Belfast City Council

Subject:	Public consultation on Validation Checklist
Date:	15th October 2024
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	**No**
If Yes, when will the report become unrestricted?	
After Committee Decision	
After Council Decision	
Some time in the future	
Never	

Call-in	
Is the decision eligible for Call-in?	**Yes**

1.0	Purpose of Report or Summary of Main Issues
1.1	On 1st October 2024, the Department for Infrastructure (DfI) made legislation which enables a council to publish a Validation Checklist. The purpose of a Validation Checklist is to extend the minimum level of information for an application to be legally valid so as to improve the quality of applications on submission. This will enable the Planning Service to process applications in a more efficient and effective manner, and in turn improve performance against statutory KPIs.
1.2	The legislation comes into operation from 1st April 2025, which gives councils time to prepare and consult on their proposed Validation Checklist ahead of the operation date.
1.3	The Planning Committee is asked to note the Planning Service's intention to prepare and publicly consult on its Validation Checklist and advise whether it would like specific Member engagement during the consultation process, such as a Member Workshop.
1.4	This matter will then be reported to the Strategic Policy and Resources Committee for agreement.

2.0	Recommendation
2.1	The Committee is asked to note the report and advise whether it would like specific Member engagement during the consultation process, such as a Member Workshop.
3.0	**Main Report**
	Background
3.1	At its meeting on 19 December 2022 (item 25), the Planning Committee considered public consultation undertaken by the Department for Infrastructure (DfI) on 'Improving the Quality of Planning Applications'. DfI's proposal was to enable councils to publish a "Validation Checklist" that stipulates the minimum level of information needed with applications on submission above the basic requirements set out in legislation.
3.2	The report to the 19 December 2022 Committee set out the background to the consultation, why Validation Checklists are considered to be of fundamental importance to improving the quality of planning applications on submission and how this would have a significant impact on improving the efficiency and effectiveness of the NI planning system, and in turn performance against statutory Key Performance Indicators (KPIs).
3.3	The Planning Committee resolved to '*fully support the introduction of Planning Application Validation Checklists and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the consultation response.*' The Council provided its formal response to the consultation on 21 December 2022.
3.4	DfI subsequently confirmed to councils its intention to legislate for Validation Checklists, as referenced in the recent report to the 17 September 2024 Planning Committee (item 9a) on Planning Performance.
	Current information requirements
3.5	The bar for submission of a planning application in NI is currently especially low and this is the root cause of many of the system's problems from a Development Management perspective.
3.6	Article 3 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 sets out the minimum level of information needed with an application for it to be "valid" and processed. The information that is required only includes: • Written description of the proposal • Address of the application site • Name and address of the applicant (and agent where applicable) • A plan identifying the application site showing its relationship with other land ("red line") • A plan identifying neighbouring land owned by the applicant ("blue line") • Such other plans that describe the proposal • Ownership certificate • Planning fee
3.7	There is also a requirement for Major applications to be accompanied by a Pre-Application Community Consultation Report and certain applications to be supported by a Design and Access Statement[1].

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[1] Required for applications for Major development, Listed Building Consent and for one or more dwellinghouses, and proposals that are equal a greater than 1,000sqm and are in a Conservation Area, Area of Outstanding Natural Beauty, World Heritage Site or Area of Townscape Character.

3.8	There are specific additional requirements for applications for outline planning permission, approval of reserved matters and renewal of planning permission.
3.9	However, there is currently no legal requirement for applicants to provide other essential information, despite many of them being a planning policy requirement. For example, there is currently no legal requirement for an application to be accompanied by the following: • Contextual design information such as streetscapes, 3D modelling or CGIs • Heritage statement • Archaeological investigation report • Demolition justification statement • Transport Assessment • Parking survey • Contaminated land report • Noise and odour assessments • Air quality assessment • Lighting assessment • Drainage Assessment • Flood Risk Assessment • Ecological report • Viability appraisal • Planning Statement
3.10	Belfast City Council contacted the Department as far back as 2016, raising the importance of statutory Planning Application Validation Checklists. Both the Public Accounts Committee and NI Audit Office reports on the NI planning system[2] include recommendations on improving the quality of applications on submission.
3.11	The inability for councils to mandate the minimum level of information supplied with applications has a seriously detrimental impact on the whole process. It significantly adds to processing times, places additional burdens on staff and consultees, wastes time assessing proposals without the key information, sets up conflict with customers, frustrates communities, residents and third parties and creates system failure. *Belfast City Council Application Checklist:*
3.12	Recognising the crucial importance of this issue, the Council first published its Application Checklist in November 2018. This provides non-mandatory guidance to customers on the information they need to provide with their application at the start of the process, depending on the nature of the proposal, its scale and whether the site is subject to any particular constraints.
3.13	The *Application Checklist* has had a positive impact on the quality of planning applications on submission and has now been culturally embedded in the process, particularly for larger scale and more complex applications. However, the *Application Checklist* has limitations because it is advisory and does not have statutory weight. In effect, it has been a "work-around" of the previous legislation. Ultimately, the Council is unable to compel applicants to provide the information. Whereas in England and Wales, Planning Authorities have been able to publish Validation Checklists for many years, mandating the information that must be provided with applications for them to be processed.

[2] See Planning Committee reports of 15 February and 14 April 2022 on the NIAO and Public Accounts Committee reports respectively.

3.14	Councils are measured on the average time for processing Major and Local applications with "Day 1" being the date when the bare minimum level of information is provided. The clock does not stop to allow for the submission of the necessary additional information to properly assess and process the application. This significantly lengthens application processing times and makes it difficult for Planning Authorities to achieve statutory targets.

New Legislation

3.15	On 03 October 2024, DfI wrote to councils to announce the publication of legislation which empowers councils to publish a Validation Checklist that expands on the level of information required with planning applications on submission. A copy of this letter is provided at **Appendix 1**.
3.16	The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2024 was made on 1st October 2024. A copy of the legislation is provided at **Appendix 2**.
3.17	The legislation comes into operation from 1st April 2025, which gives councils time to prepare and consult on their proposed Validation Checklist ahead of the operation date.
3.18	The legislation enables a council to specify additional information requirements for applications for full planning permission, outline planning permission and approval of reserved matters, according to the "nature, scale and location" of the proposed development. The information requirements must be "reasonable" and proportionate and be "material" to the consideration of the application.
3.19	The Validation Checklist must be reviewed and re-published by the council at no more than 3-year intervals.
3.20	Where an application is submitted not in compliance with the Validation Checklist, councils will normally request the additional information from the applicant on an informal basis. However, councils may ultimately issue a formal "notice" of non-compliance with the Validation Checklist. The applicant will have the ability to lodge an appeal to the Planning Appeals Commission (PAC) within 14 days from the date of the notice. The PAC will then preside over the appeal and determine whether the additional information in question is necessary. Where the appeal is allowed, the applicant may resubmit the application to the council without the originally requested information.
3.21	The statutory average processing time will be measured from the date of the last information required to make the application valid in accordance with the published Validation Checklist.
3.22	DfI has been preparing best practice guidance on the publication and implementation of Validation Checklists with support from councils. The best practice guidance has not been published at this time but is expected to be in due course.

Public consultation

3.23	Whilst there is no legislative requirement for councils to publicly consult on their proposed Validation Checklist, it is good practice to do so. The Planning Service therefore intends to carry out a public consultation exercise over the coming months to align with the legislative timetable set out by the Department. Feedback from the consultation will inform the proposed final version Validation Checklist before it is brought to Members for adoption.
3.24	The Planning Service proposes to base the draft Validation Checklist for consultation on its current Application Checklist, which it will review and update.

3.25	The Council intends to target the following stakeholders as part of the consultation: • Planning agents and architects • RSUA • Developers • Statutory and non-statutory consultees • Relevant community groups • Public – residents and businesses
3.26	Consultation will include an online questionnaire and targeted engagement with key stakeholders.
3.27	The Committee is asked whether it would like specific Member engagement during the consultation process, such as a Member Workshop.
3.28	The outcome of the consultation and proposed final Validation Checklist will be reported to the Planning Committee for feedback before referral to the Strategic Policy and Resources Committee for agreement and adoption, subject to ratification by Full Council.
6.0	**Financial & Resource Implications**
6.1	The Council's ability to specify information requirements for particular types of application will have a significant impact on efficiency and timely processing of planning applications.
7.0	**Equality or Good Relations Implications / Rural Needs Assessment**
7.1	The draft Validation Checklist will be subject to a Section 75 Equality Screening and Rural Needs Impact Assessment. This information will be made available as part of the consultation and any feedback received will be used to inform the development of the draft Validation Checklist.
8.0	**Appendices – Documents Attached**
	Appendix 1 – DfI letter of 03 October 2024 announcing legislation on Validation Checklists
	Appendix – Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2024