ROSSENDALE BOROUGH COUNCIL

Subject:	Approval of updated Validation Checklist document for use when validating applications	Status:	For Publication		
Report to:	Cabinet	Date:	18th September 2024		
Report of:	Head of Planning & Building Control	Lead Member:	Planning, Licensing and Enforcement		
Key Decision:	☒	Forward Plan ☒	General Exception ☐	Special Urgency	☐
Equality Impact Assessment:		Required:	No	Attached:	No
Biodiversity Impact Assessment:		Required:	No	Attached:	No
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1. RECOMMENDATION

1.1 Cabinet approve the updated Validation Checklist document for immediate use.

2. EXECUTIVE SUMMARY

- The current checklist is out of date and a new updated version has been created to take into account current legislation, policy and best practice guidance
- The document has undergone a six-week public consultation and no objections have been received.
- Many suggestions received have been incorporated into the document.
- The updated Validation Checklist will ensure officers are able to require the full range of supporting documents to accompany planning and related applications.
- The Development Control Committee were consulted on the document at their meeting on 23rd July 2024 and have recommended Cabinet to approve the checklist document for immediate use.

3. BACKGROUND

The purpose of the Council's Validation Checklist document is to set out specifically what type of documents and plans are required to accompany a valid planning-related application.

The Council's current Validation Checklist was adopted in April 2022, and is now out-of-date. Accordingly, officers have created a new updated Validation Checklist document, which takes into account current legislation, policy and best practice guidance.

4. DETAILS

The document includes the national information requirements (the statutory minimum information required to accompany all applications across the country) as well as the Council's own more specific local list of information requirements to validate an application within the Borough.

The document has undergone a six-week public consultation, which started in May 2024 and concluded at the end of June 2024. No objections have been received, but several suggestions were received in relation to the wording of certain sections of the document. Many of the suggestions have been incorporated into the final version of the document where appropriate.

CONSULTATION RESPONSES

The consultation was sent out to around 145 planning agents, developers and consultants, along with every statutory and non-statutory consultee contained within the Council's consultation database. The consultation was also made public on the Council's website.

The following table lists only the responses which were received as a result of the consultation, and highlights where comments have or have not resulted in amendments to the document.

Consultee	Response
Alan Jackson (Agricultural Consultant)	Suggested wording amendments to Appendix D (form to accompany agricultural applications) – Comments Incorporated.
LCC Active Travel Team	Suggested reference to the Local Cycling and Walking Infrastructure Plan – Comments Incorporated.
Lancashire Constabulary	Incorporated a new section on Crime Impact Statements.
Blackburn with Darwen Borough Council	No comments to make.
Peak and Northern Footpaths Society	Incorporated a requirement for site plans to show the route of any proposed diversions to public rights of way.
Coal Authority	No comments to make.
Edenfield Community Neighbourhood Forum	Suggested a requirement for applications not to be validated where there is a policy requirement for a Masterplan to be submitted but no Masterplan is yet approved / adopted – comments not incorporated as compliance with an approved Masterplan is a policy requirement for certain developments (already contained within the Local Plan) which would be dealt with during the course of determining planning applications, rather than a technical validation requirement to be contained within a Validation Checklist.
Environment Agency	Wording amended in relation to non-mains foul drain connections and flood risk assessments.
Grane Residents Association	Added a requirement in relation to requiring all reports, assessments and documentation to be up to date at the time of the application, and stating that the Council will not accept the submission of out-of-date documentation.
Historic Buildings and Places	Added requirement for a heritage statement for the demolition of buildings within a Conservation Area. Also added wording in relation to the interior features of listed buildings, and curtilage listed structures.

Consultee	Response
Historic England	No comments to make.
LCC Historic Environment Team	Amended text to incorporate suggestions relating to assessment of sites containing potential features of archaeological interest.
LCC Lead Local Flood Authority (LLFA)	Wording amended as requested by the LLFA to include reference to non-fluvial flood risk and requirement for drainage information.
Land Contamination Consultant	Amended wording of land contamination section to reflect current best practice guidance.
Natural England	Amended wording to include reference to nationally / internationally designated sites.
LCC Public Rights of Way Team	No objection.
Sport England	Created a new section at the request of Sport England, dealing with requirements to support applications affecting existing sports / playing pitches.

ASSESSMENT

The updated Validation Checklist includes a comprehensive list of requirements to ensure that applicants are aware of the documentation and plans required to support planning and related applications.

At present, the current Validation Checklist document is out of date, meaning that the Council can only request the minimum national statutory requirements in relation to information and plans to support applications.

As such, it is vital that the Council adopts a new up-to-date Validation Checklist to ensure that officers are able to require the full range of supporting documents to accompany applications. Failure to adopt an up-to-date checklist would mean that officers can only request the statutory minimum national information requirements when applications are received – this would not provide adequate information to enable all relevant consultees to provide detailed comments on applications, and would not provide all information which may be required to enable a full assessment to be made. The knock-on effect of this would be that officers would have to request such information once applications are already valid, and once the statutory period for determining an application has already started – meaning that applications are much less likely to be determined during the statutory application period.

The requirements contained in the updated Validation Checklist document will ensure that adequate information accompanies applications so that officers, their consultees, members of the public and elected Members of the Development Control Committee are able to properly and fully assess development proposals prior to applications being determined. It will also facilitate more timely determination of applications within the statutory application period.

The updated Validation Checklist document is fully up to date in relation to current local and national planning policy and legislation, and has been through an appropriate public consultation (which has resulted in several amendments and improvements to the document).

As such, officers recommend that Members approve the adoption of the document for immediate use.

5.   RISK
All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

5.1   Failure to adopt an up-to-date checklist would mean that officers can only request the statutory minimum national information requirements when planning and other applications are received – this would not provide adequate information to enable all relevant consultees to provide detailed comments on applications, and would not provide all information which may be required to enable a full assessment to be made.

5.2   The knock-on effect of this would be that officers would have to request such information once applications are already valid, and once the statutory period for determining an application has already started – meaning that applications are much less likely to be determined during the statutory application period. The risk with such an approach is that the Council would fail to determine a greater proportion of applications outside of the statutory application period – adversely affecting customer service / customer satisfaction, significantly adding to officer workload, and adversely affecting the Council's planning performance figures (which are reported to Government).

6.   FINANCE
No direct financial implications currently. If the Validation Checklist is not adopted for use, this may result in additional costs from planning appeals, arising from delays to decision making.

7.   LEGAL
No specific legal implications.

8.   POLICY AND EQUALITIES IMPLICATIONS
No policy or equalities implications.

9.   REASON FOR DECISION
It is vital that the Council adopts a new up-to-date Validation Checklist to ensure that officers are able to require the full range of supporting documents to accompany applications.

Background Papers	
Document	Place of Inspection
Item C2. and minutes of the Development Control Committee meeting 23rd July 2024	https://www.rossendale.gov.uk/meetings/meeting/1421/development-control-committee