

Consultation Response to the Aug – September 2019 Consultation on the Local Validation Checklist

Local Validation Checklist 2nd August 2019 - 13th September 2019			
Date Received	Ref	Comments	Officer Response
12/09/2019	LVC-19-01	<p>Firstly, for the Air Quality Assessment; the National Planning Policy states that: “Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.” The Policy states that in order to require an Air Quality Assessment; the development would be within an Air Quality Management Area. As well as this, the policy later states that for this validation check to be required, the islands would need a local air quality plan in place. As the islands currently do not have either of these in place, we would question the purpose of this requirement.</p> <p>Secondly, for the Heritage Statement and Statement of Significance; in the Validation Checklist it states: “The scope and degree of detail necessary in a Heritage Statement will vary according to each application, but it is expected that an acceptable Heritage Statement will contain sufficient detail to understand the history, character and significance of the building, site or area concerned (the ‘heritage asset’); describe the extent and nature of the proposed development; the impact of that development on the heritage asset; the justification for the works, and any mitigation proposed”</p>	<p>The respondent’s comments are noted and it is accepted that currently there are no air quality management areas (AQMA) on the Isles of Scilly. The trigger for an AQA would only kick-in, in the event that an application proposes development likely to generate significant emissions, then an AQA would be required to support that type of development, to ensure the islands were not harmed in terms of air quality. An AQA would not be required outside of that scenario.</p> <p>The respondent’s comments are noted and it is recognised that the level of detail set out in this checklist goes further than required in the NPPF. The checklist will be amended to advise that this is required on a proportionate basis, in terms of the importance of the heritage asset as well as the level of proposed works.</p>

		<p>However, the National Planning Policy states that: “The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.” We believe that the level of detail you are asking to include in the validation check is not consistent with that of national policy. Although we understand the importance of this check, we would question the level of detail required.</p>	
		<p>The last check that we are questioning is that of the Lifetime Homes Standards. National Planning Policy does not include Lifetime Homes as a standard that must be adhered to. We are concerned that by adhering to this validation requirement would potentially jeopardise the development of affordable housing on the islands, by significantly increasing the cost of development from fulfilling the 16 Lifetime Homes criteria and could potentially make the project unviable. It would be beneficial if you could clarify the priorities of the local validation checklist and planning policy in relation to affordability of housing or meeting the standards of the Lifetime Homes initiative.</p>	<p>The requirement for a Lifetime Homes Standard to be achieved in new residential developments, is an aspirational requirement, rather than a policy requirement. If the homes have been designed to address the long-term issue of lifetime homes then the information on this should be included but it can form part of the design and access statement. People/families often have to move out of their family homes if they become infirm or their mobility levels decline or if family circumstances change. Lifetime homes standards just means the family or occupant doesn’t necessarily need to move out. It is reasonable for a response to the checklist to be that the home proposed is not designed to meet ‘Lifetime Homes Standards’.</p>
12/09/2019	LVC-19-02	<p>We feel that this is very draconian especially if you are only undertaking a small development and will be a further barrier to development on the Islands - if the documentation is required make it a post planning condition when people at least have the certainty that they have the permission. The result is that planning applications are becoming a lot more expensive to assemble.</p>	<p>The respondent’s points are noted. There is a statutory requirement for a local authority area to adopt a Local Validation Checklist. In the case of the Isles of Scilly, the islands have an incredibly high number of statutory designations that suggest development proposals that have the potential to harm any aspect of the environment, should demonstrate the appropriate level of consideration. The form does provide the opportunity to explain why certain reports or assessments have not been provided, and where the development proposal would not change, there is no reason why some of the information cannot be submitted post decision, as currently.</p>

		<p>Summary of additional upfront info required for a typical new holiday cottage application:</p> <p>*Archaeological WSI likely to be required upfront for all sites near sensitive locations. This seems completely unnecessary as a validation requirement, as it is expensive and could easily be conditioned (the ground will not be disturbed unless planning is granted).</p> <p>*Contaminated Land Assessment: Appears to be required for all dwellings (as they are classified as having a sensitive end user We have just tried to do this for Lighthouse and none of the Desktop surveys cover us - this is the response we got - "Thank you for the above order. Unfortunately we are unable to produce full risk assessments for the Isles of Scilly, as the Environment Agency does not hold environmental data for this area. Without this data a robust risk assessment cannot be undertaken, and hence we are not able to provide reports which would meet our professional standards." If you need soil sampling etc this gets very expensive and is again a barrier.</p>	<p>The respondent's comments are noted. Some of the information set out in the checklist, is flagging up that a development proposal in a certain area or on a certain level will require additional assessments. In the case of a Written Scheme of Investigation, this can be drawn up ahead of works commencing, as it is a schedule as to how the ground will be monitored from an archaeological perspective and how any archaeological remains uncovered would be handled. The form does allow for an explanation as to why certain reports, that are shown to be required, have not been provided. The form is intended to ensure applicants are aware of any designations that could be affected by the development proposed. The upfront costs of some of the reports suggested, when planning permission is not guaranteed, is a reasonable argument to not provide the information up front and that would be taken into consideration when validating any application. Where the development could be affected by understanding the impact and will likely need to be changed as a result of the further assessment, then it is not appropriate to condition the further survey or assessment work, as in the case of the LPA's requirement to be fully understand the likely impact upon protected species before granting planning permission. The example provided in the case of seeking to undertake a contaminated land assessment, is a reasonable push-back as to why that particularly local requirement is not being provided.</p>
		<p>Ecological Survey and Mitigation Report. Set to be required for all new dwellings or minor works to existing dwellings. Typically about £1,000 for a phase-one survey (then +£3000 if bat surveys are required). Seems a bit over the top prior to planning</p> <p>Infrastructure Impact Assessment Report. Covers foul and storm water drainage. This could easily be covered by a very brief statement but might become more of an</p>	<p>In terms of ecological surveys then we very much follow the guidance of the ODPM circular (06/05): <i>'However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the</i></p>

issue with SW Water - we need to know you will accept a statement

Lighting Statement. Again, could easily be covered by a very brief statement, again need to know you don't want a complete lighting plan with all the lux levels etc - PZ Heliport lighting analysis has cost £1000s

Floodrisk Assessment. I think we just have to keep floor level at +5m for all projects moving forwards (this is a requirement of the local plan).

Site Waste Management Plan: Previously conditioned, I don't see why it can't remain so. We have a standard one we tweak for most applications, (a couple of hours work).

Statement of existing and Proposed Internal Floorspace: Short statement required to cover this, typically required in the planning forms anyway.

Statement of Sustainable Design Methods: We have developed a basic text to cover these in other locations, it takes a few hours to assemble. (At least they are not setting specific targets, for example B&NES require a 19% improvement over building regulations and SAP calcs in advance). Please don't add specific targets

Other uses, and applications with 5 or more dwellings become more stringent still... This is a worry if you want to build houses in any number

species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below. “ The LPA do try and take a consistent and pragmatic view in relation to the requests made for ecological surveys, and if there is a likely impact that protected species could be impacted or affected by a development proposal then we would require a preliminary assessment to be submitted. Any applicant can make a case as to why they are not providing the information up front and it may be that there is up to date and existing evidence that can be provided to show the impact of the proposal, without getting further ecological surveys done. In terms of Infrastructure Impact assessment then there are very different scales of development and each island has its own specific infrastructure issues to address. In most cases however a simple statement to demonstrate the issue has been considered and will be addressed, is likely to be acceptable. There may be exceptional circumstances either based on location or scale, that would require a more detailed infrastructure impact assessment.

In terms of flood risk assessment then this would apply particularly to any ‘vulnerable use’ being proposed on land at risk of coastal flooding. The emerging local plan would require this for development at or below 5 metre datum (which is land that could be affected by tidal ingress or coastal flooding). This ties in with the emerging local plan which seeks to address the impact of climate change on the islands and the evidence of increasing erratic weather during the winter which increases storm surges.

Sustainable Design Measures and Site Waste Management Plans are also requirements of the emerging

			local plan and will be required either at the start of the process or, if not provided, because of aspects of the build are unknown, then it remains an acceptable aspect to address post-decision as a pre-commencement condition, providing it is not likely to result in changes to the scheme overall.
13/09/2019	LVC-19-03	<p>The National Planning Policy Guidance is clear that at paragraph 44 that the requirements by a local planning authority should be kept to the minimum needed to make decisions. Local planning authority should only request supporting information that is relevant, necessary and material to the application in question.</p> <p>With the both local householder guidance and that for full applications most local requirements include an either a/b option that explains why details may not be required. This is helpful to overcome what is looking to be an onerous list. However, there are a number of requirements that are extremely onerous for the planning stage, many of these could be dealt with by planning condition, for example noise, lighting and ventilation can all be controlled by condition.</p>	<p>The respondent's comments are noted. Some of the information set out in the checklist, is flagging up that a development proposal in a certain area or on a certain level will require additional assessments. The LPA do however recognise a degree of proportionality and the checklist does provide applicants with an opportunity to explain why some of the information has not been provided. The overall balance, the checklist is trying to strike, is to firstly set expectations about what issues the LPA will or may consider in relation to a planning application so it can be factored in to a development scheme as early as possible; and what issues could be subject to post-decision conditions, bearing in mind there is a further process to deal with any pre-commencement conditions, including a further fee. Most importantly the LPA would like applicants to engage with the planning department to find out what information will be required before a planning application is submitted. The list seeks to cover all eventualities but for most types of proposals, very little will change in terms of information requirements to validate a planning application.</p>
		<p>I can see no requirement for air quality assessments any proposals that are likely to be acceptable on the Isles of Scilly. There are no air quality management areas on the islands and therefore this request is entirely onerous and disproportionate. Residential developments of 5 units + will not in themselves give rise to air quality issues.</p>	<p>The respondent's comments are noted and it is accepted that currently there are no air quality management areas (AQMA) on the Isles of Scilly. The trigger for an AQA would only kick-in, in the event that an application proposed some form of development likely to generate significant emissions, then an AQA would be required to support that type of development, to ensure the islands were not harmed in terms of air quality. An AQA would not generally be required outside of that scenario.</p>

		<p>Likewise, the requirement for an EIA are covered under other legislation and should not be repeated here. It is for the LPA to assess the trigger for EIA. A full Habitat assessment is also covered by other legislation and is not a validation requirement.</p>	<p>The respondents comments are noted. Some of the information set out in the checklist, is flagging up that a development proposal in a certain area or on a certain level will require additional assessments. The LPA do however recognise a degree of proportionality and the checklist does provide applicants with an opportunity to explain why some of the the information has not been provided. The overall balance the checklist is trying to strike is to firstly set expectations about what issues the LPA will or may consider in relation to a planning applicaiton so it can be factored in to a development scheme as early as possible and what issues could be subject to post-decision conditions, bearing in mind there is a further process to deal with any pre-commencement conditions, including a further fee. Most importantly the LPA would like applicants to engage with the planning department to find out what information will be required before a planning application is submitted. The list seeks to cover all eventualities but for most types of proposals very little will change in terms of information requirements to validate a planning application.</p>
		<p>A lifetime homes assessment is not necessary for validation of any application, should it be necessary this level of internal detail could be secured by planning condition.</p> <p>The infrastructure impact assessment is actually just a request for foul and surface water drainage details, this could be subject to a planning condition and should not prevent validation.</p>	<p>The requirement for a Lifetime Homes Standard to be achieved in new residential developments, is an aspirational requirement, rather than a policy requirement. If the homes have been designed to address the long-term issue of lifetime homes then ideally information on this should be included but it can form part of the design and access statement. People/families often have to move out of their family homes if they become infirm or their mobility levels decline or if family circumstances change. Lifetime homes standards just means the family or occupant doesn't necessarily need to move out. Policy LC3 doesn't specifically require lifetime homes, so its not a strict criteria, if the homes are designed to be lifetime homes and don't plan to capture these issues, then you don't have to put a lifetime homes statement in.</p>

