

Subject:	Validation Criteria for Applications submitted to the Local Planning Authority	Status:	For Publication
Report to:	Cabinet	Date:	14 th September 2016
Report of:	Planning Manager	Portfolio Holder:	Operational Services & Development Control
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached:	No
Biodiversity Impact Assessment	Required: No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	To approve taking the draft 'Validation Criteria for Applications submitted to the Local Planning Authority' checklist out to public consultation
1.2	All future minor amendments following the 6 week consultation period to the document to be delegated to the Planning Manager in consultation with the Portfolio Holder with the final version to be taken to Development Control Committee for information.

2. PURPOSE OF REPORT

- 2.1 To seek approval to undertake public consultation on the Council's draft 'Validation Criteria for Applications submitted to the Local Planning Authority' checklist document. The consultation will be sent to selection of agents/ developers who are active within Rossendale, all elected Members, Town Councils, the local community and will be available to view on the Council's website.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- 4.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the provisions in respect of a local authority's ability to request information in respect of validating an application submitted to the Local Planning Authority. The only requirements which are to apply to a particular application are those published on their website which has been published within two years immediately before the date on which

the application is made.

- 4.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a formal route for an applicant to challenge information requests by local authorities, enabling an applicant to appeal against non-determination after the statutory time period has passed and no formal validation has taken place.
- 4.4 This means that a local authority can no longer compel a developer to provide information because it is on a local validation list. If an applicant considers that the information requested on a local list does not meet the tests set out in the National Planning Policy Framework and the Act, they can now challenge the need to provide it.
- 4.5 The Council's current Validation Checklist dates back to January 2011 and the Council's Wind Energy Applications Supplementary Validation Policy dates back to September 2012. As such currently the Local Planning Authority cannot insist upon the submission of any other documentation, other than the national requirements, to support an application which can cause delays at validation stage in both officer time and to the customer and runs the risk of the submission of a non-determination appeal where validation is in dispute.

5. BACKGROUND AND OPTIONS

- 5.1 The Growth and Infrastructure Bill, which was introduced to Parliament on 18th October 2012, includes measures which will place limits on the powers of local authorities to require information with planning applications by stipulating that such requests must be genuinely related to planning and reflect the nature and scale of the development proposed. Paragraph 193 of the National Planning Policy Framework (the Framework) makes it clear that local planning authorities should only request supporting information that is relevant, necessary and material to the application.
- 5.2 The Framework confirms that Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis.
- 5.3 The Council's current Validation Checklist dates back to January 2011 and the Council's Wind Energy Applications Supplementary Validation Policy dates back to September 2012. The checklists include 'national validation requirements' which are statutory requirements for all applications, and a 'local list' of supporting documents that may be required depending on the nature and scale of an application.
- 5.4 In accordance with National Guidance the current validation checklist documents have been reviewed and it is intended that the updated version ('Validation Criteria for Applications submitted to the Local Planning Authority') will amalgamate the 'Validation of Planning and Other Applications' document and the 'Wind Energy Applications Supplementary Validation Policy' into one consolidated document. The new document will update the two previous documents to reflect the requirements of the Growth and Infrastructure Bill and the Framework and will take into account the adopted Core Strategy Policies. The intention of this document is to assist applicants when submitting planning applications and to ensure that planning applications can be validated on receipt.
- 5.5 The Council's Local List of validation requirements is not intended to be overly prescriptive and it is advised that early pre-application discussions are entered into so the documents, plans and drawings, which reflect the nature and scale of the development, required to support the planning application can be identified.

5.6 It is intended that this checklist will be reviewed and updated, where necessary, on a frequent basis.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 Any financial implications are commented on in the body of the report.

7. MONITORING OFFICER

7.1 Any legal implications are commented on in the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 There are no HR implications. An Equality Impact Assessment will need to be undertaken as part of the consultation process.

9. CONCLUSION

9.1 The Council's current Validation criteria documents are several years old now and do not reflect current local or national planning policy. Additionally the Local Planning Authority currently cannot compel a developer/applicant to provide documentation contained within the current local lists as they are more than two years old.

9.2 It is considered that changes to the existing validation criteria documents are necessary to ensure they align with local and national policy and guidance. In such circumstances there is a requirement for the proposed changes to be issued to the local community, including applicants and agents, for consultation.

9.3 It is proposed to take the updated, consolidated version out to the local community for a period of 6 weeks to seek views on the updated single document.

9.4 Following the consultation period any suggested changes will be incorporated, as considered appropriate, in consultation with the Portfolio Holder with the final version and update report included on as an agenda item for information on 8th November 2016 Development Control Committee. Following Committee the document will be adopted as the Council's Validation checklist.

Background Papers

Document	Place of Inspection
Draft Validation Criteria for Applications submitted to the Local Planning Authority (September 2016)	Planning Office, Futures Park, Bacup.
Validation of Planning and Other Applications (January 2011)	http://www.rossendale.gov.uk/downloads/download/318/validation_of_planning_and_other_applications_policy
Wind Energy Applications Supplementary Validation Policy (September 2012)	http://www.rossendale.gov.uk/downloads/download/318/validation_of_planning_and_other_applications_policy