

Committee Report

Application Number:	CM/9999/18
Title:	Consultation on updated validation requirements of planning applications to Buckinghamshire County Council.
Site Location:	Buckinghamshire County Council Walton Street Aylesbury Buckinghamshire Buckinghamshire County Council Walton Street Aylesbury Bucks HP20 1UY
Applicant:	Anna Herriman
Case Officer:	Countywide
Electoral divisions affected & Local Member:	5 November 2018
Valid Date:	31 December 2018
Statutory Determination Date:	31 January 2019
Extension of Time Agreement:	
Summary Recommendation(s):	

The Planning Development Control Committee is invited to approve the adoption and publication of the proposed updated Local List of Validation Requirements reference no: CM/9999/18.



INVESTOR IN PEOPLE



Appendices:

Appendix A: The Draft Revised Local List of Validation Requirements January 2019 showing additional sections and tracked changes following recent consultation

Appendix B: Previous version of the Local List of Validation Requirements October 2014

Introduction

1. The purpose of this report is to provide the planning committee with the background in order to approve the updated Local List of Validation requirements for planning applications received by the County Council.

The Government introduced information requirements for the validation of planning applications. The National Information Requirements are mandatory for ALL planning applications. It also enabled Planning Authorities to have a local list of information requirements that are required to be provided with planning applications in order that they can be Validated. Validation is the process that allows the County Council to register and process a planning application.

It is a statutory requirement that the Local List of Validation Requirements is updated every two years and BCC's current list is out of date. If the Local List is more than two years old, then it cannot be used for validation requirements of planning applications. It should be noted that the Local List applies to all the planning applications that the County Council deal with. The proposed version with the tracking of proposed changes is attached in Appendix A. Appendix B has the latest adopted Local List (dated October 2014) which is now out of date.

Proposed Changes

2. The proposed changes are as follows:

Items removed:

- Environmental Impact Assessment

Items added:

- Restoration Strategy and Aftercare;
- Draft / Proposed Heads of Terms for Planning Obligations;
- Hydrological / Hydrogeological assessment;
- Borehole or trial pit analysis;
- Lawful Development Certificate;
- Birdstrike Risk Management Plan;
- Information in support of applications for storage, treatment or disposal of waste.

3. In addition to these, reference to legislation, policy and guidance have been updated where those have been superseded. Broken weblinks have been checked and updated.

Reasons for proposed changes

4. ***Removal of the Environmental Impact Assessment.***

This was included previously. The Environmental Impact Assessment is a different regime and does not affect the validation of planning applications directly. It has not been dismissed but it comes under a different function.

5. ***Addition of Restoration Strategy and Aftercare***

The submission of this would assist with requirements for restoration and aftercare of Mineral and Waste sites. This would provide details on the restoration / aftercare to assist with the understanding of the use and management of the land once planning

permission / works have been completed.

6. ***Addition of Draft / Proposed Heads of Terms for Planning Obligations***

This gives people a clearer idea of any planning obligations that are required on a contractual arrangement to enable acceptable developments between local planning authorities and persons with an interest in a piece of land.

7. ***Addition of Hydrological / Hydrogeological assessment***

This requests further information on impact of de-watering and how it could have an impact on public and private water supplies or water bodies or watercourses – details of mitigation measures need to be added to the application.

8. ***Addition of Borehole or trial pit analysis***

This requires the applicant to need to identify the depth and volume of soils and minerals proposed to be extracted.

9. ***Addition of Lawful Development Certificate***

This sets out information that is required as part of the application for a Certificate of Lawfulness Use.

10. ***Addition of Birdstrike Risk Management Plan***

This applies to Minerals and Waste sites located close to airports and airfields to request details for the protection of aircraft in close proximity to the development in order to avoid negative impacts of birdstrike on sites that attract birds.

11. ***Addition of Information in support of applications for storage, treatment or disposal of waste.***

This requires extra information on this at the time of the planning application submission to assist in the understanding of the processes and possible impacts of the waste on the local area.

Consultation

12. The National Planning Policy Guidance (NPPG) advises that when Local Lists are reviewed, local planning authorities should consult on any proposed changes.

13. A 28 day consultation period was carried out from 5th November to 3rd December 2018. Consultations were made to Local Members of the County Council, District Councils, Parish Councils and all statutory and non-statutory consultees, applicants and agents. It was also available for public consultation on the County Council's Public Access site using the reference CM/9999/18. This provided an opportunity for anyone who felt that there should be any changes to the Local List.

Consultation comments received

14. The following replied but with no comments / suggested changes to make:

- Anglian Water

- Dacorum Borough Council
- Steve Lambert (Local Member)
- BCC Archaeology
- Great Missenden Parish Council

15. From the consultation we have received comments / suggested amendments from the following:

16. ***Network Rail***

We did not have a category for Network Rail. They felt an additional category / item should be added for the requirements of planning applications that are located at railway stations and level crossings.

17. ***Little Chalfont Parish Council***

Mainly correction of typo errors.

18. ***Stewkley Parish Council***

Had concerns over the removal of the Environmental Impact Assessment category. States that BCC don't appear to enforce waste operators to have Environmental Permits by the Environment Agency in place.

19. ***Chilterns AONB Board***

Suggested several amendments including the addition of NNRs and amendments to some policy wording and refer to MAGIC for a source of authoritative and geographic information about the natural environment. They also suggested some text to assess whether a development proposed in the AONB would be a major development. They were pleased to see that requirements for lighting was included in the Local List and made some suggested amendments to reference documentation relating to this.

20. ***Chiltern Environmental Health***

Made some suggestions to additional documentation that should be referred to this being a Contaminated Land Assessment.

21. ***BCC Waste Commissioning Team***

They suggested proposed wording to the category relating to the storage, treatment and disposal of waste.

22. ***BCC Ecologist***

She queried as to why the EIA section was taken out and also updated us with the year for the Conservation of Habitats & Species Regulations to be 2017 and not 2010.

Discussion – changes made

23. Having consideration we have amended the Local List accordingly. However, we did not incorporate the proposed changes made by Stewkley Parish Council and BCC Waste Commissioning Team.

24.. The comments made by Stewkley Parish Council were not relevant to the validation stage of planning applications. The County Council does not issue Environmental Permits as they are dealt with by the Environment Agency.

25.. The suggested wording from the Waste Commissioning team was not really relevant as this applies to all waste management planning applications. Reference to an

Environmental Impact Assessment is a separate regime.

- 26 The amendment suggested by the BCC ecologist to change the year of the Conservation of Habitats & Species Regulations 2010 to be read as 2017 and not 2010 has been made.

Conclusion

27. Apart from additional categories and the removal of the Environmental Impact Assessment category, it is considered that there are no major significant changes and therefore, subject to the approval of the Planning Development Control Committee, the Local List should be adopted and published.

Recommendation:

It is recommended that:

- a) **If no significant changes are required following the Planning Development Control Committee meeting to the draft Local List of Validation Requirements then the Head of Planning and Environment be authorised to adopt and publish that list;**
- b) **If following the Planning Development Control Committee meeting, it is considered that significant changes are required to the draft Local List of Validation Requirements, then consideration be deferred for officers to consider these and the matter be reported back to the Planning Development Control Committee meeting on 25th February 2019.**