



8th March 2022

Agenda Item: 8

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 (which comprises Part One -statutory requirements and Part Two - the Local List) was adopted in February 2020 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 the Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 Local Lists must be no more than two years old if they are to remain valid. 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 the submission of less comprehensive applications, an increase in requests being made for additional information, and ultimately less robust decisions being made.

Review process

3. The first step involved reviewing the existing Validation Guidance in the light of changes to planning legislation and national guidance and changes to some development management procedures to reflect the increased level of electronic submission of planning applications.

The proposed main changes may be summarised as follows:

- Updates relating to the latest version of the National Planning Policy Framework (NPPF) and revisions to other referenced documents,
 - An update to encourage the electronic submission of planning applications and improvements to the method of submission,
 - Inclusion of a statement relating to the General Data Protection Regulations and the redaction of documents,
 - A rewrite of the section on Design Assessment to reflect the greater emphasis placed on good design and the need for consistency with national and local design Guides and Codes as required by the revised NPPF,
 - Inclusion within the Flood Risk Assessment section of the need to demonstrate that developments are flood resilient,
 - Update and renaming of the tree section to stress the importance of retaining existing trees and the planting and maintenance of new trees.
 - Expansion of the Biodiversity section to include requirements relating to biodiversity net gain and the Noise Assessment section to require noise assessments to be supported by 3D noise modelling where relevant.
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 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 attaching a copy of the proposed draft document. The draft document was also published on the planning pages of the Council's website with details on how to make comments. Other Council departments, together with contacts from Via and Arc, as well as officers from within the Planning Group, were also consulted on the revised list.
6. In response to the consultation, which ran for 21 days from 22nd October until 12th November 2021, **12** responses were received. Given the uncontentious nature of the document the response was, as expected, fairly minimal. Responses were received from representatives from most of the groups consulted including applicants, statutory consultees, Parish Councils and County Council Members, as well as from Via. A summary of the responses and the proposed changes to the Validation Guidance is set out in Appendix 1 to this report. The updated Validation Guidance, showing all the proposed changes in shaded text (including those made in response to the consultations, which are shown in **shaded bold text**) forms Appendix 2.
7. Members should note that the changes proposed following the consultation are not considered to materially amend the document to such an extent that would warrant a further round of consultation.

Ongoing non-material updates

8. It is likely that before the next formal review of the Validation Guidance, in two years' time, there will be some changes to the NPPF, and other documents referenced in the Guidance. To ensure that the Local List is kept up to date, this report seeks Committee approval for officers to make minor, non-material updates to the Validation Guidance without the need to refer to Committee. This forms the basis of Recommendation (B) of this report.

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 2020. 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 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

11. 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

12. 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

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.

Implications for Service Users

14. 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

15. It is RECOMMENDED that:
 - (a) 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.
 - (b) Members authorise officers in consultation with the Chair and Vice Chair of Planning and Rights of Way Committee to make minor changes to reflect any updates to the NPPF and other referenced documents, as appropriate, during the intervening period before the next Validation Guidance review, where these do not materially affect the validation document.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 19/01/2022]

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [SES 04/01/2022]

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

Report Author

Jane Marsden-Dale

0115 9932576

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