

<b>Classification</b>	<b>Item No. 7</b>
<b>Open</b>	

<b>Meeting:</b>	<b>Planning Control Committee</b>
<b>Meeting date:</b>	<b>27 August 2024</b>
<b>Title of report:</b>	<b>VALIDATION CHECKLISTS</b>
<b>Report by:</b>	<b>DAVID MARNO – Head of Development Management</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Ward(s) to which report relates</b>	<b>ALL</b>

### **Executive Summary:**

The Council is required to maintain a planning application validation checklist and there is a need to update Bury's further following the adoption of the Places for Everyone Joint Development Plan (PfE).

### **Recommendation(s)**

1. **That:** The Committee Approve the checklist attached to this report at Appendix 1.

### **Key considerations**

#### **1.0 Background**

- 1.1 There are national requirements setting out what information is required to make a valid application for planning permission but a local planning authority may also publish a local validation checklist specifying its own local requirements for the supporting information required to make a valid application for planning permission. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.
- 1.2 Information included on local validation checklists 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 The Council's Planning Application local validation checklist criteria was updated on 19<sup>th</sup> March 2024, in line with the statutory requirement for it to be updated on a two yearly basis.
- 1.4 Since the adoption of PfE with effect from 21<sup>st</sup> March 2024, there are a number of additional policies within that document that require planning applications to contain additional information in order to determine whether or not the proposals are compliant with the respective policies.
- 1.5 Officers have been seeking this information from applicants in line with the policies since adoption of PfE. However, seeking the additional information has had to take place post submission.
- 1.6 This report sets out an update to the local validation checklist so that the Council is able to request this information as part of the validation of a planning application. .

## **2.0 The Proposal**

- 2.1 In total, there are 7 new 'frequently used' policies that require additional information on planning applications. These are set out in Appendix 1, together with the thresholds and development types that apply to each policy.
- 2.2 The topic matters include
  - Carbon and Energy Statement
  - Heat and Energy Statement
  - Nationally Designed Space Standards Table
  - Density Statement
  - Health Impact Assessment
  - Digital Connectivity Statement
  - Transport Assessment
- 2.3 The introduction of a validation checklist ensures consistency in submissions, that it is open and transparent and clarity on expectations. Additionally, it also expedites the planning application process itself by having the information upfront. This also reflects a Greater Manchester wide approach to standardisation of information for planning application submissions.

## **3.0 Other alternative options considered**

- 3.1 Given that the Council already is complying with the regulations by having an up to date checklist criteria for the submission of planning applications, it follows that where new adopted policies are introduced, the validation checklists are equally updated. Failure to not have an upto date checklist would mean that application processing would be slower as information would have to be sought through the determination process. It is not impossible to

do this, but NPPG guidance encourages that Council's maintain and keep checklists upto date.

- 3.2 The information sought will form part of the consideration of the planning application and also is likely to feature within the decision-making process through the imposition of planning conditions.

#### **4.0 Conclusion**

- 4.1 The Council, like all others, has an upto date planning application validation checklist and there is a need to update Bury's further through the adoption of the PfE Development Plan.
- 4.2 It is therefore requested that the Committee accept and approve the additions to the pre-existing Validation Checklist Criteria.

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### **Community impact/links with Community Strategy**

The adoption of the checklist enables development to meet higher standards of policy compliance in the consideration of development proposals.

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### **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
Validation criteria that is adopted and published ensures that there is an equal playing field in terms of information required to make a planning application valid. It ensures that	

all relative policies for development proposals are making full attempt to make development compliant across the various themes of the planning system.

No policies adopted preclude any protected characteristics and the adoption of policies and the respective requirement for applications to be submitted with information relating to them ensure inclusion is at the heart of the process.

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### Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
As discussed in the report	.

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### Consultation:

As the PfE policies themselves have been through independent public examination and significant consultation, no further consultation on the addition of these matters to the validation checklists is considered necessary.

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### Legal Implications:

Where the Council requires that local information is submitted with a planning application, its requirements must be specified on a formally adopted 'local list' which is published on its website. Any information requested must be reasonable and proportionate and about a matter which it is reasonable to think will be a material consideration in the determination of the planning application. These are statutory tests as set out in [section 62 \(4A\) of the Town and Country Planning Act 1990](#) (inserted by the Growth and Infrastructure Act) and [article 11\(3\)\(c\) of the Town and Country Planning \(Development Management Procedure\) \(England\) \(Order\) 2015](#).

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### Financial Implications:

To be completed by the Council's Section 151 Officer

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**Background papers:**

NPPF  
NPPG  
Places for Everyone DPD  
SI. 2015 - No. 595 - Town & Country Planning (Development Management Procedure)(England) Order 2015

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PFE	Places for Everyone
DPD	Development Plan Document

# APPENDIX 1

## PLACES FOR EVERYONE LOCAL REQUIREMENTS

**Following the adoption of the Places for Everyone Joint Development Plan in March 2024 the additional local provisions apply:**

**1. Carbon and Energy Statement** - To explain how the proposal relates in policy terms to Policy JP-S2: Carbon and Energy and as they emerge, the Local Plan and Supplementary Planning Documents.

**Threshold:**

- All “major” developments
- All new buildings – minor developments excluding householder development.
- Change of use applications
- And other developments if specified in pre-application advice.

**2. Heat and Energy Statement** - To explain how the proposal relates in policy terms to Policy JP-S3: Heat and Energy Networks within the identified Heat and Energy network Opportunity Areas and as they emerge, the Local Plan and Supplementary Planning Documents.

**Threshold:**

- Residential developments of 10 dwellings or more in Heat and Energy Network Opportunity Areas
- New industrial development in Heat and Energy Network Opportunity Areas.

**3. Nationally Designed Space Standards Table** - To explain how the proposal relates in policy terms to Policy JP-H3: Type, Size and Design of New Housing and to show compliance with nationally described space standards.

**Threshold:**

- All new residential dwellings.

**4. Density Statement** - To explain how the proposal relates in policy terms to Policy JP-H4: Density of New Houses which requires a density appropriate to the location, and as they emerge the Local Plan and Supplementary Planning Documents.

**Threshold:**

- All new residential dwellings.

**5. Health Impact Assessment** - To explain how the proposal relates in policy terms to Policy JP-P6: Health, and as they emerge the Local Plan and Supplementary Planning Documents.

**Threshold:**

- All developments required to be screened for an EIA.
- New developments that provide new or improved health facilities.
- Proposals which, due to their location, nature or proximity to sensitive locations, are likely to have a notable impact on health and wellbeing.
- And other developments if specified in pre-application advice.

**6. Digital Connectivity Statement** - To explain how the proposal relates in policy terms to Policy JP-C2: Digital Connectivity, and as they emerge the Local Plan and Supplementary Planning Documents.

**Thresh hold:**

- All new buildings minor and major developments
- All change of use – minor and major developments.

**7. Transport Assessment** – In addition to the requirements listed within the existing local requirements, all applications that require a Transport Assessment will need to consider the impact of the proposal on Holcroft Moss in relation to Policy JP-C8: Transport Requirements for New Developments and as they emerge the Local Plan and Supplementary Planning Documents.

**Thresh hold:**

- All development subject to a Transport Impact Assessment (TIA)