

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>19<sup>th</sup> March 2024</b>
<b>SUBJECT:</b>	<b>REVIEW OF DEVELOPMENT MANAGEMENT VALIDATION CHECKLIST CRITERIA</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report outlines the review of the Council's local checklists that are required for the validation process of planning applications submitted.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the report.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? YES
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	N/A
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS****DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**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 should 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 Government advises that local validation checklists should be reviewed every two years. Bury's planning application checklists were last updated in April 2022

**2.0 Bury's Checklists**

- 2.1 The Local Planning Authority has always been reasonable and commensurate in seeking information that is appropriate with the scale and of what is being sought. Where it was considered that information was required, this is requested. Where an agent or applicant disagreed, an application can be validated as submitted and will be considered on its merits, taking on board the representations made by an applicant or their agent.
- 2.2 It is reasonable that all participants in the planning process are operating on a level playing field with no ambiguity over what is needed to accompany a development proposal, so that all who are involved, including the public during consultation, can see and understand a development proposal.
- 2.3 The validation checklist criteria adopts a Greater Manchester wide standard by which information accompanying planning applications can start and ensure that applications are reasonably standardised when submitted.
- 2.4 It must be noted that the process of validation is not a judgement on the merits of a scheme. Validation is about whether there is sufficient information to understand a proposal and consult upon it. The assessment process is then carried out by the team, who then determines the acceptability of a proposal, following the usual steps of consultation and consideration and where required, referral to the planning committee for determination.

- 2.5 Since the adoption of the list in 2022, various minor changes have occurred including an updated NPPF and also revisions to the Town & Country Planning (Use Classes) Order 1987 (as amended). This has resulted in classes set out in the validation checklist being updated. Overall however, the substance remains the same as previously.
- 2.6 A further change involves the introduction of Bio-Diversity Net Gain (BNG) introduced by the Environment Act 2021. The Act set out National requirements upon planning application types and scale, where development must properly understand the bio-diversity that exists on a site prior to development and how, once developed that would change and be compensated for. Bury, as part of Greater Manchester Combined Authority has been working with its peers to devise a consistent approach to BNG and as such, the validation checklist includes thresholds (set Nationally) and local criteria (locally set) for the validation of planning applications.

### **3.0 Conclusion**

- 3.1 The validation checklists (link below) have been checked and are considered to reflect the current requirements for planning applications, in light of legislation, guidance and updates from the NPPF, no local changes are proposed.
- 3.2 If Committee agree with the report that no changes are necessary, an announcement to this effect will be published on the Council's website and the local validation checklists will be republished without any changes.

### **4.0 Decision**

The Planning Control Committee **Recommended to Approve** the lists as set out. However, the Committee has the following options:

1. To approve the lists as set out;
2. To not to approve the list and defer. This option is not recommended as the lists have been used in this format for a number of years without issue and failure to have a local list will render the LPA in a position where it cannot seek additional information to support a planning application beyond the National criteria until a new list is subsequently approved.

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#### **List of Background Papers:-**

SI. 2015 - No. 595 - Town & Country Planning (Development Management Procedure)(England) Order 2015  
Validation checklists – <https://www.bury.gov.uk/index.aspx?articleid=10770>  
GMCA – BNG [Biodiversity Net Gain - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk)  
Town & Country Planning (Use Classes) Order 1987 (as amended)  
Town & Country Planning 1990  
The Environment Act 2021  
The Bio-Diversity Gain Requirements (Exemptions) Regulations (2024)  
The Bio-Diversity Gain (Town & Country Planning) (Modifications and Amendments)(England) Regulations 2024  
BNG Good Practice Principles (2016)  
National Planning Policy Framework (NPPF)

#### **Contact Details:-**

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