

## **List of Local Validation Requirements for planning and listed building consent applications**

### **Purpose of the Report**

The purpose of this report is to seek approval of a revised List of Local Validation Requirements for the following reasons:-

- The existing List of Local Validation Requirements was published almost two years ago and must be reviewed if it is to continue to form part of the validation of planning applications process from 1<sup>st</sup> October 2017.
- To ensure that the approved List of Local Validation Requirements reflects 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.
- To provide applicants with more certainty as to what will be required when submitting a planning/listed building consent application,
- To enable the Council as the Local Planning Authority to make proportionate requests for additional information to assist in the consideration of development proposed within a planning/listed building consent application, and
- To enable the Council to refuse to register an application which is not supported by information that is identified on the List of Local Validation Requirements as being necessary in the consideration of the development proposed.

### **Recommendation**

**That Committee approves the revised List of Local Validation Requirements, to be circulated before the meeting, for publication on its website and use in the validation process.**

### **Reasons**

A revised List of Local Validation Requirements (LLVR) has been prepared by your Officer and is in the process of being amended in response to comments received through consultation. The adoption of such a List will enable the Council to continue to require the provision of information, over and above the submission of application forms, certificates of ownership and plans (i.e. the national validation requirements), to support a planning application for the purposes of validation.

## **1.0 Introduction**

- 1.1 The purpose of this report is to advise members of revisions to the LLVR reflecting changes to policy and in response to comments received through consultation; and to seek Committee approval of the List so that it can be published on the Council's website and become part of the validation process. A copy of the revised List will be circulated before the meeting which includes all amendments arising from the consultation (as the consultation period had not ended when this report was prepared)

## 2.0 Background

2.1 Validation simply represents a decision by a local planning authority as to what information must be provided within an application prior to the determination as to whether to grant or refuse planning permission/listed building consent. A 'valid' application is not necessarily an acceptable application. Since 6<sup>th</sup> April 2008, when mandatory standard planning application forms were introduced, national statutory requirements for validating applications have been in place. At the same time an option was introduced for local planning authorities to adopt a List of additional 'local' requirements as part of the process of validating applications. The Borough Council has, since 1<sup>st</sup> October 2011, published such a LLVR. Local Validation requirements only apply to applications for planning permission, they do not apply to applications for the approval of the reserved matters of an outline planning permission.

2.2 Current guidance on local validation requirements is set out in national Planning Practice Guidance (PPG) under the heading '[local validation requirements](#)' in the 'Making an application' section. It indicates that anything that is specified on a local list must be

- 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.

2.3 The key purpose of stipulating what a planning application must comprise is to ensure its validity and so LPAs have up front the information that is essential for a sound, timely and confident decision. It also means that statutory consultees and other third parties who look at and comment on applications can have a better understanding as to what permission is being sought, and what the impacts (both positive and negative) are likely to be.

2.4 The Town and Country Planning (Development Management Procedure) (England) Order 2015 reiterates the requirement the effect of which is that for a LLVR to carry any weight and form part of the validation process it must have been published or republished during the 2 years period immediately before the date the planning application is made.

2.5 With respect to applications for listed building consent the LPA can similarly publish on its website a list of its Local requirements, and if it has done so it can then require the submission of an item of information as a requirement of validation. The Borough Council has used a single list to cover both applications for planning permission and listed building consent and the intention is to continue to do so. Although there is no statutory requirement to regularly review the Local List of information requirements for Listed building consent applications the opportunity has been taken to do so

## 3.0 The List of Local Validation Requirements

3.1 It is important to note that if an application submitted lacks the necessary information specified in the Council's List, the Council will be entitled to invalidate the application and so decline to determine it, but it will still need to take a **proportionate** approach when validating, so that applications are not rendered invalid by the omission of an item of information that would add little to the Council's understanding of the development proposal. Pre-application discussion is strongly encouraged so that where possible the information sought by the Council at application stage is proportionate to the nature of the

scheme, and if applicants do not agree with the Council's requirement or an item, they are encouraged to discuss it with the Council.

- 3.2 It is important to note that the quality of the information submitted has no bearing on the decision as to whether the application is a valid one. Applicants are encouraged to submit information to a good standard, and the Council does have the ability to request clarification and further information during the determination process. Procedures are in place within the Council to ensure that officers at an appropriately senior level are involved where disagreements with an applicant about the validity of an application arise, and training has been and will continue to be provided to all officers involved in the validation process.
- 3.3 A validation dispute process was introduced in 2013 together with the ability to appeal against non-validated applications after the normal determination period ends. At an appeal if the Inspector considered that the Authority had unreasonably concluded that further information was required in support of the application and unnecessarily delayed the decision, an award of costs could be made against the Authority. To date no appeals have been lodged on this basis.

#### **4.0 Consultation Process**

- 4.1 The consultation on the draft revised LLVR agreed by the Planning Committee at its meeting on the 15<sup>th</sup> August is taking place over a period of 3 weeks ending on 8th September . The Authority wrote to 38 agents and 22 of the groups and bodies that are consulted as part of the determination of planning applications (consultees) and the Parish/Town Councils. In addition a notice was placed in the Sentinel. The draft revised List of Local Validation Requirements and details of the consultation were published on the Council's website and comment was invited.
- 4.2 The main change proposed is the introduction of the requirement to provide a lighting assessment to the List of LVR for certain application types if external lighting is proposed.
- 4.3 Other changes proposed involves updates to existing local validation requirements and the 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.
- 4.4 The consultation period had not ended at the time this report was prepared and it will therefore be necessary to report any further comments that may be received by means of a Supplementary Report. The Council has, however, received 4 responses from consultees to date.
- 4.5 The comments received to date and your officer's suggested response to them are summarised in the Table attached at Appendix 1. Amendments reflecting the suggested responses received to date have been made to the original draft and the proposed final document will be circulated within a Supplementary report, with all amendments arising from the consultation process highlighted in grey, prior to the Committee meeting.

#### **6.0 Next Steps**

- 6.1 Once the List has been approved it will be necessary to publish it on the Council's website and at that point it will become part of the validation process. This must be done before 1<sup>st</sup> October 2017.

#### **Background Papers**

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

Date report prepared 29<sup>th</sup> August 2017