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Report

Subject : Adoption of a Local Validation Checklist

Report to : The Cabinet

Date : Wednesday 26 March 2008

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Cabinet Member for Economic Development and Tourism : Councillor Peter Edge

1. Report Summary:

To report the results of the consultation exercise on the local Validation checklists and to obtain authorisation to adopt the checklists after 14 April.

2. Background:

In April 2008 1APP- a standard application form for all local planning authorities will come into force. In December 2007 a national validation checklist was published to go with these forms. . 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.

The objective of the introduction of local checklists is to make applicants aware what information is needed and to speed up the determination of applications. At present lack of information with applications causes delays because further information has to be requested. Once the checklists are adopted applications would not generally be registered unless all relevant information was provided. An applicant would have the remedy of judicial review or, after 8 weeks, a planning appeal if the council refused to register. The fact that the checklist has been through a robust consultation process in accordance with the SCI and has been adopted as policy by the Council means that it would carry considerable weight in response to an appeal or other challenge.

The national list also included suggested topics for a Local validation checklist. These have been incorporated into a series of Local validation Checklists. These are all available on the council's website via the links on the Have Your Say section of the web front page. A copy of this is attached as <http://www.salisbury.gov.uk/planning/development-control/validation-checklist-consultation/checklist-consultation-form.htm>



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Three examples of the validation lists sent out for consultation-

1. Householder applications
2. Householder and listed building application
3. Full application.

Are also attached as appendices 2, 3 & 4 for information

Cabinet authorisation for public consultation on a local validation checklist in accordance with the Statement of Community Involvement was granted on 5 December 2007.

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 (discretionary)
- Publicise the consultation by means of a public notice in a local newspaper
- Consideration of responses to the consultation by Cabinet or other appropriate committee.

3. Consultation undertaken:

The consultation exercise was posted on the front page of the web with links in January with an invitation to comment on the lists.

In addition the top 20 agents (on the basis of numbers of applications submitted) all district councillors, parish councils, statutory consultees and adjoining local authorities were consulted electronically with an initial closing date of 5 March 2008.

A stakeholders focus group, which meets three times a year, comprising a group of the agents who submit applications most frequently (some of which do not have internet access) was held on 22 January specifically to discuss the validation issue and verbal responses have been recorded on the responses table.

In addition the topic was raised at the twice-yearly Parish Council Seminar on 25 January.

Other than the above two meetings the consultation was initially carried out entirely electronically and no responses from the general public in response to the 'have your say' on the web 'front page' were received.

However, the cabinet authorisation included an advertisement in the press in accordance with Statement of community Involvement. . This omission has been rectified has now been posted with a link to the website so that the consultation period will expire on 10 April.

A table of the responses received so far and the proposed actions is attached as appendix 5.

4. Options for consideration:

- (a) That the Local Validation Checklists are amended as detailed in the actions column of appendix 5 and adopted on 14 April 2008. This would allow time to analyse any further responses and enable the council to have Local Validation checklists adopted a week after 1APP comes into force. However, if relevant new matters are raised and the matter has to be referred back to cabinet, it will delay the adoption of the Local Validation Checklists by a further 3 weeks.
- (b) Do nothing. There is no legal requirement to have local lists.

5. Recommendation(s):

- (1) That members adopt the checklists (as amended in accordance with appendix 5) with effect from 14 April 2008, provided that the HDS is satisfied no new relevant matters are raised as a result of the consultation. If relevant new issues are raised the matter to come back to cabinet.
- (2) Endorse the use of the local checklists on a voluntary basis until adoption.

6. Background Papers:

<http://www.salisbury.gov.uk/planning/development-control/validation-checklist-consultation.htm>

7. Implications:

Financial : All costs associated with the consultation can be met from existing budgets
Legal : it is open to the council to adopt local lists in accordance with guidance issued by the government under section 42 Planning and Compulsory Purchase Act 2004. Consultees responses must be taken into account when the ultimate decisions are taken
Human Rights : compliance with the statutory guidance should ensure compliance with any human rights obligations
Personnel : none
Community Safety: none
Environmental : Will give clarity to what is being proposed in any planning application
Council's Core Values: Fairness and equality an open learning council, protecting the environment
Equalities : none
ICT : none
Wards Affected : all