

Divisions Affected – All

PLANNING AND REGULATION COMMITTEE

Date 31st March 2025

Update to the Local List of Validation Requirements for County Matters (Minerals & Waste) and County Development (Regulation 3) Planning Applications submitted to the County Council

Report by Planning Development Manager

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Recommendation

It is **RECOMMENDED** that the proposed Local List of Validation Requirements 2025, as set out in Annex 1 of this report, is adopted to replace the Local List of Validation Requirements 2023, in order to meet the statutory requirement of updating the List.

Introduction

1. It is a statutory requirement to update the Local List of Validation Requirements for County Matters and County Development Planning Applications, hereby referred to as the Local List, at least every two years. If it is not revised within two years, then it cannot be used for the purposes of validating planning applications.
2. The Planning and Regulation Committee most recently considered an updated Local List in December 2019 and resolved to adopt and publish the document after a 3-week public consultation. The Local List 2021 was published in August 2021 following a public consultation in Summer 2021. To meet the requirements of being reviewed every two years, it was reviewed and republished without changes in September 2023. A full review was undertaken in 2024 following the introduction of statutory Biodiversity Net Gain (BNG). The Local List was first reviewed by internal consultees following an internal consultation that ran between 19/01/2024 to 09/02/2024.
3. This application is for the adoption of the proposed Local List 2024, that underwent a formal public consultation period between 11/11/2024 to 02/12/2024. A total of 25 responses were received, six from external consultees, and nineteen were received from internal consultees. The majority of responses provided suggestions or comments for amendments in the Local List, while others either had no objection or no comments to make.

4. A summary of the consultation responses received are provided in Annex 2. The full versions can be viewed on the Planning Register website, using the reference [LL.0119/24](#).
5. The proposed Local List September 2024 is provided in Annex 1 and the current Local List 2023 is available on the [Council's website](#) as guidance for when making a planning application.

Modifications Following Internal Consultation (January-February 2024)

6. Several additions and changes were incorporated into the Local List following internal consultation, of which includes:
 - Text referring to the Aftercare and Restoration scheme was updated to include requirements on securing Biodiversity Net Gain (BNG).
 - Information on Biodiversity Assessment was also similarly updated with references to new legislation and BNG requirements.
 - Additional information on desk-based assessments for Heritage and Archaeological Statements was included.
 - The addition of the Biodiversity Net Gain – Further Information, Carbon Management Plan, Climate Impact Assessment and Health Impact Assessment.
 - The graph in Appendix 1 was updated to show optimal Ecological Survey Seasons.
 - Information regarding DEFRA European Protected Species policies and information on the Great Crested Newt Licence was also updated in Appendix 3.
7. Further minor changes to update all references and links to the 2021 National Planning Policy Framework to refer to the 2024 National Planning Policy Framework. Similarly, all references to Areas of Outstanding Natural Beauty (AONB) have been revised to refer to National Landscapes (NL). Links to relevant planning policy drivers and related guidance have been updated.

Modifications Following Public Consultation in (November-December 2024)

8. Internal consultees provided further clarification on sections relevant to their expertise in the Local List to ensure guidance is accurate and comprehensive. Therefore, updates to text in the Local List regarding Biodiversity, Landscape, Public Rights of Way and Transport Development Management were made. The external consultee Historic England also

requested several minor changes. The changes made in response to the consultation comments includes:

- The incorporation of references to mandatory BNG requirements for all application in the text as well as Validation Checklist tables. Several clarifications and additional information provided as well as links to the relevant BNG Planning Practice Guide page. Inclusion of the reference to Oxfordshire's Local Nature Strategy (LRNS), which is due for completion in Autumn 2025 and its importance for strategic developments. Removal of specific species information, updates to certain terms and data.
 - An update to emphasise the requirement for the impacts of restoration on the special qualities of National Landscapes to be assessed. A statement regarding the frequent use of a Habitat Management and Monitoring Plan (HMMP), as required for BNG, to replace the role of a Landscape Management Plan (LMP), but with exceptions for certain cases where the development includes elements of structures and hard landscape. An addition of a reference in the 'Landscape and Visual Impact Assessment' to the most up to-date guidance on visualisation by the Landscape Institute as well as policy documents for road schemes. Inclusion of additional information regarding the section 'Outdoor Lighting/Floodlighting Scheme' regarding the requirements of the colour temperature in the lighting details.
 - An update to the section on 'Public Rights of Way' to include additional explanations on PRow(s) as well as changes to wording and information added.
 - Following on from the previous response of the Transport Development Management in the internal consultation period, changes were requested to for the inclusion of a Transport Assessment
 - Minor updates to the section on 'Heritage and Archaeological Statements'. Changes included a more comprehensive definition of the historic environment, consistent reference to World Heritage Sites and ensuring information is cohesive within the text.
9. In addition, amendments to all references and links referring to the 2023 National Planning Policy Framework have been updated to refer to the 2024 National Planning Policy Framework.

Financial Implications

10. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

11. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

12. In accordance with Section 149 of the Equality Act 2010, in considering this proposal, due regard has been had to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. It is not however considered that any issues with regard thereto are raised in relation to consideration of the updated Local List.
14. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any such issues are raised in relation to consideration of the updated Local List.

Conclusion

15. This report provides details of the consultation held on proposed changes and updates to Oxfordshire County Council's Local List of Validation Requirements. Further changes have been made to the updated Local List, further to comments received during the consultation periods and it is now recommended that the updated Local List is adopted and published on the website so that it can be used for application validation purposes.

RECOMMENDATION

16. **The Planning & Regulation Committee is RECOMMENDED to adopt and publish the updated Local List of Validation Requirements, as set out in Annex 1.**

David Periam
Planning Development Manager

Annex 1 – Proposed Updated Local List March 2025

Annex 2 – Summary of Consultation Responses

Councillor Ian Snowdon

1. Responded, No Objection to the proposed document.

Councillor Susanna Pressel

2. Responded, No Objection to the proposed document.

Councillor Charlie Hicks

3. Responded, no direct comments regarding the proposed document.

West Oxfordshire and the Vale of White Horse District Councils

4. Responded, No Objection to the proposed document.

Abingdon-on-Thames Town Council

5. No Responded, No Objection to the proposed document.

Banbury Town Council

6. Responded, No Objection to the proposed document.

Faringdon Town Council

7. Responded, commented on the inclusion of a Construction Traffic Management Plan in the Local List of Validation Requirements.

Milton-under-Wynchwood Parish Council

8. Responded, No Objection to the proposed document.

Northmoor Parish Council

9. Responded, No Objection to the proposed document.

Risinghurst and Sandhills Parish Council

10. Responded, requested that applicants for new properties should be required to correctly and clearly number new properties. However, the County Council does not directly manage new properties.

Sutton Courtenay Parish Council

11. Responded, commented on the use of Section 73 planning applications and the impact on the local communities such as noise, traffic and air quality. Also raised concerns regarding the restoration and implementation of aftercare plans for the surrounding communities. For Section 73 applications, suggested the inclusion of a justifiable explanations for the application as well as evidence that it will not harm the communities and that the cumulative impact of other Section 73 application do not 'fundamentally change' the intent of the original planning decision contrary to Section 73 of the Town and Country Planning Act 1990.
12. The reasons for each condition are stated in the decision notices of the original permission and a justification for the changes, as well as the planning history of the site are usually included where Supporting Statements are provided.

Swyncombe Parish Council

13. Responded, No Objection to the proposed document.
14. Initially requested the inclusion of single/ large scale wind farms, industrial and individual scale solar panels, heat pumps and infrastructure developments in the Local List. However, as the above are usually dealt with as applications for the District Council, unless the County Council is the applicant, it is generally not required to include it in the Local List of Validation Requirements for the County Council. Following this, Swyncombe Parish Council agreed and accepted the document.

Thame Town Council

15. Responded, no comments offered.

OCC Transport Development Management

16. Responded, provided further comments regarding the wording of the Transport Assessment and Transport Statement on pages 12, 28 and 47 regarding Transport Development.

OCC Public Rights of Way

17. Responded, provided a revised replacement for the section on Public Rights of Way on page 41.

OCC Local Lead Flood Authority (LLFA)

18. No response to consultation received.

OCC Climate Action Team

19. Responded, No Objection to proposed document.

OCC Ecology

20. Responded, provided clarification for pages 3 and 4 of the section 'Pre-application discussion', regarding the emphasis of the mandatory BNG condition for all applications in order to satisfy policies of the NPPF and local planning policies. On pages 12 and 13, requested emphasis of the five-year aftercare period will also be the first five years of the 30-year Habitat Management and Monitoring Plan (HMMP). Inclusion of further information and links were also suggested. Requested the reference to The Local Nature Recovery Strategy (LNRS) on the 'Biodiversity Assessment' section on pages 15 and 16. Commented on the clarification that habitat condition assessment sheets should be of both baseline and proposed habitats on pages 17 and 18.
21. Requested the inclusion of BNG requirements in the tables listed in 'Part Three – Validation Checklists'. Additionally suggested that the information on bat survey timings on page 66 coincide with current guidance from the Bat conservation Trust. Removal of the reference to dormouse foodprint tunnels on page 67. Minor amendments and additional information, including the optimum time for 'River Habitat/MORPH' in Spring and Autumn were suggested. Requested that information on how the LRNS will influence strategic significance for developments that are subject to mandatory BNG is included.

OCC Archaeology

22. No response to consultation received.

OCC Arboricultural

23. No response to consultation.

District Council Environmental Health Officer (EHO)

24. There are no comments or objections to the updates with regard to the requirements for air quality, dust, land contamination, lighting, ventilation/extraction, and noise.

OCC Landscape

25. Responded, requested reference to a Habitat Management and Monitoring Plan (HMMP) as required for BNG, as often it can replace the Landscape Management Plan (LMP) in many situations. Commented that a separate LMP might still be required in cases where the development includes other elements not covered by the HMMP, e.g. structures or hard landscape materials and elements. Recommended the inclusion of the awareness on the impacts of the restoration on the special qualities National Landscapes. Provided additional information regarding the Landscape and Visual Impact Assessment (LVIA) as well as the section 'Outdoor Lighting/Floodlighting Scheme (including a lighting design calculation and ecology assessment)' on page 39, regarding the requirements of the colour temperature in lighting details.

OCC Mineral and Waste Policy

26. Responded, no comments offered. Requested that the link in the Mineral Resource Assessment section is corrected.

Designing Out Crime Officer

27. Responded, requested consideration on the inclusion a site Security and Access strategy for applications for major development (the site area exceeds 1 ha or more / the proposed floorspace exceeds 1,000 m² or more) and for applications regarding residential developments of 10 or more dwellings. Commented that the Security and Access strategy demonstrates that the risk of Crime and Antisocial behaviour and appropriate design measures have been taken into account regarding the development.
28. Referred to guidance available from paragraphs 96 and 135 of the NPPF 2024, Section P.3 of the National Model Design Code, and The Oxfordshire County Council Street Design Guide.
29. However, this is usually not applicable to County Matters such as mineral extraction, quarry sites and roads, but has the potential to be relevant for Regulation 3 development, including schools.

Natural England

30. Responded, No Objection to proposed document.

Chilterns Society

31. Responded, commented on the extension of the requirement to provide a Sustainability/Climate Change Statement to all Regulation 3 applications.

Historic England

32. Responded, provided comments for changes regarding the section 'Heritage and Archaeological Statements' on pages 26, 27, 48, 56 and 61. This included small amendments to the text regarding certain terms, the wording of a paragraph and the consistent inclusion of World Heritage Sites.

Exolum Pipeline System Ltd

33. Responded, No Objection to the proposed document. Confirmed the circumstances when Exolum Pipeline System Ltd should be consulted on planning applications.

National Highways

34. Responded, no comments offered.

Sport England

35. Responded, No Objection to the proposed document. Provided a copy of the consultation guidance checklist prepared by Sport England to consider.

Thames Water

36. No response to consultation received.

Environment Agency

37. No response to consultation received.

BBOWT

38. No response to consultation received.

CPRE

39.No response to consultation received.

Ramblers Association (The Footpath Secretary)

40.No response to consultation received.

Open Spaces Society

41.No response to consultation received.