

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE
DATE: 19 OCTOBER 2010
SUBJECT: VALIDATION CHECKLIST CRITERIA
AMENDED REGULATIONS
REPORT FROM: DEVELOPMENT MANAGER
CONTACT OFFICER: DAVID MARNO

TYPE OF DECISION: PLANNING CONTROL COMMITTEE

**FREEDOM OF
INFORMATION/STATUS:** This paper is within the public domain

SUMMARY: The report describes the amendments set out to the regulations for the validation of planning applications.

**OPTIONS &
RECOMMENDED OPTION** The Committee is recommended to approve the revised draft Validation Checklist and agree to publishing the Checklist for a consultation period of 14 days.

IMPLICATIONS:

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Y
Financial Implications and Risk Considerations:	Director of Finance and E-Government to advise regarding risk management N/A
Statement by Director of Finance and E-Government:	N/A
Equality/Diversity implications:	N/A
Considered by Monitoring Officer:	N/A
Are there any legal implications?	No

Staffing/ICT/Property:	N/A
Wards Affected:	All
Scrutiny Interest:	N/A

Introduction

In April 2010, the Government issued a series of amendments and changes to planning regulations. In particular reference to this report, the Government set out its policy on the information that must be provided in support of planning applications with the requirement for existing validation checklists to be reviewed and adopted by 31 December 2010.

The reasoning behind the changes are that the Government had concerns that the ability to submit planning applications was becoming too onerous and it was feared that the process was itself preventing planning proposals from coming forward. There is an acceptance that planning applications must be accompanied with supporting information, but it is the degree of additional information that Local Planning Authorities (LPA) are being asked to simplify.

Information to be submitted is to be proportionate to the development proposed and importantly relevant, necessary and material to the application. Any supporting information should add to the LPA's understanding of the development scheme that is submitted for determination.

The information requested and provided should help to explain the nature of the proposed development, its anticipated impacts – positive and negative – and any measures that are proposed to mitigate any anticipated adverse impacts.

Policy

All planning applications must as a minimum provide the following:

- Mandatory national information requirements specified in the GDPO, including a design and access statement where one is required;
- The standard application form;
- Information to accompany the application as specified by the local planning authority on their local list of information requirements.

This information will enable the local planning authority to validate an application for Planning permission and begin its determination.

In preparing or reviewing the local lists, Planning Authorities must take into account the following principles:

Policy Principles for Local Lists	
Principle	Key Considerations
Necessity	All local list requirements should be based on statutory requirements, national, regional or adopted local policy, or on published guidance which explains how adopted policy should be

	implemented.
Precision	It should be clear what types of development require the provision of particular supporting information. Where appropriate, the LPA should also identify specific areas where the information requirement arises.
Proportionality	The information required is likely to be dependent on the nature and scale of the proposal and the sensitivity of its location. Where possible, the LPA should identify size thresholds below which certain information is not required or where only limited information is required.
Fitness for Purpose	It should be clear what information is required to satisfy the requirement – with a strong emphasis on a proportionate approach and succinct documents.
Assistance	For each element of the list it should be clear where further information or answers to queries can be obtained.

Publicity

In order for local lists to have a material bearing on supporting information and requirements for planning applications and their validity, the LPA must publish its local list on the Council's website and the date of its publication.

Bury Council already have a local list of requirements on the web site and as such, the process being undertaken is a review of the current lists.

Summaries of Planning Applications

All applicants should aim for succinctness in their supporting documentation. However, a number of detailed reports may be necessary to support some applications. Where the supporting information for a major application exceeds 100 pages (excluding the application form itself), applicants should submit an executive summary not exceeding 1500 words of the whole scheme and should provide an overview of the proposal and a clear description of its key impacts.

The principal aim of a summary is to introduce the scheme to parties who are not familiar with the details of the proposed development, including statutory consultees and other local stakeholders.

If a development proposal is already subject to Environmental Impact Assessment (EIA), the non-technical summary of the resulting Environmental Statement is likely to provide most of the necessary information. There is no need to further summarise the findings of the ES non-technical summary. Applicants should simply summarise any other key topics that are outside the scope of EIA.

It may also be useful for applicants with smaller schemes to provide a summary, especially if the application is accompanied by an executive summary. If any substantial changes are made to supporting documents during the determination period, the summary should be updated to reflect these.

Validation of Applications

This process is an administrative and effective check that statutory requirements have been met for a valid application. It is for the LPA to make sure that the necessary supporting information and fee (where applicable) has been provided by the applicant or their agent and once satisfied the LPA must proceed to determine the application

within nationally set time periods specified within Article 20 of the General Development Procedure Order (GDPO).

The validation process is a quantitative exercise and not a qualitative one and as such the quality of what is submitted should be a matter of judgement during the determination process not the validation process.

Not all information on the local list is required for each and every planning application and LPA's must take a reasonable and proportionate approach on what is or is not required. Where an application is not accompanied by the information required by a LPA, the applicant is required to submit a short statement and justification as to why it is not appropriate in the particular instance.

If a submitted application lacks the necessary information as stated on the local list, then the LPA is entitled to invalidate the application and so decline to determine it or determine it as it stands on the basis of the information supplied prior to validation (see notification of validity/invalidity below).

For larger or more sensitive schemes, applicants should seek agreement over the requirements through pre-application discussions reflecting local context and clear advice. Disputes about what should or should not be provided ought to be resolved through discussion as there is no right of appeal to resolve the conflict in views. That said, there are still other channels available such as the judicial review process on legal grounds.

If LPA's consider that the quality of the supporting information is inadequate, an applicant may appeal to the Planning Inspectorate under section 78 of the Town and Country Planning Act 1990 with the relevant ground being non-determination within the 8 or 13 week determination period.

Notification of Validity/Invalidity

Once an application is received and is accompanied with the necessary information and fee, it shall be validated and proceed through the assessment process through to determination. The fee paid for any applications received will be banked immediately on receipt for security reasons.

Notification shall be provided to the applicant in writing or in similar terms such as email, confirming the validity/invalidity of the application and the statutory start date and determination period. Currently Bury Council does this on average in 2 working days for all applications and 3 to 5 working days for major applications. The national requirements are 3 to 5 days and up to 10 days respectively.

In the event of an application being submitted and being invalid, the LPA shall notify the applicant or agent in writing that this is the case and will request additional information.

21 days will be allowed for the additional information to be provided. After 21 days, the application will be registered and the assessment/determination process shall begin either with or without the requested information and will be based upon the information received at the point of registration.

Additional information will not be accepted after validation and should the scheme alter as a result of the additional information, a fresh planning application should be submitted and the one in process withdrawn.

Statutory fee regulations will still apply.

Review of Bury Council Lists

Bury's requirements for planning applications are split into two parts for each application type. There are national requirements (which are unchanged) and there are local requirements which are subject to this review.

Currently the Council has a local list, and produces 4 summaries to simplify the validation processes for householder, telecommunications, advertisements and waste applications. Attached to this report are the lists in Appendices A to D inclusive, incorporating the amendments.

Recommendations

It is considered that all the lists for application validation are considered to be effective and not onerous. There are instances where the list has been amended to take on board current good practice, the use of standing advice introduced by statutory consultees and removal of some requirements.

It is therefore recommended that the revised Validation Checklist be approved.

The next steps are to publish the suggested amendments on the Council's website and a report on any observations received together with a final recommendation to adopt the updated list will be made to the Planning Committee meeting at its meeting on December 19 2010.

List of Background Papers:- Development Management Policy Annex: Information requirements and validation for planning applications.

National Validation Checklist Criteria
Bury Council Local Checklist Criteria
Circular 02/2008
Policy Statement 1, Delivering Sustainable Development

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