

Agenda Item No:

Report To:

Cabinet

Date of Meeting:

25th November 2021

Report Title:

Adoption of a Local Validation Checklist

Report Author & Job Title:

Simon Cole, Head of Planning & Development

Portfolio Holder

Cllr. Bell

Portfolio Holder for:

Planning & Development



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Summary:

Local Planning Authorities are encouraged to prepare and maintain a Local Validation Checklist (LVC) for planning applications in accordance with paragraph 44 of the National Planning Policy Framework (as amended).

The LVC should only request supporting information that is relevant, necessary and material to the application in question.

Ashford Borough Council does not currently have an LVC which will provide details of all documents that are required to be submitted with a planning application in the borough additional to those required under the national validation list, the policy drivers for the requirements, together with guidance on the circumstances when the requirement is applicable.

Key Decision:

YES

Significantly Affected Wards:

All wards

Recommendations:

The Cabinet is recommended to:-

- I. Recommend that Full Council endorse and adopt the proposed local validation checklist;**
- II. Agree that the local validation checklist be reviewed in full before the end of 2023;**
- III. Delegate to the Head of Planning & Development, in consultation with the Portfolio Holder for Planning & Development, to make any minor**

amendments to the local validation checklist.

Policy Overview:	None
Financial Implications:	None
Legal Implications:	None
Equalities Impact Assessment:	Not Required
Data Protection Impact Assessment:	Not Required
Risk Assessment (Risk Appetite Statement):	Not Applicable
Sustainability Implications:	Not Applicable
Other Material Implications:	None
Exempt from Publication:	NO
Background Papers:	Local Validation Checklist Local Validation checklist Matrix Summary of Consultation Responses
Contact:	Simon.Cole@ashford.gov.uk – Tel: (01233 330 642)

Report Title: Adoption of a Local Validation Checklist

Introduction and Background

1. Local Planning Authorities are encouraged to prepare and maintain a Local Validation Checklist (LVC) for planning applications in accordance with paragraph 44 of the National Planning Policy Framework (NPPF).
2. Paragraph 44 of the NPPF states that local planning authorities should 'publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.'
3. Once adopted, the NPPF indicates that the LVC should be updated every two years. Currently, Ashford Borough Council does not have such a local checklist.

Proposal

4. In line with the requirement set out within the NPPF, an Local Validation Checklist document has been prepared in accordance with Planning Practice Guidance and the NPPF (Appendix 1)
5. The LVC provides users of Ashford Borough Council's Development Management Service with clear details of all forms, supporting assessments and plans/drawings required at the time of submitting a planning application (made under the Town and Country Planning Acts) in addition to those required by the national checklist to make it valid. Once an application has the correct level of supporting information then it is considered to be "valid" and it can be formally progressed towards a decision.
6. For 'householder' planning applications where relatively minor development is proposed, the large majority of matters covered within the LVC will not be applicable. However, in order to assist potential applicants, it is proposed that officers will prepare a 'layman's guide' to the checklist for publication on the Council's website to indicate when additional information may be required and what the scope of that information would need to be as this may vary depending on the precise nature and scale of a proposed scheme. Assistance in these matters would also be part of the Council's response where a potential applicant has sought pre-application advice.
7. In addition, it is intended that an event for developers / agents will be held to publicise the introduction of the local checklist.

Equalities Impact Assessment

8. Not required as no policy changes proposed.

Consultation Planned or Undertaken

9. Online public consultation on the draft validation checklist took place between the 28th June 2021 and the 9th August 2021. Responses received are summarised within the attached background papers to this report (Appendix 2). All responses have been fully considered and where appropriate the LVC amended accordingly.

Other Options Considered

10. Production of an up-to-date LVC is encouraged in the NPPF, and therefore it is strongly recommended as this will also allow particular local circumstances to be accounted for in the preparation of material needed to support an application in the borough. Not having a LVC means there is likely to be more occasions when applicants will need to be asked for additional material during the course of processing an application leading to greater delays and need for further consultation when the material is received.

Reasons for Supporting Option Recommended

11. Ashford Borough Council does not currently have a LVC. The LVC has been prepared in accordance with Planning Practice Guidance and the NPPF.
12. Public consultation of the LVC has been undertaken and responses have been taken into account in the drafting of the final LVC document.
13. The introduction of the proposed LVC should enable sufficient information to enable the Council to determine applications is provided prior to validation of applications, thus giving more details to consultees from the start and reducing the need for further information to be requested during the statutory timescale for determination of the application.

Next Steps in Process

14. If the Cabinet agree the recommendation, the LVC will need to be formally adopted by the Council and the document will then be published on the website. The LVC will be formally reviewed and updated every two years. It is also suggested that minor amendments to the checklist such the addition to or the deletion of an item is delegated to the Head of Service, in consultation with the Portfolio Holder, to ensure the checklist remains fit for purpose and can adapt readily to new requirements.

Conclusion

15. The adoption of a LVC is encouraged to meet the guidance set out in the NPPF and will provide a useful tool for both users of Ashford Borough Council's Development Management Service when submitting a planning application and

officers in ensuring there is adequate information submitted with planning applications to enable local residents and other stakeholders to consider the proposal's impact upon them. It should also allow officers the potential to be able to more swiftly process schemes without referring back to the applicant for further information with positive outcomes for both customers of the service and the Council's performance against the indicators for speed of determination of planning applications.

16. In addition, the forthcoming introduction of the Planning Service's new applications processing system provides an opportunity to build the new validation checklist requirements into it from the start, thus enabling the potential for greater automation and efficiency at the application validation stage for a great majority of the planning applications the Council receives.

Portfolio Holder's Views (Cllr Bell)

17. I support the introduction of a Local Validation checklist so that officers and consultees can have all necessary information submitted with a planning application at the start of the process. This should improve both processing times for applications and allow an optimum time for the scrutiny of proposals.

Contact and Email

18. Simon Cole (Head of Planning and Development) - simon.cole@ashford.gov.uk / 01233 330642

Validation checklist

Requirements for planning applications submitted to Ashford Borough Council

November 2021



ASHFORD
BOROUGH COUNCIL

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Section 1: Introduction and Background

Introduction

Ashford Borough Council has produced this Application Validation Checklist in accordance with [Planning Practice Guidance](#) and the National Planning Policy Framework (NPPF). Paragraph 44 states that local planning authorities should ‘publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question’.

This document provides users of Ashford Borough Council’s Development Management Service with clear details of all forms, supporting assessments and plans/drawings required at the time of submitting a planning application (made under the Town and Country Planning Acts) to make it valid. Once an application has the correct level of supporting information then it is considered to be “valid” and it can progress towards a decision.

The checklist is set out into two main requirements – set out in 2 tables:

Table One – sets out the national list of requirements which are mandatory for all planning applications.

Table Two – sets out Ashford Borough Council’s local list

The checklist aims to:

- assist in ensuring that your application is valid when submitted;
- ensure that all applications can be dealt with effectively and efficiently;
- respond positively to best practice advice issued by government; and,
- ensure that Ashford Borough Council complies with legislation in relation to planning applications.

The checklist is designed to help ensure that your planning application is valid when we receive it from you. The checklist highlights the relevant local policies and guidance and provides links to where you can read and download these.

The content and detail of the supporting information we require should be proportionate to the scale of the development. For householder applications (any works to an existing house such as an extension, outbuilding etc) these requests are minimal (see page 8). For major schemes (e.g. any application that involves the provision of 10+ dwellings, a floorspace of over 1,000sqm, site area of more than 1 hectare etc.), it is recommended that the content of technical documents supporting your application be informed by pre-application discussions with us and by reference to our planning policies and guidance, particularly Supplementary Planning Documents.

If you are in any doubt about the requirements after reading this document, please contact us through planning.help@ashford.gov.uk before preparing and submitting your application. If the information required is not submitted with your application then the application will not be valid and it will not be assigned to a case officer or start to be progressed towards a decision.

Please remember also that planning permission, listed building and advertisement consents may not be the only permissions or consents you need from Ashford Borough Council. Other consents include building regulations, licensing and food safety. More information on these and other consents and services of the Council are available on our website www.ashford.gov.uk.

Personal Information and Data protection

All information you provide on the application form and in any accompanying documents will normally be published on the council's website. Only the applicant's personal details, such as telephone and email contact details, and signatures, will be routinely blanked out.

If you wish to provide information in support of the application which you regard as sensitive or confidential, and which you do not wish to be published as set out above, this must be submitted as a separate document and clearly marked as such. Such information should not be embedded within larger documents where it will be more difficult to identify. You should include with any such separate document an explanation as to why you do not wish the document to be published. The council will consider the request and may need to contact you further regarding the request.

Given this, if you supply personal information belonging to a third party, please ensure you have their permission to do so. More information about the planning privacy notice and compliance with the General Data Protection Regulation 2016 can be [viewed here](#).

The Planning Application process

There are different types of applications and some types require more detailed information than others. All information needs to be accurate and some information can be complex and technical. It is required so that all people with an interest in the outcome of your application can accurately assess what the impacts of your planned development will be. We want to make the planning process as clear as possible and the Checklist below confirms what information is required for different types of applications.

You may need to appoint a planner, an architect, surveyor or specialist consultant to prepare information to support your application and in order to make it valid; for example, to undertake an ecology survey and prepare a report.

Upon receipt of your application, we will crosscheck the information submitted against national planning application requirements, together with Ashford Borough Council's local requirements, as set out in this document. If all of the required information is included, your application will be classed as "valid" and it will then progress towards a decision.

If when we receive your application, we consider that it is lacking information, it will be held as 'invalid' and it will not start to progress towards a decision until the necessary information is received.

In the event that your application is invalid (because you have submitted insufficient information or an incorrect application fee), we will write to you to tell you what you need to do to make it valid. You must then submit the required information in a timely manner to ensure that your application can progress to a decision. If, within 21 days, you do not provide us with the information we require, we will not be able to deal with your application and it will be treated as closed. Thereafter, in the event that you wish to progress with your plans you will need to submit your application to us again as we do not keep any documents relating to closed applications.

Can we require this level of information?

The application fee and some of the information we require when an application is submitted are national requirements set by Government and apply to all applications – these are set out in Table 1. In addition, as set out in Paragraph 44 of the NPPF, we can require applicants to provide additional information in the interests of good and efficient decision making and having regard to local circumstances, this is known as a local list and can be found in Table 2.

Common reasons why applications are invalid

Reason	How to fix
An absence of the Supporting Documents necessary.	Check the national and local validation requirements within this document to see what supporting information is needed with your application.
Supporting Documents that omit information specified in the guidance.	Within the local validation requirements set out in this document, there is a section called, 'what information is required'. This will provide you with useful references about the level of information required with reference to policy and guidance.
Drawings with insufficient detail as specified in the guidance notes or containing inconsistencies.	Refer to the local validation requirements below to make sure that the right level of information is submitted and cross-reference your drawings before submitting to ensure consistency in the submission.
One or more plans are missing.	If submitting plans through the Planning Portal you should be able to view a list of all plans/ documents you are about to submit. At this time, your list of plans can be checked against your records before you submit. If providing paper copies, you may find it useful to provide a covering letter with a schedule of plans to assist you in identifying any omissions prior to submission.
An incorrect description of the development.	Check that the description that you detail on the application form covers <i>all</i> elements of the proposal.
An incorrect Certificate of Ownership	Certificate A should be submitted where the applicant/s is the sole owner of land to which an application relates. Certificate B should be submitted where the applicant/s is not the sole owner of the land or where any part of the development goes outside the land in the applicant's ownership. "Notice 1" is also required to be served on each owner. Certificate C should be submitted where some but not all of the land owners are known. Again "Notice 1" should be served on each known owner. In respect of unknown owners then the applicant must also advertise the application in the local newspaper and "Notice 2" can be used for that purpose. Certificate D should be submitted if none of the owners can be traced and "Notice 2" used to advertise in the local newspaper.
Inconsistencies between elevations and floor plans.	Ensure that you cross-reference elevations and floor plans before submission. Amended plans will be required if there are inconsistencies between elevations and floor plans because it needs to be clear what is being applied for so that the impacts can be properly assessed.
Incorrect fees enclosed	Fees for the processing of applications are set nationally. You will find a link to them here .

Validation Dispute

We want to avoid disputes with you about whether your application is, or is not, valid; this is why we have prepared the clear advice provided here. [National legislation](#) provides us with the power to decide whether an application is valid. We consider that the information and evidence we require satisfies legislation because it is:

- 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.

Nevertheless, if you disagree with what we are asking you to do (to make your application valid) you should always in the first instance talk to us. If you are unable to achieve agreement with us you have the right to seek a resolution by following national procedures, which can be read [here](#). In these circumstances, you must send a notice to us which:-

- (i) specifies which particulars or evidence you consider do not meet the requirements;
- (ii) sets out the reasons why you hold that view; and,
- (iii) requests that we waive the requirement to include those particulars in the application.

We will then send a validation notice or non-validation notice to you.

Pre-application Discussions

We strongly encourage you to discuss your plans with us before submitting a formal application. This can save you both time and money and ensure that your application has the best chance of success because we can agree with you the issues relevant to the consideration of your application and that the information required to make it valid at the outset, thereby avoiding delays in a decision. It is useful to include details of any pre-application advice you have had with us within the application form within the relevant section.

Different charges apply to different types of schemes (Householder proposals are not charged). Full details of our pre-planning application advice service can be [found here](#).

Online and electronic submissions

We would prefer to receive your application electronically via the Planning Portal (<https://www.planningportal.co.uk/>). The following notes should assist you when submitting your application in this way. Following the guidelines will enable us to process your application and publish it more quickly. Please structure your electronic submission in the following way:

- No individual file should be greater than 5MB;
- Large documents should be broken down into manageable files e.g. in chapters and sections;

- It is important that the naming structure explains the document and chapter (if applicable) in plain English;
- All major dimensions must be specified on drawings. This is necessary for the assessment of drawings. Drawings should include a scale and calibration scale; and,
- Drawings should be orientated so they appear correctly when viewed on screen (i.e. North at the top of the screen).

The Council will process applications submitted on paper. All forms and plans can be posted to Development Management, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL.

Making Payment on Applications

A planning application fee calculator can be [found here](#) on the planning portal, where you can make your payment if you are submitting your application through the planning portal.

If you make the application direct to the Council, you can pay your [fee here](#).

'Householder' Applications

'Householder' applications are typically alterations and extensions to peoples' houses or about buildings in their garden. More information on common householder projects can be [found here](#). If you are submitting a Householder application, the validation requirements are largely set out with the National Validation Requirements, contained immediately below in table 1.

Exceptions to this are if your application relates to a property, which is:

- a nationally listed building, or located in a conservation area / area of archaeological potential;
- it would involve works to protected trees or trees in a conservation area.
- It is within a Flood Zone.
- Is within an ecological designation.

In these instances, additional information will be required to support the application under the Local Validation requirements, which are set out in Table 2.

For ease, the typical requirements for Householder applications are set out in our '[Get it right first time' guidance document](#). Email us at planning.help@ashford.gov.uk if you have any questions relating to these requirements.

Section 2: Validation Criteria

National Requirements for submission

Applicants are encouraged to supply documentation which has been produced electronically in that format. This applies whether the application is made on-line or whether a paper application is made. This facilitates the transfer of information to consultees and for the public to view planning proposals on-line with the greatest efficiency. It would be appreciated if the scale of the plans and paper size is no larger than is required to illustrate the proposals.

The national standards for on-line submission of electronic planning documents are as follows:

- Maximum single file size is 5 Mbytes;
- Maximum 25 Mbytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted off-line using a file sharing transfer link via email to planninghelp@ashford.gov.uk;
- Portable Document Format (PDF) is the recommended file format to ensure that they are accessible to consultees;
- All drawings shall specify the printing page size for which the scale applies;
- All drawings shall be correctly orientated for on-screen display
- All drawings shall include a scale bar and key dimensions;
- All documents and drawings shall be given a meaningful title and dated with drawings given a unique plan reference. For example: Block Plan drawing v1A.pdf or Design and Access Statement.pdf.
- Scanned documents must be a minimum of 200 dots per inch (dpi) resolution for black and white and 100 dpi for colour;
- All photographs in PDF file format and no larger than 15 cm x 10 cm.

In addition:

- Updated or revised versions of plans or documents should be clearly named to show a change so that the new documents can be easily identified when uploaded. For example Block Plan drawing v1B.pdf or Design and Access Statement.pdf.
- Plans should not contain the phrase 'Do not scale.'

Unless the application is made on-line through the Planning Portal, this authority only wishes to receive **one paper copy** of the following documents but reserves the right to request additional paper copies for consultation. For larger proposals and EIA development one paper copy and a file sharing transfer link via email to planninghelp@ashford.gov.uk is requested.

Table 1 – National Validation Checklist

Code	Requirement	Details
NV1	Application Form	<p>The Council’s relevant application form(s) are required and these must be signed and dated with all relevant sections completed. When submitting via the planning portal, Ashford’s application form will be automatically uploaded. Should you be submitting paper copies then the planning portal has Ashford Borough Council forms that can be downloaded, please use the link here.</p> <p>All the relevant questions should be answered and if not relevant to the application, then the words “not applicable” should be inserted for clarity.</p>
NV2	Application Fee	<p>Planning applications and other submissions cannot be processed without payment of the correct fee. The correct fee, as determined in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, where one is necessary. As fees are subject to change, the latest version of these regulations should be checked or the Planning Portal’s fee calculator can be used.</p>
NV3	Ownership Certificates	<p>A completed, signed and dated Ownership Certificate A, B, C or D shall be submitted as set out under Section 65(5) of the Town and Country Planning Act 1990, and Section 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The ownership certificate states the ownership of the whole of the application site, including land which gives access to the site from the public highway or where development abuts, crosses or simply overhangs the boundary with the adjoining land or property. For this purpose an owner is “<i>anyone with a freehold interest or leasehold interest, the unexpired term of which is not less than 7 years</i>”.</p> <ul style="list-style-type: none"> • Certificate A must be completed when the applicant is the sole owner of the site. • Certificate B must be completed when the owner of the site is known to the applicant • Certificate C and D must be completed when some or none of the owners of the site are known. <p>If Certificates B or C are relevant, the applicant must complete and serve notice of the proposals on the owners and /or agricultural tenants of the application site in accordance with Article 13 of the DMPO.</p>
NV4	Notices	<p>Where the applicant is not the sole owner of the land, certificates B, C or D are completed and notice(s) need to be served in accordance with Article 13 of the DMPO, on every owner of any part of the land to which the application site relates giving 21 days notice of the application before it is submitted. The names and addresses on which notice has been served should be provided with the application. Where some or all of the owners of land to which the application relates are unknown, the applicant will need to specify the steps undertaken to find owners, such as Land Registry enquiries and the date of an advertisement in a newspaper published at least 14 days prior to the submission of the application. A copy of the certificate can be found here</p>

NV5	Agricultural Land Declaration	A completed, signed and dated agricultural holdings certificate shall be submitted whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. The agricultural holding certificate is incorporated into the standard application form for all except applications for approval of reserved matters, renewal of temporary consent, discharge or variation of conditions, listed building consent and lawful development certificate.
NV6	Design and Access Statement	<p>Design and Access Statements (DAS) must accompany an application to the following:</p> <ul style="list-style-type: none"> • Applications for major development, as defined in article 2 of the Town and Country Planning (Development Management Procedure (England) Order 2015; • Applications for development in a designated area (Conservation Area), where the proposed development consists of: <ul style="list-style-type: none"> ○ one or more dwellings; or ○ a building or buildings with a floor space of 100 square metres or more. ○ Applications for listed building consent. <p>The statutory requirements for DAS are set out in Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>A DAS is a short report accompanying and supporting a planning application to illustrate the process that has led to the development proposal and to explain the proposal in a structured way. The level of detail required in a DAS depends on the level of complexity of the application and the length of the statement should vary accordingly but need not be long. Further advice is contained in MHCLG Guidance on making an application which can be found here and also from the Design Council.</p> <p>If crime prevention measures for major development are not addressed in a DAS then these should be addressed in a separate document. The DCLG “Safer Places – The Planning System and Crime Prevention” provides guidance on how good planning can reduce crime by ‘designing out’ opportunities for crime and ‘designing in’ community safety. A link to this document can be found here:</p> <p>Applicants may be required to make provision for access, parking and sanitary conveniences for people with disabilities in applications concerning buildings accessible to the public. Your attention is drawn to legislation to provide access for the disabled. Further guidance by the Commission for Architecture and the Built Environment (CABE) (2006) can be found on the Design Council’s website.</p>

NV7	Location Plan	<ul style="list-style-type: none"> • It should be based on an up-to-date map. • The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. • Plans should be clearly titled, given a unique reference number and dated • The plans should wherever possible show at least two named roads and surrounding buildings and the properties shown should be numbered or named to ensure that the exact location of the application site is clear. • The application site should be edged clearly with a solid red line. • It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). Where a new private access is proposed to abut with the Public Highway involving the carrying out of operations that will require planning permission all land providing this access should be included. The size of the application site can in some cases determine the fee payable for the application and should be carefully drawn. • A blue line must be drawn around any other land owned by the applicant, close to or adjoining the application site. <p><i>*The red line land should not include the publicly adopted highway unless the application proposal includes changes to the highway and in which case the applicant should seek advice from the local planning authority and the highways authority prior to the submission of the application to ascertain if it should be included within the red line boundary.</i></p>
NV8	Block Plan	<p>The block plan should be submitted, at an appropriate scale of 1:500 or 1:200. Plans will not be accepted unless the following is accurately shown:</p> <ul style="list-style-type: none"> • The direction of North; • Scale bar on the plan; • The scale and specified page size at which the original plan was produced (e.g. 1:1000 at A3). <p>And the following unless these would not influence or be affected by the proposed development:</p> <ul style="list-style-type: none"> • All the buildings, roads and footpaths on land adjoining the site including access arrangements. • All public rights of way crossing or adjoining the site; • The position of all trees on the site and those on adjacent land; • The extent and type of any hard surfacing; and • Boundary treatment including walls or fencing.

In addition to the location plan and block/layout plan, other plans should be submitted (dependent on the type of application and development proposed) to explain the proposal in detail. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. Where existing buildings and or walls are to be demolished these should also be clearly shown.

Existing and proposed elevations:

All elevations should be submitted drawn to a scale of 1:50, or 1:100 and should show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and orientations labelled. It will not be sufficient to state front, side and rear elevation.

Elevations should indicate the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.

Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.

Existing and proposed floor plans:

These should be shown at a scale of 1:50 or 1:100 and be labelled to show the existing and proposed usage. Where buildings or walls are to be demolished these should be clearly shown. New buildings should be shown in relation to adjacent buildings.

Existing and proposed site sections and finished floor and site levels:

In cases where a proposal involves a change in ground levels or is on a sloping site, drawings at a 1:50, 1:100 or 1:200 scale should be submitted showing a cross section through the proposed building or site. Illustrative drawings should be submitted to show both existing and finished levels. The drawings may take the form of contours, spot levels or cross or long sections as appropriate.

Roof Plan

A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for floor plans. Details such as roofing materials, vents and their location are typically specified on a roof plan.

Proposed Landscaping or Restoration Plans

Where a development involves changes to land contours, soils, substrates, waterbodies, vegetation and/or landscape features then a proposed landscaping and restoration concept is expected to be depicted on one or more plans.

Table 2: Local Validation Requirements

Code	Local Validation Requirement	When is this required? Development type/Location	What information is required?	National / Local Policy
LV1	<p>Heritage Strategy/ Archaeology Assessment</p> <p><i>These may be combined into one Heritage Strategy where both heritage and Archaeological designations apply</i></p>	<p>Heritage Strategy: Applies to all development proposals which will/may impact designated Heritage Assets and/or their settings (including conservation areas and locally listed buildings)</p> <p>Archaeology:</p> <p>Applications for major development.</p> <p>Applications for development known to be on or adjacent to a heritage asset of archaeological interest.</p> <p>Applications for development on sites of Archaeological potential.</p>	<p>Heritage Strategy It should include a schedule of works to the heritage asset(s); an analysis of the significance of the archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the heritage asset, its setting and the setting of adjacent heritage assets may be required*.</p> <ul style="list-style-type: none"> • Heritage Assets are shown on the Local Plan policies map here • Full listing descriptions can be obtained from Historic England here • Historic England have a wide range of useful documents available here <p>Archaeology Assessment An appropriate desk-based assessment and, where appropriate, a suitable field evaluation to include the assessment of the character, condition and extent of any archaeological remains*.</p> <p>Where remains are identified and considered to be of specific importance, it should be demonstrated how the development has been designed to enable the preservation in situ, or if appropriate arrange for excavation, recording, analysis and reporting of the remains.</p> <p>As a minimum the Council recommends that the Historic Environmental Record is consulted full details</p>	<p>ENV13 – Conservation & Enhancement of Heritage Assets</p> <p>ENV14 – Conservation Areas</p> <p>ENV15 – Archaeology</p> <p>National Planning Policy Framework 2021</p>

			<p>of Kent Archaeology can be found here</p> <p>Areas of Archaeological potential are shown on the Local Plan policies map here</p> <p><i>* The scope and degree of detail required will vary according to particular scale and circumstances of each application</i></p>	
LV2	External Lighting Scheme	All development proposals where external lighting is proposed	<p>Full lighting scheme – Requirements as set out in policy ENV4 and Dark Skies SPD</p> <p>The Ashford Borough’s Dark Sky Zone Area Designations can be viewed on the Local Plan policies map here</p> <p>Further information can be found via the Institute of Lighting Professionals .</p>	Policy ENV4 – Light Pollution and Dark Skies
LV3	Flood Risk Assessment	<p>All Major Developments</p> <p>All developments in Floodzone 1 when:</p> <ul style="list-style-type: none"> - The site is 1 hectare or greater; - The site is less than 1 hectare but has critical drainage problems; - The site is less than 1 hectare and includes the change of use of development type to a more vulnerable class where they can be affected by sources of flooding other than rivers and sea (e.g. surface water, drains) <p>All new built development within Flood Zones 2 and 3</p>	<p>Site Specific Flood Risk Assessment (FRA) - where one is required under the National Planning Policy Framework. Advice from national government is provided here.</p> <p>The Assessment will include supporting evidence including, but not necessarily limited to, plans, drawings and calculations.</p> <p>For Flood Zones 2 & 3 applicant must address requirement for Flood Risk sequential test/exception test as set out in NPPF & PPG.</p> <p>Flood Zone maps of Ashford Borough are available here</p> <p>Technical Guidance</p> <p>Planning Practice Guidance Flood Risk</p>	<p>ENV6 – Flood Risk</p> <p>National Planning Policy Framework 2021</p>

LV4	Sustainable Drainage Strategy	All development proposals (set out in SPD)	<p>This will include your overall approach and your rational in terms of preferable alternatives to surface water management having regard to sustainable drainage hierarchy as set out in the SPD</p> <p>All Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate. Where possible, SuDS features should provide multifunctional benefits and have maintenance arrangements in place to ensure an acceptable standard of operation is achieved throughout the lifetime of the development.</p>	Policy ENV9 - SuDS
LV5	Renewable Energy Statement	Major applications and all applications for renewable energy production.	<p>Supporting statement addressing policy ENV10 criteria</p> <p>In the case of all new renewable energy production facilities, information regarding how the local environment will be protected.</p>	Policy ENV10 - Renewable and Low Carbon Energy
LV6	Employment/ Local Services Statement	Proposals for loss of existing employment premises or loss of shops/services in a village or local centre & where seeking to justify proposals in relation to viability of current use.	Supporting statement including evidence of marketing to justify loss of employment premises or local services, as set out in Policy EMP2 or EMP10.	EMP2 – Loss of Employment EMP10 – Villages and Local Centres
LV7	Fibre to the Premises Statement	<p><u>All</u> residential and employment schemes in or adjoining Ashford urban area</p> <p>For the rest of borough – applies to schemes of 10 or more dwellings</p>	Fibre to the Premises Statement as set out in the Fibre to Premises SPD and Policy EMP6.	EMP6 – Fibre to the Premises

		or employment promoting 10 or more jobs		
LV8	Vehicle Parking, Cycle Storage Plan and Electrical Charging Points	Proposals for new dwellings, alterations to existing dwellings and/or new or changes to employment premises.	<p>Information should include all existing and proposed commercial and/or residential vehicular parking spaces and cycle storage areas in new developments. Information should also be provided, where possible, of electric vehicle charging points.</p> <p>Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified.</p> <p>This should be included on a scaled plan.</p> <p>Further guidance for residential parking requirements can be found in Residential Parking SPD</p>	Policy TRA3 - Parking Standards & TRA6 - Cycling Provision
LV9	Transport Statement/ Assessment and/or Travel Plan	Major development proposals	<p>Transport Statements should be used where development has a limited transport impact. Transport Assessments should be used where more impact is likely and mitigation measures are probably needed. Travel plans are required when long term management strategies are required to deal with significant transport impacts.</p> <p>Where appropriate the Council will liaise with relevant transport authorities in order to establish which evidence is required.</p>	TRA8 – Travel Plans, Assessment and Statements National Planning Policy Framework 2021
LV10	Stodmarsh Mitigation Strategy	All applications for new housing and overnight accommodation within the Stour Catchment Area or that will discharge into identified Wastewater Treatment Works. (Bybrook, Lenham, Wye, Sellindge or Chartham WwTW)	<p>The Stour Catchment area is mapped here.</p> <p>Submission of Mitigation Strategy / Appropriate Assessment must include:</p> <ul style="list-style-type: none"> Quantify the nutrient loading associated with the proposed development in line with the latest Natural England methodology. Identify suitable mitigation to achieve nutrient neutrality. <p>More information on requirements are located here:</p>	ENV1 – Biodiversity National Planning Policy Framework 2021

LV11	Ecological Surveys	Any development on or adjacent to designated nature conservation sites (including Local Wildlife Sites) or developments which will result in the disturbance of wildlife habitats including semi- natural open space and buildings with bat roost potential.	<p>All designations can be found on the Local Plan policies map here.</p> <p>A free online tool for householders and small to medium-scale developers who want to undertake a development project to check whether they will need expert ecological advice before submitting a planning application is available here.</p> <p>Ecological survey reports should include a description of the proposal; desk study and field survey (extended Phase 1 habitat survey and detailed species surveys as necessary relating to the site and adjacent area likely to be affected by the proposals). Evaluation of features and assessment of the likely impacts of the proposal; discussion of mitigation, compensation and enhancement measures should be included within the report (with reference to the NPPF where appropriate). The mitigation and enhancement strategy should be proportionate to the perceived impacts and should include clear, site-specific prescriptions, rather than general or indicative possibilities, and they should be feasible and deliverable.</p> <p>Surveys should be completed at an appropriate time of the year by suitably qualified and experienced ecological consultants and should comply with published guidance and best practice.</p> <p>Applicants should seek further advice from standing advice here and a map based search can be carried out using Natural England's Magic Map here</p> <p>Further details on Pre-submission screening service for European Protected Species can be found here.</p>	<p>ENV1 – Biodiversity</p> <p>National Planning Policy Framework 2021</p>
LV12	Affordable Housing Statement	Major applications 10 or more dwellings.	Demonstration Compliance with HOU1. Any variation of this should include an evidence based justification. The statement should include the number and mix of units	Policy HOU1 - Affordable

			<p>and floor space of habitable areas of residential units. Scaled Plans showing the location, type, floor space of units and number of bedrooms should also be submitted.</p> <p>A proportion of wheelchair accessible homes will also be required complying with building regulations part M4 (3b). These shall be provided within the affordable rented element of the scheme, capped at a maximum of 7.5%. (See policy HOU14)</p> <p>Where Vacant Building Credit is being claimed, details of period of vacancy and the last known date of use of the building should be included within the application. <i>*Please note that this can form part of the Design and Access Statement</i></p> <p>Commuted sums in lieu of onsite provision will only be accepted in exceptional, justified circumstances as set out in policy HOU1. <i>*See Viability Assessment below if applicable.</i></p>	Housing
LV13	Self and Custom Build Plans/ Design Brief	<p>Residential development 40 or more units - Ashford and Tenterden 20 or more units - Villages and Rural areas</p>	<p>Locations of proposed self-build plots to meet policy requirements must be shown on a scaled plan.</p> <p>Where 5 or more self/custom build are proposed a design brief is also required, which should include a marketing plan.</p>	Policy HOU6 – Self and Custom Build
LV14	Residential Space Standards Compliance Checklist	<p>Dwelling mix - Major residential schemes of 10 or more dwellings</p> <p>External open space – All new dwellings</p>	<p>A detailed list and block plan must be provided to show the amount and location of dwelling types and sizes in accordance with Policy HOU18.</p> <p>Scaled plans must be provided to show compliance with external open space standards in accordance with Policy HOU15.</p>	<p>Policy HOU18 - Dwelling Mix</p> <p>Policy HOU15 - External Space Standards</p>

		Residential space standard – All new dwellings	Details of floorspace and scaled floorplans must be provided for all new dwellings to show compliance with residential space standards in accordance with Policy HOU12.	Policy HOU12 - Internal Space Standards
		Accessibility Standards - Schemes of 5 or more new build dwellings	A proportion of wheelchair accessible homes will be required complying with building regulations part M4 (2). The location of these must be shown on a scaled plan.	Policy HOU14 - Accessibility Standards
LV15	Air Quality Assessment	All Major developments.	Where proposals might lead to a significant deterioration in air quality or national air quality objectives will be exceeded and Air Quality Assessment must be provided as set out in policy ENV12. Further information can be found at: Kent and Medway Air Quality Partnerships Technical Planning Guide and National Planning Practice Guidance	Policy ENV12 - Air Quality
LV16	Minerals Assessment	New development within MSAs or MCAs or within 250m of safeguarded Minerals and waste facilities (Not householder applications)	Kent County Council recommends that all Kent district and borough councils include Minerals Assessments and Minerals and Waste Infrastructure Assessments in the local list of validation information requirements for planning applications within Mineral Safeguarding Areas and Mineral CAs and within 250m of safeguarded minerals and waste facilities. All relevant minerals designations can be found on the Local Plan policies map here .	KCC Minerals and Waste Local Plan and Early Partial Review
LV17	Tree survey and/or associated Arboricultural Impact Assessment	Where works are required to a protected tree (TPO or tree in Conservation Area), and where works are	A Tree Survey should include Give a detailed description of the proposed works, e.g. crown thinning, reduction/topping, lifting, felling or the removal of dead or dying trees, and the reasons for it. Digital photographs of	Town and Country Planning Act 1990, (Section 197-

		proposed to any trees as part of the proposals.	<p>the existing tree(s) should be provided.</p> <p>A structural engineer's or surveyor's report if the work required relates to subsidence damage and arboriculturist's report if the work required relates to the condition of the tree.</p> <p>The Arboricultural Impact Assessment (AIA) considers how a proposed development and the associated/ adjacent trees will co-exist and interact in the present and the future. It should demonstrate how factors such as root protection, changes in levels, installation of services, material storage etc. have been given consideration through the design process and that there will be no significant adverse impacts for important trees. It should also demonstrate consideration for future issues e.g. the long term effect of changing surfacing or levels or the future pressure to prune or remove trees due to shadowing or encroachment.</p> <p>Tree root protection zones should be clearly marked on a scale plan.</p>	198).
LV18	Structural Survey	<p>Required for: The demolition, or partial demolition of a Listed building(s), or The conversion of a Listed building. Conversion of Agricultural Buildings</p>	This should demonstrate that they are capable of conversion without major alterations or rebuilding of the property, for example for barn conversion applications.	<p>Policy ENV13 - Conservation and Enhancement of Heritage Assets</p> <p>Policy EMP4 - Conversions of rural buildings to non-residential uses</p>
LV19	Refuse Storage Facilities	New dwellings including apartments schemes	<p>Details of the proposed facilities for refuse bin storage and collection in new residential dwellings – See informal design guidance</p> <p>Refuse vehicle tracking shall also be provided.</p> <p>Details should be included within the block plan.</p>	Informal Design Guidance

LV20	Viability Assessment	Where schemes are not proposing to meet all policy requirements, such as affordable housing (HOU1), as meeting such requirements would render the proposal not economically viable.	<p>A Viability Assessment (VA) which contains sufficient evidence to enable the Council to properly assess a scheme in accordance with the recommended practice set out in the Royal Institution of Chartered Surveyors (RICS) and the National Planning Policy Framework.</p> <p><i>*notes:</i></p> <ul style="list-style-type: none"> • <i>It is advised that the scope of any VA should be discussed at pre-application stage</i> • <i>An independent review of the VA may be undertaken at the cost to the applicant</i> 	IMP2 – Flexibility, Viability and Deferred Contributions
LV21	Specialist Housing Evidence	Standalone proposals for older persons housing (including C2) / Local Needs Housing	Statement of evidence of need for other types of specialist housing such as older persons housing or Local Needs Housing. This should include reference to any up to date Local Needs Surveys.	Policy HOU2 - Local Needs/Specialist Housing
LV22	Planning Statement including Statement of Community Involvement	All major applications (including change of use).	<p>The statement should identify the context and need for a proposed development and should include an assessment of how the proposed development accords with relevant national and local planning policies, and how consultation has taken place with the local community prior to application submission.</p> <p><i>*The planning statement can incorporate details of other validation requirements such as specialist housing or marketing evidence.</i></p>	National Planning Policy Framework 2021
LV23	Landscape Character Assessment	<p>All development proposals within the AONB</p> <p>All Major development proposals elsewhere</p>	<p>Landscape character assessment (LCA) is the process of identifying and describing variation in character of the landscape. LCA documents identify and explain the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas. They also show how the landscape is perceived, experienced and valued by people.</p> <p>More information can be found in the Ashford Landscape Character SPD</p>	<p>ENV3a/3b – Landscape Character and Design/ AONBs</p> <p>National Planning Policy Framework 2021</p>

			<p>All landscape designations can be found on the Local Plan policies map here.</p> <p>More guidance can be found here – Planning Practice Guidance</p>	
LV24	Sustainability Assessment	Major non-residential development.	Must include evidence of BREEAM standard as set out in Policy ENV11.	ENV11 – Sustainable Design and Construction – non-residential
LV25	Town Centre/ Retail/ Leisure Uses Impact Assessment	Any retail located outside of Ashford and Tenterden Primary Shopping frontages and proposal is 500+ sq.m or other main town centre uses in accordance with NPPF.	<p>This assessment should include :</p> <ul style="list-style-type: none"> • a sequential test • the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and • the impact of the proposal on the vitality and viability of adjacent centres, including local consumer choice and trade, and the wider retail catchment (as applicable to the scale and nature of the scheme). 	EMP9 – Sequential and Impact Tests
LV26	Noise and Vibration Impact Assessment	Instances where the development would generate significant levels of noise or vibration in relation to residential and commercial properties, or it proposes a noise-sensitive use in proximity to a known noise source	<p>An assessment of the source and the impact together with any necessary mitigation measures to reduce disturbance due to noise or vibration to acceptable levels.</p> <p>The noise assessment should be prepared by a suitably qualified acoustician and demonstrate that there is sufficient sound insulation (or other mitigation) to avoid any harm to the adjacent residents.</p>	National Planning Policy Framework 2021
LV27	Environmental Statement (EIA Development)	<p>All EIA development</p> <p>Developments falling within a description in</p>	<p>Environmental Statement to be submitted.</p> <p>(All applications over 0.5ha in size will be screened by the Local Planning Authority to determine whether an</p>	National Planning Policy Framework 2021

		<p>Schedule 1 of the Environmental Impact Assessment (England and Wales) Regulations 2017 require EIA.</p> <p>Development of a type listed in Schedule 2 to the 2017 EIA Regulations may require EIA</p>	<p>Environmental Statement is required.</p> <p>This screening can be requested prior to an application being submitted)</p>	<p>Environmental Impact Assessment (England and Wales) Regulations 2017</p>
LV28	Fire Statement	<p>All applications for planning permission for development which involves the provision of one or more relevant buildings, or development of an existing relevant building or development within the curtilage of a relevant building.</p> <p>A relevant building is one which contains two or more dwellings or educational accommodation and meets the height condition: 18 metres or more in height, or seven or more storeys.</p>	<p>A fire statement to be submitted unless an exemption applies.</p> <p>The fire statement must be submitted on a form published by the Secretary of State for planning permissions made on or after 1 August 2021. It should set out the fire safety design principles, concepts and standards that have been applied to the development.</p>	<p>Guidance: Fire Safety and High Rise Residential Buildings (August 2021)</p>



Rep	Respondent	Comment	ABC Response
1	ABC Building Control	From 1/8/21 - Fire statement should be submitted from a suitably qualified professional to support an application with in scope buildings over 18m residential / 7 storeys	The comments are accepted and the checklist will be amended accordingly
2	Chilham Parish Council	Members felt that there should be advice to householders on how to produce drawings to the maximum size required: frequently, when you try to upload a drawing only to find it is not accepted because it exceeds the maximum specified. Certain apps. can be used to help on reducing the size of uploads. Frequently drawings are not scaled. The scale should be clearly marked on a drawing. Not enough emphasis is placed on renewable energy or reduction in carbon emissions.	Information is contained within the validation checklist which specifies the scales that are required. Furthermore at paragraphs 27 & 29, links are given to specific householder applications which include a "Get It Right First Time" document which helps for householder applications. Paragraph 23 also explains the limit on file size (5MB) which can be accepted via the planning portal
3	Tenterden Town Council	First response (13.7.2021) was not completed. Second response (29.7.2021) stated: With the growing popularity of Hybrid applications, clarity needs to be brought to bear on two particular documents. NV6 Design and Access and LV22 Planning Statement. It is important that the explanation of outline permission and full permission text is not comingled, but separated so a consultee can easily agree or object to both, or in fact agree to one and object to the other.	As far as the Design & Access Statement is concerned, as explained in the checklist a Design & Access Statement is a short report accompanying and supporting a planning application to illustrate the process that has led to the development proposal and to explain the proposal in a structured way. The level of detail required in a DAS depends on the level of complexity of the application and the length of the statement should vary accordingly but need not be long. Likewise a Planning Statement (LV22) should identify the context and need for a proposed development and should include an assessment of how the proposed development accords with relevant national and local planning policies, and how consultation has taken place with the local community prior to application submission. When it comes to hybrid applications, whilst a Design & Access Statement and Planning Statement (if required) should make reference to the hybrid nature of the application, it is also part of the validation process to ensure that the "hybrid" nature of the development is clearly

Rep	Respondent	Comment	ABC Response
			outlined in the description which is routinely carried out. It is perfectly plausible for consultees to comment as they see fit.