



REPORT OF: DIRECTOR OF GROWTH & DEVELOPMENT
TO: PLANNING AND HIGHWAYS COMMITTEE
ON: 17th OCTOBER 2019
ORIGINATING SECTION: PLANNING (DEVELOPMENT MANAGEMENT SERVICE)
WARDS AFFECTED: ALL
COUNCILLORS: ALL

TITLE OF REPORT:

REVISED VALIDATION CHECKLIST FOR PLANNING APPLICATION SUBMISSIONS

1. PURPOSE OF THE REPORT

- 1.1 To engage the Planning and Highways Committee in the review of the Council's adopted Local Validation Checklist (LVC) listing the criteria and requirements for the formal submission of planning applications. In particular to:
- To brief the Committee on the proposed changes to the LVC; and,
 - To ensure that quality planning applications submissions are received and to provide certainty for applicants, agents and Officers alike on the validation requirements of planning applications.

2. BACKGROUND

- 2.1 Since 2008 Local Planning Authorities have been required to adopt and publish local validation requirements - a local list, which sets out what information, over and above the national requirements (i.e. application form, plans, fee, ownership certificate etc.), is necessary to accompany a planning application before it is registered by the Council as "valid". The Council's first Local List was adopted in 2008 and was last reviewed and updated in 2012.
- 2.2 In addition to the National Validation Requirements laid down by the Government, paragraph 44 of the National Planning Policy Framework (NPPF, 2019) states that 'Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question.' The combined use of the National and Local Validation Requirements provides both the

authority and applicant with more certainty over the type of information required from the start of the process and helps to make sure that the information requested is proportionate to the type and scale of application being made.

- 2.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 details in Part 3, Article 11 (3) that Local Planning Authorities will only to be able to request information based upon a local validations requirement list produced within two years of the date of an application being submitted. This means the local validation requirements list will need to be revisited, revised and readopted prior to October 2021.

3. RATIONALE

- 3.1 The National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should publish a list of their information requirements for planning related applications and that this should be reviewed on a frequent basis. Since the previous iteration in 2012 a number of new national policies and Planning Practice Guidance documents have been introduced by the Government and therefore an update is now required. Additionally, in accordance with the Development Management Order 2015, Local Planning Authorities are only able to request information based on a local validation requirement list where it has been produced within the last two years of the date of the submission of the application.

- 3.2 Since the 2012 LVC, the main amendments to the checklist which were consulted upon include:

- All references to any out of date regulations, or policies have been removed;
- Where regulations or planning practice guidance has changed, the text has been altered to reflect this change;
- The need for Site Plans to be shown in context with neighbouring properties and any highways – This will prevent Officers having to request this information during the application and will enable both neighbouring residents and Officers to accurately assess proposals; and,
- The appendices to the LVC have been extended to include:
 - A Health Impact Screening Tool to aid ease of access for applicants' where the impact on local health is a material consideration;
 - An updated Agricultural Statement to include details of existing stocking types and numbers, labour and accommodation, and if a new dwelling is proposed, requiring details of any existing properties. This accords with similar templates used by other LPA's in East Lancashire
 - A summary of what should be submitted with any applications for wind turbines. This will ensure sufficient information is submitted with these types of application to enable Officers to accurately assess such applications.

- 3.3 A formal six week consultation has been undertaken from the 21st June 2019 until 2nd August 2019. This comprised a consultation page on the Council's website. An email was also sent to regular agents to advise them of the consultation. In total the Council consulted 481 planning agents, consultants and interested parties on the proposed amendments. Six responses were received, all from statutory consultees. Their comments are included within Section 9 of the report.
- 3.4 As a result of the public consultation period some text has been altered to ensure greater clarity for applicants. In addition, the comments of the consultees have been taken in to account, as detailed in Section 9 of this report, and have been included in the LVC. These include:
- The comments received by Lancashire Wildlife Trust have been noted and the wording rectified to provide clarity and directing developers to use the Protected Species Proforma when they are unsure.
 - The comments made by Network Rail have been included under the Site Plan section (N7) as a note.
 - The advice provided by Sports England has also been added as an appendices and text has been added in to the Local List directing applicants to this advice.
- 3.5 In addition to the above, a Front Cover has been added and a page describing the scope and aims of the LVC. These are:

"The aim of this document is to provide the necessary information required to submit a valid planning application and enable Blackburn with Darwen Borough Council, the Local Planning Authority (LPA), to provide an efficient and effective registration and validation service."

It is intended to benefit all customers of the Planning and Development Management Service by:

- Increasing the awareness of the type of information required to ensure an application is accepted;
 - Promoting the use of pre-application discussions and advice;
 - Speeding up the registration process;
 - Ensuring consistency in the approach taken by Blackburn with Darwen Borough Council;
 - Increasing the use of electronic delivery;
 - Minimising the submission of additional information;
 - Avoid delays during the planning process; and,
 - Enabling Blackburn with Darwen Borough Council to provide applicants with certainty as to the information required."
- 3.7 The comments made by United Utilities have not been taken forward however as the documents referred to by Knowsley Council are extensively detailed and have obviously had major input from the relevant Local Lead Flood Authority, and would similarly require another round of public consultation to include it within the LVL. Notwithstanding this, in the case of Blackburn with Darwen, it is considered the Council's Drainage Team, who also act as the Local Lead Flood Authority for

Blackburn with Darwen, in conjunction with United Utilities will request this information if it is considered to be relevant, necessary and material to the application in question, as required by paragraph 44 of the NPPF. In addition to this, United Utilities now offers its own pre-application advisory service for applicants which developers of Major schemes will be encouraged to use.

3.8 To summarise, the amendments brought forward do not materially change the document which was subject to public consultation.

3.9 This report sets out the updated requirements and seeks Members agreement to the updated document.

4. POLICY IMPLICATIONS

4.1 It is considered that the update to the Local List will assist users of the document by containing more current and accurate information.

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 Town and Country Planning Act 1990 S62 (3) allows a local planning authority to require that a planning application must include such particulars and they think necessary and evidence in support of anything in or relating to the application as they think necessary. This power is providing that any requirement is not inconsistent with any requirement of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or the National Planning Policy Framework.

7. RESOURCE IMPLICATIONS

7.1 None for the purposes of this report.

8. EQUALITY IMPLICATIONS

8.1 None for the purposes of this report.

9. CONSULTATIONS

9.1. Coal Authority

Thank you for your notification received on the 21 June 2019 in respect of the above consultation.

As you will be aware the Blackburn with Darwen Borough Council area has significant coal mining legacy.

I have now had an opportunity to review the Validation Checklist document and am pleased to see that L25 identifies that a Coal Mining Risk Assessment is

required for development proposals which are not our exemptions list and fall within defined Development High Risk Area. However, in line with other validation requirements set out in the document it may be helpful to provide a link through to the Coal Authority website in order to provide applicants with further advice/guidance should they require it, please see suggested amendment to text below:

“L25 Coal Mining Risk Assessment”

Required for:

- Development (except Householder) which would cause ground disturbance within a high risk area
- When requested as part of the pre-application process

Further guidance on coal mining legacy and Coal Mining Risk Assessments can be found at: <https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

Please do not hesitate to contact me should you wish to discuss these comments further.”

9.2 Historic England

“Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content.”

9.3 Lancashire Wildlife Trust

“There would appear to be some missing text in respect of L5 - Ecological Surveys & Protected Species Statements (Including Bat, Barn Owl and Nesting Birds Surveys). After the eleven bullet points which relate to where Ecological surveys/ Protected Species Surveys are required there is the following inset text:

"Development within the urban boundary where there is no indication that protected species would be affected and where all the questions on the Proforma can be answered 'no'. This would include:

- Works to an existing roof
- Redevelopment of an already cleared site"

This would appear to relate to situations where such surveys are not required; however, the text is ambiguous and might usefully be clarified.

Thank you for your consultation.”

9.3 Network Rail

“Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order)

and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order.”

9.4 Sports England

“In addition to the national validation requirements set out within the Government’s Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.97 of the NPPF and relevant Local Plan policies.

The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England’s Playing Fields Policy.

See table of requirements below:

Document	Presenting details on.....	
Required for all applications		
Consultation Notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015	
	3. Location and nature of existing buildings.	
	4. Location and nature of existing sports facilities (including the layout of summer and winter playing pitches).	
	5. Significant features (e.g. trees, slopes, paths, fences, sewers) ¹ .	
	6. Existing levels across the site ¹ .	
	Proposed site plan	7. Location and nature of the proposed development.
	8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works e.g. landscaping).	
	9. Location and nature of all existing sports facilities (clearly showing any revised locations from the existing plan).	
	10. Any changes to existing features and levels ¹ .	
Supporting Statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above).	
	12. Reason for the chosen location and alternatives considered.	
	13. Any proposed changes in the provision of indoor and outdoor sports facilities on the site (including ancillary facilities).	
Required in relation to specific policy exceptions		Exceptions
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced sports facilities (including relevant ancillary facilities) ¹ .	2, 4 & 5
Supporting Statements	15. Current and recent users of the playing field and the nature and extent of their use.	1, 4 & 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) ^{1 2} .	1, 4 & 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) ² .	2, 4 & 5
	18. The specification of any ancillary facilities e.g. floodlights ¹ .	2, 4 & 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type ² .	4 & 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including ³ : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	4

1. Level of detail to be proportionate to the nature of the development and its impact on the playing field.

2. Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.

3. All details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and NGB design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.

Note: As set out within the Government's Planning Practice Guidance any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions."

9.5 United Utilities

“United Utilities have reviewed the Draft validation checklist and are really pleased to see inclusion of the need for Sustainable Drainage Strategies, Odour Impact Assessments (where required) and Utilities Assessments as discussed previously. The requirements will help to ensure that future development is responsive to the challenges of the 21st Century, in particular the challenge of climate change.

Alongside your requirement for a Sustainable Drainage Strategy, we would encourage you to consider the requirement to fill in a standard form / pro-forma, as being requested by other Local Planning Authorities within the North West and further afield.

Please see an example from Knowsley Council at:

<http://www.knowsley.gov.uk/knowsleycouncil/media/Documents/PRO-FORMA-2-Discharge-of-Conditions-Knowsley-Feb-2019-interactive.pdf> together with associated advice note:

<http://www.knowsley.gov.uk/knowsleycouncil/media/Documents/Knowsley-Sustainable-Drainage-Completing-your-Pro-Forma-Feb-2019.pdf>.

The pro-forma summarises and confirms the details contained within the Sustainable Drainage Strategy and is intended to ensure all aspects of sustainable drainage have been considered.”

10. **RECOMMENDATION**

- 10.1
- i.) That the consultation responses be noted;
 - ii) That the Committee note the content and issues described in the report; and,
 - iii) That the Local List of criteria for the validation of planning applications, as set out in the Appendix to this report, be endorsed and adopted by the Council.

Contact Officer: **Gavin Prescott (Planning Manager, Development Management)**

Date: **4th October 2019**

Background Papers: National Planning Policy Framework
Planning Practice Guidance