

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

To: Planning Committee

Date: 15 April 2021

From: Joint Interim Assistant Director, Environment and Commercial

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

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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. The current Local Validation List and Guidance Notes were approved by the County Council's Planning Committee on 16 May 2019 and are due to expire in June 2021. 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 to accompany the submission of planning applications, over and above the national requirements. The importance of the LVL is that it ensures that sufficient details are submitted before processing of the relevant application begins. These details form part of the application from the outset. Sufficient information is essential for a sound, timely and robust decision, and an avoidance for the need for further consultation for example. 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 specified information.
- 1.3 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 to the nature and scale of the proposed development; and
 - about a matter which is likely to be a material consideration in the determination of the application.
- 1.4 If up to date requirements were not in place, relevant applications would be valid with very minimal information. Having locally agreed requirements allows local agreement of what is needed. This removes uncertainty for agents and applicants. It also ensures that there are consistent requirements for similar applications by the Council. It can 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 requirements are discussed with applicants and agents during consideration of a pre-application submission.

2. The 2021 review

- 2.1 Officers produced revised consultation drafts by January 2021. The text of the consultation documents published were revised to address the accessibility requirements required by

the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. For example, the wording and headings have been simplified and the formatting of the documents was changed. Ahead of the consultation officers updated the document titles and policy references contained within the LVL where we were aware of revisions being published. Links to websites were also updated, albeit these will need to be checked again immediately prior to publication, which will need to be in early June 2021. It is also proposed to continue to update the guidance when it is known that any documents that are referred to have been superseded by new documents.

2.2 Existing requirements contained within the relevant Development Plan for Cambridgeshire were also added for consistency. For example, in Section 5 of the Local Validation List Guidance Notes within Fenland District Council's area an existing local plan policy requirement for the submission of a Health Impact Assessment for major development applications has been added in line with requirements within other districts for example South Cambridgeshire District Council. Also, a few new requirements were also added, for example a requirement for scale bars to be contained on plans, to ensure that electronic plans are capable of being read by all. In summary, the proposed changes relating to the Local Validation List Guidance Notes that were included as part of the 2021 consultation review included the following additional requirements: -

- Section 5 - seeks information relating to the reduction of carbon footprint and for applicants to take account of their energy usage.
- Section 6 – requests information about the condition of trees.
- Section 9 – refers to the need for Landscape Visual Impact Assessments.
- Section 13A – seeks construction environmental management plans in addition to traffic management plans.
- Section 15 – includes requirements for assessment of vibration as well as noise where appropriate.
- Section 22 – seeks to require that scale bars be added to plans to ensure electronic plans are capable of being read by all.

2.3 The following links to new guidance documents were also added to the consultation draft: -

- [Historic England's Statements of Heritage Significance Advice Note 12 \(21 October 2019\)](#) and
- [The Landscape Institutes Guide to Reviewing-Landscape Visual Impact Assessments-and-Landscape Visual Assessments.](#)

Additionally, following consultation links to two more recent documents have been added and/or updated: -

- [Greater Cambridge Sustainable Design and Construction Supplementary Planning Document \(SPD\) - South Cambridgeshire District Council January 2020](#)
- [Public Health England's Health Impact Assessment in spatial planning document \(October 2020\)](#)
- [London Healthy Urban Development Unit Rapid Health Impact Assessment Tool](#)
- [Evidence to inform both rapid and full HIAs can be found in Cambridgeshire Joint Strategic Needs Assessments, and in related health and wellbeing data available from Cambridgeshire Insight](#)

- 2.4 Since the previous review, preparation of a new Cambridgeshire and Peterborough Minerals and Waste Local Plan has reached its final stages. After the new plan has been adopted by this Council, it is our intention to update the relevant references to the Cambridgeshire and Peterborough Minerals and Local Plan within the LVL guidance document.
- 2.5 On 25 January 2021 a six-week consultation was carried out with consultees, which closed on 8 March 2021. The consultation was registered on the Council's website and the following were consulted: -
- 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 13 formal consultation responses were received. A summary of the main points raised and the planning officers' responses to them, including any suggested amendments proposed, are shown in Appendix 1. Where appropriate the responses and suggested amendments have been prepared in consultation with both internal and external planning and transport colleagues, to ensure that a robust consideration has been given to the points raised, ahead of making a final recommendation.
- 3.2 An overview of the 13 formal consultation responses received and the main concerns or points raised that are included in Appendix 1 have been summarised below for ease of reference: -

Highway Development Management:

- 3.3 Highway Development Management sought changes to Sections 13 (Parking and Access Arrangements) and 13A (Construction Environmental Management and Traffic Plan), to require temporary access arrangements off the public highway and mitigation measures for sensitive receptors and peak flows to be taken into account. They also acknowledged that it was good to note that Section 12: Transport Assessment or Statement, was augmented with Section 13. Parking and access arrangements; where many proposals will fall within a level where a formal assessment is not required, but a level of traffic information is desirable to enable an informed decision to be made by the Highway Authority.

Public Health:

- 3.4 Public Health colleagues acknowledged receipt of the consultation but confirmed that owing to the COVID-19 pandemic would be unable to offer a response at this time.

Sport England:

- 3.5 Sport England confirmed that the consultation did not fall within either their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), so they did not provide a detailed response.

However, they did supply generic guidance and advice to help officers check that the relevant information was referenced within the guidance.

Gamlingay Parish Council:

- 3.6 Gamlingay Parish Council requested that Neighbourhood Plans should be referenced in the Local Validation List, especially as they may have specific references with regards to specific landscape, transport and development themes which should be taken account of in Minerals and Waste applications. Furthermore, they asked for Natural England's 'Impact risk Zones' to be referenced to identify potential impacts on woodland areas.

Historic England:

- 3.7 Historic England sought the requirement for a Design and Access Statement for every application to be added to the guidance.

Ely Drainage Board:

- 3.8 In relation to Section 7A (Surface Water) the Ely Drainage Board noted that over half the area of Cambridgeshire is covered by an Internal Drainage Board (IDB). Within these districts, they acknowledged that IDBs have supervisory duties in relation to drainage under the Land Drainage Act 1991. They therefore requested that under the '*what information is required*' section, reference be made to IDBs and their Byelaw requirements.

Education Capital Strategy Management:

- 3.9 The response received from the Education Capital Strategy Manager sets out a range of comments and concerns that relate to the whole LVL and provides feedback from his teams experience of using the guidance across all their education capital projects; that alter in scale from whole new schools and education campus sites, right down to mobile classrooms and minor alterations to existing schools. In working through the whole LVL guidance document, his responses can be split between items that either raise no comments, questions or proposed alterations; to those where either objections are raised, questions are posed, or amendments to text is recommended. In total from the 24 items set out in the response received, there are 7 sections that fall into the first no comments, questions or objections category, and 17 sections that fall into the latter category that can be broadly summarised in the following points:

- Not considered necessary to require public art in planning applications in South Cambridgeshire as part of the validation process under Section 1
- Size and level of community involvement needs to be clarified for mobile classroom applications and small-scale standalone projects under Section 3
- Various concerns over Section 5 (Statement of Sustainable Design and Construction) that are made up of three areas of concerns in relation to all applications in South Cambridgeshire triggering such a statement; two concerns over Health Impact Assessments; and one final concern around the location of the requirement for a foul drainage strategy and the suggestion this should be moved alongside the surface water drainage strategy section within the guidance document
- Proposed amendment to wording to provide when a tree survey is needed

- Comments on Section 7A to set out surface water and foul drainage together and seeking agreement for what is required for temporary mobile classrooms
- Query over what would be required for mobile classroom applications under Section 9 in relation to Landscape Impact Assessment
- Query over what would be required for mobile classroom applications under Section 10 in relation to landscape proposals
- Seeking changes to Section 11 to allow landscape and biodiversity management schemes to be considered through a pre-occupation condition rather than at the submission stage to allow more flexibility for urgent mobile classroom projects
- Six main areas of concern raised in relation to Section 12 for Transport Assessment (TA) and Transport Statement (TS) validation requirements, with amendments proposed 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 TAs, and for TS requirements to be raised to a trigger of a 3 classroom increase rather than 1
- Proposed that duplicated text in Section 13, that already exists in Section 12, should be deleted
- Proposed amendments to wording in Section 13A for Construction Environmental and Traffic Management Plans to specifically exclude mobile classroom applications
- Seeking changes to Section 14 to allow flexibility for Travel Plan's to be removed from the validation process for mobile classroom applications and allow a pre-occupation condition to address this instead
- Raised questions over the level of detail required for lighting proposals on mobile classroom applications and whether a data sheet would be acceptable
- Drew attention to the typographical error in Section 17 where a question mark was incorrectly contained in the text rather than clarification of '2' hectares being the base line for the submission of an air quality assessment for applications in Huntingdonshire
- Clarification sought on what information would be required in relation to Section 18 for contaminated land for mobile classroom applications
- Suggested that open space / playing field information could be dealt with through the Planning Statement, and
- Consider that some of the items in Section 22 (Plans and Drawings) are a duplication of national policy, albeit no objection was raised as they consider this provides helpful way finding and clarification for applicants.

St Ives Town Council:

- 3.10 St Ives Town Council noted the information provided and confirmed that they had no additional comments to make.

Wisbech Town Council:

- 3.11 Confirmed that the Local Validation List was considered by the Planning and Community Infrastructure Committee at Wisbech Town Council on 15 February 2021, and that members of the committee decided that Wisbech Town Council had no comments to make.

Anglian Water Services Limited:

- 3.12 Anglian Water raised concerns around Section 5 (Statement of sustainable design and construction) in relation to a water conservation strategy and foul water drainage strategy;

and Section 7A (Surface Water Strategy) where they felt the guidance could be improved and take account of how such requirements would impact on some of their own development proposals for Water Recycling Centres.

Biffa Waste:

- 3.13 Biffa Waste raised concerns around Section 5 (Statement of sustainable design and construction) in relation to health impact assessments and Section 11 (Landscape and biodiversity enhancement management scheme) in relation to the guidance requiring a minimum of 10 years aftercare of restored landfill sites in the interests of nature conservation.

Little Gransden Parish Council:

- 3.14 Sought additional text and information to be added under the heading of the Flood Risk / Assessment, to take account of management and enforcement issues. Also sought additional questions to be added under the transport section, to take account of the heavy traffic that building, and development brings to rural villages, where the infrastructure is not appropriate for such movements.

Huntingdonshire District Council Environmental Health Team:

- 3.15 Confirmed that they had looked at the consultation documents in relation to Environmental Health matters such as land contamination, noise, vibration, air quality, light, CEMPs, etc. and they have no objection to taking these new validation requirements forwards for the next two years.

Information requests that did not lead to formal responses that aren't shown in Appendix 1:

- 3.16 Caxton Parish Council acknowledged the consultation and asked officers to ensure their new e-mail address is used for all future correspondence, noting that they would not be able to respond in the consultation timescale. And, Yelling Parish Council asked for clarification on how the amendments could be spotted in the consultation document and following a telephone call to explain and answer this query no further comments were received.

4. Revisions proposed to the Local Validation List and key points to note in the consideration of the consultation responses

- 4.1 A similar approach has been taken towards recommending the 2021 updates for the consultation draft as taken previously together with amendments. Additionally, formatting and rewording has been changed with the intention of making the documents more accessible. Planning officers have always recognised the need to balance seeking adequate information 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 Paragraph 2.2 of this report provides a summary of the main revisions that were added to the existing LVL guidance before consultation. Some of the comments and concerns received (see section 3 above and Appendix 1 of this report relate to existing validation

requirements) have been in place since 2019 or longer. Therefore, planning officers have sought specialist advice, including from colleagues at the relevant City / District Councils, to ensure a consistent approach is being taken in the two-tier Council decision making process. As a result of these discussions, and the proposed amendments set out in Appendix 1, the following list sets out, in summary, the principle additional amendments that have been made following the consultation exercise:

- Changes are made to Section 1 to clarify consideration of integrating public art in South Cambridgeshire.
- Section 5, the Health Impact Assessment (HIA) requirements have been moved into their own section (5A). This includes adding additional signposting for guidance and to further information.
- Section 5 now includes clarification that a Water Conservation Strategy may not always be practicable e.g. for operational buildings that do not contain water supply or welfare facilities.
- Section 5, the Foul Drainage Strategy has moved out of into Section 7A which already contains the Surface Water Strategy requirements. What information would be required is clarified in line with Anglian Water's response.
- Section 6, additional text has been added to clarify that tree surveys are necessary for trees or hedges on the development sites 'that are likely to be or could be impacted by the development'.
- Section 7A has been updated to align with Main Modification 40 of the emerging Cambridgeshire and Peterborough Minerals and Waste Local Plan. This acknowledges that Sustainable Urban Drainage Systems are not always feasible, taking account of concerns raised by Anglian Water.
- Section 11, bullet point 3 has been amended (under '*What Information is required?*') to align with the aftercare and restoration now sought in the emerging Cambridgeshire and Peterborough Minerals and Waste Local Plan. This acknowledge a case by case approach. And, it acknowledges aftercare arrangements '*potentially extending to 10 years or more*'.
- Section 13, and Section 13A have been changed to include explicit reference to temporary access arrangements during construction, to assist consideration by the Highway Authority
- Section 13A, Changes have been made to specifically require (i) identifying and mitigating construction traffic impact upon sensitive receptors e.g. local schools opening / closing time / peak traffic conditions and (ii) proposals to reduce the numbers of vehicles using the site during the period of construction, and correction of a typo and missing text identified in the consultation version of the LVL guidance. Information has been given about when Construction Environmental Management Plan is needed, in addition to reinstating the requirements of when a Traffic Management Plan is required.

4.3 In recommending the above changes officers have been careful to focus on the requirements of Paragraph 44 of the NPPF (February 2019) and the relevant considerations set out in paragraph 1.3 of this report i.e. to ensure that the information being requested as a result of the LVL is reasonable having regard to the nature and scale of the proposed development. This seeks to ensure that the requirements within the LVL are likely to be material considerations in the determination of the application. It is considered that the LVL guidance contained in Appendix 2 is compliant with Paragraph 44 of the NPPF (February

2019) in that it only requests '*supporting information that is relevant, necessary and material to the application in question*'.

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 being raised by applicants about the level and type of detail being sought to process applications, as Appendix 1 evidences, have been fully and carefully considered. Where further guidance and clarification can be provided or amendments made, these have been recommended.

5. Recommendation

5.1 It is recommended that the County Council's LVL and Guidance Notes (June 2021) attached as Appendices 2 and 3 respectively be approved for use. This would enable publication on the Council's website before the expiry of the existing document in June 2021. 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 2021), which become outdated and/or be superseded during the period that the 2021 list is in use.

Source Documents

Link to the [Local Validation Guidance List Report to 16 May 2019](#)

Link to the [Cambridgeshire County Council Local Validation List and Local Validation List Guidance Notes \(June 2019\)](#)