

Teignbridge District Council

Council

Part I

Report Title

Planning Application Validation Guides

Purpose of Report

To seek adoption of the Revised Validation Guides.

Recommendation(s)

Council RESOLVES to:

Adopt the revised Validation Guides and to publish the same.

Financial Implications

See section 2.1

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Legal Implications

The legal implications are as detailed in this report.

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Risk Assessment

See section 2.2

Environmental/ Climate Change Implications

See section 2.3

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Executive Member

Full Council

29 October 2024

Cllr Gary Taylor Executive Member for Planning

Appendices/Background Papers

Appendices

1. Validation Consultation Responses
2. Validation Guide
3. Validation Guide - Householder
4. Planning Committee report 23/9/24

Introduction/background

- 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. Between these formal reviews, 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. In accordance with Step 1 a review of the local list of validation requirements was undertaken and revisions of the Validation Guides made to reflect changes in legislation and policy, both for Teignbridge District Council and our Statutory Consultees.
- 1.8. As changes from the previous guides were required, in accordance with Step 2, an 8 week consultation was launched on the Teignbridge District Council website and comments were invited from agents via the Registered Agents Newsletter, from District Councillors via the Members’ Newsletter, from Town and Parish Councils via email, and from all statutory consultees via email. Reminders were also sent out towards the end of the consultation period.
- 1.9. All responses received have been reproduced in Validation Consultation Responses document (Appendix 1) and, following full consideration of the issues raised, the responses have been answered and amendments made to the validation guides where appropriate.
- 1.10. The final versions of the validation guide (Appendix 2) and simplified householder validation guide (Appendix 3) are attached.
- 1.11. On 23 September 2024 the Planning Committee expressed its unanimous support for the revised Validation Guides.

Implications

2.1 Financial

There are no immediate resource implications arising from this report. It is a statutory requirement and part of the normal planning process.

2.2 Risks

Where a local list is out of date the council can no longer require the submission of local list information prior to validation and the information has to be sought during the life of the application with the application being refused for lack of information if it is not provided. This is more time consuming for case officers and puts time pressures on decision making which can either result in more refused applications and then additional appeals, or requests for extension of time for determination which can negatively impact upon performance if these are not agreed.

This is the current situation the department are working within, and the adoption of the revised validation guides will enable the local list requirements to be sought prior to validation making the application process smoother and quicker and reducing the risk of poor determination performance.

2.3 Environmental/Climate Change Impact

The policy on carbon reduction plans is a local list requirement and therefore the adoption of the revised validation guides will ensure that applications which do not meet the validation criteria are not made valid until they submit a carbon reduction plan.

Conclusion

3.1 Members are requested to resolve to adopt the revised Validation Guides