

Recommended national list of local requirements that may be adopted locally

The elements of the list set out below comprise the recommended scope of additional information which local planning authorities can require to validate an application. However, local planning authorities will continue to be able to request further information during the determination process and an application could still be deemed valid, and then refused on the grounds of inadequate information, if the documentation submitted was subsequently found to be inadequate.

36. Given the generic nature of the list below, it is recommended that local planning authorities adopt specific local lists that are linked to the standard application form (see model lists by application type attached as Appendix A) and tailored to their own context and requirements and include indicative thresholds and criteria for the submission of particular types of information.

Affordable housing statement

Where local plan policies or Supplementary Planning Document guidance requires the provision of affordable housing the local planning authority may require information concerning both the affordable housing and any market housing e.g. the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units.

If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained.

The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.

Air quality assessment

Where the development is proposed inside, or adjacent to an air quality management area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of a local authority's air quality action plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Where AQMAs cover regeneration areas, developers should provide an air quality assessment as part of their planning application. Further advice is available in ***Planning Policy Statement 23: Planning and Pollution Control***. (November 2004).

Biodiversity survey and report

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures

information to support those proposals will be needed.

***Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992.**

Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary.

Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

Government planning policies for biodiversity are set out in ***Planning Policy Statement***

9: Biodiversity and Geological Conservation (PPS9) (August 2005), PPS9 is accompanied by a Government Circular: *Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system* (ODPM Circular 06/2005, Defra Circular 01/2005 and *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*. Material produced by other organisations may also provide a useful reference resource for local planning authorities when developing local lists.

Daylight/Sunlight assessment

***In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications may also need to be accompanied by a daylight/sunlight assessment.**

Further guidance is provided in, for example, BRE guidelines on daylight assessments .

(Local authorities may need to explain to applicants that planning permission would not confer any immunity on those whose works infringe another's property rights, and which might be subject to action under the Rights of Light Act 1959.)

Environmental Impact Statement

The Town and Country Planning (Environmental Impact Assessment) Regulations (1999) set out the circumstances in which an Environmental Impact Assessment (EIA) is required.

The British Standards Institute has produced a Publicly Available Standard, PAS 2010 *Planning to halt the*

loss of Biodiversity which takes the form of recommendations on standard procedures for taking account of biodiversity in the planning process, and the Association of Local Government Ecologists has developed a good practice template (available at <http://www.alge.org.uk>) which gives detailed validation requirements for biodiversity and geological conservation. Local authorities may wish to draw on this material when preparing their own local validation requirements. For example, Site layout planning for daylight and sunlight: a guide to good practice. BRE Report 209, 1991.

Where EIA is required, an Environmental Statement in the form set out in Schedule 4 to the regulations must be provided. Where EIA is not required, the local planning authority may still require environmental information to be provided. An applicant may request a 'screening opinion' (i.e. to determinewhether EIA is required) from the planning authority before submitting the application.

Evidence to accompany applications for town centre uses

An application should be accompanied by an assessment of the need for the proposal where this would be in an edge of centre or out of centre location, and where it is not in accordance with an up to date development plan document strategy.

But it is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre. **Evidence should be provided to show that there are no sequentially preferable sites.**

Policy advice on the policy tests for town centre uses is provided in *Planning Policy Statement 6: Planning for Town Centres (March 2005)*.

Flood risk assessment

At the planning application stage, **an appropriate Flood Risk Assessment (FRA) will be required to demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now and taking climate change into account.**

Planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 should be accompanied by a Flood Risk Assessment (FRA). This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. For major developments in Flood Zone 1, the FRA should identify opportunities to reduce the probability and consequences of flooding.

The FRA should be prepared by a developer in consultation with the local

planning authority.

The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. *Planning Policy Statement 25: 'Development and Flood Risk (December 2006)* provides comprehensive guidance for both local planning authorities and applicants in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

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Foul sewerage assessment

A foul sewerage assessment should include a description of the type, quantities and means of disposal of any trade waste or effluent. All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers¹⁰. The use of soakaways will require satisfactory percolation tests to have been undertaken¹¹

.*If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required***.**

If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

¹⁰ It is possible that the right to connect storm water to foul sewers in areas where there are no storm drains may be withdrawn by amendment to section 106 of the Water Industry Act 1991.

¹¹ Requirements H3 (rainwater drainage) places means of disposal of storm water in an order of priority that favours drainage by natural infiltration. Technical guidance produced by Communities and Local Government can be found at

<http://www.planningportal.gov.uk/england/government/en/4000000000382.html>

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Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)

Supporting information **may** include plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, and historic battlefields.

A heritage statement will be required in respect of proposals involving the disturbance of ground within an Area of Archaeological Potential as defined in

the local plan, or in other areas the subject of major development proposals or significant infrastructure works, where archaeological remains may survive, as may be specified in pre-application advice.

If an application affects such a site an applicant **may need** to commission an assessment of existing information and submit the results as part of the application in accordance with policy advice in ***Planning Policy Guidance Note 15 'Planning and the Historic Environment'***, (September 1995) paragraphs 3.16 to 3.19.

For archaeological remains, advice is provided in ***Planning Policy Guidance Note 16 'Archaeology and Planning'*** (November 1990) section B, paragraphs 18 to 26.

Impact assessment

Impact assessments are required for all retail and leisure developments over 2,500 square metres gross floorspace,

***and may be required for** smaller developments such as those likely to have a significant impact on smaller centres.

Impact assessments should also be provided for applications for other main town centre uses when they are in an edge of centre or out of centre location and not in accordance with a development plan.

Policy advice can be found in ***Planning Policy Statement 6: Planning for Town Centres*** (March 2005).

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The Validation of Planning Applications
26

Land Contamination assessment

Applications may also need to be accompanied by a land contamination assessment which should include an extended assessment of contamination in line with ***Planning Policy Statement 23 'Planning and Pollution Control'*** (November 2004).

Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

Landfill applications

Applicants should provide sufficient information to enable the waste planning authority to fulfil * its requirements under the Landfill (England and Wales) Regulations 2002. This information may be provided as part of the Environmental Impact Assessment.

Lighting assessment

***Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be required to be accompanied by details of external lighting and the proposed hours when the lighting would be switched on.**

These details shall include a layout plan with beam orientation and a schedule of the equipment in the design.

'Lighting in the countryside: Towards good

practice (1997)¹² is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Noise impact assessment

Application proposals that raise issues of disturbance or are considered to be a noise sensitive development in what are considered noise sensitive areas should be supported by a noise impact assessment prepared by a suitably qualified acoustician.

Further guidance is provided in ***Planning Policy Guidance note 24: Planning and Noise*** (September 1994).

Open Space assessment

Planning consent is not normally given for development of existing open spaces which local communities need.

For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site.

***In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements and any such evidence should accompany the planning application.**

Government

planning policy is set out in ***Planning Policy Guidance note 17: Planning for open space, sport and recreation*** (July 2002)

¹² Guidance is available at <http://www.communities.gov.uk/index.asp?id=1144822>

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Other Plans

*These include additional plans or drawings **which may be** required in certain circumstances, dependent on factors such as the location or characteristics of the site and the scale and nature of the development.

Parking and Access Arrangements

Householder applications may be required to provide details of existing and proposed parking provision and access arrangements. These details could also be shown on a site layout plan.

Photographs and Photomontages

*These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene.

Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.

Planning obligations - Draft Head(s) of Terms

Planning obligations (or “section 106 agreements”¹³) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

***Where Local Development Framework policies give details of likely section 106 requirements, a statement of the proposed Heads of Terms may be submitted with the application.**

Further advice¹⁴ is available in ODPM Circular 05/2005, ***Planning Obligations*** and the model section 106 agreement, both of which are available on the Communities and Local Government website.¹⁵

Planning Statement

*A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. However, a separate statement on community involvement may also be appropriate.

Regeneration statement

*Applications may also need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals

for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal.

13 Agreements made under section 106 of the Town and Country Planning Act 1990 as substituted by section 12

of the Planning and Compensation Act 1991

14 The Audit Commission has also produced helpful guidance. *Route Map to Improved Planning Obligations:*

Improving performance on Section 106 agreements [2006] can be found on the website www.audit-commission.gov.uk

gov.uk

15 <http://www.communities.gov.uk/index.asp?id=1500817>

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Statement of Community Involvement

***Applications may need to be supported by a statement**

Setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

Further guidance on Statements of Community Involvement is available in Chapter 7 of *Creating Local Development Frameworks: A Companion Guide to PPS12* (November 2004).

Structural survey

A structural survey may be required in support of an application if the proposal involves substantial demolition, for example, barn conversion applications.

Transport assessment

Planning Policy Guidance 13 'Transport' (March 2001) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications.

***The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal.**

For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

Further guidance will be found in ***Guidance on Transport Assessment***, published by the Department for Transport (March 2007).

(Draft) Travel Plan

A (draft) travel plan should be submitted alongside planning applications which are likely to have significant transport implications.

A (draft) travel plan

Should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts.

should have a strategy for its implementation that is appropriate for the development proposal under consideration. Identify the travel plan coordinator, the management arrangements for the plan – e.g. a steering group and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.

Further advice is available in ***Using the planning process to secure travel plans: best practice guidance for local authorities, developers and occupiers*** [ODPM and DfT, 2002] and ***Making residential travel plans work*** [DfT, 2007].

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Tree survey/Arboricultural implications

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees),

Information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Utilities Statement

***A utilities statement should include how an application connects to existing utility infrastructure systems.** Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal

Two planning issues arise; firstly, **whether**

the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and
secondly,

whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

Utilities statements should demonstrate:

- (a) that the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;**
- (b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;**
- (c) that service routes have been planned to avoid as far as possible *the potential for damage to trees and archaeological remains.**

Ventilation/Extraction statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes: -

**within Use Classes A3 (i.e. Restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments - use as a public house, wine-bar or other drinking establishment)
and
A5 (i.e. Hot food takeaways - use for the sale of hot food for consumption off the premises).**

This information (excluding odour abatement techniques unless specifically required) will also be required for

**significant retail,
business,
industrial or
leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.(or will be required to mitigate impact)**

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Site Waste Management Plan

***Proposed new development should be supported by site waste management plans¹⁶ of the type encouraged by the code of practice published by the DTI in 2004 '*Site Waste Management Plans: guidance for construction contractors and clients*'. These do not require formal approval by planning authorities, but are intended to encourage the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will**

be minimised and managed.

16 Defra has issued a consultation paper on whether site waste management plans should become a statutory requirement. Further details on the outcome of the consultation will be available in late 2007.

