

**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
STRATEGY AND RESOURCES COMMITTEE
20 FEBRUARY 2020

**AMENDMENTS TO THE LOCAL INFORMATION REQUIREMENTS FOR THE
VALIDATION OF PLANNING APPLICATIONS (LOCAL LIST)****1. PURPOSE OF THE REPORT**

- 1.1 To seek agreement of the commencement of a formal consultation period for revised local information requirements for the validation of planning applications list (local list).

2. RECOMMENDATION

That the Maldon District Council Planning Validation Requirements List – Update January 2020 (**APPENDIX 2**) be endorsed for public consultation for a period of six weeks and then brought back to this Committee to consider the responses received and to agree any alterations with a view to the list being finalised and then published.

3. SUMMARY OF KEY ISSUES

- 3.1 In 2008 an amendment to the Town and Country Planning (General Development Procedure) Order 1995 introduced a mandatory standard national application form and associated information requirements for the validation of planning applications and other applications submitted under the Town and Country Planning Acts. In March 2010, June 2013 and March 2014 the Government issued revised guidance and regulations on information requirements and validation. The Council is bound by the national validation requirements but in accordance with Government Guidance has also adopted local validation requirements, known as its Local Lists to supplement the national requirements.
- 3.2 The validation arrangements provide a guide to the information that the Local Planning Authority (LPA) will require at the outset. This provides applicants with certainty regarding the information required and to ensure that the LPA has all the necessary information to determine the application and to draft the planning permission and all conditions, minimise the need for further submission of additional information in order to allow LPAs a reasonable opportunity to determine applications within the National Indicator (NI) 159 targets. This also ensures that there is a consistency in the approach taken in registering and validating applications.
- 3.3 The Council does not validate an application when it considers it to be incomplete i.e. if all or some information listed in the current local list is not provided. For this reason it is essential that the Council provides a local list that is fit for purpose and user friendly to ensure that unnecessary delays are not put-upon applicants and developers.

- 3.4 Irrespective of the local list Section 7 of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that an application for planning permission must provide a level of information; as set out below:
- A Completed application form published by the Secretary of State (or a form to substantially the same effect) to be made in writing to the Local Planning Authority;
 - A completed Ownership Certificate;
 - A plan which identifies the land to which the application relates;
 - Any other plans, drawings and information necessary to describe the development which is the subject of the application, any plans or drawings required must be drawn to an identified scale and, in the case of plans, must show the direction of north.
- 3.5 The national requirements are not considered to be extensive and only provide a base line level of information. The Government, therefore provides the ability for a Council to determine what additional information it will require, taking into account local circumstances.
- 3.6 Current Government guidance in relation to the local list is set out within the National Planning Practice Guidance (NPPG) which states:
- 'In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:*
- *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.'*
- 3.7 The LPA undertook a review of its local list dated May 2016, in accordance with Governments guidance in April 2018. As part of this review it was found that there were no material changes to policy or any fundamental updates to planning guidance in regard to producing a local list. It was therefore concluded that no changes to the local list were necessary at that time. However, Government Guidance recommends that the validation list is reviewed every two years and any minor amendments to take account of statutory changes or Government Guidance will be made as and when necessary.
- 3.8 Having regard to the above, a review of the local list dated April 2018 (**APPENDIX 1**) has now been conducted, in accordance with Government guidance, and Officers consider that it can be improved.
- 3.9 The proposed revised local list is included in **APPENDIX 2** as a track changed document. The requirements, layout and wording are considered to be in accordance with Government guidance and are not considered to be onerous upon the applicant, whilst enabling the LPA to understand where the site is, what the development proposal is and what the main impacts of the scheme will be, as well as, where

necessary, the mitigation of these impacts. It is also considered that the proposed revised local list will improve our customer's experience, by allowing Applicants and Agents a greater understanding of what is required to validate an application.

- 3.10 Further to the above, the inclusion of the biodiversity check list will provide a clearer, and more transparent process for both the Applicant / Agent and the LPA and ensure conformity with British Standard 42020:2013 for Biodiversity (Code of practice for planning and development). The correct application of the checklist will help the Applicant and the LPA comply with national biodiversity policy and legislation; thereby reducing the likelihood of delays resulting from the submission of inadequate information or the need for a condition to be imposed when planning permission is granted.
- 3.11 It should be noted that the biodiversity check list has not yet been commissioned and therefore the wording on the local list reflects this. The local list has been worded in a way that when the biodiversity check list is adopted it will form a validation requirement and must be submitted.
- 3.12 When amending the local list it is recommended that the proposals should be issued to the local community, including agents for consultation. In this instance a six-week consultation period is proposed.
- 3.13 Following the consultation period the responses received will be considered and where appropriate changes will be made to the revised local list.
- 3.14 The Council seeks to provide a high standard of service to its customers. It is considered that the proposed revised list will improve our customer's experience by providing clearer guidance as to what information is required which will streamline the process and make it more cost effective.

4. CONCLUSION

- 4.1 A regular review of the local list is an important process in ensuring a high level of customer service as well as assisting the timely processing of applications. By updating the local list it is considered that the validation process should become clearer and more streamlined for both the Applicant / Agent.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The review and updating of the local list is directly in accordance with Government guidance and it is also linked to three strategic themes in the following way:
- Place – An updated validation / local list will aid the efficiency of the validation of applications, helping towards the Council achieve its aims of sustainable growth and infrastructure.
 - Community – An updated validation / local list with clearer guidance as to what is expected from applicants when submitting an application will create more effective engagement with the community.

- Prosperity – An updated validation / local list will result in a more efficient delivery of employment sites as it will be clearer what is expected to be submitted with an application.

6. IMPLICATIONS

- (i) **Impact on Customers** – The ability to ensure that the information required to be submitted as part of a planning application is clear and it also helps to ensure planning decisions are taken in a timely, open and transparent way.
- (ii) **Impact on Equalities**– None Identified.
- (iii) **Impact on Risk** – Failure to determine planning applications within the statutory timescales could result in the Council being placed in ‘Special measures’ and also an increase in planning appeals with a subsequent impact on staff resources.
- (iv) **Impact on Resources (financial)** – The proposed changes will not result in any requirement for further financial resources.
- (v) **Impact on Resources (human)** – The proposed changes will not result in any requirement for further human resources.
- (vi) **Impact on the Environment** – Failure to determine applications within the statutory period could result in an increase in unauthorised developments and delays in investigating breaches in planning control could lead to adverse impacts on the environment resulting in long term harm which might be difficult to mitigate.
- (vii) **Impact on Strengthening Communities** – A more streamlined process will provide a more transparent and streamlined process for the community, resulting in greater trust between the community and LPA and improved satisfaction amongst the community.

Background Papers: None.

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