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# Elmbridge
## Borough Council
*... bridging the communities ...*

Despatch Date: Tuesday 28 August 2018

# Individual Cabinet Member Decision Making - Planning Services

Wednesday, 5 September 2018

10.30 am in Committee Room 3, Civic Centre, High Street, Esher

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**Strategic Director and Deputy Chief Executive**
Sarah Selvanathan

**Strategic Director**
Ray Lee

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Bengali;

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Chinese; (Cantonese or Mandarin)

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Urdu;

مزید معلومات اپنی زبان میں، بڑے حروف میں، یا آواز کی صورت میں ٹیپ پر یا بریل میں، تو اس دستاویز میں دیئے گئے پتے یا ٹیلی فون نمبر پر ہم سے رابطہ کریں۔

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# Part I Items

**Page Nos.**

## 1.    Declarations of Interest

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

(i)     any disclosable pecuniary interests and / or
(ii)    other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at this meeting.

### Planning Services – Councillor J.W. Browne

## 2.    Planning - Local Validation Checklist                              5 - 16

Contact Officer: Mrs. T. Hulse Direct Line: 01372 474175

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**Committee:**      **Individual Cabinet Member Decision Making - Planning Services**

**Date of meeting: 5 September 2018**

| | |
|---|---|
| **Subject:** | Planning – Local Validation Checklist |
| **Lead Officer:** | Thomas Walton (Business Support Manager) |
| **Portfolio Holder:** | Councillor James Browne, Portfolio Holder for Planning Services |
| **Link to Council Priorities:** | P2 |
| **Exempt information:** | None |
| **Delegated status:** | For resolution |
| **Key decision:** | No |

## Executive Summary:

National validation requirements set out what needs to be submitted alongside an application such as the relevant form, fee and plans. Legislation enables local authorities to apply additional requirements for documents that they deem necessary to make an informed decision. These additional requirements must be publicised in the form of a Local Validation Checklist.

The new Local Validation Checklist has been prepared to replace our current checklist which was adopted in 2013. Existing information was updated and improved, and new requirements added where necessary. It is to be published as an interactive web page on the current Elmbridge Borough Council website.

This report is to inform the Portfolio Holder of the outcomes of the public consultation and to seek approval of the Validation Checklist for publication.

**Recommendation: that the Portfolio Holder for Planning Services approves the publication of the new Validation Checklist.**

## Report:

### 1.0    Background

1.1    The current National Planning Policy Framework (NPPF) states that 'Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.'

1.2    Additionally, since our current checklist was adopted in February 2013, a new procedure to appealing against information sought by a Local Planning Authority has been introduced.

1.3    The process of validation is undertaken by the Business Support Team within Planning Services and is not a judgement on the planning merits of a

scheme. Validation seeks to ensure there is sufficient information to understand a proposal, ensuring that applications meet a reasonable standard when submitted. The assessment process carried out by the Development Management team then determines the acceptability of a proposal, following the usual steps of consultation and consideration.

**2.0     Proposal**

2.1     Our current validation checklist is a 15-page list of documents required in relation to various application types.

2.2     The new validation checklist gives two levels of information. Firstly, an overview of each application type so that applicants will be able to decide which application is right for their proposal. Secondly, applicants will be presented with a list of the National and Local requirements to validate their application. Supplementary information is provided as to the level of detail each document requires as well as the national and local policy that drive the request.

2.3     With the implementation of the new checklist we expect to receive higher quality application submissions. This will reduce the time spent on invalidating and requesting the additional information required to register the application. It will also speed up the determination process as case offices will have all the information they need up front to assess the application.

2.4     The wording for each document type from the current validation checklist has been revised. New requirements have also been included.

2.5     The format of the current validation checklist is not as user friendly as it could be. This update addresses this. Rather than a single document containing all requirements for all application types the information is displayed on an interactive webpage that greatly improves the user experience.

2.6     After selecting the relevant application type, you are taken to a webpage that displays background information, followed by a list of headings detailing the required information. Upon clicking, each heading will expand to reveal the explanatory information for that requirement.

2.7     The benefit of this system is twofold. Firstly, all the required information is displayed on one page without the need to have separate tabs open. Rather than picking through a single document and locating the relevant sections, the user is presented with exactly what is required for their chosen application type.

2.8     Secondly, the way the data is held in the background simplifies and reduces the work needed to keep it up to date. Each requirement and its supplementary information is held on a database. Depending on the application type chosen the relevant headings and data appear on the webpage, pulled from the source. Changes made to one requirement in the

source database will be immediately updated on all relevant application types.

**3.0 Next step**

3.1 Further to the agreement of the Planning Committee held on 12 June 2018, the Local Validation Checklist was subject to a six-week public consultation beginning Monday 18th June 2018. We notified the Resident's Panel, all Statutory Consultees and a working group of planning agents who regularly submit applications to the Council via email when the consultation opened. The consultation was also advertised on the Council website.

3.2 37 responses were received. Of these, 20 respondents agreed with the following and made no further comments:

1. The revised requirements were reasonable, having regard to the nature and scale of different potential developments
2. Is it clear what information will be required with different application types
3. The draft checklist is an improvement on the current one

3.3 The breakdown of the 37 respondents was as follows:

| Contributor | Responses |
|---|---|
| Members of the public | 27 |
| Utility companies | 1 |
| Internal responses | 3 |
| Surrey CC | 2 |
| RA/Parish Council | 2 |
| Private companies | 1 |
| Statutory Consultees | 1 |

3.4 Where suggestions were made with regards to content, these were tabulated and addressed where pertinent (see appendix).

3.5 Where comments were made regarding layout and formatting, amendments were made where necessary.

**Financial implications:**
None for the purpose of this report.

**Environmental implications:**
None for the purpose of this report.

**Legal implications:**
None for the purpose of this report.

**Equality Implications:**
None for the purpose of this report.

**Risk Management Implications:**
None for the purpose of this report.

**Community Safety Implications:**
None for the purpose of this report.

**Background papers:**
None

**Enclosures/Appendices:**
Minute extract - Validation Checklist - PLNG - 120618
Suggested amendments spread sheet

**Contact details:**
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twalton@elmbridge.gov.uk

Minute Extract

Elmbridge Borough Council

Planning Committee

Report of a meeting held on 12 June 2018

Members of the Committee:

\* B.J.F. Cheyne (Chairman)
\* Mrs. K. Randolph (Vice-Chairman)

| | | | |
|---|---|---|---|
| \* | A.P. Burley | | P.M. Harman |
| | A. Coomes | \* | Mrs. C. James |
| \* | Mrs. C.J. Cross | \* | Rachael I. Lake |
| \* | A. Davis | \* | Mrs. D.M. Mitchell |
| \* | Mrs. C. Elmer | \* | Mrs. M.C. Sheldon |
| \* | M.J. Freeman | \* | Mrs. J.R. Turner |
| \* | C.R. Green | \* | S.J. Waugh |

\* Denotes attendance

Substitutes:

Mrs. M. Marshall (Substituting for A. Coomes)

2/18    Declarations of Interest

There were no declarations of interest.

5/18    Planning - Local Validation Checklist

The Committee noted that national validation criteria set out what was required to be submitted alongside an application such as the relevant form, fee and plans. Legislation also enabled local authorities to apply additional requirements for documents that the Authority deemed necessary to proceed to determine the application.  These national and additional requirements were to be publicised in the form of a Local Validation Checklist.

The draft Local Validation Checklist before the Committee had been prepared to replace the current checklist which was adopted in 2013. Members noted that existing information had been updated & improved and new requirements added where necessary. It was intended that the checklist would be published as an interactive web page on the Elmbridge Borough Council website.  The proposed, new web page format was demonstrated at the meeting.  It was noted that feedback on the proposed ease of use of the web page itself would also be welcomed.  During his introduction of the report, the Business Support Manager clarified that the Individual Cabinet Member Decision Making meeting date of 4 July 2018 referred to in paragraph 3.1 of the report should be amended to read 5 September 2018.

Arising from consideration of the report, a Member queried whether much officer time was spent dealing with invalid applications, and it was confirmed that typically, some 80% of applications required further amendment by the applicant/agent.

It was noted that the pre-application advice service was not covered under the proposed new arrangements, but the Head of Planning Services agreed that the best way to provide information to applicants, including, for example, through the provision of a fact sheet or link to relevant pages on the website as part of the pre-application advice service would also be considered.

A Member queried whether the changes affected the timing of the signing of Unilateral Undertakings and it was confirmed that Section 106 obligations were required to be submitted at the outset of the process although there remained scope for them to be concluded during the determination of the application.

Whilst it was not part of the report before the Committee, a Member queried whether it would be possible to review the space requirements for waste bin provisions as part of new developments in view of the increase in recycling, and the Head of Planning Services agreed that this could be raised with Environmental Health accordingly. Following a further query from a Member, it was noted that consideration could also be given to ways in which applicants could be encouraged to repair damage to cross-overs as a result of development vehicle movements.

The Planning Committee supported the proposed revisions to the Local Validation Checklist, welcomed the proposed web page format as part of an improved, user-friendly service for the public and agreed that consultation be undertaken on the draft Validation Checklist on the basis as set out in the report.

Resolved that the draft Local Validation Checklist be supported and approved for public consultation for a 6-week period starting Monday 18 June 2018.

The meeting commenced at 7.00 pm and concluded at 7.34 pm

B.J.F. Cheyne
Chairman

Democratic Services Officer

Ms. M. Bailey                         Committee and Member Services Manager

Other Officers in attendance

Mrs. K. Tagliarini          -   Head of Planning Services
Mrs. C. Herbert            -   Law Practice Manager
Mrs. D. Teran             -   Business Support Team Leader
T. Walton                 -   Business Support Manager

| Name | Comments | Actions |
|---|---|---|
| N. Stuart | It is not clear without trawling through all the documents as to what type of development has to have planning permission. So, at the start there should be a list clearly stating what is and is not in scope. Maybe a flow chart so it is easy to navigate to the correct section | Add to web: "If you havent already established whter PP is required then please us PP...." |
| M O'Sullivan (Res Assoc) | With the recent availability of the Environment Agency's update flood modelling data, Elmbridge will shortly be considering the implementation of an Article 4 Directive to remove all Permitted Development in Zone 3 floodplains via the Council's revised SFRA. | Confirmed with Policy and NFA needed |
| M. Byrne | The Planning Portal is not very user friendly, I had to keep going back to the council for guidance, and was getting differing advice from different departments. (Planning & DS Dept) for each set of forms. It would be helpful if the council issued its own guide lines with examples of how to fill in the forms for each type of application. The forms are very large some had 15 Pages. I was told I had to send in 3 copies of each form. I found the process very stressful. | **Falls outside scope of LVC** |
| M. Byrne | As mentioned above I filled at least 3 different types of forms (with 3 copies of each) to then be told I did not need to fill in as much as I had done. | Falls outside scope of LVC |
| M. Byrne | A dedicated person to talk to at the council who knows exactly what the planning department will require for the specific type of application. I eventually got someone who knew exactly what was required, and was a great help to me. | Falls outside scope of LVC |
| M. Byrne | Too many forms, with too many pages. | Falls outside scope of LVC |
| S.O'Donnell | I am sure all the items are needed but yet again we are burdened with form filling and costly consultations. Surely people should be encouraged to improve there homes or surroundings? Either that of the cost of costly surveys should be drastically reduced, | Falls outside scope of LVC |
| B.Perry | 1. Are the revised requirements reasonable, having regard to the nature and scale of difference potential developments and, if not, which ones are unreasonable and why?: **No** **Please add addition details: I tried to look at the documents and could see them** | No Action required |
| B.Perry | 2. Is it clear on what information will be required with different application types and, if not, where is the list unclear?: **No** **Please add additional details: It would have been easier if you could see what you were trying to find the information** | No Action required |
| B.Perry | 3. Is there additional information that should be included within the list and, if so, can you describe what this is and the circumstances in which it should be required?: **Yes** **Please add additional details: You should let people read it easily** | No Action required |
| B.Perry | 4. Do you feel the draft checklist is an improvement on the current one?:**N o** **Why not: Because I could not read them** | No Action required |
| A.Pearce | Your idea is excellent but the lists are not that different. Even if an application meets these requirements, what you don't say is that the planning officer will still apply the rules road by road. Your list makes a nonsense of the process. Gives false hope. I know because it happened to me and I was told that the planning rules vary 'road by road' as a reason for disallowing a loft conversion. That is fine if it is consistent, but it isn't. Please tell planners to avoid pandering to personal feelings and to apply the rules consistently. If you think I am wrong, check out Claygate. Or better still ask me and I will show you what I mean. | Falls outside scope of LVC |
| C.Stewart | Think it needs stressing that drawings need to be clear regarding relationship of property in question to others - some applications are v poor and therefore misleading re e.g. Height of building compared with neighbours etc. | Addressed under Ex and Pro Elevations, Ex and Pro Site Plans and Streetscene |

| Name | Comment | Action |
|---|---|---|
| E.Meryon | The amount of information being asked for for residential extensions is excessive. | Query with HOS and DM.<br>**I think we need to make it clearer on the main page and each application type page that not all the requirements under each application type are mandatory. On the matrix we did, the purple and green distinguished it clearly. Maybe we put a heads-up each time?** |
| E.Meryon | Looking at "Permission in Principal" under the Fee heading, the link takes you to the Planning Portal where there is no heading for Permission in Principal so the applicant is left to come back to you and ask how to proceed. This is just one example that shows that this has not been properly tested and some of the headings in the Planning Portal are not the same as EBC ones again leaving the Applicant needing further assistance for confirmation of which one to use. | Planning Portal to address and add PIP to fee calculator<br><br>To do: Add PIP (Form, fee, Location Plan) and amend current PIP to Technical Details |
| E.Meryon | The list titles are not helpful like "Works to a tree protected by a Preservation Order"<br>Most people looking at an alphabetical list will look for trees under "T" and not "W". Again in the Planning portal it is different and slightly better "Tree works: Trees in conservation areas/subject to TPOs"<br>Most of the list titles are back to front, people want to start with the subject they are looking for and then the type of application options that are required, for instance:<br>"Notification of proposed works to trees in a Conservation Area"<br>Should read<br>"Tree Works in a Conservation Area - Notification of proposed works" | Rename application types |
| C.Owens | 4. Do you feel the draft checklist is an improvement on the current one?:**N o**<br>**Why not: Current one seems to cover what is required** | No Action required |
| P.Evans | It is not a checklist in the sense I understand, neither is the current one. It is a very wordy and somewhat repetitive set of requirements for a variety of planning applications. For example, it goes into great detail about electronic submissions and explains why. Laudable as that is, it has no place on a checklist other than "submit plans electronically - if you can't then pleas call or write to ....".<br>Perhaps a questionnaire to help planning submissions is more appropriate. Depending on the response to a question a drop down menu would appear asking more relevant questions - a bit like this survey. | Due to the diversity of applications a questionnaire would not be appropriate<br><br>Electronic submissions - legislation encourages LPA to promote this |

| | | |
|---|---|---|
| | Thank you for this – it looks really smart.<br>I've a couple of comments and have cced a few people in as we need further discussion/consensus<br>Heritage comments – Chris made 3 comments on 30th May that LBC should refer to Nat Heritage List for England, Demo in Cas needs to refer to separate consent reqr and Advert consent needs to cross ref LBC for adverts on Listed Buildings<br>Trees – could we retitle these so TPO and CA follow one another to read something like "Works to a tree protected by a Tree Preservation Order" and "Works to a tree within a Conservation Area". Also both refer to providing maps/drawings and I understand these can be drawn online so we cannot insist they are scaled – be make life easier for BST etc could we add the wording "showing all relevant measured distances and dimensions" or something similar – Russell can you advise? | LBC – link to Historic England (Nat Heritage List for Eng)<br><br>PP wording on adverts on LB - add to Advert descr. (https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-advertisment_consent.pdf)<br><br>Scaled plans - cannot ask for this with tree applications |
| C.Smith (Landscape/Heritage/Tree) | Environmental Impact assessment – there does not appear to be a reference to these in Full Applications yet these are often required so should we mention them?<br>Landscape and Visual Impact Assessments – this is defined as "a tool used to identify and assess the significance of the effects of change resulting from developments in both the landscape as an environmental resource in its own right and on people's views and visual amenity" there are 2 triggers, either as part of an EIA above or to appraise development proposals and planning applications so we need to mention them<br>Aspects usually covered by reserve conditions – again we need a steer/consensus. If the move is to get info up front without the problem of then having to subsequently agree putting reserve conditions on then this info needs to be covered at the application stage so Materials, Tree Planting, Landscape Scheme and Landscape Management and Maintenance schedule needs a mention under Full application.<br><br>Hope this assists, I appreciate it is impossible to com up with one prefect checklist 1st time around but it looks a really good start. | EIA and Landscaping Visual Impact Assessment and Reserved conditions (pre commencement) - Paul<br>Paul has said this is an unreasonable request as it would be hard to quantify when such an assessment would be required.<br>We will add some text under the FUL application type to guide applicants when submitting applications that an assessment may be required by the case officer<br><br>Reserve Conditions - add text to application types and ARB supp doc to suggest that applicants should submit full details of materials etc along with the application in order to avoid having conditions attached to their application should it be granted permission |
| | I've had a look through the validation requirements and would like to make some relatively small changes.<br><br>General Planning applications – Full, Householder, etc. – I've added a few words and changed the order to try and make it clearer, more consistent and simpler to understand I hope.<br>**Types of application and criteria**<br><br>**Original**<br>Applications must be supplied with supporting arboricultural information where trees could influence or be affected by the proposed development and related operations. Especially sites and neighbouring properties containing trees protected by Tree Preservation Orders and/or Conservation Areas. | |
| R.Gibbons (Senior Tree Officer) | Slight alteration:<br>Applications must be supplied with supporting arboricultural information where trees could influence or be affected by the proposed development and related development operations.<br>Especially where sites and neighbouring properties contain trees protected by Tree Preservation Orders and/or located in Conservation Areas.<br><br>National requirement:<br><br>Site plans need to accurately show the positions of all trees on the site and those on adjacent land (including street trees) that may influence or be affected by the proposed development and related development operations.<br><br>Local requirements:<br><br>Where trees could influence or be affected by development and related development operations, supporting arboricultural information needs to be supplied and consists of;<br><br>Tree Work Applications: | To action<br><br>Remove supp docs from TPO and CA |

| Name | Comment | Response |
|---|---|---|
| | Works to trees protected by Tree Preservation Orders and Conservation Areas – Needs to include the Conservation Area<br><br>Arboricultural Information - Can be removed because it relates to development works only. May be confusing for applicants wanting to carry out tree works.<br>Biodiversity Pro Forma – Can be removed as not relevant.<br>Existing and Proposed – Can be removed as not relevant.<br>Location Plan – For tree work applications we don't require the same strict requirements as full planning applications (To a specific scale etc.) so might be worth removing it.<br>Photos – Fine but needs to have the updated 1st bullet point of - Works to trees protected by Tree Preservation Orders and Conservation Areas to include the Conservation Area.<br>Hope it's pretty clear but let me know and I can run through it with you. | |
| SCC | | **Transport Ass and Travel Plan - Amend wording 'Applicants should discuss....' - refer to SCC**<br><br>**Add link to additional policy document**<br><br>**Change Heritage Statements to Heritage and Archaeology Statements**<br>Archaeological assessment is requirement for applications affecting Area of High Arch..... Paul has agreed these changes |
| C.Colloff (Thames Water) | Arboricultural Information - Can be removed because it relates to development works only. May be confusing for applicants wanting to carry out tree works. | Following meeting with PF - we need to contact the utility providers with regards to consultations<br>We have deemed the need for such an assessment to be provided for validation reasons unnecessary. Whilst it does appear in our current checklist it is not an assessment that is requested or required, however, we can review this at a later date<br><br>With regards to consultations it may be that if the applicant has ticked certain areas of the app form then a consultation to Thames Water is required - we will contact Thames Water however a response may be delayed |
| C.Colloff (Thames Water) | Biodiversity Pro Forma – Can be removed as not relevant. | As above |
| U.Pulford | Existing and Proposed – Can be removed as not relevant. | Falls outside scope of LVC |
| U.Pulford | Location Plan – For tree work applications we don't require the same strict requirements as full planning applications (To a specific scale etc.) so might be worth removing it. | Falls outside scope of LVC |
| U.Pulford | | Falls outside scope of LVC |
| C. Burrows (Technical Officer) | Photos – Fine but needs to have the updated 1st bullet point of - Works to trees protected by Tree Preservation Orders and Conservation Areas to include the Conservation Area. | Green Belt layer has been changed to appear at validation spatial stage |
| C. Burrows (Technical Officer) | | Email Paul Leadbeater - 30m buffer has been suggested |
| C. Burrows (Technical Officer) | Hope it's pretty clear but let me know and I can run through it with you. | Paul has said this the criteria for this requirement is justified in that we are currently experiencing severe delays with applicants submitting viability assessments later in the application process |

| | | |
|---|---|---|
| C.Smith (Landscape/Heritage/Tree...) | 1.It would be useful when you test to know what are the issues (obvious as they maybe) and how we would measure success by outcomes, feedback etc. Also what customer group are needed most assistance and gauge what is "reasonable" and cost-effective ie householders are likely to need the most support but do not provide our main income or are repeat business users<br>2.The promotion of the PS pre-app service as this is a key activity to improve the passage of planning applications<br>3.Clear distinction between National and Local validation requirements or at least acknowledge the overlap<br>4.Application list High Hedges – are these applications or complaints as does seem to be the latter – who now deals with this as tree officers are only involved for specialist advice?<br>5.Application list Listed Building and Demolition in CaS – should there be cross ref to the Heritage Statement advice?<br>6.Application list Notification of works to trees in a CA and Applic for works to TPO trees – should there be reference to the online forms or EBC one within the text to make it easier?<br>7.Supp docs Heritage Statement – link needs to go to the most recent Heritage Statement Advice dated May 2018 which Chris has updated and reduced<br>8.Supp docs need to add Landscape and Visual Impact Statement as this is missing. Although we do not have protected landscapes such as AONBs or World Heritage sites there are Key strategic Landmarks and Views plus registered Historic Parks and Gardens and other heritage assets so we need this. Suggest you write something along the lines of "This is required where the location/scale/sensitivity of the development means that landscape issues will be an important consideration. The circumstances will depend on each individual proposal and applicants are advised to obtain pre-application advice to establish whether a LVIA is required. It should be undertaken in accordance with the latest advice and guidance produced by the Landscape Institute." I can cross ref NPPF, CD and DM plans later. | LVIA covered as above<br><br>High Hedges is a formal application and not a complaint - these applications are not dealt with by tree officers but by DM officers |
| N.Lynch | The only thing I would say is that its not clear which is a national or local requirement until you click on the supplementary documents. Not sure if they are going to be ordered in a particular way or if there is going to be a heading 'National' or 'Local' with each supplementary document listed under the relevant heading? I couldn't spot it on West Suffolk's website so apologies if I have missed this. If I have please ignore me! | Explained that National and Local is differenciated in Supp Docs |
| K. Baldwin (Compliance Team Lea... | 1.We really need block plans, particularly for householder apps, that shows distances to nearby built structures. Currently, if we get a block plan, it rarely has any information on it. As we often get complaints that things are not sited correctly, we have nothing to help us establish whether there is a breach. Measurements to boundaries don't help as boundaries can, and often are in the wrong place. If, for example, we have a side extension, we can reference back to the existing property but, if it's a shed/garage/new property, we have nothing to reference the location from.<br>2.Having written measurements on plans is better for us than scales for us. | Amendments made |
| T Walton (Business Support Mana... | Fees - will need to alter regarding payments via the planning portal only for those submitted this way | |
| T Walton (Business Support Mana... | We quite often refer to "Guidance and links to further information" but there are no links in every case. | Remove references to links |
| C.Herbert (Legal Services Manager) | | |

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