



Meeting: Council

Date: 28 February 2013

Wards Affected: All

Report Title: Local Validation List for Planning Applications

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1. Purpose

- 1.1 This report recommends that the Council adopts the appended Local List for Validating Planning Applications in order to ensure that the relevant information is available to determine applications as soon as they are submitted. This will provide applicants with greater certainty about the requirements for valid application submissions. It will also ensure that the Local Planning Authority is in receipt of the requisite information with which to make a determination and can make quicker, robust decisions.
- 1.2 Torbay Council has to date relied on the national list to validate planning applications. Whilst this means that the information requirements to submit a valid planning application are less onerous for applicants, it also means that Torbay Council has no choice but to validate applications that may not include information that is required in order to make a decision. The national requirements are minimal and in most cases do not extend beyond the relevant fee, application form and plans.
- 1.3 The result of the Council validating applications without the requisite information to determine them is that applications take longer to decide while information is sought from applicants. This has led, for example, to the Council's performance against statutory targets for determination falling below previously established minima and, critically, below the proposed target that the Government is now promoting in relation to Major Planning Applications (see appendix 2 – Planning Performance and the Planning Guarantee).
- 1.4 Adopting the appended Local List will help ensure that the Council only validates an application when sufficient information is submitted to determine it and as such will avoid unnecessary delays in the determination process. This will better enable the Council to determine applications within statutory time frames, will improve the Council's performance in relation to the speed of decision making and will maintain the quality of outcome from development that the Council has focused on over the last few years.

1.5 In addition this will substantially improve the quality of submissions and provide greater certainty for applicants, communities and consultees in relation to planning applications.

1.6 The Council has been successfully using the Local List, to validate planning applications, since December 2012 following consultation as part of the Local Plan. The Local List will need to be updated every two years.

2. Proposed Decision (recommendation)

2.1 The Council adopts the Local List appended to this report and this list is used to test the validity of submitted planning applications. In accordance with the Local List, applications will remain invalid until information necessary for determination is submitted. The proportionate, flexible and pragmatic approach to validation set out on page 6 of the Local List (appendix 1) will ensure that this approach does not lead to perverse delays in the validation of applications or in applicants being asked to provide information that is not needed to determine the application

3. Action Needed

3.1 None - the Local List has already been published, following consultation, and is being used to inform the validation process.

4. Summary

4.1 Torbay Council has relied upon national validation requirements set out in the Town and Country Planning (Development Management Procedure) Order 2010 to validate planning applications. The national requirements are fairly limited and often result in initial submissions of less information than needed, even for fairly complex developments. The current process provides flexibility by enabling developers to submit applications for validation and then provide further information while the application process is running. Whilst this approach is welcomed by applicants, it has led to delays in decision making and the unacceptable drip-feeding of additional information to consultees and communities.

4.2 Adopting the appended Local List (appendix 1) will ensure that the Council only validates an application when sufficient information is submitted to determine it and as such will avoid unnecessary delays in the determination process. This will better enable the Council to determine applications within statutory time frames and improve the Council's performance in relation to the speed of decision making.

4.3 In addition this will substantially improve the quality of submissions and provide greater certainty for applicants and the general public in relation to planning applications.

4.4 It should be noted that validation of planning applications – and therefore the Local Validation List – is not an exact science. An application may be validated but, on further examination by the case officer, it is clear that additional information is required. The Town & Country Planning Act allows for request of further information within 3 weeks of validation.

4.5 The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012 includes a stipulation that a Local List must be

updated every 2 years in order for it to be used in the validation of planning applications. As such the List will need to be re-published every 2 years and will be ratified ahead of publication either by Council or by whichever executive decision making function is of relevance at the time.

Supporting Information

5. Position

5.1 The Council is highly likely to be judged on its planning performance in relation to the speed of determination of Major Planning Applications. The current approach of relying on national validation requirements leads the Council to validate applications that do not contain all of the information required to determine them and results in frustration and delay for both applicants and the Council. Appendix 3 (attached) is the Council's response to the Government Consultation on Planning Performance and includes representation on the fact that the Council will be using its Local List to improve its performance on Major Planning Applications.

5.2 The adoption of a Local List will enable the Council to validate only those applications that contain the requisite information for them to be determined. In addition, the Local List will provide certainty and clarity for applicants, users of the service and the Council in relation to the submission requirements for applications.

6. Possibilities and Options

6.1 Torbay Council could continue to rely upon the national validation requirements in relation to planning applications and as such require very limited information before validating a planning application.

6.2 Continuing to use the national validation requirements would reduce the burden of information required upfront from applicants and continue to show flexibility in the handling of planning applications. However, given that a decision cannot be properly taken without all of the relevant information to hand, this information would have to be submitted during the course of the application in any event.

6.3 In continuing to use the national validation requirements and not establishing local requirements, the Council would be likely to continue to struggle to meet performance targets set nationally and would be likely seen as being poorly performing.

7. Preferred Solution/Option

7.1 Adopt the appended Local List for Validating Planning Applications and use this adopted list to test the validity of planning applications. The list will need to be re-published at least every 2 years in order to keep it up to date, it is envisaged that this would be ratified either through Council or by whichever Executive Decision Making function is of relevance at the time.

8. Consultation

8.1 Local Lists require public consultation prior to their adoption. The draft Local List was published for consultation within the appendix to the Draft Local Plan for 6 weeks between the 28th September and 9th November 2012, with further opportunity given to comment after that time. In order to ensure that agents and applicants were aware of the consultation additional mail shots and newsflashes were sent out and views were sought.

8.2 In the event only one formal response was received to the consultation, this set out some concerns about the burden the local list would place on developers. In response to these concerns the list has been amended to provide additional clarity and to reduce the burden on smaller developments. With these changes made, it is considered that the advantages in terms of certainty (for applicants and the Council) along with the need for the Council to improve determination times, weigh heavily in favour of its adoption notwithstanding any concerns at the burden this places on developers. In any event, as has been made clear in this report, the information required is proportionate to the proposed development and is intended to be only that which would be required to make a proper determination and as such would already be sought under the current process later in the application period.

9. Risks

9.1 The adoption of the Local List will place some additional upfront costs on applicants to include all necessary information within their first submission. This will reduce the level of flexibility that currently exists, with which applicants can validate an application with limited information and provide further information later in the process. It is likely that until the Local List has been in use for 6 months or more this will cause some concern for applicants. However, once validation requirements are well known by applicants the presence of a Local List will assist in adding clarity and certainty to the application process.

Appendices

Appendix 1: Local Validation List for Planning Applications

Appendix 2: Planning Performance and the Planning Guarantee (Government Consultation)

Appendix 3: Torbay Council's response to Government Consultation on Planning Performance and the Planning Guarantee.

Additional Information