

Lead Member Report for Lead Member for Planning

Local Validation Checklist

24 July 2013

Report of Head of Public Protection and Development Management

PURPOSE OF REPORT

To allow the adoption of the Local Validation Checklist and its use for Development Management purposes.

This report is public
Reason Non-Key Replacement to existing Local Validation Checklist

Recommendations

The Lead Member is recommended:

- (1) To approve the adoption of the Local Validation Checklist and its use for Development Management purposes.

Executive Summary

Introduction

- 1.1 Under the Town and Country Planning (Development Management Procedure) (England) Order 2010 local planning authorities are required to publish a list of local validation requirements (presented as a checklist). The checklist sets out the documentation to be submitted with a planning application and is used by the authority to assess whether an application is valid. The Local Validation Requirement checklist should be reviewed every two years
- 1.2 The Council has consulted on our draft Local Validation Requirements checklist and comments were invited on it. All responses have been considered and changes made where appropriate. The main aim of the Local Validation Requirements checklist is to provide advice, clarity and

certainty about what information will be required (over and above the national planning application requirements) to make a valid application and it should also help to reduce the number of invalid applications received.

Proposals

- 1.3 Before a planning application can be accepted by a local planning authority it must contain sufficient information to enable it to be properly assessed. The Government introduced national planning application forms, which must be completed and it is also mandatory to submit certain other plans and documents with planning applications. These are known as national requirements. The Government has devolved the power to request additional information to local authorities where this is required. These are known as local requirements.
- 1.4 Cherwell District Council has combined the national and local requirements into one validation checklist for each type of planning application. These are set out in the attached document. The Government has made it compulsory for local authorities to publish these checklists on line and to review them at intervals of no more than 2 years, to make sure their local requirements are up to date and proportionate.
- 1.5 The local checklist is based on the previous one and has been updated rather than revised, with references to the National Policy Planning Framework (NPPF) introduced to replace references to earlier planning policy guidance. The majority of the requirements are unchanged, with deleted planning policy guidance notes and statements replaced by the NPPF. Other minor changes such as up to date contact details have also been undertaken. The document remains largely unchanged.
- 1.6 Whilst the council can insist on an applicant supplying any element of the local list, the applicant can set out in writing reasons why they do not consider it necessary to in the individual circumstances of their proposal. The council will consider all such requests. The aim in each case is to make sure sufficient information is submitted to enable all parties to properly assess the impacts of a planning application.
- 1.7 The list was open for consultation and comment until 26 July 2013. All comments have been taken into account before the final list is published on 31 July 2013. Three comments have been received as a result of the consultation process. However, these commented on the substance of the checklist and not the content. As a result, no other changes to the checklist were required
- 1.8 On larger or more controversial applications, it is normally be better to seek pre-application advice from the council to agree the information that should accompany an application. This should save money and time overall by ensuring that unnecessary reports are not submitted
- 1.9 The local checklist may be updated from time to time to reflect changes in Government legislation, such as the proposed merger of conservation area consent and planning permission and the introduction of a Certificate of Lawfulness for works to a Listed Building. However, no additional requirements to the local checklist will be added without prior public

consultation

Conclusion

- 1.10 The Local Validation Checklist is an essential tool in ensuring that the correct information is submitted in support of a planning application. The Council's request for information within the checklist is proportionate to the development proposed and does not use invalidation to prevent the start of the determination period where an applicant has taken reasonable steps to fulfil the information requirements set out on the local list.
- 1.11 Therefore, it is requested that the Local Validation Checklist is formally adopted for Development Management purposes.

Background Information

- 2.1 Guidance on information requirements and validation (Department for Communities and Local Government March 2010)
- 2.2 Town and Country Planning (Development Management Procedure) (England) Order 2010

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Council is required to periodically review its Local Validation Checklist. This is unavoidable this time. Failure to review the Local Validation Checklist will lead to the Council only being able to insist upon limited matters that appear in the national list of requirements.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To adopt the revised Local Validation Checklist

Option Two To retain the existing Local Validation Checklist

Consultations

A letter was sent to all agents that submit planning applications to the Council advising them of the proposed changes to the checklist. In addition, the Council's website also contained a dedicated page advising customers of the proposed revisions. Customers were also able leave comments via the website and could download a copy of the revised checklist.

Implications

Financial: None

Comments checked by Kate Drinkwater, Service Accountant 01327 322188.

Legal: The failure to review will result in the Council only being able to insist upon the items contained within the national checklist. This could result in information not being available that is essential to the making of accurate decisions

Comments checked by Nigel Bell, Team Leader Planning and Litigation, 01295 221687

Risk Management: The failure to review will result in the Council only being able to insist upon the items contained within the national checklist. This could result in information not being available that is essential to the making of accurate decisions

Comments checked by Nigel Bell, Team Leader Planning and Litigation, 01295 221687

Wards Affected

All

Corporate Plan Themes

N/A

Lead Member

Councillor Gibbard
Lead Member for Planning

Document Information

Appendix No	Title
Appendix 1	Local Validation Checklist
Background Papers	
None	
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