



Report to Planning Committee 20 April 2023

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Report Summary	
Report Title	Planning Application Validation Checklist 2023
Purpose of Report	To update the Council’s Planning Application Validation Checklist in line with Government guidance and legislation.
Recommendations	<p>a) the Planning Application Validation Checklists is adopted with the amendments as set out within the table attached to this report.</p> <p>b) minor amendments are made to the checklist to take account of any changing to legislation over the coming years e.g. biodiversity net gain under delegated authority.</p> <p>c) the checklist is reviewed every 2 years in accordance with the Development Management Procedure Order.</p> <p>The planning application validation checklist will contribute towards assisting with:</p> <ul style="list-style-type: none"> ▪ Delivering inclusive and sustainable economic growth; ▪ Creating more and better quality homes; ▪ Enhancing and protecting the district’s natural environment.

1.0 Background

Members will recollect agreement was sought from Planning Committee on 8th December 2022 to undertake an 8-week consultation on the Draft Planning Application Validation Checklist. This took place between 19th December 2022 to 13th February 2023 with professional agents (who applied within the past 12 months), applicants, consultees, Members, Town and Parish Councils and neighbours to planning proposals via the website. In addition, details of the consultation were placed on the Council’s website.

This checklist has been prepared to provide guidance to applicants on the information required to be submitted with a planning application in order to assist a timely decision. The previous checklist was adopted in 2021 and since this time there has been a significant number of changes to policy and legislation meaning it is appropriate to review this.

Information is required to determine a planning application. The Government introduced, on 6 April 2008, a national list of documents and information necessary in order to validate planning applications. These comprise, as set out in within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306 Revision date: 06 03 2014):

- Completed application form
- Fee
- Site Location Plan (showing the site in relation to the surrounding area)
- Ownership Certificate and Agricultural Land Declaration
- Provision of local information requirements

In addition, a Design & Access Statement is required for certain planning applications. There are also specific requirements set out for Outline planning applications which requires an indication of the area or areas where access points to the development will be provided to be shown, even if access is a reserved matter. Applications subject to Environmental Impact Assessment also require an Environmental Statement.

Any other information required such as elevations or floor plans of the proposal, statements such as flood risk are not included within the national list and therefore a local list is required. The Council has a local list, which was last amended in 2021.

Councils are able to adopt a local list clarifying the information required to determine an application. The information required will be dependent upon the application type, scale and location. Information within the local list and required when validating the application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.

These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).

It is also possible for an applicant, if a Local Planning Authority determine that additional information is required in order to validate the application, to dispute this by issuing a notice under article 12 of the DMPO. There is then a process for both the Local Planning Authority and applicant to go through. Very few applications are disputed in terms of the information provided due to the criteria above (reasonableness) being complied with.

Legislation sets out that a local list is required to be published on a Council's website and, in order to be able to ask for information listed within the checklist, this has to be reviewed every 2 years.

2.0 Proposal/Options Considered and Reasons for Recommendation

19 responses have been received, which are set out within the table at the foot of this report, with officer response and whether or not the checklist has been amended. The checklist has been updated accordingly with the amendments in red and is available on-line with the public reports pack.

The amendments should assist in meeting the legislative requirements as set out above as well as ensuring the correct information is submitted with applications. In anticipation of Planning Committee approving these amendments, it will ensure the Council is able to rely on the validation checklist in terms of local requirements in order to validate applications.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Planning Committee – 8 December 2022 – Planning Application Validation Checklist Consultation

Planning Committee – 2 February 2021 – Planning Application Validation Checklist

Planning Committee – 15 February 2007 – Best Practice Guidance on the Validation of Planning Applications

Respondent	Comment Made	Council's Response	Amendment to Checklist
Environmental Health Public Protection	Air quality and contaminated land Reference is made to the draft checklist, no further changes to recommend.	No changes required.	No changes to checklist.
Newark Business Club	No comment to make.	No changes required.	No changes to checklist.
Rights of Way Manager Via East Midlands Ltd	<p>I am pleased to say that Public Rights of Way (RoW) have been comprehensively included. However, there are some concerns with how the validation process is managed:</p> <ul style="list-style-type: none"> • How does NSDC ensure that the applicant has correctly acknowledged that a RoW exists either within or alongside the proposed development – they are signing to say that the information is accurate • Should NSDC refuse validation/put on hold until such time as the required information has been provided? • What process does NSDC use to check this information for accuracy? <p>It was noted on an application this year (reference can be provided if necessary) that in this case the applicant had not acknowledged the RoW in any way and the development obstructed it, yet the application was still validated. Decision is yet to be made on the application.</p>	This relates to the process of validation rather than the contents of the checklist. The process of validation will be reviewed to ensure the correct procedures are in place to ensure RoW are identified and the correct information requested from applicants.	No changes to checklist.
Primary Care Team Administrator NHS Lincolnshire Integrated Care Board	Reviewed checklist and no comments.	No changes required.	No changes to checklist.
S106 Support Officer NHS Lincolnshire Integrated Care Board	<p><u>Section 28: Planning Obligations Pro Forma Statement</u> Having reviewed the checklist, we would like to provide our comments about the Threshold/Trigger within Section 28: Planning Obligations Pro Forma Statement.</p>	The Council's (adopted) Developer Contributions and Planning Obligations Supplementary Planning Document	No changes to checklist at this time.

	<p>In relation to Health, 65 dwellings seems a high threshold. We would recommend that 25 dwellings or more would be an acceptable threshold.</p>	<p>sets out the thresholds for various elements of infrastructure, including health. This sets the threshold as 65 dwellings. The NHS's response has been provided to Infrastructure colleagues and will be considered as part of any future amendments to the document. Any changes, if adopted to the SPD, will feed into the validation checklist in the future.</p>	
<p>Flood Risk Management Place Department - Nottinghamshire County Council</p>	<p>Section 16 – page 20 – where it states ‘for example surface water drains’ I suggest removing the word ‘drains’ as this makes it a wider statement.</p> <p>Also there appears to be no reference to us as Lead Local Flood Authority? You mention the EA and their standing advice but nothing for LLFA – if you’d like any further input for that please let me know.</p>	<p>Comments noted.</p>	<p>Drains has been retained as this is within the Government’s Planning Practice Guidance relating to flood risk. There is a separate section within the checklist relating to surface water drainage where this aspect is addressed.</p>

Exolum Pipeline System Ltd	Please find attached a plan of our client's apparatus. We would ask that you contact us if any works are in the vicinity of the Exolum pipeline or alternatively go to www.lsbud.co.uk , our free online enquiry service.	Comments noted. Notification to Exolum Pipeline System takes place, as appropriate, through the planning process.	No changes to checklist.
Notts ICB	<p>Section 25. Planning Obligations Pro Forma Statement</p> <p>Please note below the ICB's response to the Planning Application Local Validation Checklist Consultation:</p> <p>We refer to "Section 25. Planning Obligations Pro Forma Statement" and in particular to the "Threshold/Trigger for developers contributing to a Section 106 Agreement" in reference to Health.</p> <p>The ICB requests that a correction be made to the threshold for the number of dwellings, and this be reduced from 65 to 25 in order to trigger a Section 106 Agreement for Health. This number of dwellings would be consistent with the figure agreed and used with other Local Authorities when the ICB to requests a Section 106 contribution.</p>	The Council's (adopted) Developer Contributions and Planning Obligations Supplementary Planning Document sets out the thresholds for various elements of infrastructure, including health. This sets the threshold as 65 dwellings. The NHS's response has been provided to Infrastructure colleagues and will be considered as part of any future amendments to the document. Any changes, if adopted to the SPD, will feed into the validation checklist in the future.	No changes to checklist at this time.
Natural England	Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and	No changes required.	No changes to checklist.

	<p>managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England has no comments to make on the Validation Checklist.</p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.</p>		
<p>Planning Specialist Sustainable Places Team, East Midlands Area, Environment Agency</p>	<p>We do not have any major comments to make however, if possible, could the following be included.</p> <p>We would like the following text added to the Pre-application Service section of the Local Validation Checklist if possible.</p> <p>The Environment Agency now charges for advice requested outside of their statutory duty to respond to planning applications and strategic documents. Therefore, if an applicant or the Local Authority would like advice or Environment Agency involvement in any application or strategic document outside of the statutory process, we would ask that they contact the Environment Agency directly at planning.trentside@environment-agency.gov.uk. We will be able to offer details on what we offer, and the costs associated with this.</p>	<p>Comments noted.</p>	<p>Section 19 'Flood Risk Assessment' has been updated with EAs request.</p>
<p>Rushcliffe Borough Council</p>	<p>I have been tasked to look at our validation list and looking through yours, on Page ii it says that if applicants want to challenge the requirements</p>	<p>Comments are noted.</p>	<p>Checklist has been updated to reflect Article 12.</p>

	<p>they do so under “Article 10A) of the DMPO 15, I may be wrong, but I think it should be Article 12?</p> <p>In respect of any unresolved depute I intend to set out there is an option to appeal under section 78 of the T&CPA 1990 for non- determination after 8-13 weeks, which makes it very clear what an applicant needs to do.</p>	<p>The checklist is suggested is updated to take account of non-determination appeals for both planning and listed building applications.</p>	<p>Should the dispute remain unresolved, there is a right to appeal under section 78 of the Town and Country Planning Act 1990 in relation to planning applications and section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 for listed building applications for non-determination after the statutory time for determination has expired.</p>
National Highways (Area 7)	<p>The checklist forms a good basis for developers wishing to submit a planning application. Whilst it is undoubtedly useful for developers however large or small it does not require input from National Highways who will continue in their role as a statutory consultee when responding to planning applications.</p> <p>As such we have no further comments to make.</p>	<p>No changes required.</p>	<p>No changes to checklist.</p>
Collingham Parish Council	<p>The Parish Council discussed this at their meeting last night and have no comments to make.</p>	<p>No changes required.</p>	<p>No changes to checklist.</p>
Canal & River Trust	<p>Based on the information available our substantive response is that the Trust has no comment to make on the proposal.</p>	<p>No changes required.</p>	<p>No changes to checklist.</p>

Harby Parish Council	The Parish Council have discussed this and have no comments to make on any of the proposed changes which all appear to be very sensible	No changes required.	No changes to checklis.t
The Coal Authority	<p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Newark and Sherwood area there are recorded coal mining features present at surface and shallow depth including; mine entries, mine gas sites and reported surface hazards. These features pose a potential risk to surface stability and public safety.</p> <p>As coal mining legacy features are present in the Newark and Sherwood area, we are pleased to see that the Local Validation Checklist includes, at Section 9, a requirement to provide a Coal Mining Risk Assessment to support planning applications for relevant forms of development.</p> <p>We support the notification set out in the Local Validation Checklist for Planning that relevant applications should be supported by a Coal Mining Risk Assessment.</p>	No changes required.	No changes to checklist.
Highways Development Control, Nottinghamshire County Council	<p>HDC have provided comments to our planning policy team so that they can compile a comprehensive response on this consultation. However, we have recently identified another potential and would be grateful if you could consider it.</p> <p>Large environmental sites (such as solar farms under renewable energy etc) are frequently located in difficult to access rural locations. Whilst the principal of the site may be acceptable in the permanent situation, with minimal servicing needs, the construction can present significant issues so we would be grateful if you could consider the requirement for a CEMP to accompany any such application and be required as part of the validation</p>	Comments are noted and a new requirement has been added to the checklist.	Updated to include a requirement for specified developments of a Draft Construction Management Plan.

	<p>process (as opposed to being subsequently required by condition) so that this can be fully considered prior to determination.</p> <p>I would therefore be grateful if you could consider the inclusion of a CEMP to validate such sites.</p>		
Historic England	<p>We welcome Section 21 within the Local Planning Validation Checklist and information regarding what type of heritage impact assessment/ archaeological assessment are required. It is useful to set out when a heritage impact assessment will be required and it would be beneficial for applications that affect non designated assets to also require an assessment, rather than at total loss or significant alteration.</p> <p>Page 23, under the title ‘what should be included’ we are supportive of the assessment setting out the significance of any heritage assets affected, including how their setting contributes to their significance. Further, it is necessary to understand how the significance of heritage assets, including their setting will be affected by the proposed development/ what contribution does the site make to the significance of any heritage assets including their setting/ how can the development protect the significance of a heritage asset/ if harm is likely to occur what avoidance - mitigation measures are possible/ what enhancement opportunities are there to better reveal their significance/ is the relationship of heritage assets within a wider setting affected by the proposed development such as relationship between a listed building and associated registered park and garden, as an example including the need for a views analysis or photomontages/ are there cumulative impacts to consider of a quantum of development in a location and how will this additional development affect the significance of heritage asset/s. These are a few additional issues that could be covered to ensure that any heritage assessments submitted as part of an application are fit for purpose.</p>	Comments noted.	The checklist has been updated to take account of these comments.

	<p>It is necessary to have a section relating to archaeological assessment and what is needed, when it should be provided, how it should be undertaken, relating to the impacts on the significance of heritage assets, a qualified professional should be utilised, if remains have to be removed then how are they being recorded and registered on the Historic Environment Record (HER) as examples to consider including.</p> <p>We support the reference to the Historic Environment Record (HER) and applicants should always be signposted to this resource in the first instance.</p> <p>We support the use of photographs and mapping and these should always be included to represent the accurate orientation of proposals. Photomontages, view analysis, 3D modelling can be useful tools to assess the impact on the significance of heritage assets, where utilised appropriately.</p> <p>We would consider re-phrasing the final paragraph of Section 21 to ensure that inappropriate proposals are not approved where there is harm to the significance of heritage assets and their setting.</p> <p>We welcome the inclusion of Section 23 and consider that any landscape character assessments recognise the historic environment within their analysis both heritage assets and historic landscapes. The current wording requires the assessment to describe the features and character of the current area which is useful, yet we consider that the assessment will need to go further in understanding if the principle of development is</p>	<p>There is a section relating to archaeological assessment with these requirements.</p> <p>Noted</p> <p>Comments are noted.</p>	<p>No changes to checklist.</p> <p>It would not be lawful for the validation checklist to 'determine' applications prior to their assessment. This has not been included.</p> <p>The checklist has been updated to take account of historic landscapes.</p>
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	appropriate in that location, what mitigation and adaptation measures are possible to protect landscape character and what opportunities are there to enhance landscape character and connectivity.		
Planning Policy Team, Nottinghamshire County Council	<p>Page 25 refers to '6Cs Design Guide'. This should be replaced with 'Nottinghamshire Highways Design Guide'.</p> <p>Page 36 states 'In general, assessments should be based on normal traffic flow and usage conditions (e.g., non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours)'. However, assessments should always be based on peak times (rush hours).</p> <p>Contact information on page 36 is a little dated and it is suggested that 'Highways North' is deleted and the website and phone number is left.</p> <p>Section 22 "Highway Information for all new residential development" – it would be useful (for major developments only) to have a parking provision per plot, detailing required and actual sizes, layout (tandem/rear/front etc) and bedroom numbers which would not only assist the LPA but also would be of assistance to Highways to assess any parking hotspot issues affecting highway safety. This may be better placed in a section outside of the highway requirements though as parking standards are the subject of an SPG in NSDC.</p> <p><u>Public Health</u> Page 20 states 'The Health Matrix incorporated within the Nottinghamshire Planning and Health Framework might prove useful in assessing the health impacts of a development upon human receptors and facilitate consideration to Health Impact Assessments.'</p> <p>This statement should be stronger/firmer to reflect the ambitions of the Nottinghamshire Joint Health and Wellbeing Strategy 2022 – 2026 four</p>	<p>Comments are noted.</p> <p>Comments are noted.</p> <p>Comments are noted.</p> <p>Comments are noted.</p> <p>Comments are noted.</p>	<p>The checklist has been updated.</p> <p>The checklist has been updated.</p> <p>The checklist has been updated.</p> <p>The checklist has been updated.</p> <p>The checklist has been updated.</p>

	<p>ambitions one of which is 'to create healthy sustainable places' and should read as follows and also include 'Health Matrix' template:</p> <p><i>'The Nottinghamshire rapid health impact assessment matrix incorporated within the Nottinghamshire Planning and Health framework should be used to assess the health impacts of developments as part of the planning proposal.'</i></p>		
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