

Report to	Planning Committee
Date	15 March 2011
By	Director of Planning
Title of Report	Proposed requirements for planning applications and related consents from 1 April 2012
Purpose of Report	To approve the proposed list of requirements for planning applications for adoption following consultation.

Recommendation: The Committee is recommended to approve the Local Validation List set out at appendix 1.

1. Introduction

- 1.1 On 12 December the South Downs National Park Authority (SDNPA) Planning Committee approved for consultation purposes the list of requirements for the validation of planning applications and related consents in the South Downs National Park (SDNP) to influence the quality of proposals in compliance with the first purpose of designation.
- 1.2 This report sets out the outcome of the consultation and the proposed local list requirements for adoption.

2. Consultation

- 2.1 In accordance with The Department of Communities and Local Government guidance the local community, including applicants and agents, were consulted on the proposed local validation requirements on 16 January 2012. An e mail was sent to all stakeholders who were consulted by our partner authorities when they were establishing their local validation lists 3 years ago and when they amended the local lists following the publication of revised guidance in March 2010 including all parish councils and statutory consultees and key stakeholders including the South Downs Society, CPRE, RSPB, and National Trust. Several hundred e mails were sent out with a link to the SDNPA web site page where the proposed list of requirements was available to view and where comments could be made on line. The consultation has been undertaken over a period of 8 weeks as required by DCLG guidance and the SDNPA Statement of Community Involvement closing on 11 March 2012. A total of 8 comments were made on line and 3 comments were received by e mail.

3. Analysis of comments

- 3.1 The comments are reproduced at **appendix 2**. Of the 8 who responded on line there were no more than 3 objections to any of the requirements. Some of the comments related to the definition of major development but for the avoidance of doubt this can be confirmed as the definition set out in the Town and Country (General Procedural) Order ie more than 10 dwellings or 1,000 square metres of floor space.
- 3.2 There were also queries relating to acronyms and guidance sources (which have been clarified on the proposed list for adoption at **appendix 1**) and comments on how applications should be considered which is beyond the scope of this list. There were some comments on technical sources of guidance and omissions which have been included in the list at **appendix 1**.
- 3.3 There were more substantive comments on 3 of the requirements. The first is that the requirements should be expanded for Air Quality Assessments to include all potential

polluting development. However this would be difficult to assess at the validation stage but it could be reviewed at a later date.

3.4 The second was that all applications for housing above the policy thresholds for affordable dwellings should require an affordable housing statement. As this currently varies considerably across the SDNP it would be unnecessarily complex at the outset. This can be reviewed when the SDNP core strategy is nearing adoption.

3.5 The third is the requirement for a Landscape and Visual Assessment. Five of those responding disagreed with 3 believing it was a disproportionate approach. Guidance is in preparation for consideration by this Committee which will address the issue of the requirement being proportionate in the context of the importance of this information for ensuring development meets the first purpose of designation. It is pertinent to note that out of several hundred invitations to respond, and the 8 people or organisations who responded on line, only 5 held concerns. In light of this it is proposed to retain this requirement.

4. Recommendation

4.1 That the list of requirements set out at **appendix 1** is adopted for the validation of all applications for planning permission and related consents within the SDNPA.

5. Financial implications

5.1 The cost of implementing this local validation list will be absorbed within the existing administration staff and should lead to more efficient processing of planning applications.

5.2 Whilst they may be additional costs for applications this is proportionate to the value added to the quality of the information submitted with the application.

6. Risk Assessment

6.1 In view of the limited number of responses to the consultation and the amendments which have been made to address issues raised by the consultation the risk of adopting the local validation list is considered to be low.

7. Human Rights, Equalities, Health and Safety

7.1 There are no implications arising from this report.

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Appendices 1.List of Proposed Requirements

2.Summary of comments

SDNPA Consultees Monitoring Officer & Senior Solicitor.

Background

Documents

Guidance on Information requirements and validation CLG March 2010

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1505220.pdf>

Committee report **PC67/11 agenda item 9 14 November 2011**

Comments received on line

Comments received by e mail from WSCC, CDC and LDC

List of proposed local validation requirements

Document Type	When required	National Policy Justification	Local Policy Justification	Further Guidance
Air quality assessment	All applications for major development where traffic generation is increased	PPS23, MPS1 and MPS2	tbc	PPS 23 Appendix A, and Paragraph 1 Annex 1
Affordable housing statement	All applications for housing development including exception sites	PPS3	tbc	Include details of how it is to be provided; no. of bedrooms; tenure; RSL; contact details of applicant's solicitors; land registry titles.
Biodiversity Survey and report	All applications for development within or adjacent to a local or national nature reserves or SSSIs and where there is a reasonable likelihood of a protected species	PPS9	tbc	Natural England standing advice http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/advice.aspx
Geodiversity Survey and report	All applications for mineral extraction	Circular 06/05	tbc	http://www.communities.gov.uk/documents/planningandbuilding/pdf/153421.pdf
Hydrology assessment and report	All applications for disposal of waste and mineral extraction	MPS 1, MPS 2	tbc	http://www.hydrology.org.uk/default.asp
Flood risk assessment	All applications where site area > 1 Ha in Flood Zone 1; all proposals where application site is in Flood Zones 2 and 3; all applications where site is in a designated critical drainage area.	PPS25	tbc	Environment Agency web site and PPS25
Foul sewerage and utilities assessment	All applications for major development	PPS23	tbc	Building Regulations part H
Heritage statement	All applications for development affecting a heritage asset	PPS5	tbc	PPS5 guidance; and further guidance in preparation by SDNPA

Document Type	When required	National Policy Justification	Local Policy Justification	Further Guidance
Land contamination Assessment	All applications for major and minor development and changes of use if contamination is known/ suspected to exist; when site is within 250m of a current licensed or historic landfill site.	PPS23	tbc	Environment Agency web site
Landscape and visual Impact assessment (including landscaping proposals and photomontages)	All applications for development	PPS7	National park designation	In preparation by SDNPA to ensure level of information is proportionate
Lighting assessment	All applications for development other than householder	PPS7	National park designation and 'dark skies'	In preparation to ensure level of information is proportionate
Mineral safeguarding	All applications for development within Mineral Safeguarded Areas	MPS1, MPS 2	tbc	
Noise assessment	All applications for development other than householder	PPS7 and PPS24	National park designation and tranquillity	In preparation to ensure level of information is proportionate
Open space Assessment	All applications for development where public open space is to be lost	PPS17 and PPS7	tbc	Local plan SPD and policies
Parking provision	All applications for development	PPG13	tbc	Highway Authority
Planning Obligation	All applications for development generating need for off-site contributions	S106 of T&CPA1990; Circular 5/05	tbc	
Renewable Energy statement	All major development applications	PPS 1 and Climate Change Supplement	tbc	
Restoration and Aftercare Statement	All applications for mineral extraction and waste disposal	MPS1, MPS2	tbc	

Document Type	When required	National Policy Justification	Local Policy Justification	Further Guidance
Site waste management plan	All applications for mineral extraction and waste disposal	The Site Waste Management Plan Regulations 2008 http://www.legislation.gov.uk/uksi/2008/314/contents/made PPS 10	tbc	http://www.ukswedensustainability.org/downloads/Site_Waste_Management.pdf
Statement of how Community has been Involved	All major development applications	Localism Act 2011	SDNPA SCI	
Telecommunications report	All telecommunications equipment applications and notifications	PPG8	tbc	GPDO 2 Part 24 Annex F Code of Practice on Mobile Network Development (2002)
Transport assessment	All applications for major development	PPG13	tbc	Df T Guidance (March 2007)
Travel Plan	All applications for major development	PPG13	tbc	Using Planning Process to Secure Travel Plans : Best Practice Guide 2002; Making residential travel plans work: Good practice guidelines for new development; A guide to development related travel plans.
Tree Survey/ arboricultural assessment	All applications for development affecting trees	PPS7	tbc	In preparation to ensure level of information is proportionate
Ventilation /Extraction equipment report	All applications for A3, A4, A5 and B1/B2 uses	PPS23	tbc	

Analysis of responses to consultation on list of proposed local validation requirements

N=11

Document Type	When required	Agree	Don't agree	Comment
Air quality assessment	All applications for major development where traffic generation is increased	6	3	<ol style="list-style-type: none"> 1. Definition of 'major development' required. Should also state 'where traffic generation is significantly increased. 2. Air Quality Assessments should also be required for sensitive development adjacent to potentially polluting sources, such as wastewater treatment works, in order to protect prospective residents from potential nuisance, in accordance with PPS23 3. Air Quality Assessments should be required for all proposals that impact on air quality through odour, dust, fumes or bio-aerosols
Affordable housing statement	All applications for housing development of more than 10 units and all exception sites	6	1	<ol style="list-style-type: none"> 1. Should state 'all applications for housing development above affordable housing threshold and exception sites' 2. What does RSL mean? Essential that there be legal requirement that affordable housing not be developed/enlarged and that it be retained as affordable housing in perpetuity.
Biodiversity Survey and report	All applications for development within or adjacent to a local or national nature reserves or SSSIs	7	1	<ol style="list-style-type: none"> 1. But where there is a proven need for housing the conditions should not be disproportionate. 2. development adjacent all needs assessing and where protected species are present, or habitat affected.
Geodiversity Survey and report	All applications for mineral extraction	6	1	<ol style="list-style-type: none"> 1. All proposed developments which affect geodiversity should be assessed.
Hydrology	All applications for disposal of waste and mineral extraction	8	1	<ol style="list-style-type: none"> 1. All proposed developments which affect hydrology should be assessed.
Flood risk assessment	All applications where site area > 1 Ha in Flood Zone 1; all proposals where application site is in Flood Zones 2 and 3; all applications where site is in a designated critical drainage area	8	1	<ol style="list-style-type: none"> 1. Some developments are sensitive irrespective of zoning and EA flood maps are not accurate

Document Type	When required	Agree	Don't agree	Comment
Foul sewerage and utilities assessment	All applications for major development	7	2	<ol style="list-style-type: none"> 1. Definition of 'major development' required 2. In addition, it should be borne in mind that in the near future there will be new National Build Standards for drainage to which developers will be required to adhere. Any changes should reflect this. 3. Should be proportionate not just major. 4. Foul sewerage and utilities assessment should be Foul sewerage and Surface water assessment under advice from EA.
Heritage statement	All applications for development affecting a heritage asset	7	1	<ol style="list-style-type: none"> 1. Depends on sensitivity of asset
Land contamination Assessment	All applications for major and minor development and changes of use if contamination is known/ suspected to exist; when site is within 250m of a current licensed or historic landfill site.	7	1	<ol style="list-style-type: none"> 1. Too generic and onerous and unreasonable to include changes of use and where there is no physical change to the land.
Landscape and visual Impact assessment (including landscaping proposals and photomontages)	All applications for development	5	4	<ol style="list-style-type: none"> 1. I think that a well written DAS adequately covers this for householder apps 2. Guidance needed to ensure applicants and validation officers are clear on the extent of information required for different types of development 3. It is disproportionate to expect Householder applications to provide this. A Design and Access Statement would cover this adequately. After all how would a garden shed in a garden in the centre of Lewes effect the Park?! 4. Too generic and unreasonable 5. Design and Access Statement (DAS) and planning conditions normally cover, but since April 2010 a DAS is no longer required for domestic extensions (except in Conservation Areas). It does seem like overkill for domestic extensions, garden sheds etc. Technically it would be inappropriate to apply this to ALL applications as it cannot be applicable to Changes of Use, Listed Buildings, Adverts, ELDs etc. Overall, this would not conform with the Government's expressed comments on the proportionality of information requirements and should perhaps be applied only to "significant" proposals.

Document Type	When required	Agree	Don't agree	Comment
Lighting assessment	All applications for development other than householder	6	2	<ol style="list-style-type: none"> 1. Should state 'All applications for development involving external lighting other than householder' 2. Surely only required if lighting is part of the proposal? 3. Too generic and unreasonable
Mineral safeguarding	All applications for development within Mineral Safeguarded Areas	8	0	
Noise assessment	All applications for development other than householder	4	3	<ol style="list-style-type: none"> 1. Guidance needed to ensure applicants and validation officers are clear on the extent of information required for different types of development. Not all non-householder developments will generate noise. 2. Surely only required if the development is a commercial use?
Open space Assessment	All applications for development where public open space is to be lost	7	0	<ol style="list-style-type: none"> 1. Stringent conditions should be in place covering the loss of public open space to development. In essence it should not be permitted. 2. consultation with Sport England required in case formally designated. 3. Not clear about justification on rarely submitted proposals.
Parking provision	All applications for development	7	1	<ol style="list-style-type: none"> 1. Allowing housing development without provision of parking spaces, in the misguided hope that householders and their visitors will be able to use public transport, is cloud cuckoo land. Developers must allow for adequate parking. 2. Too generic and unreasonable
Planning Obligation	All applications for development generating need for off-site contributions	7	1	<ol style="list-style-type: none"> 1. Usually discussed at pre-app and determined during consultation
Renewable Energy statement	All major development applications	8	2	<ol style="list-style-type: none"> 1. This should be a requirement for all new development, including individual private houses and including where an existing property is to be demolished and a replacement built. 2. should form part of the DAS not the Validation Checklist.

Document Type	When required	Agree	Don't agree	Comment
Restoration and Aftercare Statement	All applications for mineral extraction and waste disposal	7	0	1. should be proportionate
Statement of how Community has been Involved	All major development applications	6	3	1. Definition of 'major development' required 2. The Localism Bill states that only Large Scale major applications require this! 3. Should be proportionate 4. it is a legal requirement anyway, so does it need to be in the list?
Telecommunications report	All telecommunications equipment applications and notifications	7	1	1. the requirements are set out in the Operator's Code of Practice.
Transport assessment	All applications for major development	6	2	1. Thresholds within Appendix B of DfT Guidance (March 2007) should be used to determine the need for and scope of Transport Assessments 2. Too generic and unreasonable should be proportionate
Travel Plan	All applications for major development	6	2	1. Too generic and unreasonable
Tree Survey/ arboricultural assessment	All applications for development affecting trees	6	2	1. Should state 'all applications for development if building works to take place within 5 metres of a tree' 2. Should be proportionate
Ventilation /Extraction equipment report	All applications for A3 and B1/B2 uses	6	2	1. Should only be required in relation to A3/A4/A5 uses, not B1/B2 uses 2. not essential for validation

And concerns raised by one respondent that advertisements, archaeology, aviation safeguarding, conservation area consents, customer focus appraisals, daylight and sunlight assessments, Design an Access Statements, EIAs, Hydrology, listed building consents, planning statements and photographs and graphic material were not included.