

**23<sup>rd</sup> February 2016**

**Agenda Item:11**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

### **ADOPTION OF THE COUNTY COUNCIL'S LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS**

#### **Purpose of Report**

1. To advise Members of the response to the consultation exercise undertaken on the proposed changes to the County Council's Local Requirements for the Validation of Planning Applications and to seek Committee approval and adoption of the revised document.

#### **Information and Advice**

2. Members will recall at the Planning and Licensing Committee in January being advised of the proposal to update the County Council's Local Requirements for the Validation of Planning Applications and consult on this revised document with interested parties.
3. Nottinghamshire County Council's current Validation Guidance was adopted in February 2014 and, consequently, now needs to be replaced to ensure that the Authority has a Local List against which it can validate incoming planning applications. Members will recall Local Lists must be no more than two years old. Without an adopted Local List the Council can only rely upon the national requirements when validating applications which could potentially lead to less comprehensive applications and ultimately less robust decisions.

#### **Review process**

4. The first step involved reviewing our existing list in the light of changes to legislation, national guidance and changes to some County Council procedures, such as charging for pre-application advice and to reflect the increase in the electronic submission of planning applications, including of electronic payments.

The main changes proposed were as follows:

- removal of references to the National Planning Policy Framework Technical Guidance which was withdrawn by the Government upon the publication of the Planning Practice Guidance,

- insertion of reference to the Planning Practice Guidance which was published by the Government in March 2014,
  - reference to the Council's charging schedule for its pre-application service,
  - reference to the compulsory requirement for pre-application engagement for certain on-shore wind turbine development,
  - changes to procedures to reflect the increase in planning applications submitted electronically,
  - reference to the new requirements relating to flood risk assessments, including sustainable drainage systems (SUDs),
  - deletion of the section requiring the submission of separate sustainability appraisals and its replacement with relevant wording within the supporting planning statement,
  - amendments to all relevant sections to make reference to current legislation, guidance and advice.
5. The Validation Guidance was updated to include these proposed amendments and relevant consultees were identified in accordance with the requirements of the national Planning Practice Guidance. These updates are highlighted in red in Appendix 2.

## **Consultation**

6. The range of consultees identified included Nottinghamshire's district and parish councils, County Council members, neighbouring authorities, statutory and non-statutory consultees, together with internal and external applicants and agents. Emails were sent to all relevant parties which provided a link to the County Council website where the existing and proposed Validation Guidance could be viewed and downloaded.
7. The consultation period ran for 21 days from 20<sup>th</sup> January until 10<sup>th</sup> February 2016. Fifteen responses were received. A summary of the responses and the proposed action and changes to the Validation Guidance is set out in Appendix 1 to this report. The updated Validation Guidance (including the changes made as a consequence of the consultations (highlighted in blue)) forms Appendix 2.
8. Members should note that the further changes proposed as a consequence of the consultation are not considered to materially amend the document to such an extent that would warrant a further round of consultation.

## **The next stage**

9. If Members approve the updated Validation Guidance as set out Appendix 2 to this report then this will formally replace the version adopted in February 2014. It will be retained on the County Council website and will form the basis on which incoming planning applications are validated.

## **Other Options Considered**

10. Given the requirements set out in paragraphs 3 and 4 above no options other than a full review were considered to be adequate to meet the Government's stipulation for Local Lists to be no more than two years old.

## **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### Implications for Service Users

12. It is considered that the proposed review of the Local List will assist users of the document by containing more current and accurate information.

### Human Rights Implications

13. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
14. There are no other statutory and policy implications.

## **RECOMMENDATIONS**

15. It is RECOMMENDED that Members note the response to the consultation exercise and approve the revised document, known as Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications.

**TIM GREGORY**

**Corporate Director – Place**

## **Constitutional Comments (SLB 15/02/2016)**

Planning and Licensing Committee is the appropriate body to consider the content of this report.

## **Comments of the Service Director - Finance (SES 12/02/16)**

There are no specific financial implications arising directly from this report.

## **Background Papers Available for Inspection**

Consultation responses are available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division(s) and Member(s) Affected**

All

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For any enquiries about this report, please contact the report author.