

## **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 current Development Plan, or published guidance following the publication of the existing List in 2017.
- 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 a revised list of Local Validation requirements.**

## **1.0 BACKGROUND**

- 1.1 Since 1<sup>st</sup> 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 1<sup>st</sup> October 2017.
- 1.2 As set out at paragraph 44 of the National Planning Policy Framework (NPPF), unless the Council before 1<sup>st</sup> October 2019 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. Paragraph 44 goes on to indicate that the Local Planning Authority (LPA) should only request supporting information that is relevant, necessary and material to the application in question. The Development Management Procedure Order 2015 (as amended) states that in addition to being specified on an up-to-date List of LVRs information requested by the LPA for a particular planning application must 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 As set out in the PPG it is expected that both the applicant and LPA should make every effort to resolve disagreements about the information needed to support a planning application to avoid disputes over the information necessary to validate an application and reduce associated delays. There is, however, a procedure in the Development Management Procedure Order to resolve any disputes that do arise. Where the LPA maintains its position that information is required in order to validate the application, and that information is not received, or the LPA doesn't respond or register the application, an

applicant may appeal to the Planning Inspectorate against non-determination of the application after the relevant time period has passed.

## 2.0 THE REVIEW PROCESS

2.1 Guidance on the review process for LPAs is set out in the 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 a small number of changes as being necessary as there has been limited change to statutory requirements, policies in the NPPF or development plan, or published guidance that explains how adopted policy should be implemented. 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 changes are as follows:

- Introduction of a requirement to provide a Community Infrastructure Statement. The policy driver for this is within the Loggerheads Neighbourhood Plan which was 'made' earlier this year. It only applies to major residential developments in the Loggerheads Neighbourhood Plan area.
- Deletion of the requirement to provide a Construction Waste Management Plan as the absence of such information is not prejudicial to the proper determination of most Major development applications and as such its inclusion is not justified.

2.4 Other changes proposed relate to the NPPF to reflect that a new NPPF has been published since the last LLVR was adopted, and to ensure that the paragraphs numbers referred to are correct. In addition links have been updated where they no longer work and documents, referred to in the 'where to look for further assistance' column have been removed where such documents have been withdrawn or are out of date. .

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 LVRs that are considered should be removed are struck through by a line and amendments are highlighted in grey.

2.6 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 consultations prior to 2017 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, practice by other authorities and the consultation period when the LLVR was last reviewed, a consultation period of 3 weeks is considered appropriate. 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 2017 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

- 2.7 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.

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