

Report to:	Planning Committee	14 July 2021
Lead Officer:	Joint Director of Planning and Economic Development	

Review of Local List of Validation Requirements for Planning Applications

Executive Summary

1. Local Planning Authorities (LPAs) are required to undertake a regular review of their validation requirements for planning applications. It is necessary to ensure that a validation list is in place and remains fit for purpose in the context of changes to national legislation and Development Plan policies.

2. The validation list should set out the level of information required by the LPA to support a planning application. It should explain clearly what plans and documents are required as part of a planning application to ensure that the Council can make transparent, well informed and robust decisions on planning applications in the public interest.

3. The list should clearly define the minimum amount of information required for proper assessment of planning applications. Requirements are not intended to be onerous and information will only be requested when it is necessary to enable full and proper assessment of a proposal. The list should be updated alongside the adoption of Local Plans and reviewed at every 2 years.

4. There were long delays in the process through to adoption of the South Cambridgeshire Local Plan 2018 which delayed the review of the existing South Cambridgeshire District Council (SCDC) Validation List. This has now been reviewed following a 6 week public consultation exercise and an updated draft Validation List is attached to this report.

5. A parallel exercise has been carried out in respect of the Cambridge City Council Validation List which was approved for adoption by City Council's Planning Committee on 30 June 2021.

6. As part of the forthcoming planning service review which will consider Development Management processes and procedures as part of Phase 1, there is likely to be a need for a further review of the Local Validation List and therefore it is anticipated that the next review will take place well within the next two years. If possible, the next review will aim to create a single joint SCDC and Cambridge City Council Local Validation List.

Recommendations

7. That the revised Local Validation List be approved for adoption.

Reasons for Recommendations

8. The revised Local List will provide an up to date basis for assessing the validity of planning application requirements.

Details

Background

9. National guidance requires all local planning authorities (LPAs) to publish a 'local list' of validation requirements. These should be kept to the minimum necessary to enable decisions to be made and the list should be reviewed at least every 2 years.

10. National Planning Policy Framework 2019 paragraph 44 states that:

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 2 years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

11. National Planning Practice Guidance Paragraph: 044 Reference ID: 14-044-20140306 Revision date: 06 03 2014 sets out the procedure for revising the validation list:

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.

Information requested with a particular planning application must meet the statutory tests introduced by the Growth and Infrastructure Act

12. An up-to-date validation list ensures that planning applications are accompanied by all the plans, information and documentation necessary to ensure proper consideration of a planning application. Local information requirements have no bearing on whether a planning application is deemed to be valid unless an up-to-date list is in place. An LPA may review its validation lists within the two year period if required.

13. The validation list can perform the following important functions:

- Enabling officers to process applications more efficiently by having the right information up front.
- Providing local community and key stakeholders with more information and certainty about schemes prior to decision making
- Reducing the need for planning conditions, particularly pre commencement conditions

- Leading to high quality development as applicants will have worked through many of the site constraints and issues up front.
- Facilitating a constructive dialogue between applicants, the Council and local communities on desired outcomes for the development.

14. In the majority of cases agreement is easily reached with applicants regarding what is required to be submitted with an application, as officers use discretion to ask only for relevant documentation. The list predominantly provides guidance and help to those wishing to submit a planning application and explains why documents are required in certain circumstances. The legislation also provides a dispute resolution process that might ultimately allow an applicant a right of appeal against non-determination of the application.

Process for Review of Local Validation List

15. The Council's existing Local Validation List has not been updated for a long time as normally this process takes place following the adoption of a new Local Plan. The review of the Validation List was delayed alongside the Local Plan process, with adoption of the SCDC Local Plan taking place in September 2018. Further delays have affected the progress of the review of the Local Validation List as the planning service has been progressing a number of other high priority projects including various ICT/system upgrades, the update to the pre-application charging scheme and the introduction of a new pre-application system as well as the PPA project.

16. A considerable amount of work has been done with key consultees in putting together the revised draft List of Local Validation requirements. The draft revised validation list was published as a consultation document on the SCDC website for 6 weeks between the dates of 7th January 2020 and 18th February 2020. Approximately 200 local agents were also directly consulted. Officers have reviewed and updated the existing validation list having regard to, in particular, national policies and the relevant policies in the SCDC Local Plan 2018. Following the publication of the draft revised document officers have sought to address the representations received during the consultation period.

17. The consultation responses are summarised in the schedule attached as Appendix 2. None of the consultation responses raise

any issues that have required significant changes to the draft Validation List. The draft List recommended for adoption is attached at Appendix 1. The revised validation list document is divided into two sections:

- National and standard requirements for all application types
- Local statements/documents plans and information required to reflect primarily the requirements set out in the Development Plan

18. National requirements are set by government and are consistent across all local planning authorities in England. These are set out on the Planning Portal. The local requirements must be prepared by each LPA and should be tailored to reflect the material planning considerations that are relevant for that area. Critical to this consideration are the policies in the Development Plan.

19. It is recommended that the revised draft Local Validation List is approved by Planning Committee for adoption. The revised Validation List will then be published on the Council's website. It should be noted that the planning service review which is currently starting, will focus on Development Management processes and procedures as part of Phase 1 so it is likely that a further review of the Validation List will be carried out as part of this process well within the required two year period.

20. A parallel review exercise was carried out in relation to the Cambridge City Council Local Validation List which was approved for adoption by the City Council Planning Committee on 30 June 2021.

Options

21. All LPAs are required to have an up to date Local Validation List in place so there is an urgent need for an updated version to be put in place to reflect the updated Local Plan. Whilst the ideal solution would have been to have a single joint Local Validation List for SCDC and Cambridge City, it was not possible to accommodate this at the present time given the complexities of doing this. However, this could potentially take place as part of the planning service review process or otherwise pursuant to the proposed joint SCDC and Cambridge City Local Plan in due course.

Implications

22. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial Implications

23. The ability to require the relevant information to enable the LPA to make transparent, well informed and robust decisions on planning applications in the public interest reduces the risk of complaint compensation and potentially the costs of appeals and legal challenge.

Legal Implications

24. None

Staffing Implications

25. None

Climate Change

26. Having an up to date Local Validation List will help to ensure that planning applications address climate change issues as required under the Council's Local Plan policies and guidance.

Consultation Responses

27. Over 200 planning agents were consulted on the proposed changes to the Local Validation List. A small number of responses were received. The responses in relation to each requirement are summarised in Appendix 2 with commentary as to whether changes are proposed in response or not. Lead planning members and consultees were also engaged within the process.

Background Papers

Town and Country Planning Act 1990

Growth and Infrastructure Act (2013)

Town and Country Planning (Development Management Procedure) Order 2015

National Planning Policy Framework (2019)

National Planning Practice Guidance 2014

Appendices

Appendix 1: Revised South Cambridgeshire District Council Local Validation List

Appendix 2: Schedule of Consultation Responses and Officer Comments

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