

Review of the List of Local Validation Requirements

Purpose of the Report

The purpose of this report is to:

- Identify amendments that are considered necessary to the List of Local Validation Requirements taking into account any changes to statutory requirements, policies in the National Planning Policy Framework and the development plan, or published guidance following the publication of the current List.
- Seek approval to undertake consultation on the revised list

Recommendation

1. That the Committee agrees to approve the revised list of Local Validation Requirements as set out in Appendix B to this Report for public consultation purposes
2. That the Committee agree to receive a further report setting out recommendations on the outcome of the consultation before adoption of the revised list of Local Validation requirements is considered

1.0 BACKGROUND

- 1.1 Since 1st October 2010 the validity of planning applications received by this Council as a Local Planning Authority (LPA) has been informed by its List of Local Validation Requirements (LVR). The LVR sets out what information, over and above the national requirements, is necessary to accompany planning applications. The latest LVR (attached at Appendix A) was published, following a review and consultation exercise, on 1st October 2013. Unless the Council before 1st October 2015 reviews and publishes a new list or announces on its website that no changes are necessary, the information requirements set out in the current list will have no bearing on whether a planning application is valid after from 1st October this year. In addition to being specified on an up-to-date List of LVRs information requested with a particular planning application must now be
- Reasonable, having regard, in particular, to the nature and scale of the proposed development
 - About a matter which it is reasonable to think will be a material consideration in the determination of the application

- 1.2 Action 8(a) of the agreed Planning Peer Review Action Plan is to review local validation requirements to determine whether more applications should require to be accompanied by 'Heads of terms' (of possible legal agreements that might be required) or whether actual draft agreements should be required, as a precondition of validation.

2.0 THE REVIEW PROCESS

- 2.1 Guidance on the review process for LPAs is set out in the national Planning Practice Guidance (PPG). It sets out 3 steps

Step 1 – Reviewing the existing list by identifying the drivers for each item on their existing Lists of LVRs. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Step 2 – Consulting on the proposed change.

Step 3 – Finalising and publishing the revised local list – consultation responses should be taken into account when preparing the final revised list.

- 2.2 The review that has now been undertaken has only identified limited change as being necessary as there has been limited change to statutory requirements and no material change to policies. It is important to note that it remains the Government's policy on LVRs that LPAs should take a proportionate approach to the information requested in support of planning applications. LPAs should only request supporting information that is relevant, necessary and material to the application in question.
- 2.3 The main change proposed is the removal of information item 16 (Planning Obligations/Draft Heads of Terms) from the List of LVRs. Published guidance on LVRs, set out in the PPG states that the purpose of planning obligations is to make development acceptable in planning terms. The guidance states that this is about mitigation, rather than just identification of impact (that being the purpose of LVRs). While it can be good practice to submit information about planning obligations or heads of terms alongside an application it should not, according to the Guidance, normally be a requirement for validation of a planning application. If such a requirement is to be included in a List of LVR the guidance states that the local planning authority should be able to justify their inclusion in relation to any particular development. It has not been possible to identify any particular type of development where this requirement is justified in light of such Government Guidance.
- 2.4 Other changes proposed are removal of references to Local Plan policies which are no longer saved, and of references to planning practice guidance that was superseded by the publication of the Planning Practice Guidance in March 2014. In addition the threshold in rural areas where an Affordable housing statement is required has been amended at information item 1 - to reflect the Government policy changes set out in the Ministerial Statement of 28th November 2014 (as reported to the Planning Committee at its meeting on 31st March 2015).
- 2.5 The proposed changes are identified on the draft revised List of LVRs attached at Appendix B. To assist in the identification of the changes, the parts of the current List of LVR that are considered should be removed are struck through by a line and amendments are highlighted in grey.
- 2.6 Further consideration is being given to the information contained within the column titled 'where to look for further assistance' to ensure that all the information referred is the most up to date guidance available and is correct.
- 2.7 A consultation period of 6 weeks is considered appropriate. The following organisations and individuals will be contacted directly by letter or e-mail.
- statutory and key non-statutory consultees
 - Top 40 agents (ranked by number of applications submitted) who have submitted a planning application since the 2013 LVR was published

Comments from the local community will be sought by means of a notice in the Sentinel, and through notices in all the Service Centres within the Borough.

- 2.8 At the end of the consultation, the responses received to it, if any, will be assessed and a report then submitted to the Planning Committee, who will make the final decision on whether to adopt the new List.