

Planning information

Over time, Surrey County Council will be attempting to introduce a number of changes at Newlands Corner which will need permissions of one sort or another. The main ones will be introducing car parking charge infrastructure, play structures and a new building. Other proposals will not require permission at all – the new benches, refurbishment of the toilets and all-ability trail (provided they do not involve covering additional areas of the common with concrete/tarmac surfacing etc) and the provision of eating areas in the visitor centre.

There has been some confusion over who has authority for considering and giving the necessary permissions for the proposals. This paper is our understanding of the position.

There are three planning authorities involved in Newlands Corner:

- **The Planning Inspectorate.** This is a central government organisation which is an executive agency of the Department for Communities and Local Government. The Inspectorate makes decisions upon applications to carry out works on registered commons – including the erection of structures, digging of ditches and erection of fences (permanent or temporary) and the removal of land from a common. This process is often called applying for “commons consent”, although the phrase does not exist in law, that we are aware of. There is a lot of information available about works on commons on the Inspectorate’s website - <https://www.gov.uk/government/organisations/planning-inspectorate/services-information>
- **Surrey County Council’s (SCC) Planning Department** has responsibility for dealing with applications for minerals or waste-related developments, and for developments to its own property, such as schools and libraries. The planning department is independent from all other SCC departments to ensure that decisions are reached in an objective way. More information about the SCC Planning Department and how it reaches decisions is at <http://www.surreycc.gov.uk/environment-housing-and-planning/planning/planning-applications-register/the-planning-process/making-a-planning-application>
- **Guildford Borough Council’s (GBC) Planning Department** deals with planning applications for building, extending or converting homes, offices or shops within the borough. Again, the department acts independently from the rest of the council in order to arrive at objective decisions. More information is on the GBC website at <https://www.guildford.gov.uk/planningservices>.

So, where does the responsibility for deciding upon the proposals for Newlands Corner lie?

Car parking charge infrastructure (machines, signs and canopies, cable trenches)

SCC has applied for commons consent to the Planning Inspectorate for the placing of the car parking charge infrastructure on the site. SCC claims that it might not be necessary to apply for consent for the structures themselves, but it has applied anyway to ensure that there could be no future challenge, if no application was made. The digging of the trench for the cables requires consent.

There is no requirement to apply for planning permission to either of the SCC or GBC planning departments.

Play structures

The play structures will require commons consent from the Planning Inspectorate.

There was a dispute between SCC and GBC as to who had the local authority planning responsibility for the erection of the play structures. SCC took independent legal advice and it was agreed, on the strength of that advice, that SCC's Planning Department has the planning authority. 'Save Newlands Corner Campaign Group' (SaveNC) has not been allowed to see that advice but accepts its validity.

So, SCC will have to apply to the Planning Inspectorate and to its own SCC Planning Department to obtain permission to place play structures on the site.

New building

Should SCC wish to place a new building on the site, it will need to obtain permission from the Planning Inspectorate. What sort of permission will depend on what SCC wants to do. It might involve the removal of land from the common in order to put the new building on it. SCC will certainly need to apply for commons consent to dig trenches and to put up safety fences. Whatever it does, it will require an application to the Inspectorate.

Following the legal advice mentioned above, SCC and GBC agreed that GBC has the local planning authority for any building that is erected on the site.

So, SCC would have to apply to the Planning Inspectorate and to GBC Planning Department for permission to erect any new building.

Car park

To lay tarmac on areas previously not covered, commons consent is required from the Planning Inspectorate. The tarmac that is there now has never had consent. However, it has been there for so long that it is now accepted without challenge.

SCC has said that, because it intends to try to attract nearly 50% more vehicles a year (including coaches) to the site, if its proposals get the necessary permissions, it intends to "restructure" the car park. SaveNC does not know what the council means by this. If this restructure was to include enlargement of the tarmac surface area, or the digging of trenches or erecting of fences or similar, commons consent would have to be obtained.

If restructuring involves replacing tarmac that is already there, no permission is needed from the Inspectorate for this in itself. The associated work will, presumably, involve the erection of temporary barriers for public safety purposes. These would need commons consent.

SaveNC is not aware of any need for planning permission from the SCC/GBC planning departments for extending the car park.

We hope this helps.