

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
3 SEPTEMBER 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Marco Cereste – Leader and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer:	Nick Harding (Area Manager, Development Management)	Tel. 454441
Reporting Officer:	Theresa Nicholl (Development Manager)	Tel: 454442

REVIEW OF LOCAL LIST PLANNING APPLICATION VALIDATION REQUIREMENTS

R E C O M M E N D A T I O N S	
FROM : Head of Planning Services	Deadline date : Forthwith
That the Committee notes the proposed changes to the Local Validation List requirements as set out in the Council's "One Stop Shop" on the Planning and Building Control web pages.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 To inform the Committee of the proposed changes to the Local Validation List requirements.
- 1.2 On previous occasions, changes to the Local Validation List, which sets out what information has to be submitted with planning applications, have been reported to the Committee.
- 1.2 This report is presented to the Committee under its terms of reference 2.5.1.6, of Part 3 Section 2 of the Constitution, "to assess and review the performance of the services which fall within the terms of reference for the Committee".

2. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
---	-----------

3. LOCAL LIST AND VALIDATION REQUIREMENTS

Changes to the Development Management Procedure Order

- 3.1 The Development Management Procedure Order is the main piece of secondary legislation (stemming from the main "Planning Acts") that sets out how Local Planning Authorities (LPAs) must process planning applications from their receipt and validation through to determination and appeals. Government has recently issued a regulation (SI 2013 1238) which amends the application requirements in respect of design and access statements, reasons for issuing decisions and validation (local list) requirements. This report is concerned with the latter. Generally, the purpose of the amendment to the regulations is to simplify the planning process and remove "obstacles" in respect of determining applications in an efficient manner. These regulations came into effect on 25 June 2013.
- 3.2 Planning applications must be submitted with particulars that are set out in national requirements (e.g. forms, ownership certificates, plans and correct fee etc) and particulars

set out on the local list of requirements which is determined by each LPA. Peterborough City Council's (PCC) Local List of requirements is set out for each application type (e.g. full, outline, reserved matters etc) on the "One Stop Shop" pages on the Council's website. Applications which (prior to this amended regulation) did not provide all of the required information would have to be made invalid until such information was supplied.

- 3.3 The amended regulation now requires that the local requirements must be ***"reasonable having regard, in particular to the nature and scale of the development and about a matter which it is reasonable to think will be a material consideration in the determination of the application."***
- 3.4 A new procedure has been introduced whereby the applicant can challenge a decision not to validate an application and appeal (after 8/13 weeks of receipt). In addition from 31 July 2013 the applicant need only provide such local list requirements where they fall within a list of requirements that the LPA has published or republished on its website within the last 2 years. We last republished our local list in January 2013 when the RECAP waste management checklist was added.

What this means and what we intend to do

- 3.5 Government has clearly signalled that it expects the planning process to be more streamlined and straightforward for applicants and that LPAs must challenge their own requirements relating to the local list. Taking into account this clear steer and the desire to avoid validation disputes which could potentially be costly in both time and expense for the LPA, officers have critically examined the present local list with a view to reducing it down to a minimum whilst ensuring it is fit for purpose. It is considered that this will make it easier for applicants to assemble a planning application and to have it validated. It will also reduce the risk to the LPA in the applicant being able to challenge whether a requirement is reasonable with regard to the scale and nature of the site etc.

Possible adverse risk

- 3.6 A possible adverse risk to reducing the local list is that if an application is submitted without information that is then found to be necessary for the case officer to make a recommendation, the LPA will either have to request further information from the applicant, re-consult and perhaps allow the application to go "over time" (i.e. the 8 or 13 week determination period depending on whether a minor or major application) or determine it as it stands and refuse permission. If an application is allowed to continue past the normal determination period it will only be with the agreement of the applicant because the LPA is being monitored on performance with regard to the government's "special measures" regime (under performing authorities can have their determination rights removed and applicants can apply for permission direct to the Planning Inspectorate).
- 3.7 It must be emphasised that removal of a requirement for information from the Local List does not mean that an issue will not form part of the officer's consideration of the application. It simply means that the information will not be requested up front in order to make the application valid. The new requirements of the regulations (set out in bold text above) mean that information requirements must be tailored to a large degree to the particular application and site in question. This does involve subjective considerations. Competent persons who regularly submit applications on behalf of applicants should, on the smaller scale developments, be able to exercise such judgement. Officers will need to do so also, BUT, given the proposed streamlined local list of requirements, this local list will be the starting point and national requirements remain mandatory. It is not therefore anticipated that there will be many challenges to the information we will request up front.

How can prospective applicants be certain of what needs to be submitted?

- 3.8 The revised local list will be incorporated into the "One Stop Shop" pages on the Council's Planning web site pages. However, sometimes it may be difficult for applicants to decide whether information is necessary. A prospective applicant may also want a degree of

certainty with regards their submission requirements and to minimise risk of delay. An applicant can expect that as part of our pre-application service, the case officer will advise in writing as to what will be required with the application to make it valid. Pre-application advice is chargeable, the cost depending on the type and scale of application.

- 3.9 We propose to offer a new “strand” to our present pre-application service whereby an applicant provides us with brief details of the proposal, a location plan and a fee of £25. We will then provide the applicant with a list of required documents (taking into account the nature of the application) to make the application (if submitted) valid. This may help speed up the processing of small to medium scale applications. For large and/or complex applications we would expect applicants to use the full pre-application service.

“Going live” with the new local list requirements

- 3.10 The possible risks and benefits set out above have been taken into account and the intended changes to the Local List requirements are set out in the table at **Appendix A**. It is the intention to go “live” with these changes on our website within two weeks of this Committee. An explanation of the reasons for the changes will be placed on the website (with a link to this report) and comments will be invited. If any minor changes need to be made as a result of the comments these will be made as necessary. Previous consultations to add requirements to the Local List have received no comment therefore it is likely that a reduction in the requirements is likely to receive few comments.

4. CONCLUSION

- 4.1 It is proposed to streamline the local list of validation requirements in accordance with **Appendix A**. This will accord with the government’s aims of simplifying the application process and will reduce the likelihood of the LPA being challenged by applicants on its validation requirements. There is some risk that whilst this will speed up the validation process, in some cases it could cause delay during the consideration of the application; it may become apparent that additional information is needed to enable the case officer to make a proper recommendation. This may result in some applications being refused if the requested information is not provided in a timely manner or otherwise the LPA will require an extension of time from the applicant in order to try to resolve outstanding issues. This will be at the officer’s discretion, taking into account the circumstances of each case.
- 4.2 To assist potential applicants with validation requirements we already offer a pre-application advice service. We propose to extend this service to provide a list of validation requirements only (on request) for a small fee. All of these changes will be published on the planning and building control pages of the PCC website.

5. BACKGROUND DOCUMENTS

Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
SI 2013 No
1238http://www.peterborough.gov.uk/planning_and_building/planning_permission/one_stop_shop.aspx

This page is intentionally left blank