

Report to:	Full Council		
Date of meeting:	18/01/23		
Report of:	Director of Place	Report Number:	
Reporting Officer:	Paul Whittingham, Assistant Director Economic Development and Regeneration	Telephone Number:	(01204) 336042
Contact Officer:	Alex Allen, Development Manager (Planning).	Telephone Number:	(01204) 336050
Report title:	Validation Checklist		
Not confidential			
This report does not contain information which warrants its consideration in the absence of the press or members of the public.			
Purpose:	To seek approval for the updated Planning Validation Checklist to allow for use in the validation of planning applications.		
Recommendations:	The Council is recommended to: <ul style="list-style-type: none"> Note the proposed changes to the Validation Checklist; and Approve the updated Validation Checklist and that the Checklist is brought into effect for use on 19/01/23 		
Decision:			
Background documents:	Appendix 1 - Draft Planning Validation Checklist, January 2023 Appendix 2 - Summary of responses and proposed changes to Validation Checklist as a result of the consultation process, November 2022 Appendix 3 - Planning Validation Consultation Report 2022		
Signed:	Leader/Executive Cabinet Member	Monitoring Officer	
Date:			
Consultation with other officers			
Please complete this section noting which officers have provided advice.			
Finance	Yes	16/11/22	David Shepherd
Legal	Yes	16/11/22	Nicola Raby
HR	No	Insert date	Insert name
Procurement	No	Insert date	Insert name
Climate Change	Yes	16/11/22	Nicola Farrell
Equality Impact Assessment	Yes	1/11/22	Tammy Tatman

<p>(a) Pre-consultation reports</p> <p>Is there a need to consult on the proposals?</p>	<p>No. Consultation took place on the draft Validation Checklist in September and October 2022. A statement of consultation is attached to this report, setting out what responses were made and how these have been taken into account.</p>	
<p>Vision outcomes</p> <p>Please identify the appropriate Vision outcome(s) that this report relates or contributes to by putting a cross in the relevant box.</p>	1. Start Well	X
	2. Live Well	X
	3. Age Well	X
	4. Prosperous	X
	5. Clean and Green	X
	6. Strong and Distinctive	X

1. INTRODUCTION & BACKGROUND

- 1.1. The National Planning Policy Framework (NPPF) (para 44) 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 2 years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
- 1.2. The information required is broken down into national and local requirements which are set out in the Town and Country (Development Management Procedure) (England) Order 2015 and also within Planning Practice Guidance published by Central Government. Both national and local requirements are set out in Council's Planning Validation Checklists.
- 1.3. National guidance states:
 - Local planning authorities should take a proportionate approach to the information requested in support of planning applications.
 - The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location.
 - In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:
 - i) reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - ii) about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 1.4. The Executive Cabinet Member approved a draft Validation Checklist on 16 August 2022 to enable consultation with planning agents, consultees and interested members of the public for a six-week period starting in September 2022 with the consultation period ending on 12 October 2022. The benefits of this Validation Checklist are set out in Executive Cabinet Member Place Report Number 42103 as approved in August
- 1.5. The proposed update to the Validation Checklist dated January 2023 is attached to this report at Appendix 1. Appendix 2 contains a short summary of the responses received together with officers' response. Appendix 3 is the formal report completed by the Council's consultation team.

2. CONTENT OF THE VALIDATION CHECKLIST – NOVEMBER 2022

- 2.1. The Planning Validation Checklist contains both National and Local requirements. The proposal to update the Validation Checklist will result in a robust process whereby applications which do not meet both the national and local requirements will not be made valid.
- 2.2. The national requirements set out in Appendix 1 are the basic requirements for submitting an application. The local requirements as detailed within Appendix 1 are wide ranging matters and the requirements are tailored to the specific nature of an application.
- 2.3. It is envisaged that the updated Checklist will assist both applicants and agents in a clear understanding in the information which is required to submit a planning application in Bolton. In turn this will ensure that applications which are submitted in Bolton will have all the correct information to

enable the full assessment of a development proposal at the start of the process. This will benefit planning officers and consultees to provide an efficient assessment and determination of planning applications.

- 2.4. It is noted that there will be a requirement for officers to regularly check that all the links contained within the Checklist are up to date and where necessary provide updated links when changes are made. In accordance with the requirement to review and update the validation checklist every two years officers will aim to submit a new version for approval in January 2025.

3. CONTENT OF THE PLANNING VALIDATION CHECKLIST

- 3.1. The existing Planning Validation Checklist has been reviewed taking into consideration the current guidance from central government and liaising with internal consultees within the Council to advise on any amendments which were required.
- 3.2. In addition, Officers have also looked at best practice from other Local Planning Authorities to ascertain the form that updated Planning Validation Checklist should take.
- 3.3. The aim of the draft Planning Validation Checklist is to provide clear guidance on both the national and local requirements with the principal aim to simplify the checklist with more of a reliance on customers using links contained within the Checklist to obtain guidance on the detailed requirements for each element. There is a requirement to ensure the links within the Checklist are kept up to date.
- 3.4. The Checklist is simply broken down into an introduction together with sections on the National and Local requirements.

4. CONSULTATION PROCESS, RESULTS AND CHANGES

- 4.1. A six-week period of consultation ended in October 2022. Comments received during this period of consultation have been considered by officers and where appropriate, incorporated into a proposed final Validation Checklist. The Checklist is contained at Appendix 1.
- 4.2. Formal responses were received from the following organisations, with their summary responses together with officer comment located at Appendix 2:
- The Environment Agency
 - Network Rail
 - Historic England
 - Blackrod Town Council
 - The Emerson Group
 - The Ramblers Association
 - National Highways
 - The Coal Authority

- 4.3. Throughout the consultation period 15 formal responses from residents and stakeholders were received. Of those that responded, 8 were key stakeholders and 1 is a Council Member. The remaining 6 responses are made up of a member of the public, 3 local authority officers and 3 national agencies.
- 4.4. Appendix 2 contains the officer responses to all the key comments received. It is noted that only minor changes are required.
- 4.5. A number of comments refer to planning policy changes from when the current Development Plan was adopted. However, there needs to be a clear distinction between where there have been clear changes in national and local planning policy and the national and local requirements to enable a planning application to be considered to be a valid submission.

5. **IMPACTS AND IMPLICATIONS:**

5.1 **Financial**

- 5.1.1 The consultation requirements set out in paragraph 4.1 will be met by existing budgets within the Development Management team.
- 5.1.2 The proposed update will enable the Council's Validation process to be more robust and as detailed in paragraph 2.3, enable planning applications to be more efficiently initially processed and also more efficient assessment of submissions once valid. This will result in less time being taken by Council officers and external consultees in the assessment of applications at less cost.

5.2 **Legal**

- 5.2.1 The updated Checklist would ensure that the Council's Validation Checklist is up to date thus complying with the requirements as set out in paragraph 43 and 44 of the NPPF.

5.3 **HR**

- 5.3.1 None

5.4 **Climate Change**

- 5.4.1 The proposed update to the Planning Validation Checklist would ensure that submitted applications provide information on the sustainability of future development proposals at the time of submission.

5.5 **Other**

- 5.5.1 None

6. **EQUALITY IMPACT ASSESSMENT (EIA)**

- 6.1. Under the Equality Act 2010, the council has a general duty to have due regard to the need to:

1. **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
3. **foster good relations** between people who share a protected characteristic and people who do not share it.

6.2. It is important to consider how the proposals contained within this report may impact positively or negatively on protected characteristics. To support this analysis, an Equality Impact Assessment (EIA) has been carried out and this is attached. This demonstrates that the updated version of the Planning Validation Checklist will enable individuals and organisations from different communities to have a clear understanding of the requirements when new planning applications are submitted. It is not therefore anticipated that the proposals within this report will have a differential impact on any of Bolton's diversity groups, including staff.

7. **CONSULTATION**

7.1. Consultation on the draft Validation Checklist was carried out up to and including 12 October 2022. The results of the consultation are summarised within Appendix 2 with more detail provided within Appendix 3 to this report.

8. **VISION 2030**

- 8.1. Once implemented, having a robust Planning Validation Checklist will enable the Development Management team to support all of the six key outcomes as detailed within the Vision 2030 strategy.
- 8.2. An up to date Checklist will help to support Officers in ensuring that new development proposals are efficiently validated, fully assessed and determined by the Council. More efficient decision making will then support developments which assist in providing the outcomes which meet this Vision in a more timely manner.

9. **RECOMMENDATIONS**

9.1. The Executive Cabinet Member/Cabinet is recommended to:

- Approve the Validation Checklist dated November 2022 for use in the validation process from January 2023.

Equality Impact Assessment

Title of report or proposal:
Update to the Planning Validation Checklist

Directorate:	Place
Section:	Development Management
Date:	15.11.22

Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to their own employees.

Under the Equality Act 2010, the council has a general duty to have due regard to the need to:

1. **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
3. **foster good relations** between people who share a protected characteristic and people who do not share it.

By completing the following questions, the three parts of the equality duty will be consciously considered as part of the decision-making process.

Details of the outcome of the Equality Impact Assessment must also be included in the main body of the report.

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes.

The purpose of the report is to recommend approval of the updated Validation Checklist for use in the validation of planning applications which are submitted to the Council. The aim is to ensure that new applications which are submitted are only made valid when all the national requirements and all necessary local requirement have been submitted. The purpose is to ensure new development proposals are efficiently validated, fully assessed and determined by the Council.

2. Is this a new policy / function / service or review of existing one?

This is a review of an existing Checklist.

3. Who are the main stakeholders in relation to the proposal?

Any individual or organisation who will submit planning applications to Bolton Council as the local planning authority. These include residents, businesses, voluntary organisations, public sector bodies, and landowners and developers.

4. In summary, what are the anticipated (positive or negative) impacts of the proposal?

The positive impacts of the proposal are a consistent approach to the information which is required at the point of submission of new planning applications. This has benefits of (i) the Local Planning Authority having all the necessary information to fully assess development proposals which has the potential to result in more timely determination of planning applications, (ii) reduced delays to land owners / developers (less costs) and (iii) the ability to be able to implement the proposals which gain planning permission in a quicker time period resulting in the socio, economic and environmental benefits which would follow.

Negative impacts are (i) Initially, more costly for applicants who need to submit all the required information at the point of submission (ii) increase in costs required to assist the Planning Support team in refusing to validate applications as not all national and local requirements have been submitted with some planning applications.

5. What, if any, cumulative impact could the proposal have?

This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else.

6. With regard to the stakeholders identified above and the diversity groups set out below:

Consider:

- How to avoid, reduce or minimise negative impact (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- How to **advance equality of opportunity**. This means considering the need to:
 - Remove or minimise disadvantages suffered by people with protected characteristics due to having that characteristic.
 - Take steps to meet the needs of people with protected characteristics that are different from people who do not have that characteristic
 - Encourage protected groups to participate in public life and in any other activity where participation is disproportionately low
- How to **foster good relations**. This means considering the need to:
 - Tackle prejudice; and
 - promote understanding between people who share a protected characteristic and others.

	<p>If you are completing this form prior to consultation: Is there any potential for (positive or negative) differential impact? Could this lead to adverse impact and if so what?</p> <p>If you are completing this form following consultation: List any adverse impacts identified from data or engagement (Delete as appropriate)</p>	<p>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason? Please state why</p>	<p>Please detail what actions you will take to remedy any identified adverse impact i.e. actions to eliminate discrimination, advance equality of opportunity and foster good relations</p>
<p>Race (this includes ethnic or national origins, colour or nationality, and caste, and includes refugees and migrants; and gypsies and travellers)</p>	<p>The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications.</p> <p>No adverse impact.</p>	<p>N/A</p>	<p>N/A</p>

Religion or belief (this includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief)	The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications. No adverse impact.	N/A	N/A
Disability (a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)	The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications. No adverse impact.	N/A	N/A
Sex / Gender	The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications. No adverse impact.	N/A	N/A
Gender reassignment / Gender identity (a person who's deeply felt and individual experience of gender may not correspond to the sex assigned to them at birth, they may or may not propose to, start or complete a process to change their gender. A person does not need to be under medical supervision to be protected)	The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications. No adverse impact.	N/A	N/A

Age (people of all ages)	<p>The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications.</p> <p>No adverse impact.</p>	N/A	N/A
Sexual orientation - people who are lesbian, gay and bisexual.	<p>The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications.</p> <p>No adverse impact.</p>	N/A	N/A
Marriage and civil partnership (Only in relation to due regard to the need to eliminate discrimination)	<p>The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications.</p> <p>No adverse impact.</p>	N/A	N/A
Caring status (including pregnancy & maternity)	<p>The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications.</p> <p>No adverse impact.</p>	N/A	N/A

Socio-economic	<p>The updated Checklist would apply equally to all individuals and organisations from different communities involved in submitting planning applications.</p> <p>No adverse impact.</p>	N/A	N/A
Other comments or issues.			
Please provide a list of the evidence used to inform this EIA, such as the results of consultation or other engagement, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.	<p>Stakeholder comments arising from the proposed consultation have informed production of the final version of the Planning Validation Checklist prior to its adoption.</p>		

This EIA form and report has been checked and countersigned by the Directorate Equalities Officer before proceeding to Executive Cabinet Member(s)

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input checked="checked" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Positive impact for one or more groups justified on the grounds of promoting equality - proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
The EIA identifies actual or potential unlawful discrimination - stop and rethink	<input type="checkbox"/>

Contact Officer

Name:	Alex Allen
Date:	16/11/22

Directorate Equalities Lead Officer

Name:	
Date:	