

LOCAL VALIDATION REQUIREMENTS LIST FOR PLANNING APPLICATIONS 2024

Head of Service:	Justin Turvey, Interim Head of Place Development
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Wards affected:	All Wards
Urgent Decision	No
If yes, reason urgent decision required	N/A
Appendices (attached):	Appendix 1 - Draft Local Validation Requirements List 2024 Appendix 2 – Local Validation Requirements List 2015

Summary

The Local Validation Requirements List outlines the information that Epsom and Ewell Borough Council requires to be submitted to enable validation of the planning related application, including mandatory national requirements as set out in national planning policy, guidance and legislation and the local information requirements specific for Epsom and Ewell Borough Council.

The List was consulted from 25 April to 26 May 2024. Four submissions were received relating to the requirements for tree works applications and in relation to Flood Risk Assessments.

The draft List is attached at Appendix 1. It is intended as a wholesale review of the current List, including to incorporate legislative changes and to provide further detail about what and when information is required, primarily to minimise invalidation of applications and to speed up the validation process.

Recommendation

The Committee is asked to:

- (1) Adopt the Local Validation Requirements List at Appendix 1**

1 Reason for Recommendation

- 1.1 The Council is obliged to review its Local Validation List every two years and the current review is overdue. The Local Validation List has been updated to adopt recent legislative changes.

2 Background

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- 2.1 When an application is submitted, a local planning authority will require supporting information to validate the application. The information that is required makes up the Local Validation Requirements List.
- 2.2 The Local Validation Requirements List at Appendix 1 outlines the information that Epsom and Ewell Borough Council requires to be submitted to enable validation of the application, including mandatory national requirements as set out in national planning policy, guidance and legislation and the local information requirements specific for Epsom and Ewell Borough Council.
- 2.3 The Local Requirements List complies with the statutory tests as set out in the:
 - a) Town and County Planning Act 1990 (TCPA)
 - b) Town and County Planning (Development Management Procedure) (England) Order 2015 (DMPO)
 - c) Planning (Listed Buildings & Conservation Areas) Act 1990
 - d) National Planning Policy Framework 2023 (NPPF)
 - e) National Planning Practice Guidance (NPPG)
- 2.4 The information requested accords with legislative requirements in that it is:
 - a) Reasonable having regard to the nature and scale of the development
 - b) About a matter which it is reasonable to think will be a material consideration in the determination of the application
- 2.5 The information required with an application depends upon the type of application. All applications are included in this List. To be made valid, each application must contain all the National requirements and the Local requirements, where relevant. If the required information is not submitted, the application will be made invalid.
- 2.6 The Local Validation lists expands on the existing Validation List which is outdated. It includes the following changes:
 - Clarification of preferences for how plans and documentation are provided to the Council at submission stage
 - Further clarification of when applications are made invalid
 - Details of when an applicant can dispute the invalidation of an application
 - Separation of requirements into all types of applications, including the addition of permission in principle applications, EIA development, non-material amendments, tree works applications, alterations to planning obligations and hazardous waste applications
 - Inclusion of details for pre applications
 - The addition of a description of all application types

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- Provision of further details relating to specific information required with each application and addition of further information to support this, including the provision of links to Council and external websites
- Addition of further details on when an Arboricultural Report is required
- Expansion of the supporting information that is required to include Green Belt Statements, surveys, photomontages, Travel Plan, Delivery Management Plan, Construction Management Plan, plans relating to car parking and refuse management, Air Quality Assessment, Glare Assessment, Basement Impact Assessment, Accessibility Plan, Statement of Community Involvement and HMO licenses
- Inclusion of details relating to Biodiversity Net Gain and Community Infrastructure Levy requirements which have been implemented since the adoption of the 2015 Local Validation List

2.7 Additionally, the requirements for when a preliminary ecology assessment, or more particularly, a Phase 1 and 2 bat survey, have been updated to ensure that the Council is fulfilling its obligations with respect to the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. The requirement for a bat survey now extends to any householder application where works are proposed to roofs or eaves.

3 Submissions

3.1 The application was consulted from 25 April 2024 to 26 May 2024 via public notification on the Council's website. Four submissions were received relating to the following:

- The Flood Risk Assessment section does not comply with the NPPF and NPPG. It should be updated to ensure full compliance

Officer comment: It is unclear what part of the NPPF and NPPG is alleged to be non-compliant and no changes were required. This document relates to validation requirements for applications, not how the actual applications will be assessed.

- Information submitted with tree works applications is often substandard and often healthy trees are felled with scant key information. Measures relating to the following would secure the future good management of tree protection:
 - Greater clarity with the specification of the works
 - Clearer identification of trees on the sketch plan
 - Indexing of photos
 - Permission should be obtained from owners of the tree and provided on the form

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- A mandatory order to plant an appropriate tree in the same location should be made on the application form
- Provision of advice from arborists or Council's trees officer

Officer comment: The above measures have been added to the relevant parts of the List, with the exception of permission being required from the owner or the mandatory tree replacement. There is no legislative requirement for either though the Council would notify owners of the tree as part of the consultation process and where permission is granted for TPO protected trees, the approval is usually subject to a condition requiring replacement planting.

Minor changes to the List have been incorporated into the document following consideration of the points above.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

4.1.1 None.

4.2 Crime & Disorder

4.2.1 None.

4.3 Safeguarding

4.3.1 None.

4.4 Dependencies

4.4.1 None.

4.5 Other

4.5.1 None.

5 Financial Implications

5.1 **Section 151 Officer's comments:** None arising from the contents of this report.

6 Legal Implications

6.1 **Legal Officer's comments:** Approval of a local list follows the guidance within the National Planning Policy Framework and the National Planning Practice Guidance

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7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

7.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report.

7.4 **Sustainability Policy & Community Safety Implications:**

7.5 **Partnerships:** None.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Draft Local Validation Requirements List 2024 (Appendix 1)

Other papers:

- Local Validation Requirements List 2015 (Appendix 2)