

Committee: Planning

Date:

Title: Development Management Local Validation
Checklists

10 April 2019

**Report
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Summary

1. As part of the process of validating applications the Council has the ability to set local validation requirements. These are in addition to the national validation requirements which are set by government. The Council needs to balance the need for information with the demands on the applicant.

Recommendations

2. That the amended Development Management Local Validation Checklists and association document be adopted for Development Management validation purposes.

Financial Implications

3. None. The documents will be electronically distributed via the website.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Validation of planning application checklists
Consultation responses

Impact

- 5.

Communication/Consultation	Six week public consultation
Community Safety	No issues
Equalities	Affects everyone the same
Health and Safety	No issues
Human Rights/Legal Implications	Affects everyone the same

Sustainability	No issues
Ward-specific impacts	All wards
Workforce/Workplace	Planning & Building Control Support & Registration Team

Situation

6. In May 2008, the Government changed the way in which planning applications are submitted. The National Standard Planning Application Form became the only official method of submitting a planning application for planning consent for all Local Planning Authorities (LPAs) in England.

The standard form is intended to make the process of submitting a planning application less confusing for applicants, as it will to a great extent replace the variety of planning application forms currently produced by LPAs which differ in the questions asked, the style, the layout and the number of copies required.

Legislation was put into place on 6 April 2008 to adopt the national forms and make it mandatory from 6 May 2008 for applications to be made only on the 1APP forms. This was to include all of the information and documents specified on the form (the national requirements) together with the additional information and documents specified by the Local Planning Authority to whom the application is made (the local requirements).

Local Authorities have to review their local requirements every two years. There is a set procedure where the Council reviews the checklists to ensure compliance with legislation and policies. Following an internal review there was a six week consultation process. Consultation commenced on 6 December 2018 and finished on 31 January 2019.

A total of 8 responses were received from the following organisations:

- The Gardens Trust
- Environment Agency
- Natural England
- Development & Flood Risk – Essex County Council (SuDs)
- Place Services Ecology
- Open Spaces Society
- Sports England
- Essex County Council – Strategic Development (Highway and Transportation)

These raised a number of issues regarding the text of the document and the levels of information required. All were supportive of our approach and the principle of improving the quality of planning applications. Please see responses and actions in appendix A. The Validation Guidelines have been altered to meet some of the specific comments.

Risk Analysis

7.

Risk	Likelihood	Impact	Mitigating actions
2	2	2	2

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix A

- As part of the checklist consultation, we also asked the consultees to review what they need to be consulted on. This will also ensure that they only get sent requests for comments on applications that they need to see.

▪ Consultee	▪ Their response	▪ Our response
▪ The Gardens Trust	▪ Sent a copy of the Planning System in England and Protection of Historic Parks and Gardens 2016.	▪ Shared with Officers and put on website
▪ Environment Agency	▪ Noted that the requirement for a Flood Risk Assessment has been included for Full and Outline applications; however they request that it is also added to the Details Following Outline (DFO) checklist.	▪ Added to DFO checklist
▪ Environment Agency	▪ Requested an additional requirement: Water Framework Directive (WFD) Assessment is added to both the Full and Outline application checklists.	▪ Added
▪ Environment Agency	▪ Would expect to see a preliminary risk assessment for sites where the previous use of the site is included on the Land Contamination DoE Industry Profiles.	▪ Noted – include on checklist and make link available to applicants/agents.
▪ Natural England	▪ Noted and welcomed the inclusion of a requirement for ‘Biodiversity’ information. Highlighted the requirements of the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017) and the need for sufficient information to assess relevant plans or projects in the context of European designated sites.	▪ Noted and added to the ‘any details of corresponding policies or guidance’ column on the checklists.
▪ Natural England	▪ Sent a link to a mapping layer for SSSI Impact Risk Zones.	▪ Noted and forwarded to GIS Officer and Registration Team Leader to make sure we are using latest information and if not to update.

<ul style="list-style-type: none"> ▪ Natural England 	<ul style="list-style-type: none"> ▪ The work being undertaken by the National Trust has identified a Zone of Influence (Zol) for Hatfield Forest, which at present is 10.4km. Recommend that although it is under review, all planning applications where there is a net gain in residential development within this area should be accompanied by an assessment for such impacts in the context of Hatfield Forest. 	<ul style="list-style-type: none"> ▪ Noted and a requirement will be added to the Full, Outline and Details Following Outline checklists ▪ ▪ ▪ ▪
<ul style="list-style-type: none"> ▪ Natural England 	<ul style="list-style-type: none"> ▪ Uttlesford is within the Zol for the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and the consultation requirements are also available to download as part of the mapping layer. 	<ul style="list-style-type: none"> ▪ Noted and mapping layer will be updated.
<ul style="list-style-type: none"> ▪ Natural England 	<ul style="list-style-type: none"> ▪ In additional to general assessment of air quality in the context of the natural environment, consideration should also be given to the requirement for necessary and appropriate levels of supporting information relating to the ongoing work for the Epping Forest Special Area of Conservation and Uttlesford's commitment through the Memorandum of Understanding. 	<ul style="list-style-type: none"> ▪ Noted
<ul style="list-style-type: none"> ▪ Development & Flood Risk – Essex County Council (SuDs) 	<ul style="list-style-type: none"> ▪ Statutory consultees on major applications and therefore only commenting on checklists relating to them. 	<ul style="list-style-type: none"> ▪ Noted
<ul style="list-style-type: none"> ▪ Development & Flood Risk – Essex County Council (SuDs) 	<ul style="list-style-type: none"> ▪ Happy with the requirement for a Flood Risk Assessment (FRA) and the criteria associated with it although this should be included as a national requirement. 	<ul style="list-style-type: none"> ▪ Noted and updated but only as a local requirement because the guidance for checklists haven't been updated and FRA isn't included in the current

		guidance.
<ul style="list-style-type: none"> ▪ Development & Flood Risk – Essex County Council (SuDs) 	<ul style="list-style-type: none"> ▪ The information that should be contained within the FRA includes a completed FRA Checklist. This document wasn't included as part of the consultation however based on previously required information it is likely that the document that is being referred to are in fact the SuDS Checklists for outline and detailed applications. If this is the case then this should be corrected and the requirement for provision of this information should sit in the next section of the Checklist relating to SuDS. 	<ul style="list-style-type: none"> ▪ Noted and corrected.
<ul style="list-style-type: none"> ▪ Development & Flood Risk – Essex County Council (SuDs) 	<ul style="list-style-type: none"> ▪ Both rows (FRA and SuDS) make reference to the NPPF paragraphs 155 to 165 which addresses flood risk associated with new development. However both rows should also include reference to paragraph 170 to cover the need for addressing water quality as part of the drainage design. 	<ul style="list-style-type: none"> ▪ Noted and corrected.
<ul style="list-style-type: none"> ▪ Development & Flood Risk – Essex County Council (SuDs) 	<ul style="list-style-type: none"> ▪ The row addressing the Statement on SuDS makes reference to the Non-statutory technical standards for sustainable drainage systems but should also link to local guidance in particular the Essex SuDS guide or the Essex Design Guide (which has links back to the SuDS guide). ▪ 	<ul style="list-style-type: none"> ▪ Noted and corrected
<ul style="list-style-type: none"> ▪ Development & Flood Risk – Essex County Council (SuDs) 	<ul style="list-style-type: none"> ▪ The threshold for a SuDS statement is listed as major development. While I would hope that the larger developers would be familiar with the criteria associated with this some smaller developers might not be as aware of the definition of major. It might be beneficial to provide more explanation about what constitutes major development within the checklist. ▪ 	<ul style="list-style-type: none"> ▪ Noted and definition added.
<ul style="list-style-type: none"> ▪ Development 	<ul style="list-style-type: none"> ▪ We have received at least 1 	<ul style="list-style-type: none"> ▪ Noted

<p>& Flood Risk – Essex County Council (SuDs)</p>	<p>application over the last few months that didn't include any drainage information. We would ask that any applications like this are screened before they are sent to us. We would be happy to provide some training to let officers know what they should be looking for when the application is submitted.</p>	
<ul style="list-style-type: none"> ▪ Development & Flood Risk – Essex County Council (SuDs) 	<ul style="list-style-type: none"> ▪ Chelmsford have a landing page for applicants which prominently directs applicants to the additional SuDS requirements for major applications. (https://www.chelmsford.gov.uk/planning-and-building-control/planning-permission-and-applications/make-a-planning-application/) if a similar approach could be followed by Uttlesford I think this would help improve the quality of the information that we receive from developers. ▪ 	<ul style="list-style-type: none"> ▪ Noted and details sent to the web team
<ul style="list-style-type: none"> ▪ Place Services - Ecology 	<ul style="list-style-type: none"> ▪ Pleased to see the three Biodiversity Validation Checklists are still incorporated in the validation process. Have recently reviewed and updated, please use the new ones and update website. 	<ul style="list-style-type: none"> ▪ Noted and done.
<ul style="list-style-type: none"> ▪ Place Services - Ecology 	<ul style="list-style-type: none"> ▪ The Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (Essex Coast RAMS) – recommend that UDC adds the Zone of Influence to the UDC Proposals Map. 	<ul style="list-style-type: none"> ▪ Noted and requested GIS Officer to update map.
<ul style="list-style-type: none"> ▪ Place Services - Ecology 	<ul style="list-style-type: none"> ▪ Badgers and /or other protected species ▪ Badgers are the only species requiring a confidential report so we recommend that where it is states that: <ul style="list-style-type: none"> ▪ <i>“Where there are any badgers and/or other protected species please ensure the details are recorded in a separate report to ensure that this can be dealt with appropriately.</i> ▪ Noted and altered. 	<ul style="list-style-type: none"> ▪ Noted and updated.

<ul style="list-style-type: none"> ▪ Open Spaces Society 	<ul style="list-style-type: none"> ▪ The primary interest of the Open Spaces Society is public rights of way and any potential development on 'open space'. Please continue to consult with us on any development that will potential affect these as Uttlesford is currently doing. ▪ 	<ul style="list-style-type: none"> ▪ Noted
<ul style="list-style-type: none"> ▪ Sports England 	<ul style="list-style-type: none"> ▪ In addition to the national validation requirements set out with the Government's Planning Practise Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with a checklist. 	<ul style="list-style-type: none"> ▪ Noted. The requirement will be added and the checklist made available online.

	What is required	Guidance/Policy	When is it required	Our response
Essex County Council Strategic Development (Highway and Transportation)	Advert consent – Plans <i>add identifies the highway boundary</i>	Guidance – add where adjacent to the highway. Information from the Definitive Map.		Noted and updated.
Essex County Council – Strategic Development (Highway and Transportation)	Reserved Matters – Plans add <i>Highway Boundary Public Rights of Way Add to proposed features eg cycle parking arrangements</i>	Guidance add - <i>If the application is to impact on the highway or Public rights of way these should be identified on the plan.</i> <i>Information from the Definitive Map</i>		Noted and updated.
Essex County Council – Strategic Development (Highway and Transportation)	FUL – 1. Plans Add <i>Highway Boundary Public Rights of Way Add to proposed features eg cycle parking arrangements</i> 2. Transport Statement ▪	Guidance 1.add - <i>If the application is to impact on the highway or Public rights of way these should be identified on the plan.</i> <i>Information from the Definitive Map</i>	▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪	▪ Noted and updated.

	<ul style="list-style-type: none"> ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ 3. Transport Assessment ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ 4. Travel Plans ▪ ▪ ▪ ▪ 	<ul style="list-style-type: none"> ▪ 2. NPPG (Travel Plans, Transport Assessments and Statements) ▪ NPPF 2018 paragraph 102-111 ▪ UDC Adopted Local Plan 2005 Policies GEN1 GEN2 ▪ ▪ ▪ Essex County Council Development Management Policies (appendix B) ▪ ▪ 3. NPPG (Travel Plans, Transport Assessments and Statements) ▪ NPPF 2018 paragraph 102-111 ▪ UDC Adopted Local Plan 2005 Policies GEN1 GEN2 ▪ ▪ ▪ Essex County Council Development Management Policies (appendix B) ▪ 	<ul style="list-style-type: none"> ▪ 2. 25 – 50 residential units ▪ ▪ Commercial floor Space over 250m2 ▪ ▪ Unless local circumstances require more information ▪ ▪ ▪ 3. Over 50 residential units ▪ ▪ Commercial floor Space over 600m2 ▪ ▪ ▪ ▪ ▪ ▪ ▪ 	
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<ul style="list-style-type: none"> ▪ Essex County Council – Strategic Development (Highway and Transportation) 	<ul style="list-style-type: none"> ▪ Outline Planning – Plans ▪ ▪ 1. Plans add <i>Add Highway Boundary</i> ▪ <i>Public Rights of Way</i> 	<ul style="list-style-type: none"> ▪ ▪ ▪ Guidance ▪ 1.add - <i>If the application is to impact on the highway or Public rights of way these should be identified on the plan.</i> 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ Noted and updated.

	<ul style="list-style-type: none"> ▪ <i>Add to proposed features e.g. cycle parking arrangements</i> ▪ ▪ <i>2. Transport Statement</i> ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ <i>3. Transport Assessment</i> ▪ ▪ ▪ ▪ ▪ 	<ul style="list-style-type: none"> ▪ <i>Information from the Definitive Map</i> ▪ ▪ ▪ ▪ <i>2. NPPG (Travel Plans, Transport Assessments and Statements)</i> ▪ <i>NPPF 2018 paragraph 102-111</i> ▪ <i>UDC Adopted Local Plan 2005 Policies GEN1 GEN2</i> ▪ <i>Essex County Council Development Management Policies (appendix B)</i> ▪ ▪ <i>3. NPPG (Travel Plans, Transport Assessments and Statements)</i> ▪ <i>NPPF 2018 paragraph 102-111</i> ▪ <i>UDC Adopted Local Plan 2005 Policies GEN1 GEN2</i> ▪ <i>Essex County Council</i> 		
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	<ul style="list-style-type: none">▪▪▪▪ <i>4. Travel Plans</i>▪▪▪▪▪▪▪▪▪▪▪▪▪▪ <i>5. Construction Management Plan</i>	<p><i>Development Management Policies (appendix B)</i></p> <ul style="list-style-type: none">▪▪ <i>4. NPPG (Travel Plans, Transport Assessments and Statements)</i>▪▪ <i>NPPF 2018 paragraph 111</i>▪ <i>UDC Adopted Local Plan 2005 Policies GEN1</i>▪▪ <i>Essex County Council Development Management Policies</i>▪ <i>5. Essex County Council Development Management Policies</i>		
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