

## **Planning Validation Guide**

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### **Purpose of the Report**

1. Members' support is sought to adopt a new Validation Guide to aid the validation and registration of planning applications.

### **Forward Plan**

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of 4 June 2020.

### **Public Interest**

3. A Validation Guide sets out the type of documents and plans that an authority requires to register a planning application. There are two lists; a National list which has very basic requirements including an application form and very minimal plans and the Local list which allows the authority to bespoke their requirements.
4. The Town and Country Planning - Development Management Procedure, says an up-to-date Validation Guide (inclusive of National and Local lists) should be reviewed and republished bi-annually. Currently we do not have an adopted document by which to assess incoming applications meaning we have to rely on the National list, which sets out minimal requirements.

### **Recommendation**

5. That the District Executive adopt the Validation Guide.

### **Background**

6. The last Planning Application Validation Guide dates back to 2007, it is attached as Appendix A. The proposed new Validation Guide (combined National and Local requirements) is attached as Appendix B. The proposed document is more interactive with links to our website and other sources of information. It aims to address common issues our team experience and sets out clearly what we expect from applicants and agents. The document has been written and designed to form part of suite of key process changes to streamline the planning process and create efficiencies. The document promotes many of the facets of the modern Council, including channel shift, self-service, digital submission and the interaction between case services and specialists.
7. Even with an out-of-date Validation Guide the standard of applications submitted to SSDC is poor and a large percentage are still registered invalid meaning they don't even contain the basic information, or the correct fee or have an inaccurate or incomplete application form. This costs time and resource within our Case Services Team having to correspond with applicants to get the right information. At present there is no recompense to the Council dealing with invalid applications. The consequence of dealing with so many invalid applications is that a backlog formed meaning at its worst validation took four weeks. This has been reduced to nearer two weeks with additional resource but the impact of those lost weeks means the rest of the process is pushed back and

customer dissatisfaction starts to materialise and our ability to meet 8/13 week targets is severely prejudiced.

8. Other complementary features are being considered including:
  - To offer a chargeable pre-Validation service.
  - To investigate a fee retention policy for those invalid applications that don't proceed.

Members are not being asked to agree these matters at this point.

## Considerations and Feedback

9. The changes in the planning system since the last guide was published are very significant and therefore the requirements then compared to those proposed now are very stark. However every requirement has been considered as necessary to ensure we receive a better quality application (in terms of breath information) than we get now and address more of the policy issues, flooding, ecology, design etc
10. After an initial presentation to SLT on 20 April a two-week public consultation period was launched online on 28 April. Email's signposting to the online consultation were sent to all Town/Parish Council's, District Councillors and those applicants/agents who had submitted an application to SSDC over the last 18 month and had provided an email address. The consultation included a survey to complete so focused feedback could be sought. One point of concern was the unknown number of agents who were on furlough during this period.
11. The survey yielded 12 respondents including 5 agents and 4 parish councillors, 1 applicant, 1 district councillor and 1 member of the public. The number of contributors is low but the range of points made were extensive.

The key outcomes are analysed as:

- The document improved the knowledge of those whom had less knowledge of validation before reading the document.
  - Of those who submit applications 40% said the document would help them get applications validated first time.
  - 90% found the website links useful.
  - Answers to the question – *Please let us know the areas within this document that you feel are the most useful and why?* included:
    - Explanations of each required field and example drawings were all useful.
    - The listings against each type of application
    - I thought the complete document was logical, easy to follow and provided a good guide to planning applications for applicant, agent or councillor. It covered al bases well.
    - Happy with all the recommendations.
    - The colour coded table layout helps to easily identify the requirements for the different types of applications
    - The list of required information on more complicated applications.
    - The overall layout was well structured making it easier to identify what surveys/assessments are required for different types of development.
  - Answers to the question – *Please outline any areas with the document which you feel are unclear, or could be improved and why?* attracted a great deal of feedback and those comments plus the additional comments contributors made are set out with a response to each comment in **Table 1** attached.
12. The overall themes that emerge is the change in the level of information agents will have to produce and more importantly highlight to their clients and charge for. Clearly agents would

prefer to submit less, both from an effort point of view in turning out applications quickly, but also keeping their fee proposals low to gain the business. In this respect many agents will have to plan better and the guide allows them to do this and justify to their client why they have to commission certain reports, and also creates a level playing field insofar and everybody is required to submit the same information.

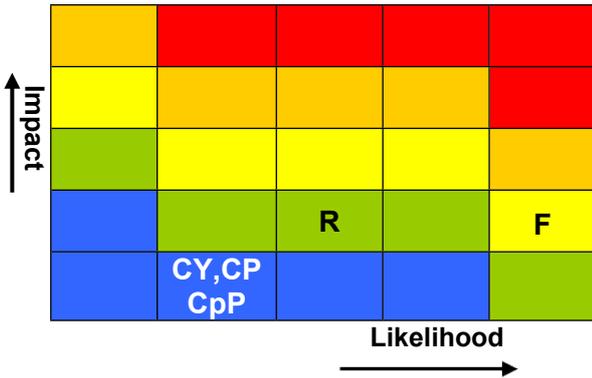
13. One area of concern raised is the Biodiversity Checklist, which is a prompt to highlight to the applicant, early on, that a survey for a certain species, may be required depending on the nature of the development proposed. The mandatory bit is the submission of the completed form. This will raise the issue of ecology, both preserving it and enhancing it rather than it being an afterthought when the officer asks for a survey at week 5 of an application. The emerging Biodiversity net gain requirements will require all involved in the construction industry to raise their game and will bring with it so much more work than the Biodiversity Checklist requires.
14. Given the feedback on the length and depth of the document a new Validation Checklist has been included post consultation. This form acts a tick list or as a double check for the applicant/agent to ensure all the necessary documents have been submitted. It is recognised that the requirements are detailed and much more extensive than existed prior, as such the Checklist Form allows comments to be made and submitted with an application to set out why a particular document may have not been submitted. It is recognised that there will be circumstances where the requirement do not fit or are out of proportion and the Checklist allows these situations to be explained. These comments will be assessed by our team. These matters should ideally be discussed with an officer at the pre-application stage.
15. An important point was raised about whether this is a submission check or a quality check. It is fundamentally a submission check. The quality is assessed by the officer and expert consultees.
16. Within the submissions was one particularly negative response, however the issues seems to be with the planning system as a whole, largely something SSDC is not responsible for, but it should be stressed this document aims to make the situation better and clearer for everyone involved. Unlike others, this contributor did not leave their details so a conversation could be continued to explain more about the process and rationale behind the document.
17. Overall the feedback is largely positive and thanks go to those who did contribute. A number of tweaks and changes have been made following the feedback as set out in **Table 1**.
18. As previously explained this guide should be updated and (re)adopted bi-annually. Given the ever changing nature of the planning system, the emergence of our own Local Plan, the work of our Communities of Practice and projects looking at supporting growth in Somerset it is highly likely additional requirements will need to be added and tweaks made to reflect new or revised website content. As such, and given the period of time that had elapsed since the last adopted Validation Guide, it is intended that a review take place every 6 months to ensure it remains 'live'.

## **Financial Implications**

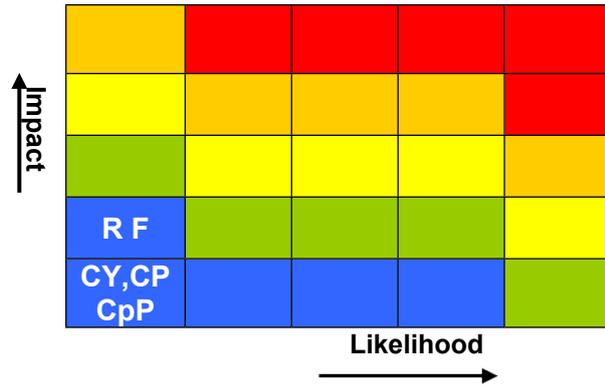
19. There are no direct financial implications, other than to improve the quality of incoming applications which will in turn mean it costs the authority less to process applications through the validation stage. There is no risk to the Council of having a properly consulted upon, adopted Validation Guide. Should a customer question the requirements there is a process to appeal not having their application validated under Section 78 of the Town and Country Planning Act 1990 (as amended).

## **Risk Matrix**

**Risk Profile before officer recommendations**



**Risk Profile after officer recommendations**



**Key**

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

**Council Plan Implications**

20. The Validation Guide is a key part of the planning process which underpins many of the Council Plan themes.

**Carbon Emissions and Climate Change Implications**

21. The Validation Guide in itself has no direct implications, other than encouraging digital submissions and including requirements for documents than support sustainable development.

**Equality and Diversity Implications**

22. The requirement for a Validation Guide is set out in The Town and Country Planning - Development Management Procedure, as such this is an embedded part of the planning process and is not considered to raise any particular equality and diversity implications.

**Privacy Impact Assessment**

23. Information submitted within an application is typically available in the public domain, save for redaction of personal information such as personal telephone numbers and email plus signatures. Any specific financial or personal information submitted to support an application is marked as private and not released into the public domain. Well practiced protocols used at this time will continue to be implemented and would not be affected by the adoption of this Validation Guide.

**Background Papers**

24. The 2007 Validation Guide and the proposed 2020 Validation Guide are attached as Background papers.

**Table 1** – summary of comments received and an officer response.

<b>1</b>	<b>A clear contents page would be useful.</b>
	<i>Response: This is one view but is felt the contents is concise and clear.</i>
<b>2</b>	<b>Validation requirement between councils makes the process confusing and costly for applicants and agents generally believe most of their comments are not listed to.</b>
	<i>Response: Agreed that agents submitting to different Council's must be confusing however the local list allows Council's to bespoke their requirements to account for local conditions and circumstances, for example those with coastlines, particular environmental requirements or airports for example. All feedback, as evidence here will be considered and a response given as to why a change is or is not recommended.</i>
<b>3</b>	<b>A query regarding the criteria within the biodiversity checklist.</b>
	<i>Response: The requirement is to complete a biodiversity checklist. The content and detail of the checklist is an already identified issue that is being looked into with our Ecologist.</i>
<b>4</b>	<b>Not reasonable to request window details as part of an application particularly on LB consents.</b>
	<i>Response: This is a view that will be put to members to decide if a change is required, often the devil is in the detail.</i>
<b>5</b>	<b>Querying the approach to communications regarding with invalid applications.</b>
	<i>Response: The applicant/agent will receive a letter informing them the reasons why an application is invalid. The contributor is outlining a couple of instances where that communication didn't happen due to human error.</i>
<b>6</b>	<b>Suggested table to outline requirements for travel plans and viability assessments.</b>
	<i>Response: Viability assessments are not asked for up-front and we are not inclined to change that position. An assessment is often submitted at the applicant's instigation to prove the application is unviable. We don't ask applicant's to prove the development is viable so requiring assessments in that scenario will add cost and time. Travel Plans will be covered by Transport Assessment requirement, but that section in the guide could be clearer as to the need for a Full Travel Plan, or Travel Plan Statement or Measures-only Travel Statement as set out by LP policy TA4.</i>
<b>7</b>	<b>The document title is misleading if it is to be formally adopted statutory list which will be used to validate applications.</b>
	<i>Response: The document is definitely proposed as the Council's formally adopted statutory list and the front cover has been changed to reflect SSDC's 'requirements'.</i>
<b>8</b>	<b>We have significant concerns regarding the push for the submission of pre-apps and discussion around application requirements during the pre-app process only. Currently, we struggle to recommend the submission of pre-application advice due to the significant delays in receiving a response, lack of a detailed response, non-existent responses and responses with a disclaimer that renders them useless. If pre-apps are to be relied upon for guidance on application requirements then they must be a pre-app protocol for the speed, reliability and quality of the pre-app advice. Therefore, the validation guide should allow for these discussions to happen outside of the pre-app process, we suggest the following amendment 'Where this symbol is visible the applicant may ascertain whether that particular plan/document/report is necessary to support the application <u>by contacting the administration team or by discussing the matter with the case officer during pre-application discussions.</u>' and a protocol for pre-apps put in place.</b>
	<i>Response: The push towards pre-application submissions is important to improve the quality of submissions. It can help knit parts of the process together. However the point made is noted and the suggested rewording would not pose any undue concerns should members wish to proceed with it. The pre-application process is also currently being reviewed and part of this will be to re-prioritise it within officer workloads.</i>

9	<p>The mandatory requirement for the Neighbourhood Consultation Form on all applications is inappropriate excessive. In some circumstances neighbour consultation is appropriate (i.e. retrospective applications, existing neighbour disputes etc, householder applications etc) therefore, there shouldn't be a blanket requirement for this.</p>
	<p><i>Response: The guide enhances community engagement by asking applicants/agents to liaise with neighbours before submitting the application. This means fears, concerns and queries can be ironed out and any tweaks made to overcome a neighbour objection can be made prior to submitting the application, this reduced delay throughout the process, avoiding amendment that could have been foreseen if the agent/applicant had knocked on a few doors early in the design process. I can understand an agent saying this but better communication from agents to neighbours is necessary.</i></p>
10	<p><b>Biodiversity Checklist – a mandatory blanket requirement for this is inappropriate for FUL, COU, HH, and OUT applications. The majority of these applications do not always require the need for an ecological assessment thus the requirement of this form may cause unnecessary confusion, delays and expense to applicants. Furthermore, do SSDC require this form to be completed by a qualified ecologist? Does this mean that SCC Ecology will be consulted on all future applications?</b></p>
	<p><i>Response: The situation regarding ecology is more wide ranging than ever before. Environmental awareness is very high and habitat loss need to be addressed. A 10% biodiversity net gain requirement will be a policy requirement in the coming months. The requirement here is to prompt the agent/application to complete a simple form. A yes answer to any of the layman type questions triggers the requirement for a survey so an ecologist is not required at that stage. Significant delays are experienced when applications that obviously should have a survey are submitted without them. Some clarification and reassurance can be given to address the contributors concerns.</i></p>
11	<p><b>Statement of Heritage Significance – Is this to be a separate standalone document to a Design and Access Statement? Is there a need for this when this should already be covered in a Design and Access Statement, in some cases? The requirement for this on every listed building application feels excessive for applications such as re-thatching, repairs etc on a like for like basis.</b></p>
	<p><i>Response: Our Conservation Specialist points to the NPPF and the requirement for any works to a listed building to be justified. The depth and detail of a SHS will of course depend on the works proposed. The requirement to take such matters into consideration will increase the preservation and enhancement of our heritage assets.</i></p>
12	<p><b>Photographs – the requirement for photos to be submitted for every application, even for a COL for a proposed use, change of use (no building works) etc is excessive and unnecessary and it shouldn't be a blanket requirement. Furthermore, planning officers should visit each site and not rely on photos sent in by the applicant.</b></p>
	<p><i>Response: Photos in the COVID period have been extremely useful. Whilst officers will undertake a site visit at some point a photos submitted with the application can help initial familiarisation and issue identification. It is also assumed the agent visits the site at the early stages and so photos should not be too much of an ask.</i></p>
13	<p><b>Elevation Plans – 'C. Show proposed building materials, style and finish of the building and windows and doors D. Show any other buildings that are attached to the elevation and where possible the main features of that adjoining building (e.g. details of doors, windows on the same elevation of an adjoining terraced or semi-detached dwelling) and a street scene where appropriate.' - Materials/finishes are not always known/decided upon at the beginning of the application stage. Furthermore, it would be unreasonable to invalidate or refuse an application on grounds that could be satisfactorily addressed by a planning condition.</b></p>
	<p><i>Response: Details of materials should be provided so the consultees and decision-maker knows what they are considering. These can be high level, such as reconstructed stone, concrete double roman roof tiles and timber windows (colour and manufacturer to be agreed via condition).</i></p>
14	<p><b>Floor Plans – 'B. Explain the proposal and usage in detail' and 'F. Show roof plan, if not shown on the site plan and is relevant to the proposal'</b></p>

	<b>Not sure what is required by point 'B'. Point 'F' – Not sure how this can be achieved on a floor plan? Also, there is a requirement for a separate roof plan(s) to be submitted so this is unnecessary duplication.</b>
	<i>Response: 'Usage' annotations allow detail to be added and the roof plan is optional if not shown on the site plan.</i>
<b>15</b>	<b>Householder Applications – Biodiversity Checklist (Mandatory) – refer to comments above. Unnecessary on the majority of HH applications.</b>
	<i>Response: See response above.</i>
<b>16</b>	<b>Householder Applications - Heritage Statement (Possible requirement) – 'Required for works within a Conservation Area, works adjacent or to a Listed Building, Scheduled Ancient Monument or having archaeological implications' – Isn't this a new name for a D&amp;A Statement? The Government removed the need for this type of document/D&amp;A Statements therefore, this should not be included under the HH application requirements.</b>
	<i>Response: Accepted, remove heritage statement requirement for HOUs.</i>
<b>17</b>	<b>Householder Applications - Archaeological Assessment (Possible requirement) – SSDC mapping is poor and does not show this information. Furthermore, the Local Plan maps are not clear and mostly unreadable when zoomed in. How is an applicant to find out this information?</b>
	<i>Response: The Local Plan map is sufficiently clear to prompt further questioning. It's also the type of issue that a pre-app submission would highlight.</i>
<b>18</b>	<b>COU Applications - Mandatory Requirement of Biodiversity Checklist and ecology Report - Why? Not all COU applications require physical works to a building. Therefore, this should be a 'possible requirement' so that applications for a use class changes only do not require this information.</b>
	<i>Response: Accepted, change to possible requirement depending on works.</i>
<b>19</b>	<b>FUL, OUT &amp; REM Apps – Major &amp; Non-Major - Mandatory Requirement of Biodiversity Checklist and ecology Report – Refer to comments above. It should be a 'possible requirement'. Not all FUL applications are on greenfield land, sites, where REM applications are being applied for, may have already been identified at the OUT stage as having no ecology issues, alterations to a flat or shopfront does not require an ecological assessment.</b>
	<i>Response: Ecology can change on a site over time, the requirement is to complete the form and this will inform whether a survey is required. It's difficult to write a clear rule for so many eventualities.</i>
<b>20</b>	<b>FUL, OUT &amp; REM Apps – Major &amp; Non-Major - Foul Drainage and Surface Water Strategy/SUDs (Mandatory) - A mandatory drainage scheme for the majority of applications is absurd. This level of detail often cannot be provided at outline stage for example. If this is to be retained the wording needs to be changed in many of the categories to refer to indicative or conceptual drainage strategy only. The list as it stands goes against the very use of planning conditions and it is unreasonable to invalidate or refuse an application on grounds that could be satisfactorily addressed by a planning condition. Furthermore, an application for alterations to an existing building, shop fronts etc, why does this need a drainage strategy?</b>
	<i>Response: The requirement will be nuanced to differentiate residential schemes, outlines and conceptual drainage schemes. However, drainage is an issue that needs to be addressed by the decision-maker and just imposing a condition isn't always the answer.</i>
<b>21</b>	<b>Advert Consent – Elevation Drawings (existing and proposed) (Mandatory) – 'Show the materials to be used, fixings, colours, height above the ground and, where it would project from a building, the extent of the projection. Show the signs, size and illumination. The type of each sign for which application is being made, e.g. fascia, projecting box, pole-mounted free-standing, should be shown, together with the dimensions of each sign. If any of the signs are to be illuminated please describe the type of illumination, e.g. internal, external, floodlight, etc., and whether the illumination will be static, flashing, or have moving parts.' - There is no need to have this level of detail on the elevational drawings as this will be duplication of the information that is required on the 1/10 or 1/20 plans of the individual signs and information required in the application form.</b>

	<i>Response: So long as the detail is given on one plan to the other or across both then it will be accepted.</i>
<b>22</b>	<b>Certificate of Lawfulness Applications (Existing and Proposed) - Mandatory requirement for Planning Statements to be submitted – This is considered to be unnecessary in most cases, discretion should be used as to when one is required. Furthermore, a covering letter should suffice in some cases.</b>
	<i>Response: The need for the applicant to set out their case for assessment and public examination is important.</i>
<b>23</b>	<b>S73/S19 Applications - Location plan (Mandatory) – The redline cannot be changed under a S73/S19 application. Therefore, SSDC is already in possession of this plan from the original application. S73/S19 Applications - Block plan (Mandatory) - Why? Not all S73/S19 applications are for building works that seek permission to alter the approved plans. S73/S19 Applications - Planning Statement (Mandatory) - This is considered to be unnecessary in most cases, discretion should be used as to when one is required. Furthermore, a covering letter should suffice in some cases.</b>
	<i>Response: A location plan and block plan are not large asks to re-establish the extent of the site. A Planning Statement helps the decision-maker and the public understand the nature of the variations which can be very confusing at times, akin to spot the difference.</i>
<b>24</b>	<b>There are no validation requirements included for Permission in Principle or Technical Details applications.</b>
	<i>Response: These are submitted very rarely and will be addressed in future updates of the document.</i>
<b>25</b>	<b>The document is so lengthy nobody will read it.</b>
	<i>Response: The document reflects the growing complexity and legal ramifications of planning proposals. A comment not reflected by the other responders.</i>
<b>26</b>	<b>Having never submitted as application this guide would enable me to feel more confident in preparing and providing the correct documents.</b>
	<i>Response: A positive view that highlights the need to be clear and unambiguous.</i>
<b>27</b>	<b>Section drawings should not be requested for householder applications when the ground level and floor levels do not change, it adds unnecessary cost for the applicant.</b>
	<i>Response: The section drawing shows everyone who views the drawing that the proposed levels are changed or unchanged. The architect may know there is no level change but the parish council or neighbour may not know that unless the plans illustrate it.</i>
<b>28</b>	<b>Is this a submission check or a quality check?</b>
	<i>Response: This is an important point as the two are not mutually exclusive. Validation is fundamentally a submission check. So plans will be checked to ensure they meet the requirements in terms of scale, coverage but the design will not be assessed for quality.</i>
<b>29</b>	<b>The applicant should state all community engagement.</b>
	<i>Response: I think the emphasis from the contributor was concerning Town/Parish Council pre-consultation. The Validation Guide does not require evidence of this but does require a compliance statement for 'made' Neighbourhood Plans. Consultation with Town/Parish Council's will form part of the Pre-Application process which is currently being reviewed.</i>
<b>30</b>	<b>This process will overload the front end of the process</b>
	<i>This is an understandable point given the current requirements, but too many applications are being delayed and compromised because the necessary information is not submitted up front. Also by not addressing issues suitably up-front means fundamental errors are made with design, layouts and approach which can be wasted cost for the developer as well. The document provide certainty as to the requirements and flags up issues far sooner in the process.</i>