

30<sup>th</sup> May 2013**REPORT OF PORTFOLIO HOLDER FOR ECONOMIC AND EDUCATION****PLANNING APPLICATIONS - STREAMLINING INFORMATION REQUIREMENTS AND VALIDATION****EXEMPT INFORMATION**

None

**PURPOSE**

To seek member approval to the revised information requirements for planning applications

**RECOMMENDATIONS**

- 1. Approve the revised information requirements (Local Validation Criteria) for planning applications as set out in the appendix to this report for consultation**
- 2. Authorise consultation on the revised information requirements set out in the appendix to this report for a period of 6 weeks in accordance with statutory requirements**
- 3. Authorise the Portfolio Holder for Economic Development and Enterprise in consultation with the Director of Communities, Planning and Partnerships and solicitor to the Council and Monitoring Officer to adopt the revised information requirements, subject to any amendments arising from the consultation exercise**

**EXECUTIVE SUMMARY**

To enable the Borough Council to consider and formally determine a planning application, it is important that sufficient information is provided by the applicant about the expected impact of the proposed development.

The validation stage for planning applications is the point from when the Borough Council receives an application to confirming that all necessary information is present and other pre validation requirements have been met. Getting the validation stage right is essential to an efficient planning system.

Concern has been expressed that some local authorities require information that is not necessarily relevant to the planning application in question and without giving full consideration to the costs that such information requests can impose on applicants.

Information requirements for planning applications fall into 2 categories. The first relates to national requirements which include a need to make the application on an appropriate applications form (with ownership certificates), plans of the development and a nationally set fee. The second relates to local requirements (the local list) such as the need for ecological surveys or information relating to ground contamination.

In January 2013 the Government introduced a requirement that all local authorities should revisit their local list at least every two years. The legislation provides that as from 31<sup>st</sup> July 2013 only requirements set out in a 'local list' published in the previous 2 years will apply. If the Borough Council does not have an up to date 'local list' in place by that date they would

not be in a position to insist on submission of important information and could as a consequence be in a difficult position when it comes to determining planning applications.

The Borough Council's 'local list' was adopted in March 2008 and therefore would not comply with the requirements of current legislation.

In reviewing the 'local list' officers have worked closely with the Greater Birmingham and Solihull LEP with a desire to make progress towards a common validation process across the LEP in accordance with their Planning Charter. Unfortunately due to differences that exist between unitary authorities and shire districts it was not considered practicable to achieve a LEP wide document within the time available. Consequently those authorities within the LEP who are still to review their 'local list' have decided to use the format adopted by Birmingham City and tailor it to local requirements. This will assist applicants in putting together their applications as it will use a common language and style.

In reviewing the 'local list' officers have also considered matters included in the 'local list' produced by Lichfield District Council which was produced in January 2013, and has similar issues to the Borough.

The resultant draft 'local list' being presented for consideration by Cabinet is attached as an appendix to this report.

If members agree to the draft 'local list' there is a requirement for consultation with the community for a period of 6 weeks and consideration given to any amendments that might be necessary. In this instance the community includes agents, applicants, statutory and non statutory consultees and any other interested parties.

The consultation process will include writing to parties with a known interest in planning matters which are kept on an existing database, by placing a public notice in the Tamworth Herald, by meeting with the Agents forum and by including details of the revised local validation criteria on the Borough Council website.

All responses received will be fully analysed and if necessary amendments will be made to the criteria. If no substantive objections are received then it is intended that the Portfolio Holder for Economic Development and Enterprise and the Director of Communities, Planning and Partnerships should be given the authority to adopt the revised criteria on behalf of the Borough Council. In the event that substantive objections are received, which have not been resolved by discussion by your officers, a further report will be presented to the cabinet for consideration.

## **RESOURCE IMPLICATIONS**

The cost of carrying out the consultation exercise including press adverts and letters will be met from within the development control budget

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

If a local list is not adopted by 31<sup>st</sup> July 2013 there would be no mechanism for ensuring that all information required to make an objective decision is available. This in turn could affect the quality of the decision which, if challenged at appeal, could result in cost awards against the Council

## **SUSTAINABILITY IMPLICATIONS**

All planning decisions should have sustainability at their heart. In the absence of good information to support planning decisions sustainable development may not result

**BACKGROUND INFORMATION**

The Town and Country (Development Management Procedure)(England)(Amendment No.3)  
Order 2012

**REPORT AUTHOR**

John Gunn – Development Control Manager

**LIST OF BACKGROUND PAPERS**

None

**APPENDICES**

Local Validation Criteria

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