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PLANNING RETENTION SCHEDULE

Introduction

This Retention Schedule identifies processes which records support, rather than identifying individual types of records. This is for two reasons: -

- To make the retention period apply to all records independent of any format, i.e. the same rules apply to a paper file, an email, or another electronic document
- To allow flexibility in developing the Schedule to cover new processes and amend existing ones over time

The Schedule is intended to cover the lifecycle of records and information from creation through to destruction or permanent preservation.

Records intended for destruction may be destroyed in accordance with the provisions of the Schedule. Backup copies stored on alternative media (server/microfilm/paper) should also be destroyed. This is vital to ensure compliance with the requirements of the Data Protection Act 2018 (DPA 2018), UK General Data Protection Regulation 2016 (UK GDPR), Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR).

Records for permanent preservation should be offered to the public archive office.

Limitation of Scope

Very few types of records have specified time periods for retention in law or in official government guidance. In order to develop this Schedule, key business areas were contacted in order for them to review and provide updates for their areas. Further, a review of the best practices adopted by other Local Authorities was conducted prior to the Schedule being created.



Objectives of the Retention Schedule

The aims are to: -

- Prevent the premature destruction of records that need to be retained for a specified period to satisfy legal, financial, and other requirements of public administration
- Provide consistency for the destruction of those records not required permanently after specified periods in order to reduce the costs of unnecessary storage
- Promote improved Records Management practices which gives the public confidence that when information is destroyed it is done so according to well-considered rules
- Assist in identifying records that may be worth preserving permanently as part of the authority's archives



Development Services

The Schedule provides a description of a process or an activity that the records support. The Schedule may also include instructions or guidelines relating to weeding, sampling, instructions on disposal, information on duplication of record content in other classes and cross-reference to other entries within the Schedule. The section will also provide common examples of the types of records included within the particular function.

Retention Period – Development Management

This field shows the length of time for which a record should be kept. This period (usually in years) can be applied from the date a record is created, closed, or tied into another specified activity. This field will also specify whether a type of record should be transferred to a public archive for permanent preservation.

Glossary of Terms

Administrative

Use

When business use has ended, or the file has been closed.

Closure Example: Destroy 'x' years from closure

A record/file should be closed when it ceases to be active. After closure no new papers/information should be added to the record.

Records/files can be closed when: -

- They reach an unmanageable size (a new volume should be created)

- They cover 'x' years i.e. a maximum time period
- No more records have been added in 'x' years or another specified set period of time
- No action has taken place after 'x' period of time

Retention Maximum Years

Specified period of time during which the record is subject to restrictions on provision of access to staff and/or the public may be dictated by statutory requirements or by the authority's policy. Any closure period should comply with current legislation on access to local government information – including the Data Protection and Information Access laws.

End Action

This explains what should happen to the information at the end of the retention period specified.

Subject Areas	Trigger	Retention Maximum Years	End Action	Description and included record types	Authority/ Legal requirement for retaining the information
Applications	When people submit applications	No Retention Period Specified	Destroy	<p>When applications are submitted, the following documents may also be submitted:</p> <ul style="list-style-type: none"> • Application forms • Drawings • Supporting documents • Surveys • Technical reports • Ecology and wildlife information • Draft legal agreements • Legal advice • Appeal decisions • Case law • Photos • Correspondence <p>Once a planning application has been approved and the development has been constructed, all documents no longer required to be retained under The Town and Country Planning (Development Management Procedure) (England) Order 2010 should be destroyed.</p>	The Town and Country Planning (Development Management Procedure) (England) Order 2010

				<p>Part 9 Article 40 of the Development Management Procedure (England) Order 2015 (as amended) sets out that the Local Planning Authority (LPA) must as the “local planning register authority” keep in two parts a register of <u>every</u> application for planning permission relating to their area.</p> <p>This requires the LPA to retain a copy of the following documents permanently either as hard or electronic copies for the Part 1 register (§(3) Part 9 Article 40):</p> <ul style="list-style-type: none"> a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings; b) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application; c) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and d) particulars of any modification to any planning obligation or section 278 agreement included in Part 1 of the register in accordance with sub-paragraphs (b) and (c). <p>Part 1 is kept until the application is disposed of (if it is disposed).</p> <p>The Part 2 register (§(4) Part 9 Article 40) must contain:</p> <ul style="list-style-type: none"> a) (a) a copy (which may be photographic or in electronic form) of— <ul style="list-style-type: none"> (i) the application; (ii) the plans and drawings submitted in relation to the application; (iii) any accompanying design and access statement provided in accordance with article 9; and (iv) any accompanying fire statement provided in accordance with article 9A; b) particulars of any direction given under the 1990 Act or this Order in respect of the application; c) the decision, if any, of the local planning authority in respect of the 	
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				<p>application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the local planning authority;</p> <p>d) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal, on an application under section 293A(2) of the 1990 Act (urgent Crown development: application)¹⁰⁵ or on a reference under section 77 of the 1990 Act (reference of applications to Secretary of State)¹⁰⁶;</p> <p>e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application;</p> <p>f) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement entered into in connection with any decision of the local planning authority or the Secretary of State in respect of the application;</p> <p>g) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement taken into account by the local planning authority or the Secretary of State when making the decision; and</p> <p>h) particulars of any modification to or discharge of any planning obligation or section 278 agreement included in Part 2 of the register in accordance with sub-paragraphs (f) or (g) or paragraph (6).</p> <p>There are also other particulars set out within Article 40 which must be retained. But simplifying this, the following documents must be permanently retained:</p> <ul style="list-style-type: none"> • Application Form • Decision Notice • Drawings • Legal Agreements (planning obligation of §278 agreement) • Design & Access Statement (DAS) 	
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				<ul style="list-style-type: none"> • Fire statement (newly introduced in 2021) • Planning permissions granted by the secretary of state on appeal against enforcement notices (must include particulars of development concerned the land on which it was carried out, copy of decision letter and any planning obligation or s.278 agreement) • Documentary evidence submitted in support of Certificate of Lawfulness applications <p>Other documents that do not fall within this list can be disposed of inline with the Council's document retention policy.</p> <p>Other documents:</p> <ul style="list-style-type: none"> • Tree Preservation Orders (TPOs) – Copies need to be kept for as long as the TPO is in force. Applications for works to TPOs, decisions made etc. would be treated in the same way as any other application under Article 40 of the DMPO. 	
S106 Agreements and Planning Obligations	When required as part of an application	No Retention Period Specified	Review	<p>S106 and other forms of legal agreement.</p> <p>All S106 and other forms of legal agreement related to a planning application should be retained.</p>	The Town and Country Planning (Development Management Procedure) (England) Order 2010
Consultation Responses (statutory and public)	When submitted as part of a planning application	No Retention Period Specified	Review/Destruction	<p>Comments and supporting information from statutory consultees and members of the public in relation to planning applications.</p> <p>All such comments should be destroyed once they are no longer required.</p>	The Town and Country Planning (Development Management Procedure) (England) Order 2010
Planning Enforcement Complaints	When people submit an enforcement complaint or are the	No Retention Period Specified		<p>This may include:</p> <ul style="list-style-type: none"> • A complaints form • Photos, videos or other evidence • Correspondence • Copies of enforcement notices/planning permissions • Plans/drawings 	The Town and Country Planning (Development Management Procedure) (England) Order 2010

	subject of an enforcement complaint				
Planning Enforcement Notices	When required to be issued for non-compliance with planning law	No Retention Period Specified		<p>This may include:</p> <ul style="list-style-type: none"> • A complaints form • Photos, videos or other evidence • Correspondence • Copies of enforcement notices/planning permissions • Plans/drawings • Appeal statements • Witness statements <p>To support the enforcement notice and must be kept on the enforcement register.</p>	The Town and Country Planning (Development Management Procedure) (England) Order 2010
Appeals and Inquiry Documentation	When an appeal against an application decision or enforcement notice is made	No Retention Period Specified	Review	<p>When appeals are submitted, the following documents may also be submitted:</p> <ul style="list-style-type: none"> • Application forms • Drawings • Supporting documents • Surveys • Technical reports • Ecology and wildlife information • Draft legal agreements • Legal advice • Appeal decisions • Case law • Photos • Correspondence • Appeal statements • Witness statements <p>Once a planning appeal has been determined and if approved the development has been constructed, all documents no longer required to be retained under §36 The Town and Country Planning (Development Management Procedure) (England) Order 2010 should be destroyed.</p>	The Town and Country Planning (Development Management Procedure) (England) Order 2010