


**TO: THE MONITORING OFFICER
(TOM CLARK, SOLICITOR TO THE COUNCIL)**

**RECORD OF ACTION TAKEN BY A CABINET MEMBER
UNDER DELEGATED POWERS**

Subject: Authorisation of updates to Local List of information requirements for planning applications	
Cabinet Member: Cllr. Andrew MacNaughton	
Has the Cabinet Member received a report prior to making the decision?	yes
In the case of a key decision where the Cabinet Member has received a report, please state the date a copy of the report was made available to the Chair of the relevant Scrutiny Committee and placed in the public domain:	
Record of decision taken: Updated Local List of information requirements authorised for purposes of validation of planning applications.	
Date of decision:24/9/18	
Statement of reasons for making the decision: The decision authorises updates to the local list of information requirements for the validation of planning applications. This takes into account the introduction of new application types 'Permission in Principle' and 'Technical Details Consent', the adoption of the District Plan, three new SPD's (Development Infrastructure and Contributions, Affordable Housing and Viability) together with the new NPPF.	
Alternative options considered and rejected: The Local List is required to be reviewed every two years. If not the requirements of the List are of no effect and planning applications can be submitted with limited information to aid decision making. This is not an option.	
Code of Conduct Interest of Cabinet Members? If yes, please advise on the nature and whether dispensation in place	
Is the decision to be protected from call-in? (<i>i.e</i> if any delay would seriously prejudice the Council's or the public's interest) - see Scrutiny Procedure Rule 14 (M)	No
If so, please state:	

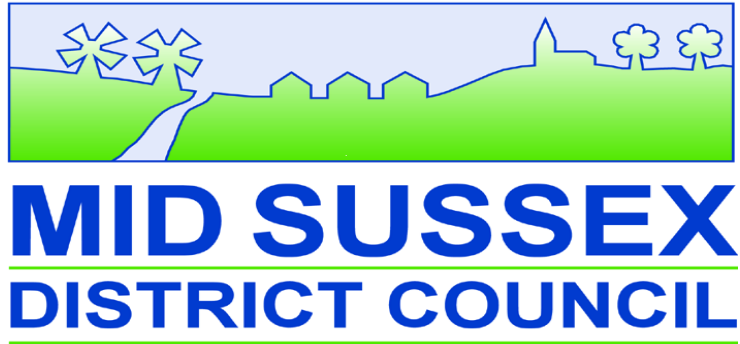
Signed: 
.....
Cabinet Member

This record must be forwarded immediately to the Monitoring Officer (TC) and copied to the relevant Cabinet Member.

For Monitoring Officer

Date of publication of Member Information Service Bulletin	
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Date of decision can be implemented (on the Thursday after publication of the Member Information Service Bulletin, unless already protected from call-in)	
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Validation Requirements for Planning
Applications
Update September 2018

Report for Councillor Andrew MacNaughton

Background Report

Information Requirements and Validation for Planning Applications

1. This report explains the reasoning behind the request to the Cabinet Member to authorise an update to Local List of information requirements for planning applications.
2. Mid Sussex District Council adopted a 'Local List' of information requirements for validating planning applications in March 2008. This was carried out in conjunction with the publication of a 'national list' of statutory requirements and the standard national planning application form in April 2008.
3. In March 2010 the Government published updated policy on this issue in the form of 'Development Management Policy Annex: Information requirements and validation for planning applications' and 'Guidance on information requirements and validation.' It required a review of existing criteria to be carried out. This work was carried out fully in accordance with national advice and against the principles set out in that document. The revised 'Local List' was adopted in December 2010. This Local List was further reviewed and re published in June 2015. A further full review took place and published in June 2017.
4. The current update is required to take account of four changes in circumstance:
 - The introduction of two new types of application, 'Permission in Principle' and 'Technical Details Consent';
 - The adoption of the District Plan;
 - The publication of the new NPPF; and
 - The adoption of a suite of three new supplementary planning documents by the District Council including:
 - i) Development Infrastructure and Contributions SPD
 - ii) Affordable Housing SPD
 - iii) Viability SPD.
5. This update has been carried out in accordance with the statutory tests set out in section 62 (4A) of the Town and Country Planning Act 1990 and Article 11(3)c Town and Country Planning (Development Management Procedure) (England) Order 2015. This requires:
 - Information requests should be reasonable having regard to the nature and scale of the proposed development; and
 - Information requests should relate to matters that it is reasonable to think will be a material consideration in the determination of the application.
6. Advice within National Planning Policy Guidance has also been taken into account. This advises that LPA's should identify the drivers for each item on the local list of information requirements. These should be statutory, policies in the NPPF or development plan or published guidance. Where changes are

necessary, the proposals should be issued to the local community, including applicants and agents for consultation. Consultation responses should be taken into account by the LPA when preparing the final revised list. In this case given the relatively minor nature of the updates and the fact that the SPD's have been subject to public consultation, it was not considered necessary to consult further.

Consideration of the Proposed Changes to the Local List of Validation Requirements

7. Sections 58A and 70 of the Town and Country Planning Act 1990 as amended, make provision for granting 'Permission in Principle' (PiP) and Technical Details Consent (TDC) for housing led development. The Town and Country Planning (Permission in Principle) Order 2017 (as amended) sets out the validation requirements for a PiP and thus the Local List is not relevant in those cases. An application for TDC is considered to be 'an application for planning permission' and thus it is considered that the provisions of the 'Local List' are applicable.

The first update to the current Local List is a simple change to the title of the document to clarify that it refers to applications for TDC as well as other planning applications.

8. The second and third points require straightforward changes to delete reference to the Local Plan and superseded NPPF and insert new policy numbers and links to the documentation.
9. The final change relates to the need for a Viability Assessment to be submitted with a relevant planning application where a non-policy compliant development is being proposed. Development proposals should be designed in a way that accords with Development Plan policies, including the provision of affordable housing. Developers may exceptionally, seek to make a case that for reasons of financial viability, a project is not able to contribute the full range of financial contributions required to make the development acceptable in planning terms. This is known as a non-policy compliant development. In those circumstances a developer is required to robustly demonstrate to the Council's satisfaction that a project is unviable by submitting a viability assessment. The Council will seek independent financial advice to inform the consideration of the application, at the applicant's expense.

A Viability Assessment needs to be submitted with the application as otherwise significant delays can occur to the determination of the application.

10. It is requested that authorisation be given to the publication and use of the updated Local List for purposes of validation of planning applications. A separate authorisation form is attached.
11. A summary of the proposed changes is set out at appendix 1 and the updated Local List of Validation Requirements is attached at appendix 2.

Appendix 1

The Validation of Planning Applications: Update of Local List Sept 2018

Information Requirement	Summary of updates
Document Title	Changed to include 'Technical Details Consent'
Plans and Drawings	No change
Affordable Housing Statement	Policy references changed, additional wording, link to new SPD and NPPF.
Air Quality Assessment	Policy references changed and link to new NPPF.
Biodiversity Survey and Report	Policy references changed and link to new NPPF.
Environmental Statement	Update to latest EIA Regulation title.
Flood Risk Assessment	Policy references changed and link to new NPPF
Foul Sewage and Surface Water	Policy references changed and link to new NPPF
Heritage and Archaeology Statement	Policy references changed and link to new NPPF
Land Contamination Assessment	Policy references changed and link to new NPPF
Lighting Assessment	Policy references changed
Noise Impact Assessment	Policy references changed and link to new NPPF
Open Space Assessment	Policy references changed and link to new NPPF
Planning Obligation Instruction Form	Alterations to threshold to take into account new SPD, link to new SPD, wording updated, policy references changed and link to new NPPF added.
Planning Statement	No changes
Stage 1 Safety Audit and Designers Response	No change

Statement of Community Involvement	No changes
Structural Survey	Policy references changed and link to new NPPF
Supplementary information for telecommunications development	Policy references changed and link to new NPPF
Sustainability Assessment	Policy references changed and link to new NPPF
Town Centre Impact Assessment	Reference added to policy DP2 of the District Plan and 500m2 threshold for a TCIA.
Transport Assessment	Policy references changed and link to new NPPF added.
Travel Plan	Policy references changed and link to new NPPF added.
Tree and Landscaping Implications	Policy references changed and link to new NPPF added.
Ventilation and Extraction Statement	Policy references changed and link to new NPPF added.
Viability Assessment	New section