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# Report

**Subject** : Request for Authority to undertake a consultation exercise

**Report to** : The Cabinet

**Date** : Wednesday 05 December 2007

**Author** : Judy Howles Area Team Leader

**Cabinet Member for Planning** : Councillor Paul Clegg

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## 1. Report Summary:

In April 2008 1APP- a standard application form for all local planning authorities will come into force. At the same time a national validation checklist will be published. That is- what documents and information must be submitted to constitute a valid planning application, thus enabling the application to be registered -.

However, this will only make compulsory the submission of the basic requirements common to specific types of application. Other than the requirement for design and access statements, requirements that are site/location specific will remain discretionary.

In order for site specific requirements- e.g. Flood Risk Assessments in area within the 1 in 100 year flood zone - to be compulsory, it is incumbent on the relevant local planning authority to publish a local validation list. For this to have legal standing, it must have first been through a public consultation exercise.

It is therefore intended, subject to Cabinet authorisation, to undertake a public consultation exercise in accordance with the Statement of Community Involvement. (SCI)

## 2. Background:

**SDC currently publishes validation guidance on the web.**

**This is in the form of:**

- a. **checklists** which are specific to application type and taken direct from DCLG guidance
- b. **Matrices**- one for householder applications and one for all other types of planning application. These give guidance when the additional information listed in the application type specific checklists may be required. For example – a (green) travel plan should be submitted with all applications for major commercial development.



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These matrices were developed in consultation with some of the development services unit's stakeholders, principally local agents. However, their status is purely advisory. We cannot refuse to register an application just because a particular piece of non-statutory information is missing, even though government guidance advises it is a material consideration in the determination of an application. For example, the absence of an archaeological evaluation in an area of archaeological interest would not currently prevent an application being registered, although the application could subsequently be refused for the lack of such information as being contrary to Government Planning Policy Guidance.

The production of a local validation checklist and guidance matrix would ensure that all the information necessary to determine an application was submitted before it was registered. It would reduce the need to re-notify and re-consult. It would also hopefully reduce the number of applications that are invalid upon receipt. This is currently almost 40%.

The SCI requires:

- consultation for a defined 6 week period
- Notification and issue of information to Statutory consultees
- Notification to other consultees who the council consider would have an interest in the subject matter
- Make information available at council offices, website and other appropriate locations
- Publicise the consultation by means of a public notice in a local newspaper.

It is proposed that the consultation be mainly web based, with a link sent to consultees stakeholders etc; via email, although hard copies of the documents will be available at council offices, and libraries and will be sent to stakeholders without internet access.

A stakeholder's focus group already exists and a meeting can be set up within the consultation period.

It is intended that the consultation period would run from 1 January 2008 for 6 weeks.

**3. Options for consideration:**

- (a) That members agree to the consultation taking place
- (b) That members decline to authorise the consultation taking place

**4. Consultation Undertaken:** "Prescribed" internal consultees

**5. Recommendation:** that members agree to the proposed consultation

**6. Background Papers:** None

**7. Implications:**

**Key decision** : No

**Financial** : All costs associated with the consultation can be met from existing budgets"

**Legal** : 1APP will be the only legal way of submitting a planning application within England [except for minerals] from and including 06.04.2008.

To be lawful consultation must be carried out when proposals are still at a formative stage with sufficient explanation being given for each proposal, adequate time given for responses and responses must be conscientiously taken into account when the ultimate decision is taken

**Human Rights** : compliance with the local validation list guidance and the common law principles for consultation will demonstrate compliance with any article 6 rights [right to a fair trial]

**Personnel** : None

**Community Safety:** None

**Environmental** : None

**Council's Core Values:** Fairness and equality An open learning council, protecting the environment

**Equalities** : None

**ICT** : None

**Wards Affected** : All