



2nd December 2010

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Adoption of Local Validation Checklist

1. PURPOSE OF REPORT

i) To advise Members of the final validation checklist taking into account all responses from the consultation period with a view to publishing on the Council's webpage on 6th December 2010 in line with 'Guidance on information requirements and validation' published by the Department for Communities and Local Government in March 2010.

2. RECOMMENDATIONS

i) That the Committee notes the final validation checklist subject to any amendments Members may wish to suggest.

ii) That the Committee notes that the Executive Director of Regeneration will arrange for publication of the list on the councils website on 6th December 2010.

3. FINANCIAL IMPLICATIONS

The proposed local validation requirements and amendments to procedures can be delivered within existing budgets

4. POLICY IMPLICATIONS

Within Council policy. All planning applications and their requirements for validation relate to local and national planning policy.

5. LEGAL IMPLICATIONS

The Council must comply with the guidance set out in the Governments "Guidance on information requirements and validation" issued in March 2010 and the Development Management policy annex on information requirements and validation which took effect from 6th April 2010.

6. **EQUALITY**

No issues arising from the report. The Development Management services have completed Equality Impact Assessments and are accredited to be in compliance.

7. **ENVIRONMENTAL IMPACT**

The impacts of planning decisions on the environment are considered as part of the consideration of the planning applications in accordance with local, regional and national planning policies.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

Legal Services

10. **CONTACT OFFICER**

David Elsworthy - Extension: 2409

11. **BACKGROUND PAPERS**

"Guidance on information requirements and validation" issued in March 2010.

David Elsworthy, Head of Planning and Building Control

1. Planning applications are currently validated against nationally set criteria which require certain information to be submitted alongside each type of planning application in order for it to be regarded as 'valid' such as certification of ownership; a location plan; a site plan; a design and access statement (where required) and an agricultural declaration. The statutory requirements also require the correct fee to be provided and use of the correct application form. Government guidance published in March 2010 now places a duty on all Local Planning Authorities to put in place a Local Validation Checklist no later than 31st December 2010 which must clearly set out locally required information to be submitted alongside each type of planning application in addition to the national requirements.
2. The draft validation checklist was presented to this committee on 9th September 2010 along with proposals to undertake a period of consultation between 20th September 2010 and 15th November 2010 which was supported by this committee.
3. Advertisements were placed in local newspapers covering the Borough inviting comments from the local community but no comments were received. However, applicants, agents and consultees were also consulted resulting in 25 responses which are summarised and attached as 'Appendix A' (to follow). The comments have generally been supportive with minor suggested amendments and every attempt has been made to incorporate the suggested amendments where possible.
4. It was agreed by members of the planning committee of 9th September 2010 that the final checklist taking into account the responses from the consultation would again be presented to this committee on 2nd December 2010. The final checklist is therefore attached as 'Appendix B' (to follow) and it is recommended that Members note the final checklist subject to any amendments Members may wish to suggest. The final checklist will be published on the Council's webpage on 6th December 2010 (to be clearly signposted from the Planning homepage as required in the government guidance).
5. As mentioned in the previous report to this committee, one of the recommendations that came out of the value for money scrutiny report in April this year was that we create an accredited list of agents. This will be introduced in April 2011 following the embedding of the local validation checklist and it becoming familiar to agents. The ability to consistently submit plans and drawings that meet the validation requirements will feature as a requirement and will be reviewed annually thereafter.
6. Therefore it will be for agents to apply to the Council for accreditation and details of this will be set out on the web site. In addition to meeting the requirements of the validation checklist all agents must also submit all applications electronically through the Planning Portal or via the web site. Plans must also be of a suitable standard as set out in the checklist. A list of accredited agents will then be listed on the web site and performance will be monitored annually and the list revised every April. Those agents whose performance is not meeting the requirements of the validation checklist will be warned accordingly and if performance does not improve then they will be removed from the list. It will be possible for such agents to reapply after 12 months if they can prove that they are able to meet the requirements.

APPENDIX A - SUMMARY OF CONSULTATION RESPONSES

Company	Summary of Responses	Date of Comments	Outcome = Rejected, Accepted, Modified, Support Welcomed
Pollution Control, WMBC	Need an additional validation item for contaminated land/site investigations.	20/09/2010	Accepted - new item added to checklist.
Development Management, WMBC	Asked whether certain validation items will be discretionary to the validating officer.	20/09/2010	Rejected - all requirements of checklist are mandatory to provide a consistent and clear approach.
Development Management, WMBC	Concerns over requirement for location plans to be "based on an up-to-date map" as Ordnance Survey maps are not always up to date.	20/09/2010	Rejected - every attempt should be made to provide up to date location plans in order to assist in the consideration of the site and its surroundings.
Network Rail	No comments.	20/09/2010	n/a
West Midlands Police	Recommended inclusion of items to cover security, crime prevention and 'Secured by Design'.	21/09/2010	Rejected - these matters cannot be regarded as a validation consideration and should instead be considered throughout the determination of a planning application in consultation with West Midlands Police.
Urban Forestry, WMBC	Need an additional validation item for trees.	21/09/2010	Accepted - new item added to checklist.
Inland Waterways Association, Lichfield Branch	Supports the checklist - clearly set out and very comprehensive.	21/09/2010	Support Welcomed
Highways Agency	Advised inclusion of additional sentence referring customers to the Highways Agency into the guidance column.	23/09/2010	Accepted - new sentence added to checklist.
Town & District Centre Management, WMBC	Concerns around the number of documents required to be submitted.	23/09/2010	Rejected - the checklist comprehensively sets out the information required to be submitted alongside a planning application.
English Heritage	Suggested the inclusion of reference to the English Heritage Charter to ensure necessary information is required to be submitted by applicant and statements should take account of impact on and setting of the historic environment. Where a listed building application is submitted in parallel with a planning application, the Design and Access Statement should address requirements of both.	27/09/2010	Accepted / Modified - reference to English Heritage Charter and new text added to checklist regarding impact on the historic environment. Text regarding combined Design and Access Statements has been modified to allow applicants to choose whether to submit two separate statements or one combined statement.
Engineering & Transportation Services, WMBC	Suggested additional text within V33: All applications for new buildings or comparable structures over four storeys in height in areas of filled limestone mines which would impose an increase in stress exceeding 40kN/m ² at the mine roof.	28/09/2010	Modified - reference to 'consideration zones' and unfilled limestone mines included in checklist.
Network Rail Town Planning	No comments.	29/09/2010	n/a
Development Management, WMBC	Suggested that consideration should be given as to whether extensions to existing dwellings should be included as a threshold for sites located in Flood Zones 2 and 3.	21/10/2010	Modified - text included in checklist to reflect that first floor extensions are excluded.
Regeneration, WMBC	Proposed amendment to Public Art validation item, particularly to ask developers to set out how public art will form an integrated part of the scheme at the outset.	22/10/2010	Accepted - text amended to require applicants to provide details of on-site public art provision.

APPENDIX A - SUMMARY OF CONSULTATION RESPONSES

Regeneration, WMBC	Minor amendments to conservation and listed building related text.	28/10/2010	Modified - conservation thresholds amended to reflect Design and Access Statement conservation requirements and minor re-wording of listed building thresholds.
The Coal Authority	The Coal Authority welcomes and supports the inclusion of Coal Mining Risk Assessments.	29/10/2010	Support Welcomed
Walsall Children's Services - Serco, WMBC	Concerns regarding the level of detail required at the very beginning of the process which may not always be practical or efficient.	11/11/2010	Accepted / Rejected - requirement of draft heads of terms of Planning Obligation has been deleted from checklist, all other checklist requirements remain.
Natural Environment Team, WMBC	Changes made to document and comments for consideration.	11/11/2010	Modified - minor re-wording.
Theatres Trust	Find the checklist to be very thorough, containing all the elements of a validation checklist that we would expect to see. Suggested inclusion of additional text requiring statement of justification for change of use applications with the potential to affect Theatres.	10/11/2010	Rejected - this specific level of detail is not regarded as a validation consideration.
Landscape Team, WMBC	Found the criteria listed for validation to be acceptable, but suggested the term "Larger development proposals" be replaced with the definition of a major application (10 or more dwellings or new floorspace of 1000 square metres or more) to provide clarity.	09/11/2010	Accepted
Planning Policy, WMBC	Advised that the retail floorspace definition within checklist is acceptable but may need to review this when re-drafting the checklist in accordance with the Black Country Core Strategy.	11/11/2010	Support Welcomed
Natural England	Suggests the checklist could be reworded to be more user-friendly and use of plain English and suggested various amendments to the validation items listed in last column of this appendix.	15/11/2010	Rejected - policy requirements met within existing checklist text.
RPS Group	Suggested that S106 heads of terms and thresholds should not be considered as a validation requirement and should instead be dealt with as part of the determination and negotiation process. Also suggests that the inclusion of advisory text in the checklist that not all items will be relevant to every planning application and that applicants should provide a statement of justification where information has not been submitted.	17/11/2010	Accepted
British Waterways	Supports the format and and comprehensiveness of checklist. Suggests specific reference should be made to Section 106 contributions for canal corridors and mitigation of flood risk. Concerns over whether three dimensional coloured imagery should be included as there is no policy basis which is a requirement of the associated guidance.	15/11/2010	Rejected - Specifics of Planning Obligation requirements not regarded as a validation consideration.
Centro	Supports validation item V14 and suggested the inclusion of travel plan thresholds in validation item V15.	15/11/2010	Rejected - Links provided to the necessary guidance.