

# TEIGNBRIDGE DISTRICT COUNCIL

## EXECUTIVE

1 DECEMBER 2020

<b>Report Title</b>	<b>Planning Application Validation Guides</b>
<b>Purpose of Report</b>	To inform Members of the recent consultation relating to the Validation Guides which have been updated in accordance with the requirement to review and republish the local list of validation requirements every two years.
<b>Recommendation(s)</b>	<b>The Committee is recommended to:</b>  <b>Note the public consultation that has taken place on revised validation guides for planning applications and support their publication in their revised forms.</b>
<b>Financial Implications</b>	There are no financial implications in this report – see 2.1 Martin Flitcroft - Chief Finance Officer Tel: 01626 215246 Email: marting.flitcroft@teignbridge.gov.uk
<b>Legal Implications</b>	As set out in paragraph 2.2 Paul Woodhead Legal Services Team Leader and Deputy Monitoring officer Tel: 01626 215139 Email: paul.woodhead@teignbridge.gov.uk
<b>Risk Assessment</b>	Consulting on and publishing an updated guide minimises the risks of validation appeals occurring – see 2.3 Ros Eastman – Business Manager: Strategic Place Tel: 01626 215745 Email: roselyn.eastman@teignbridge.gov.uk
<b>Environmental/ Climate Change Implications</b>	Consulting on and publishing our list confirms our approach and commitment to our carbon reduction policies – see 2.4 Ros Eastman – Business Manager: Strategic Place Tel: 01626 215745 Email: roselyn.eastman@teignbridge.gov.uk
<b>Report Author</b>	Ros Eastman – Business Manager: Strategic Place Tel: 01626 215745 Email: roselyn.eastman@teignbridge.gov.uk
<b>Portfolio Holder</b>	Cllr G Taylor: Exec Member for Planning
<b>Appendices</b>	1. Validation Guide 2. Consultation responses matrix
<b>Background Papers</b>	None

## 1. PURPOSE

1.1. Under The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Regulation 11) Local Planning Authorities (LPA) are required to review and re-publish their local list validation requirements every two years.

1.2. In between times, the guides are living documents that are updated in response to legislation and policy changes.

1.3. Local list validation requirements 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.

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.

1.4. The Teignbridge District Council Validation Guides include both the national list of validation requirements and the local list of validation requirements and set out the information to be submitted to the council for the different types, nature and sizes of planning application. There are two guides, a main guide and a simplified version for householder applications.

1.5. Provided the required information is submitted an application will be considered valid. The quality of the information is assessed during the course of the application and further detail sought if necessary.

1.6. Legislation does not stipulate how the local lists should be reviewed and re-published but the National Planning Practice Guidance (NPPG) recommends a three step process

Step 1 - Review the existing local list to identify the drivers for each item on the list. These drivers should be statutory requirements, policies in the National Planning Policy Framework or Development Plan, or published guidance that explains how adopted policy should be implemented.

Step 2 - Where the LPA considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

Step 3 – Consultation responses should be taken into account when preparing the final revised list. The revised list should be published on the LPA's website.

- 1.7. We have reviewed the local list of validation requirements and revised the Validation Guides in accordance with changes in legislation and policy, both for Teignbridge District Council and our Statutory Consultees.
- 1.8. We have placed the revised validation guides on the council's website for consultation for a 4 week period and invited comments by: email to our registered agents (we currently have a database of c. 60 registered local / regional and national agents), the Members' Newsletter, an update to Town and Parish councils, consultations to all our regular and statutory consultees and posts on social media.
- 1.9. All responses received have been fully considered and amendments made to the validation guides to reflect these comments where appropriate.

## **2. REPORT DETAIL**

### **2.1 Financial**

There are no immediate resource implications arising from this report as any additional work required to complete the process will be carried out by existing staff within existing budgets without a call on additional funding.

### **2.2 Legal**

This is a standard procedure to review and republish the local lists in line with statutory requirements. The Executive is merely being asked to note the consultation and revised documents and accordingly there are no legal issues arising from the review.

### **2.3 Risks**

Where a local list is out of date there is a risk that an applicant may refuse to provide information and seek an appeal for non-determination. This has not happened so far, but it is important that the local list is now re-published.

## **2.4 Environmental/Climate Change Impact**

The policy on carbon reduction plans had already been added to the validation guide and, whilst there have not been any refusals from applicants to provide carbon reduction related information, re-publishing the local lists will ensure that no relevant application will be validated without the pertinent information.

This should lead to a greater level of compliance with and earlier achievement of our policies relating to carbon reduction insofar as the Development Management process itself is able to influence these matters.

## **3. CONCLUSION**

- 3.1** Members are requested to resolve to note the review and consultation that has taken place and support the re-publishing of the local lists.