

Bolsover District Council

Meeting of the Planning Committee on 16th April 2025

Outcome of Consultation on and Recommendation to Adopt a Local Validation Checklist (Local List) for Planning Applications

Classification	This report is Public
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PURPOSE / SUMMARY OF REPORT

- To report on the outcome of the consultation on the draft Local Validation Checklist with the community, staff, consultees and agents.
- To seek approval to adopt the Local Validation Checklist, which will set out local information requirements for planning applications from the 1st June 2025.

REPORT DETAILS

1. Background

- 1.1 This report follows a resolution at Planning Committee on the 27th November 2024 to undertake consultation in respect of a draft Local Validation Checklist, setting out the local information requirements for planning applications submitted to Bolsover District Council.
- 1.2 Any proposal to adopt a Local List was to be presented to a future planning committee meeting with the outcomes of any consultation exercise, Equality Impact Assessment and a final adoption draft of the document.

2. Details of the Proposal

- 2.1 Paragraph 45 of the National Planning Policy Framework states that local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting

information that is relevant, necessary and material to the application in question.

- 2.2 Planning practice guidance advises that a local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted. It reiterates the requirement of paragraph 44 of the National Planning Policy Framework in that information required by local lists must be relevant, necessary and material to the application in question and kept to the minimum needed to decide a planning application. These statutory tests are 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.
- 2.3 Ensuring that planning applications are supported by enough information is crucial to ensure effective service delivery. It also provides certainty for applicants, the Local Planning Authority, consultees and other interested parties and speeds up the decision-making process.
- 2.4 If a planning application is not supported by the information required by the national information requirements or an adopted local list, an application will not be registered as being valid and the formal process of considering and determining the planning application will not begin. The adoption of a local list will enable the Local Planning Authority to capture all key information required to determine an application at the validation stage to allow it to make decisions in a timely manner post registration / validation.

3. Details of the Consultation Exercise and Level of Engagement

- 3.1 There are no specific regulations relating to consultation in respect of the adoption of Local Lists. Planning practice guidance advises that where a local planning authority is looking to adopt a local list, the proposals should be issued to the local community, including applicants and agents, for consultation.
- 3.2 The report to the Planning Committee on the 27th November indicated that a four-week consultation period would be undertaken early in 2025, with targeted emails to agents operating in the area and those registered on its online local plan database and separate advertisement seeking views of the Council's intention to adopt the Local List on the Council's website.
- 3.3 A longer consultation period of six weeks, between the 10th January and 21st February 2025 was undertaken. Targeted correspondence was sent to the 111 planning agents who either regularly submit planning applications to the District Council or who have expressed an interest in being notified of new policy documents within its planning area. Consultees on planning applications, staff within the planning team at Bolsover District Council, elected ward members and parish / town councils were also notified of the consultation and directed to the consultation draft of the Local Validation Checklist. A copy of the document was also made available for review and comment at the Customer Contact

Centres within the district and local libraries and a dedicated webpage created to advertise the consultation exercise.

- 3.4 The consultation on the Local Validation Checklist has been given wide exposure over a longer time period than originally envisaged. This resulted in the submission of nine representations being received, which represents a good level of interest / engagement in such a technical document. A summary of the comments received can be found at Appendix 1.

4. Outcome of the Consultation Exercise

- 4.1 The consultation comments from nine interest parties received have been reviewed and the Local Validation Checklist has been amended (where appropriate) to ensure that the information requirements are clear and meet the statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 and article 11(3) (c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. None of the consultation comments raised objections to the District Council adopting a local validation checklist.
- 4.2 One response from a planning agent was received, which highlighted formatting errors within the document, clarified changes to consultees and recommended clarification on when a noise/nuisance impact assessment will be required for applications involving children's homes. On the back of these comments the document was amended to have consistent formatting throughout and to provide clarity on when a noise/nuisance impact assessment would be required.
- 4.3 Derbyshire Wildlife Trust provided detailed comments on the parts of the Local Validation Checklist relating to ecology and biodiversity requirements. Additional wording and alternative terminology was recommended, including renaming 'Extended Phase 1 Habitat Survey' to 'Preliminary Ecological Appraisal' and adding the Environment Act (2021) to the policy drivers.
- 4.4 The Derbyshire County Council Countryside Project Officer requested that a tree survey/arboricultural impact assessment information requirement be included and presented model wording. This has been included in the adoption draft version of the Local Validation Checklist (Appendix 2).
- 4.5 Sport England advised that information requirement thirteen was amended to clarify that Section 106 contributions would be required to provide sports facilities both on and off-site and any other associated infrastructure, not just playing pitches. This change has been made to provide greater scope for and clarity on where such contributions can be made. A new information requirement was also suggested to consider the impacts of new development on existing playing fields to ensure that any application proposing development that is likely to prejudice playing field(s) or a sports facility provides adequate information to make an informed decision and not unduly delay determination. This has been included in the Local Validation Checklist.
- 4.6 The NHS and Mining Remediation Authority thanked the Local Planning Authority for consulting them. Neither consultee made any comments regarding potential improvements or changes

- 4.7 Historic England wished to add additional text to the ‘Design and Access Statement’ requirement in the national validation section (Part 1) of the document to require consideration of the impact of development proposals on heritage assets. This text has been included.
- 4.8 A District Council employee, within the planning services section responded to the consultation, expressing their interest in creating a proforma to help determine if self/custom-build projects qualify as such, to be satisfied that they are exempt from biodiversity net gain requirements. This has been prepared and a requirement to submit a form included at information requirement sixteen.
- 4.9 A summary of the comments received are present in a table at Appendix 1.
- 4.10 The consultation comments received have helped to fine tune the information requirements in the Local Validation Checklist for Bolsover District to ensure that they are clear and meet the tests set out in section 62 (4A) of the Town and Country Planning Act 1990 and article 11(3) (c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. A copy of the recommended Local Validation Checklist for adoption is set out at Appendix 2 and the Equality Impact Assessment for approval at Appendix 3.

5 Reasons for Recommendation

- 5.1 The recommendation seeks to introduce new information requirements for planning applications received by the development management service. Planning Committee approval enables full scrutiny of the proposed change to service delivery and transparency in any decision to adopt the document.

6 Alternative Options and Reasons for Rejection

- 6.1 An alternative option for the Council to choose not to adopt a Local Validation Checklist. Any relevant planning application would continue to be registered using the national validation requirements set by Article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015 and Planning Practice Guidance. This would impact on the quality of planning application submissions, which in turn, is likely to impact on the local planning authority’s ability to issue decisions in a timely manner.

RECOMMENDATION(S)

- 1. That Planning Committee resolve to adopt the Local Validation Checklist at Appendix 2 with any minor corrections / alterations as appropriate from the 1st June 2025, following the creation of a new page on the Council’s website to direct service users to its existence / requirements and other supporting documentation and approval of the Equality Impact Assessment.

IMPLICATIONS:

Finance and Risk: Yes No

Details: There are no specific finance or risk issues arising from this report. There is a risk that the non-validation of an application for a Local List requirement could lead to a non-determination appeal and an award of costs, however, there is an established procedure for dealing with validation disputes under article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The consideration of the statutory tests for information requirements when considering validation disputes should ensure that such risks are minimal.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: There are no legal implications other than the information requirements not meeting the statutory tests in respect of specific development proposals. This would be a matter of judgement for the validating officer and can be resolved as part of the "Article 12 notice" procedure.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.

Details: There are no environmental implications.

Staffing: Yes No

Details: When the local planning authority receives an Article 12 notice, it will need to consider the merits of the applicant's case as to why the information requested does not meet the statutory tests. The local planning authority must then either issue a 'validation notice', stating that it no longer requires the information specified in the Article 12 notice, or a 'non-validation notice' stating that it still requires the applicant to provide the information requested. This is similar to the existing procedure in respect of national validation requirements and the correspondence sent by Planning Technicians. Some training will need to be given to staff initially and the Local List will need to be clear / user friendly in terms of setting out when local information requirements apply. Once established the Local List will front load the information necessary to determine planning applications, saving officer and consultee time.

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: No significant impact on two or more district wards or expenditure above the thresholds.</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No

Links to Council Ambition: Customers, Economy, Environment and Housing.
<ul style="list-style-type: none"> • Customers, Economy and Housing – Speeding up decision making, which will help facilitate the delivery of development more quickly on the ground.

DOCUMENT INFORMATION	
Appendix No	Title
1	Summary of consultation comments received
2	Adoption draft of the Local Validation Checklist
3	Equality Impact Assessment for approval
4	Custom and self-build proforma
Background Papers	
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>	