

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 2019.
- 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 A 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 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 2019.
- 1.2 As set out at paragraph 44 of the National Planning Policy Framework (NPPF), unless the Council before 1st October 2021 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. There have been no identified changes to statutory requirements, policies in the NPPF or published guidance that explains how adopted policy should be implemented. There has, however, been a change to the Development Plan as the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan (CHMAWNDP) has been Made since the adoption of the current LLVR.

2.3 The main changes are therefore the introduction of CHMAWNDP policies where they are additional drivers for Information Items. Other changes are the updating of links in the 'where to look for further assistance' column where such links no longer work and documents have been removed where such documents have been withdrawn or are out of date.

2.4 The proposed changes are identified on the draft revised LLVR are attached at Appendix A. To assist in the identification of the changes, the parts of the current LLVR that are considered should be removed are struck through by a line and amendments are highlighted in grey.

2.5 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. A consultation period of 3 weeks is considered appropriate. The following organisations and individuals will be contacted directly by letter or e-mail.

- Statutory, key non-statutory consultees and Parish Councils
- Agents who have submitted a planning application relating to Major development since the 2019 LLVR was published

In addition a notice will be placed in the Sentinel inviting the local community to review and comment on the identified changes.

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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