

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Strategic Environment Cabinet Committee

**Date:** 17 September 2019

**Reporting officer:** Wendy Lane – Assistant Director (Planning) / Richard McEllistrum – Planning Manager (Development Management)

**Subject:** Development Management – Draft Local Validation List

### **Purpose and summary of report:**

To advise the Committee on the matter of consultation upon and intended adoption of a Local List of Validation Requirements for planning application.

### **Recommendations:**

1. That the content of the Draft Local Validation List and format of proposed public consultation be noted.
2. That Members of the Committee discuss and give their views and the proposed format of public consultation and subsequent approach to publishing and publicising any adopted List or Lists.

## **1. Background**

- 1.1 The Town & Country Planning (Development Management Procedure) Order 2015 (the 'DMPO') sets out, in Article 7, the national requirements in regard to what basic material must be included within a planning application, which include the relevant forms, fee, a plan identifying the site and "any other plans, drawings and information necessary to describe the development"
- 1.2 In addition to this, the National Planning Policy Framework ('NPPF' - 2019) encourages the identification and publication of a list of any further requirements for information to accompany planning applications:
- 1.3 "44. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question."
- 1.4 Article 34 (6) of the DMPO establishes that the list shall be published on the website, and must have been so no more than 2 years prior to the submission of any application against which the requirements of the list are assessed. The particulars or evidence within the list must be:

- 1.5 “reasonable, having regard to the nature and scale of the proposed development...(and)...are about a matter which it is reasonable to think will be a material consideration in the determination of the application”
- 1.6 The purpose of the Local List is to enable the Local Planning Authority to define what information is necessary to ensure that the application adequately describes the impact of the proposed development, in order to better enable decision makers and interested persons to understand the implications of that development, and whether it is in accordance with, or contrary to planning policy and other material considerations.

### *Existing Arrangement*

- 1.7 Gravesham Borough Council has not previously used or published a Local List. Applications are currently only initially required to provide the basic information and drawings prescribed within the national requirements. Following the registration of application, planning officers and consultees then identify what additional information is required in order to make a decision regarding the proposed development.
- 1.8 This can delay the identification of what additional information is required, can often necessitate a further round of publicity and consultation on applications (once the necessary information is received) and thus delays the ability of consultees and interested persons, including the public and elected members, from being able to see a fuller picture of the actual impact, or appropriateness of the development.
- 1.9 Developers often voluntarily submit some or all of the additional information at the outset, but do so without tailoring its content to the specific requirements against which Gravesham’s Planning Policy requires.
- 1.10 In some instances, inadequate information is provided by applicants, and applications are refused as their impact cannot be properly assessed.

## **2. Draft Local Validation List**

- 2.1 The Draft Local List proposed (attached as Appendix 2) represents a compilation of the matters required to be addressed by Gravesham’s existing planning policies, as well as National Planning Policy and Guidance. It represents a comprehensive list of all current relevant national and proposed local information required to comprise or accompany planning and related applications.
- 2.2 Following consultation upon and adoption of the comprehensive Local List, bite size guidance will be provided to explain what information would be required for more common, straightforward projects. An example of this guidance, for extensions to dwellings, is attached at Appendix 3.
- 2.3 The main List has been compiled having regard to the format of the Local Lists of neighbouring Boroughs and Medway Council, in the interests of aiming for consistency, as far as achievable, with requirements in this part of the County
- 2.4 It is anticipated that upon consultation and publicity of the draft list, modifications will be requested by external consultees and the development industry, and where appropriate carried out to the list prior to its adoption. The detailed layout and format of subsequent bite size lists will be modified to make the information as straightforward and easy to understand for all users.

### **3. Conclusion and Recommendations**

- 3.1 It is recommended that Gravesham undertake public consultation on the draft Local List of Validation Requirements. The draft list sets out all the information and material which adopted planning policies and guidance require planning applications to be assessed.
- 3.2 Public consultation, for a 6 week period, would be undertaken using Innovam, through the Gravesham website, social media and through direct email correspondence with users of the Planning (Development Management) service, subject to GDPR considerations.
- 3.3 Following the consideration of any responses received, and any necessary modifications, a final Local List and accompanying bite size guidance would then be adopted and published on the Council's website, and kept under review by Officers on at least a biannual basis.

### **4. BACKGROUND PAPERS**

- 4.1 Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	<p>The National Planning Policy Framework ('NPPF' - 2019) requires that Local planning authorities should publish a list of their information requirements for applications for planning permission.</p> <p>Article 34 of the Town &amp; Country Planning (Development Management Procedure) Order 2015 requires that the requirements set out in any List adopted must be:  “reasonable, having regard to the nature and scale of the proposed development...(and)...are about a matter which it is reasonable to think will be a material consideration in the determination of the application”</p>
<b>Finance and Value for Money</b>	<p>Clearly setting out what type of information is required, and when it is necessary would produce saving on officers time, currently used to individually notify / advise and explain the requirements to each individual applicant. Re-consulting the public regarding planning applications due to the receipt of new plans and information would also be less necessary when a Local List is in use.</p>
<b>Risk Assessment</b>	<p>Not having a published local list can cause delays in the processing of planning implications local planning authorities should publish a list of their information requirements for applications for planning permission. Failure to do so can result in delays to the processing of planning applications for the reasons set out in this report.</p>
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>?  A definition of each type of data can be found on the Information Commissioner’s Office website via the above links.  No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?  N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.  N/A</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.  No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.  No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>

<b>Corporate Plan</b>	The decisions and information set out in this report provides a positive contribution to Commitments 2 and 3 of the council's Corporate Plan.
<b>Crime and Disorder</b>	There are no Crime and Disorder considerations pertaining to this report.
<b>Digital and website implications</b>	The consultation process proposed will make use of the Council's website and its social media platforms
<b>Safeguarding children and vulnerable adults</b>	There are no safeguarding children and vulnerable adults implications pertaining to this report.