INTRODUCTION OF CHANGES TO THE COUNCIL'S CHECKLIST FOR THE VALIDATION OF PLANNING APPLICATIONS

Report of the Director (Corporate and Support Services) and Deputy Chief Executive

1. MATTERS FOR CONSIDERATION

1.1 Proposed re-adoption of the Council's Application Validation Checklist (AVC) for the validation of planning applications, and supporting document 'Explanatory Notes for the National and Local Information Requirements for the Validation of Planning Applications'.

2. SUMMARY

2.1 As a Local Planning Authority (LPA), Stockport Metropolitan Borough Council must publish a local list of information requirements for submitted planning applications, in addition to the national mandatory information requirements specified in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). This is to provide clarity to applicants on what information should accompany their applications.

2.2 The LPA previously published the approved "Planning Application Validation Checklist (AVC)" in April 2019 following consultation and consideration of responses.

2.3 This report is provided to members for information and comment, and to advise that the "Planning Application Validation Checklist (AVC)" is to be consulted upon as per the updated list attached at Appendix A, and following consultation, be amended (as required) and adopted for use.

2.4 Following noting by Area Committee and Planning & Highways Regulation Committee the LPA will consult with the local community (including applicants and agents) on the draft validation list. It is noted that previous Government guidance set out that consultation should be undertaken for at least eight weeks. This guidance was withdrawn in 2014 and replaced by the Planning Practice Guidance (a government planning online resource), which does not include a timescale. Officers consider that consultation should be undertaken and that this should be for a period of six weeks as per a similar consultation exercise carried out for the 2019 version of the Planning Application Validation Checklist (AVC).

2.5 The consultation responses should be taken into account when preparing the final validation list and the final list must be published on the Local Planning Authorities website. The planning portal will also be informed of the planning application requirements to ensure the information required for online applications is updated and readily available to applicants.

AGENDA ITEM

3. RECOMMENDATION

3.1 This report is provided for information and comment purposes only. Members should note:

    a) the *"Planning Application Validation Checklist (AVC)"* (attached at Appendix A) is to be consulted upon; and

    b) that following consultation the Deputy Chief Executive and Corporate Director (Corporate & Support Services) would make any refinements, amendments, additions and/or deletions to the list as they consider reasonably necessary in response to any comments received from the consultation on the document and provided that no significant changes are needed and that no significant objections are received from the consultation issue a final *"Planning Application Validation Checklist (AVC)"* based upon the draft attached at Appendix A.

4. BACKGROUND

4.1 As a Local Planning Authority (LPA), Stockport Metropolitan Borough Council must publish a local list of information requirements for submitted planning applications, pursuant to the National Planning Policy Framework (NPPF). This is in addition to the national mandatory information requirements specified in the Town and Country Planning Development Management Procedure Order (DMPO). National guidance is also contained in Planning Practice Guidance: http://planningguidance.planningportal.gov.uk/

4.2 The information required to make a valid planning application to an LPA consists of:
- Mandatory national information requirements;
- Information provided on the standard application form;
- Information to accompany the application as specified by the LPA on their local list of information requirements; and
- The correct application fee.

4.3 Mandatory National Requirements

Statutory national information requirements specify that a planning application is to be accompanied by a location plan; site plan; ownership certificate (and notice); agricultural land declaration; fee; a design and access statement (where relevant). There are also specific requirements for outline planning applications and applications subject to environmental impact assessment.

4.4 Local Information Requirements

A LPA may request supporting information with a planning application. These requirements should be specified on a formally adopted local list, which must have been published on its website. The local list should be reviewed at least every two years.

4.5   The local list clarifies what information is required for applications of a specific type, scale or location. The National Planning Policy Framework (NPPF) states that a LPA's local list of information requirements for planning applications should be proportionate to the nature and scale of development proposals.

4.6   The NPPF encourages LPAs to request only supporting information that is relevant, necessary and material to the application in question. Section 62(3) of the Town and Country Planning Act 1990 gives LPAs a broad power to require that applications for planning permission in their area may require such particulars as they think necessary and such evidence in support of anything in, or relating to, the application as they think necessary. Additionally, section 62(4)(A) of the Town and Country Planning Act 1990 and article 11(3)(c) of the DMPO require that information requested with a particular planning application must be:

"reasonable having regard, in particular, to the nature and scale of the proposed development; and

may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of a planning application."

5.   VALIDATION LIST

5.1   In the local list, the LPA should identify the drivers for each of the items on the list, such as statutory requirements, national, regional or local plan policies, or published guidance that explains how adopted policy should be implemented. In addition to requiring that the local list be proportionate to the nature and scale of development proposals, the NPPF requires that the LPA recognises the cost burden on the applicant of providing additional information.

5.2   The proposed updated list of local validation requirements is set out in the appended *"Planning Application Validation Checklist (AVC)"* (Appendix A) and is based upon the previously approved list of April 2019. This list has been updated to take into account of any changes in legislation since the publication of the last list.

5.3   The validation list includes two sections; one on the national requirements and one on the local requirements and has been drafted to assist the applicant in determining what types of development require particular supporting information. As the necessary information will vary depending upon the particular proposal and application site, there will need to be an element of flexibility and proportionality in terms of applying the local list to each application. The document encourages the applicant to engage in pre-application discussion with the LPA officers to discuss the necessary information.

5.4   The LPA Officers will ensure the information they require is proportionate to the type and scale of development proposed at each site, and encourage the applicant to submit succinct documents.

5.5   Next steps

        Following noting by Area committee and Planning & Highways Regulation
        Committee, a consultation period of six weeks is to be undertaken, with the
        proposed list issued to the local community (including applicants and agents).

5.6   The draft updated local list will be displayed on the Planning section of the
        Councils Website for consultation and any consultation responses received will
        be taken into account by the LPA when preparing the final validation list.

5.7   Providing no substantial objections are received or significant alterations are
        made to the appended validation list, it is proposed (as set out in the
        recommendation section below) that the Director of Place would finalise the
        validation list.

5.8   Should significant objections be raised during the consultation period, and/or
        significant changes be needed in response to the consultation responses, the
        validation list would be returned to the Area Committee and Planning & Highways
        Regulation Committee for comment.

5.9   There is a requirement in article 11(3) of the DMPO for the LPA to have
        published a list of their local information requirements on their website in order for
        a local information requirement to have a bearing on validation. The list must
        have been published (or republished) during the 2 year period immediately
        before the date on which the application is made. The final updated validation list
        will be published on the Councils Planning homepage, with a clear signpost to
        where the local list can be found. The date of publication of the local list will also
        be clearly visible.

5.10   Future reviews of the local list

        The LPA will monitor any changes to the DMPO made following the Consultation
        Paper, and ensure the local list going forward is reviewed and updated in line
        with the DMPO requirements.

6.   LIST OF APPENDICES

6.1   Appendix A - Validation of Planning Applications; National list of planning
        application *"Planning Application Validation Checklist (AVC)"*.

7.   LIST OF BACKGROUND PAPERS

7.1   Department for Levelling Up, Housing and Communities "*National Planning Policy
        Framework*" December 2023.
7.2   The Town and Country Planning (Development Management Procedure) Order
        2015.
7.3   Planning Practice Guidance (http://planningguidance.planningportal.gov.uk/).

Anyone wishing to inspect the above background papers or requiring further
information should contact Mark Jordan 0161 474 3557 |
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