Walsall Council

PLANNING COMMITTEE

15 January 2024

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Local Validation Checklists

1.   **PURPOSE OF REPORT**

To inform members of the planning committee of the outcome of public consultation, and the intended implementation of:

  i.   Updated Householder Local Validation Checklist; and

  ii.   New Local Validation Checklist for other planning application types.

2.   **RECOMMENDATIONS**

That the Committee notes the outcome of consultation and the intended implementation date of Thursday 1 February 2023.

3.   **FINANCIAL IMPLICATIONS**

None arising directly from this report.

4.   **POLICY IMPLICATIONS**

Within Council policy. All planning applications relate to local and national planning policy and guidance.

5.   **LEGAL IMPLICATIONS**

None. This local validation criteria is in addition to the statutory nationally set validation criteria.

6.   **EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report. The development management service is accredited by an Equality Impact Assessment.

7.   **ENVIRONMENTAL IMPACT**

The updated householder local validation checklist and the introduction of a wider local validation checklist for other planning applications will help to improve the

quality of planning application submissions and in turn help to ensure development results in positive environmental impacts.

8. **WARD(S) AFFECTED**

    All.

9. **CONSULTEES**

    Regular developers and planning agents, other relevant council service areas and teams and key external consultees have been consulted in the preparation of these documents. Councillor Bird and Councillor Andrew have also been briefed on the purpose of the local validation checklists.

10. **CONTACT OFFICER**

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11. **BACKGROUND PAPERS**

    All published.

Mike Brereton
Group Manager, Planning

i.   Updated Householder Validation Checklist

12.1   Following support from members of this planning committee on 9 February 2023 for the introduction of a householder validation checklist in March 2023 it has helped our customers better understand the required supporting information as part of planning applications for works to an existing home in the borough. It has also helped to improve the quality of those planning application submissions and the speed of decision-making.

12.2   Through its operation it has become clear that two minor changes are required to provide greater clarity to applicants and to speed up the validation and registration process. The scale requirement for plans has been simplified along with improved signposting to the council's 45 degree guidance which is also reflected in the wider validation checklist. The updated checklist is attached as Appendix A.

12.3   Consultation has been carried out with planning agents and developers that frequently submit householder planning applications to Walsall Council, and with relevant internal colleagues and external organisations between 27 October and 24 November 2023. No responses were received in relation to these proposed updates.

12.4   The checklist will be updated and re-formatted where necessary prior to its implementation on Thursday 1 February 2024 to ensure the document complies with the necessary accessibility standards for publishing documents online.

ii. New Wider Local Validation Checklist

12.5   This checklist has been produced to help development management customers understand what needs to be submitted to support all other planning application types. This follows on from the successful implementation of the separate and simpler householder checklist.

12.6   There is no mandatory requirement for a local planning authority (LPA) to implement a local validation checklist. However, applications that are accompanied by the necessary supporting information from the outset, helps the LPA to make an informed decision in a more timely manner and within government set timeframes. The checklist will also provide a clear set of validation requirements to development management customers at the outset providing them with greater clarity, certainty and transparency in the overall process.

12.7   When the information required by this checklist has not been submitted with an application and is considered by the LPA to be reasonable and necessary to assess the application correctly, the LPA will declare the application invalid. This avoids unnecessary delays being incurred during the lifetime of an on-hand planning application such as re-consultation with the public and consultees which could have otherwise been avoided. Delays in receiving required information is also likely to result extensions of time having to be sought from applicants to extend the application determination period in order to facilitate the consideration of any necessary supporting information submitted later in the application process.

12.8   It is more important than ever to encourage front-loading of the planning process due to the new shorter 16 week planning guarantee period (minors including householders) effective from 6 December 2023 and the introduction of new national biodiversity net gain requirements (BNG) from February 2024 (larger development)

and March 2024 (smaller developments). This wider checklist will play a key role to shape early pre-application discussions and to help our customers understand the necessary supporting documents and plans at the time of application submission. The key aim being to reduce avoidable delays in processing and determining planning applications.

12.9   Key sections of the draft checklist were presented at the most recent planning agent and developer forum on 26 October 2023 which were positively received.

12.10 Consultation has been carried out with planning agents and developers that frequently submit planning applications to Walsall Council, and with relevant internal colleagues and external organisations between 27 October and 24 November 2023. A total of 10 x responses were received and these have been summarised in Table 1 below.

Table 1 – Responses to Wider local Validation Checklist

Name of Respondent	Respondent Feedback	LPA Response
Conservation Officer, Walsall Council	Updated Heritage Statement guide provided	Will be published alongside checklist
	Suggests updated guidance on webpages regarding listed building conditions survey requirements	No change to validation checklist required. Web updates to be considered as part of the current on-going web improvements programme
Historic Environment Officer	Updated Heritage Statement guide provided	Co-ordinated with Conservation Officer. Updated guide will be published alongside checklist
Canal & River Trust	Amend wording of LV11 (street scene plans) to include wider public vantage points	Street-scene plan term widely recognised and retained but the sub-text has been updated to reflect wider vantage points of importance
	Inclusion of guidance text regarding the SAC to LV19 (HRA)	Not considered necessary as signposting to existing guidance already provided
	Addition of land instability references to LV22 (ground contamination)	Agreed and updated
	Correct typo of Canal and River Trust within ecology guidance note	Agreed and updated
	Additional text to SuDS guidance note	Agreed and updated
Wildlife Trust	Include reference to Local Nature Recovery Strategies in ecology guidance note	Agreed and updated
	Include reference to Potential Site of Importance in ecology guidance note	Agreed and updated
	Include reference to EcoRecord in ecology guidance note	Agreed and updated

	Include reference to a local site assessment in ecology guidance note	Agreed and updated
	Suggests a number of other minor changes to ecology guidance note	Agreed and updated
Head of Planning & Building Control, Walsall Council	Suggests creation of a flowchart or similar to assist customers to identify likely requirements by application type and scale	This will be considered as part of the current on-going web improvements programme. Customers can also seek advice on application submission requirements as part of our pre-application services and via their own planning professional
Coal Authority	Updated text to LV18 (coal mining)	Agreed and updated
Lead Local Flood Authority	No comments to make	n/a
Highways England	No comments to make	n/a
Historic England	Suggests inclusion of all heritage guidance within 1 document.	A separate detailed guidance note is provided and is referred to and signposted within the checklist which has been designed as a user-friendly document
	Suggests reference to heritage assets in LV17 (SUDS)	Agreed and updated
	Suggests reference to heritage assets for any landscape visual appraisals	No validation list item for this currently included
	Suggests signposting to separate listed building and scheduled monument consent	Signposting and advice already provided online and not considered necessary within this checklist
Environment Agency	Suggests inclusion of reference to main river or watercourse in LV8 (Site/Block Plans)	Agreed and updated
	Suggests signposting to West Midlands flood risk guidance in LV17 (flood risk)	Agreed and updated
	Suggests signposting to West Midlands land contamination guidance in LV22 (contaminated land)	Agreed and updated
	Suggests signposting to foul drainage assessment form	Agreed and updated

12.11 The checklist and supporting guidance notes have been updated where necessary and appropriate, taking into account the above feedback. Where it has not been possible to make suggested amendments an explanation has been provided in Table 1 above. The final checklist is provided in Appendix B.

12.12 The final checklist, and supplemental detailed guidance notes, will be updated and re-formatted where necessary prior to its implementation on Thursday 1 February 2024 to ensure the documents comply with the necessary accessibility standards for publishing documents online.