

TRAFFORD COUNCIL

Report to: Planning and Development Management
Committee Date: 23 January 2025
Report for: Decision
Report of: Head of Planning and Development

Report Title

Approval of Revised Application Validation Checklist for Publication

Summary

This report follows on from the report presented to the Planning and Development Management Committee on 7 November 2024 which sought Members' approval for the draft revised Application Validation Checklist to go out to public consultation.

The online consultation ran from 11 November 2024 to 23 December 2024 and invited stakeholders to complete a short questionnaire.

The responses received did not raise major issues with the revised Validation Checklist and minor amendments have been made as a result of the representations received.

Recommendation

- 1) That Members of the Planning and Development Management Committee note the contents of this report and approve the amended revised draft Application Validation Checklist for publication.
- 2) That the Head of Planning and Development be authorised to make minor updates to the revised Validation Checklist in the event that additional guidance and information is published which informs the checklist.

Contact person for access to background papers and further information:

Name: Debra Harrison
Extension: 3149

Appendix 1: Consultation Summary
Appendix 2: Application Validation Checklist

1. Introduction and Background

- 1.1 In November 2024, members approved the revised draft Application Validation Checklist for consultation purposes.
- 1.2 To recap, 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”.
- 1.3 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.
- 1.4 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.”
- 1.5 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.

2. Consultation

- 2.1 The draft updated Application Validation Checklist (November 2024) has now been out to consultation from 11 November to 23 December. The online consultation invited stakeholders to complete a short questionnaire.
- 2.2 All consultees on the Local Plan consultation list (437 total) were notified of the consultation and a notice was posted on the Council's planning pages notifying users of the consultation. The consultation was hosted on Trafford Council's Engagement Hub.
- 2.3 Seventeen responses were received from stakeholders, consultees and members of the public. The representations raised within the responses along with the Council's response are outlined in Appendix 1.
- 2.4 In summary the responses raised the following concerns:
- The requirements for an Outline Application under the Criteria Based Documents are identical to a Full Application.
 - Many of the documents requested can be dealt with by planning condition.
 - Some document requirements cannot be provided at outline application stage.
 - Some document requirements duplicate Building Regulation requirements or should be dealt with via Building Regulations.
 - Responses from Natural England, Sport England and National Highways requested that additional guidance was included in the Validation Checklist.

3. Amendments

- 3.1 In response to comments, the following amendments were made to the Application Validation Checklist:
- Remove 'Material Schedule' from Householder checklist.
 - Minor title change to Ecological and Biodiversity Survey to confirm this requirement also covers Protected Species Surveys and minor change to threshold.
 - Move 'Energy Statement' from 'Essential Requirements' to 'Criteria Based Documents' in Full and Outline checklists and update 'Energy Statement' threshold.
 - Add new requirement for a 'Planning Statement' to Full and Outline checklists.
 - Add new requirement for 'Parameters Plans' to Outline checklist.
 - Clarification was added to some requirements in the outline and reserved matters planning application checklists to provide clarity on the plan/document requirements for each type of application submission.
 - New requirement for an Air Quality Assessment where there is potential for air quality issues to affect a European/Internationally or Nationally designated site, as identified by Natural England.
 - Additional guidance included in the Biodiversity Net Gain section.
 - Minor text changes to Context Character Appraisal and clarification that this document should be proportionate to the scale of the scheme.

- Minor update to Drainage Strategy/Statement.
- Additional criteria added to Ecological and Biodiversity Survey regarding protected species, and further advice and guidance on Natural England resources.
- Threshold for Equalities Statement amended to include 'all apartment developments'.
- Green Belt Impact Statement section amended to include reference to 'grey belt' as a result of the December amendments to the NPPF.
- Update Habitat Regulation assessment to include links to information on designated sites.
- Amendment to the threshold for Landscape/Townscape Visual Impact Assessment section, which is now only required for EIA development.
- Landscape/Townscape Visual Appraisal now required for non-EIA development where appropriate.
- Further guidance on M4(2)/M4(3) Compliance Statement provided.
- Sport England guidance added to the 'Open Space Assessment' section.
- Highways England guidance added to Transport Assessment (TA)/Transport Statement (TS) /Travel Plan (TP).

3.2 All NPPF paragraph reference numbers have also been updated as necessary since the publication of the updated NPPF on 12 December 2024.

3.3 It is anticipated that during 2025/2026 additional guidance will be published either nationally, at a Greater Manchester level or arising from Executive reports in relation to topics such as, but not limited to, domestic air source heat pump guidance (for non-permitted development applications), Trafford's List of Local Heritage Assets and the Holcroft Moss SPD. Some of this may provide further guidance on the scope of information which is already required by the Validation Checklist. For example, guidance may be provided on the scope of a noise assessment required for a domestic air source heat pump.

3.4 It is requested that authorisation be given to the Head of Planning that updates can be made to the Validation Checklist to include links to guidance of this nature without the need for a formal review of the Validation Checklist. This would inform and provide additional guidance to the validation checklist rather than change the requirements of the checklist. Where there is any doubt, the Head of Planning would consult with the Chair of this Committee.

3. Conclusion

3.1 The responses received did not raise any significant issues or concerns with the revised Validation Checklist. Minor amendments have been made in response to the representations received.

3.2 The revised Application Validation Checklist for publication can be found at Appendix 2 of this report.

4. Recommendation

4.1 That Members of the Planning and Development Management Committee

approve the amended draft Application Validation Checklist for publication.

- 4.2 That the Head of Planning and Development be authorised to add make minor updates to the revised Validation Checklist in the event that additional guidance and information is published which informs the checklist.