



**OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE**

Community and Environment Committee 21 November 2024

THE RE-INTRODUCTION OF A LOCAL VALIDATION CHECKLIST

Report of Director of Place and Economy

Report Author and Contact Details

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Wards Affected

All Wards outside the Peak District National Park

Report Summary

The report proposes re-introducing a revised/updated Local Validation Checklist which sets out the requirements for validating planning applications. The use of a local checklist is supported by the government within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

The list sets out additional information required to be submitted with an application above that required by the national validation requirements. The revised checklist also includes a separate revision addressing the requirements for Biodiversity Net Gain (BNG) which became a requirement for a large number of planning application from April of this year.

The information requirements set out within the proposed local list are not intended to add any additional burden to development, but to ease the fair and timely assessment of planning applications by being consistent and reducing delays.

Recommendations

1. That the Local Validation checklist be approved for consultation with Members, planning agents and external bodies for a period of six weeks.
2. That the outcome of the consultation process be reported to a future meeting of the Community and Environment Committee prior to adoption of the revised Local Validation Checklist.

List of Appendices

Appendix 1 – Draft Local Validation List

Appendix 2 – Draft Ecology and Biodiversity requirements

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

No

Exempt from Press or Public

No

THE RE-INTRODUCTION OF A LOCAL VALIDATION CHECKLIST

1. Background

- 1.1 Government legislation sets national validation requirements for planning applications. This is quite limited in information to: application fee, plans and drawings; ownership certificates, design and access statement (for some applications); and fire statements for example. However, applications often require additional information to be submitted with them in order to be able to assess their acceptability. These might include (depending on the application) ecology surveys, transport statements, landscape assessments, archaeology studies and so on.
- 1.2 As such, by following the national validation requirements only, applications could be validated without all necessary information being available. Applicants may then be asked to submit this additional information during the consideration of the application, which can delay assessment and determination of the application. Such delay is not in the interest of either the applicant or the local planning authority.
- 1.3 The National Planning Policy Framework (NPPF) therefore supports the 'front loading' of planning applications. It states that the '**right information is crucial to good decision-making**' (para 43). It goes on to state that '**Local planning authorities should publish a list of their information requirements for applications for planning permission**' (para 44).
- 1.4 A previous local validation checklist for Derbyshire Dales District Council was adopted in 2002 and subsequently revised on the 15th April 2011. The list is out of date and is not currently being used for development management purposes.
- 1.5 It is good practice to review local validation lists to ensure the inclusion of any key legislative or policy changes.
- 1.6 Members resolved in their current Corporate Plan (adopted on 29th February 2024) to produce a new validation checklist including clear requirements in respect of drainage. Specifically, to develop a local validation checklist that sets out requirements in respect of critical infrastructure for major planning applications, including foul and surface water drainage.
- 1.7 A further key change presently is the introduction of mandatory Biodiversity Net Gain (BNG) provision, which impacts on minor and major development and took effect from 2 April 2024.
- 1.8 Therefore a revised Local Validation List will ensure that planning applications can be registered promptly, and the information provided should help officers and members have all requirements met to enable them to make a timely, evidenced decision.

2. Key Issues

Government Guidance

- 2.1 The NPPF and NPPG advise that local planning authorities should take a proportionate approach to the information requested in support of planning applications when devising their local validation list.
- 2.2 The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. In addition to being specified in 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.
- 2.3 If a local planning authority asks for information which is not necessary, then applicants can either provide the information, or use the appeals procedure to resolve disputes over the information to be provided with a planning application.
- 2.4 The local list should be reviewed at least every two years.

Proposed Local List

- 2.5 The local list has been updated to take into account latest legislation, policy and guidance. A significant addition is requirements for Biodiversity Net Gain (BNG) following introduction of mandatory BNG provision by the Government. A further goal has been to incorporate those matters identified within the Corporate Plan.
- 2.6 The proposed Local List, and BNG requirements, are attached at Appendix 1 and Appendix 2.

3. Options Considered and Recommended Proposal

- 3.1 It is proposed to carry out a 6-week consultation on the list with those who have regularly or recently submitted planning applications to Derbyshire Dales District Council; Town and Parish Councils; Ward Members; and planning agents.
- 3.2 An alternative option would be to adopt the list without consultation; this is not recommended. A further option would be to continue without an up-to-date list; this is also not recommended.

4. Consultation

- 4.1 Consultation is proposed with Town and Parish Councils, Ward Members, and planning agents. It is planned to consult for six weeks, with the consultation notified by email to ward members, parish and town clerks, agents and recent applicants. It would also be publicised on the District Council's social media channels.

5. Timetable for Implementation

5.1 The formal introduction of the Local List is depended on the agreement of this direction of travel followed by a consultation period and then the final version of the Local List being presented back to the January 2025 C & E Committee for adoption.

6. Policy Implications

6.1 The recommendation would enact a Corporate Plan policy commitment to develop a local validation checklist that sets out requirements in respect of critical infrastructure for major planning applications, including foul and surface water drainage.

7. Financial and Resource Implications

5.1 There are no direct financial implications arising from the report. The financial risk of this report's recommendations is assessed as low.

8. Legal Advice and Implications

8.1 The changes are to be statutorily enabled.

8.2 There are 2 decisions recommended to be taken as set out at the beginning of this report. The legal risk of challenge when taking the decisions as recommended has been assessed as low.

9. Equalities Implications

9.1 None at this stage. The Policy Officer will be consulted about any need for an Equality Impact Assessment.

10. Climate Change and Biodiversity Implications

10.1 Biodiversity, flooding and drainage matters are key considerations within the draft Local Validation Checklist.

11. Risk Management

11.1 The provision of clear guidance will provide applicants with more certainty on requirements at pre-application stage and when submitting applications. The submission of high-quality applications would support the Authority in making timely planning decisions in accordance with national and local planning policy. The corporate risk has, therefore, been assessed as low.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	11/11/2024
Director of Resources	Gemma Hadfield	11/11/2024
Monitoring Officer (or Legal Services Manager)	Kerry France	13/11/2024

APPENDIX 1 – Local Validation Checklist

APPENDIX 2 – Ecology and Biodiversity Requirements