

**Report to:** Cabinet

**Date:** 14 December 2022

**Title:** Planning Local Validation List

**Report of:** Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning

**Cabinet Member:** Councillor Colin Swansborough, Cabinet Member for Climate Change, Place Services and Special Projects

**Wards:** All Wards

**Purpose of the report:** To seek Cabinet approval for the adoption and publication of the Council Local Validation List that outlines the supporting and evidential requirements of planning applications.

**Decision Type:** Key

**Officer Recommendation:**

- 1) To agree the publication and use of the Draft Local List of Planning Application Requirements contained in Appendix 1 & 2
- 2) To provide delegated authority to the Director of Regeneration and Planning, in consultation with the Portfolio Holder for Planning and Infrastructure, to make minor or technical amendments to the Planning Local Validation List to its publication or as otherwise required following publication.

**Reasons for recommendation:**

- 1) To publicise the Council's expectation for the delivery of a robust planning application validation process.
- 2) To make minor amendments to address technical, drafting issues or to take account of changing legislative requirements.

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## **1. Introduction**

- 1.1 Attached is the Council's proposed Planning Local Validation List.
- 1.2 Following the establishment of Planning First it has given the opportunity to set out the Council's approach to improving the validation process of planning applications.
- 1.3 This document has been produced to assist users of Eastbourne Borough Council's Planning service when submitting applications for planning permission or other similar consents.
- 1.4 On 6 April 2008 the Government introduced a mandatory Standard Application Form (1APP) accompanied by changes to the procedures involved in the validation of applications.
- 1.5 There are two elements to the new validation requirements:
  - A national list of mandatory information that must be submitted with every planning application; and
  - A local list of additional information that will be required when making an application to Eastbourne Borough Council.
- 1.6 The 1APP Form and associated National and Local lists form part of the Government's drive to provide a quicker, more predictable, and efficient planning service.
- 1.7 The Local List clearly sets out the information requirements for different types of planning applications within Eastbourne Borough Council.
- 1.8 As a result, the Local List validation criteria include:
  - When/why information is needed.
  - What sort of information is required.
- 1.9 Each of the Local List items have been assessed against the principles and criteria for local list preparation in terms of necessity, precision, proportionality, fitness for purpose and assistance in accordance with the Government advice within paragraph 193 of the NPPF and following the advice on 'Streamlining the planning application process: consultation' June 2013 and 'Development Management Policy Annex: Information Requirements and Validation for Planning Applications' (2010).
- 1.10 The local list formalises the submission of information that is required before applications can be registered. Therefore, everyone involved in the planning application process will enjoy greater certainty and consistency as to what information is required to accompany different applications.
- 1.11 The level of information needs to be proportionate to the size and type of application and the local list intends to require only information that is necessary to the consideration of the application.

- 1.12 This latest review of the Local Validation List reflects recent changes in national and local planning policy and guidance in respect of the inviting scheme promoters to engage with the recent suite of 'Technical Advice Notes' covering such issues as sustainability in construction, biodiversity nett gain on development sites and other evidential requirements that would support National policy direction alongside the Councils corporate plan.
- 1.13 The latest review of the Local Validation List was subject to targeted consultation with the Planning Users Group (a body of agents, architects and interested parties) who act as a critical friend to the services that Planning First provide. The list reflects the feedback from this group.

<b>2.</b>	<b>Local List Validation Requirements</b>
2.1	<p>The list is in two parts and attached to this report (in appendix 1 &amp; 2) and sets out the local validation requirements. For each item, the following guidance is given:</p> <ul style="list-style-type: none"> <li>• Where and when the item of information is required,</li> <li>• What the policy background of the need is.</li> </ul>
2.2	<p>It should be acknowledged that this list identifies the documents required to accompany planning applications before they are validated. Whilst guidance is provided for each item, the nature and extent of the information required will depend upon the individual site and proposal.</p>
<b>3.</b>	<b>Corporate Plan and Councils Policies</b>
3.1	<p>Effective operation and application of this local validation list will ensure that the quality of the applications initially received will be supported by enhanced evidential material.</p>
3.2	<p>Several the requirements of the Local Validation will support the Council's priorities in the Corporate Plan and assist in the recommendation of all planning applications, especially those that are determined at planning committee.</p>
3.3	<p>The enhanced supplemental material at validation stage should result in the imposition of fewer conditions at the end of the application processes. This would support the prompt implementation of consented schemes and thereby help to support the local economy.</p>

4.	<b>Financial Appraisal</b>
4.1	The implementation and the application of the local validation list will be used by the existing staffing structure and therefore there are no financial implications of this report.
5.	<b>Legal Implications:</b>
5.1	<p>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 requires the council to maintain an up-to-date local list and ensure it is published on the local planning authority's website. It also provides that the information requested with a particular planning application must be:</p> <ul style="list-style-type: none"> <li>• reasonable having regard, in particular, to the nature and scale of the proposed development; and</li> <li>• about a matter which it is reasonable to think will be a material consideration in the determination of the application.</li> </ul>
5.2	<p>The recommended process for reviewing and revising local lists involves the following 3-step process:</p> <ul style="list-style-type: none"> <li>• <b>Step 1: Reviewing the existing local list</b> 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.</li> <li>• <b>Step 2: Consulting on proposed changes</b> 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.</li> <li>• <b>Step 3: Finalising and publishing the revised local list</b> Consultation responses should be considered 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. Paragraph: 044 Reference ID: 14-044-20140306 Revision date: 06 03 2014</li> </ul>

<b>6.</b>	<b>Risk Management Implications</b>
6.1	The following risk will arise if the recommendations are not implemented and the following mitigation is proposed.
6.2	<u>Risk:</u> if not implemented, the advice, polies and procedures within the local validation list would potentially result in delay and ad-hoc processing of applications requiring the need for the imposition of a number of conditions at the end of the process placing additional burdens on the scheme proposer. This would result in an inconsistent service.
	<u>Mitigation:</u> That the recommendations of this report are approved, allowing the publication of the Local Validation List, which outlines the Council's expectations for how the validation of applications should be addressed.

<b>7.</b>	<b>Equality Analysis:</b>
	An Equality Screen has been completed in conjunction with this report. Although the proposals are unlikely to impact on protected groups, taking steps to ensure that all supporting and evidential material is requested on a proportionate basis should help to ensure that all sectors of the community, landscape and biodiversity are evaluated by the application process.

<b>8.</b>	<b>Environmental Sustainability Implications</b>
8.1	By seeking to influence how planning application validation is undertaken and to ensure that planning permissions are monitored and adhered to will ensure that where appropriate actions will help to meet the target of zero carbon by 2030.

<b>9.</b>	<b>Appendices</b>
	Appendix 1 – Further Detail on Local Information Requirement Planning Appendix 2 Local Validation Requirements

<b>10.</b>	<b>Background Papers</b>
	None