

Report to	<b>Planning Committee</b>
Date	<b>14 September</b>
By	<b>Director of Planning</b>
Title of Report	<b>Review of Validation Requirements for planning applications and related consents</b>
Purpose of Report	<b>To approve for publication the revised local list of requirements for planning applications and related consents for adoption.</b>

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**Recommendation: To approve for publication the revised local list of requirements for validating planning applications and related consents for adoption.**

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## **I. Background**

- 1.1 Planning applications and applications for related consents (i.e. listed building and conservation consent) require different levels of information and supporting documentation depending on the scale and type of development proposed. There is a national core list of requirements but each local planning authority may also set out a list of additional information and documentation required to reflect national and local policies. This is known as the 'local validation check-list' or 'local list'. Provided this list has been consulted on and is published on the local authority web site, an application is not valid if it does not have all the information and documentation required. Government guidance states that lists should be kept to a minimum needed to make decisions and local authorities should only request information that is relevant, necessary and material to the application in question. It further states that local authorities should take a proportionate approach to the information requested in support of planning applications.
- 1.2 Details of the national requirements and the suite of documents a local planning authority may additionally require are published on the planning portal web site at the following link:  
<https://www.gov.uk/guidance/making-an-application>
- 1.3 Following consultation the South Downs National Park Authority (SDNPA) adopted a local list of validation requirements for all applications submitted for development within the South Downs National Park (SDNP) from May 2019. In line with government guidance, the Park Authority needs to carry out a consultation process and review within 2 years of the local list having been adopted (although unfortunately a review has not been possible until now).
- 1.4 The list which went out for consultation in June 2023 included a number of changes to the adopted list from 2019, which have been as a result of incoming regulations and legislation in the intervening years (and also pre-empting legislation being introduced). The main areas where changes had been made to the list were in relation predominantly to Ecological matters, HRA's and Biodiversity Net Gain Plans (a new section)
- 1.5 Officers have undertaken a review and 6 week consultation process and the consultation period has now closed. The Proposed Local List sent out for consultation is attached at **Appendix I**.

- 1.6 A significant number of stakeholders were emailed directly as part of the consultation process. The email included a link to the consultation. These stake holders included all the parish councils within the SDNP and local authorities within the SDNP and around it, internal and external consultees, and agents. In addition there was a link to the consultation on the SDNPA web pages with a link from the web page with the current Local Validation List requirements which would have been accessed by most applicants and their agents making an application over the consultation period.

## 2. The Outcome of the Consultation

- 2.1 In total 180 parish contacts were consulted along with 18 local planning authorities, 450 consultees (which included 18 Planning Authorities at local and County level) and approximately 180 planning agents. Comments were received from 30 correspondents which are summarised in **Appendix 3** (together with officer comments in response to the points raised).
- 2.2 A number of the consultation responses merely suggested additional guidance that should be highlighted in the list to assist applicants and developers when preparing their documentation and required reports/plans. In the main, these suggestions have been taken on board and been incorporated into the amended Local List which is presented with a recommendation for adoption. Some responses made suggestions which clearly fall outside the remit of the Local Validation List of Requirements and have therefore been discarded.
- 2.3 The majority of responses related to issues concerning Ecology, Biodiversity Net Gain, Water Neutrality, Heritage, CIL, Highways and Dark Night Skies. In some cases it is clear that individual consultees would ideally like to see far greater and all-encompassing requirements to better assist them in assessing applications and officers have had to balance this aspiration with the need for Local Lists to not be overly onerous on applicants and to endeavour to make the application process less bureaucratic (as set out in central government guidance). The subsequent recommended Local List for adoption having taken these comments into consideration along with the need to keep the list to a minimum needed to take decisions is attached at **Appendix 2**.
- 2.3 In terms of seeking to balance the need for a more simple process with the ongoing introduction of new legislation, it worth noting that there are 2 additional required documents relating to Biodiversity Net Gain and Water Neutrality, together with a re-working of the requirements relating to Highways Issues, which amount to an increase of 5 documents/reports. Notwithstanding, it must be noted that some of this information can be provided in one encompassing report/statement, and for the sake of applicants agents, they do have the opportunity to provide justification as to why they may not be providing a certain document and the Validation Team and Officers will give this consideration (This has been part of the process for some considerable time).

## 3. Recommendation

- 3.1 In view of the general agreement with the proposed revisions to the existing Local Validation List it is recommended that the list as amended at **Appendix 2** is adopted for validating planning applications. These are as proposed in the list which was subject to the consultation process but with the addition of:
- Additional links to guidance on a number of the requirements
  - New requirement for Biodiversity Net Gain Plans & Water Neutrality Statements
  - A re-working of the information required in relation to Transport/Highways and Parking Issues.
  - Additional examples where certain statements/reports will be required.

## 4. Risk Management

- 4.1 Risk – the current local list which has operated since February 2019 is overdue for review and adoption and the absence of an up to date list results in the Authority not being able to demand the necessary plans or documentation to be able to fully consider applications.
- 4.2 Mitigation – The adoption and publication of the list will provide the necessary authority to withhold validation should the requirements of the list not be met in the submission of the application.

4.3 Risk – Despite changes the list is considered to still be too onerous.

Mitigation – The list responds to feedback, and will be subject to further review in 18 months' time.

**5. Human Rights, Equalities, Health and Safety**

5.1 There are no implications arising from this report.

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Appendices:

1. Draft Local Validation List for consultation June 2023
2. Recommended Local Validation List for Adoption
3. Commentary in relation to comments received and rationale for inclusion or exclusion from list to be adopted
4. Currently Adopted Local List (Since May 2019)

SDNPA Consultees: Director of Planning

Background documents: [Government response to consultation: Streamlining Information requirements for planning applications](#)  
[Guidance on Information requirements and validation CLG March 2010](#)  
[Making an application - GOV.UK \(www.gov.uk\)](#)  
[Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](#)

