

Report to Planning Committee 10 November 2022

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Report Summary	
Report Title	Planning Application Validation Checklist
Purpose of Report	To provide an update on the review the adopted Planning Application Validation Checklist prior to undertaking consultation
Recommendations	<p>a) that the contents of the accompanying validation checklist is noted: and</p> <p>b) that the draft updated Planning Application Validation Checklist (as set out at Appendix A) be approved for an 8-week public consultation with statutory consultees, District Councillors and Town/Parish Councils, applicants/developers and neighbours.</p>

1.0 Background

Information is required to determine a planning application. The Government introduced, on 6 April 2008, a national list of documents and information necessary in order to validate planning applications. These comprise, as set out in within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306 Revision date: 06 03 2014):

- Completed application form
- Correct application fee
- Site Location Plan (showing the site in relation to the surrounding area)
- Ownership Certificate and Agricultural Land Declaration

In addition, a Design & Access Statement is required for certain planning applications. There are also specific requirements set out for outline planning applications which requires an indication of the area or areas where access points to the development will be provided to be shown, even if access is a reserved matter. Applications subject to Environmental Impact Assessment also require an Environmental Statement. In addition, some applications since 1 August 2021 require a Fire Statement to be provided.

Any other information required such as elevations or floor plans of the proposal, statements such as flood risk are not included within the national list and therefore a local list is required. The Council has a local list, which was first adopted in 2007 and last amended in 2021.

Councils' are able to adopt a local list clarifying the information required to determine an application. The information required will be dependent upon the application type, scale and location. Information within the local list and required when validating the application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.

These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).

It is also possible for an applicant, if a Local Planning Authority determine that additional information is required in order to validate the application, to dispute this by issuing a notice under article 12 of the DMPO. There is then a process for both the Local Planning Authority and applicant to go through. Very few applications are disputed in terms of the information provided due to the criteria above being complied with.

2.0 Proposal/Options Considered and Reasons for Recommendation

Legislation sets out that a local list is required to be published on a Council's website and reviewed every 2 years. This report therefore seeks to start the process of the review to ensure it is up-to-date and can be relied upon for the submission of relevant information.

The checklist, attached at Appendix 1, is the same as the current one, although has been updated to provide further clarification where necessary and also provides some information for additional requirements that will come into effect before the checklist is reviewed once again – relating to biodiversity net gain.

It is proposed the amended checklist is consulted upon for a minimum of 8-weeks with Members, Parish and Town Councils and statutory consultees. Details will be provided on the Council's website enabling developers and interested stakeholders to respond as well as applicants and their agents, residents through planning application receipt and notification letters.

For clarify, the changes to the checklist are shown in appendix 1 in red.

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Planning Committee – 15 February 2007 – Best Practice Guidance on the Validation of Planning Applications

Planning Committee – 27 April 2021 – Planning Application Validation Checklist