

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	24 January 2018
Title:	Revisions to Planning Application Validation Guidance
Report From:	Head of Strategic Planning

Contact name: Chris Murray

Tel: 01962 846728

Email: Chris.murray@hants.gov.uk

1. Recommendations

- 1.1. The committee notes the outcomes of the public consultation.
- 1.2. The updated guidance be approved and implemented with immediate effect.

2. Executive Summary

- 2.1 The purpose of this report is to brief Members on the revisions to the County Council's Planning Application Validation Guidance following a recent public consultation. A link to the revised document is attached in Appendix 1.
- 2.2 The County Council has a duty to regularly review its planning application validation guidance to ensure it is up to date and fit for purpose. A public consultation on the proposed revisions took place between 18 October and 29 November 2017.

3. Background information

- 3.1 Paragraph 193 of the [National Planning Policy Framework](#) (2012) (NPPF) states that 'local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis'. To do this, a local list should be prepared by the Local Planning Authority (such as Hampshire County Council) to clarify what information is usually required for applications of a particular type, scale or location.
- 3.2 [National Planning Practice Guidance](#) (Live) provides more guidance on this issue and sets out the requirements for a specified and up-to-date local list of requirements to be published on the local planning authority's website. The guidance also states that this requested information must be:
 - reasonable, having regard in particular, to the nature and scale of the proposed development; and

- about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.3 Statutory tests for this are set out in [section 62 \(4A\) of the Town and Country Planning Act 1990](#) (inserted by the Growth and Infrastructure Act) and [article 11\(3\)\(c\) of the Town and Country Planning \(Development Management Procedure\) \(England\) \(Order\) 2015](#).
- 3.4 Previous validation guidance was published prior to 2012 (and the introduction of revised national planning policy and guidance). It is therefore out of date and requires review. A revised Planning Application Validation Guidance 2018 document has been prepared to provide guidance to applicants and agents on the validation requirements of planning applications submitted to Hampshire County Council for consideration. It is intended that the revised guidance document will:
- provide greater certainty to applicants about the type and extent of information required as part of their application at the earliest possible stage;
 - enable the County Council to have all the information it needs to determine applications in a considered and timely manner;
 - minimise the need to request additional information from the applicant at a later stage thereby making the determination process more efficient; and
 - ensure greater consistency in registering and validating applications submitted to the County Council.
- 3.5 The guidance is split into two sections:
- National Validation requirements; and
 - Local Validation requirements.
- 3.6 All planning applications submitted to the County Council for consideration must meet the national requirements and applicable local validation requirements. The guidance advises that applicants discuss exact requirements during pre-application discussions.
- 3.7 The guidance makes it clear that failure to supply the information listed in the guidance in the manner specified will delay validation and consideration of an application.
- 3.8 It also encourages applicants to apply electronically and provides guidance on how this should be achieved.
- 3.9 The guidance, once adopted, will sit alongside the Council's recently adopted [Development Management Charter](#).

4. Consultation

- 4.1. A public consultation on the proposed revisions took place between 18 October and 29 November 2017 and involved direct consultation by email of the following groups: business applicants and agents, internal and external planning consultees, District/Borough Councils, South Downs and New Forest National Park Authorities and adjoining County and Unitary Councils. The consultation was open for responses during the specified period on the Council's website.
- 4.2. 15 written responses were received from a range of internal and external consultees. The responses relate to the following main areas of interest:
 - Additional information relating to hydrological and hydrogeological information, countryside access and the requirement for Health Impact Assessments;
 - Development in Areas of Outstanding Natural Beauty; and
 - Requests for the inclusion of additional useful links/guidance documents /points of clarification.
- 4.3. A summary of the responses is set out in Appendix 1.
- 4.4. The consultation exercise has resulted in a number of changes to the document including:
 - Minor amendments to information requirements relating to Design & Access, Hydrogeological Assessment, Ecological Statements, Transport Statements and Land Contamination assessment sections;
 - A new section on Health Impact Assessments;
 - Additional links added to the useful links section – sections on Heritage Statement, Public Access, Transport Statement;
 - Amendments to references to key pieces of legislation, references and Regulations as required throughout the document;
 - Changes to the link to District/Borough Council Local Plans;
 - Reference to saved Policy NRM6 of South East Plan as required;
 - Amendments to the application form section for clarification;
 - Clarification of scale and style of map under location and site plans;
 - Reference to potential for overlap between site and elevation plans; and
 - Clarification of issues relating to tree protection.

5. What happens after the guidance is adopted?

- 5.1 In line with the requirements of the NPPG, once adopted, the County Council will review its validation guidance within 2 years of adoption.
- 5.2 The validation guidance will be regularly monitored by officers following adoption and will be updated if there are any changes to relevant legislation, regulation, or guidance which needs to be reflected between review dates.

6. Conclusion

- 6.1 The Planning Application Validation Guidance is a statutory document required by the [National Planning Policy Framework](#) and [National Planning Practice Guidance](#) (Live).
- 6.2 The draft Validation Guidance document was subject to public consultation for a six week period in October / November 2017 and as a result an updated version has now been produced.
- 6.3 The guidance has been updated to reflect the comments received through the consultation, where appropriate.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B –Impact Assessments

Appendix 1 – Link to revised Validation Guidance document and summary of consultation responses

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

[National Planning Policy Framework](#)

[National Planning Practice Guidance](#)

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

The requirement to specify the information which is required to be submitted with planning applications is set down in planning legislation. It impacts on all those that submit planning applications to the County Council (primarily minerals and waste operators and Hampshire County Council departments). Clarifying the information requirements has a neutral impact on those groups with protected characteristics.

2. Impact on Crime and Disorder:

2.1. The decision will not have any direct impact upon crime and disorder.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

No specific proposals.