

Report to Planning Committee 15 February 2024

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x5565

| <b>Report Summary</b>    |   |
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| <b>Report Title</b>      | Planning Application Validation Checklist   |
| <b>Purpose of Report</b> | To provide an update on the review of the adopted Planning Application Validation Checklist prior to undertaking consultation   |
| <b>Recommendations</b>   | <ul style="list-style-type: none"> <li>a) that the contents of the accompanying validation checklist are noted: and</li> <li>b) the requirements as set out under ‘Biodiversity Net Gain’ and associated application types come into effect immediately; and</li> <li>c) 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, along with any changes required to the Biodiversity Net Gain section.</li> </ul> |

## **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.

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 2023.

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. Whilst the checklist was previously reviewed within the last 12-months, there has been some quite significant changes introduced, most notably biodiversity net gain on 12<sup>th</sup> February and therefore it is considered prudent to review the checklist at an earlier stage. This also allows other amendments that have come into effect, particularly with the introduction of new application types (mainly prior approval) to be included.

The checklist, attached at Appendix 1, is similar to the one adopted from April 2023. It has been updated under delegated authority, to provide clarification regarding preliminary bat roost assessments in December. There are also suggested change taken as part of this review in relation to flooding, biodiversity net gain and minor suggested amendments such as sections and finished floor levels.

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. However, in relation to biodiversity net gain, it is proposed that these amendments are adopted by Planning Committee immediately with the consultation enabling a review of the requirements set out and presented to Members in due course, following the consultation. It is not anticipated there will be any challenge to this due to our requirements reflecting what is set out in legislation.

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 recommendation's 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

Planning Committee – 20 April 2023– Planning Application Validation Checklist