

## Agenda Item

Development Control Committee

1 July 2008

S.Belli



### **Validation of planning and related applications – adoption of Local List requirements**

#### **Summary**

As part of the drive to provide a quicker, more predictable and efficient planning service, the Government has introduced a new standard electronic application form for applications for planning permission made under the Town and Country Planning system and Listed Building and Conservation Area consent regime. Alongside this and to support the use of this standard application form, the Government has also introduced new information requirements for the validation of planning applications by local planning authorities.

Validation represents a decision by the local planning authority on an application and associated information starting its determination of whether to grant or refuse permission.

The Government has amended the Town and Country Planning (General Development Procedure) Order 1995 (the GDPO) to introduce a mandatory standard application form and associated information requirements for validation of applications from 6 April 2008.

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. This guidance implements section 42 of the Planning and Compulsory Purchase Act 2004 and reflects Planning Policy Statements since March 2005.

This reports sets out general principles relating to the standard of plans the Council will expect together with a potential list of requirements dependent on the type and complexity of the application submitted.

#### **Recommendation**

**That the general notes and local list requirements for the validation of planning and related applications be adopted for Development Control purposes.**

#### **a) Reasons for Recommendation**

To ensure that all planning and related applications provide sufficient information for officers and Members to make fully informed decisions taking into account all relevant material considerations, and to ensure that all submissions adhere to a reasonable standard so that all interested parties can adequately assess the proposal and make informed comments.

#### **b) Alternative Options**

The Council could do nothing and rely solely on the National minimum requirements for planning and related applications. This would provide a less comprehensive submission, and would prevent applications without relevant information being made invalid on receipt.

#### **c) Risk Considerations**

Failure to provide an agreed local list of requirements will mean that officers, Members and other interested parties may not be provided with all the information they need to make an adequate assessment. It would also impinge on the timescale for making planning decisions because such

information will need to be sought post validation when the clock has started to run. This will give rise to inevitable delays and poorer performance in National Indicators (NI) terms.

#### **d) Policy and Budgetary Considerations**

The information to be submitted will be funded by the applicant and whilst there may from time to time be a requirement for the authority to assess such information by using its own private consultants there are no other budgetary considerations.

There are no policy issues other than for officers and Members to ensure that whatever information they require is a material planning consideration and is line with government advice generally.

#### **e) Date for Review of Decision**

The Government recommends that the local list of requirements should be reviewed every three years. Any significant changes brought about by legislation or advice can be included in an amended list before that time but such changes ought to be the subject of a re-consultation exercise. The next date for review therefore will be July 2011 at the latest.

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### **1.0 Background**

- 1.1 The Government believes that the planning process will be greatly improved by the introduction of the Standard Application Form, which is for use throughout England, whether the planning application is made electronically through the internet or on paper. Previously, local authorities could design their own planning application forms, and there was a wide variation in the information which authorities sought from applicants.
- 1.2 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.
- 1.3 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; agricultural holdings certificate; Design and Access Statement (where one is necessary); the location plan; other plans and drawings or information necessary to describe the subject of the application and environmental statement (where one is necessary).
- 1.4 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. 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.

### **2.0 Current practice in validating planning applications**

- 2.1 Research undertaken by Arup in 2003 found that there was wide variation in the information requested by planning authorities and the level of detail that was considered acceptable.

Common reasons for invalidity included:

- Supporting documents that omitted information specified in the guidance notes accompanying the planning application form and/or set out in national guidance, statutory development plan or supplementary planning guidance;
- Submitted drawings did not show sufficient details as specified in the guidance notes or are inconsistent;

- Different application addresses on the forms and drawings;
- Building works encroaching on the neighbouring property;
- Incorrectly signed or unsigned certificates;
- Insufficient copies of plans and forms submitted;
- Inconsistency between elevations and floor plans;
- Incorrect fees enclosed or fee cheque not signed;
- Information still inadequate after one or more requests to the applicant for further details.

### **3.0 The new requirements for information**

3.1 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 National Indicator (NI) 154 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.

### **4.0 National list of requirements to make an application valid**

4.1 The GDPO requires, as a minimum, that an application for planning permission should:-

- Be made in writing (paper or electronic application) to the local planning authority on a form published by the Secretary of State (or a form which is substantially the same);
- Include the particulars specified in the form and be accompanied by a plan which identifies the land to which it relates;
- Any other plans and drawings or information necessary to describe the development which is the subject of the application; which must be drawn to an identified scale and, in the case of plans, show the direction of North;
- For paper applications, include three copies of the form plus the original (or fewer if the local planning authority so indicates). No copies are required if the application is made electronically;
- Be accompanied by any certificate or documents required by the Town and Country Planning Act 1990 or the GDPO;
- Include any fee required to be paid in respect of the application. Lodging a cheque or making an electronic payment for the correct fee amount is taken as payment; and
- Be accompanied by a Design and Access statement, if required.

### **5.0 Local list of requirements**

5.1 In addition to the national list, local planning authorities are encouraged to consult on and adopt their own local lists. This should be drawn from the recommended national defined list published in Government guidance which may be updated from time to time to reflect changes in national policy and legislation.

5.2 Local planning authorities should be aware that a request post-validation for further information or supporting documentation will have no bearing on validity. Nevertheless, an application could still be deemed valid, and then refused on the grounds of inadequate information, if the documentation submitted was subsequently found to be inadequate.

5.3 The overall content of a local list will be at the discretion of the local planning authority. However, as a minimum where national policy requires the provision of certain information this must be specified on the list if it is relevant. For example, a flood risk assessment described in *Planning Policy Statement 25: Development and Flood Risk*, must be provided in circumstances where it is a requirement.

- 5.4 Local planning authorities are encouraged to consult on their local lists to ensure that they are clear and transparent to potential applicants affected by the new requirements before the lists are adopted and published. This Council has published its initial document back in November 2007 by putting it on the web site and writing to users of the service including agents and Parish and Town Councils. The comments received have been considered and amendments made. In addition the information has now been submitted in a standardised form so that it links directly with the relevant forms, and with a separate guidance note dealing with the quality of plans.
- 5.5 Once a local planning authority has consulted and adopted a local list in accordance with the procedures outlined above, or similar procedures and the list has been published on its website, it can be used as the local list of requirements when validating applications under the amended GDPO.
- 5.6 Both the national and local lists for each type of application together with the general notes are appended to this report. The Local list reflects the advice set out by Government but has been amended in some cases to include additional information e.g. on BREAM or Code for Sustainable Homes ratings.

## **6.0 Conclusion**

- 6.1 Members are asked therefore to consider the general note together with the national and local lists and adopt them as working documents for any application submitted within the Council's area. The benefits of doing so will be to provide a better quality of submission, more information when necessary for consultees and other interested parties, and will improve NI performance by ensuring all relevant information has been received before validation and the clock starting.
- 6.2 Councils are also encouraged to enter into pre application discussions with applicants. This has recently been re-introduced and is likely to be a major outcome of the Vanguard review. The front loading of advice will also ensure that less invalid applications are received in the first instance.
- 6.3 The discretion to ask for relevant information and documents will rest with the officers. Government urges that Local Planning authorities are reasonable in their requests for information. Clearly on more straightforward minor and householder applications it will not be necessary to ask for the majority of items included in the Local List.
- 6.4 Should Members be minded to approve this report with or without modifications, the local list and general notes will then be published on our web site and made generally available.

## **Legal Implications**

The report and recommendation are consistent with the statutory framework (s42 PCPA 2004) and in particular reflect national policy guidance on the subject (Circular 02/2008).

## **Financial Implications**

Apart from needing to employ our own consultants to check the contents of technical reports there should be no financial implications. The Authority in making an application invalid does leave itself open to an appeal to the Secretary of State after 8 or 13 weeks. Such appeals may be accompanied by an application for costs but these would only be paid if it was shown that the Local Planning Authority had acted unreasonably.

## **Consultation on Reports to the Executive**

N/A

## **Background Papers**

- Validation of Planning and Related Applications published by East Devon District Council (2007)

- The Validation of Planning Applications – Guidance for Local Planning Authorities (December 2008)
- Circular 02/2008 Standard application form and validation published by CLG (March 2008)

### **Appendices**

- General notes on the validation of planning and related applications
- Individual forms setting out national and local list requirements for each application type

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**Development Control Committee**  
**1 July 2008**