



Public Session

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To: Planning Committee
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Lead Officer: Dave Caulfield, Director of Economic Regeneration and Place

Title: Validation Checklist for Planning and Related Applications

Summary:

Having the right information is key to the efficient validation and determination of planning and related applications. National information requirements are established by statute, whereas local information requirements are prepared and published by local planning authorities in a "Local List" which should be reviewed at least every 2 years.

Selby District Council's current Local List dates from 2011. It is out-of-date and contributes to delays in both the validation and determination of applications. Updating it to reflect current planning policy and associated guidance is a specific action in the Planning Service Review. An up-to-date Local List will minimise disputes over validation and will ensure that applications contain all of the information necessary to address the relevant planning considerations. This aids transparency and enables local communities to engage more fully with the process. This responds to a particular concern raised by Town and Parish Councils during the review.

A first draft of a revised Local List will shortly be issued for public consultation. A final draft will be recommended to the Director of Economic Regeneration & Place for adoption.

Recommendation:

- i. That Members note the intention to undertake a review of the Council's local information requirements in respect of validating planning and related applications leading to the adoption of a revised "Local List" by the Director of Economic Regeneration and Place. The review will include a six-week period of public consultation.**

Reasons for recommendation

The Council's existing "Local List" needs updating to ensure that applications continue to be validated and determined as efficiently as possible.

1. Introduction and background

- 1.1. The determination of planning and related applications can require applicants to supply significant amounts of information to address planning policies and associated guidance. The range of information required has expanded considerably over the years as the planning system has consolidated its role in delivering sustainable growth. The essential requirements to make an application valid are set out by statute in national information requirements, but a far greater amount of information is often required to address specific local policies. This remains the responsibility of individual local planning authorities, who are encouraged to publish lists of local information requirements.
- 1.2. In North Yorkshire, validation requirements for applications relating to County Matters – minerals, waste and associated developments – are published by the County Council and the district councils publish separate lists relating to all other application types. Selby District Council's current Local List dates from 2011 and needs updating.

2. The Report

- 2.1. For a planning application to be valid it needs, as a minimum, to: (1) be made on a form published by the Secretary of State (or a form to substantially the same effect); (2) be accompanied by the correct fee; and (3) meet a number of national information requirements set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015. The national information requirements include: (1) plans and drawings; (2) an ownership certificate and agricultural land declaration; and (3) in many cases, a Design and Access Statement.
- 2.2. Many applications also require additional information to address specific policy requirements and/or other material planning considerations. Examples of this include Flood Risk Assessments and information in respect of land contamination. The National Planning Framework (NPPF) acknowledges that the right information is crucial to good decision-taking, and to avoid delays it encourages applicants to discuss what information is needed with the local planning authority and expert bodies as early as possible. The NPPF also states that local planning authorities should publish a list of their local information requirements. A "Local List" that clearly sets out what is required, and why, can improve the speed and quality of decision-taking.
- 2.3. The NPPF is also clear that local information requirements should be proportionate to the nature and scale of development proposals and that planning authorities should only request supporting information that is relevant, necessary and material to the application in question. The "drivers"

behind Local Lists 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. The validation and determination of an application should not be delayed through lack of information that does not relate directly to the national information requirements or a properly prepared Local List.

- 2.4. To remain relevant, Local Lists should also be regularly reviewed. The Government's Planning Practice Guidance is clear that local information requirements have no bearing on whether a planning application is valid unless they are set out on a Local List which has been published on a local authority's website less than 2 years before an application is submitted. In practice, many local information requirements are acknowledged as valid whether they appear on a list or not; applicants recognise that their proposals are likely to fail fundamental policy tests without the information being provided. Nevertheless, an up-to-date Local List provides clarity and is essential in resolving any disputes.
- 2.5. Selby District Council's current Local List dates from 2011. It is out-of-date and contributes to delays in both the validation and determination of applications. Updating it to reflect current planning policy and associated guidance is a specific action in the Planning Service Review. An up-to-date Local List will minimise disputes over validation and will ensure that applications contain all of the information necessary to address the relevant planning considerations. This aids transparency and enables local communities to engage more fully with the process. This responds to a particular concern raised by Town and Parish Councils during the review. Taking all of this into account officers have now prepared a draft revised Local List.
- 2.6. The Government's Planning Practice Guidance states that where a local planning authority considers that changes to its Local List are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.
- 2.7. Selby's draft revised Local List will shortly be issued for a six-week consultation. This will be announced on Selby's website. Copies of the draft will be sent to Members, regular applicants, every agent recorded on the Council's application software and every town and parish in the district. A Consultation Response Form will be provided to encourage participation. And a regular Planning Stakeholder Forum planned for February will provide a further opportunity for discussion and feedback.
- 2.8. Consultation responses will be summarised in a report and any amendments to the draft Local List made in response to comments received will be highlighted. A recommendation for adoption will then be put before the Director of Economic Regeneration & Place. The revised Local List will be published on the Council's website. A further report will be brought to the Planning Committee at that time explaining the changes.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1. The contents of the draft Local List that will be issued for consultation have been amended in the light of legal input. A final draft revised Local List, taking into account responses to public consultation, will be recommended to the Director of Economic Regeneration & Place for adoption in accordance with the Council's constitution.

Financial Issues

- 3.2. An up-to-date Local List will lead to increased efficiency in the registration and validation of planning and related applications.

Impact Assessment

- 3.3. It is not anticipated that updating the Local List will lead to discrimination or inequality in respect of any particular groups. Nor will it impact upon human rights.

4. Conclusion

- 4.1. This report has been brought to Committee so that members are aware of the process that will shortly begin to review and update the Council's local information requirements for planning and related applications. This is key document and keeping it up-to-date helps to ensure a speedy and efficient service. A draft revised list will shortly be issued for consultation. A final draft, incorporating responses to the consultation, will be recommended to the Director of Economic Regeneration & Place for adoption.

5. Background Documents

Validation Requirements for Planning and Other Applications Submitted Under The Town And Country Planning Acts – April 2011.

Draft Local Information Requirements for Planning and Other Applications Submitted Under The Town And Country Planning Acts – February 2018.

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