

Report to	Planning Committee
Date	14 February 2013
By	Director of Planning
Title of Report	Review of Validation Requirements for planning applications and related consents
Purpose of Report	To approve the revised list of requirements for planning applications and related consents for consultation purposes

Recommendation: to approve the revised requirements for validating planning applications and related consents for consultation purposes.

I. Background

- I.1 Planning applications and applications for related consents (ie listed building and conservation consent) require different levels of information and supporting documentation depending on the scale and type of development proposed. There is a national core list of requirements but each local planning authority may also set out a list of additional information and documentation required to reflect national and local policies. This is known as the 'local validation check-list' or 'local list'. Provided this list has been consulted on and is published on the local authority web site, an application is not valid if it doesn't have all the information and documentation required.
- I.2 Details of the national requirements and the suite of documents a local planning authority may additionally require are published on the planning portal web site at the following link: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/nationaldocuments>
- I.3 Following consultation and discussion with all the host Authorities the South Downs National park Authority (SDNPA) adopted a single local list of validation requirements for all applications submitted for development within the South Downs National park (SDNP) from 1 April 2012. At the time of introducing this, the Park Authority made clear it would be subject to a review after 12 months in operation.
- I.4 In December 2012 the government published its response to a consultation on streamlining validation requirements. Of particular relevance to the SDNPA review is the move towards a reduction in the requirement for information at the validation stage. The Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012, includes measures which will place limits on the powers of local authorities to require information with planning applications by stipulating that such requests must be genuinely related to planning and reflect the nature and scale of the development proposed. An example of the proposed measures is the reduction in the types of application where there is a requirement for a Design and Access Statement.
- I.5 In addition a consultation was issued by the government in January proposing further streamlining of the validation process: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66061/Streamlining_the_planning_application_process_-_consultation.pdf. A key proposal is the reinstatement of the right of appeal against non-validation because of failure to provide the information requirements of the Local Validation List. If this is introduced it will be important for the SDNPA to be able to demonstrate that the requirements of our local Validation List are proportionate.

- 1.6 As stated above and in line with our principle to learn from experience and improve, as well as adopt a proportionate approach, we are assessing the 'soundness' of the local validation list. Whilst this would appear to have been ahead of Government thinking, new legislation comes into force on 31 January 2013 which requires review of a local validation list every 2 years. If it is not the local planning authorities can no longer invalidate applications which do not meet the requirements of the local validation list.

2. The Outcome of the Review

- 2.1 The review has highlighted some issues with certain requirements, in particular
- Landscape and Visual Impact Assessment. The need for a landscape and visual impact assessment for all applications has been perceived as too onerous by both applicants and our host authorities, notwithstanding the provision of guidance and the ability to submit a proxy checklist where there is likely to be no impact. This has resulted in delays in validation and a degree of customer dissatisfaction.
 - Planning Obligations and Parking provision, for which the need is not easily assessed at validation stage
 - The Statement of Community Involvement

These issues have been discussed with the Heads of the development management services in our partner authorities and some amendments are now proposed and some requirements are proposed to be deleted altogether. The revised requirements result in a more proportionate approach which will simplify and speed up the validation process to benefit both applicants and officers whilst still ensuring sufficient information is submitted to be able to fully assess the impact of proposals on the natural beauty, wildlife and cultural heritage of the SDNPA in accordance with the first purpose of designation.

- 2.2 In addition a separate list of validation requirements is proposed for Minerals and Waste applications as the information requirements differ to other types of development and there are specific requirements that need to be addressed.
- 2.3 The proposed revision to the original list, excluding Minerals and Waste, are set out in the table at **Appendix 1** which shows the adopted requirements and the reason for change. The Minerals and Waste List is set out at **Appendix 2**. If approved the revised local list requirements would be the subject of an 8 week consultation in accordance with the SDNPA Statement of Community Involvement.
- 2.4 The local planning policy justification for the particular local validation requirement will depend on the local development plan current in the local authority area in which the application is made until the SDNPA adopts its Local Plan. As there are only 4 Minerals and Waste Authorities, the Minerals and Waste list also contains the national and local policy drivers, as well as where additional guidance can be found. As there are 11 districts with development plans at different stages of adoption it is not practical to include the policy drivers in the list of requirements for general applications in a single list but for consultation purposes it is proposed to insert the relevant policies from the local plan or core strategy within each local authority area. Links to the appropriate guidance will be inserted at this time. When the final lists are adopted the local authorities will each have their own policies inserted on their web site and a master list will be published on the SDNPA web site.

3. Consultation

- 3.1 It is proposed to consult all stakeholders who were consulted previously in respect of the SDNPA local validation lists last year including all parish councils and statutory consultees and key stakeholders including the South Downs Society, CPRE, RSPB, and National Trust.
- 3.2 The consultation would commence in March 2013. The outcome of the consultation will be reported back to the Committee in June 2013 with any further revisions considered appropriate as a result of responses received.

4. Resources

- 4.1 The cost of the consultation will be less than £500 for incidental expenses (postage, travel, materials etc and will come from the existing budget using existing staff time.

5. Risk management

- 5.1 Risk - the local list which has operating since April 2012 has resulted in validation delays.
Mitigation - the revised list is less onerous and guidance will ensure the information provided is proportionate
- 5.2 Risk – Despite changes the list is still too onerous.
Mitigation – The list responds to feedback over the year, and as noted in 1.6 will be subject to further review
- 5.3 Risk – The previous requirements for Local Landscape Validation Requirement on all applications now tailored, will result in poorer quality applications
Mitigation – As above in terms of being open to review and Link Officers can ensure applications submitted are generally of a quality suitable to be determined.

6. Human Rights, Equalities, Health and Safety

- 6.1 There are no implications arising from this report.

TIM SLANEY Director of Planning

Contact Officers: Pat Aird Development Management Lead; Claire Potts Minerals and Waste Lead

Tel: 01730 234110

email: pat.aird@southdowns.gov.uk; claire.potts@southdowns.gov.uk

Appendices
1. Table showing existing requirements and proposed revisions and reason for change
2. Minerals and Waste List

SDNPA Consultees
Director of Strategy and Partnerships, Monitoring Officer & Legal Services

Background Report to SDNPA committee 11 December 2011
documents Government response to consultation: Streamlining Information requirements for planning applications
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43425/streamlining_information_requirements_response.pdf

Guidance on Information requirements and validation CLG March 2010
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1505220.pdf>

List of proposed local validation requirements general

The following list should be used for all applications except minerals and waste applications. The South Downs National Park Authority [‘Advice to Homeholders and their agents’](#) (August 2012) contains a [‘baseline assessment checklist’](#) that, whilst aimed at homeholders, can also be used as a guide to help you determine whether surveys and assessments that may be required as part of your application.

Local policy drivers are based upon the adopted development plans in the SDNP. These policy drivers may change as emerging joint plans reach adoption

Information	Requirement since April 2011	Proposed change	Reason	Guidance
Air quality assessment	All applications for major development where traffic generation is increased	No change	Proportionate and necessary	[link]
Affordable housing statement	All applications for housing development including exception sites	No change	Proportionate and necessary	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 protected species	All applications for development within or adjacent to a local or national nature reserves or SSSIs and where there is a reasonable likelihood of protected species an/or their habitats	Proportionate and necessary to protect habitats as well	Natural England standing advice [link]
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.	No change	Proportionate and necessary	Environment Agency web site [link]
Foul sewerage and utilities assessment	All applications for major development	No change	Proportionate and necessary	Building Regulations Part H
Heritage statement	All applications for development affecting a heritage asset	All applications for development affecting a designated heritage asset and any non designated heritage asset recognised as such by the LPA unless SDNPA checklist is submitted showing no adverse impact on historic environment	More proportionate	SDNPA integrated guidance for homeowners; EH guidance [link]

Information	Requirement since April 2011	Proposed change	Reason	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.	No change	Proportionate and necessary	Environment Agency web site [link]
Landscape and visual Impact assessment (including landscaping proposals and photomontages)	All applications for development	All applications for development outside settlement boundaries other than householder and changes of use unless SDNPA checklist is submitted showing no adverse impact on landscape	More proportionate	SDNPA integrated guidance for homeowners; Landscape Institute guidance [link]
Lighting assessment	All applications for development other than householder	All applications for development outside settlement boundaries other than householder	More proportionate	[link to institute of lighting engineers]
Mineral safeguarding	All applications for development within Mineral Safeguarded Areas	DELETED	Further information needed on extent of MSAs and types of development which would require an assessment.	[const[constraint map required]
Noise assessment	All applications for development other than householder	No change	Proportionate and necessary to maintain tranquillity and protect amenity	[JP of WCC to give link]
Open space Assessment	All applications for development where public open space is to be lost	No change	Proportionate and necessary	Local plan SPD and policies
Parking provision	All applications for development	DELETED	Not necessary for validation	
Planning Obligation	All applications for development generating need for off-site contributions	DELETED	Requirement for contributions not easily identifiable at validation stage	

Information	Requirement since April 2011	Proposed change	Reason	Guidance
Renewable Energy statement	All major development applications	DELETED	Not always relevant	
Statement of how Community has been Involved	All major development applications	DELETED	Not always relevant	
Telecommunications report [change to 'Statement']	All telecommunications equipment applications and notifications	All telecommunications equipment applications	To conform with GPDO 2 Part 24 Annex F Code of Practice on Mobile Network Development (2002)tbc	GPDO 2 Part 24 Annex F Code of Practice on Mobile Network Development (2002)
Transport assessment	All applications for major development	No change	Proportionate and necessary	Df T Guidance (March 2007)
Travel Plan	All applications for major development	No change	Proportionate and necessary	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	All applications for development affecting trees unless SDNPA checklist is submitted showing no adverse impact	More proportionate	SDNPA integrated guidance for homeowners [link]
Ventilation /Extraction equipment report	All applications for A3, A4, A5 and B1/B2 uses	All applications for A3, A4, A5 and B2 uses	More proportionate as B1 uses do not produce fumes	Not required as the content of the report will depend on the type of equipment proposed

Appendix 2 Local Validation Requirements for Minerals and Waste applications

The following list should be used for all minerals and waste applications. The South Downs National Park Authority '[Advice to Homeholders and their agents](#)' (August 2012) contains a '[baseline assessment checklist](#)' that, whilst aimed at homeholders, can also be used as a guide to help you determine whether surveys and assessments that may be required as part of your application.

Local policy drivers are based upon the adopted development plans covering minerals and waste development in the SDNP. These policy drivers may change as emerging joint plans reach adoption.

Information	When required	National policy drivers/guidance	Local policy drivers/guidance			
			Local guidance	WSCC policy	ESCC policy	HCC policy
Air Quality Assessment	All applications for development that will result in emissions to air from waste management processes, increased traffic, dust, bioaerosols, or odour and/or the development is within or likely to affect an Air Quality Management Area	NPPF paragraph 124. PPS10: Annex E (g) Defra Air Quality Management Area Maps	Sussex Air Quality Partnership	Adopted West Sussex Minerals Local Plan 2003 saved policy 61 and paragraph 6.55	East Sussex and Brighton & Hove Waste Local Plan 2006 policy W35 and paragraph 8.4 Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31	Hampshire Minerals and Waste Core Strategy 2008 paragraph 10.2
Biodiversity/ Geodiversity Survey & Report	All applications for development that may have an impact upon one, or a combination of the following sites: <ul style="list-style-type: none"> • Special Areas of Conservation; • Special Protection Area; • Ramsar sites; • Sites of Special Scientific Interest; • Sites of Nature Conservation Importance; • Local Nature Reserves; • Ancient Woodland; • Local and Regionally Important Geological/ Geomorphological sites; and that may have an impact upon any notable species or their habitats.	NPPF paragraphs 109,113,117,118,143. PPS10 : Annex (e) (d) UK Biodiversity Action Plan UK Geodiversity Action Plan MAGIC: Defra Interactive Map	Useful links for biodiversity	Adopted West Sussex Minerals Local Plan 2003 saved paragraph 6.36	East Sussex and Brighton & Hove Waste Local Plan 2006 policy W35 and paragraph 8.7, 8.8 and 8.9 Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31	Hampshire Minerals and Waste Core Strategy 2008 Policies DC7, DC12 and DC15 and paragraphs 4.6, 11.1, 26.9, 26.10, 26.25, 26.26, 26.37, 26.39.

Information	When required	National policy drivers/guidance	Local policy drivers/guidance			
			Local guidance	WSCC policy	ESCC policy	HCC policy
Foul sewerage and utilities assessment	All applications for development that involves built facilities requiring connections to foul and storm water sewers.	DETR Circular 03/99 Building Regulations 2000: Drainage and waste disposal				
Heritage Statement	All applications for development affecting a designated heritage asset or its setting and any non designated heritage assess recognised as such by the LPA unless SDNPA checklist is submitted and indicates that no further assessments are required	PPS10: Annex (e) (e) English Heritage guidance	West Sussex County Archaeology East Sussex County Archaeology Hampshire's Historic Environment	Adopted West Sussex Minerals Local Plan 2003 saved policies 11, 54 and paragraphs 6.37-6.41	East Sussex and Brighton & Hove Waste Local Plan 2006 policy W35 and paragraph 8.10 Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31 and paragraph 8.8 and 8.9	Hampshire Minerals and Waste Core Strategy 2008 Policy DC4 and paragraphs 11.1, 26.15 and 26.16
Hydrological/ Hydrogeological Assessment	All applications for development where there may be an adverse impact upon surface water and/or underground water resources (e.g. chalk aquifers) and/or where working involves a depth below that of the water table.	NPPF paragraph 109, 143, 156 PPS10: Annex (e) (a)		Adopted West Sussex Minerals Local Plan 2003 saved policy 56 and 59 and paragraphs 6.45 and 6.51	East Sussex and Brighton & Hove Waste Local Plan 2006 policies 37 and 38 and paragraphs 8.13 – 8.14 Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31 and paragraph 8.6	Hampshire Minerals and Waste Core Strategy 2008 Policies DC10 and DC12 and paragraphs 26.31, 26.32 and 26.33

Information	When required	National policy drivers/guidance	Local policy drivers/guidance			
			Local guidance	WSCC policy	ESCC policy	HCC policy
Land Contamination Assessment	All applications for development if contamination is known/ suspected to exist; when site is within 250m of a current licensed or historic landfill site.	NPPF paragraph 121 Environment Agency - Land contamination				
Landscape and Visual Impact Assessment	All applications for development outside settlement boundaries other than changes of use, unless SDNPA checklist is submitted showing no adverse impact on landscape.	NPPF Technical guidance (Minerals Policy) paragraphs 33 to 48 PPS10 : Annex (e) (c).	South Downs National Park Authority landscape guidance Landscape and Visual Impact Assessment Checklist South Downs Integrated Landscape Character Assessment	Adopted West Sussex Minerals Local Plan 2003 saved policies 10, 12, 53 and 55 and paragraphs 6.34 and 6.43	East Sussex and Brighton & Hove Waste Local Plan 2006 policy W35 and paragraph 8.6 Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31 and paragraph 8.7	Hampshire Minerals and Waste Core Strategy 2008 Policy DC3 and paragraphs 26.12-26.14 Character Area Guidelines
Lighting Assessment	All applications for development that involve new external lighting: <ul style="list-style-type: none"> • outside settlement boundaries; • in the vicinity of a listed building or conservation area; • at a location where bats and their roosts, or other protected species are present. 	Institution of Lighting Professionals	Campaign for dark skies			
Noise Assessment	All applications for development likely to generate noise that may raise issues of disturbance by noise and/or reduce tranquillity	NPPF Technical guidance (Minerals Policy) paragraphs 28 to 31) NPPF paragraph 109 PPS10 : Annex (e) (j)		Adopted West Sussex Minerals Local Plan 2003 saved policy 60 and paragraph 6.53	East Sussex and Brighton & Hove Waste Local Plan 2006 policy W35 and paragraph 8.4, 8.5 Saved East Sussex and	Hampshire Minerals and Waste Core Strategy 2008 Policy DC8 and paragraph 26.27

Information	When required	National policy drivers/guidance	Local policy drivers/guidance			
			Local guidance	WSCC policy	ESCC policy	HCC policy
					Brighton & Hove Minerals Local Plan 1999 , Policy 31	
Site-specific Flood Risk Assessment	All applications for development where the site area is 1 hectare or more in Flood Zone 1; all proposals where an application site falls in Flood Zones 2, 3a and 3b (including minor development and change of use); where it lies within an area in Flood Zone 1 which has critical drainage problems; and where the development involves a change to a more vulnerable class that is subject to other sources of flooding.	NPPF paragraphs 17 (Section 10, paras 94, 99, 100, 101, 102, 103, 104), 143, 156, 162 and 166 NPPF Technical guidance (Flood Risk) (paragraphs 2 to 19) Environment Agency			East Sussex and Brighton & Hove Waste Local Plan 2006 policies 37 and 38 and paragraphs 8.13 – 8.14 Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31 and paragraph 8.6	Hampshire Minerals and Waste Core Strategy 2008 Policies DC11, DC12 and paragraphs 4.7, 19.13, 23.5, 26.34-26.36
Soils Management Plan	All applications for development where the movement of top and/or subsoils is proposed.	NPPF (para 109)		Adopted West Sussex Minerals Local Plan 2003 saved policy 58 and paragraph 6.49	Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31 and paragraph 8.7	Hampshire Minerals and Waste Core Strategy 2008 Policy S7 and paragraphs 20.8 and 20.9
Transport Assessment / Statement	All applications for development that would generate significant vehicle movements. See relevant County Council guidance for further information on thresholds.	NPPF (section 4) DfT and CLG National Guidance on Transport Assessment 2007	East Sussex Transport Assessment Guidance West Sussex Transport Assessment Guidance		East Sussex and Brighton & Hove Waste Local Plan 2006 policy 2, 4 and 36 and paragraphs 6.5, 6.8-6.11, 8.11 – 8.12 Saved East Sussex and Brighton & Hove Minerals Local Plan 1999 , Policy 31 and paragraph 8.5	Hampshire Minerals and Waste Core Strategy 2008 Chapter 10

Information	When required	National policy drivers/guidance	Local policy drivers/guidance			
			Local guidance	WSCC policy	ESCC policy	HCC policy
Travel Plan	All applications for development that generates significant vehicle movements. See relevant County Council guidance for further information on thresholds.	NPPF (paragraph 36)	East Sussex Travel Plan Guidance West Sussex County Council: Travel Plan guidance Hampshire County Council Travel Plan Guidance	Transport Plan 2011-2026	Local Transport Plan 2011-2026	Hampshire Minerals and Waste Core Strategy 2008 Chapter 10 Local Transport Plan 2011-2031
Tree Survey	All development affecting trees unless SDNPA checklist is submitted showing no adverse impact.					

NOTES

Emerging minerals and waste plans: **Policy drivers are based upon the adopted development plan. The status of which may change as emerging joint plans are adopted.**