

## **Revised and Updated Validation Requirements for Planning Applications**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 October 2010.

To advise Members of the revised and updated version of the **Validation of Planning Applications** documents (incorporating the local validation requirements for planning applications submitted to the County Planning Authority), in compliance with 2010 Government requirements, and to seek authority for public consultation before adoption.

Recommendation: Members note the revised contents and format of the Validation of Planning Applications documents and authorise the necessary public consultation on the contents.

**Local Member(s): All**

**Classification: Unrestricted**

### **Background**

1. Members of the Committee in 2008 will recall that all Planning Authorities were required by Government at the time to adopt validation documents, to streamline the planning application process by providing guidance on the necessary information to accompany planning applications. The objective was to introduce greater clarity and certainty for applicants, as well as some improvement in the quality and consistency of the information available to Planning Authorities. The County Planning Authority's current version of the *Validation of Planning Applications* document was approved by the Planning Applications Committee in June 2008 and was subsequently published on the Council's website.
2. Validation is the process by which the Planning Authority decides whether it has sufficient and correct information with which to commence the processing of a planning application. To minimise uncertainty for planning applicants and potential delays in the processing, all Planning Authorities were required to adopt new national validation criteria, comprising the following:
  - completed application form
  - correct application fee
  - ownership certificate
  - agricultural holdings certificate
  - Design and Access Statement
  - site location plan
  - other plans and drawings necessary to describe the application
  - Environmental Statement where applicable.
3. Failure to supply the above information results in the application being declared invalid, but Planning Authorities are unable to treat applications as invalid if they meet these statutory minimum requirements, until they have adopted a local list of further information requirements. As well as setting out the national list of statutory information requirements, Government guidance made provision for each Planning Authority to agree its own local list of further information requirements to reflect the particular local circumstances and planning policy requirements operating in their area.

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4. All Kent Planning Authorities have since adopted a list of local requirements to accompany the national minimum requirements. However, the local requirements had to be selected from a list already prepared and included in the Government guidance, except where the Planning Authority had some special local justification. To ensure further countywide consistency in the local requirements, the Development Control Forum of the Kent Planning Officers' Group jointly produced draft documentation for the *Validation of Planning Applications*, which most of Kent Authorities have used as a template for their own documents. The County Planning Authority's version is too large to append to this Report, but a copy of the full document is available on the County Council's website, and structured as follows:

**Section 1** - an explanation of the new procedures and requirement;

**Section 2** – lists of the national information requirements and of the local information requirements for validation, including the Planning Policy Statement and Development Plan Policy justifications for the selected documentation

**Section 3** – *Validation Checklists* for the eight different types of application made to the County Planning Authority, including the mandatory national requirements and the discretionary local requirements.

### Current Situation

5. There has been mixed experience since the adoption of validation documents, in that whilst benefits have been introduced for both applicants and Planning Authorities, the local information requirements have tended to be a 'double edged sword'. In particular, the more precise requirements have been less open to interpretation and have been equally responsible for delaying and complicating the submission of applications as well as speeding up and simplifying the process. This is partly because the Government guidance tended to view all applications as if of similar scale and impact, when there is clearly a great difference between applications for say house extensions and ones for say waste management operations. Faced with having to produce one-size-fits-all guidance, most Planning Authorities have understandably erred on the side of caution and inadvertently produced over elaborate lists of local information requirements. For major category applications that has clearly assisted the process, but for minor proposals the information requirements have often been unduly onerous and disproportionate.
6. In view of the unintended consequences of the new validation ground rules, the Government produced revised guidance in March 2010 (*Guidance on Information Requirements and Validation*) requiring planning authorities with published local lists to review them by the end of 2010. Such reviews should include revisiting the local lists, reporting any proposed changes to the Planning Authority, consulting relevant stakeholders on the proposed changes and then publishing a revised list. In revising their lists of local requirements, authorities are advised to consider the following principles:
  - **necessity** – *driven by statutory requirements, adopted policies or published guidance*
  - **precision** – *clarity over which types of development require such information*
  - **proportionality** – *commensurate with the nature and scale of the proposal and sensitivity of its location*

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- **fitness for purpose** – *clarity on the information required, being proportional and concise*
  - **assistance** – *guidance on where further information can be sought.*
7. Given the changing landscape of planning policy and guidance since the County Council's document was published, we have embarked upon a general revision of the entire documentation, to update the changing policy context and emerging guidance and sources of further information, as well as to review the local information requirements with regard to the above principles. Noteworthy since the document was first produced is the demise of the Kent and Medway Structure Plan and the dismantling of the South East Plan, which together provided much of the policy drivers for the requirements. It also needs to be borne in mind that relevant background information and guidance is evolving all the time, so any published document quickly becomes outdated; one advantage of publishing documentation on websites is that the detailed contents and references can be more regularly updated.
8. The latest guidance advises that local lists of information requirements should be presented clearly and precisely, and ideally in the form of a matrix of requirements (ie. in tabular form). One obvious way in which the County Council's documentation can be made more accessible and concise, is to separate out the requirements for County Council development proposals from those for waste developments since the requirements vary greatly. The County Council developments include many minor scale proposals as well as some major building proposals, whereas the major waste proposals tend to be more complex and are usually also subject to Environmental Impact Assessment. In the interests of proportionality and accessibility, we have therefore produced two separate but companion documents, with each adopting a similar format, style and language despite the differing contents and requirements. Given the size of the validation documents (including the matrices) they are not appended to the paper form of this report but will be available on the Planning Applications Committee web pages when the report is published. A copy will also be made available in the Members room.

**The County Council Development Document**

9. The revised version for the County Council development planning applications is now reduced from some 80 plus pages down to 25, and includes an abbreviated Section 1 (Introduction), an updated, abbreviated and clarified Section 2 (Information Requirements), and a streamlined Section 3 (Validation Checklist). In particular, the General Requirements in Section 2 contain some updated and clearer indications of when such information is mandatorily required and where it is not (eg. confirming that Design and Access Statements are not required for fences and oil tanks, etc.), whereas the Local Requirements have been substantially consolidated into a spreadsheet format, albeit with little alteration in their range and scope. The spreadsheet contains an extra information item which has arisen more recently, in that Coal Mining Risk Assessments are now required for certain developments in the former East Kent Coalfield, plus substantially updated policy references and further information sources (in columns 2 and 6), as well as more clarity on when such information is needed and not needed (in column 3). In order to streamline Section 3, the previously largely repetitive eight Validation Checklists have been reduced to one composite/generic checklist that could be used for most types of application/submission. Note that the checklists are no longer a statutory requirement, but some applicants find them useful as an *aide memoire*, and they do assist the planning officers when registering and validating major category applications.

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10. Clearly a key watch word for revising the documentation is 'proportionality', and it is important to try and avoid unduly burdening planning applicants with requirements for information which is over and above what is genuinely needed to assess the proposed development. In this regard, it is important to avoid the absurd situation of some minor applications, e.g. fences, flagpoles, car parks, being technically invalid due the absence of roof plans – even a roof plan for a mobile classroom unit is little more than a sheet of blank paper. However, it is difficult to keep guidance concise and reader friendly, as now intended, if we were to produce detailed requirements for every type of application, type of development and type of site sensitivity within the ambit of County Council development alone, given that the requirements for small buildings; fences, car parks, etc. vary greatly from the technical information requirements for road schemes, academy developments and major residential care homes, etc. Other developments such as floodlit sport pitches and wind turbines have information requirements largely unique to themselves but those will still vary depending on the precise location, neighbouring land uses, etc.. Under the circumstances, the revised guidance includes some additional pointers as to which particular developments might be exempt from a particular requirement, but in many cases there will still need to be a reliance on some common-sense pragmatism on behalf of planning officers.

**The County Matter (Waste) Document**

11. The revised version of the validation document for the waste development planning applications is now reduced from some 80 plus pages down to 20, and also includes an abbreviated Section 1 (Introduction), an updated, abbreviated and clarified Section 2 (Information Requirements), and a streamlined Section 3 (Validation Checklist with composite checklist). The Local Requirements have also been substantially consolidated into a matrix format, with some updating and additional requirements specific to waste proposals. The waste validation note similarly contains reference to the need for Coal Mining Risk Assessments which are now required for certain developments in the former East Kent Coalfield. The matrix contains updated policy references and further information sources which it is hoped applicants will find particularly useful.
12. The checklist itself, as with that for County Council development is now one generic/composite list that will be applicable to most types of application/submission. Applicants are required to indicate from the list which accompanying documents they are submitting, and if they decide not include any that relate to their proposals then they must provide an explanation as to why.
13. It is hoped that the revised validation note for waste is now specifically tailored to assist applicants to identify the additional information required and the form it should take, whilst meeting the five guiding principles identified in paragraph 6 above. Again, however, there will remain the need for professional judgement and a common-sense approach on the part of planning officers validating applications. Following Government's current advice this validation note does not apply to mineral related developments.

**Summary**

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14. As stated earlier in this report the Government guidance requires that any revisions to local lists should be issued to the local community, including applicants and agents, for consultation. It is intended that a consultation draft of the revised and updated validation documents be published on the planning pages of the County Council's website inviting comment, and similar consultation be carried out as in 2008 with our regular applicants and agents. The consultation period shall last not less than 8 weeks, after which time any consultation responses will be considered and changes made as necessary. A final list will then be reported back to Members for approval prior to publishing the final version for use on the website. The whole process of reviewing, revising and publishing the local list should be completed by the end of December this year.
15. As with any information made available on websites it is important to keep as up-to-date as possible. With this in mind I would ask Members to agree to delegating powers to the Head of Planning Applications Group to ensure that the references within the validation documents are updated as and when new advice/guidance/policy is published to ensure they remain technically up to date. However, the format and Government requirements will not be altered without a report back to Committee.

**Recommendation**

16 I RECOMMEND that Members:

- NOTE the proposed revision and updates to the County Council Development and Waste Planning Applications Validation documents,
- AUTHORISE the Head of Planning Applications to carry out consultations with relevant stakeholders on the revised documents, including via the County Council's website; and
- DELEGATE to the Head of Planning Applications the more regular updating of the references to current policy documents and the technical and policy guidance cited in the validation documents when published on the County Council's website, to ensure they remain technically up to date in between the formal reviews of the contents.

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**Background Documents –**

- *The Validation of Planning Applications: Guidance for Local Planning Authorities* (December 2007) Department for Communities and Local Government.
- *Guidance on Information Requirements and Validation* (March 2010) Department of Communities and Local Government.
- *Validation of Planning Applications* (October 2008) Kent County Council.
- *Validation of County Council Development Planning Applications* (October 2010) Kent County Council
- *Validation of Waste Planning Applications* (October 2010) Kent County Council.