

ITEM NO

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 13 SEPT 2017**BY:** PLANNING DEVELOPMENT CONTROL TEAM MANAGER**DISTRICT(S)** ALL **ELECTORAL DIVISION(S):**
ALL**PURPOSE:** FOR DECISION

TITLE: SURREY COUNTY COUNCIL'S LOCAL LIST: REQUEST FORMAL
ADOPTION OF LOCAL LIST FOR THE VALIDATION OF COUNTY
DEVELOPMENT AND COUNTY MATTERS PLANNING APPLICATIONS

SUMMARY REPORT

This report is to advise Members of the responses in regard to the consultation on the proposed Local List for the Validation of Planning Applications received by Surrey County Council and the amendments that have been made as a result.

Officers request that the committee formally adopt the document allowing for periodic reviews of the document and officers to update technical notes, in engagement with relevant consultees, when and if required.

Recommendation: that Members adopt the Local List of Validation of County Development and County Matters Planning Applications

Introduction

1. Under Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 local authorities are required to produce lists of the information that they require to make a planning application. These are called local lists (validation checklists), and they are lists of the information required for different types of applications. Paragraph 193 of the National Planning Policy Framework (NPPF) makes it clear that planning authorities should only request supporting information that is relevant, necessary and material to the application. Paragraph 44 of the National Planning Policy Guidance (NPPG) requires all planning authorities to redress their validation checklists, consult on amended checklists, and then adopt the amended checklists every two years.
2. In April 2014 Surrey County Council formally adopted a Local List for the Validation of County Development and County Matters Planning Applications. The Planning Department is now in the process of reviewing the local list which is the purpose of this document.

Process for reviewing the current local list

3. The local validation list affects all types of planning related applications handled by the County Planning Authority including applications for express planning permission, Listed Building consent, variation of conditions, and extensions of time.

4. The recommended process for reviewing and revising local lists involves the following 3-step process:

- *Step 1: Reviewing the existing local list*

Planning Authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

- *Step 2: Consulting on proposed changes*

Where a planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

- *Step 3: Finalising and publishing the revised local list*

Consultation responses should be taken into account by the planning authority when preparing the final revised list. The revised local list should be published on the planning authority's website.

5. The current Local List for Surrey County Council comprises of:

Introductory information – setting out what types of application the document is intended for, the purpose of the document, where there is a dispute between the County Planning Authority and the applicant as to whether an application is considered invalid

National Requirements – e.g. site plan, block plan, floor plans, elevations

Appendix 1 – the local list requirements for Minerals applications

Appendix 2 – the local list requirements for Waste related applications

Appendix 3 – the local list requirements for County Own Development (Regulation 3 applications)

6. Failure to supply the above information will result in the application being declared invalid. However, Planning Authorities are unable, since the introduction of the guidance in 2010, to treat applications as invalid if they meet these statutory requirements, unless and until they have adopted a local list of further information requirements.
7. A number of changes are proposed to the current lists, the majority of which are updating the current text to bring it in line with current Government legislation as well updating the information requirements so that the documents are more concise and easier for the applicants / agents to follow. It is also proposed to alter the layout of the National Requirements from a list to a table as well as re-organising the individual

annexes so that they are grouped under subject headings each with a contents page. A copy of each of the annexes is attached to this report.

8. Section 5.2 of the Guidance sets out five principles to guide the review of local lists. These are as follows:

Principle	Key considerations
Necessity	All local list requirements should be based on statutory requirements, national, regional or adopted local policy, or on published guidance which explains how adopted policy should be implemented
Precision	It should be clear what types of development require the provision of particular supporting information. Where appropriate, the LPA should also identify specific areas where the information requirements arises
Proportionality	The information required is likely to be dependent on the nature and scale of the proposal and the sensitivity of its location. Where possible, the LPA should identify size thresholds below which certain information is not required or where only limited information is required
Fitness for purpose	It should be clear what information is required to satisfy the requirement – with a strong emphasis on a proportionate approach and succinct documents
Assistance	For each element of the list it should be clear where further information or answers to queries can be obtained.

9. Officers consider that the proposed changes would meet the above five principles.

Consultation

10. The Guidance recommends that Planning Authorities consult with the local community, applicants and agents for a consultation period that should last no less than eight weeks. Any responses to this consultation should be taken into account by the Planning Authority when preparing the revised list after which the local list should be approved and published on the Planning Authority’s website.
11. A consultation exercise took place between 18 April 2017 and 11 June 2017. Given the nature of the document and those who would be using it, consultations were limited to applicants and agents who had submitted planning applications to the County Council within the last 5 years; statutory consultees including Natural England, English Heritage, the Environment Agency and Surrey District and Borough Councils; non-statutory consultees including Surrey Wildlife Trust, and colleagues in the Planning and Development Service within Surrey County Council.
12. Over 335 individuals / organisations were consulted. The consultation documents were in the main emailed but some were posted to the individuals and organisations. The planning pages on Surrey County Council’s website were updated to make users aware of the consultation providing links and an opportunity to provide comments on-line.
13. In response to the consultation, 7 comments were received from individuals/organisations, 3 from Surrey County Council Officers, 3 from external consultees, and one from a resident.
14. The comments received are documented in the Schedule of Modifications displayed at the end of this report. In summary the comments in the main related to the consistency of the annexes that make up the document and some inaccuracies

which have been corrected. Concern was raised in regard to the 'quick reference guide' which was considered to be too detailed yet not specific enough and not user friendly. The Schedule of Modifications shows the detailed comments of those who have responded to the consultation and also the actions taken by officers in response to these comments.

Amendments made as a result of the consultation comments

15. As a result of the comments received, the annexes have been updated to ensure they are all consistent, where required and grammatical and spelling errors have been corrected. The 'quick reference guide' has been removed altogether as it was not considered to be a useful tool raising more questions rather than answers. This aspect can be reviewed in the light of further experience and ongoing review of process. Further, additional references to planning policies have been added and some text altered to ensure greater clarity for applicants. A table of all the comments received can be found at the end of this report.

Other Matters

16. The validation checklist will be monitored and reviewed periodically to ensure that the document is kept up to date with changes in legislation and policy. Officers request that the committee endorse the periodic review of this document and also allow officers to update technical notes, in engagement with relevant consultees, when and if required.

Conclusion

17. Following the expiration of the consultation period and amendments made as a result, Officers now request that the Planning and Regulatory Committee adopt Surrey County Council's Local List for the Validation of Planning Applications.

Recommendation

18. To **ADOPT** Surrey County Council's Local List for the Validation of Planning Applications allowing for periodic reviews of this document and officers to update technical notes, in consultation with relevant consultees, if necessary.

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BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Guidance on information requirements and validation, Department for Communities and Local Government, 2010.

Statutory Instrument 2013 No. 1238 (The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013.

APPENDICES

Schedule of Modifications

Local List introductory text

National Validation Requirements

Final version - Annex 1

Final version - Annex 2

Final version - Annex 3

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