

Adoption of the revised Local List of Validation Requirements

SUMMARY

- 1.1 This report is brought to the Planning Control Committee to inform Members of the proposed changes to the documentation required for Planning and other types of application in line with revised Government guidance. This requirement is known as our 'Local Validation Requirements List'.

RECOMMENDATION

- 2.1 To note the report

REASONS FOR RECOMMENDATION

- 3.1 This report is brought to committee for information only

SUPPORTING INFORMATION

- 4.1 In early 2008 the Planning Control Committee considered a report informing regarding the proposed local list of validation requirements, to accompany the national list which was introduced along with the new '1APP' planning forms.
- 4.2 The Government always intended that Local Planning Authorities (LPA) should regularly review this list of local requirements to ensure it remained up to date.
- 4.3 In March 2010 the Government published 'Guidance on Information Requirements and Validation'. This document was in response to the advice given in the Killian Pretty Review of the planning process. This recommended streamlining and a more proportionate approach to information requirements to reduce costs to applicants and reduce time in processing planning applications for LPAs.
- 4.4 Derby City Council's local list of validation requirements was published in 2008 and in line with Government recommendations we have now undertaken a review of this list. In consultation with colleagues from appropriate departments we have identified the need for some changes to the adopted list to bring it up to date and make it relevant to current legislation and above all fit for purpose.

- 4.5 We have also received advice from external consultees such as English Heritage and Sport England who have drafted comments and sent them to all LPAs
- 4.6 The review looked at five key elements for each of the requirements. Necessity, Precision, Proportionality, Fitness for Purpose, and Assistance available.
- 4.7 Policy drivers have been identified to assist applicants in looking for the source of information required. Many of the 'links' on our old list have been removed as these were found to be no longer relevant. A number of requirements on the original list have been removed as these were found to be not helpful or crossed over with other legislative requirements, for example Building Regulations. These include a Daylight/Sunlight Assessment, Foul Sewerage Assessment and a Utilities Statement.
- 4.8 Applicants are encouraged to discuss with planning officers which requirements may be appropriate for each application during early pre-application negotiations, further supporting our 'proportionate approach'.
- 4.9 As changes to the list have been proposed we are now required to undertake a period of wider consultation. This consultation period runs from 1st December 2010 until 31st January 2011. The draft revised local list is available to view of the planning pages of the City Council website, along with contact details of who to send comments to. We have notified all our internal consultees of the draft list. In our annual newsletter to regular agents I have also informed recipients of the consultation.
- 4.10 These measures should ensure we reach a broad spectrum of interested parties who may wish to comment on the revised list.
- 4.11 Where appropriate any suggestions made will be incorporated into the final version of the Local Requirements For Validation document. With Members support this will then be formally adopted as the relevant list for Derby City Council and attached as guidance to all planning application packs which are given to applicants.

OTHER OPTIONS CONSIDERED

- 5.1 This review is a requirement from central government. Therefore no other options have been considered.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	Paul Clarke
For more information contact: Background papers: List of appendices:	Name 01332 255942 e-mail paul.clarke@derby.gov.uk None Appendix 1 – Implications Appendix 2 – draft Local List of Validation Requirements.

IMPLICATIONS

Financial

1.1 None

Legal

2.1 None

Personnel

3.1 None

Equalities Impact

4.1 None

Health and Safety

5.1 None

Carbon commitment

6.1 None

Value for money

7.1 None

Corporate objectives and priorities for change

8.1 The adoption of the above guidance document would further the corporate priority of 'giving you excellent services and value for money'.

Local Validation Requirements

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Affordable Housing Statement	PPS3 Housing	Applications for outline or full planning permission where 15 or more units are proposed.	Where local plan policies or Supplementary Planning Document guidance requires the provision of affordable housing the local planning authority may require information concerning both the affordable housing and any market housing e.g. the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.
Air Quality Assessment	PPS23 Planning and pollution Control	Full or outline proposals within or affecting an AQMA	Where the development is proposed inside, or adjacent to an air quality management area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of a local authority's air quality action plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Where AQMAs cover regeneration areas, developers should provide an air quality assessment as part of their planning application. This information might form part of an Environmental Statement, where one is necessary.

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Bio-Diversity Survey and Report	<p>EC Directives</p> <p>PPS9 - Biodiversity and Geological Conservation</p> <p>Wildlife and Countryside Act 1981(as amended)</p> <p>The Protection of Badgers Act 1992</p> <p>The Conservation (Natural Habitats etc) Regulations 1994</p> <p>Countryside and Rights of Way Act 2000</p> <p>The Natural Environment and Rural Communities Act (NERC) 2006</p>	<p>Full, outline and reserved matters applications.</p> <p>Proposal which may affect designated nature conservation sites or other protected wildlife habitats or species</p>	<p>Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. Locally, Derbyshire Wildlife Trust may be able to advise you or recommend consultants to carry out surveys for you if you think there is any possibility of wildlife being affected by a proposed development. The most common protected species to be affected by development, particularly demolition, are bats, but you should also consider if your proposal may impact the habitats of newts, crayfish and protected wildflowers. The City Council adopted, in 2006, a supplementary planning document on Nature Conservation, which sets out in detail the Council's position and offers advice on when surveys may be required, particularly for protected species.</p>
Environmental Impact Assessment	<p>EU Directive 85/337/EEC</p> <p>Town & Country Planning (Environmental Impact Assessment) Regulations 1999 (under review)</p>		<p>The Town and Country Planning (Environmental Impact Assessment) Regulations (1999) set out the circumstances in which an Environmental Impact Assessment (EIA) is required. Where EIA is required, an Environmental Statement in the form set out in Schedule 4 to the regulations must be provided. Where EIA is not required, the local planning authority may still require environmental information to be provided. An applicant may request a 'screening opinion' (i.e. to determine whether EIA is required) from the planning authority before submitting the application or a 'Scoping Opinion' on the matters to be covered in an Environmental Statement where an EIA is required or is a 'voluntarily' offered by a developer.</p>

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Flood Risk Assessment	PPS25 Development and Flood Risk	<p>Full and outline applications.</p> <p>Sites in Flood Zones 2 and 3 and within x metres of a watercourse.</p> <p>A sequential test will be required for certain proposals for 'more vulnerable uses'.</p>	<p>At the planning application stage, an appropriate Flood Risk Assessment (FRA) will be required to demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now and taking climate change into account. Planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 should be accompanied by a Flood Risk Assessment (FRA). This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. For major developments in Flood Zone 1, the FRA should identify opportunities to reduce the probability and consequences of flooding.</p> <p>Applicants should check the Environment Agency website for further advice, noting particularly the 'standing advice' where appropriate.</p>
Heritage Statement	PPS5 Planning for the Historic Environment	<p>Full, Outline, Listed Building Application and Conservation Area Consent.</p> <p>Any Developments impacting on a Heritage Asset.</p>	<p>The Heritage Assessment should be compiled in accordance with PPS 5 Policy HE6 and may include</p> <p>Statement of Significance - for designated asset and those of local architectural, historic, archaeological or artistic interest.</p> <p>Archaeological Assessment - May include the requirement of a written scheme of investigation.</p> <p>Landscape Plans - to ensure the setting of designated heritage assets is preserved and/or enhanced.</p> <p>Structural Plans - Where demolition of a heritage asset is proposed</p> <p>Heritage Statement - Explaining the impact of a proposal on the significance of the heritage assets, plus justification and/or mitigation.</p>
Economic Development Impact Assessment	PPS4 Planning For Sustainable Economic Growth	<p>Full or outline applications</p> <p>And/or other commercial developments with potential economic development impact.</p>	<p>An application should be accompanied by an assessment of the impact of the proposal where this would be in an edge of centre or out of centre location, and where it is not in accordance with an up to date development plan document strategy. But it is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre. Evidence should be provided to show that there are no sequentially preferable sites</p>

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Land Contamination Assessment	PPS23 Planning and Pollution Control	Full and outline applications. Particularly on former industrial sites.	<p>Applications may also need to be accompanied by a land contamination assessment which should include an extended assessment of contamination in line with Planning Policy Statement 23 'Planning and Pollution Control' (November 2004). Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.</p> <p>The developer may also have separate responsibilities under Environmental Protection Legislation.</p>
Lighting Assessment		Full and outline applications. Where lighting proposals may impact upon 'sensitive receptor's	<p>Proposals involving the provision of publicly accessible developments, particularly in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be required to be accompanied by details of external lighting and the proposed hours when the lighting would be in use. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design.</p> <p>'Lighting in the countryside: Towards good practice' (1997) is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside</p>
Noise Impact Assessment	PPG24 Planning and Noise	Full and outline applications. Where business/industrial and commercial proposals may impact upon 'sensitive receptors' and sensitive developments proposed within the vicinity of existing noisy developments	<p>Application proposals that raise issues of disturbance or are considered to be a noise sensitive development in what are considered noise sensitive areas should be supported by a noise impact assessment prepared by a suitably qualified acoustician. Further guidance is provided in Planning Policy Guidance note 24: Planning and Noise (September 1994).</p> <p>Developers should also have regard to the relevant British Standards which may be applicable in noise assessments e.g. BS4142</p>

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Open Space Assessment	PPG17 Planning for Open Space, Sport and Recreation	Full and outline applications. Where proposals impact upon established public open spaces.	Planning permission is not normally given for development of existing open spaces which local communities need. For development on open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. In the absence of a robust and up-to-date assessment by a local authority, an applicant may seek to demonstrate through an independent assessment that the land is surplus to local requirements and any such evidence should accompany the planning application. Government planning policy is set out in Planning Policy Guidance note 17: Planning for open space, sport and recreation (July 2002)
Other Plans		Any application, as necessary to fully illustrate the proposal	These include additional plans or drawings which may be required in certain circumstances, dependent on factors such as the location or characteristics of the site and the scale and nature of the development.
Parking and Access Arrangements	PPG13 Transport	Full and outline applications. Any proposals which may impact upon the highway network.	Some applications may be required to provide details of existing and proposed parking provision and access arrangements. These details should also be shown on a site layout plan. The proposal should take account of National Policy as set out in PPG13 and other national policy documents such as 'Manual For Streets 2' and locally produced companion guides.
Photographs and Photomontages		Any application, as necessary to fully illustrate the proposal	These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building. The City Council also has electronic models, such as the 'Tall Buildings Strategy' which can be appropriately used to inform decision makers.
Planning Obligations		Full and outline applications. Proposals involving major development or those smaller proposals which may impact upon the comprehensive redevelopment of larger sites	Planning obligations are agreements negotiated between local planning authorities and persons with an interest in a piece of land (or "developers"), and are intended to make acceptable development which would otherwise be unacceptable in planning terms. Where Local Plan policies give details of likely section 106 requirements, a statement of the proposed Heads of Terms should be submitted with the application. Further advice is available in ODPM Circular 05/2005, Planning Obligations and the model section 106 agreement, both of which are available on the Communities and Local Government website. The City Council has an adopted SPD relative to Planning Obligations which sets out in detail the Council's position.

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Planning Statement	PPS 1 Delivering Sustainable Development	Full and outline applications. To fully justify and explain the proposal	<p>A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. However, a separate statement on community involvement may also be appropriate. The statement should include a justification for a proposed change of use, if applicable, particularly if the proposal involves the loss of community facilities.</p> <p>The Council's adopted 'Statement of Community Involvement' sets out the Council's aspirations for predevelopment community consultations. This is particularly important in light of the 'Localism' Bill and applicants should follow the advice in this document.</p>
Regeneration Statement	PPS 4 Planning For Sustainable Economic Growth	Full and outline applications. To justify projects where regeneration objectives need to be fully explained	Applications may also need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floor space totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal.
Statement of Community Involvement		Full and outline applications. In line with 'localism' objectives.	<p>Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.</p> <p>Further guidance on Statements of Community Involvement is available in Chapter 7 of <i>Creating Local Development Frameworks: A Companion Guide to PPS12</i> (November 2004).</p> <p>Derby City Council Statement of Community involvement can be found at:- http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp </p>
Structural Survey		Full and outline applications.	<p>A structural survey may be required in support of an application if the proposal involves substantial demolition, for example, barn conversion applications.</p> <p>Sites constrained by land level issues, previously developed sites and sites with known underlying geological constraints</p>

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Transport Assessment	PPG13 Transport	Full and outline applications. Major developments impacting upon the local and strategic highway network	<p>Planning Policy Guidance 13 'Transport' (March 2001) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the Transport Statement (TS) is sufficient and should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in Guidance on Transport Assessment, published by the Department for Transport (March 2007).</p> <p>Where ever possible Transport Assessments should be agreed in advance of lodging an application.</p>
Draft Travel Plan	PPG13 Transport	Full and outline applications. Major developments.	A (draft) travel plan should be submitted alongside planning applications which are likely to have significant transport implications. A (draft) travel plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The (draft) travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements for the plan – e.g. a steering group and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.
Tree Survey	BS5837 BS3998	Any application where development may impact upon trees on or adjoining the development site.	<p>Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.</p> <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.</p>

Local Requirement	National Policy Driver	Types of Application that require this information	Guidance
Ventilation/ Extraction Statement		Full and outline application. Where ventilation may impact upon sensitive receptors	Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. Restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments - use as a public house, wine-bar or other drinking establishment) and A5 (i.e. Hot food takeaways - use for the sale of hot food for consumption off the premises). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed
Site Waste Management Plan		Full, outline and reserved matters applications. Where major industrial and commercial development is proposed in sensitive locations and to control operational vehicle movements	Proposed new development should be supported by site waste management plans of the type encouraged by the code of practice published by the DTI in 2004 ' Site Waste Management Plans: guidance for construction contractors and clients '. These do not require formal approval by the planning authority, but are intended to encourage the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.