

Report of: Planning Business Manager

To: Executive Board and Full Council

Date: 4 February 2008 and 18 February

Item No:

Title of Report : The Validation of Planning Applications – ‘Local lists’ of information requirements as part of the 1APP project

Summary and Recommendations

Purpose of report: Executive Board to be updated on the outcome of the recent consultation on the ‘local lists’ of validation requirements and to support their adoption. The Full Council to agree the adoption of the ‘local lists’ of validation requirements as recommended by the Government.

Key decision: Yes

Portfolio Holder: Councillor John Goddard

Scrutiny Responsibility: Environment

Ward(s) affected: All

Report Approved by:

Kate Chirnside, Legal;
Chris Kaye, Finance

Policy Framework:

Improved consistency and customer certainty
Improved service efficiency and performance

Recommendation(s):

The Executive Board to support and the Full Council to agree the adoption of the reviewed ‘local lists’ of information requirements for the validation of planning applications, as part of the 1APP project.

- 1 **The 1APP project** – Government has developed 1APP over the last couple of years. 1APP aims to standardise the process of submitting and validating planning applications across the country. It promotes the electronic submission of planning applications, for example via the Planning Portal or councils' own websites, in the interests of efficiency, economy and sustainability. At the same time 1APP seeks to ensure that the necessary information is submitted with the application right at the start, thus improving the quality of information and the planning application process and also reducing delays. 1APP will have statutory backing and will go live throughout the country on 6th April 2008. There are a number of elements to the 1APP project as set out below.
- 2 **The 1APP forms** – The application forms will be standardized across the country. 26 different scenarios have been identified giving rise to 26 variations of the 1APP form (see list of variations in Appendix 1), hard copies of which will be available. When submitting planning applications electronically (e.g. via the Planning Portal) simple preliminary questions would automatically lead applicants to the right form.
- 3 **The Draft Guidance** - In August 2007 draft guidance was published as part of 1APP (the Draft Guidance) on the Validation of Planning Applications. This sought to clarify to all parties the information required to be submitted by applicants, to ensure that their applications are valid.
- 4 **The 'national lists'** – The Draft Guidance included 26 variations of the list of statutory 'national criteria' (the 'national lists') corresponding to the 26 variations of the 1APP form. The 'national lists' clarify and confirm the current minimum submission requirements to ensure planning applications are valid and can be processed. These include a form and fee, site plan and drawings, land ownership certification and a design and access statement where relevant.
- 5 **The draft 'local lists' consulted on** – The Draft Guidance also set out a recommended process whereby Councils can draw up 'local lists' of additional information requirements, to complement the 26 'national lists' and assist with the validation of planning applications. Suggested criteria were set out in 26 model 'local lists' in the Draft Guidance. Councils were asked to choose from them and also to supplement them in drawing up their proposed 'local lists' criteria to reflect local circumstances. The Draft Guidance requires that Councils consult stakeholders on their proposed 'local lists' before adopting them. The Executive Board approved the consultation on the 'local lists' on 5th November 2007. This consultation was carried out between 13th November 2007 and 9th January 2008. A more detailed explanatory note to the 'local lists' and the consultation process is attached as appendix 2.

- 6 **The (final) Guidance** – In December 2007 the Government updated the Draft Guidance with the final document “The Validation of Planning Applications – Guidance for Local Planning Authorities” (the Guidance). This included a number of amendments to the contents and provisions of the Draft Guidance. These amendments have been summarised in appendix 3.
- 7 **Consultation Responses** – Nine responses were received and none of them raise any objections. A summary of all the comments and officers’ response has been attached as appendix 4.
- 8 **The ‘local lists’** – The criteria in the proposed ‘local lists’ consulted upon have been adjusted in the light of the changes introduced by the Guidance and the consultation comments. The reviewed ‘local lists’ are rather repetitive. As such only a summary of all the reviewed ‘local list’ criteria is included in this report as Appendix 5. A list of additional useful information requirements not forming part of the statutory ‘local lists’ is included in Appendix 6. Full sets of the reviewed ‘local lists’ will be available in the members’ room and the political group rooms for members’ reference, along with lists of additional useful information, and copies of the Guidance, which includes: i) an extensive glossary of all the criteria, ii) the ‘national lists’ and iii) the model ‘local lists’. The above will also be available on the council’s website.
- 9 **Implementation of adopted ‘local lists’** - If Full Council agrees the adoption of the ‘local lists’, they will be publicised to all the planning agents, as recommended by the Guidance. It is intended that they will be available for use in all relevant formats from 1st March 2008 and they will become statutory for validation purposes on 6th April 2008, provided the Government introduces the intended necessary amendments to the Town and Country Planning (General Development Procedure) Order 1995. They will supplement the new 1APP forms and ‘national lists’, which will also become mandatory on 6th April 2008. Implementation of the ‘local list’ relating to works to trees will become effective at a later date still to be set.
- 10 **Conclusion and Recommendation** - The proposed adoption of the ‘local lists’ follows Government Guidance and is not the subject of any objections. The ‘local lists’ have been adjusted in the light of the Guidance and the consultation responses. The Council has discretion in how it applies them, depending on the circumstances of each case. The lists will be supplemented by the helpful glossary in the Guidance. It is recommended that the EB supports and Full Council agrees the adoption of all the reviewed ‘local lists’, in accordance with the implementation timetable set out above, including the later implementation of the ‘local list’ relating to works to trees.

APPENDIX 1

LIST OF THE 26 VARIATIONS OF THE 1APP FORM (amended order)

- 1- Householder application for planning permission for works or extension to a dwelling
- 2 - Householder application for planning permission for works or extension to a dwelling and Conservation Area consent for demolition in a Conservation Area
- 3 - Householder application for planning permission for works or extension to a dwelling and Listed Building consent
- 4 - Application for planning permission
- 5 - Application for outline planning permission with some matters reserved
- 6 - Application for outline planning permission with all matters reserved
- 7 - Application for planning permission and Conservation Area consent for demolition
- 8 - Application for planning permission and Listed Building consent
- 9 - Application for planning permission and advertisement consent
- 10 - Conservation Area consent for demolition in a Conservation Area
- 11 - Application for approval of reserved matters following outline approval
- 12 - Application for advertisement consent
- 13 - Listed Building consent for alteration, extension or demolition of a listed building and advertisement consent
- 14 - Listed Building consent for alterations, extension or demolition of a listed building
- 15 - Application for a Lawful Development Certificate for a proposed use or development
- 16 - Application for prior notification of proposed agricultural development – proposed building
- 17 - Application for prior notification of proposed agricultural development – proposed road

- 18 - Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition
- 19 - Application for prior notification of proposed agricultural development – proposed fish tank
- 20 - Application for prior notification of proposed development in respect of permitted development by electronic communications code operators
- 21 - Application for hedgerow removal notice
- 22 - Application for prior notification – proposed demolition
- 23 - Application for prior notification of proposed agricultural development – proposed excavation/deposit of waste material from the farm
- 24 - Application for removal or variation of a condition following grant of planning permission (Section 73 of the Town and Country Planning Act 1990)
- 25 - Application for approval of details reserved by condition
- 26 - Application for tree works: works to trees subject to a tree preservation order (TPO) or notification of proposed works to trees in Conservation Areas (CA)

APPENDIX 2

THE 'LOCAL LISTS' – Relevant Background

1 The minimum validation requirements, set out in the new 'national lists', have frequently proved to be inadequate. Additional information on a variety of issues is frequently necessary to enable assessment of application proposals. Councils have the power to ask for additional information and also to refuse proposals on the grounds that the submitted information is insufficient. However, it has been a matter of longstanding debate as to whether councils have the right to refuse to validate and process applications, where insufficient information is provided. Councils' practice and Government support on this issue have varied widely in the past. This has been confusing for councils and applicants/agents alike. It is inefficient and causes unnecessary delays in the planning application process.

2 The Government is now seeking to rectify this situation by giving councils the power to be able to refuse to validate applications by enabling the statutory adoption of 'local lists' of submission requirements. It intends to combine this with the 1APP project and implementation timetable. This was set out in the Draft

Guidance, whereby, in addition to the 26 'national lists', there were 26 corresponding variations of suggested model 'local lists' of additional validation requirements, as well as a very comprehensive glossary of all the validation requirements.

3 The Draft Guidance recommended that local planning authorities adjust the recommended model 'local lists' of validation requirements according to their specific local circumstances and that, after a prescribed local consultation exercise, they proceeded to formally adopt them. The Government intends to amend the current Town and Country Planning (General Development Procedure) Order 1995 (GDPO) shortly so that councils would have the discretionary power to refuse to validate applications that fail to include the required information set out in the adopted 'local lists'.

4 The Executive Board (EB) at its meeting on 5th November 2007 resolved to agree the necessary stakeholder consultation on the adjusted 'local lists', to enable their eventual statutory adoption. This was carried out between the 13th November 2007 and 9th January 2008 by way of email and letter.

5 The following stakeholders were consulted:

- Planning staff;
- All statutory consultees (including the Environment Agency, Natural England, English Heritage, Network Rail, the County Council, statutory undertakers, etc)
- Parish Councils
- All relevant voluntary and community groups, such as residents and tenants groups, amenity societies, local interest groups
- Frequent planning agents and planning practices
- Local Universities and Further Education Colleges
- Local NHS Trusts
- Commercial bodies (e.g. Chamber of Commerce, BMW etc)
- Telecommunications operators and representatives

6 In addition the matter was discussed briefly at the Development Control User Group meeting on 9th November 2007. The documents have been available at the planning reception and on the Council's website, including the consultation tracker.

APPENDIX 3

SUMMARY OF THE AMENDMENTS introduced by the final Government Guidance document "The Validation of Planning Applications – Guidance for Local Planning Authorities" (December 2007)

1 In December 2007 the Government updated the Draft Guidance with the final document “The Validation of Planning Applications – Guidance for Local Planning Authorities” (the Guidance). This amends the provisions of the Draft Guidance as follows:

i) Councils in adopting their ‘local lists’ can only include requirements from the model ‘local lists’ appended in the Guidance. However additional information, for example if required by local policies, can still be requested, but this cannot delay validation.

ii) Some of the validation requirements in the draft model ‘local lists’ have been deleted, such as conservation area appraisals, impact assessments, other drawings, regeneration statements and utilities statements.

iii) Some new model requirements have been added, such as economic statements, landscaping details, telecoms supplementary information.

iv) The previous sequence of the 26 ‘local lists’ has changed.

v) Also where, following validation of an application, it is ascertained that the submission fails to satisfy the ‘local list’ requirements, the Council has the discretionary power to invalidate the application and to seek the necessary information. In this case the clock will be restarted upon receipt of all the necessary information and the application being valid.

2 Government officers have also advised that the ‘local lists’ cannot affect the existing provisions on prior approval / notification applications (for example in relation to telecoms, trees in conservation areas, agricultural and demolition proposals), where the clock starts running from the date of submission, irrespective of the quality of the submission. Useful supporting information lists can however be prepared, advising applicants of the extra information that is required to be submitted, to assist with the assessment of their case.

3 Similarly with regard to applications for works to trees subject to a preservation order (TPO) the introduction of the respective 1APP form will be delayed to October 2008.

APPENDIX 4

SUMMARY OF CONSULTATION RESPONSES

1. Nine responses were received in total from:
Natural England; Berks, Bucks and Oxon Wildlife Trust (BBOWT);
Oxfordshire County Council (OCC); The Society for the Protection of

Ancient Buildings (SPAB); the Theatres Trust; Oxfordshire Architectural and Historical Society (OAHS); Thames Water; Kemp and Kemp; and a planning policy officer (PPO).

- 2 No objections were raised to the proposed adoption of 'local lists' and Natural England in particular are satisfied that they comply with the Draft Guidance provisions.
- 3 Some responses suggest the strengthening of certain criteria (e.g. in relation to biodiversity, heritage statements, conservation statements, buildings of local interest, utility statements, parking, telecoms prior approval) with additional requirements; also to apply some of these criteria to all 'local lists'. *However this is not possible as the Guidance either does not make such provision, or has already removed such requirements.*
- 4 Other suggestions to adjust requirements e.g. on biodiversity, parking, inclusion of policy references, telecoms or rights of way. *These are addressed either within the proposed criteria, the Guidance glossary or the provisions of the 'national lists'.*
- 5 One respondent considers energy efficiency statements too onerous. *The changes to the Guidance mean that these can no longer be requested as validation criteria.* The same respondent also sought clarification on the nature of the parameters plans. *These were introduced by the recent changes to outline application proposals, to enable the representation of the extent of the main scheme parameters that can then be agreed and conditioned. The changes to the Guidance do not allow for their inclusion.*
- 6 Some respondents make suggestions on and refer to other matters such as electronic consultations, the use of specialist officers etc. *These are of no direct relevance to this consultation.*

APPENDIX 5

SUMMARY LIST OF ALL 'LOCAL LIST' CRITERIA OF INFORMATION that must be submitted with planning related applications as applicable (please also refer to the glossary in the Guidance)

- Affordable housing statement, where affordable housing is an issue, in accordance with the relevant policies of the Oxford Local Plan and the provisions of the Supplementary Planning Document (SPD) on Affordable Housing

- Air quality statement, where the scale of a major development would have a material effect on traffic loads or whether the application site is within a designated Air Quality Management Area and the proposed accommodation is for a high risk user group, e.g. a school or elderly persons accommodation
- Biodiversity (appropriate) Survey(s) and Report, where there is potential for impacts to protected or priority habitats and/or species, being directly and/or indirectly affected.
- Daylight/sunlight assessment, applying the relevant test/s set out in appendix 6 of the Oxford Local Plan (OLP), including the identification of all affected windows, if any, in neighbouring properties.
- Economic statement for large commercial / mixed use developments
- Environmental Statement, where required by the Town and Country Planning (Environmental Impact Assessment) Regulations (1999)
- Evidence of need to accompany proposals for town centre type uses in edge of centre or out of centre locations, including a sequential test assessment in accordance with provisions in Planning Policy Statement 6.
- Flood risk assessment (FRA), for development on sites of 1ha or greater in Flood Zone 1 or for all proposals within Flood Zones 2 and 3
- Heritage Statement, where there are archaeological, historical, conservation area, listed building, Scheduled Ancient Monuments, and/or other heritage asset issues, to include an Archaeological evaluation, if within the City Centre Archaeological Area
- Land contamination assessment, where contamination is known or suspected
- Landscaping details
- Lighting assessment, for applications that include external lighting proposals
- Noise impact assessment for developments that raise issues of disturbance or are noise sensitive in what are considered to be noise sensitive areas (PPG24)
- Open space assessment for developments within existing open spaces
- Parking Provision, both for cars and cycles

- Photographs / photomontages, if the development affects established view cones, involves the demolition of an existing building, or affects a conservation area or a listed building
- Planning obligations/draft Head(s) of Terms if required by Local Development Framework documents, including the Oxford Local Plan, the Core Strategy, the West End Area Action Plan and Supplementary Planning Documents
- Planning statement for major developments
- Site waste management plan (including relevant refuse disposal and recycling details)
- Statement of Community Involvement (SOCl) for major proposals
- Structural Survey, where it is necessary due to substantial demolition or effects of trees
- Telecommunications development – supplementary information to include a Health and Radiation Impact Analysis (HRIA), ICNIRP certification, technical justification, alternative sites information, visual impact assessment for telecoms applications, consultation statement and photographs / photomontages
- Transport assessment as per the requirements of Appendix 1 of the Oxford Local Plan
- Travel plan as per the requirements of Appendix 2 of the Oxford Local Plan
- Tree survey/Arboricultural implications, where tree issues arise
- Ventilation/extraction statement for Class A3, A4, A5 uses and other uses akin to above, as well as for major retail, business, industrial or leisure uses where substantial ventilation is proposed

APPENDIX 6

ADDITIONAL USEFUL INFORMATION - Application submissions may also need to include the following, but without affecting validation

- Planning statement for householder proposals to deal with energy efficiency and design issues if relevant.

- Natural Resource Impact Analysis, for 10 or more dwellings or 2000m² or more of floorspace, otherwise an energy efficiency statement for all schemes below the NRA threshold as per policy CP15 of the Oxford Local Plan
- Utilities statement, for major developments
- 'Parameters' plan for outline proposals
- Elevational drawings showing clearly and accurately the relationship of the proposed development and buildings to the existing neighbouring buildings and spaces (3 copies to be supplied unless the application is submitted electronically. All plans and drawings should include: paper size, key dimensions and scale bar indicating a minimum of 0-10 metres)
- In relation to 'major' and 'minor' application proposals where submission is by way of hard copies, all details accompanying the planning application should also be submitted by way of at least one electronic format e.g. on a CD-ROM or DVD.