

The Local List – Information required to support a valid planning application

1. Contacts

Report Author:

Fjola Stevens, Development Manager (CDC Applications)
Telephone: 01243 534734. Email: fstevens@chichester.gov.uk

2. Recommendation:

- 2.1 That the Local List (set out in Appendix 1 to this report) be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.**

3. Background

- 3.1. The Local List sets out Chichester District Council's (CDC) policy on the information which must be provided in support of all planning application types within Chichester District, outside of the South Downs National Park (SDNP), for the Council to determine their validity. The South Downs National Park Authority (SDNPA) has separate Local Requirements to CDC which are applicable within the SDNP. The CDC Local List includes the mandatory national requirements as specified within the Town and Country (Development Management Procedure) Order (DMPO) and additional information reasonably necessary to enable the Council to determine the application.
- 3.2 The National Planning Policy Framework (NPPF) at paragraph 44 states that "Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question." This is reiterated in the National Planning Practice Guidance which states that "A local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list." (Paragraph: 039 Reference ID: 14-039-20140306)

3.3 The Council's current Local List was last reviewed in July 2017, and therefore it is no longer possible to rely on the list for the validation of applications. The Planning Committee agreed an updated Local List for consultation on 8 July 2020. The public consultation was carried out for a period of 4 weeks ending on 10 August 2020.

4. Outcomes to be achieved

- 4.1. Agreement and endorsement of this document will:
- Provide improved information for developers and applicants involved in the submission of planning applications
 - Speed up the validation process
 - Assist planning and other services officers, consultees and interested parties in assessing planning applications by ensuring all the relevant issues are adequately addressed within the submitted application.

5. Proposal

- 5.1 Following consideration of the representations received (see section 4) a number of amendments have been made to the local list. The changes include;
- A requirement for an AONB statement for development which may impact upon the landscape of the AONB
 - Updates to technical guidance
 - Additional guidance encouraging the inclusion of the proposed access arrangements for fire-fighting
 - A requirement for a Mineral Infrastructure Statement and/or Mineral Resource Assessment for some developments within mineral consultation areas
 - A requirement for a planning statement to be provided for major developments
- 5.2 It is important to note that the Local Validation List sets out the information requirements to submit a valid planning application. The local list must be reasonable having regard to the nature and scale of development proposals. Should further information be required to fully assess a proposal this can be sought during the course of an application. The local list must also be based on the information available at the present time. However, in that respect should Medmerry, for example, be designated as a Special Protection Area in the future the relevant part of the local list can be updated under delegated powers, if given by the Planning Committee, to include it in the list of sites to be considered as a designated site.
- 5.3 The proposal is therefore that the document as amended and presented as an appendix to this report is endorsed for immediate use in the validation of planning applications, and that delegated authority is given to officers to amend the document as necessary prior to its next formal review.

6. Alternatives considered

- 6.1 That the current list is not updated. This will result in the Council not being able to identify and require the additional supporting information required to determine an application at the validation stage, leading to delays in the consideration and determination of applications.

7. Resources and Legal Implications

- 7.1 There are no significant resource implications arising from the approval of this document as a document for the purpose of validating planning applications.

8. Consultation

- 8.1 A 4 week public consultation period has been carried out in respect of the proposed Local Validation List. All statutory and non-statutory consultees, parish councils, ward members and planning agents who regularly submit planning applications to CDC were notified directly. In addition the Council released a press statement and publicised the Local Validation List on social media to make residents and members of the public aware of the document.

- 8.2 Comments were received from 9 consultees, 2 parish councils and 4 third parties. The responses are set out below.

8.3 Natural England

No comment to make.

8.4 Highways England

We are broadly content with the information included within the 'When Required' and 'Information Required' sections on page 33/34. However, when working in the Strategic Road Network, we require information within a Transport Statement/Assessment on the likely impact of the development on the highway network and any proposed mitigation measures. Therefore we request that the first bullet point is preceded by the following point: "analysis of all the existing and proposed trips by all modes of travel generated by the site/development" This would include the past, present and proposed vehicle movement numbers and types.

We would also suggest that an additional bullet is included which states: "loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified." These are of most concern when involving development proposals accessed directly from the SRN.

We also request that the following is included in this section "*The developer should consult Highways England regarding developments that impact or seek direct connection the Strategic Road Network to discuss what is required in the Transport Assessment or Transport Statement regardless of whether or not the site reaches the guide level of 50 units.*" This is because even a small

level of additional trips or a new access to an already severely congested network can have a material impact.

8.5 Historic England

Requiring a Heritage Statement at the validation stage will facilitate an assessment of the impact of a proposal on the significance of any heritage assets and their setting at an early stage in the planning process, and enable Historic England to respond with more meaningful advice where we are consulted at the planning application stage.

You may find it helpful to refer in the Guidance section to Historic England's Advice Note 12 *Statements of Heritage Significance: Analysing Significance in Heritage Assets* in the Validation List. The advice note covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance to help local planning authorities to make decisions on the impact of proposals for change to heritage assets: <https://historicengland.org.uk/images-books/publications/statements-heritagesignificance-advice-note-12/heag279-statements-heritage-significance/>.

The Planning Practice Guidance gives advice applicants may find of assistance in preparing these documents which could be incorporated as guidelines into your list to ensure the information is proportionate to the scale of development and has been prepared with the appropriate level of expertise. The Validation List should include a requirement to consult the County Historic Environment Record, and you may suggest also contacting the relevant local authority conservation/archaeological advisers to provide more specific site based information and advice where appropriate.

8.6 West Sussex County Council (WSSCC) - Highways

Thank you for the opportunity to comment on this document. There are a few superseded areas to this document which from WSSCC's perspective should be revised. A summary of this is provided as follows:

- RSA should be GG119 parameters. They are stated as being HD19/15 which was superseded in 2018 by GG119
- Reference to Para 32 of NPPF needs to be Para 109 of the latest NPPF from Feb 2018
- The criteria for a TA/TS is taken from the archived DfT doc from 2007 although it does not state this, therefore my view would be the criteria is still valid. – we just need to make sure that any reference to the DfT archived Guidance on TA clearly states it has been archived and also ensure there is reference to the current Government's Planning Practice Guidance on TAs/TSs & Travel Plans.
- The RSA wording is from our website and given there has not been any significant changes to the guidance this is all up to date.
- Parking has been reflected as 2019 parameters so that is correct.

8.7 WSSCC - Fire and Rescue

Having read through the document attached The Local List with Information required to support a valid planning application, as an observation there is no mention of any form of fire safety requirements for the application, i.e. access for a fire appliance, supply of water for firefighting compliance with B5 of Approved document B.

8.8 WSCC – Planning Policy and Infrastructure

Thank you for the opportunity to comment on the Local List. We have a concern with the Local List as drafted in that doesn't include any reference to Minerals and Waste Safeguarding. My colleague provided information to Districts / Boroughs in November 2019, which I have attached as you may not have had it forwarded to you. The email sets out the reasons for safeguarding, when it should be taken into consideration and when the Mineral Planning Authority / Waste Planning Authority should be consulted.

In light of the above, we would like to see your Guidance amended to make reference to safeguarding. To help in your drafting I have attached a link to the Crawley Local Validation List which may help

8.9 Gatwick Airport Safeguarding

Currently Chichester District Council is outside of our 'physical' safeguarding area which extends out to 15km, however in the near future our 'physical' safeguarding area with regard to Instrument Flight Procedures (IFPs) will be extended out to 55km and will include the Chichester District.

Within that area our only concern will be in relation to Instrument Flight Procedures (IFPs) and how buildings/structures over a certain height could impact on them. Details of the trigger heights are still to be finalised. If a building is sent to us for assessment and there is potential that the IFPs might be impacted upon, further studies will be required. In that instance we will request that the applicant commissions an IFP assessment from our IFP providers Trax International, which will need to be included as part of the planning application.

I believe that the above will be a rare occurrence so this is more for information rather than a 'Local List' requirement

8.10 Chichester Harbour Conservancy

Thank you for consulting Chichester Harbour Conservancy on the Local Validation List. As you may be aware, this has recently generated a lot of discussion with the Members of the Conservancy's Planning Committee. Specifically, it was felt that too many domestic and business planning applications were being submitted/validated without giving due consideration to the Area of Outstanding Natural Beauty (AONB). This is not in any way a criticism of the Officers at CDC – the onus is on the applicants, or agents acting for the applicants, to better demonstrate their understanding of the

AONB and how their development proposal is in accordance with that from the outset.

This consultation provides a chance for the LPA to implement positive change that will help to address this issue. I would therefore ask you to consider the inclusion of the follow wording.

AONB Impact Assessment

When required:

- For all development within the AONB
- For all major and minor development (except changes of use and alterations to buildings where no additional floor space is proposed), where the site lies outside of a settlement boundary and within 500m of the AONB

What is required:

An AONB impact assessment shall be provided which demonstrates how the proposal would conserve and enhance the natural beauty of the landscape.

The statement must demonstrate how the proposal would;

- a. meet the requirements set out in the Joint AONB SPD, particularly in respect of
 - Design, appearance and materials
 - Scale and mass (including comparisons of extension and proposed footprint and silhouette)
 - Boundary treatments and landscaping
 - Fenestration and prevention of light spill to maintain dark skies
 - Renewable technologies, and
- b. Protect the flora and fauna which is a special quality of the AONB and result in biodiversity gains, or
- c. Is justified as an exception to the above

Statements should be informed by, and have regard to:

- the Chichester Harbour Management Plan (2019-2024), and
- the Chichester Harbour AONB Landscape Character Assessment (2019).

Guidance

To be prepared at a later date.

8.11 CDC Conservation and Design

Having carefully considered the existing requirements from national guidance alongside the CDC requirements for validity I am of the view that no changes to the existing list need to be made from a conservation or design perspective.

8.12 Lavant Parish Council

We feel that the document is helpful overall, but the chief omission in our view concerns the relevance of Made Local Neighbourhood Development Plans

where these exist. It is surely essential that an applicant should show clearly that the application is in full compliance with this plan; if this is not the case, then the requisite adherence to fundamental principles of local democracy is not being demonstrated.

Where there is no made plan, or if the application shows no compliance with, or reference to, the LNDP, then it should be obligatory to provide full justification for the application before approval is given.

In addition, it is suggested that applications in areas in close proximity to a National Park should also demonstrate that they are fully in accordance with any strictures stipulated by the National Park.

8.13 West Wittering Parish Council

The document refers to consideration of SPAs (Part II, Section 3B) and SACs but there is no mention of the AONB (save within the section on lighting). Surely any development within 5.6km of the AONB should consider all the policies relevant to this protected area. To my mind this is a crucial omission.

The document should have a section dedicated to the policies, guidance and legislation that needs to be taken in to account when any development is considered within or within the zone of influence of the AONB. This should include a map of the area.

Paragraph 172 of the NPPF calls for great weight to be given to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. I would have thought that this clear statement means that consideration of the AONB is essential and that the matter should be in Part I of the Local List.

8.14 Third party comments

4 third party comments have been received concerning the following:

- a) The biggest single change that could be made is how the information is presented.
- b) Have a process flow chart and a checklist that references specific detail
- c) Page 2 Part II - would suggest you add an addition item that relates to Climate Change: *The developer shall submit details of: a) the use of fossil fuel within each new home in the form of Kilowatt Hours per annum. b) The percentage power generated by the installed solar panels.c) the use of electricity within each new home in the form of Kilowatt Hours per annum.*
- d) Section 1 Page 4 - Reference should be made here to the AONB, as required by the NPPF 2019 at paragraph 172. *The developer shall submit details to to show compliance with policies referenced within the CHC Management Plan.*
- e) 3B. OFF-SITE IMPACTS: DESIGNATED NATURE AND HABITAT SITES Page 15 The following reference should be added as Medmerry should, in the near future, be a full SPA: *Medmerry SPA Designate*

- f) 1. AFFORDABLE HOUSING STATEMENT Page 11 - Where the developer has to make reference to Settlement Boundaries the supporting details on SB2 East Wittering & Bracklesham should be amended to show two separate areas, one East Wittering & Bracklesham and the other West Wittering. Settlement boundaries should not cross Parish Boundaries.
- g) Difficult to correlate reserved matters with outline permission and subsequent reserved matters approvals - where a reserved matters permission has been granted for a particular use eg landscaping, this should be included in the subsequent application so that one can easily relate to in the current submission.
- h) It is very difficult to see where cycle routes are being proposed in many applications. Often over 300 plans are submitted for a reserved matters application but not one shows proposed or existing cycle routes. There should be a requirement for all applications to have one plan showing such information exclusively.
- i) In relation to 18 A. Transport assessments and Transport Statements in relation to residential applications they should be required for lower number of units, I would suggest 50, and 25 to 50 respectively. They should also be required to show how their cycling proposals [and how cycling from their site] connect into the existing cycle network, both Sustrans NCN routes and other local ones, both existing and proposed in the Local Plan, WSCC documents including the County Walking and Cycling Strategy and any LCWIP proposals.
- j) All cycling provision should comply with the recent DOT Local Transport Note 1/20.
- k) In relation to 18B, Road Safety Audit, there should be information submitted which shows any cycling related accidents on roads which the transport assessments are indicating as part of the links proposed by the applicant to connect into the existing or proposed cycling network.
- l) In relation to 19. Travel Plans I have not seen any evidence of how effective these have been over the last five years, especially in relation to Modal Shift. Without such information it is difficult to comment on this section. Modal shift to active travel options is difficult to achieve if the current infrastructure does not exist. Therefore unless there is evidence that such requirements are effective I would rather that the monies for this task be diverted to infrastructure provision.
- m) the local validation list in terms of policy 40 is onerous to the extreme. Most people would have put little, if any thought into what the insulation values and heating systems will be at application stage - it is only when they have the actual benefit of permission that people look into this in detail.

9. Community Impact and Corporate Risks

- 9.1 The impact on the local community is expected to be positive as the document will ensure that customers are clear on the information required alongside an application and delays during the validation process whilst further information is sought will be reduced.
- 9.2 There are no corporate risks.

10. Other Implications

Are there any implications for the following? If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		✓
Climate Change Are there any implications for the mitigation of or adaptation to climate change? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
Human Rights and Equality Impact This document expands on the requirements of the National Planning Policy Framework and the National Planning Practice Guidance.		✓
Safeguarding The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk?		✓

11. Appendix

- 11.1 Appendix 1 – The Local List – Information required to support a valid planning application.

12. Background Papers

- 12.1 None