

Officer Delegated Decisions

Issue Manager ID:

1. Name or title of the decision	Adoption of the revised 'Validation Requirements for the Submission of Planning Applications' local list for use by the Local Planning Authority
2. Brief description of the reason and why it has been taken <u>and</u> any alternative options that were considered and rejected by officers. <u>Please included any date when the decision is expected to take effect.</u>	<p>The 'Validation Requirements' list is used by the Local Planning Authority to set out the information applicants are required to submit when they apply for planning permission. The council has now updated this list. The 2013 list is and associated guidance to be replaced is shown in Appendix 1. For information, Appendix 2 shows the main changes between the 2013 and the June 2022 consultation version of the Validation Requirements list.</p> <p>The council consulted on revised Validation Requirements between 20th June 2022 and 1st August 2022.</p> <p>Appendix 3 of this decision form sets out a Consultation Statement which provides a summary of the responses received and the proposed amendments where changes have been made. Appendix 4 sets out some further non-substantial amendments which seek to add clarity to the document and correct minor errors. Appendix 5 shows a tracked changes version of the final Validation Checklist to be adopted through this delegated officer decision. Appendix 6 shows the final document to be adopted.</p> <p>As no substantial modifications or alterations are being made, there is no requirement for further consultation. It is therefore recommended that the Strategic Director for Growth and Regeneration should proceed to adopt the revised Validation Requirements incorporating the non-substantial changes highlighted in Appendix 5.</p> <p>This decision is to approve and adopt the use of a Validation Requirements local list. The document replaces the 2013 list and will be used to determine whether applicants have submitted sufficient information as part of their planning applications.</p> <p>There will be a lead-in time until the new requirements are brought into force to enable applicants sufficient time to adapt to the new requirements. The new 'Validation Checklist for the Submission of Planning Applications' will therefore be used for the validation of planning applications submitted on or after Monday 6th February 2023.</p>

Background:

The 'Validation Requirements for the Submission of Planning Applications' document has been prepared in accordance with section 62(3) & the statutory tests set out in section 64(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. These are that the particulars required are:

- reasonable, having regard, in particular, to the nature and scale of the proposed development; and
- are about a matter which it is reasonable to think will be a material consideration in the determination of the application.

The National Planning Policy Framework (NPPF) paragraph 44 and associated National Planning Practice Guidance sets out a 3 step process for reviewing and revising local lists. The council has had regard to these statutory tests in producing the final version of the revised 'Validation Requirements for the submission of planning applications' local list.

The council has a statutory duty to give due regard to its Equalities Duties arising pursuant to the Equality Act 2010, section 149. A Stage 1 Integrated Impact Assessment has been undertaken¹ and has shown that a Stage 2 assessment is not required. The council consulted on revised Validation Requirements between 20th June 2022 and 1st August 2022. Comments were received from 7 respondents. Following amendments to the list as a result of the consultation, the Integrated Impact Assessment was updated but the conclusion remained valid.

The document will be reviewed every two years in accordance with the National Planning Policy Framework, and Article 11 (3)(d) of the 2015 Regulations.

The Validation Requirements list will be shown on the council website as soon as possible after the decision has been taken but will take effect from Monday 6th February 2023. This is to provide flexibility to ensure applicants have sufficient time to react to the new requirements. The new Validation Requirements list will therefore supersede the 2013 list (and associated guidance) for planning applications received on or after 6th February 2023.

¹ <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

Other Options

- Option 1: Make further modifications to the document following the consultation.
 - Not recommended - the Consultation Statement (Appendix 3) explains the rationale for changes made following the consultation and outlines reasons why other proposed amendments through the consultation have not been made.
- Option 2: Not to adopt a revised Validation Requirements list.
 - Not recommended - This would mean the council was not complying with the requirement to review the list every 2 years and it would be unable to require applicants to comply with 'local information requirements' for the submission of planning applications. This would cause delays to the process and uncertainty for applicants.

Reasons

The responses received from the consultation have been carefully considered. Each of the Validation requirements for planning applications is to ensure that the majority of information is available at the start of the planning applications process. This improves clarity for all parties and facilitates decision making process for the Local Planning Authority to make planning decisions in accordance with the council's adopted development plan, National Planning Policy Framework, local guidance and other material considerations.

The validation requirements are considered necessary to carry out robust and full assessments of an applicant's application and have been adjusted from the 2013 local checklist in accordance with changing national and local policy and priorities. The inclusion of an item on the Validation Requirements list assists in front loading the process but does not prevent discussion and negotiation during the consideration of the planning application. If applicants for planning permission consider any particular validation requirement to be unreasonable, they are able to submit a 'validation dispute' to the Planning Inspectorate, where it will be considered independently, pursuant to the 2015 Regulations.

3. Please state which Scheme of Delegation and Officer is responsible
Please refer to the Scheme of Delegation for the relevant service –
[| Kirklees Council](#)

Directorate name: Growth & Regeneration

Section of Scheme:

Kirklees Council Constitution, Section F (Scheme of Delegation to Officers), page 12, Executive Functions:

	<p>2. All relevant functions and responsibilities of the council as:</p> <ul style="list-style-type: none"> • Local Planning Authority (within the meaning of Section 1(2) Town and Country Planning Act 1990, Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 2 of the Hedgerow Regulations 1997). <p>Job Title/Decision maker (from delegation scheme): Strategic Director for Growth and Regeneration</p>
<p>4. Has this Officer delegated decision had sign off from your Strategic Director?</p>	<p>Yes</p>
<p>5. Decision <i>Brief description of the decision that was taken.</i></p>	<p>Decision to approve and adopt the 'Validation Requirements for the Submission of Planning Applications' local list for use in the validation process when planning applications are initially submitted to the council. The list will be published as soon as reasonably possible following the decision and will become effective from 6th February 2023. Planning Committee Chairs, Ward members, respondents, statutory consultees, developers, planning agents and those with a registered interest on the Planning Policy database will be informed of the publication as well as publication through the council communications channels.</p>
<p>6. Wards in Kirklees affected by the decision</p>	<p>Wards Affected: All Wards</p> <p>List Wards:</p>
<p>7. Please state if this is a key decision and, if so, has it been recorded in the forward plan of key decisions with 28 days notice.</p>	<p>Key Decision?: Yes Reason: Affects More than 1 ward Issue Type 2: Officer Decision</p> <p>Key Decision Notice issued 21/09/22.</p>
<p>8. Background information</p> <p>The decision and info in this form will be a matter of public record</p> <p>Please describe and attach any additional background documents.</p>	<p>Public or Private: Yes – The information is available to the public</p> <p>Expected Restricted Reason Choose an item. <i>(Please refer to last page for full descriptions of Exemption Clauses).</i></p> <p><u>Background Information:</u></p> <ul style="list-style-type: none"> • Appendix 1 - 2013 Validation Checklist² and 2013 Validation Checklist guidance notes³ (to be superseded) • Appendix 2 - Differences between 2013 Validation Checklist and the June 2022 consultation version of the revised Validation Requirements list

² <https://www.kirklees.gov.uk/beta/planning-applications/pdf/validation-checklist-guidance.pdf>

³ <https://www.kirklees.gov.uk/beta/planning-applications/pdf/validation-checklist.pdf>

	<ul style="list-style-type: none"> • Appendix 3 - Consultation Statement showing comments made and the council's response • Appendix 4 – Further changes to add clarity • Appendix 5 – Validation Requirements document showing changes between the consultation draft and the final version • Appendix 6 – Final Validation Requirements document (to become effective on 6th February 2023)
9. Date when the decision will be made or was made	Date: 09/11/22
10. Officers involved in taking the decision? Please identify key consultees <i>For example –</i> - Your Strategic Director or your Service Director - Monitoring Officer and Service Director - Legal, Governance and Commissioning	<ul style="list-style-type: none"> • David Shepherd (Strategic Director for Growth and Regeneration) • Edward Highfield (Service Director – Skills and Regeneration) • Mathias Franklin (Head of Planning and Development)
11. Please list the names of any councillors who were consulted directly before this decision was taken - List names of the councillors who were consulted - Did any of the Cabinet Members declare a conflict of interest in the topic? Yes or No? - If a conflict of interest was declared, had a written dispensation been granted by the Chief Executive? Yes or No?	Cllr Turner (Portfolio Holder for Regeneration) briefed by email on 09/06/22 and was happy to proceed to consultation. Cllr Turner was further briefed by email on 20/09/22 and 28/10/22.
12. Lead Contact officer for more information	Steven Wright, Planning Policy and Strategy Group Leader (steven.wright@kirklees.gov.uk) (01484 221000)
13. Authorised by relevant Strategic Director or Service Director	Name: David Shepherd (Strategic Director for Growth and Regeneration) Date: 09/11/22

A full guide to Decision Making can be found on the Intranet [here](#)

Kirklees Council Exclusion of the Public

By virtue of Paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972

By virtue of Regulation 21 (1) (A) of the Local Authorities (Executive Arrangements) (Access to information) (England) Regulations 2000

Contains information provided by a political advisor or assistant.

Exemption Clause 1	Information relating to any individual.
Exemption Clause 2	Information which is likely to reveal the identity of an individual.

Exemption Clause 3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
Exemption Clause 4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
Exemption Clause 5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
Exemption Clause 6	Information which reveals that the authority proposes <ul style="list-style-type: none"> (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
Exemption Clause 7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
Exemption Clause 7a	Information which is subject to any obligation to confidentiality
Exemption Clause 7b	Information which relates in any way to matters of national security