

Review of the local information requirements for the validation of planning applications.

To: Planning Committee

Date: 17 May 2023

From: Head of Planning and Sustainable Growth

Electoral division(s): All

Purpose: To consider the proposed revisions to the Local Validation List

Recommendation: That members endorse the proposed revised list and guidance notes and provide officers with delegated authority to make further updates in respect of matters relating to climate change and ecological requirements.

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1. Introduction / Background

- 1.1 The Council has published Local Validation requirements for its planning applications for waste and County Council developments since at least December 2010. These requirements do not apply to mineral planning applications because these are treated differently by the legislation and use a bespoke application form.
- 1.2 Under the provisions of the Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Development Management Procedure) (England) Order 2015, Local Validation List information can only be required in relation to any relevant application if the Local Validation List has been published on the Council's website for less than 2 years. The current Local Validation List and Guidance Notes were approved by the County Council's Planning Committee on 15 April 2021, came into force in June 2021 and need review and are due to expire in June 2023.
- 1.3 Cambridgeshire County Council's Local Validation List and Guidance Notes (LVL) set out what information is required to accompany the submission of planning applications, over and above the national requirements.

Paragraph 43 of the National Planning Policy Framework (July 2021) (NPPF) states:

'The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible'.

- 1.4 The importance of the LVL is that it ensures that sufficient details are submitted before the processing of an application can begin so that they form part of the application from the outset. The submission of sufficient information is essential for a sound, timely and robust decisions, and can avoid the need for further submissions and consultations. Moreover, having appropriate information enables consultees, residents, and officers to appropriately assess applications at the earliest opportunity. The information includes requirements for specified plans and drawings, technical reports, and other specialist information, for example, flood risk assessments, biodiversity check lists and transport assessments.
- 1.5 Paragraph 44 of the NPPF (July 2021) states:

'Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.'

- 1.6 If up to date validation requirements are not in place, relevant planning applications would be valid with very minimal supporting information. Having locally agreed validation requirements removes uncertainty for agents and applicants and ensures that consistent requirements apply to similar applications. Local validation requirements can also minimise delay and additional processing costs, which result from the need for

more than one set of consultations and the need for additional notifications and advertisement. The current validation requirements and guidance are available to view on the planning pages of the Council's website.

[Link to: https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitted-a-planning-application](https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitted-a-planning-application)

- 1.7 The specific LVL requirements that apply to planning applications are discussed with applicants and agents where pre-application advice is sought.

2. The 2023 review of the LVL and Guidance

- 2.1 Officers reviewed and update the LVL guidance notes for validation at the beginning of 2023 and then consulted on the updated, revised draft of the guidance between 2 February and 16 March 2023. The proposed updates were only very minor revisions to the text and updates to references to legislation and Local Plan policies that have changed or been superseded by new documents.

- 2.2 Existing validation requirements that are contained within the Local District Authority's Development Plans were updated. For example, Huntingdonshire District Council's replacement Landscape and Townscape Supplementary Planning Document (2022) was adopted on 17 March 2022 and replaced the previous 2007 version.

- 2.3 The six-week consultation on the revised LVL Guidance closed on 16 March 2023. The consultation was published on the planning pages of the Council's website. In addition, the following interested parties were sent the consultation and invited to respond:

- Statutory and non-statutory consultees including District/City councils;
- Cambridgeshire County Council colleagues and Councillors;
- Parish and Town councils; and,
- Applicants and agents who submitted planning applications during the last 2 years since the previous review.

3. Consultation responses

- 3.1 A total of 10 formal consultation responses were received which are set out in full in the table in Appendix 1. The table also sets out the consideration of the responses by officers and any suggested amendments proposed. A summary of the main issues raised by 5 of the respondents set out below for ease of reference. The remaining 5 responses were only notifications of receipt of the consultation by the consultee and no comments were made.

County Council Education Capital (CCEC):

- 3.2 The response from CCEC sets out a range of comments and concerns that relating to the whole LVL. The detailed response provides feedback on using the LVL guidance across education capital projects that range in scale from large new schools and education campuses to temporary mobile classrooms and minor alterations to existing schools. The full response from the team in Appendix 1 has split into comments, questions and proposed alterations on specific requirements within the LVL.

- 3.3 CCEC made a general comment that the LVL should draw distinctions between different types of applications and where there have been previous assessments these should be cross referenced. Please see Appendix 1 for further detail on this. The following paragraphs (3.4 to 3.12) summarise the main points raised.
- 3.4 Section 1 Planning Statement: Querying the necessity for a requirement for public art for planning applications of more than 1000 square metres in South Cambridgeshire.
- 3.5 Section 5 Statement of Sustainable Design and Construction: areas of concern relating to all applications in South Cambridgeshire triggering such a statement: -
- Suggestion that such Statements are not needed for modular classroom applications (temporary mobiles);
 - Further explanation requested on the difference between a Rapid Health Impact Assessment (HIA) and a Full one, noting that that HIA requirements should be proportionate to the size and scale of the application; and,
 - For development in growth areas where there are external factors outside the applicant's control, the HIA previously submitted as part of an Outline planning application should lead to only requiring a light touch scheme that refers back to the HIA approved as part of the wider Outline consent.
- 3.6 Section 11 Landscape and Biodiversity Enhancement Management Scheme: suggestion that this can, in some instances, be dealt with by way of a pre-commencement planning condition.
- 3.7 Section 12 Transport Assessment or Statement: suggestion to allow growth site schools with the benefit of Outline planning permission to be exempt from such submissions or cross reference to the wider site assessments and for the trigger for the requirement for a Transport Statement to be raised from 1 to 3 classrooms.
- 3.8 Section 13 Parking and Access Arrangements: suggestion that the supporting text is a duplication from section 12 and can be deleted.
- 3.9 Section 13A Construction Environmental and Traffic Management Plans (CEMPs): requested that CEMPs are required for major applications only, in accordance with the Greater Cambridge Shared Planning Service guidance and that mobile modular classrooms, which are constructed off-site and do not involve any major construction works are excluded.
- 3.10 Section 14 Travel Plans: suggestion that the requirement is removed from the validation process for smaller school applications and a pre-occupation planning condition is used in its place.
- 3.11 Section 15 Noise and/or Vibration impact assessment: request that the requirement within this section is re-worded to refer to 'new sports pitches' only. It is also requested that this requirement should be excluded for schools where noise from playing pitches has already been considered at Outline application stage for growth area sites.
- 3.12 Section 17 Air quality assessment: query raised as to why a site area is relevant in respect of air quality.

County Council Climate Change and Energy Services (CCES)

- 3.13 CCES commented that when the Cambridgeshire and Peterborough Minerals and Waste Plan (MWLP) (against which applications for mineral and waste development are judged) is next reviewed, there is an opportunity to strengthen Policy 1 which relates to Sustainable Development and Climate Change. The MWLP was adopted in July 2021 and under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. The guidance states that reviews should be proportionate to the issues in hand. See paragraphs 3.15 to 3.17 and Appendix 1 for further discussion on this point.
- 3.14 A number of comments and suggestions were raised by CCES which set out in full in Appendix 1 and summarised below:
- The team would like to see all applications provide an assessment of climate change impacts which should include:
 - An assessment and quantification of greenhouse gas emissions likely to occur as a result of the proposed development;
 - Steps taken to minimise or avoid GHG emissions at each lifecycle stage; and,
 - Proposals that reduce GHG emissions compared to doing nothing, or remove more GHGs from the atmosphere than will be emitted.
 - The team would like to see a full lifecycle carbon footprint calculation.
 - All development / all new build council buildings would be designed to meet EPC rating of A or better, 6+ BREEAM 'Ene01' energy credits, and >80% of expected energy use to be met from renewable sources.
- 3.15 Noting the technical nature of the additional requirements that CCES have suggested for inclusion in the LVL, either at this stage or upon review of the MWLP, officers consider that the changes cannot be incorporated without further specialist advice and guidance from the team, in particular in relation to how agents and applicants can undertake: assessments of greenhouse gas emissions; full lifecycle carbon footprint calculation; and, offsetting.
- 3.16 Any amendments that are incorporated into the LVL must be proportionate and relevant to the application but also easily understood by agents and applicants submitting planning applications. Therefore, whilst noting the importance of the Council's Strategic Framework and Corporate Outcome in relation to Climate and Nature, it is proposed that Legal advice is obtained to assist in confirming whether the suggested requirements would be 'relevant, necessary and material' to applications, as per paragraph 44 of the NPPF 2021. It should also be noted that the incorporation of significant new requirements into the list may require further consultation with applicants, agents and other interested parties.
- 3.17 Noting that the current update to the LVL needs to be in place by June 2023, in order to have a current and up to date list, officers recommend that this work is undertaken prior to the next LVL review, which is due in two years and that consideration of the points is undertaken during reviews of the MWLP.

Natural England

- 3.18 Natural England recommended that the LVL advocates the use Natural England's Impact Risk Zones (IRZs) to ensure that submission documents have adequately considered potential risks to SSSIs prior to any consultation with us and advised that officers consult the County ecologist for advice on wider biodiversity matters.

Fordham Parish Council

- 3.19 Fordham Parish Council commented that they couldn't see anything in the LVL relating to renewable energy for Planning Applications and that the information on climate change that should be included in the Planning Statement should be from a valid authority. The Parish Council also raised queries about the policies relating to Biodiversity, when compensatory / replacement planting is agreed and who oversees landscape and biodiversity enhancement schemes.

Updates to legislation - the Environment Act 2021

- 3.20 Later this year, (the date has yet to be confirmed) the provisions of the Environment Act 2021 will come into force. The legislation will require planning permissions to deliver at least 10% biodiversity net gain which must be secured for at least 30 years. This change will take place following the adoption of the updated LVL and guidance (subject to members' approval). Therefore, a further revision to the LVL will be required to highlight the new requirements and this report seeks delegated authority to make the necessary updates to the list without having to bring this matter back before members.

4. Proposed revisions to the Local Validation List

- 4.1 Planning officers recognise the need to balance seeking adequate information to support planning applications, without adding any unnecessary burden on applicants. In attempting to address this balance appropriately, the guidance document deals with a range of types and scale of development, ranging from waste proposals to the County Council's own development.
- 4.2 Appendix 1 sets out the full consultation responses, the consideration of the proposed changes and the conclusions reached. As a result of the consideration, at this time there is currently only one, minor further amendment to the LVL that is proposed as a result of the consultation which relates to the requirement for Travel Plans. Appendix 2 contains the updated LVL Guidance that incorporates the minor amendments that are proposed, the appendix also contains the Local Validation checklist which does not require any amendment.
- 4.3 In recommending the change, officers have been careful to focus on the requirements of Paragraph 44 of the NPPF (July 2021) and the need to focus on seeking the submission of 'supporting information that is relevant, necessary and material to the application in question'. In addition, officers are aware that, in certain circumstances, there can be an element of discretion in the application of the validation requirements.
- 4.4 As Members of the Planning Committee will be aware, there is a difficult balance to be struck to ensure that sufficient information is available to local communities and statutory consultees as part of any planning application process. The concerns and comments raised by applicants about the level and type of detail being sought to

process applications, have been fully and carefully considered. Where further guidance and clarification can be provided or amendments require further consideration, these have been recommended.

5. Recommendations

- 5.1 It is recommended that the County Council's LVL and Guidance Notes (June 2023) attached as Appendix 2 be approved for use which would enable them to be published on the Council's website before the expiry of the existing document in June 2023. And, that the Head of Planning and Sustainable Growth be authorised to enable officers to update links and references to documents within the LVL Guidance Notes (June 2023), which become outdated and/or be superseded during the period that the 2023 list is in use
- 5.2 It is also recommended that members agree that the Head of Planning and Sustainable Growth be authorised to enable officers to update the LVL in respect of Climate Change and Environmental matters which require further consideration and revision during the period that the 2023 list is in use to align with legislative changes and the Council's Strategic Framework, subject to legal advice.