TRAFFORD COUNCIL

Report to: **Planning and Development Management**
Committee Date: **7 November 2024**
Report for: **Decision**
Report of: **Head of Planning and Development**

Report Title

Revision of Application Validation Checklist

Summary

This report is to inform the Planning and Development Management Committee of the latest revision to the Application Validation Checklist, the key changes and updates, and to seek approval of the draft Application Validation Checklist for consultation purposes. The July 2023 version of the Validation Checklist was republished unaltered from the June 2021 version pending the completion and adoption of the Trafford Design Code. The proposed changes to the November 2024 version of the Checklist reflect many of the submission requirements required to demonstrate compliance with the Trafford Design Code. The structure of the Checklist has also been updated to include hyperlinks and checklists for specific application types for ease of use.

Recommendation

1) That Members of the Planning and Development Management Committee note the contents of this report and approve the revised draft Application Validation Checklist for consultation purposes. 2) That Members note that, following consultation, a future report will seek approval of the Committee for the revised publication Application Validation Checklist.

Contact person for access to background papers and further information:

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Appendix 1: Consultation Draft Application Validation Checklist

1. Introduction and Background

1.1 Paragraph 39 of the National Planning Practice Guidance (NPPG) category, "Making an application", states 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 two years before the application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on a local list".

1.2 Paragraph 40 states that "The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development; and
- about a matter, which it is reasonable to think will be a material consideration in the determination of the application.

1.3 Paragraph 43 states that "A local list should be reviewed at least every two years." It is therefore necessary to review the existing Application Validation Checklist and revise and update this where necessary. This is the fifth review of the checklist since it was first adopted in 2013, the most recent being in 2023. Paragraph 44 states that "Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation…Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website."

1.4 Once adopted, if the information that is required by the checklist is not included with an application and is considered by the local planning authority to be reasonable and necessary in order to properly assess the application, the authority will be entitled to declare the application invalid. Conversely, applications which are validated are likely to contain sufficient information for a decision to be made and this should enable the Council to achieve a greater percentage of decisions within government timescales. However, it must be recognised that there may still be situations where a validated application will not contain all the information required for a decision to be made and the Council may seek additional information post-validation under the existing statutory provisions set out in the Town and Country Planning (Application) Regulations 1988.

1.5 A draft updated Application Validation Checklist (November 2024) has now been produced and is appended to this report. The structure of the document has been updated to make the document more user friendly. The document

is split into three parts:
- Part one comprises a set of checklists for different types of planning applications;
- Part two comprises a list of national requirements for all planning applications;
- Part three outlines a list of local requirements.

1.6 It is proposed that the Council now consults on the revised Application Validation Checklist for a period of six weeks and that any comments received are then taken into account in preparing the final version of the document.

2. Key Proposed Changes

2.1 The key proposed changes to the 2023 document are summarised below.

Application Checklists

2.2 A series of checklists for the different types of applications have been produced. Each checklists splits the information requirements into essential requirements and criteria-based requirements for plans and documents.

2.3 Validation requirements for all prior approval applications have been removed from the Validation Checklist. Applicants are now advised to refer to the relevant application form guidance notes which are available on the Planning Portal and the Local Information Requirement list within the Validation Checklist.

National Requirements

2.4 The majority of the alterations made to this section are minor.

2.5 Additional plans requirements have been added for a 'Tree Location Plan' and Hedgerow Location Plan' for clarity in relation to applications for tree works and applications for a hedgerow removal notice.

2.6 The main amendment to this section of the checklist is the addition of a 'Fire Statement'. These statements relate to high-rise residential buildings following the Grenfell Tower fire and the subsequent Independent Review of Building Regulations and Fire Safety. In relation to planning applications, Fire Statements are now required to be submitted by the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order"), to accompany all full planning applications and outline planning applications which seek approval for scale and layout and involve the:
- provision of one or more relevant buildings, or
- development of an existing relevant building or
- development within the curtilage of a relevant building.

Relevant buildings are defined as those which contain two or more dwellings or educational accommodation and meet the height condition (18m or more in height, or 7 or more storeys whichever is reached first).

2.7   A number of new local information requirements have been introduced in response to the recent adoption of Places for Everyone (March 2024) and the Trafford Design Code (September 2024).

2.8   These new information requirements comprise:
(i)   Active Travel Statement
(ii)   Biodiversity Net Gain Statement/Plan
(iii)   Contaminated Land Assessment
(iv)   Context Character Appraisal
(v)   Design Code Compliance Statement
(vi)   Digital Connectivity Statement
(vii)   Energy Statement
(viii) Health Impact Assessments
(ix)   Heat and Energy Network Assessments
(x)   Local Labour and Training Agreements
(xi)   Materials Schedule
(xii)   M4(2) / M4(3) Compliance Statement
(xiii) Site Wide Landscape Strategy

2.9   The 'Carbon Budget Statement' requirement has been removed and replaced by the new document 'Energy Statement'.

2.10   There are also a number of minor amendments that have been made to the document to refine wording. Some amendments have also been made to the supporting text for the following requirements:

(i)   CIL
(ii)   Daylight/Sunlight Assessment
(iii)   Equalities Statement
(iv)   Façade Design Analysis
(v)   Heritage Assessment
(vi)   Waste Management Strategy

2.11   Policy references have been updated throughout to refer to Places for Everyone (PfE) which is now part of the statutory development plan and replaces / partly replaces some of the Trafford Core Strategy (2012) policies.

3.   Conclusion

3.1   The proposed amendments are intended to ensure that the above validation requirements are in accordance with up to date national and local planning guidance and the up-to-date advice and requirements of relevant consultees, and are reasonable and necessary in order to allow the proper assessment of planning applications.

4.   Recommendation

4.1   That the Planning and Development Management Committee note the contents of this report and approve the draft Application Validation Checklist for consultation purposes.

4.2   That Members note that, following consultation, a future report will seek approval of the Committee for the revised publication Application Validation Checklist.