

Minor material amendments

Introduction

61. *What is the background to this?*

The Killian Pretty Review recommended that *"Government should take steps to allow a more proportionate approach to minor material changes in development proposals after permission has been granted"*.⁶

In response to this recommendation, WYG Planning and Design (WYG) were commissioned to consider the options for either introducing a new procedure for making minor material amendments, or for using or adapting existing procedures (see Annex B for weblink to their report).

WYG's recommendation, given that there is currently no legislative vehicle for making changes to primary legislation, was that the existing route under s.73 of the Town and Country Planning Act 1990 (which allows changes to the conditions applying to existing permissions) should be streamlined and clarified. We agree that this option provides the best short-term solution.

62. *What steps have been taken to facilitate the use of s.73 to make minor material amendments?*

LPAs have been given discretion on which statutory consultees should be consulted under article 10 of the GDPO. Consultation has also been carried out on whether the requirement for a design and access statement should be removed in respect of s.73 applications (see Annex B for weblink to consultation on streamlining information requirements). In addition, LPAs are advised to include a condition listing approved plans in decision notices.

63. *Is there a definition of 'minor material amendment'?*

We agree with the definition proposed by WYG: *"A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved"*. This is not a statutory definition.

Pre-application discussions will be useful to judge the appropriateness of this route in advance of an application being submitted, and hence to avoid possible wasted work on both sides.

64. *Can s.73 be used to make minor material amendments if there is no condition in the permission listing approved plans?*

It depends what type of minor material amendment is sought. If the permission includes a suitable condition that can be modified, then yes.

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⁶ Recommendation 8, paragraph 3.5 of the Killian Pretty Review: *Planning Applications – A Faster and More Responsive System: Final Report*, published by CLG on behalf of the Killian Pretty Review, November 2008.