

NORTHUMBERLAND NATIONAL PARK AUTHORITY DEVELOPMENT CONTROL CHARTER

1. INTRODUCTION AND CONTEXT

1.1 This Charter has been prepared within the context of the Authority's Best Value Performance Plan and the Authority's Management Plan and Vision Statement. The purpose of the Charter is:

- to clarify the way in which the development control process works within the National Park;
- to inform interested persons and organisations about the level and quality of service they may expect from the Authority in its handling of planning applications and other development control matters; and to set targets and standards for the development control service, including the processing of planning applications, the handling of complaints, monitoring and enforcement and appeals.

1.2 The Northumberland National Park Authority ('the Authority') is the planning authority responsible for deciding planning applications, and other types of applications, relating to development proposals on land within the boundary of the Northumberland National Park. The Authority typically receives approximately 70 planning applications a year. These include:

- planning applications;
- applications for Listed Building Consent;
- applications for Conservation Area Consent;
- applications for advertisement consent;
- Circular 14/90 Consultations (overhead electricity lines).
- Agricultural and forestry determinations under Parts 6 & 7 of the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO")
- Telecommunications Determinations under Part 24 of the GPDO
- Certificates of Lawfulness of Existing and Proposed Use and Development
- Applications for Hedgerow Removal Notices
- Applications for Hazardous Substances Consent
- Applications for Public Path Diversion Orders under the Town and Country Planning Act (T & CPA)
- Tree Preservation Orders
- Tree Notices
- Determinations under Part 31 of the GPDO for the demolition of a dwelling house

1.3 For the purposes of this Charter the term 'planning application' should be taken to be a generic term covering all types of applications determined by the Authority, as set out above.

1.4 The Authority also deals with notifications under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (GPDO notifications) and applications to works to trees protected by Tree Preservation

Orders or within Conservation Areas. These are not subject to the standards and targets set out in this Charter.

2. THE DEVELOPMENT CONTROL PROCESS

2.1 Development Control is that part of the planning process which regulates the development and use of land. It involves:

- the provision of advice and information in respect of specific individual proposals and the planning system in general;
- the proper consideration of planning applications;
- the monitoring of development as it takes place;
- the investigation of apparent breaches of planning control and taking enforcement action where necessary to remedy an unacceptable breach;
- the handling of appeals to the Secretary of State.

2.2 The development control process enables the Authority to assess the acceptability of development proposals within the National Park in relation to national and local planning policies, taking account of other relevant factors. The principal objective in giving advice and making decisions is to achieve, in each case, the best possible development in the most appropriate location, taking account of the Development Plan, National Park purposes and the Authority's Vision. This means balancing the needs of the applicant against the potential impact of a proposal on the special qualities of the National Park and on the local community and economy. The aim of the development control process is to make the best decision about each application.

2.3 The Authority's planning service is based at the Northumberland National Park Authority Headquarters, Eastburn in Hexham. Professional planning officers are responsible for the processing of planning applications and other development control matters. The planning officers which deal with these matters are based at Eastburn in Hexham but also work at Church House in Rothbury. All decisions on planning applications are made either by the Authority or under the approved scheme of delegation, following a recommendation by the planning officer.

3. PRE-APPLICATION DISCUSSIONS

3.1 Discussions with prospective applicants are positively encouraged by the Authority. This is in order to encourage high quality applications, which contain all the necessary information and can therefore be dealt with as efficiently as possible. Planning officers are available at Eastburn, Hexham to provide general advice and information. In the case of specific proposals it is always helpful to make an appointment to ensure that enquiries can be dealt with promptly and effectively by the appropriate officer. If necessary the planning officer can arrange for other officers or consultees to attend a meeting to enable relevant issues relating to the proposal to be properly discussed. Certain applications may require an Environmental Impact Assessment (EIA) in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

Officers will provide applicants with a formal screening opinion (to determine whether an EIA is required) and a scoping opinion (on the content of an EIA if required) where appropriate. Screening opinions will be provided **within 3 weeks** of receiving a request and scoping opinions **within 5 weeks**.

- 3.2 **Information given at pre-application stage will be as accurate and objective as possible; however, it will be given without prejudice to the formal consideration of the application.** Advice will be provided on relevant planning policies and previous decisions, on requirements in respect of matters such as siting and design, materials, access and parking, drainage, services etc. Confidentiality within the Authority will be respected at pre-application stage within the constraints of the Freedom of Information Act 2000. It can be helpful for a draft application to be submitted for comments by officers prior to formal submission.

4. SUBMITTING A PLANNING APPLICATION

- 4.1 Planning application forms and guidance notes for the different types of development can be obtained from the Northumberland National Park Authority Headquarters at Eastburn, Hexham, tel. 01434 605555, or on the Authority's website: www.northumberland-national-park.org.uk. It is the responsibility of the applicant to ensure that any application is submitted correctly. However, advice on the completion of application forms, the content of applications and the calculation of the application fee is freely available from the planning officers.
- 4.2 On receipt of a planning application it will be checked by a planning officer to ensure that the plans, documents and supporting information are adequate, that the forms have been filled in correctly and that the right fee has been paid. Where an application is found to be incomplete or invalid the applicant or agent will be advised **within 5 calendar days** of receipt with an explanation as to how the deficiency can be corrected. If no progress has been made **after 20 calendar days** of receipt the application will be returned and arrangements made to refund any fee paid.
- 4.3 Each valid and complete application will, **within 5 calendar days** of receipt, have the following undertaken:
- it will be entered onto the statutory planning register;
 - an acknowledgement will be sent advising that the application is valid, setting out the applicant's statutory rights, providing the name of the case officer and informing of the target date for determination;
 - consultation and publicity procedures will be commenced.
- 4.4 If applicants choose to use professional advisors or agents, discussions or negotiations about the application will normally take place with the advisor or agent, rather than with the applicant directly.

5. COMMENTING ON PLANNING APPLICATIONS

- 5.1. All planning applications will be publicised in accordance with the statutory requirements by displaying a **Site Notice** where appropriate, posted by the Authority, by notifying individual neighbours, where appropriate, and by a notice in the local press, where necessary. In the case of sensitive or complex applications which give rise to a great deal of public interest the Authority may decide to hold a public meeting to discuss the proposals.
- 5.2. The statutory **Planning Register**, which lists all current planning applications and past decisions, will be available for public inspection during office hours at the Northumberland National Park Authority Headquarters, Eastburn, Hexham. Copies of all applications will be available for inspection during normal office hours at the Authority's headquarters at Eastburn, Hexham, and at the relevant District Council offices. Current applications can also be inspected on the website.
- 5.3. The Site Notice, Neighbour Notification Letter and Press Notice will contain details of where and when the application is available for inspection, how to make comments on it and the statutory 21 day period for making comments. If significant amendments are made to an application, a fresh application will normally be required to be submitted because of the time required to publicise, consult, notify neighbours and consider the changes to the proposal.
- 5.4. In exceptional circumstances, where persons may be unable to visit the Park Authority Headquarters at Eastburn, Hexham to view plans, eg. People with mobility issues, arrangements can be made for details of the proposal to be sent out to them.
- 5.5. All letters of representation received will be acknowledged **within 5 calendar days** of receipt. Letters of representation will be kept on the planning application file which is available for public inspection. In general anonymous letters will not be considered as part of the determination process. Letters containing confidential information will be made available to relevant officers and the Chairman and Deputy Chairman of the Planning and Urgent Business Committee or Full Authority (eg. Business accounts in support of an application). Representations which are not material planning considerations will not be afforded weight in the consideration of planning applications. All letters of representation, that are not anonymous, will be made available to Members when they meet to consider the application. All those who have made representations on an application will be notified of the decision and of any subsequent appeal to the Secretary of State.

6. CONSIDERATION OF APPLICATIONS

- 6.1. The Authority aims to determine planning applications in accordance with the adopted Development Plan unless material planning reasons indicate otherwise, and in an efficient manner within a reasonable timescale taking account of

- National Park purposes and the Authority's Vision Statement. The Authority will set annual performance targets for the determination of planning applications in its Corporate Plan in accordance with the Government's national Best Value Performance Indicators. These targets will be monitored and reviewed on an annual basis to ensure that the service is operating in an effective and efficient manner.
- 6.2. Consultations will be carried out on all applications with the relevant District and Parish Councils and with all statutory bodies who may have an interest in the proposal. Where appropriate adjoining District and Parish Councils will also be consulted.
 - 6.3. Where additional information is required from the applicant requests for the information will be made as soon as possible. Some proposals may not be acceptable as submitted but could be acceptable if amended. If the required additional information is not immediately available the applicant will be invited to withdraw the application, until such time as it can be submitted as part of the applications. Where consultees such as the Highway Authority or Environment Agency raise matters which require amendments to be made or additional information to be submitted, the applicant will be advised as early as possible in the process, and if the matter cannot be quickly resolved, the applicant will be invited to withdraw the application and re-submit once the issue has been resolved.
 - 6.4. Applicants will be informed on request about the progress of applications.
 - 6.5. If a planning obligation or highways agreement is likely to be required the applicant or agent will be informed at the earliest opportunity and, where practicable, negotiations concerning the content and form of the obligation and/or agreement will take place concurrently or prior to the processing of the application.
 - 6.6. All valid planning applications received are available to view on the Authority's website, and in the office at Eastburn. Copies in paper form may be obtained for a fee from the Northumberland National Park Authority Headquarters, Eastburn, Hexham.

7. THE DECISION

- 7.1. The Authority operates a scheme of delegation whereby non-controversial applications which accord with planning policy can be determined by the National Park Officer and certain minor applications can be determined by the Development Control Panel, which comprises the National Park Officer or relevant Director, and the Chairman and Deputy Chairman of the Planning and Urgent Business Committee or Full Authority or another Member authorised by them.
- 7.2. Applications which do not fall within the remit of the delegation scheme will be determined by either the full Authority, which meets six times a year at two-

- monthly intervals, or by the Planning and Urgent Business Committee which also meets 6 times a year at regular intervals between the Full Authority meetings. The dates of the meetings, which are open to press and public, together with details of membership, are available on request. The agendas for both the Full Authority meetings and the Planning and Urgent Business Committee meetings are made available at least five clear working days before the date of the meeting.
- 7.3. Those applications reported to Members for determination will be accompanied by a planning officer's report which describes the proposals, summarises consultation responses, sets out relevant national planning guidance and development plan policies, appraises the proposals fully against relevant guidance and planning policies and other material considerations and makes a recommendation for decision. All letters of representation received will be made available to Members of the Authority when they consider the application.
- 7.4. Should the Authority wish to determine an application contrary to officer recommendation, the reasons why must always be clearly stated at the meeting. The reasons need to be clearly recorded so that officers can then document the decision accurately. If the decision relates to a high risk or major application, where the Authority could be subject to significant costs, then Members may state that they were minded to refuse or grant the application subject to further consideration at a future meeting. The matter may then be deferred to a future meeting to allow precise reasons, and/or conditions and, if necessary, legal agreements to be drawn up.
- 7.5. The Authority will seek to issue formal decision notices **within calendar 5 days** of the decision being made. However, some decisions may be subject to a legal agreement. In these cases the formal decision notice cannot be issued until the legal agreement has been signed by both parties. The Authority will regularly review the progress of legal agreements and may, if necessary, reconsider applications where progress is lacking.
- 7.6. All those who have been consulted on or who have made representations about an application will be informed of the decision **within 3 calendar days** of the formal decision notice being issued.
- 7.7. An application may be approved, subject to conditions, or refused. The applicant's rights of appeal against a refusal of permission or the imposition of conditions will be explained on the decision notice. Where an application has been refused the reasons for refusal will be set out clearly on the decision notice.
- 7.8. The statutory planning register will be updated **within 3 calendar days** of the formal decision notice being issued.

8. MONITORING DEVELOPMENT

- 8.1. All developments granted permission must be carried out in strict accordance with the approved plans and documentation and the developer must comply with

any conditions which have been attached to the permission. These will be clearly set out on the formal decision notice. **It is the responsibility of the applicant to ensure that the permission is correctly implemented.** The planning officers should be advised immediately if amendments to the approved development are necessary or if discrepancies arise during the course of the works. The consideration of any proposed amendments will be dealt with through the submission of a fresh application.

- 8.2. Once planning permission has been given, an applicant may need to submit, for approval, any details which have not been agreed beforehand. These details will be described in the conditions attached to the permission and approval must be sought and obtained, in some instances before the development can commence. The Authority will deal with details submitted to comply with conditions as quickly as possible and normally under its scheme of delegation. However, as with full planning applications, much depends on the quality of the details supplied the need or otherwise to carry out further consultations and the ability of the applicant or agent to respond quickly to suggested changes.
- 8.3. Where appropriate, the Authority will monitor development as it takes place to ensure that it complies with the approved plans and conditions. Non-compliance with planning permissions or other consents will be treated as a breach of planning control and the Authority will consider enforcement action, where appropriate.

9. ENFORCING PLANNING CONTROL AND HANDLING COMPLAINTS

- 9.1. The Authority will investigate alleged or suspected breaches of planning control. Following a report of a suspected breach, the site or premises will be inspected and further information sought to establish the facts. Where it appears that a breach has occurred the person responsible will be advised and requested to take action to remedy the breach. A time limit will be given for any required action and the consequences of not taking the appropriate action will be explained.
- 9.2. All complaints relating to alleged breaches of planning control will be treated confidentially by the Authority unless the agreement of the complainant is obtained to release details. Complainants will be advised in writing of the outcome of the investigations and of any further action to be taken by the Authority. If no further action is to be taken the complainant will be advised of the reasons for this.
- 9.3. In the case of urgent complaints, where a suspected breach is considered likely to give rise to serious public harm, the site or premises will be investigated **within 24 hours**. Non-urgent complaints will be investigated **within 5 working days** of the receipt of the complaint.
- 9.4. Sites or premises which are the subject of enforcement proceedings, or where action to remedy a breach of planning control has been agreed, will be inspected

regularly to ensure compliance with either the notice served or the agreed remedial action.

10. APPEALS

10.1. A decision by the Authority to:

- impose conditions on a grant of planning permission;
- refuse permission;
- take formal enforcement action

can be challenged by the applicant by making an appeal to the Secretary of State.

10.2. An applicant may also appeal against the non-determination of an application after the statutory time period for the Authority to consider the matter has elapsed (normally 8 weeks). Appeals are decided by the Secretary of State or by a Planning Inspector appointed by her. Appeal forms are available from the Planning Inspectorate. Normally there is no fee for submitting an Appeal.

10.3. Rights of appeal and details of how to appeal will be set out on the formal decision notice. All those who have made representations on an application will be advised in writing of any appeal.

10.4. The Authority will deal with all appeals efficiently and will provide information and statements within the timetable set by the Planning Inspectorate.

11. PERFORMANCE MONITORING

11.1. The Authority will regularly monitor its statistical performance. The statistical returns made to the Departments for Communities and Local Government will be reported to the Full Authority on a quarterly basis.

11.2. The Authority will regularly monitor its Best Value Performance Indicators (BVPIs) and locally set targets. An annual Best Value Performance Plan will be published, which will include the BVPIs and targets for the Development Control service for the coming year. The Best Value Performance Plan will review the previous year's performance against the published targets for that year. Where targets have not been met the Best Value Performance Plan will identify the reasons for this and describe the measures it proposes to adopt to ensure targets are met. If justified by local circumstances it will examine and review its procedures, practices and targets.

11.3. The Authority will keep all its development control procedures under review to ensure that the service responds to changing needs and circumstances as quickly as resources permit.

12. COMPLAINTS PROCEDURE

- 12.1. All complaints about the way in which development control matters have been handled will be dealt with in accordance with the Authority's formal complaints procedure. Complaints will be acknowledged by the relevant officer **within 5 working days** of receipt. All complaints will be fully and promptly investigated in accordance with the approved procedure. This should ensure that complaints are satisfactorily resolved quickly and locally without the need for external arbitration. A complainant will be provided with a written response detailing the outcome of the investigation and any action the Authority proposes to take **within 15 working days** of the receipt of the complaint. If no further action is proposed the reasons for this will be fully explained. In cases where a complainant remains dissatisfied the procedure for pursuing the matter with the Commissioner for Local Administration (the Ombudsman) will be explained.