

Report to District Development Control Committee

Report reference:

Date of meeting: 9 June 2009

Subject: Planning Application Validation Checklists

Responsible Officer: B. Land, Assistant Director (Development) (ext 4110).

Democratic Services Officer: Simon Hill



Recommendations/Decisions Required:

That the Committee recommends to the Planning & Economic Development Portfolio holder the following:

- 1) Approval of the amended Validation Checklists and Guidance Notes for adoption from 1 July 2009 and for publication in paper and on the Council's website; and
- 2) Once adopted, the checklists and guidance notes be kept under regular review. Any minor amendments, necessary to reflect statutory changes, changes in Government guidance or Council policy and guidance, shall be made as required without undertaking full consultation or member approval.

Report Detail

Background

1. Under the Best Practice Guidance on the Validation of Planning Applications issued by Communities and Local Government in December 2007 and legislation to improve, streamline and make the planning process more efficient, it is required that Validation Checklists should be adopted. This stems from the Government introducing from April 2008 standard planning application forms (1APP) used throughout England & Wales. Though used nationally and issued with a minimum of national requirements, it was recognised that local planning authorities would require additional information to meet local circumstances and hence local validation checklists would be needed.
2. The process for adopting validation checklists was set out in the best practice advice and included consultation on the drafts, review of replies and adoption by the Council.
3. In January 2008, the Planning and Economic Development portfolio holder approved the consultation process that was completed by the end of March 2008. The notes that accompanied the consultation sets out succinctly the need for and scope of the validation checklists and is attached as appendix 1 to this report.
4. Further work on the checklists had been delayed due to senior management staffing difficulties and consequent work priorities but the comments received have now been considered to enable further review of the draft checklists, revisions as appropriate and their finalisation for adoption.

Consultations

5. Almost 100 individuals and groups were directly consulted on the draft checklists, in addition to internal officer consultees and notices posted at reception and on the website. As a result, 14 replies were received, and the 12 external replies are summarised as appendix 2.
6. The draft checklists have been developed to take into account the comments received as appropriate and the revised checklists and guidance notes appear as appendix 3.

Conclusions

7. The reasoning behind the provision of the Validation Checklists is to provide clear guidance on what is required to be submitted with any type of application from the outset. However, the checklists have to cover many different circumstances and therefore cannot be totally specific but allow the local planning authority to require the submission of details up-front to permit proper consideration of an application.
8. The adoption of checklists should reduce the number of invalid applications received over time and help to reduce the number of disputes that occur between the planning authority and applicants/agents. Checklists should also potentially reduce the timescales for determining applications as delays which occur when additional information is sought after the application has been validated should be reduced. However, checklists do not prevent the planning authority asking for further information if it proves necessary nor do they prevent an application being refused for lack of information, though hopefully such results should be reduced.
9. On balance, the feedback received was generally positive and informative and the proposed adoption should prove to be a welcome contribution to clarifying the process of making an application and providing the information necessary for making an informed decision.

1APP Planning Application Forms and Validation Checklists

Background

There are over 200 local planning authorities in England and Wales and many have introduced their own versions of planning application forms over the years. At Epping Forest, our main application form was developed many years ago from an all-Essex model but we have added our own questions to the form from time to time. In addition, we have introduced our own forms for various types of application, such as householder applications, advertisement consent and renewals of permission, and we use model forms taken straight from legislation regarding Certificates of Lawful Development and other controls.

Legislation has been introduced that requires from 6 April 2008 all planning applications need to be submitted on a newly introduced, national application form, which the Government has termed as 1APP. In fact there are 26 versions of this single form to cover all types and combinations of application, but the same forms are to be used throughout the country.

To accompany this national form is a national list of documents that need to be submitted to make a valid application, but local authorities are also to draw up a list of their local requirements specific to each type of application.

It is this local list that is the subject of this consultation.

Draft Validation Checklists

For consultation purposes, a draft document has been produced that has 2 elements:

- a) the validation checklists

These set out for each type of application for which there is a version of the form, the national requirements for documents that must accompany the form and a list of local requirements for documents that may also be required to make an application valid. This list needs to include every item that may be required but does not imply that all items will be required on every occasion. If a document is not on the list, the Council will not be able to turn the application away as being incomplete or invalid for not including that document, but the Council can still require more information after the application has been registered or indeed refuse the application on the grounds of insufficient information.

- b) detailed explanatory notes

These provide more detail of both the national and local requirements and, importantly, give some indication of when and in what circumstances the documents listed in the local requirements would be needed to make a valid application.

The Consultation

The Council would be happy to receive any comments upon these documents so that the lists and notes can be refined. You may wish to comment upon:

- whether the lists include too many or too few documents needed to make a valid application;
- whether you feel there is a particular omission from the lists;
- whether the notes should be more detailed or more prescriptive as to when a document is needed;

- whether the lists could be set out in a better form;
- or you may wish to comment on other things.

Note: the Council is unable to change any aspect of the National Requirements so your comments should be limited to the Local Requirements only; and whether or not a document is on this list for validation purposes, the Council can still ask for further information during the course of an application, and indeed refuse permission on grounds of insufficient information.

APPENDIX 2

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Respondent	Comments	Response
Environment Agency	Generally agree and approve of the draft & pleased to note the emphasis placed on elements of the environment. Suggest Surface Water Assessments, Foul Sewage & Utilities Assessment, Water Use and Efficiency Statement & Energy Statement are added to the list.	Noted. The four issues raised would all be covered under the heading Sustainability Report required for significant major developments.
ECC Highways	Requirements for a Transport Assessment should refer to ECC guidance; need for Travel Plans should be included; scale drawings of access arrangements, a road safety audit of proposed highway alterations and information about public rights of way should all be required.	Notes revised to refer to ECC published guidance; Travel Plans are commonly dealt with by condition and are not essential for a valid application; access arrangements and public rights of way information are required as part of the National Requirements; and it would not be reasonable to require a road safety audit with an application for it is most commonly carried out by ECC themselves.
Essex Police	Asks that specific reference is made to designing out crime within Design & Access Statements that are to accompany every significant application.	The need for Design & Access Statements is a National Requirement. Reference to designing out crime has been inserted in the paragraph related to D & A Statements. However, the website will carry a link to the Council's own guidance which is also to be revised to make specific reference to designing out crime.
Essex Wildlife Trust	Have set out in general their requirements for considering biodiversity impacts.	All their requirements are now included within a revised Biodiversity survey and report paragraph.
Local Access Forum - Essex	Recommend that reference to public rights of way is included in checklists.	Agreed – reference is clearly made in the National Requirements.
LRA Planning Group	Suggest adding clarity to when certain information is required, in particular: biodiversity report, heritage statement, lighting assessment, open space assessment, parking provision, refuse storage provision and street scene elevations.	Agreed that further clarification, where possible, is to be welcomed. The relevant paragraphs have all been revised to incorporate these suggestions.
Buckhurst Hill PC	Query how much information will be available with the checklists and confused over the number and variety of forms	It is intended that the Validation Notes will accompany the forms and checklists both in paper and on-line such that the full detail of the necessary plans, for example, will be readily available.

		The number and variety of the forms are a statutory requirement and cannot be altered.
Chigwell PC	Difficult to see how 26 forms will 'simplify' procedures. Can there be a tick box system like ECC checklist? Street scene elevations essential. Are 6 copies of plans still necessary?	The number and variety of the forms are a statutory requirement and cannot be altered. The checklist has to include any document that may be required for any eventuality and a tick-box system is not felt to be appropriate in these circumstances for many of the documents will not be applicable in individual cases. This differs from ECC since they are concerned with a small range of applications (County Matters) only and can be more precise in their requirements. The need for a street scene elevation has been clarified and now includes applications for side extensions. Since a number of consultations are or will soon take place electronically fewer paper copies are required and the statutory requirement for 4 copies can therefore remain unaltered.
Epping TC	Note the proposals and are satisfied with the arrangements.	
Loughton TC	A street scene elevation should be mandatory. Any impact upon parking should be clearly shown including when additional bedrooms are being built. Street furniture should be required to be shown.	As above, the circumstances when a street scene elevation is required have been increased. Parking provision is a requirement, but to require parking for an additional bedroom would be a change in parking policy and not appropriate in this context. Street furniture and its impact upon access etc is assessed by the case officer upon site visit and is not essential to validate an application.
North Weald PC	Noted the content.	
Waltham Abbey TC (& Cllr Stavrou)	There is a need for a highways survey and report in most cases. Other requirements suggested for individual cases.	Highways assessments are generally carried out by the Highways Authority and not by the applicant when making the application. The HA only requires a Transport Assessment up-front on the most major developments, though additional information can be required by the HA during consideration of an application.