

EAST MIDLANDS
PLANNING CHARTER



East Midlands Planning Charter

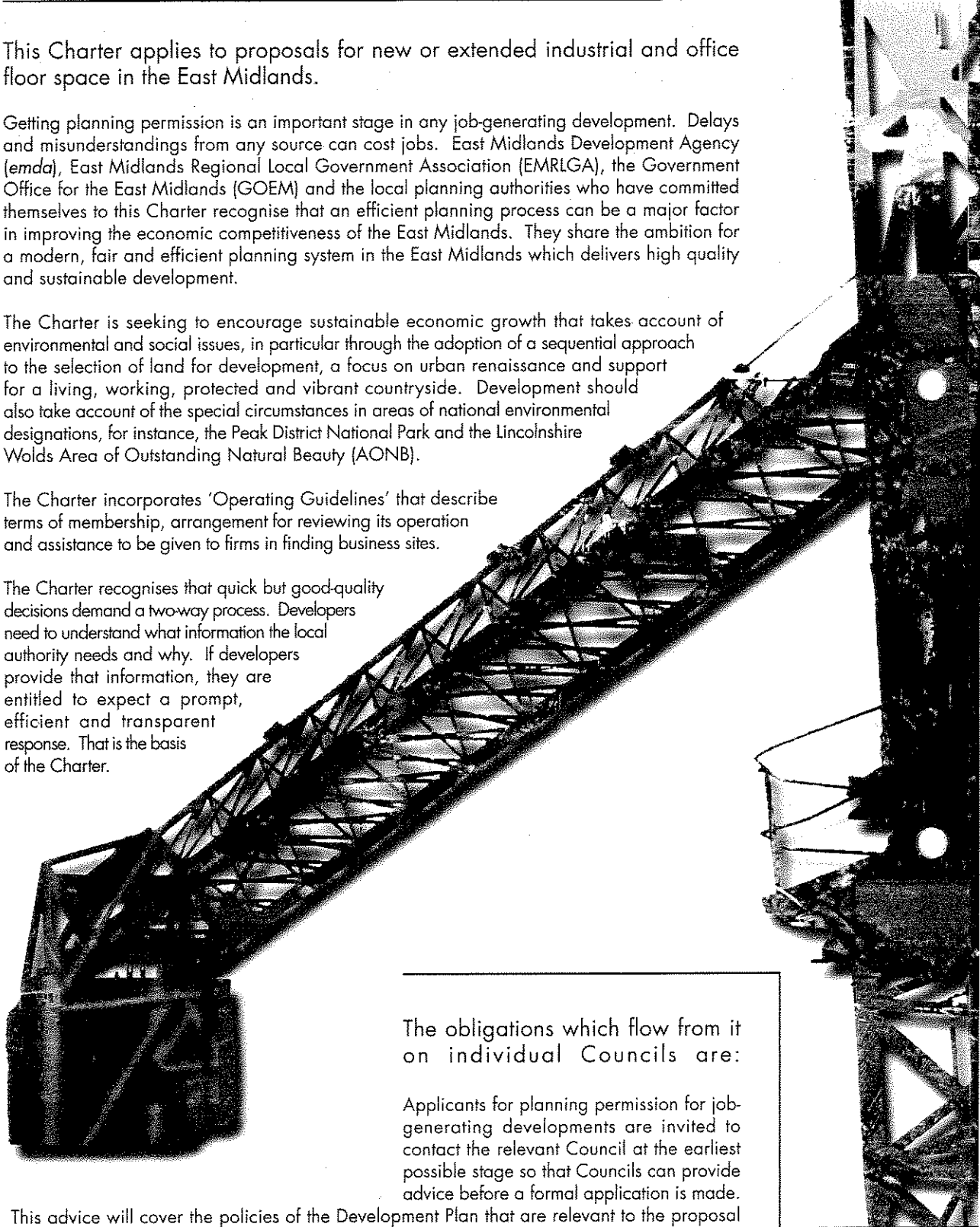
This Charter applies to proposals for new or extended industrial and office floor space in the East Midlands.

Getting planning permission is an important stage in any job-generating development. Delays and misunderstandings from any source can cost jobs. East Midlands Development Agency (*emda*), East Midlands Regional Local Government Association (EMRLGA), the Government Office for the East Midlands (GOEM) and the local planning authorities who have committed themselves to this Charter recognise that an efficient planning process can be a major factor in improving the economic competitiveness of the East Midlands. They share the ambition for a modern, fair and efficient planning system in the East Midlands which delivers high quality and sustainable development.

The Charter is seeking to encourage sustainable economic growth that takes account of environmental and social issues, in particular through the adoption of a sequential approach to the selection of land for development, a focus on urban renaissance and support for a living, working, protected and vibrant countryside. Development should also take account of the special circumstances in areas of national environmental designations, for instance, the Peak District National Park and the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

The Charter incorporates 'Operating Guidelines' that describe terms of membership, arrangement for reviewing its operation and assistance to be given to firms in finding business sites.

The Charter recognises that quick but good-quality decisions demand a two-way process. Developers need to understand what information the local authority needs and why. If developers provide that information, they are entitled to expect a prompt, efficient and transparent response. That is the basis of the Charter.



The obligations which flow from it on individual Councils are:

Applicants for planning permission for job-generating developments are invited to contact the relevant Council at the earliest possible stage so that Councils can provide advice before a formal application is made.

This advice will cover the policies of the Development Plan that are relevant to the proposal and on any other key issues that would determine whether it would be successful.

If permission is unlikely, the Council will say so and give reasons, avoiding wasted time and resources, but they will brief the candidate on possible alternatives. If they cannot accommodate the proposal, they will help identify an alternative site, either within their district or, elsewhere in the region, by referring the applicant to *emda*.

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East Midlands Development Agency's aim is to be able to tell potential industrial and commercial developers that they can be assured of a positive and constructive response from those Councils listed as Charter participants.

EMRLGA and *emda* will review the progress and performance of the Charter, taking into account comments of applicants and statistical information. EMRLGA will support and assist Councils in continuing to meet their Charter obligations.

GOEM is responsible for considering whether the Secretary of State should determine certain types of application, for instance, significant departures from adopted development plans which Councils intend to approve. In handling such cases, GOEM will undertake to:

Nominate a Case Officer to act as a single point of contact for the case in progress.

Issue decisions on whether the application should be determined by the Secretary of State within 21 days of receipt, unless an Article 14 direction preventing the Council from granting permission is issued.

Where an Article 14 direction is issued, GOEM will ensure that this does not cause undue delay. Once an application has become the subject of an Article 14 direction, the Government Office will respond to periodic enquiries from Councils, applicants and other interested parties with up-to-date information on the progress of the application.

GOEM is also responsible, on request, for deciding the need for an Environmental Impact Assessment (EIA) where either a developer disagrees with the Council's opinion that an EIA is required or where the Council failed to give an opinion within 3 weeks. In handling such cases, GOEM will undertake to:

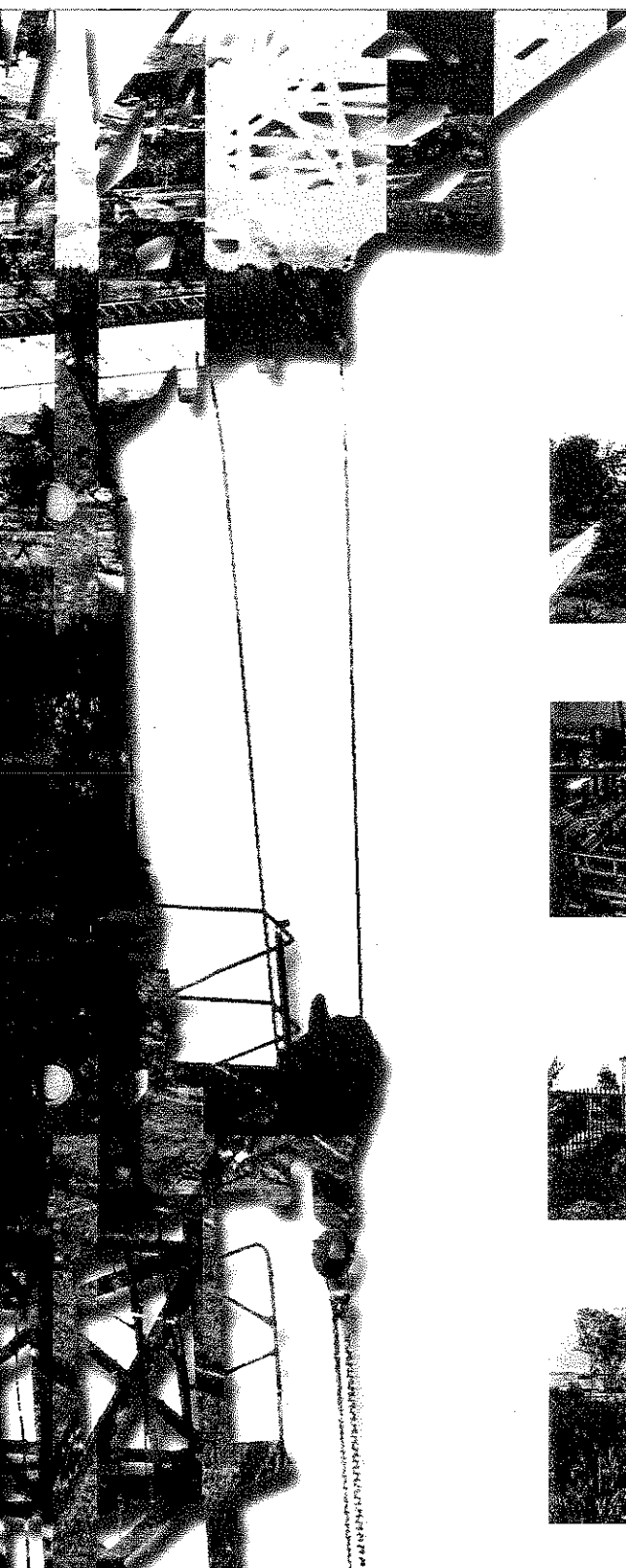
Nominate a Case Officer to act as a single point of contact for the case in progress.

Decide whether an EIA is required (that is, issue a screening direction within 3 weeks or longer as agreed with the applicant).

GOEM is also working with EMRLGA and professional planning bodies to identify and disseminate best practice in planning matters in the East Midlands.



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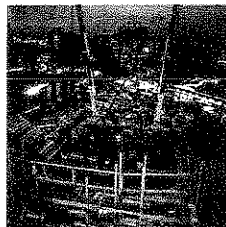
Councils which have signed up to this Charter will undertake to:

Agree with applicants a time-scale for the submission, registration and determination of an application, based on its likely complexity. Applicants can then build the time-scale into their project programme. For relatively straightforward applications, this will be 40 working days from registration of a valid application. For more complex applications, the Council will indicate reasons and a programme and time scale for determination at the time the application is registered.



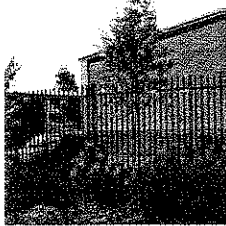
While recognising that they cannot pre-empt the eventual decision by elected Councillors, or the process of consulting interested parties, they will do their utmost to give accurate guidance on what the key determining issues may be. "More complex" applications will include those, for example, which are contrary to the Development Plan or which have significant environmental or traffic impacts.

Look to adopt the 'Development Team' approach when working with applicants on major or complex projects. Councils will alert applicants to the services of their Building Control sections.



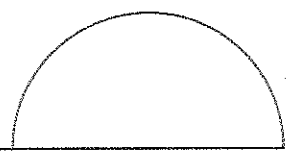
Nominate a single Case Officer to co-ordinate all aspects of the application. They will undertake that this will be at an appropriate level of seniority for the nature of the application.

Ensure that the nominated Case Officer will keep the applicant briefed on the progress of the application. The Case Officer will indicate if it appears that the agreed time-scale may slip and provide reasons.



County Councils have a major interest in the economic development of their area. Whilst they do not directly deal with applications covered by the Charter, County Councils can play an important role when, for example, consulted on highways matters and responding to consultations by District Councils on major planning applications. County Councils will support the aims of the Charter by replying to consultations expeditiously.





The Council's ability to deliver on this commitment depends on the applicant co-operating by:

Discussing the proposals with the Council before submitting an application. In more complex projects, the Council will discuss a Project Brief with applicants. This will define an approach to the development that will have the best chance of achieving a successful outcome and may include environmental, employment and transport issues.

Building adequate time into project programmes both for these initial discussions and for meeting the determination timescale indicated by the Council.

Providing good quality plans and drawings, with appropriate professional advice from people who are fully familiar with the planning system.

Submitting an Environmental Statement, a Transport Assessment and a Travel Plan, if required, at the same time as the application. Submitting any other information as may be advised is required by the local planning authority.

Recognising that Councils are required to take decisions on planning applications in accordance with the Development Plan unless material considerations indicate otherwise.

Responding promptly to reasonable requests for further information and drawings or to suggested alterations, provided the Council explain clearly the reasons for these.

Acknowledging that responses to the outside consultations which the Council must undertake on the application may raise previously unforeseen issues which will take time to resolve and may require further written and other information from applicants. In some instances, there may be a need to re-consult interested parties on revised proposals.

Recognising that in some cases the structure of planning legislation places the ultimate decision beyond the Council and that consequent delays may be beyond the Council's control.

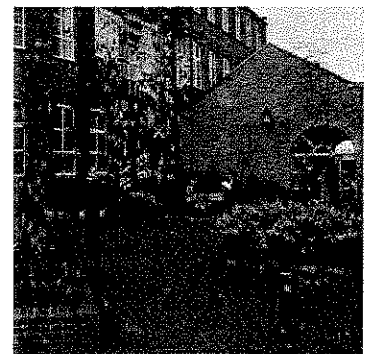
Passing any comments to *emda* or to EMRLGA (at the address overleaf) to enable them to monitor performance against the terms of the Charter.

East Midlands Development Agency does not have a direct role in the process of planning applications. East Midlands Development Agency's role is to address wider issues of regional economic competitiveness, and for that reason it will be involved in:

Establishing and monitoring the terms of this Charter, in partnership with EMRLGA, and periodically reviewing it.

East Midlands Development Agency will further the economic competitiveness of the East Midlands by promoting the Charter to investors and notifying them of Councils that have committed to offering the Charter as part of their planning service.

Assist applicants to find suitable alternative sites within the region if a Council indicates that it will not be able to accommodate an applicant within its area.



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Operating Guidelines for Participating Councils

1. The Charter is a voluntary agreement and does not form part of any Planning Guidance or Best Value regime.

2. EMRLGA, *emda* and GOEM aim to monitor and review its operations at least annually.

3. Monitoring of Individual Council Performance and Consequent Actions.

3.1 Councils will determine individually whether they wish to adopt the Charter.

3.2 Those that do will be included in appropriate publicity by EMRLGA and *emda* as authorities from which applicants for industrial and commercial development can expect the level of service as indicated in the Charter.

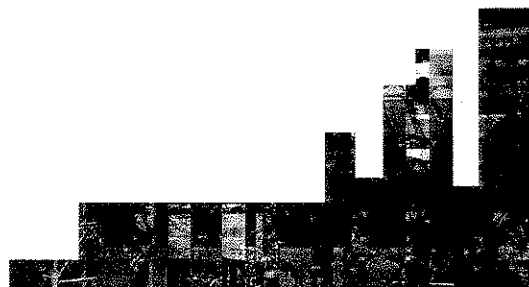
3.3 Membership of the Charter will be renewable annually. Renewal will, be at the discretion of an EMRLGA 'peer panel' and will take into account performance in meeting the terms of the Charter. Factors taken into account will be the instances of adverse comment by more than one applicant, and the published statistics of the Office of the Deputy Prime Minister (ODPM) and the Best Value regime.

3.4 Councils appearing to fall short of the Charter's standards will be offered discussion, best practice support, and advice on the particular areas which are causing them difficulty. A timescale will be agreed for making agreed improvements. It is only in default of that that renewal of membership will be declined, but in those cases, a programme will be indicated for re-joining.

4. Site Finding

It is an aim of the Charter that where a job-generating application cannot be approved every effort will be made by the Council to suggest an acceptable alternative site. Where that is not possible, the Council will discuss with the applicants their site requirements and an indicative area of search. They will pass this information to *emda*, who will examine their own information on site availability but will also forward the requirements to the Economic Development Officer, or equivalent, in all Councils in the specified area of search and will co-ordinate responses to the applicant.

5. EMRLGA, *emda* and GOEM will review the overall operation of the Charter annually and consider the need for revisions and scope for extending its provisions.



EAST MIDLANDS REGIONAL
LOCAL GOVERNMENT ASSOCIATION



GOVERNMENT OFFICE
FOR THE EAST MIDLANDS



east midlands
development agency
the catalyst for change

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