

PLANNING APPLICATION LOCAL VALIDATION GUIDANCE UPDATE

Cabinet Member: Councillor I Pritchard

Date: 11 February 2019

Agenda Item: 6

Contact Officer: Jon Allinson

Tel Number: 01543 308195

Email: Jon.Allinson@Lichfielddc.gov.uk

Key Decision? No

Local Ward Members All

Lichfield
district council
www.lichfielddc.gov.uk

**PLANNING
COMMITTEE**

1. Executive Summary

- 1.1 To notify the Committee about the proposed revised Planning Applications Validation Criteria, attached (Appendix A) and to seek Member's endorsement to adopt the revised document for publication on the Councils' Website with immediate effect.

2. Recommendations

2.1 It is recommended that:

- a) The Committee notes the draft updated Planning Application Validation Guidance (2019) as set out in Appendix A, which includes amendments as suggested in response to consultation responses and,
- b) The Committee approves the adoption of the revised document for publication on the Council Website with immediate effect.

3. Background

- 3.1 Since 2008, the Council has had an adopted Local List of Criteria in respect to the validation of planning applications. This document has been updated in line with legislation and government guidance over the years. The most recent updated version was published in February 2017 entitled: 'Planning Application Validation Guidance'. This document sets out the types and level of supporting information required to be submitted with a planning application in order that a full assessment of the application can be carried out. In addition to national requirements, which include the mandatory submission of application forms, plans and fees, the guidance includes locally specified requirements (Local Lists). These include, for example, the need to submit Flood Risk Assessments (FRA), structural surveys and Transport Assessments where relevant to the retrospective proposed development.
- 3.2 Paragraph 44 of the NPPF (2018) sets out that Local Planning Authorities should publish a list of their information requirements for applications, which should be the minimum need to make decisions. Lists should be reviewed at least every two years. Local Planning Authorities (LPA) should only request supporting information that is relevant, necessary and material to the application in question.
- 3.3 Local Lists have the benefit of improving the quality of planning application submissions, and enables both officers and members of the public to assess the impact of a proposal from the date of application

submission. This then assists in expediting the application process and providing a high quality service and thereby, helps to facilitate meeting relevant national and local targets for the determination of planning applications.

- 3.4 Under Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595) such Local Lists should be formally reviewed at least every two years, in order that the document can be given weight. It also states that an LPA cannot invalidate an application unless it has an adopted Local List.
- 3.5 As part of any review, Councils should first identify the policy drivers for each item on their existing Local List of information requirements, if these are not already stated. These drivers should be statutory requirements, national or local plan policies, or published guidance that explains how adopted policy should be implemented.
- 3.6 Council's should then, having identified the information requirements, decide whether they need to revise their existing Local List, having regard to the criteria set out in the National Planning Practice Guidance. The principles and criteria for Local List preparation are: a) is the additional information reasonable having regard, in particular, to the nature and scale of the proposed development; and b) is the additional information about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.7 If it is considered that no changes are necessary, then the new Local List should be published on a Council's website. However, should changes be necessary then before adopting and publishing a new list, consultation is required.
- 3.8 Following a review of the Council's adopted 2017 Planning Application Local Validation Guidance (Local List) it was considered that minimal updates were required, including updating contact details for national statutory consultees and removing reference to out of date guidance documents. Therefore, proportionately on the basis that the submission requirements have not changed, it was not considered that a period of public consultation was necessary at this time. The proposed updated 2019-2020 Local Validation List document is attached at Appendix A.

Alternative Options	<ol style="list-style-type: none"> 1. Not update the validation guidance- but as this documents is 2 years old and will be outside the valid period within which to invalidate planning application for failing to meet local validation list requirements it will not hold any weight in the process of validation. 2. Not have Planning Application Local Validation Guidance – The LPA will be unable to invalidate planning applications for failing to provide locally important assessments and documents e.g. Tree Surveys or heritage reports. Therefore, the quality of submissions will potentially be reduced and the timescales for the application process affected and/or would be necessary for the LPA to refuse more applications on the basis of insufficient information to determine.
Consultation	<ol style="list-style-type: none"> 1. None, as not applicable.
Financial Implications	<ol style="list-style-type: none"> 1. Failure to provide all necessary information to make an informed assessment of a planning application could result in unnecessary officer time spent requesting further information during the consideration of applications, thereby impacting on planning application performance and National Indicators. Should applications have to be withdrawn or refused due to lack of information, applicants currently have the opportunity to submit a 'free

	go' application within 12 months of a decision, which subsequently have financial implications on the Authority in processing the second application. Also, it could increase the number of planning appeals, which also has officer resource implications.
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Contribution to the Delivery of the Strategic Plan	1. Speeding up the planning application determination process and improving the quality of development will enhance the district as a place in which to live and work and will benefit the local economy.
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Equality, Diversity and Human Rights Implications	1. The adoption and use of a local list for validation ensures a consistent approach to all applicants.
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Crime & Safety Issues	1. None relevant.
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GDPR/Privacy Impact Assessment	1. Adoption of this guidance will not give rise to the storage of additional personal information over and above that required under the Planning Application submission requirements as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Appeal to Secretary of State against refusal to validate an application.	Have adopted validation document in place and refer to national policy and validation guidance and provide other information on planning application validation on the Councils website.	Risk is considered to be tolerable (Green)

Background documents <ul style="list-style-type: none"> • The Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595). • NPPF (2018) • NPPG • Current adopted Local Validation Guidance (2017)

Relevant web links <ul style="list-style-type: none"> • Current adopted Validation Guidance (2017) -https://www.lichfielddc.gov.uk/Council/Planning/Planning-guidance/Downloads/Planning-Application-Validation-Requirements-FEB-2017-FINAL.pdf
