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

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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 1st October 2019.
- 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 revisions to the list arising from the consultation process as set out in Appendix 1, so that the revisions can be made, the revised list published on the website and thereafter used 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.

2.0   Background

2.1   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 2017.

2.2   As set out at paragraph 44 of the National Planning Policy Framework (NNPF), unless the Council before 1st 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

2.3   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.

3.0   Consultation Process

3.1   The consultation on the draft revised LLVR agreed by the Planning Committee at its meeting on the 16th July took place over a period of 3 weeks ending on 20th August. The Authority wrote to 40 agents and 62 of the groups and bodies that are consulted as part of the determination of planning applications (consultees). 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.

3.2   The majority of the comments received and your Officer's suggested response to them are summarised in the Table attached at Appendix 1. Comments have also been from the Environmental Health Division however due to the extensive nature of them and the need for discussions to take place to better understand them it has not been possible to include them at Appendix 1. A supplementary report providing a summary of such comments and your Officer's suggested response will be published in a supplementary report in advance of the meeting.

4.0   Next Steps

4.1   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 1st October 2019.

Background Papers

Planning Practice Guidance (PPG) (2014)

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

Date report prepared 30th August 2019