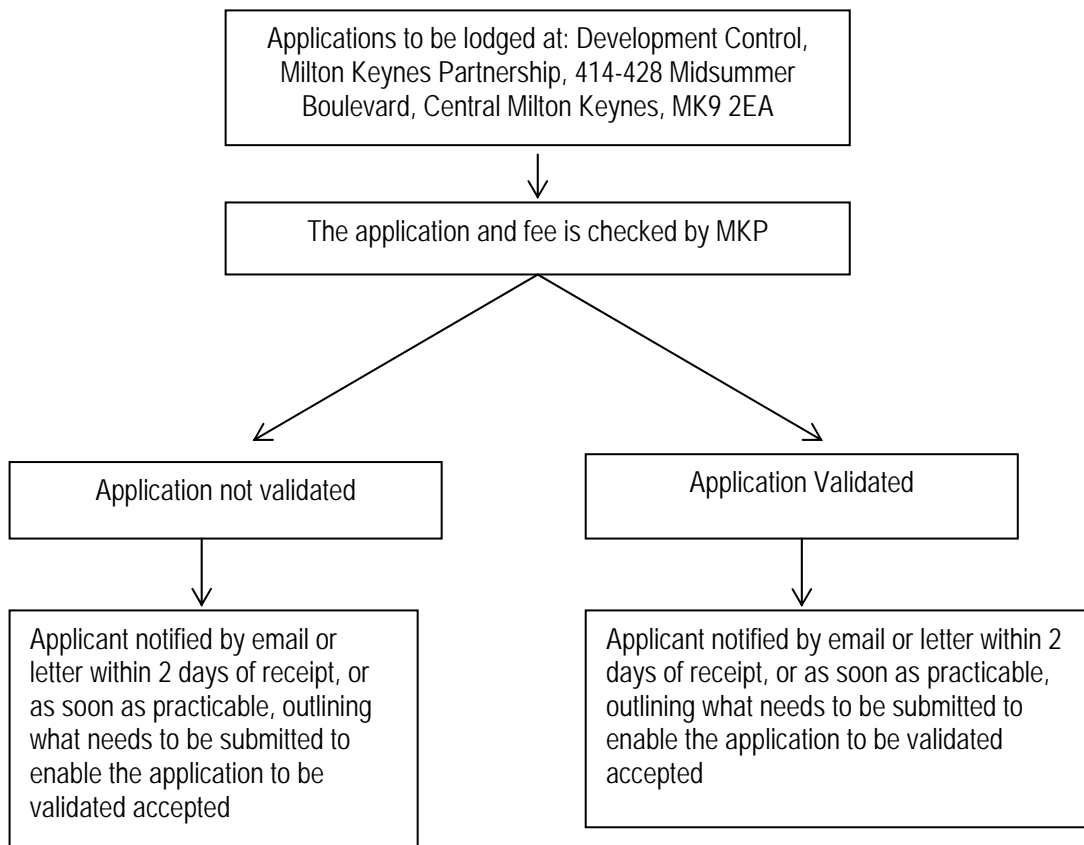
Details of the meeting should be documented by the case officer and placed on the pre application project file for future reference during the detailed assessment of the planning application (**Appendix 2**).

Any minutes or formal notes of the meeting should be circulated to all attendees.

Application Submission Stage

The application submission stage is where each application or Reserved Matters is lodged, validated and formally registered.

The general submission procedure is illustrated below:



NB:

If the application is in outline and details of any or all reserved matter are required this must be requested within one month, but, as best practice should be requested as soon as practically possible.

a) Validation of the Application

Once the allocated case officer has received the application, a check must be made against the application checklist guidelines for the validation of applications (refer to **Appendix 3-5**) A copy of the checklist should be placed onto the Planning application file.

If the application can be validated then the case officer must check the following:

- Advise DC planning administrator that the application can be registered with the receipt date as the start date
- DC administrator will generate a planning application number from Uniform
- the cheque is submitted to Finance using the appropriate fee form (**refer to appendix 6**) with a copy being placed on the Planning application file and the planning fee file
- ensure a receipt is generated by the finance section and sent to the applicant with a copy being forwarded to the Planning Administrator to place on the planning application file
- the DC planning administrator will date stamp and reference all submitted documents and drawings

If the application cannot be validated then the Case Officer must:

- write to the applicant within 2 working days, or as soon as reasonably practicable and outline what needs to be submitted to enable the application to be accepted. Applicants should be given an appropriate amount of time to respond to the request

If the applicant has not responded within the allocated time, the case officer must contact the applicant direct and advise that if the requested information has not been received in the next 5 business days, or within an agreed timescale, the application will be deemed invalid and returned.

b) Registration and data input into Uniform

The DC planning administrator will:-

- log the application into Uniform, using the date of receipt as day 0
- generate an acknowledgement letter and place copy on file
- input details of application on the planning application schedule, including the 8 week or 13 week target date
- order a planning file from EP's records office
- place a public notice in the local paper detailing the application
- input details of application onto MKP's website

c) Drafting the Planning Assessment Programme

Once the application is validated, the case officer and the applicant should agree upon target dates for particular milestones within the planning process. The Town and Country (General Procedure) Order 1995 prescribes statutory time periods for the determination of planning applications. For applications accompanied by an Environmental Statement and subject to an Environmental Impact Assessment the statutory period is 16 weeks. For all major applications, the time limit is 13 weeks. Discussions between the case officer and the applicant should have regard to the statutory period in setting target dates for milestones.

A copy of the Planning Assessment Program is provided at **Appendix 7** It is important to note that each Planning Assessment Programme will be different for each individual planning application and should be altered accordingly.

A copy of the Planning Assessment Program should be:

- placed on the project file
- sent to the applicant

d) Application Process tracking Sheet

The case officer shall place a copy of the Application Process Tracking Sheet on the Planning application file. The case officer is responsible for regular updates as required. **(Appendix 8)**

Consultation Stage

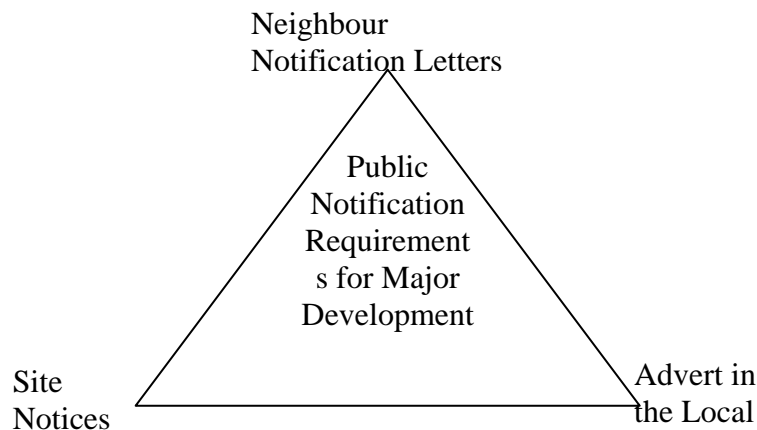
Under the *Town and Country Planning Act 1990* all MKPC planning applications must be:

1. referred to Statutory consultees; and
2. publicly notified.

To ensure that the MKP operates under best practice, the MKP will undertake to consult adjoining residents, and other non-statutory consultees. Any representations received will be taken into account in the determination of the application.

All statutory and non-statutory consultees have **21 calendar days** to make comments of the relevant application, however, late representations may be received and considered at the discretion of the case officer.

For all 'major' development public notification of the application will occur at three different levels, as outlined below:



The time frames for the three types of public notification are as follows:

Neighbour Notification Letters:	21 calendar days from letter date
Site Notices:	21 calendar days from erection of notice
Local Advertisement:	21 calendar days from publication

Procedure:

a) Identifying Statutory and Non-statutory Consultees

The case officer must identify the relevant consultees that notification of the planning application must be sent to on the Statutory and Non-Statutory Consultee checklists (refer to **Appendix 9 and 10**) - Please note that these lists are not conclusive and refer to Uniform for a more detailed list).

Once the case officer has confirmed with the planning administrator the list of consultees, within **5 business days** the planning administrator will:

- generate the consultee letters; and
- send the consultee letters, with the appropriate parts of the application (**Appendix 11 and 12**)

The case officer must place the checklist on the Planning application file.

b) Identifying the Neighbouring Properties

The case officer must identify the neighbouring properties that are to be consulted and confirm the list with the DC planning administrator.

A copy of the list (or if identified on a map) must be placed on the Planning Application file. The site inspection of the site should be used as a check to ensure all consultations undertaken are accurate and whether any further consultations need to be undertaken. For any additional neighbour notification undertaken, the 21 day consultation period will commence from date of notification for those properties.

Neighbour notification letter will be sent within 5 working days of registration and will be accompanied by MKP leaflet called 'Planning Applications, Your chance to comment' (**Appendix 13 and 14**)

c) Ward Member Notification

The case officer will confirm the ward within which the proposed development falls, and will advise the planning administrator of ward member to be notified (**Appendix 15**)

Subject to the scale and sensitivity of development, adjacent ward members may be notified.

d) Placing an Advertisement in the Local Paper

All applications lodged with MKP for 'Major' development must be advertised in a local paper and the public have at least **21 calendar days** (from date it was published) to respond to the advertisement.

The DC planning administrator will generate and prepare the advertisements in the local paper. A photocopy of the advertisements will be placed on the Planning Application file.

e) Site Notices

There are four types of site notices that will be applicable to all MKP applications, those relating to:

- a) Major Development;
- b) Applications accompanied by ES
- c) Departure from Development Plan; and
- d) Departure from Development Plan accompanied by an Environmental Statement

The case officer will generate an appropriate site notice (**refer to Appendix 16**) and laminate it. On larger sites, several notices should be posted in positions accessible to the public.

The case officer will post a notice on all the road frontages in clear and un-obscured locations. It must remain in position for at least **21 calendar days**.

When the site notice is posted on site, a dated copy should be placed on the planning application file together with a plan showing the location of where site notices were posted.

f) Representations

The representations should be sent direct to MKP quoting the planning application reference number. The DC planning administrator will send out an acknowledgement letter together with details of Public Participation at the Planning Sub-Committee (**Appendix 17 and 18**) and input details of name and address of person making representations into Uniform.

The DC planning administrator will place the representation on the planning application file with note to confirm date that the letter was acknowledged.

g) Amendments and Reconsultations

Any amendments which materially alter the planning application submission will be the subject of a further consultation exercise. This remains at the discretion of the case officer.

Decision Making Stage

The method of handling applications and submissions is outlined in Sections 70 to 76 of the *Town and Country Planning Act 1990*. The decision making stage of the planning process is where the case officer brings together and assesses:

- 1) the proposal's individual merits; and
- 2) all the material considerations such as national and regional policy guidance, local plan policies, comments from statutory and non-statutory consultees and representations received from the public.

There is no definition of '*material consideration*' in legislation and is a matter of frequent review by the Courts. The weight accorded to any issue will depend on the particular facts of the case and should be fully set out and assessed in the Committee report.

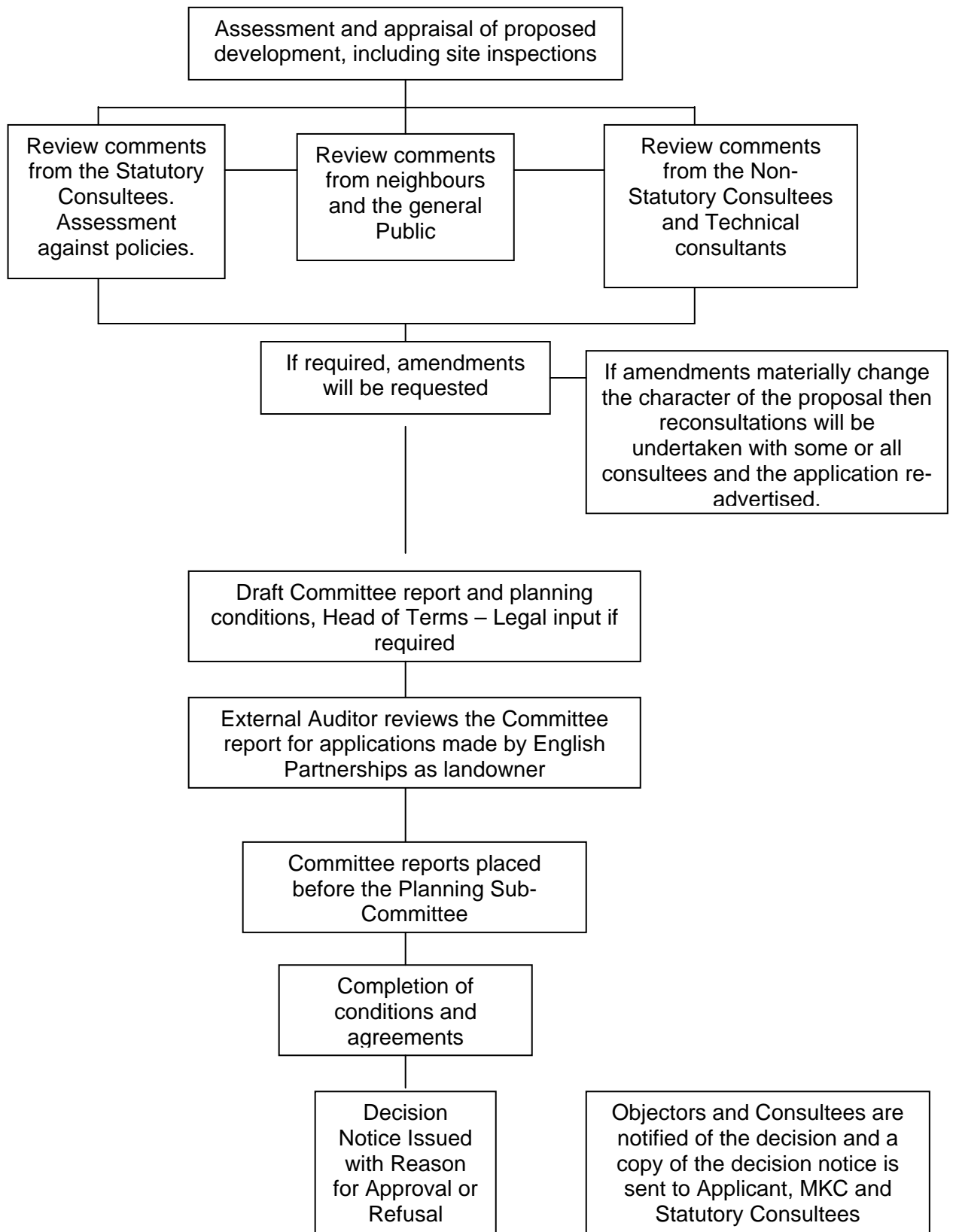
In dealing with applications or submissions, the case officer can make the following recommendations:

- 1) Approval (including only standard time condition);
- 2) Approval, subject to conditions;
- 3) Refusal; or
- 4) Deferral for site visit or further information.

In (1) and (2) a recommendation may also require prior drafting of a Section 106 agreement or agreed Heads of Terms.

The Planning Sub-Committee is governed by Standing Orders and meets on a 4 weekly basis.

The general decision making process is illustrated below:



Procedure:

a) Site Inspections

The case officer is to undertake a detailed site inspection to assess the site and to identify any further issues and constraints. Further site visits may need to be undertaken following receipt of representations which identify further issues relating to the site or adjoining sites.

The Case Officer must:

- clearly document the site visit (**refer to Appendix 19**) and place a copy of the site notes on the Planning application file; and
- take photos of the site, where deemed necessary, and place a copy on the Planning application file.

b) Amendments to Planning Applications

New matters arising from representations or consultation responses received during the consultation process may require an amendment to the Planning Application. If an amendment to the application is required then the case officer must:

- notify the applicant of any requested change and provide a timeframe in which to respond with the information;
- once received place a copy of the amendments on file and clearly mark what information and which plans have been superseded and
- date stamp and reference all amended documents and plans

If the amendments materially change the planning application, then the case officer must determine:

- a) whether the amendments are acceptable; and
- b) whether reconsultations are required

Where reconsultations are to be undertaken the case officer must:

- identify the statutory and non-statutory consultees and neighbours who need to be re-consulted and which documents and/or plans are to accompany the re-consultation.

DC planning administrator will generate re-notification letters with a copy of the amendments and further press advertisements, and copies will be placed on the planning file.

c) Drafting Committee Reports

A committee report template is included as **Appendix 20**. The report is to be signed off by the Chief Operating Officer and the Development Control Manager, the final version is to be emailed to the Committee Secretariat 7 days prior to the committee date. The secretariat will upload all reports onto the MKP web site. At the discretion of the case officer it may be considered appropriate to refer the report and/or conditions to Legal prior to final sign off to ensure that;

- all the issues have been covered appropriately; and
- conditions and reasons are reasonable, relevant and drafted correctly.

Any updates, amendments or late representations received and not included within the Committee report will be included within an addendum, which shall be circulated at the Planning Sub-Committee and made publicly available.

d) External Audit

All planning applications where English Partnership is the applicant will be subject to an external audit to ensure correct procedures have been followed. The case officer will email final reports to the appointed external auditor. A written report from the external auditor should be received prior to the Planning sub Committee determining the application and should be included within the committee report wherever possible. A copy of the audit report will be placed on the planning application file.

e) Committee Meetings

The Planning Sub-Committee will receive the Planning agenda 5 days prior to the meeting. Any addendums and external audit reports shall be circulated before the start of the meeting and made available to members of the public. The Development Control manager and case officers will be present to present the items and provide a verbal update where necessary. Members of the public may request to speak at the Planning Sub Committee. Such requests are limited to 3 per application and speakers need to register to speak in writing with the Sub-Committee secretary by noon, 2 clear working days before the meeting and briefly outline their statement/ question. Full details of public participation are included at **Appendix 18**.

f) Notifying GOSE

Following a resolution by the Planning Sub Committee to approve an application, which is either a Departure or caught under the Greenfield Directive, the Case Officer, must send GOSE the following documentation

- Copy of the application, details of any amendments, reduced A3/ A4 version of key plans
- Site location plan, showing proximity to the railway station and/ or the centre
- Any supporting statements
- Copy of representations, including copies of letters from Government Departments and adjoining Local Authorities
- Copy of the press advertisement
- The committee report
- Minutes of the committee meeting
- The draft S106 agreement and conditions
- A statement of issues should be included although this should be covered in the respective Committee report

GOSE has **28 calendar days** to review the application and if deemed necessary the application can be 'called in' for determination by secretary of state.

g) Issuing of the Decision Notice

- Following a Planning Sub Committee resolution to approve the application and clearance by GOSE and the signing of a S106 agreement, if appropriate, and where the decision notice is deemed ready for issue the case officer will draft the decision notice which must include the Reason for Approval and a schedule of approved plans. The decision Notice will be signed by the Chief Operating Officer and sent to both the Applicant and/or Agent. The case officer must place a copy of the Decision Notice on the planning Application file and the Planning Register.

h) Notification of the Decision

Once the decision has been issued and any related Section 106 agreement has been completed, the case officer will notify all Statutory, non statutory and third parties who made representations on the Planning Application as to the decision. Standard letters are attached as **Appendix 21 and 22**. The Case Officer will notify the Planning Administrator that the decision has been issued. The DC planning administrator will input decision and date into Uniform and onto the Planning Application Schedule.

i) Approved Plans

Following the issue of the planning permission, the case officer must stamp the approved plans and a copy of all the approved plans, together with a copy of the decision notice must be sent to MKC Development Control.

j) Discharge of Planning Conditions

The discharge of planning conditions is delegated to the Case Officer unless the Planning Sub-Committee requests that the details required to discharge the condition are put before the Committee. Prior to the discharge of the condition the case officer will ensure that the appropriate authorities have received adequate information to be satisfied that the condition can be discharged. Confirmation that the information received satisfies the condition must be received in writing prior to the case officer discharging the condition. The case officer will write to applicants confirming condition discharged and copy of all correspondence placed on the planning application file.