

**COMMITTEE**                    **PLANNING**

**DATE**                         **9<sup>th</sup> JULY 2013**

**SUBJECT**                    **Review of the Local Information Requirements  
for the Validation of Planning Applications**

**REPORT OF**                 **Mark Baker – Senior Planner**

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**Ward(s)**                     ALL

**Purpose**                      To inform and update Members of the implications of the requirements for reviewing the Local Validation List

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**Recommendation**      [1] Member’s are asked to note the current position and work carried out to date.  
[2] Adopt the draft LVL at Appendix 1 as interim list with immediate effect.  
[3] Endorse the proposed course of action as set out in paragraph 2.2 of this report.  
[4] That future revisions of the LVL be delegated to the relevant senior head to update the list in light of legislative and other changes (subject to prior public consultation where required), such delegation to be exercised after consultation with the Chair of Planning

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**1            Background**

- 1.1        Since 6 April 2008 the validity of planning applications received by this authority (except those for mineral development) has been informed by the National and Local Validation Lists (LVL). The LVL sets out what information, over and above the national requirements, is necessary to accompany planning applications.
- 1.2        On the 8<sup>th</sup> January 2008 this Committee considered a report by the Head of Planning, regarding a draft LVL and resolved that stakeholder consultation take place and be reported back to them. A further report was considered by this Committee on the 4<sup>th</sup> March 2008, where, having considered the responses received, it resolved to adopt the list subject to some fine tuning, details of which were to be agreed with the Chairman.
- 1.3        It was always the Government’s intention that local planning authorities (LPA’s) review their local validation lists and following on from this, it issued three consultation papers in response to the Killian Pretty review of 2008 which recommended reforms to the planning system. In particular this report recommended that there should be

a more proportionate approach to information requirements to reduce costs for the applicant and to reduce the amount of time taken by LPA's and statutory consultee's to read unnecessary detail during the determination period.

- 1.4 In *The Plan for Growth* issued alongside the 2011 Budget, the Government Announced a programme of measures to simplify and streamline the arrangements for making and determining planning applications in England. This reflects its wider ambition to make the planning system more efficient and positive in outlook and operation.
- 1.5 An important part of this is making sure that what an applicant must do to seek and obtain planning permission is proportionate. Applicants are obliged to satisfy a wide range of information requirements when they submit their planning applications to the LPA. Some of these requirements are nationally prescribed, but local planning authorities have strong, broad powers to impose their own requirements by means of their LVL.
- 1.6 The key purpose of stipulating what a planning application must comprise is to ensure its validity and so LPA's have up front the information that is essential for a sound, timely and confident decision. It also means that statutory consultee's and other third parties who look at and comment on applications can see what permission is being sought, and what the impacts (both positive and negative) are likely to be.
- 1.7 The Killian Pretty Review recommended that information requirements for all planning applications should be made clearer, simpler and more proportionate, with unnecessary requirements removed. A range of regulatory, policy and guidance changes were then made, but concern about disproportionate information persists.
- 1.8 The key issue is that the right information must be available, at an appropriate time, to support good decision-making. The National Planning Policy Framework [March 2012] guides applicants to discuss information requirements with the LPA and key consultee's early on. The advice goes on to say that LPA's should publish a list of their information requirements for applications, they should be proportionate to the nature and scale of the proposal and reviewed on a frequent basis.
- 1.9 A statutory instrument came into force on 31 January 2013 the effect of which is that for a LVL to carry any weight it must have been published within 2 years before the planning application is made. This applies to applications made on or after 31 June 2013.
- 1.10 Eastbourne Borough Council's [EBC's] LVL was published in March 2008 following stakeholder consultation, but will not carry any weight after 31<sup>st</sup> June 2013. For this reason it is proposed that the 2008 LVL should be reviewed.

## **2 The Review Process**

- 2.1 Given the Statutory time constraints, officers have undertaken a review of EBC's existing LVL and supporting documents and prepared a draft revised version taking into account:
- changes in Government guidance and planning policy, notably the National Planning Policy Framework;
  - Guidance on Information Requirements and Validation;
  - National policy guidance in the form of The Growth and Infrastructure Act 2013 [GIA];
  - National Planning Policy Framework [NPPF];
  - the saved policies from the EBC local plan;
  - the Eastbourne Core Strategy local Plan and following supplementary planning documents:
    - Eastbourne Park SPD
    - Sovereign Harbour SPD
    - Sustainable Building Design SPD
    - abolition of Regional Policy, namely the South East Plan; and
  - the experience of officers in its use, including anecdotal feedback from applicants, agents and consultee's.

The draft revised LVL is attached at Appendix 1 and Members' are asked to adopt this document as an 'Interim LVL, to be used with immediate effect whilst a formal 8 week consultation is carried out, the details of which follow.

The consultation will include the following organisations and individuals:

- East Sussex Council's councils;
  - statutory consultee's;
  - non-statutory consultee's; and
  - applicants and agents who have submitted a planning application since the 2008 LVL was published.
- 2.2 It is proposed to report the results of the consultation exercise and with any proposed revisions to the LVL to the Planning Committee for endorsement as soon as possible thereafter.

## **3. Human Resources**

- 3.1 There are no financial-resource implications for this monitoring as it can be delivered within the existing staffing establishment.

## **4. Legal**

- 4.1 The 'Memorandum of Understanding' will be reviewed and influenced by officers within the Councils Legal Department in order to ensure that the views of Eastbourne Borough Council, its elected members and or its constituents are not inhibited and or prohibited from engaging in the planning process.

**5 Environmental/Community Safety/Human Rights/Anti Poverty**

5.1 There are no adverse impacts on these implications as a direct result of this report.

**6 Conclusions**

6.1 That member's adopt the draft revised LVL attached at Appendix 1 as an 'Interim LVL, to be used with immediate effect and endorse the proposed course of action as set out in paragraph 2.2 of this report.

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**Mark Baker**  
**Senior Planner**

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