

<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 11</b>
<b>DATE OF MEETING:</b>	<b>16<sup>th</sup> AUGUST 2018</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>CHRIS NASH Ext. 5926</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>LOCAL VALIDATION REQUIREMENTS</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

---

## **1.0 Recommendations**

- 1.1 That the Committee endorses the draft Local Validation Requirements document ('the LVR') and grants delegated authority to the Planning Services Manager to:
- a) undertake public consultation on the LVR for a period of no less than 6 weeks;
  - b) in consultation with the chair of this Committee, considers the responses received and makes appropriate adjustments where necessary and justified; and
  - c) in consultation with the chair of this Committee, formally adopts the LVR before publishing it on the Council's website.

## **2.0 Purpose of Report**

- 2.1 In order to efficient and promptly determine applications for planning permission and related consents, certain information must be supplied before officers and consultees can begin assessing the proposals. This information needs to be received before an application can be validated and for the period to make a decision to commence.
- 2.2 Each application type has minimum information requirements, usually set out in subordinate legislation to the Town and Country Planning Act 1990 ('TCPA') and Planning (Listed Buildings and Conservation Areas) Act 1990 ('PLBCA'). Some forms of application can however require additional information in order to properly understand and assess the impacts of the development.
- 2.3 This report outlines the legal basis for the LVR, the legal and policy framework for its creation, the consultation requirements involved doing so, the changes to legislation and the planning system since the Council's LVR was last published, and how this document will support the Planning Services Review.

### 3.0 Detail

#### Legal and policy context

- 3.1 Section 62 of the TCPA and section 10 of the PLBCA, along with subordinate legislation, allow the Council to request information as long as it is:
- reasonable having regard, in particular, to the nature and scale of the proposed development; and
  - about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.2 As a consequence, aside from the mandatory requirements, items specified on a local list must be requested on a case by case basis, having regard to the nature and scale of development, including the constraints and planning policies which are applicable to the site concerned.
- 3.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 ('DMPO') states that local planning authorities should have a local list that is no more than two years old and that the list should be reviewed every two years.
- 3.4 Paragraph 44 of the National Planning Policy Framework (NPPF) sets out the Government's policy on local validation requirements:

*"Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".*

- 3.5 Planning Practice Guidance (PPG) offers advice on the preparation of the LVR:

#### *"Step 1: Reviewing the existing local list*

*Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.*

*Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.*

#### *Step 2: Consulting on proposed changes*

*Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.*

### *Step 3: Finalising and publishing the revised local list*

*Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website".*

#### The need for the LVR

- 3.6 The Council's LVR has not been reviewed for many years and consequently cannot be relied upon where there is a dispute over validation of an application. This creates a risk that determination of applications can be delayed, as well as a risk that applicant's may lodge an appeal against non-validation. Where applications are instead validated without the necessary information, the likelihood of objection from consultees is increased, leading to refusal of permission and potential for an appeal.
- 3.7 A number of new application types have been introduced in recent years, such as prior approvals and permissions in principle. The legal requirements relating to relevant demolition consent, design and access statements and other matters have also changed. These changes have increased uncertainty for both applicants/agents and officers in submitting and validating applications.
- 3.8 Furthermore, some 28% of applications are 'invalid' upon receipt, often missing drawings, supporting information or a fee. A proportion of these are invalid due to the need for more specialist reports, such as flood risk assessments or ecology surveys.
- 3.9 In order to improve the 'first time' validation rate, the LVR at **Appendix 1** has been prepared to aid applicants and agents in making applications, offering confidence in the level of information expected to accompany their application. The document sets out both nationally (mandatory) and locally set requirements to offer a 'one stop shop' to obtain the necessary information. In addition, links to supporting web resources to inform and enhance the information supplied have also been included.
- 3.10 The LVR accounts for new types of applications introduced and changes to the mandatory requirements, in recent years. These have proven to be time consuming for officers when validating applications – especially at a time of increasing focus on the speed of applications and delivery of development.
- 3.11 The LVR also explains what each document should contain, and the standard of information expected, so to minimise the need for amendments and associated reconsultation during the course of the application.
- 3.12 The Council's Planning Services is implementing a new staffing structure and looking to new software so to improve the efficiency and success of the service. This follows the Planning Services Review, previously reported to this Committee, which made a number of recommendations. This included reviewing roles and responsibilities of staff, and the processes in which the service operates.
- 3.13 It was identified that administrative and technical support for the development management part of the service required review. The new staffing structure will see the creation of three Planning Technician posts, with the post holders tasked with the validation of planning applications, amongst other duties. In preparation for this, it has been identified that there is a need for consistency when it comes to validating planning applications. Speed is also an important factor, with it necessary to issue

consultations and notifications as soon as possible. The adoption of the LVR will assist with the implementation of these changes.

### Consultation requirements

3.14 The legislation does not specify how consultation must be carried out; however, the Planning Policy Guidance (PPG) indicates that it must involve the local community, including applicants and agents.

3.15 With this in mind, it is intended to consult in the following manner:

- Publish a news release on the Council's website, inviting consideration of the draft LVR and submission of responses;
- Target agents and applicants regularly submitting applications to the Council; and
- Target consultees involved in planning applications, so to ascertain in the level of information is proportionate and suitable to provide informed responses to officers.

3.16 A six week consultation is proposed, after which responses received will be considered. Where those responses highlight a conflict with legislation or make suggested changes which would enhance the effectiveness of the LVR, changes would be made as set out in recommendation (b).

3.17 In order for the LVR to take effect, it must be adopted and published on the Council's website. Recommendation (c) seeks delegated authority to carry out this action.

## **4.0 Financial Implications**

4.1 The endorsement of the LVR and subsequent adoption of it would assist in reducing time and resources spent on the validation of applications, whilst also providing financial benefits to applicants and agents who can focus their supporting information accordingly.

4.2 The adoption of the LVR would also facilitate the implementation, in part, of recommendations of the Planning Services Review, contributing to a wider improvement in efficiencies in the service.

4.3 There would be an administrative cost in carrying out the consultation, but this is absorbed within the existing Planning Services budget.

## **5.0 Corporate Implications**

5.1 Approval of the recommendations set out above would support the timely delivery of development across the District, including those allocations made within the LP1 and LP2.

5.2 Approval of the recommendations set out above would also assist in ensuring that 90% of planning applications are determined within time (corporate target PL1.4)

## **6.0 Community Implications**

6.1 The LVR will be subjected to public consultation, targeting those who are most likely to rely upon it.

## **7.0 Background Information**

7.1 The adopted LP1 and LP2 can be viewed at [www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/local-plan/adopted-local-plan](http://www.south-derbys.gov.uk/our-services/planning-and-building-control/planning/planning-policy/local-plan/adopted-local-plan).

7.2 Further guidance is available in the Planning Practice Guidance at [www.gov.uk/guidance/making-an-application#Local-information-requirements](http://www.gov.uk/guidance/making-an-application#Local-information-requirements).

Appendix 1 – Draft Local Validation Requirements document (July 2018)