

# REPORT FOR DECISION

**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 19th APRIL 2011

**SUBJECT:** VALIDATION CHECKLIST CRITERIA -  
ADDITION FOR APPLICATIONS FOR WORKS TO  
TREES

**REPORT FROM:** DEVELOPMENT MANAGER

**CONTACT OFFICER:** JOHN CUMMINS

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**TYPE OF DECISION:** PLANNING CONTROL COMMITTEE

**FREEDOM OF  
INFORMATION/STATUS:** This paper is within the public domain

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**SUMMARY:** The report describes the amendments set out to the regulations for the validation of planning applications and in this instance the adding of criteria for applications for works to trees in Conservation Areas (Section 211 Notice) and those in designated Tree Preservation Orders.

**OPTIONS &  
RECOMMENDED OPTION** The Committee is recommended to approve the addition to the Validation Checklist and agree to publish the additional criteria for a consultation period of 14 days.

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## IMPLICATIONS:

**Corporate Aims/Policy  
Framework:** Do the proposals accord with the Policy Framework? Y

**Financial Implications and Risk  
Considerations:** Director of Finance and E-Government to advise regarding risk management N/A

**Statement by Director of Finance  
and E-Government:** N/A

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<b>Equality/Diversity implications:</b>	N/A
<b>Considered by Monitoring Officer:</b>	N/A
<b>Are there any legal implications?</b>	No
<b>Staffing/ICT/Property:</b>	N/A
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	N/A

### Introduction

Following the adoption of local criteria for the determination of applications in February 2011 additional criteria are now to be set for applications involving works to trees in Conservation Areas and in designated areas covered by Tree Preservation Orders.

Prior to the 1<sup>st</sup> April 2011, all applications for works to these trees were considered by the Landscape Section and from the 1<sup>st</sup> April 2011 it has become the responsibility of the Development Management Team.

In line with all other applications for Planning Permission, there is now national application forms and information that are required to support applications for works to trees and it is intended that we will also require all applications to be supported by a report from a suitably qualified Arboriculturalist or tree surgeon confirming that the works are necessary and proportionate. This supporting document will be a requirement of our Local Validation Checklist.

### Policy

All applications must as a minimum provide the following:

- Mandatory national information requirements;
- The standard application form;
- Information to accompany the application as specified by the local planning authority on their local list of information requirements.

This information will enable the local planning authority to validate an application for Planning permission and begin its determination.

In preparing or reviewing the local lists, Local Planning Authorities (LPA) must take into account the following principles:

<b>Policy Principles for Local Lists</b>	
Principle	Key Considerations
Necessity	All local list requirements should be based on statutory requirements, national, regional or adopted local policy, or on published guidance which explains how adopted policy should be implemented.
Precision	It should be clear what types of development require the provision of particular supporting information. Where appropriate, the LPA should also identify specific areas where the information requirement arises.

Proportionality	The information required is likely to be dependent on the nature and scale of the proposal and the sensitivity of its location. Where possible, the LPA should identify size thresholds below which certain information is not required or where only limited information is required.
Fitness for Purpose	It should be clear what information is required – with a strong emphasis on a proportionate approach and succinct documents.
Assistance	For each element of the list it should be clear where further information or answers to queries can be obtained.

### **Publicity**

In order for local lists to have a material bearing on supporting information and requirements for planning applications and their validity, the LPA must publish its local list on the Council’s website and the date of its publication.

Bury Council already have a local list of requirements on the web site and as such, the process being undertaken is an amendment of the current lists.

### **Validation of Applications**

This process is an administrative and effective check that statutory requirements have been met for a valid application. It is for the LPA to make sure that the necessary supporting information and fee (where applicable) has been provided by the applicant or their agent and once satisfied the LPA must proceed to determine the application within nationally set time periods specified within Article 20 of the General Development Procedure Order (GDPO).

The validation process is a quantitative exercise and not a qualitative one and as such the quality of what is submitted should be a matter of judgement during the determination process not the validation process.

Given the fact that any works to a tree in a Conservation Area or covered by a Tree Preservation Order need to demonstrate its necessity and its impact on the tree and its amenity value it is considered that a report should be submitted with an application covering these points to allow an application to be properly considered.

If a submitted application lacks the necessary information as stated on the local list, then the LPA is entitled to invalidate the application and so decline to determine it or determine it as it stands on the basis of the information supplied prior to validation (see notification of validity/invalidity below).

If LPA’s consider that the quality of the supporting information is inadequate, an applicant may appeal to the Planning Inspectorate under section 78 of the Town and Country Planning Act 1990 with the relevant ground being non-determination within the 8 determination period.

### **Notification of Validity/Invalidity**

Once an application is received and is accompanied with the necessary information, it shall be validated and proceed through the assessment process through to determination. Currently, no fee is required for the processing of these types of application but should this become required by Statutory Instrument, the fee paid for any applications received will be banked immediately on receipt for security reasons.

Notification shall be provided to the applicant in writing or in similar terms such as email, confirming the validity/invalidity of the application and the statutory start date

and determination period. Currently Bury Council does this on average in 2 working days for all applications and 3 to 5 working days for major applications. The national requirements are 3 to 5 days and up to 10 days respectively.

In the event of an application being submitted and being invalid, the LPA shall notify the applicant or agent in writing that this is the case and will request additional information.

21 days will be allowed for the additional information to be provided. After 21 days, the application will be registered and the assessment/determination process shall begin either with or without the requested information and will be based upon the information received at the point of registration.

Where applications are for Section 211 notifications (prior notifications for works to trees in a conservation area), the application will be refused if the arboriculturalist report is not received in 10 working days, as if not determined within 6 weeks of the date of the submission; the application is deemed to be approved.

Additional information will not be accepted after validation and should the scheme alter as a result of the additional information, a fresh application should be submitted and the one in process withdrawn.

### **Recommendations**

It is considered that all the lists for application validation are considered to be effective and not onerous. In this instance the list is being amended to take on board new responsibilities of the development management Team and current good practice.

It is recommended that the list be amended to include applications for works to trees in a Conservation Area and those covered by a Tree Preservation Order.

### **It is therefore recommended that the revised Validation Checklist be approved.**

The next steps are to publish the suggested amendments on the Council's website and a report on any observations received together with a final recommendation to adopt the updated list will be made to the Planning Committee meeting at its meeting on 25<sup>th</sup> May 2011.

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### **List of Background Papers:-**

National Application Form  
Statutory Requirements for completion of Application Forms  
Proposed Checklist – Appendix E

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