



30th January 2018

Agenda Item: 5

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 consultation exercise undertaken on the proposed changes to the County Council's Local Requirements for the Validation of Planning Applications, the responses received and to seek Committee approval of the changes and formal adoption of the revised document.

Information

2. Nottinghamshire County Council's current Validation Guidance was adopted in February 2016 and, consequently, now needs to be replaced to ensure that the Authority has an up to date Local List against which it can validate incoming planning applications. Members are advised that in accordance with central government requirements 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 being submitted to the authority which could potentially lead to less comprehensive applications and ultimately less robust decisions being made.

Review process

3. The first step involved reviewing the 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 may be summarised as follows:

- Changes to the requirements for the electronic submission of planning applications to reflect the increased use of this method for the submission and subsequent consultation and assessment of applications
- Amendments to the text within various sections to provide increased clarity as to when the submission of information is required

- Inclusion of Transport Statements within the existing Transport Assessments section to reflect the “lighter touch” transport evaluation required for some planning applications
 - Changes to departmental names reflecting a move of functions from within the County Council to joint venture partnerships such as to Arc and Via.
 - Proposed new criteria relating to agricultural land classification
 - Amendments to relevant sections to make reference to updated guidance in several sections
4. 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.

Consultation

5. 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.
6. The consultation period ran for 21 days from 20th November until 10th December 2017. Eleven responses were received. Although, as expected, the response was minimal, comments from most of the consultee groups are represented; including parish councils, statutory consultees and the minerals industry. 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, which are highlighted in **block text**) forms Appendix 2.
7. Members should note that the minor 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

8. 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 2016. It will be retained on the County Council website and will form the basis on which incoming planning applications are validated.

Other Options Considered

9. Given the requirements set out in paragraph 2 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

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required. There are no crime and disorder, financial, human resources, public sector, safeguarding of children and adults at risk, smarter working implications or implications for sustainability and the environment.

Data Protection Implications

11. The County Council has comprehensive procedures in place, such as redacting personal data etc. or sensitive information which accompanies planning applications, to ensure that information is kept securely and confidentially.

Human Rights Implications

12. 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.

Implications for Service Users

13. It is considered that the proposed review of the Local List will assist users of the document by containing more up to date and accurate information.

RECOMMENDATIONS

14. 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.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [SLB 05/01/2018]

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

Comments of the Service Director - Finance [SES 05/01/18]

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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