

BODY: **PLANNING**
DATE: **8 January 2008**
SUBJECT: **VALIDATION OF PLANNING APPLICATIONS**
REPORT OF: **PLANNING MANAGER**

Ward(s): All

Purpose: To advise Members about new Government criteria in respect of the validation of planning applications and to seek authority to consult on the proposed local lists of validation criteria.

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Recommendation: That consultation on the proposed local lists of validation criteria be undertaken, for a minimum period of 6 weeks, and that responses and recommendations be reported back to the Planning Committee for a decision on the formal adoption by the Council of the local lists.

1.0 Introduction

- 1.1 As part of the drive to provide a quicker, more predictable and efficient planning service, the Government is introducing a new standard electronic application form for applications for planning permission made under the planning system and Listed Building and Conservation Area consent regime. Alongside this and to support the use of this standard application form, the Government is also introducing new information requirements for the validation of planning applications by local planning authorities.
- 1.2 Validation represents a decision by the local planning authority on an application and associated information at the start of its determination of whether to grant or refuse planning permission.
- 1.3 This new guidance is designed to support the use of the standard application form. It outlines and provides guidance on the information that should be supplied with planning applications specified in local lists. The new standard application form, known as 1App, is due to be introduced on 6 April 2008.

- 1.4 Previously, local authorities could design their own planning application forms, and there was a wide variation in the information which authorities sought from applicants. The Standard Application Form will cover the following types of application:
- Householder consents;
 - Outline and full planning permission and approval of reserved matters;
 - Listed Building consent;
 - Conservation Area consent;
 - Advertisement consent;
 - Consent under Tree Preservation Orders;
 - Certificates of Lawful Development;
 - Applications for Prior Notification/Approval; and
 - Removal or variation of conditions.

2.0 The New Requirements

- 2.1 Different types and scale of application will require different levels of information and supporting documentation to be submitted. In all cases the requirements will be specified by the local planning authority. Under the new arrangements, these will comprise a national core list, that will apply in all cases, and additional items specified locally from a list provided by central government.
- 2.2 The national list sets out statutory requirements for applications. These requirements include the completed application form, the correct fee, (where one is necessary), ownership certificates, appropriate drawings, etc.
- 2.3 The local list comprises additional information which local planning authorities can require to validate an application. Local planning authorities are encouraged to consult on and adopt local lists drawn from a nationally defined list of requirements which is set out in the guidance document. Where local planning authorities have not adopted a local list and published it on their website then the default position for validating applications will be the statutory national requirements only. However, the combined use of the national and local list will afford both the authority and applicant more certainty of the type of information required at the outset and help to ensure that the information requested is proportionate to the type and scale of application being made.
- 2.4 The purpose of the new validation arrangements is to:
- provide a guide to the information that may be required at the outset;
 - enable the local planning authority to provide applicants with certainty as to the information required;
 - enable the local planning authority to have 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 local planning authorities a reasonable

opportunity to determine applications within the Best Value Performance Indicator targets; and

- ensure consistency in the approach taken by different local planning authorities in registering and validating applications whilst recognising the need for variation appropriate to local circumstances.

3.0 The Local List

3.1 The guidance document includes a list of additional information which local planning authorities can require before validating an application, and it is recommended that this should be tailored to the types of application covered by the standard application form. Model lists by application type have been provided in the guidance to help local planning authorities to develop their specific requirements.

3.2 Depending on the application type, the criteria referred to in the local lists could require the submission of such details as:

- Affordable housing statement
- Air quality assessment
- Biodiversity survey and report
- Daylight/Sunlight assessment
- Economic statement
- Environmental Statement
- Flood risk assessment
- Lighting assessment
- Noise assessment
- Planning obligations – Draft Head(s) of Terms
- Site Waste Management Plan
- Land Contamination assessment
- Planning Statement
- Tree survey/Arboricultural implications

It should be emphasised that this list is not exhaustive.

3.3 The Government expects local planning authorities to seek information that is necessary for a decision to be made and should not require a level of detail to be provided that is unreasonable or disproportionate to the scale of the application.

3.4 The purpose of consultation on the local lists is to ensure that they are clear and transparent to potential applicants affected by the new requirements before the lists are adopted and published. Local planning authorities can decide on the consultation procedure that is most appropriate for their local circumstances; however, the guidance recommends a process for consulting on and adopting local lists for different types of application.

4.0 Consultation and Adoption Procedures

4.1 The first stage of the process, as recommended in the guidance, is to seek a committee resolution to consult with relevant stakeholders

on the proposed local list for different application types, giving a minimum consultation period of 6 weeks.

- 4.2 Relevant stakeholders should include:
- Statutory consultees (including the Environment Agency, English Heritage, Network Rail, the local highway authority, Regional Development Agency, Strategic Health Authority, County Council and statutory undertakers
 - Relevant voluntary and community groups e.g. Residents Groups
 - amenity societies
 - local agents
- 4.3 In drawing up the list for consultation it is suggested that local planning authorities should also consider those groups or organisations referred to in their adopted Statement of Community Involvement.
- 4.4 Any comments received will be reported back to committee for formal resolution and adoption of the local list. The adopted local list will then be published on the Council's website (and made available through the Planning Portal) in addition to paper copies being made available at the Customer Contact Centre or on request.
- 4.5 The guidance stipulates that, once a local planning authority has consulted and adopted a local list in accordance with the procedures outlined above, and the list has been published on its website, it can be used as the local list of requirements when validating applications.
- 4.6 There is no statutory deadline for the adoption of local lists. However, unless and until a local planning authority publishes its local list on its website any local requirements will have no bearing on the validity of applications made to them. In these circumstances, compliance with the national list will be the sole determinant of whether or not an application is valid.
- 4.7 Local planning authorities should provide the Planning Portal with their adopted local lists as soon as they can to ensure that electronic application forms reflect up to date information requirements.

5.0 Financial Implications

- 5.1 No significant costs. The small cost of the consultation exercise will be met from the existing budget.

6.0 Human Resource Implications

- 6.1 Whilst the validation process could become more complex and consequently have some implications in terms of staff time, the guidance on the validation criteria will become clearer and more transparent and therefore provide more certainty to applicants on the requirements prior to submitting their applications. This extra

time checking for validation will be compensated by less time chasing for extra information.

7.0 Other Implications

7.1 There are no human rights, youth, anti-poverty, equalities or community safety implications as a direct result of this report.

8.0 Conclusion

9.1 It is important to have a comprehensive local list of validation criteria in place in order to ensure that all the relevant information is submitted along with the application. Without a thorough local list an application cannot be considered as invalid if vital information, which is not on the list, is not submitted. Furthermore, the opportunity to seek such information may be lost.

Ian Hayes
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Background Papers:

The Background Papers used in compiling this report were as follows:

“The Validation of Planning Applications – Guidance for local planning authorities” published by Communities and Local Government (December 2007)

To inspect or obtain copies of background papers please refer to the contact officer listed above. Alternatively the document can be viewed or downloaded at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/582764>

'Ntfilesserver' (J:)/2008 Agenda reports/Validation of Planning Applications