

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 27th MAY 2021
title: VALIDATION CHECKLIST
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
principal author: REBECCA BOWERS - ASSISTANT PLANNING OFFICER

1. PURPOSE

- 1.1 To request that Committee note that the Local Planning Authority (LPA) have commenced a 6-week consultation for its updated Validation Checklist pertaining to applications submitted to the LPA.

2. BACKGROUND

- 2.1 The Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012, included measures which place limits on the powers of local authorities to require information with planning applications by stipulating that such requests must be genuinely related to planning and reflect the nature and scale of the development proposed. Paragraph 44 of the National Planning Policy Framework (the Framework) makes it clear that local planning authorities should only request supporting information that is relevant, necessary, and material to the application.
- 2.2 The Framework states that local planning authorities should publish a list of their information requirements for planning applications, which should be proportionate to the nature and scale of development proposals and reviewed at least every two years. The list should be subject to consultation and should be published on the local planning authority's website.
- 2.3 The Council's current Validation Checklists is due to expire July 2021. The checklists include 'national validation requirements' which are statutory requirements for all applications, and a 'local list' of supporting documents that may be required depending on the nature and scale of an application. The intention of this document is to assist applicants when submitting planning applications and to ensure that planning applications can be validated on receipt.
- 2.4 The Council's Local List of validation requirements is not intended to be overly prescriptive and it is advised that early pre-application discussions are entered into so the documents, plans and drawings, which reflect the nature and scale of the development, required to support the planning application can be identified.

3. LEGAL IMPLICATIONS

- 3.1 Information requested by a local planning authority for submission with a particular planning application must comply with two statutory tests set out in section 62(4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. These are:
- 3.1.1 reasonable, having regard in particular, to the nature and scale of the proposed development; and
- 3.1.2 about a matter which it is reasonable to think will be a material consideration in the determination of the application.

3.2 Regard has been had to these tests in producing the final version of the Validation Checklist.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources- any changes could be met with existing staffing.
- Technical, Environment and Legal –
 - The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the provisions in respect of a local authority's ability to request information in respect of validating an application submitted to the Local Planning Authority. The only requirements which are to apply to a particular application are those published on their website which has been published within two years immediately before the date on which the application is made.
 - The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a formal route for an applicant to challenge information requests by local authorities, validation stage in both officer time and to the customer and runs the risk of the submission of a non-determination appeal where validation is in dispute.
 - Currently the Local Planning Authority can insist upon the submission of any relevant documentation within the Validation Checklist (2019) and the national requirements.
 - The expiration of the validation checklist means that the LPA would no longer be able to compel a developer to provide information on the local validation list. If an applicant considers that the information requested on a local list does not meet the tests set out in the National Planning Policy Framework and the Act, they could then challenge the need to provide it.
- Political - N/A
- Reputation – N/A
- Equality and Diversity - N/A

5. **RECOMMENDED THAT Committee**

5.1 Note the commencement of the 6-week consultation on the updated checklist. Following the consultation any required amendments will be made and the updated checklist will be brought back to committee for approval.



REBECCA BOWERS
ASSISTANT PLANNING OFFICER



NICOLA HOPKINS
DIRECTOR OF
ECONOMIC
DEVELOPMENT AND
PLANNING