

Marine Consents Workshop

Solent Forum

15 January 2008

Southampton

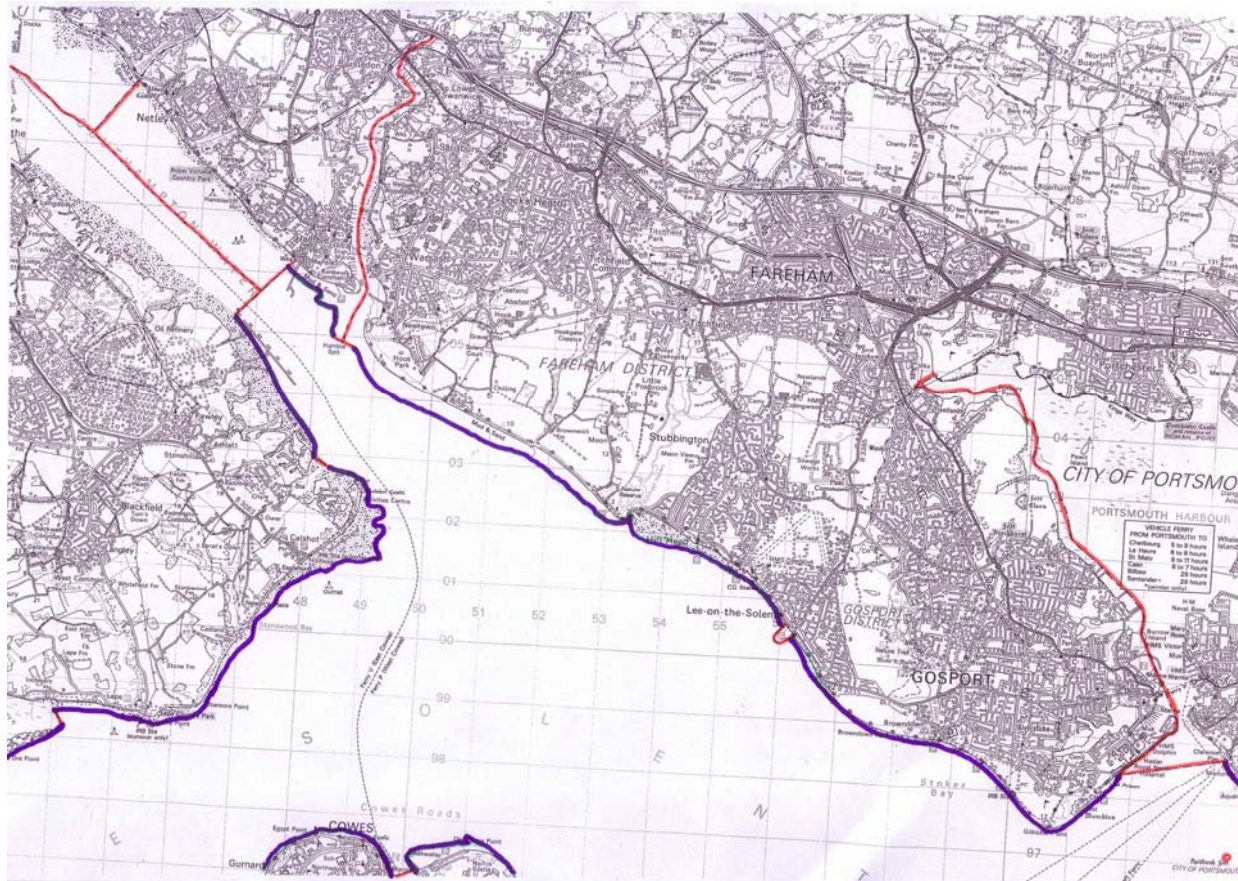
Dave Moore

Planning Projects Team Leader

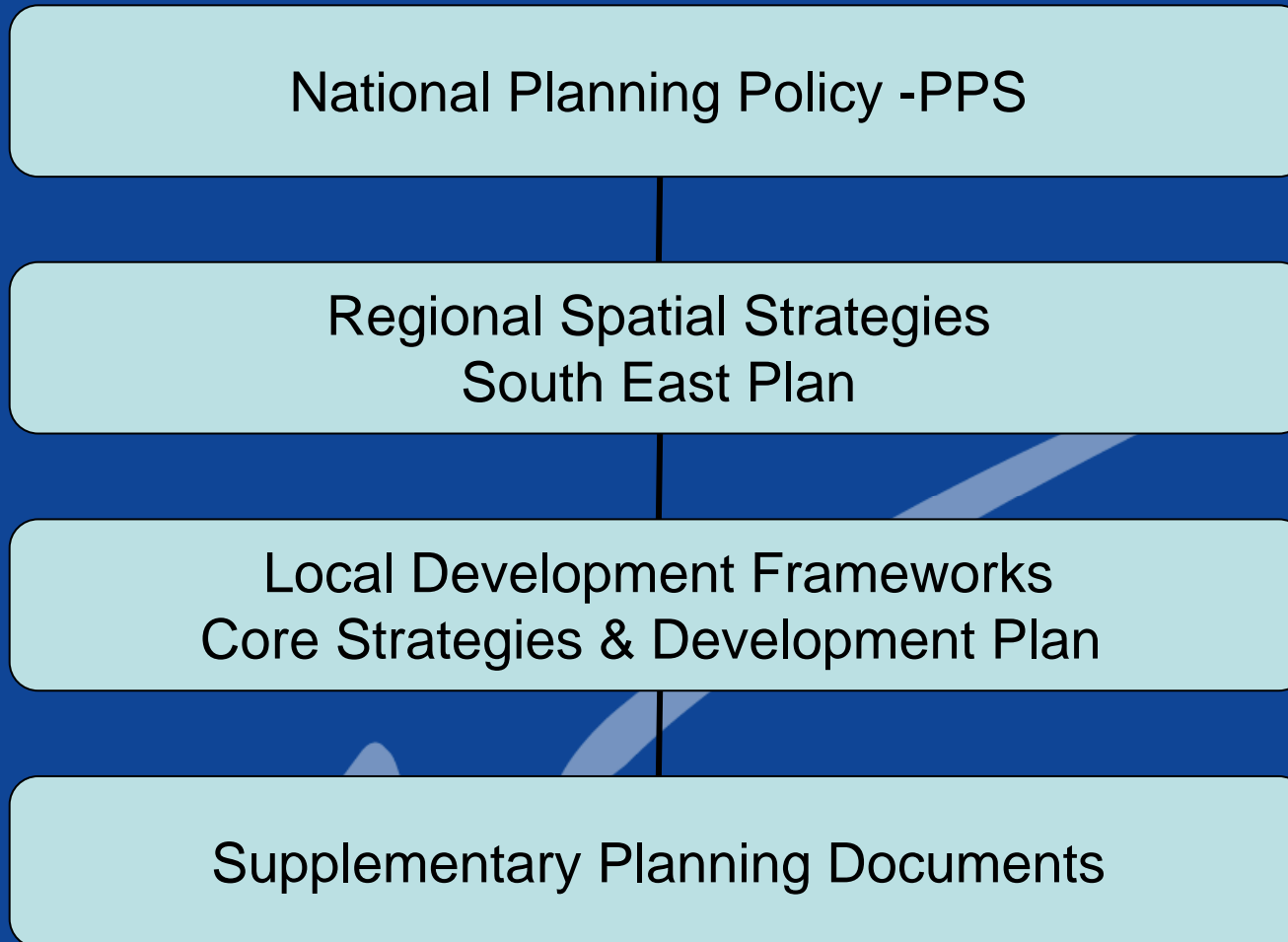
Planning Authority Jurisdiction

- District or Unitary function (Except Minerals and Waste which are Unitary and County)
- Generally land above mean low water mark
- Includes the intertidal but not sub-tidal
- Also includes areas of estuaries upstream of Local Authorities boundaries (estuary or bay closure lines)
- Relates to development in, on or under land including land covered by water
- IW Act expressly includes piers and jetties

LPA Boundaries MLW and Defined



Policy Basis for Town and Country Planning



Development includes.....

- Construction or changes of use

Buildings



Structures



Engineering Operations – e.g. reclaim



or dredging



- All of which require express Planning Permission

- Unless they are

Permitted Development

- Secretary of State deems that some types of development, and development by some bodies is automatically granted planning permission by his/her order -
- General Permitted Development Order 1995.
- **Subject to Habitats Regulations** – If likely significant effect then Reg 62 consent required – by application to LPA for Appropriate Assessment

Statutory Harbour Undertakings



Part 17 by Statutory Undertakers

- Includes Class B - Dock Pier Harbour, Water Transport, Canal or inland Navigation Undertakings. eg. by Statutory Undertakers on their operational land
- a) For the purposes of shipping or
- b) in connection with embarkation/disembarkation loading/discharging or transport of passengers, livestock, goods at dock pier or harbour

Standard Application Forms

- Currently each LPA have their own planning application forms and requirements.
- From 6 April 2008 it will be mandatory for all applications to use a Nationally agreed Standard form and to include all supporting information and documents requirement. (Known as 1APP)
- Applications may be, and will be encouraged to be made, on- line.

Local Lists

- LPAs can specify additional information required to determine applications in respect of local issues
- These will be published as ‘Local Lists’ (not to be confused with ‘Local Lists’ of historic buildings!)
- Elements of local lists should be picked from examples on a national list.

ISLE OF WIGHT COUNCIL - Planning Services, Proposed Local Requirements for Valid Planning Applications

Planning Application Requirement (PAR) →	Existing and proposed floor plans (1:50 or 1:100)	Existing and proposed elevations (1:50 or 1:100)	Block Plan of the site (1:100 or 1:200)	Roof Plans (1:50 or 1:100)	Existing and Proposed site sections and finished floor and site levels, (1:50 or 1:100)	Affordable housing statement	Air quality assessment	Biodiversity survey and report	Daylighting/Sunlight assessment	Economic statement	Environment Statement
The National PAR will include (where applicable: Completed form, Location Plan, Site Plan, Ownership certificate A, B, C or D (+ Regulation 6 Certificate i.e. Notice 1 or 2), Article 7 (agricultural holdings) certificate, , Design and access statement, Ap											
Planning Application Type ↓											
<u>Application for consent to display an advertisement</u>											
<u>Application for listed building consent for alterations, extension or demolition of a listed building and consent to display an advertisement(s)</u>											
<u>Application for approval of details reserved by a condition</u>											
<u>Application for approval of reserved matters following outline approval</u>											
<u>Application for conservation area consent for demolition in a conservation area</u>											
<u>Application for planning permission and consent to display an advertisement(s)</u>											
<u>Application for planning permission, extension or demolition of a listed building</u>											
<u>Application for planning permission and conservation area consent for demolition in a conservation area</u>											
<u>Application for planning permission</u>											
<u>Application for hedgerow removal notice</u>											
<u>Householder application for planning permission for works or extension to a dwelling</u>											
<u>Householder application for planning permission for works or extension to a dwelling and conservation area consent</u>											
<u>Householder application for planning permission for works or extension to a dwelling and listed building consent for alterations, extension or demolition of a listed building</u>											

Pre Application discussion

- Always advisable for major schemes or in complex contexts such as coastal zones.
- Useful to identify issues before submitting
- Can be in confidence – respecting commercial sensitivity.
- Some authorities charge for consultation.

Environmental Impact Assessment

- Type and Scale of Development
- Schedule 1 - mandatory
- Schedule 2 – considered – Likely environmental impact is the test. Guidance on scale provided.
- Sensitive sites – (SSSI, Scheduled Monument, AONB, World Heritage, National Park, European Site [SPA, SAC] Ramsar).
- Screening Opinion, Is EIA required or not?
- Scoping, if required what needs to be included in Environmental Statement

Application and Registration

- Checks if all required information, maps, plans, notifications, Design and Access statement – validation process before registering.
- Fees – National scale of charges – but local rates may be introduced
- Details on Statutory Register – In Public Domain
- Major or Minor development
- Time to determine 8 or 13 weeks or 16 weeks if EIA. (or period extended by agreement).

Consultation

- Publicity and advertising , Local Press & site notices,
- Neighbour notification
- Statutory Consultees – NE, EA, EH
- Time periods for comments/objections to be received.

Consideration of Application

- Planning Policy – PPS –RSS – saved policies & spg – LDF, LDD and SPD
- The development itself – type, site, quantity and quality
- Impact of development on environment and others; designations and features – AONB – SSSI Conservation Area, Flood risk etc.
- Appropriate conditions to ensure development acceptable or
- Reasons for refusal

Habitat Regulations

- SPA (&Ramsar) and SAC
- Likely Significant Effect
- Trigger for Appropriate Assessment (AA)
Development proposals and mitigation.
- May share AA with other consenting bodies
- LPA Not able to approve without conclusion of no adverse impact on integrity of (European) site.
- If adverse impact then SoS for decision based on overriding public interest and compensation.

Determination

- Committee or delegated decision
- Refusal of permission – ability to appeal to Secretary of State.
- Approval – conditional – ability to appeal against conditions.
- Issue of Decision may be subject to signing of Legal agreement. ('Section 106 agreement')
- Planning Approval does not overturn requirement for other approvals (other than TPOs and SSSI)

Post Planning decision

- Pre Commencement conditions – submission and agreement of some details – eg landscaping schemes, materials.
- Condition compliance – during construction/implementation
- Monitoring – post implementation to ensure impacts are as predicted and operations within parameters

Building Regulation Approval

- **Separate process to planning permission and specific approval or certification required**
- Erection or Extension of a Building
- Structural Alterations
- Alteration to means of fire escape
- Material Change of Use
- Provision of services – eg drainage
- Fire safety – Conservation of power and fuel –
Access and facilities for disabled persons

Building Regulation Approval

- District or Unitary Authority Function (Option to use Local Authority Building Control or a private Approved Inspector)
- Boundary to MLW (and estuary closure areas)
- Building Control for preliminary advice
- Application by form with detailed plans and fees
- Approval when all proposed works in accordance with Building Regulations (determination 2 months)
- Inspection during construction – pre-requisite stages
- Certificate of compliance when works completed

Dangerous Buildings

- On call 24hrs a day to deal with dangerous buildings
- Buildings may become dangerous due to lack of maintenance/ repair/neglect, fire damage, explosion, land slippage, coastal erosion, storm damage, flooding, vehicular impact
- Powers under the Building Act 1984 to take emergency action to protect the public or to apply to the magistrates court for an order requiring the owner to make safe





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