

Report to Planning and Licensing Committee



Date of Meeting	1 st October 2020
Portfolio	Cabinet Member for Planning, Development & Housing
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Adoption of Revised Local List for Validation of Planning Applications

Executive Summary

- 1.1 The Local Planning Authority (LPA) benefits from powers to require that planning applications are accompanied by such information as it considers necessary; such information must be set out in an adopted Local List. At the Planning & Licensing Committee meeting on 9th July 2020, the committee approved the recommendation to consult on the new Local List, which is reflective of current requirements, meets the relevant statutory tests and which will provide clear guidance to prospective applicants.
- 1.2 The public consultation was carried out, in accordance with best practice guidance, and the final version of the Local List is now returned to the Planning & Licensing Committee for adoption following a review of the consultation responses received and, where appropriate, incorporation of such feedback.

Recommendation

- 2.1 To consider and note the representations and officers' responses to representations received, following consultation, and the proposed changes to the Local List.
- 2.2 To approve the adoption of the revised Local List.

Reason for Recommendation

- 3.1 The Council's current Local List is now out of date; the absence of a current and technically effective list exposes the Local Planning Authority to increased risk of challenge on validation requirements, leads to delays in the process of validating planning applications and results in a lack of clarity for users of the Development Management service.

- 3.2 National Planning Practice Guidance advises that a local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted.

Key Points for Consideration

- 4.1 Section 62(3) of The Town and Country Planning Act 1990 makes provision for Local Planning Authorities to require that an application for planning permission includes particulars, information and evidence as they consider necessary. Article 11(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that such information requirements must be set out in a list published by the Authority and that such a list must be reviewed and republished every 2 years.
- 4.2 The Council last comprehensively reviewed and adopted its Local List in December 2010. The current list is therefore out of date, the contents is not reflective of changes in legislation, guidance and requirements which have occurred in the intervening period and the Local Planning Authority is unable to enforce the contents of the list. Further detail can be found in the report to the July 2020 Planning and Licensing Committee.
- 4.3 The draft revised Local List was consulted on for a period of six weeks (3rd August 2020 to 14th September 2020). The draft Local List was published on the Council's website and consultation portal and stakeholders and members of the public on the Council's planning consultation database were notified by letter or email.
- 4.4 Four consultation responses have been received from statutory consultees, two from other stakeholders and four from Development Management team members. A summary of these consultation responses is attached to this report at Appendix 1. Recommendations for changes are included within the table and have been incorporated into the revised Local List, which is attached at Appendix 2.

Alternatives Considered

- 4.5 It is necessary for the Council to produce a Local List in order to require that planning applications are accompanied by sufficient information such that relevant material considerations may be fully considered throughout the determination process.
- 4.6 The only possible alternative would be that the Council does not adopt an updated Local List, which would render the Local Planning Authority unable to require submission of information at validation stage, beyond that which is required by virtue of the light-touch 'National Information Requirements'. This has the potential to significantly impact on timescales for the

determination of applications (which are subject to scrutiny by the Government) and may, in certain circumstances, require that applications are refused on the basis of insufficient information.

Costs and Budget Summary

- 5.1 There are no specific financial implications involved in producing the revised Local List, which has been prepared in-house and within existing budgets.
- 5.2 It is noted, however, that adoption of the list is expected to assist applicants in submitting applications that are 'right first time' and therefore reduce existing time, resource and cost burdens on validation officers.

Risk and Policy Implications

- 6.1 The Local List, its content and production is governed by the requirements of Section 62 of The Town and Country Planning Act 1990 and Article 11 of The Town and Country Planning (Development Management Procedure) (England) (Order) 2015 (the 'DMPO'). Failure to adopt an updated Local List increases the risk of challenge to the Council under Article 12 (Validation Dispute) of the DMPO.
- 6.2 The content of the Local List is compatible and compliant with the content of the Council's adopted Local Plan.
- 6.3 There are no personnel implications arising from the production, consultation and future adoption of the revised Local List.
- 6.4 Equality impacts have been taken into account in the production of the revised Local List; the list is considered to have a neutral impact.

Consultation

- 7.1 The draft revised SCI was published for public consultation for a period of six weeks to allow for stakeholders and members of the public to comment and provide input before the statement was finalised for approval by Cabinet.
- 7.2 During this time the draft SCI was published on the Council's website. Stakeholders and members of the public on the Council's planning consultation database were notified by letter or email.

Background Papers

Place of Inspection

8.1 Validation of Planning Applications – Revised for adoption September 2020

Contact Emma.heron@rochdale.gov.uk

8.2 Summary Document of
consultation comments and
changes to Local List

Contact Emma.Heron@rochdale.gov.uk

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