

**REVIEW OF THE LOCAL INFORMATION REQUIREMENTS FOR THE VALIDATION
OF PLANNING APPLICATIONS**

To: **Planning Committee**

Date: **16 May 2019**

From: **Joint Interim Assistant Director, Environment and
Commercial**

Electoral division(s): **All**

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

Recommendation: **That members endorse the proposed revised list and
guidance notes set out in Appendix 1 and Appendix 2**

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1.0 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 validation requirements do not apply to mineral planning applications because these are treated differently by the legislation and use a bespoke application form. The current Local Validation List and Guidance Notes were approved by the Planning Committee on 12 June 2017 and are due to expire. 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 [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].
- 1.2 Cambridgeshire County Council's Local Validation List and Guidance Notes (LVL) set out what information is required, over and above the national requirements, to accompany the submission of planning applications so that they can be found to be valid and the Council can begin processing them. The importance of the LVL is that it ensures that sufficient details are submitted before processing of the relevant application begins, so that they form part of the application from the outset to enable the relevant information to be taken into account at the earliest opportunity. The information includes requirements for specified plans and drawings, technical reports and other specified information.
- 1.3 The key purpose of stipulating what a planning application must comprise is to ensure that Local Planning Authorities (LPAs) have "up front" the information that is essential for a sound, timely and robust decision. A key issue is that the right information must be available at an appropriate time to support good decision-making.
- 1.4 Paragraph 44 of the National Planning Policy Framework (February 2019) provides 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. This is supported by the National Planning Policy Guidance. In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:
 - reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 1.5 If an up to date LVL were not in place, relevant applications would have to be treated as valid and their processing begun irrespective of whether or not all of the appropriate information that would normally be required by means of a LVL had been provided or not. Having appropriate information enables consultees and local residents, and officers to appropriately assess relevant applications

at the earliest opportunity. Having locally agreed requirements allows local agreement of what is needed. Having specified validation requirements removes uncertainty for agents and to ensure that there are consistent requirements for similar applications. It also helps to minimise processing costs and delays. For example, time and costs would be incurred if significant new information is submitted during processing that can result in further consultation, notifications and advertisement being needed. The LVL requirements and guidance notes are one of the matters that are discussed with applicants and agents at the pre-application stage.

2.0 THE 2019 REVIEW

- 2.1 Officers produced consultation revised drafts of the LVL and Guidance Notes in February 2019. The 2017 LVL and Guidance Notes have been reviewed and updated, adding in references to new guidance and clarification where appropriate. These updates were also informed by experience of using the adopted LVL list, and from listening to applicants and agents. Officers recognise the need to balance seeking adequate information without adding any unnecessary burden.
- 2.2 Since the 2017 LVL Review both Cambridge City Council and South Cambridgeshire District Council have adopted new local plans. This has introduced the need within these areas for the submission of some additional information to enable applications to be fully considered in relation to the revised policies, for example, the consideration of low emissions strategies in South Cambridgeshire District Council's area. We are also proposing to extend the requirements relating to the submission of travel plans to all relevant developments, including relevant waste planning applications. We have updated documents and policy references where we are aware of revisions being published. We are also seeking to signpost more clearly the pre-application services that the County Council offers to assist applicants in achieving appropriate advice prior to submitting an application. Links to websites have also been updated and will need to be checked again immediately prior to publication and it is proposed to continue to update them when it is known that any documents that are referred to have been superseded by new documents.
- 2.3 On 21 February 2019 a six week consultation was carried out with consultees, which closed on 11 April 2019. This allowed consultees an opportunity to comment upon the proposed changes should they wish to do so. The consultation was registered on the Council's website and the following were consulted:-
 - Statutory and non-statutory consultees including District/City councils;
 - CCC colleagues and Councillors;
 - Parish and town councils; and
 - Applicants and agents who submitted planning applications during the last 2 years since the previous review.

3.0 CONSULTATION RESPONSES

The consultation responses that have been received are below, some of which are summarised:-

3.1 **Councillor Manning –**

Councillor Manning questioned whether the Cambridgeshire County Council Local Validation Guidance included advice on the impact of a development (whilst being constructed) on existing pedestrian or cycle facilities.

3.2 **Bar Hill Parish Council –**

No comment to make.

3.3 **Brampton Parish Council –**

The Parish Council asked whether power, water and sewage into a new development was considered within the LVL guidance notes stating that otherwise it would be a useful addition.

3.4 **Gamlingay Parish Council –**

Made the following suggestions. The Parish Council suggest adding to paragraph 9) Landscape impact Assessment- where to look to for further assistance reference to Greensand Country Landscape Partnership's Landscape Conservation Action Plan- (2016) for the parish of Gamlingay and other western parishes of Cambridgeshire bordering Bedfordshire. The Parish Council also suggests adding a section to the LVL Guidance about emerging Neighbourhood Plans.

3.5 **St Ives Town Council –**

No further comment to make. The Council's Planning Committee agreed that it was content with the information provided.

3.6 **Warboys Parish Council –**

Warboys Parish Council comment that while the list of documentation required to accompany applications is extensive, there does not appear to be a need to submit an environmental impact assessment unless you think that this is covered by the individual impact assessments. Warboys had an instance last year when an application for a waste treatment plant was not accompanied by an environmental assessment in contravention of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which resulted in the application having to be deferred while the applicant supplied the missing document.

3.7 **Whittlesey Town Council –**

I have been asked to advise that whilst there was nothing site specific to Whittlesey, we would question some of the procedures and process, also that this document failed to identify that adopted Local Neighbourhood plans need to be taken into consideration.

3.8 **Fenland District Council –**

No comments to make.

3.9 **Historic England –**

Historic England state that the type and amount of information required to assist in the assessment of proposals which affect heritage assets (in accordance with the NPPF, particularly paragraphs 192 and 193) will vary in

each case. The information provided should be proportionate according to circumstances, and should facilitate understanding of the significance of the heritage asset, and of the potential impact of the proposal on the significance. It also requests that agents and applicants be referred to the Charter for Historic England Advisory Services (particularly sections 11 and 12) as a clear statement of the information needed in order to provide informed advice. The charter can be downloaded from Historic England's website using the following link at:

www.historicengland.org.uk/images-books/publications/charter-he-advisory-services
<http://www.historicengland.org.uk/images-books/publications/charter-he-advisory-services>

3.10 **Middle Level Commissioners –**

Middle Level Commissioners have made a number of comments:

1. The contents of the Middle Level Commissioner's response of 2017 remain relevant.
2. The Commissioners are pleased to note that the reference in the introduction on page 2 of the 2019 LVL Guidance notes to the use of relevant and competent technical specialists and encourage this.
3. The commissioners and associated boards promote meaningful pre-application advice and work with CCC colleagues to ensure that any issues concerning flood risk, water level management, navigation and environmental issues are dealt with prior to the planning application process, which offers more certainty in the decision making process. The Middle Level Commissioners would be pleased if applicants and/or agents could be advised to contact the Middle Level Commissioners for advice within their jurisdiction. A web site link is given to their pre- and post-application procedure: <https://middlelevel.gov.uk/consents/>.
4. The Commissioners request that applicants and/or agents are reminded that should planning approval be given by Cambridgeshire County Council, to remind the applicant(s) agent(s) that any matters requiring consent under the requirements of the Land Drainage Act, the Highways Act, the Water Industry Act, the Flood and Water Management Act and/or the Middle Level Act 2018, which relates to navigation related issues, must be complied with before any work is commenced on site.
5. It is requested that any drawings that are submitted to County Council be to a recognised engineering scale including a scale bar and advice on what size of paper the drawing should be printed on.
6. The Commissioners are pleased to note that the reference in the introduction on page 2 of the 2019 LVL Guidance notes to the use of relevant and competent technical specialists and encourage this.
7. The Biodiversity Survey and Report (Paragraph 4) includes reference to the Middle Level Biodiversity Manual (2016), on page 5 - this remains current on 10 April 2019.
8. The Statement of Sustainable Design and Construction (Paragraph 5) includes or the provision of both a foul drainage strategy and water conservation strategy, on pages 6 and 7. This is supported but it is suggested that the latter should be applied County wide and not just applied to the South Cambridgeshire District Council's area.
9. The Flood Risk Assessment (Paragraph 7) gives a list of application types that is appropriate to provide a Flood Risk Assessment for. The last bullet point (on page 8) refers to developments of: "Less than 1 hectare within flood zone 1 which has critical drainage problems as

notified by the Environment Agency.” Unless the area is identified within a Preliminary Flood Risk Assessment) the Environment Agency are unlikely to be involved. Drainage is the responsibility of several stakeholders, including Internal Drainage Boards and your Council’s Flood Risk and Biodiversity Team. The latter are more likely to be aware of and have to resolve “critical drainage problems”. It is reassuring to note and we applaud the inclusion of a reference and a link to our “Planning Advice and Consent Documents” webpage on page 9.

10. Additional Plans and Drawings (including cross-sections where required). (Paragraph 22), the inclusion of the section detailing other plans and drawings and suggesting suitable scales for these is noted and supported.

3.11 **The Wildlife Trust –**

1. The Wildlife Trust welcome the reference to the Developing with Nature Toolkit. However, it might be better if this was also explicitly mentioned on the actual checklist, under the “Biodiversity Enhancement” section 3, as a footnote or link to the document.
2. The checklist refers to Local Sites in section 4, but doesn’t mention that they are known as “County Wildlife Sites” in Cambridgeshire & Peterborough, which could be a little confusing. Perhaps a reference to this effect could be added in brackets or as a footnote?
3. Finally, I wondered whether the County Council needed to add something more explicit about demonstrating measurable net biodiversity gain, in line with NPPF 2018 revisions? Again this could be added to the Biodiversity Checklist, possibly under the Monitoring section (which incidentally is shown as a second Section 2, but I presume should be section 5). This could also include a footnote referencing the Defra Biodiversity Metric which could replace the subsequent priority habitat and GI tables?

3.12 **CCC Lead Local Flood Authority (LLFA) –**

The LLFA confirmed that their most up to date guidance documents are included within the list and commented as follow:

1. Recommends adding a note that any new access to a site which crosses a watercourse, temporary or permanent, will be likely to need separate consent from the LLFA. Further information can be found on the Council’s Watercourse Management Page of the Cambridgeshire County Council web site.
2. Recommends adding a link to the County Council’s Surface Water Drainage Guidance for Developers document within section 7A, as this outlines the details that we look for within a drainage strategy for different stages of application.

3.13 **CCC Ecology**

It would be useful to include a reference to Biodiversity Net Gain within section 4 of the LVL. And also recommends:-

1. Inserting a reference to the CIEEM Biodiversity Net Gain guidance – <https://cieem.net/biodiversity-net-gain-guidance-published/Defra>
2. And inserting a reference to the Biodiversity Offsetting Metric - <https://www.gov.uk/government/collections/biodiversity-offsetting>
3. The Cambridgeshire Green Infrastructure Strategy (June 2011) was adopted by all the districts in Cambridgeshire and Cambridge City Council - not just CICC and SCDC as inferred within section 4.

3.14 **CCC Energy Investment Unit –**

1. It would be more useful to have the checklist and guidance as 1 document. Alternatively, the LVL guidance notes and validation checklist should be two main items on the CCC website, to make them stand out from the other documents.
2. Recommends extra text to show where they considered the items to be new 2019 requirements.
3. Recommends some formatting and wording changes seeking to make the document to assist with understanding.

3.15 **CCC Safer Routes to School –**

Recommends a website link be added to Cambridgeshire County Council Road Safety Education Advice and the Modeshift STARS national school travel plan awards scheme in relation to Travel Plans at <http://www.cambsroadsafetyeducation.org.uk> and www.modeshiftstars.org

4.0 **Consideration of the Consultation responses**

4.1 **Councillor Manning's response –**

The impact of development upon existing footpaths and cycle ways is normally addressed by separate legislation that deals with the obstruction of the highways and public rights of way and other schemes such as the Considerate Construction Scheme outside of the planning controls. Notwithstanding this a proposed change is recommended to Paragraph 13A - Construction traffic management plan to include within its section "What information is required?"

- *Arrangements to divert or protect the use of existing footpaths and cycle ways during construction.*

This should draw this to applicants and/or agent's attention to assist with assessing any likely impacts as part of the consideration of a planning application.

4.2 **Bar Hill Parish Council –**

Noted with thanks. No changes required.

4.3 **Brampton Parish Council –**

Noted with thanks. No changes required.

4.4 **Gamlingay Parish Council –**

The need to consider adopted neighbourhood plans and neighbourhood plans is accepted and a note has been recommended to draw attention to adopted and emerging neighbourhood plans. It is recommended that reference be added towards the end of Section 1 'Planning Statement' to draw attention to adopted Neighbourhood Plans, and emerging local policies.

4.5 **St Ives Town Council –**

Noted with thanks. No changes required.

4.6 **Warboys Parish Council –** Officers have drawn the attention of Warboys Parish Council to the existing note at the end of the Local Validation List guidance document, which states 'Environmental Impact Assessment Development is covered by separate regulations, which are outside of the

scope of these guidance notes' which will be carried forward onto the new guidance.' No further response has been received on behalf of Warboys Parish Council and it appears to officers that this point has been addressed.

4.7 **Whittlesey Town Council** –

Officers acknowledge the need to refer to Local Neighbourhood Plans. Reference has been added towards the end of Section 1 'Planning Statement' of the LVL Guidance Notes.

4.8 **Fenland District Council** –

Noted with thanks. No changes required.

4.9 **Historic England** –

The Charter for Historic England was referred to in the June 2017 guidance notes. It is recommended that this is retained within the recommended June 2019 LVL Guidance Notes.

4.10 **Middle Level Commissioners** –

1. Noted with thanks. No changes required.
2. Pre application advice - References to Middle Level guidance will be retained, so no changes required.
3. References to Middle Level guidance are retained and it is recommended that the Middle Level Commissioners are added to the list of other bodies who provide pre-application advice.
4. Consent under the requirements of the Land Drainage Act is covered when necessary by informative at decision stage.
5. Drawings - This is covered by national guidance, so no changes required.
6. Technical specialists' reference - Noted with thanks. No changes required.
7. Biodiversity survey - Noted with thanks. No changes required.
8. Statement of Sustainable Design and Construction - This is already covered across all districts based on the relevant adopted policy guidance. The reference to South Cambridgeshire is only made as their requirements are stricter through adopted policy. Therefore no changes are required.
9. Flood Risk Assessment - Officers acknowledge that drainage is the responsibility of several stakeholders and have noted the acceptance to the Middle Level Commissioners planning advice pages. This will be retained on the new guidance and therefore no further changes are required.
10. Additional Plans and drawings - Noted with thanks. No changes required.

4.11 **The Wildlife Trust** –

1. A second reference to the Developing with Nature Toolkit has been recommended within Section 4.
2. Reference to Local Sites appears to refer to the Biodiversity checklist which does not form part of this review. This has been forwarded to the Cambridgeshire County Council Ecologist.
3. Biodiversity net gain – This has been forwarded to the Cambridgeshire County Council Ecologist to consider in relation to the Biodiversity checklist.

4.12 **CCC Lead Local Flood Authority (LLFA) –**

1. Officers have recommend a link to the LLFA Watercourse management page within section 7- Flood Risk Assessment, “Where to look for further assistance” of the LVL guidance.
2. A link to the LLFA Surface Water Drainage Guidance for Developers document was included within section 7- Flood Risk Assessment, “Where to look for further assistance” of the LVL guidance 2017. No change is proposed as this guidance is recommended to be brought forward.

4.13 **CCC Ecology –**

1. Officers have recommended a link to both of the following: CIEEM Biodiversity Net Gain guidance – <https://cieem.net/biodiversity-net-gain-guidance-published/> and Defra Biodiversity Offsetting Metric - <https://www.gov.uk/government/collections/biodiversity-offsetting> Within Section 4 - “Where to look for future assistance”
2. It is recommended that the Cambridgeshire Green Infrastructure Strategy (June 2011) be amended not to refer to any specific district.

4.14 **CCC Energy Investment Unit –**

1. Checklist and guidance - As the checklist is used as a submission document in its own right it is considered by officers that the combination of the two would make it too lengthy. However, officers will look at the website page to see if there is a way these two documents can stand out more.
2. Extra text - Although it is acknowledged some of the listed items are new to the local validation list, not all of them are and some were subject to policy requirements ahead of 2019 (even though they weren’t included on the current validation checklist) so officers consider it would be confusing to add the suggested text. As such, no changes have been proposed to the validation checklist.
3. Whilst officers have acknowledged the comments made and have gone through the suggested tracked changes, they do not agree with all the proposed changes e.g. that references to the importance of pre-application discussions should be removed from this document. The agreed changes have been discussed with colleagues in the Energy Investment Unit and explanations provided where the changes haven’t been accepted.

4.15 **CCC Safer Routes to School –**

Officers recommend adding a link to the Modeshift Stars information and Cambridgeshire Road Safety Education Information in relation to any school Travel plan, together with a statement recommending its use at the end of Section 14 Travel Plans of the LVL Guidance Notes.

5.0 **CONCLUSION**

- 5.1 Officers have given careful consideration to the consultation responses that have been received and have made amendments to the consultation draft to produce the LVL and Guidance Notes (May 2019), which is recommended as below.

6.0 RECOMMENDATION

- 6.1 It is recommended that the County Council's LVL and Guidance Notes (May 2019) attached as Appendices 1 and 2 respectively be approved for use and publication on the Council's website and that the Joint Interim Assistant Director, Environment and Commercial be authorised to enable officers to update links and references to documents within the LVL Guidance Notes (JUNE 2019), which become outdated and/or be superseded during the period that the 2019 list is in use.

| Source Documents | Location |
|--|---|
| Local Validation Guidance List Report to June 2017 | https://cambridgeshire.cmis.uk.com/cc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/232/Committee/8/Default.aspx |
| Cambridgeshire County Council Local Validation List and Local Validation List Guidance Notes (June 2017) | https://www.cambridgeshire.gov.uk/business/planning-and-development/planning-applications/submitting-a-planning-application/ |