

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 (LLVR). The LLVR sets out what information, over and above the national requirements, is necessary to accompany planning applications. The latest LLVR (attached at Appendix A) was published, following a review and consultation exercise, on 1st October 2015. Unless the Council before 1st October 2017 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 that date. In addition to being specified on an up-to-date List of LVRs information requested by the LPA for 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 Applicants can either provide the requested information, or use the procedure to resolve disputes over the information to be provided with a planning application.

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 any proposed changes.

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 introduction of an information item relating to the need for a lighting assessment where proposals involve the provision of external lighting in certain locations.
- 2.4 Other changes proposed are removal of guidance in the 'where to look for further assistance' which is no longer in place, and the addition of further guidance which has been identified.
- 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 The PPG indicates that where a LPA considers that changes are necessary, the proposals should be issued to the local community including applicants and agents, for consultation. No further advice is given in the PPG. In previous consultations a period of 6 weeks has been set aside for the consultation, but on the basis of the limited interest previously received other than from statutory and non-statutory consultees and agents, and practice by other authorities a consultation period of 3 weeks is considered appropriate. Staffordshire County Council has recently set aside such a period for their consultation on changes to their LLVR. The following organisations and individuals will be contacted directly by letter or e-mail.
- statutory and key non-statutory consultees, including Parish Councils
 - Agents who have submitted a planning application relating to major development since the 2015 LLVR was published

Even though participation by members of the public is not expected, on the basis of past experience, to ensure that they have at least the opportunity to respond to the consultation a notice would be placed in the Sentinel

- 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.

Date Report Prepared 26th July 2017