

Agenda Item IMD15

INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2023/15

TITLE	Update to Local Validation List
DECISION TO BE MADE BY	Executive Member for Planning - Lindsay Ferris
DATE, MEETING ROOM and TIME	30 th August 2023 LGF9 at 10am
WARD	None specific;
DIRECTOR / KEY OFFICER	Director of Place and Growth - Giorgio Framallicco

PURPOSE OF REPORT (Inc Strategic Outcomes)

To seek formal agreement for modifications of the existing Local Validation List so that it includes changes & additional details in respect of the following;

Change	Reason
Layout and complexity of language in some areas	In line with corporate standards on accessibility, these elements have been changed accordingly to ensure the document is accessible to all customers.
Deleted Class 'O' and replaced with Class 'MA'	Sunset clause in the General Permitted Development Order: Class O expired on 31.07.2021 & replaced with Class MA.
Updated requirements for flood risk assessment for full and householder applications	To be in line with amended standing advice issued by the Environment Agency
Biodiversity net gain – Updates as required as part of The Environment Act 2021	Biodiversity Net Gain requirements expected to come into effect during November 2023
Amalgamation of 'upwards extension' prior notifications into single area	Removed duplication
Provided clarification on viability appraisal requirements and remove 'economic' from document title.	Provides greater clarity for applicants
Insert wording clarifying that no further work undertaken on invalid applications after 28 days.	Provides greater clarity for applicants

Remove requirement for paper copy of documentation for major applications (including any associated discharge of condition applications).	Paper copies no longer required in line with paperless digital working environment
Modify/clarify statement requirements for Great Crested Newt site constraints.	Following adoption of the Great Crested Newt district licence process full documentation now required.
Insert requirement for bat surveys for listed building applications.	Following appeal decision APP/H1705/Y/18/3204144 the impact of bats is now a material consideration for listed building submissions.
Removed link to website regarding applications modifying a section 106 Legal Agreement	Corporate rationalisation to the website and the very limited number of downloads. Form and guidance can be applied for directly via email.
<p>RECOMMENDATION</p> <p>That the Executive Member for Planning and Local Plan approve the modifications to existing Local Validation List as outlined above.</p>	
<p>SUMMARY OF REPORT</p> <p>See purpose of the report above.</p>	

Background

The validation list advises our customers who are submitting planning applications what supporting information is required, it also provides advice on the detail and scope of the supporting information as this is different depending on the scale and nature of the proposal.

Local Planning Authorities must publish a local validation list for applications and review it every two years. We are carrying out this consultation because it was last reviewed in 2021 and because there are a number of updates now required to bring it up to date with legislative and policy changes.

The list is divided into two sections, the national validation requirements and the local validation requirements. The national requirements are set by central government and are the same across all Local Planning Authorities in England, these details do not form part of the updates.

We carried out a consultation on the local validation requirements that relate specifically to planning applications submitted to Wokingham Borough Council. This is important as applications that do not include the information set out in the local or national list are not treated as valid submissions.

Conclusion

As part of the review a public consultation ran from Thursday 13 July 2023 and ended at midnight on Thursday 17 August 2023. One consultation response was received from a local planning agent commenting on the policy basis for some of the requirements and also suggesting minor wording changes relating to the following;

Basis of Comment	Response
Pre-application charging fee levels potential disincentive for applications.	The Validation List does not set pre-application charging rates. Our pre-application fee levels are set by using direct benchmarking comparison – they represent good value and are set at comparative rates to other LPA's.
Extending attachment size limitations via email.	The Validation List does not set attachment size limits.
Wording changes to definition of “Major” development.	Current wording is sufficiently clear and unambiguous that no further changes are required.
Great Crested Newt consultation – changes to trigger for mitigation requirements and associated statement.	Existing requirements are sufficiently clear and are designed to meet the Councils legal responsibility in securing protected species safeguarding.

Biodiversity Net Gain	<p>Comments ask a series of questions rather than suggest changes to requirements or wording.</p> <p>This is an area of new and evolving legislation yet to come into force. More clarity will be published when available from the Department of Levelling Up & The Environment.</p>
Request for links to forms for some application types be embedded within Local List.	<p>It is not felt that the Local Validation List is the appropriate location for these links.</p> <p>The list is a policy document subject to review every 2 years – links would require regular checking and updating creating an unreasonable resource requirement to implement & maintain.</p>

After careful consideration it was decided on balance to retain the draft in its original form without further amendment.

Business Case (including Analysis of Issues)

No business case required – this report seeks to make legislative updates & minor modifications to the Council’s existing Local Validation List, there are no associated financial implications.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	N/A	N/A
Next Financial Year (Year 2)	£0	N/A	N/A
Following Financial Year (Year 3)	£0	N/A	N/A

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
There are no wider impacts – the modifications improve clarity and ensure the local list is fit for purpose & legislatively compliant for our external customers.

Public Sector Equality Duty
Improvements in the layout have been made to ensure the local list is now usable by screen reading software. There are no wider impacts on equality as result of the proposed modifications and therefore no equalities impact assessment is required.

SUMMARY OF CONSULTATION RESPONSES	
Director – Resources and Assets	To be updated at the meeting.
Monitoring Officer	To be updated at the meeting.
Leader of the Council	To be updated at the meeting.

Reasons for considering the report in Part 2
N/A

List of Background Papers
Draft amended Local Validation List

Contact Ian Jordan	Service Development Management
Telephone No Tel: 0118 974 6428	Email ian.jordan@wokingham.gov.uk

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