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## **STRATEGIC PLANNING BOARD**

**Date of Meeting:** 30 January 2019

**Report Title:** Revised Draft Local Validation Checklist for Planning Applications

**Portfolio Holder:** Cllr Ainsley Arnold

**Senior Officer:** Frank Jordan, Executive Director of Place

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### **1. Report Summary**

- 1.1. This report seeks approval to consult on a revision to the Council's 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.

### **2. Recommendation/s**

- 2.1. That the Housing, Planning and Regeneration Portfolio Holder be recommended to approve for consultation the draft Local Validation Checklist and associated documents attached as Appendix 1.

### **3. Reasons for Recommendation/s**

- 3.1. The Local Validation Checklist should be the subject of consultation before it is finalised. This will ensure that the standards that the Council adopts have been the subject of public comment and scrutiny.

### **4. Other Options Considered**

- 4.1. 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.

### **5. Background**

- 5.1. In addition to the National Validation Requirements laid down by the Government paragraph 193 of the National Planning Policy Framework

(NPPF) states that '*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.*' The combined use of the National and Local Validation 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

- 5.2. The current validation checklists which outline those requirements were prepared on the inception of Cheshire East in 2009. Although they are still used and provide guidance for applicants and agents they are out of date and need to be updated to comply with the relevant legislation which requires their review every two years. Accordingly it is appropriate to review the documents and bring them up to date.
- 5.3. Since 2009 there have been a significant number of changes to the both national and local planning policies, alongside a host of updated guidance. This includes the new National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and the Cheshire East Local Plan. The validation lists have therefore been updated to include reference to these latest policies and guidance.
- 5.4. More specific requirements have been incorporated to reflect priorities of the Council following adoption of more targeted supplementary planning documents such as the Cheshire East Design Guide. This will ensure that design quality is properly considered at an early stage in the application process and not after registration.
- 5.5. 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 more recent advice within the NPPG.
- 5.6. The approach to the Draft Validation Checklists is to significantly reduce the number of forms and also simplify the content - 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. There will also be two more specialist checklists for minerals and waste applications. A checklist matrix has also been produced to show quickly what is required (as appropriate) on the different types of applications. These draft lists are attached as Appendix 1.

- 5.7. To provide the necessary justification for the requirements a further document details the appropriate policy background.
- 5.8. Subject to the approval of Strategic Planning Board, it is envisaged that the Draft Local Validation Checklist will be published for public consultation for a period of 6 weeks from mid February 2019. A copy of the Draft Local Validation Checklist and associated documentation would be made available to view online and key stakeholders will be notified of the consultation by email.
- 5.9. Following the 6-week consultation exercise, a summary report of consultation responses will be produced, and any responses will be taken into account when preparing the final revised checklist for adoption.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. 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. This local validation checklist should be reviewed every two years.
- 6.1.2. The local validation checklist provides information relating to the range of documents applicants are required to submit in order 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.

### **6.2. Finance Implications**

- 6.2.1. The policies adopted by the Council on Community Involvement can have significant financial implications. Obligations to supply hard copy documents, send letters by post or place public notices in newspapers involve a direct financial cost. Others, such as the placing of site notices involve a cost in staff time and resources. Generally speaking, electronic communication such as email notification, web based consultation and social media have lesser financial implications.
- 6.2.2. In drawing up appropriate policies for community involvement in planning, the Council needs to balance the cost of each form of engagement with the benefit that it accrues to stakeholders and the public.

### **6.3. Policy Implications**

6.3.1. The Validation Checklist does not have a direct implication on policy, but the information required is backed by existing planning policy.

### **6.4. Equality Implications**

6.4.1. There are no direct equality considerations albeit the proposed changes and updates are designed to make the process more simplified and accessible for all members of society and not just those with technical knowledge of the planning system.

### **6.5. Human Resources Implications**

6.5.1. There are no direct implications for human resources

### **6.6. Risk Management Implications**

6.6.1. There are no direct implications for risk management

### **6.7. Rural Communities Implications**

6.7.1. There are no direct implications for rural communities.

### **6.8. Implications for Children & Young People**

6.8.1. There are no direct implications for children and young people.

### **6.9. Public Health Implications**

6.9.1. There are no direct implications for public health.

## **7. Ward Members Affected**

7.1. All Wards – implications are Borough Wide

## **8. Consultation & Engagement**

8.1. It is proposed that the draft Validation Checklist be subject to six weeks consultation. Following this, all comments will be considered and revisions made as appropriate before a final version of them is prepared for approval.

## **9. Access to Information**

9.1. The Council's website includes the current checklists as well as all the existing policies.

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

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