
Urgent Item NPA64 -2017: Item 14. Review of Local Validation Checklist

1. Purpose of Report

- 1.1 This report deals with a review of the 2015 Northumberland National Park Authority Planning Validation checklist relating to the local information requirements to be sought for the validation of planning applications by the Authority. The current checklist was published in April 2015 and is more than two years old.

2. Recommendation

- 2.1 **That Members authorise the republishing of the April 2015 Local Validation checklist, subject to minor updated references. The republished Validation checklist will remain in place until a review is carried out within six months of a revised National Planning Policy Framework being published by the Government.**

3. Implications

Financial

- 3.1 There are no financial implications arising from this report. The review of the local information requirements has been undertaken as part of the Head of Development Management's day to day duties.

Equalities

- 3.2 There are no equalities implications arising directly from this report.

4. Background

- 4.1 To validate a planning application, the Local Planning Authority (LPA) needs to receive specific documents set out as national requirements (completed application form, location plan, ownership certificate, scaled plans and the relevant fee) but the LPA can also request applicants to provide additional information appropriate to local circumstances. In order to be relied upon for validation purposes, local information requirements must be set out in a list on the local planning authority's website. Only information included in that list can be required of an applicant.
- 4.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 states (in Article 11) that the Local Planning Authority can only request documents beyond the national requirements if the LPA has published a list of local requirements on their website and that list was published (or republished) during the two year period immediately before the date on which the application is made.
- 4.3 The National Park's validation checklist was published in April 2015, after a redesign (to make it more user-friendly) and a complete review of the content, as well as a consultation period of 8 weeks (between 22nd December 2014 and 16th February

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2015). The validation list is now more than two years old and so strictly speaking cannot be relied upon to request information beyond the national requirements.

- 4.4 The Local Planning Authority has since been challenged by a planning agent with respect to requesting additional information on the local list due to it being out of date. The consequence of this is applicants can enact a “validation dispute” where they serve notice on the Authority which starts the 8 week planning application determination process without the submission of the information. If the Authority does not process the planning application within the 8 weeks, then they can appeal to the Planning Inspectorate to determine the application instead.

5. **Consideration**

- 5.1 The existing local validation checklist was compiled under reference to the Town and Country Planning (Development Management Procedure) (England) (Amendment No 3) Order 2012. Since then the Town and Country Planning (Development Management Procedure) (England) Order 2015 (T&CP(DMP)Order 2015) is now relevant. There is also updated Planning Practice Guidance on local validation lists. This newer legislation and guidance does not significantly change the requirements of the local list.

- 5.2 The government’s policy on local information requirements is set out in paragraph 193 of the National Planning Policy Framework (NPPF): *Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.*

- 5.3 Planning Practice Guidance (PPG) (paragraph 039) states:
“A local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted ‘local list’ which has been published on its website less than 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.”

- 5.4 PPG (paragraph 040) continues:
“In addition to being specified on an up-to-date local list published on the local planning authority’s website, information requested with a particular planning application must be: 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.”

Reference is also made to the statutory tests set out in section 62 (4A) of the Town and Country Planning Act 1990 and article 11(3)(c) of the T&CP(DMP)Order 2015.

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- 5.5 The 2015 local list was reviewed using 5 key considerations that were previously set out in Government guidance (these are no longer set out in guidance however remain relevant considerations):
- a) **necessity**: all local list requirements have been based on statutory requirements, national or adopted local policy;
 - b) **precision**: it should be clear what types of development require the provision of particular supporting information. The list also identifies specific areas where the information requirement arises e.g. flood risk areas, world heritage site;
 - c) **proportionality**: it is important that a proportionate approach is adopted. It is acknowledged that some information may only be relevant in particular geographical contexts, or for specific types of planning application. The revised validation checklist will set out the circumstances where a local list item **will** be required. Wherever possible, it will set out the circumstances where a local list item **will not** be required. In reality, however, some things will only be required where proportionate on a case by case basis;
 - d) **fit for purpose**: whilst the list will encourage applicants to aim for brevity in their applications, it is important to ensure that they are providing sufficient information to enable officers to understand the main impacts of the scheme;
 - e) **assistance**: for each element of the list, it is intended to be clear where any further information or answers to queries can be obtained. This will include hyperlinks to the relevant national or local policy documents and the Planning Portal.
- 5.6 The 2015 local list was reviewed at the time by officers and updated to make reference to the National Planning Policy Framework (NPPF) which was adopted in 2012. The NPPF (2012) still remains as national policy and therefore remains relevant as a material planning consideration. Having reviewed the 2015 local list requirements, the references to national guidance are still considered relevant and do not require alteration or amendment.
- 5.7 The 2015 local list was compiled making reference to the Northumberland National Park Core Strategy (2009) and supplementary documents such as the NNPA Building Design Guide Supplementary Planning Document and the NNPA Landscape Supplementary Planning Document. Core Strategy Policies are considered to be still relevant and Planning Inspectors at appeal have confirmed this view. Having reviewed the 2015 local list the references to local plan policies and SPDs are considered material planning considerations and remain relevant. It is considered this aspect of the local list does not require alteration or amendment.
- 5.8 Having reviewed the content of the 2015 local list, the following minor changes have been made:
- References to out of date legislation have been amended. An example of this relates to the reference of the T&CP(DMP)O 2015 rather than the T&CP(DMP)O 2010 in the elevations and floor plans requirements.

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- Links to National Planning Practice Guidance have been updated to ensure reference for applicants and agents to the most up to date and relevant guidance.
- Updated links to the planning portal website (using co.uk rather than gov.uk)
- Link to the more up to date Environment Agency form for Foul Drainage Assessment will be provided rather than an out of date one.
- Updated link to the Natural England species list on the Biodiversity list

These amendments do not materially change information requirements, but simply provide up to date information and references for our customers.

5.9 Planning Practice Guidance sets out a number of steps for reviewing a local list:

Step 1: Reviewing the local list

Step 2: Consulting on proposed changes

Step 3: Finalising and reviewing the local list

Having reviewed the material planning considerations in the 2015 local list there are very few changes required. The 2015 local list was subject to 8 week consultation. Due to the changes not being considered material, it is considered it would be unnecessary and disproportionate to carry out a consultation process on such minor changes.

5.10 The 2015 local list had been scheduled to be reviewed shortly after the revised NPPF was published, which originally had been advised to be late 2016. However with subsequent delays to the revised national guidance (partly due to Brexit and a general election) the NPPF has been significantly delayed. It is considered that the publication of the revised NPPF would be the best time to review the local list requirements to ensure they meet with guidance. It is therefore considered the suitable timescale for review of the republished local list would be within six months of the publication of the revised National Planning Policy Framework. This would allow time to consider the revised NPPF in relation to local policies and other allow time for a consultation period of any proposed changes.

5.11 Even with the republication of the local list, planning technical officers and planning officers will ensure that information required as part of the application validation process meet with the statutory tests and are only sought where a matter is likely to be a material consideration in the determination of the application submitted.

6. **Conclusion**

6.1 The local information requirements set out and specified by Northumberland National Park Authority published in April 2015 have been fully reviewed by officers to ensure they are in line with national policy and guidance. Due to the lack of changes to material planning considerations, specifically national and local policies, it is considered that the 2015 local list should be republished on the NNPA website, with very minor amendments to up dated guidance and legislation. A review will take place within 6 months of the revised NPPF being published by the Government.

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Background documents: To view the current 2015 Validation checklist please see the webpages below:

<https://www.northumberlandnationalpark.org.uk/planning/planning-permission/validation-checklist/>