

Ebbsfleet Development Corporation

Planning Information Guide

This guide provides general information on planning and the planning application process, as well as specific information relating to the role of the Ebbsfleet Development Corporation as local planning authority for Ebbsfleet Garden City.

If you need any further information please contact the Planning Team by email at EDCplanning@ebbsfleetdc.org.uk, or telephone 0303 444 8832.

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1. Introduction to Planning

What is Planning?

Town and Country Planning is the process of managing the development of land and buildings.

The purpose of the planning system is to:

- Ensure that the character, amenity and the environment are not adversely affected by new buildings, alterations or changes in the use of existing buildings or land;
- Protect heritage and important features, and improve the infrastructure upon which we depend;
- Enable development that is a priority both nationally and locally, such as needed homes and industry, to be brought forward in a way that is both sustainable and in the public interest.

Permitted Development, Use Classes and Lawful Development Certificates

Under the Town and Country Planning Act 1990 (as amended), planning permission is required for development of land. Development is defined as building, mining, engineering (including excavation and changing land levels) or other operations, or a material change of use.

Secondary legislation allows certain development to proceed without applying for planning permission. This is often called 'permitted development'. Local Authorities can serve directions removing permitted development rights for a particular area. These are known as Article 4 Directions. When granting planning permission for a particular development, local authorities can, by condition, also remove permitted development rights.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'; for example, Shops, Industrial uses, and Dwellinghouses. Some changes in use are considered as permitted development and can proceed without applying for planning permission. Local planning authorities determine, depending upon the individual circumstances of each case, which use class a particular use falls into.

To confirm whether a proposal or change of use is permitted development, an application can be made for a 'Lawful Development Certificate'. The applicant is responsible for demonstrating and providing sufficient evidence of the proposal, or of the existing/ proposed future use. The powers to determine Lawful Development Certificates have not been transferred to the Development Corporation, and so you should apply to Dartford Borough Council if the site lies within the Dartford local authority area, or to Gravesham Borough Council if the site lies within the Gravesham local authority area.

If development is proposed within the Development Corporation area, and does not fall under permitted development rights, then an application for planning permission will need to be made to the Development Corporation.

2. Local Plans and Decision Making Process

Local Plans

Planning involves making decisions about the future of our cities, towns and countryside. This is vital to balance our desire to develop the areas where we live and work with ensuring the surrounding environment is not negatively affected for everyone. It includes considering the sustainable needs of future communities.

Local planning authorities must prepare a local plan which once adopted sets planning policies in a local authority area. These are very important when deciding planning applications.

Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.

Independent planning inspectors examine all local plan documents that local authorities in England prepare for adoption. This examination is the last stage of the process for producing a local plan. The process should have fully involved everyone who has an interest in the document and they should have had the chance to comment.

Plan-making powers have not been transferred to the Development Corporation. The local authorities of Dartford and Gravesham will continue to prepare local plans in their local authority areas. We will refer to the policies contained in local plans when determining planning applications in our area.

In addition, Kent County Council prepares a Minerals and Waste local plan, with policies that apply County-wide for mineral extraction, importation and recycling, and waste management.

The adopted local plans for the local authorities which provide the framework for planning decisions can be found at the following links:

Dartford Borough Council

<https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/planning-policy>

Gravesham Borough Council

<http://www.gravesham.gov.uk/services/environment-and-planning/planning/planning-policy>

Kent County Council

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-local-plan>

The Decision Making Process

The Development Corporation will make and issue the decision on all proposals that fall within its powers, including applications for full and outline permissions, reserved matters, Environmental Impact Assessment screening and scoping opinions, details submitted pursuant to conditions, material and non-material amendments, development within conservation areas, and advertisement consents.

The decision making process will fundamentally be the same as it would be if the local authorities were still determining the application. Whatever decision is made on a planning application, the factors under consideration will remain the same for the Development Corporation as it would for the existing local authorities.

Planning legislation requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and

take into account any representations received. Determinations made by the Development Corporation will therefore be made having consideration to the relevant development plans corresponding to the area in which the site is located, and comments from members of the public, statutory and other consultees.

The majority of decisions on applications submitted to the Development Corporation are likely to be delegated to planning officers for decision in conformity with the Development Corporation's Scheme of Delegation. Decisions on some applications will be made by the Development Corporation's Planning Committee. Information on Planning Committees, including arrangements and protocol for public speaking, are published on the Corporation's website. The meetings are generally held at the Eastgate Centre, 141 Springhead Parkway, Northfleet, Kent, DA11 8AD.

3. Making a Planning Application

Pre-Application Advice

Before submitting a planning application, the local planning authority can provide informal advice on a development proposal, based upon the information and documentation provided with the enquiry.

Pre-application engagement is a highly valuable tool that offers significant opportunities to improve the quality of a scheme and efficiency of the planning application process, ease the understanding of planning considerations, and reduce the likelihood of an application being refused. The Development Corporation encourages engagement in pre-application discussions for any proposal within its boundary.

There is currently no fee and no form to complete. Applicants should provide a full description of the development, a plan indicating the extent of the site area as well as other nearby land owned by the applicant, layout plans, and elevational drawings, together with any other relevant information and supporting documentation. Pre-application enquiries should be sent to EDCplanning@ebbsfleetdc.org.uk and include contact details. A case officer will be allocated and will contact you as soon as possible following receipt.

Please also refer to the Development Corporation's Community Engagement Information, which can be accessed from the following page: <http://ebbsfleetdc.org.uk/planning/planning-information/>.

Submitting a Planning Application

Applicants and agents should send all application documentation direct to the Development Corporation, including the fee. A case officer will be allocated and we will send out the relevant acknowledgement notices, publicity for the application, and consult with statutory consultees, as well as other consultees whom we consider appropriate to the application.

The Development Corporation will be the point of contact for all correspondence throughout the course of the application, will provide feedback on significant comments from consultees and any other advice as the case develops. Applicants and agents can also check the progress of their application, including any comments received, on the Development Corporation's website via the following page: <http://applications.ebbsfleetdc.org.uk/online-applications/>.

Planning application fees are set nationally by The Town and Country Planning (Fees for Applications and Deemed Applications - Requests and Site Visits) (England) Regulations 2012. Application fees will be calculated in the same way for applications in the Development Corporation area as they would for other local planning authorities. Further guidance on making an application, including forms and fees is available from Planning Portal via the following link: https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/.

Applicants can submit planning applications online via the Planning Portal (<https://www.planningportal.co.uk/applications>) or iApply (<https://iapply.co.uk/>) websites. Links to these services are also available from the Development Corporation website at: <http://ebbsfleetdc.org.uk/planning/planning-application/>. Applicants are encouraged to use these online services and may need to register if using for the first time. Registration is easy and applicants can complete their application form, upload supporting documents and pay fees online. Alternatively, the application fee can be sent to us directly by cheque made payable to 'Ebbsfleet Development Corporation' after making the application online, or together with a paper application.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets minimum requirements that an application for planning permission must include to be valid, known as National List requirements.

Depending on the type and scale of an application, further information and supporting documentation may be required in order to fully describe the development proposals, the application site, and impact on surrounding land and buildings. An indication of circumstances where documents may be required, and expected content has been outlined in the Local List, however this is not exhaustive. Applicants are advised to contact the Planning Team for advice prior to making an application if uncertain whether information is required for a proposal or any queries regarding the content. A copy of the Development Corporation's Validation Requirements list is available from: <http://ebbsfleetdc.org.uk/planning/planning-application/>

A minimum of 2 copies in paper format must be provided for all documents submitted. Any plans or drawings submitted must be to a metric scale and also include:

- A measurable scale bar or marked dimension
- A title, subject of the drawing, and date
- A unique drawing number also indicating any revisions
- For drawings containing different elements of a proposal, the elements to be clearly grouped under headings

Minerals and Waste Applications

The Development Corporation is the determining body for County Minerals and Waste applications within our Development Area. A service level agreement is in place whereby Kent County Council will process these applications on behalf of the Development Corporation, and so County Minerals and Waste applications should be made directly to Kent County Council. Please refer to the following link for contact and other information:

<https://www.kent.gov.uk/waste-planning-and-land>

Submitting Details of Conditions

Details pursuant to conditions on planning approvals should be submitted direct to the Development Corporation together with any relevant application form and fee, either online or by post.

Amending an Existing Permission

Applicants or agents should contact the Development Corporation directly to discuss the proposed amendment. Depending on the amendment proposed, we may need to see more details in order to consider this in relation to the existing permission, and to advise the best course of action.

4. The Planning Application Process

Timescales and Decision

Following submission of your application, the following statutory time limits for determination will apply:

Major Development	13 Weeks
Minor / Other types of Development	8 Weeks
Applications subject to Environmental Impact Assessment	16 Weeks

Major Development is defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 as development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) Provision of 10 or more dwellinghouses, or where it is not known whether 10 or more dwellinghouses will be provided, on a site of area 0.5 hectares or more;
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
- e) Development carried out on a site of area 1 hectare or more

An Environmental Impact Assessment (EIA) Development is development listed in Schedule 1, or Schedule 2 (and likely to have significant effects on the environment) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Your application will be decided either by the Development Corporations' planning committee, or by planning officers under delegated authority. The decision will be one of the following:

- Grant of Permission;
- Grant of Permission with conditions;
- Refusal of Permission; or
- Non-determination

The applicant has the right to appeal to the Secretary of State for refusal of permission, a condition attached to a planning permission, or for non-determination. However the appeal process is intended as a last resort and can take several months to decide. The Development Corporation encourages applicants whom are unhappy with a refusal or condition to discuss the decision with the Planning Officer for your case. There may be a modification to your proposal, which if made could have a different outcome were your application to be resubmitted. The Planning Portal service can be used to amend and resubmit your application. In the event of non-determination, the Planning Officer for your case may be able to agree with you a date that your application will be decided.

Planning Performance Agreements

The Development Corporation is keen to work with developers to agree project plans and would encourage entering into a Planning Performance Agreement (PPA) with us.

A PPA can be entered into between a local planning authority, an applicant, and in some circumstances key stakeholders. It is a project management tool which sets timescales for actions between parties. This must be entered into before a planning application has been submitted and should cover the pre-application and application stages but may also extend through to the post-application stage.

A PPA is generally used for larger scale applications, where it is clear at the outset that an extended period will be necessary to process an application, but may also be appropriate for

other applications. Applicants or their agents are encouraged to discuss a potential PPA with the Development Corporation.

Planning Extension Agreements

Also known as an agreed extension of time, this is an agreement made between the applicant and the local planning authority to extend the time limit for an application to be determined beyond the statutory time limit. The agreement must be in writing and can be made after a planning application has been submitted. The timetable may be varied by agreement in writing between the applicant and the local planning authority.

5. Community Involvement

Consultation on Planning Applications

The Development Corporation's Community Engagement Information explains how we will consult and involve the public in planning applications and decisions, and how we would expect applicants to consult and involve the public before making an application for planning permission. The Community Engagement Information can be accessed from the following page: <http://ebbsfleetdc.org.uk/planning/planning-information/>.

As a minimum, where owners of nearby properties can be identified we would expect applicants to have informed neighbours of their proposed development before making a planning application. Neighbours are likely to be as concerned about work which might affect them as you would about changes which might affect the enjoyment of your own property, and there may be a modification you could make to your proposal which would overcome their concerns. Even where the development would be lawful from a planning point of view, it is generally better to have informed neighbours of the proposals before proceeding.

If a planning application is required for the development you wish to carry out, the Development Corporation will publicise the application to neighbours and others. This will give them the opportunity to make comments which will be taken into account in the decision making process. If you, or any contractors for the work need access onto a neighbour's property in order to carry out the work, you will need to obtain their consent before doing so.

Commenting on a Planning Application

The Development Corporation maintains an online planning register which contains information on all planning applications within our area and can be accessed from: <http://applications.ebbsfleetdc.org.uk/online-applications/>.

If you want to comment on a planning application that has not yet been decided, planning applications inside the Corporation's boundary will be available for public comment as they would be without a Development Corporation. The easiest way to make comments is online via the above address or alternatively, you can send in your representations direct by email to EDCplanning@ebbsfleetdc.org.uk, or by post.

It is important that the planning application reference number and site address is provided when making a representation so that we can identify comments made to the correct application. Your name and address must also be provided because local planning authorities are unable to consider anonymous comments. In a similar manner that documents submitted as part of a planning application are made publicly available, please be aware that any representations we receive are also placed on a public file, the Development Corporation's online planning register, and will be available for anyone to view.

Report a Breach of Planning

The Development Corporation has some planning enforcement controls and can consider breaches of planning such as building works or change of use of land or buildings which do not have planning permission. If planning permission is not required, it will not be possible to take any action. To report an apparent breach of planning, please email EDCplanning@ebbsfleetdc.org.uk with your name, address, and contact details. Anonymous complaints will not be investigated.

6. Other Information

Covenants and Private Rights

Covenants or other restrictions in the title to your property, or conditions in your lease, may require you to have someone else's agreement before carrying out some kinds of work to your property, in addition to obtaining planning permission. This may be the case even if the work proposed is permitted development. Some properties may also enjoy historic rights. The Development Corporation has no involvement in checking or enforcing private rights such as a "right to light", and you should seek your own legal or other independent advice if you believe that private rights may be affected.

Building Regulations

There will be no change to current Building Control procedures following establishment of the Development Corporation.

There are a number of providers for building control services in Kent. These include local authority providers as follows:

For the Dartford local authority area – Dartford Borough Council Building Control Service

Telephone: 01322 343434

Email: customer.services@dartford.gov.uk

Website: <http://www.dartford.gov.uk/by-category/environment-and-planning2/building-control>

For the Gravesham local authority area – South Thames Gateway Building Control Partnership

Telephone: 01634 331133

Email: building@stgbc.org.uk

Website: <http://www.stgbc.org.uk>