

OPEN

**Environment and Communities
Committee**

11 March 2024

**Revised Draft Local Validation
Checklists for Planning Applications**

Report of: Peter Skates, Acting Executive Director - Place

Report Reference No: EC/37/23-24

Ward(s) Affected: All Wards

Purpose of Report

- 1 This report seeks approval to adopt the Council's updated Local Validation Checklists for planning applications. The Local Validation Checklists set out the information that will usually be required to be submitted with a planning application.

Executive Summary

- 2 The national information requirements for a planning application are set out by the Planning Practice Guidance (PPG). The national information requirements set out the minimum information needed for a planning application to be registered as valid and for the Local Planning Authority (LPA) to begin processing the planning application.
- 3 In addition to the national information requirements, the National Planning Policy Framework (NPPF) advises that LPAs should publish a local list of their information requirements for planning applications. Local lists should clarify what information is usually required for applications of a particular type, scale or location. Information required by local lists should be relevant, necessary and material to the application in question and kept to the minimum needed to decide a planning application. These statutory tests are 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.

- 4 If a planning application is not supported by the information required by the national information requirements and an adopted local list, then the application will not be registered as valid and the formal process of considering and determining the planning application will not begin.
- 5 Ensuring that planning applications are supported by enough information is crucial to good decision making, provides certainty for applicants, the LPA, consultees and other interested parties and speeds up the decision-making process.
- 6 Local lists should be reviewed at least every 2 years.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Approve the adoption of the updated set of Local Validation Checklists.
2. Permit officers to make any minor revisions / changes to the Local Validation Checklists in response to the public consultation so long as such changes are not substantive in nature.
3. Publish the associated Equalities Impact Assessment Screening Report ("EQIA") (Appendix 1)

Background

- 7 In addition to the National Validation Requirements laid down by the Government, paragraph 44 of the National Planning Policy Framework (NPPF) states that "*Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question*". The combined use of the National and Local Information Requirements provides both the authority and applicant with more certainty over the type of information required from the start of the process and helps to make sure that the information requested is proportionate to the type and scale of application being made.
- 8 The current local validation checklists which outline those requirements were prepared on the inception of Cheshire East in 2009 and were subsequently updated and consulted on in 2019. Whilst the updated lists

were the subject of consultation, they were not formally adopted by the Council and cannot be used in the registration of planning applications although they still provide guidance for applicants and agents. Consequently, the lists are out of date and need to be updated to comply with the relevant legislation which requires their review every two years and to reflect changes in local and national planning policy. Accordingly, the lists have been further reviewed to bring them up to date.

- 9 Since the most recent draft lists were compiled in 2019, there have been a number of changes to both national and local planning policies, alongside a host of updated guidance. This includes updates to the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), the Cheshire East Local Plan Strategy and the Site Allocations and Development Policies Document. The validation lists have therefore been updated to reflect the advice and requirements of these latest policies and guidance.
- 10 More specific requirements have been incorporated to reflect priorities of the Council following adoption of the Site Allocations and Development Policies Document and more targeted supplementary planning documents such as the Cheshire East Design Guide. This will ensure that specific policy requirements such as affordable housing details and design quality is properly considered at an early stage in the application process and not after registration during the life of a planning application.
- 11 Viability assessments have also been included within the requirements to reflect the need for these to be made more transparent and open to public scrutiny. This reflects previous concerns from Cheshire East Members but also advice within the Planning Practice Guidance and local policy.
- 12 The approach to the Draft Validation Checklists is to reduce the number of forms, simplify the content and make them easier to use by making use of web links to more detailed information should this be needed. It is proposed to have one general validation checklist which lists all the requirements which may need to be considered on an application and a householder checklist with only a very limited number of requirements proportionate in scale to householder development. There will also be two more specialist checklists for minerals and waste applications. A checklist matrix has been produced to show quickly what is required (as appropriate) on the different types of applications. These draft lists are attached as appendices.
- 13 To provide the necessary justification for the requirements, a further document details the appropriate policy background ('policy drivers').

- 14 An additional guidance document has been prepared to provide applicants and agents with greater certainty and explanation of the Council's local requirements and what the Council expects from planning submissions
- 15 The revised Draft Local Validation Checklists have been the subject of a 4 week public consultation exercise during January and February 2024 in accordance with the Council's Statement of Community Involvement. A copy of the Draft Local Validation Checklists and associated documentation has been made available to view online and key stakeholders have been notified of the consultation by email.
- 16 Following the 4-week consultation exercise, and subject to Members agreement to the recommendations of this report, a summary report of consultation responses will be produced, and any responses will be taken into account when preparing the final revised checklists and guidance documents for adoption.
- 17 Once adopted, the effectiveness of the Local Validation Checklists will be monitored as part of the Authority Monitoring Report, using information from planning applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the Local Validation Checklists and further revisions to it on a biennial basis, or sooner if required.

Consultation and Engagement

- 18 During February, March and April 2019, the draft Local Validation Checklists were consulted on. Although the consultation exercise was completed, the checklists were not formally adopted.
- 19 Owing to the passage of time and changes in policy and legislation, the Local Validation Checklists have been reviewed, updated and consulted on.
- 20 Some of the key changes that have been made to the draft Local Validation Checklists are as follows:
 - (a) Refreshed format with tick boxes and in table form
 - (b) Simplified by reducing unnecessary text and duplication
 - (c) Update to requirements in response to revisions to both national and local policy and legislation
 - (d) Additional explanatory document to provide applicants with greater certainty and explanation of the Council's local requirements and what they expect from planning submissions

- 21 The updated draft Local Validation Checklists have been subject to a four week consultation exercise in accordance with the Council's Statement of Community Involvement. Subject to Members agreement, all comments will be considered, and revisions made as appropriate before a final version of them is prepared and adopted.

Reasons for Recommendations

- 22 The Council is obliged to review and update the Local Validation Checklist under section 62 (4A) of the Town & Country Planning Act 1990 (inserted by the Growth and Infrastructure Act 2013) and article 11 of Development Management Procedure Order 2015.
- 23 Providing clear, detailed guidance on policy expectations should enable applicants and agents to better understand the local information requirements for planning applications. The local validation checklists should assist applicants when making relevant planning applications, and the Council in determining them.
- 24 The review and adoption of the local validation checklists will ensure that the Council continues to prioritise its aim of making the borough a thriving and sustainable place by improving the quality of planning application submissions.

Other Options Considered

- 25 An alternative option for the Council would be to not update and adopt the local validation lists. Any relevant planning application would continue to be registered using the national validation requirements set by National Planning Practice Guidance. This would impact on the quality of planning application submissions and may prejudice the Council's ability to ensure that planning applications include the necessary particulars and evidence to support proposals for sustainable development. If an application is not supported by the necessary particulars or evidence, the Council may not be able to determine a planning application positively as it would not have the appropriate information to do so. This would delay the delivery of development that may otherwise be found to be in accordance with national and local planning policies with the receipt of the required information.

Option	Impact	Risk
Do nothing	The Council would not have adopted local validation checklists in accordance with government advice	The improved outcomes, clarity on process and expectation that could be achieved through clear information requirements would not be achieved. The quality of planning submissions would be reduced and this would likely reduce the speed of decision making and / or increase refusals of planning permission / appeals on grounds of insufficient information.

Implications and Comments

Monitoring Officer/Legal

- 26 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 County Planning (Development Management Procedure) (England) Order 2015 as well as the National Planning Policy Framework (NPPF) states that local planning authorities should publish a list of their information requirements for planning applications. Local validation checklists should be reviewed every two years.
- 27 The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which local validation checklists should be prepared.
- 28 The local validation checklist provides information relating to the range of documents applicants are required to submit to ensure a planning application is valid upon receipt by Cheshire East Council. An up-to-date list ensures that all necessary information is submitted before an application is formally registered.

Section 151 Officer/Finance

- 29 There are no significant direct financial costs arising from the review, consultation, and adoption of the Local Validation Checklists. The costs of printing and the staff time in developing the Local Validation Checklists are covered from the existing budgets of the planning service.
- 30 The Local Validation Checklists will help to improve the quality of planning submissions and the planning application process through improved outcomes, clarity on process and expectation achieved through clear information requirements. Applicants, agents and developers will know what is expected of them in terms of preparing and subsequently submitting their planning applications. The quality of planning submissions would be improved and this would likely reduce delays in the speed of decision making and / or reduce refusals of planning permission on grounds of insufficient information and subsequent appeals.

Policy

- 31 The Validation Checklist does not have a direct implication on policy, but the information required is backed by existing national and local planning policy.

An open and enabling organisation (Include which aim and priority)	A council which empowers and cares about people (Include which aim and priority)	A thriving and sustainable place (Include which aim and priority)
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Equality, Diversity and Inclusion

- 32 The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.
- 33 The Local Validation Checklists do not have a direct implication on policy, but the information required is backed by existing planning policy.
- 34 An Equality Impact Assessment has been undertaken and appears at Appendix 1

Human Resources

- 35 There are no direct implications for human resources because of this report or its recommendations/decisions.

Risk Management

- 36 There are no direct implications for risk management because of this report or its recommendations/decisions.

Rural Communities

- 37 There are no direct implications for rural communities because of this report or its recommendations/decisions.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 38 There are no direct implications for children and young people, and cared for children because of this report or its recommendations/decisions.

Public Health

- 39 Through clarifying the requirement for assessments to be undertaken in the development process in respect of matters relating to air quality, contaminated land, energy / sustainability, flood risk, health impact, noise, odour, and leisure / recreation / sports facilities direct measures would be secured to safeguard and improve public health where appropriate and proportionate to the scheme to be considered.

Climate Change

- 40 Through clarifying the requirement for assessments to be undertaken in the development process, in respect of matters relating to air quality, contaminated land, energy / sustainability, flood risk, health impact, transport and travel, direct measures would be secured to mitigate the effect of proposals on climate change where appropriate and proportionate to the scheme to be considered.

Access to Information	
Contact Officer:	Robert Law - Planning Team Leader Robert.law@cheshireeast.gov.uk
Appendices:	Appendix 1: Equality Impact Assessment (pre consultation) Appendix 2: VC1 Draft General Validation Checklist 2024 Appendix 3: VC2 Draft Householder Validation Checklist 2024 Appendix 4: VC3 Draft Minerals Validation Checklist 2024 Appendix 5: VC4 Draft Waste Validation Checklist 2024 Appendix 6: VC1 Draft Validation Checklist Guidance Document 2024 Appendix 7: Draft Validation Checklist Matrix 2024 Appendix 8: Draft Validation Checklist Policy Drivers 2024
Background Papers:	N/A