

TO: PLANNING AND REGULATORY
COMMITTEE

DATE: 27 November 2020

BY: PLANNING DEVELOPMENT CONTROL
TEAM MANAGER

DISTRICT(S) ALL

ELECTORAL DIVISION(S): ALL

PURPOSE: FOR DECISION

GRID REF: N/A

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

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

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

OFFICER RECOMMENDATIONS

That members adopt the Local List of Validation of County development and County Matters Planning Applications.

INTRODUCTION AND BACKGROUND

1. Under Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 local authorities are required to produce lists of 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 44 of the National Planning Policy Framework (NPPF) (2019) makes it clear that planning authorities should only request supporting information that is relevant, necessary and material to the application. Paragraphs 43 and 44 of the National Planning Policy Guidance (NPPG) (dated 2014)¹ requires all planning authorities to redress their validation checklists, consult on amended checklists, and then adopt the amended checklists every two years.
2. The local list prepared by a local planning authority clarifies what information is required for applications of a particular type, scale or location. As well as reference to the up-to-date local list, for particular planning applications further information may be requested. Information requested must be reasonable having regard to the nature and scale of the proposed development; and about a matter which is reasonable to think will be material consideration in the determination of the application. These statutory tests are set out in Section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015².

¹ Paragraph 043 reference ID: 14-043-20140306; and Paragraph 044 reference ID: 14-044-20140306

² Paragraph 040 reference ID: 14-040-20140306

3. In September 2017 Surrey County Council formally adopted a Local List for the Validation of Country Development and County Matters Planning Applications. The Planning Department is now in the process of reviewing the local list which is the subject of this report.

PROCESSING FOR REVIEWING THE CURRENT LOCAL LIST

4. The process undertaken for reviewing the current Local List is outlined below. The Local List affects all types of planning applications handled by the County Planning Authority including applications for express planning permission, Listed Building consent, variation of conditions, and extensions of time.
5. The recommended process for reviewing and revising Local Lists, as outlined in the National Planning Policy Guidance (NPPG): Making An Application paragraph 44, 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 lists should be published on the planning authority's website.

6. 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)

7. Failure to supply the above information will result in the application being declared as 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.
8. The purpose of the Local List is to provide guidance to applicants and agents on the validation requirements of planning applications submitted to the County Planning Authority (CPA). It will:
 - Provide greater certainty to applicants about the type and extent of information required as part of their application at the earliest possible stage;
 - Enable Surrey County Council’s Planning and Regulatory Committee or the CPA to have all the information it needs to determine applications in a considered and timely manner;
 - Minimise the need to request additional information from the applicant at a later stage thereby making the determination process more efficient; and
 - Ensure greater consistency in registering and validating applications submitted to the CPA.
9. A number of minor changes are proposed to the current Local List, the majority of which are updating the current text to bring it in line with current Government legislation and good practice guidance, as well formatting changes in line with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. A copy of each of the annexes is attached to this report.
10. Section 5.2 of the “Guidance on information requirements and validation” (2010) sets out five principles to guide the review of the 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 for the list it should be clear where further information or answers to queries can be obtained.

11. Officers consider that the minor changes meet the above five principles.

CONSULTATION

12. The Guidance on Information Requirements and Validation (2010) 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.

13. A consultation exercise took place between 11 August 2020 and 06 October 2020. The consultation was undertaken via the *Surrey Says* consultation hub online. This was available to the wider public on the planning pages on the Surrey County Council webpage. Applicants and agents who had submitted planning applications to the County Council in the last 5 years; alongside statutory consultees, non-statutory consultees, and colleagues in the Planning and Development Service within Surrey County Council were also invited to take part in the consultation exercise.
14. In response to the consultation, 11 comments were received from individuals/ organisations, which included 3 from statutory and non-statutory consultees, 4 from Planning Officers, and 3 from resident's associations, and 1 from a resident.
15. The comments received are documented in the Schedule of Modifications that are attached as separate documents to this report. In summary the comments in the main relate to the consistency of the links to references and guidance documents and some inaccuracies in the text which have been corrected. 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. The other change to the Local List is the formatting.

EQUALITIES AND DIVERSITY IMPLICATIONS

16. Under the Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018 all content that Surrey County Council control (including PDFs) on our website must meet minimum accessibility standards by the 23rd September 2020. To meet this requirement the format of the Local List has been adjusted so that the document is accessible for everyone, such as those with visual impairments using screen-reader technology. The document has been adjusted from a tabular layout to structured sections in freeflowing text to meet the legislation requirements. Whilst the text has been reformatted, the contents of the text remains relatively unchanged other than those set out in the schedule of modifications.

OTHER IMPLICATIONS

17. The Local List 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 AND RECOMMENDATIONS:

Conclusion

18. 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

19. 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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Annexes:

- Schedule of Modifications – Introduction text
- Schedule of Modifications – Annex 1
- Schedule of Modifications – Annex 2
- Schedule of Modifications – Annex 3
- Local List Introductory Text
- National Validation Requirements
- Final Version – Annex 1
- Final Version – Annex 2
- Final Version – Annex 3

Sources/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 2015 No. 595 (The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015
 - National Planning Policy Framework 2019
 - National Planning Policy Guidance
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