

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

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meeting date: 26 AUGUST 2021  
 title: VALIDATION CRITERIA  
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING  
 principal author: REBECCA BOWERS, ASSISTANT PLANNING OFFICER

### 1 PURPOSE

- 1.1 The draft revision of the Council's Validation Checklist for planning applications had been prepared in conjunction with the guidance lines set out by the MCHLG and reported to Members of the Planning and Development Committee. Following a 6-week consultation period, in which key stakeholders were consulted on the draft Checklist, as well as the document being available for public view on the Council's website, a total of two responses have been received. The responses are all in principle supportive of the introduction of a Validation Checklist, however responses have been received suggesting some amendments to the draft Checklist.
- 1.2 Two comments received were from internal members of staff relating to dimensions being provided on drawings, that redacted copies of sensitive information are provided by the applicant/agent and that a section should be added in referring applicants to LLFA's standing advice for drainage.
- 1.3 The requirement for dimensions to be provided on drawings has been included on the updated checklist as well as redacted copies of sensitive info. The LLFA's standing advice has been added in prior to the consultation so this has not been duplicated.
- 1.4 Further to the consultation Central Government guidance has now changed to include the requirement for fire safety to be assessed as part of the planning process and this applies to all applicable applications submitted from 1 August 2021. The applicable applications will require a fire statement to be submitted. More details of what a fire statement is can be found at the relevant section within the checklist.
- 1.5 This report therefore seeks to request that Committee approve the final version of the Council's Validation Checklist for planning applications submitted to the Local Planning Authority (LPA) with view to updating the document every two years unless the LPA consider major changes need to be made prior to the two-year period.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives } To be a well-managed council providing
  - Corporate Priorities } efficient services based on identified
  - Other Considerations } customer
- need.

## 2 BACKGROUND

- 2.1 The Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012, includes measures which will 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 expired in 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:
- 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.
- 3.2 Regard has been had to these tests in producing the final version of the Validation Checklist.

## 4 RISK ASSESSMENT

- 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.

- Reputation - No implications identified.
- Equality & Diversity - No implications identified.
- Political - No implications

## 5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Agree and formally adopt the Planning Application Validation Criteria attached in Appendix 1.



REBECCA BOWERS  
ASSISTANT PLANNING OFFICER

NICOLA HOPKINS  
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

For further information please ask for Rebecca Bowers, extension 4518.