

**Committee:** Planning

**Agenda Item**

**Date:** 24 July 2024

**Title:** Development Management Local Validation Checklists

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Item for decision

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## Summary

As part of the process of validating applications the Council has the ability to set local validation requirements. These are in addition to the national validation requirements which are set by government. The Council needs to balance the need for information with the demands on the applicant.

## Recommendations

That the amended Development Management Local Validation Checklists and association document be adopted for Development Management validation purposes.

## Financial Implications

None. The documents will be electronically distributed via the website.

## Background Papers

The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Validation of planning application checklists

## Impact

Communication/Consultation	Six week public consultation
Community Safety	No issues
Equalities	Affects everyone the same
Health and Safety	No issues
Human Rights/Legal Implications	Affects everyone the same
Sustainability	No issues

Ward-specific impacts	All wards
Workforce/Workplace	Planning & Building Control Support & Registration Team

## Situation

In May 2008, the Government changed the way in which planning applications are submitted. The National Standard Planning Application Form became the only official method of submitting a planning application for planning consent for all Local Planning Authorities (LPAs) in England.

The standard form is intended to make the process of submitting a planning application less confusing for applicants, as it will to a great extent replace the variety of planning application forms currently produced by LPAs which differ in the questions asked, the style, the layout and the number of copies required.

Legislation put into place on 6 April 2008 to adopt the national forms and make it mandatory from 6 May 2008 for applications to be made only on the 1APP forms and to include all of the information and documents specified on the form (the national requirements) together with the additional information and documents specified by the Local Planning Authority to whom the application is made (the local requirements).

Local Authorities have to review their local requirements every two years. There is a set procedure where the Council reviews the checklists to ensure compliance with legislation and policies. Following an internal review there was a consultation process with Consultees This consultation commenced on 18<sup>th</sup> September 2023 and finished on 16<sup>th</sup> October 2023.

A total of 13 responses were received from the following organisations:

- Essex County Council Highways
- Essex County Council – Place Services Ecology
- Essex Police
- Manchester Airport Group
- Cambridge Airport
- Natural England
- UDC – Housing Strategy
- Sports England
- Essex County Council – Flood Risk and Sustainable Drainage
- Anglian Water
- Cadent Gas
- Canal and River Trust
- Essex Wildlife Trust

These raised a number of issues regarding the text of the document and the levels of information required. All were supportive of our approach and the principle of improving the quality of planning applications. Revised Validation checklists were produced to reflect these specific comments. A public consultation was then carried

out on these update checklists. Agents who had submitted application during 2023 and 2022 were emailed directly and the Draft checklists made available for viewing and commenting on the Council's public web site from 14<sup>th</sup> December 2023 to 25<sup>th</sup> January 2024. Two responses were received from agents – one just acknowledging receipt pointing out an error in the labelling of one of the lists this error has been corrected. Acknowledging receipt and expressing his unhappiness at the Council's use of Place Services for Heritage and Ecology advice

The Department for Environment Food and Rural Affairs passed legislation to ensure that habitats for wildlife are left in a measurably better state after development than before. Known as Biodiversity net gain (BNG) this became mandatory from 12 February 2024 for Major Planning Full and Outline applications and from 2<sup>nd</sup> April 2024 Minor Application. This requirement has been incorporated on the relevant Checklist.

## Risk Analysis

1. There is a risk that if Uttlesford do not have an up to date checklists then the applicants can challenge the local requirements and potentially submit substandard applications.

Risk	Likelihood	Impact	Mitigating actions
2	2	2	2

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.