

Title of Report:	Implementation of Validation Checklist
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22 May 2024
For Decision or For Information	For Decision
To be discussed In Committee YES/NO	No

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership Improvement and Innovation
Outcome	Agreed policies and procedures and decision-making is consistent with them Council maintains its performance as the most efficient of NI's local authorities
Lead Officer	Head of Planning

Budgetary Considerations	
Cost of Proposal	No additional cost
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	5301
Staffing Costs	As per budget

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes	Date:
	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes	Date:
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes	Date:
	DPIA Required and Completed:	No	Date:

1.0 Purpose of Report

1.1 This Report is to seek agreement to implement the new validation checklist process.

2.0 Background

2.1 The department's Review of the Implementation of the Planning Act (Northern Ireland) 2011 was published in January 2022. This review recognised the importance of front-loading the planning application process to ensure applications are accompanied with all the necessary supporting documentation needed to reach a decision at the point of submission.

2.2 Further reports by the Northern Ireland Audit Office in February 2022 and the Public Accounts Committee in March 2022, both acknowledged and referenced the delay poor quality submissions can have on the planning process.

2.3 In November 2022, DfI published a public consultation paper to bring forward amendments to The Planning (General Development Procedure) Order (Northern Ireland) 2015 to introduce provision for councils to prepare and publish planning application validation checklists above the current minimum statutory requirements, and the provision of an associated dispute mechanism where an applicant disagrees with a planning authority's decision declaring an application invalid/incomplete.

2.4 The overall objective is to enhance the quality of applications entering the system, front-loading the application process, which should result in better processing times and more efficient consultee responses. The associated dispute mechanism is to provide applicants with the right to appeal against a decision of a council not to validate an application, where it is of the view that the application is incomplete.

3.0 Proposal

3.1 A validation checklist will provide support and guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.

3.2 The Northern Ireland Audit Office report acknowledged that application checklists can speed up processing times and notes that DfI is encouraging Councils to introduce validation checklists in advance of the introduction of legislation to make them a legal requirement. The Public Accounts Committee recommended that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, they did not believe that this should be an excuse for delay.

- 3.3** Planning application validation checklists are widely used across Councils in other jurisdictions and a number of local Councils in NI have already implemented them: Belfast City Council, Ards and North Down District Council, Armagh, Banbridge and Craigavon Borough Council and Fermanagh and Omagh District Council. Other Councils are currently developing their validation checklists.
- 3.4** The benefits of validation checklists are generally set out as follows:
- they set out the scope of information required at the outset to ensure a 'fit for purpose' submission;
 - they enable the planning authority to have all the necessary information to determine the application.
 - they minimise the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications and reduces costs to councils through reduction in re-advertisements and re-neighbour notification.
 - they provide applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission.
 - they ensure that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.
- 3.5** Currently there are basic requirements that are required to be met when submitting planning applications. This is the minimum information that you must submit when making a planning application and is legislated by Section 40 of The Planning Act (Northern Ireland) 2011, with the detailed form and content of a planning application specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015. Similar provisions exist for proposals for listed building consent. The current legislative requirements are set out below:
- a written description of the development;
 - an address or location of the land;
 - the name and address of the applicant;
 - a plan sufficient to identify the land;
 - such other plans and drawings necessary to describe the development;
 - a design/access statement, where required;
 - a certificate under Article 9 (declaration of ownership); and
 - any fee.
- 3.6** The submission of the above information which would constitute a valid application, can still result in applications not containing all the information needed to determine them. This can result in further requests to the applicant which can subsequently lead to delays in processing, impacting negatively on efficiency of costs, time and resources.
- 3.7** The other supporting information is required at validation stage to front load and fully assess planning applications. The level of supporting information will vary depending on the type of application and the scale, nature and location of the development being proposed.

- 3.8** The validation checklist has been discussed and agreed with agents at the RSUA/RTPI meeting held on 01 May 2024.

Option 1 To agree to the implementation of the validation checklist

- 3.9** Councils are encouraged to bring forward their own validation checklists in preparation for the implementation of legislation referred to above. The attached validation checklist (Appendix 1) sets out the necessary information required to be submitted at validation stage for various types of application. The application will be returned along with the fee if the information is not submitted within 5 days of receipt of the application. This will allow the applicant and their agent to compile the necessary reports and submit a front-loaded application.
- 3.10** The implementation of the checklist will also provide applicants with the necessary information to inform them of all the information required to be submitted in relation to their proposed development rather than the information being requested during the processing of the application, causing delays and additional costs that the applicant may not have been aware of prior to submitting their application. Where this requires withdrawal of the application, the applicant will not receive refund of their application fee.
- 3.11** The provision of the information at the validation stage provides efficiency in the planning process through reduction in time, costs and impact on resources through reduced re-advertisement, re-notification and re-consultation.
- 3.12** The implementation of the validation checklist will align Council with other Councils who have already implemented the validation checklist or are in the process of Implementing. This will enable comparison in performance against other councils to be based on similar procedures rather than at a disadvantage in terms of processing times.

Option 2 To disagree to the implementation of the validation checklist

- 3.13** If we do not proceed to implement the validation checklist we will not action Recommendation 9 from the Public Accounts Committee report. In addition, we will not align with other councils in terms of monitoring performance due to differences in what makes a valid application.
- 3.14** To not proceed to implement the validation checklist will result in the risk that applicants proceed to submit an application unaware of the full costs associated with supporting information required to assess the application against the relevant policies. This may result in the application being withdrawn at a later date and the application fee retained by council as required under legislation.
- 3.15** To continue to await information to be submitted at a later stage in the planning process will continue to place pressure on existing resources including costs from re-notification, re-advertisement and staff time monitoring

the application for submission of information, and on consultee resources due to responding to multiple consultations.

4.0 Recommendation

- 4.1 It is recommended** that the Committee considers the attached validation checklist and agrees to Option 1 to the implementation of the validation checklist attached at Appendix 1.

VALIDATION CHECKLIST TEMPLATE

Part 1 Information Required Under Current Legislation

Application Type	Information Required
Full Planning Permission	Application Form submitted and signed Ownership Certificate Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended). Site Location Plan Plans and drawings Design and Access Statement (if required) Pre-Application Community Consultation Report (if required)
Outline Planning Permission	Application Form submitted and signed Ownership Certificate Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended). Site Location Plan Plans and drawings Design and Access Statement (if required) Pre-Application Community Consultation Report (if required)
Approval of Reserved Matters	Application Form submitted and signed Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended). Plans and drawings
Section 54 Non-Compliance with planning conditions previously attached	Application Form submitted and signed Ownership Certificate Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).
Advertisement Consent	Application Form submitted and signed Ownership Certificate Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended). Site Location Plan Plans and drawings
Listed Building Consent	Application Form submitted and signed Ownership Certificate

	<p>Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan Plans and drawings Design and Access Statement</p>
Conservation Area Consent (Demolition)	<p>Application Form submitted and signed Ownership Certificate Site Location Plan Plans and drawings</p>
Certificate of Lawful Use or Development (Existing)	<p>Application Form submitted and signed Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan Plans and drawings</p>
Certificate of Lawful Use or Development (Proposed)	<p>Application Form submitted and signed Fee (as per The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 and as amended).</p> <p>Site Location Plan Plans and drawings</p>
Proposal of Application Notice (PAN)	<p>Application Form submitted and signed Site Location Plan Plans and drawings</p>
Discharge of Condition	<p>Statement outlining the planning reference number and the condition number(s) you seek confirmation of discharge for Plans and drawings/reports/materials (if applicable)</p>
Non-Material Change	<p>Application Form submitted and signed Statement describing the proposed change to the original approval Plans and drawings</p>

Part 2 Additional Information Required Under Validation Checklist

Additional Information Required	Type of Application
Air Quality Impact Assessment	Intensive livestock units for poultry, pigs, cattle or sheep, anaerobic digester plants or manure storage facilities. Intensive development that may give rise to air pollution. Major development within an Air Quality Management Area
Archaeological Assessment	Proposals where the impact of a development on important archaeological remains is unclear or the importance of such remains is uncertain
Archaeological Report	Applications within an Area of High Archaeological potential or have the potential to impact on archaeology
Biodiversity Checklist	Development that would impact upon, or have the potential to impact on natural heritage features, including designated sites, priority habitats or protected and priority species
Biodiversity Surveys/Ecological Reports	Where the need for a survey is identified as part of the completion of the Biodiversity Checklist
Construction Environmental Management Plan (outline)	Development in close proximity to a watercourse, sensitive coastal and harbour locations, within or in close proximity to protected designated sites such as Special Protection Areas (SPAs), Ramsar Sites and Areas of Special Scientific Interest (ASSIs)
Contaminated Land Report	New development on, or in proximity to, land which has a current or previous use that has the potential for contamination on former industrial sites e.g. petrol filling stations or landfill sites
Daylight, Sunlight and Overshadowing Assessment	Residential extensions in semi-detached or terraced properties
Design Concept Statement	All applications for residential development of more than 2 houses.
Demolition Justification Report & Structural Survey	All applications for the demolition of all or a significant part of, a Listed Building or a building in a Conservation Area, Area of Townscape character or Area of Village Character
Drainage Assessment	Applications for 10 or more residential units, sites over 1Ha or areas of hardstanding/floorspace exceeding 1000msq.

	Where development is located within an area with historic surface water flooding Where surface water run-off from proposed development may adversely affect other development or features of nature conservation, built heritage or archaeology
Environmental Statement	Development that falls under Schedule 1 of the EIA Regulations and/or where the Planning Authority has issued a screening opinion that the proposal is EIA development
Farm Maps, location of farm buildings and Evidence of active and established farm business	All applications for dwellings on a farm and for a building on a farm
Flood Risk Assessment	All applications inside a 1 in 100year climate change flood plain (as identified on the DFI Rivers Flood Maps (NI) map viewer)
Landscape and Visual Impact Assessment	For development within the Distinctive Landscape Setting of the Giant's Causeway World Heritage Site
Lighting and or light spillage plan	Any application which includes floodlights and /or new lights on sites near watercourses or other sensitive receptors
Noise Report	Development that is likely to impact upon nearby approved or existing dwellings or other sensitive receptors due to noise
Odour Report	Development that is likely to impact upon nearby approved or existing dwellings or other sensitive receptors due to odour
Parking Survey	Where there is an identified parking need that cannot be accommodated within the application site
Planning Statement	All applications – sets out how the proposal addresses the applicable planning policies and relevant material considerations
Sequential Test	Retail, cultural and community facilities, leisure, entertainment and business uses that are not in the primary retail core and are not in accordance with an up-to-date LDP
Structural Survey	Development involving whole or partial demolition of a building: in a Conservation Area or Listed Building where the justification is the structural condition of the building. demolition of a building within an Area of Townscape Character if the building is

	<p>deemed by the Planning Service to make a contribution to the overall character of the area</p> <p>the conversion of a rural building in the countryside to demonstrate that it is capable of conversion without major or complete reconstruction;</p> <ul style="list-style-type: none"> • the erection of buildings on sites where there is a possibility of land instability
Retail Impact Assessment	Retail, cultural and community facilities, leisure, entertainment and business uses and extensions exceeding 1,000sqm that are not within the town centre and are not in accordance with an up-to-date LDP
Telecommunications Supporting Statement	Development of new or replacement telecommunications masts
Transport Assessment Form (TAF)	<p>Applications for 25 or more units or non-residential with a gross floor area of 500 sqm or more.</p> <p>A proposal when it is likely to generate 30 or more vehicle movements per hour</p> <p>A proposal when it is likely to generate 10 or more freight movements per day or 5 in any given hour</p>
Transport Assessment	Where a TAF identifies that a new development would likely have significant transport implications
Travel Plan	<p>A Travel Plan will be required for</p> <ul style="list-style-type: none"> • When informed by the Transport Assessment
Tree Survey	Development that will impact upon existing trees of amenity value within or adjacent to the site
Waste Management Plan	<p>Applications for intensive livestock development or minerals.</p> <p>New residential development for which communal waste storage is proposed (e.g. apartments, flats or sheltered housing)</p> <p>New commercial development of 500m² or more</p>