

**12 November 2013****Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****REVIEW OF PLANNING APPLICATION VALIDATION REQUIREMENTS****Purpose of the Report**

1. To seek Members' agreement to proposed changes to the County Council's 'Guidance Note on the Validation of Planning Applications' and approval to commence a period of consultation on the proposed changes.

**Information and Advice**

2. Since 2008 Local Planning Authorities have been required to publish a list of information they require to "validate" the planning applications they receive. This Validation list forms two components, the national requirements (which includes the completed standard planning application form, the submission of a fee, a certificate confirming ownership, a design and access statement where required and relevant plans), and secondly, specific local validation requirements known as the "local list". The local list sets out what further information and assessments need to be undertaken and submitted with the application depending on the nature and scale of the proposal, such as Heritage Impact Assessments, Flood Risk Assessments, Transport Assessments etc. Following a period of consultation with agents, statutory consultees and other relevant stakeholders the County Council adopted its Validation guidance in April 2008. This has been used for development management purposes as the basis on which applications have been validated since this time.
3. In January this year, in a consultation document entitled "Streamlining the planning application process", the Government advocated a new approach to validation. Whilst acknowledging Local Lists as helpful guides in assisting applicants establish the information needed to validate applications, the current system was considered to be a "tick box" exercise with little consideration as to whether information requested was genuinely necessary. Also, applicants currently have no opportunity to challenge validation information requests from local authorities. Paragraph 193 of the National Planning Policy Framework (NPPF) states;  
*"Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning*

*authorities should only request supporting information that is relevant, necessary and material to the application in question”.*

This requirement for information being proportionate to the scale and nature of the development proposed is further reiterated in the Growth and Infrastructure Act 2013.

4. To address the above issues, the Government has brought in amendments to the Development Management Procedure Order 2010 (DMPO). Amendment No.3 in 2012 requires local planning authorities to operate a local list that is no more than **two** years old. Since August 2013 if the list has not been reviewed within this period then only national validation requirements apply. As Nottinghamshire County Council's Local list was published over five years ago it is considered imperative that our list is reviewed and republished as soon as possible. A further amendment to the DMPO introduced a new provision enabling applicants to challenge the LPA's decision not to validate an application. If the applicant and the LPA cannot reach agreement through negotiation as to whether a piece of information is required to validate an application the applicant has the right to appeal against non-determination once the statutory timescales have elapsed.

## **The Review Process**

5. The most recent Government guidance on information requirements and validation was

published in 2010 and suggests the review process should follow 4 steps:

- i) review the existing list,
- ii) produce a summary report of the proposed changes,
- iii) consult on the proposed changes for no less than 8 weeks, and
- iv) finalise and publish the revised Local list.

6. Notwithstanding the Government's requirement for Local Lists to be no more than 2 years

old it is considered timely to review the existing Local List to ensure that it refers to up to

date planning legislation, policy and guidance. Following an internal review significant

changes to the list are proposed, these are summarised below. The proposed updated

Guidance Note on the Validation of planning applications forms Appendix A to this report.

## **Proposed changes**

7. The main changes comprise:

- The removal of all references to Planning Policy Guidance Notes and Planning Policy Statements and replacement with references to the National Planning Policy Framework which was introduced in March 2012.
- The inclusion of a new section on the right of applicants to challenge the County Council's request for validation information and the new appeals process against non validation.

- The insertion of a new paragraph encouraging the electronic submission of planning documents and the national standards for such documents.
- An amended section setting out the reduced circumstances where Design and Access Statements must accompany planning applications in accordance with current legislation.
- Amendments to all sections to make reference to current legislation, guidance and standing advice, such as Environmental Impact Assessment regulations, heritage assets and the County Council's reviewed Statement of Community Involvement.
- Some formatting changes are included, together with the introduction of a new local validation criterion on landscaping and visual impact assessments.
- All website references have been updated where necessary.

### **Next steps**

8. If Members are in agreement with the proposed changes to the Guidance Note on the Validation of Planning Applications, as set out in the attached appendix, the next stage will be to undertake an eight week consultation period (as prescribed by Government guidance). This will include key applicants, statutory consultees, other interested parties and members of the public. In line with other recent consultations on planning documents, electronic methods will be used for the consultation, including publishing the details on the County Council website. Electronic responses will be encouraged. Once any responses have been considered, the Guidance Note will be amended as appropriate. Details of the consultation responses and the proposed final version of the Guidance will be reported back to this Committee for noting and to Policy Committee for approval.

### **Other Options Considered**

9. As stated above the County Council has no option but to update its validation guidance. Failure to update the guidance would mean that the current list would expire and the County Council would be unable to require the submission of any other documents to validate planning applications other than those covered by the national information requirements. Notwithstanding this legal requirement, the current proposal to update it is considered to be timely given the significant number of changes introduced since the validation guidance was first published.

### **Reason for Recommendation**

10. To ensure that an up to date list of validation requirements can be consulted upon to provide more comprehensive information and greater clarity for applicants who are submitting planning applications prior to formal approval and to accord with legal requirements.

### **Statutory and Policy Implications**

11. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment

and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Implications for Service Users**

12. It is considered that the proposed changes to the Validation Guidance will assist users of the document by providing more current and detailed information which should in turn enable the quality of planning applications to be improved, with more applications being valid on receipt. It is anticipated that the encouragement of electronically submitted planning applications and supporting documents will save both time and money for applicants and the County Council in the long term.

## **RECOMMENDATIONS**

- 1) It is RECOMMENDED that the report be noted and approval given for an eight week period of consultation to be undertaken on the proposed changes to the County Council's Guidance Note on the Validation of Planning Applications, as set out in the appendix to this report.
- 2) It is further RECOMMENDED that following the consultation exercise the final version of Validation Guidance is reported to Policy Committee for approval.

**JAYNE FRANCIS-WARD**

**CORPORATE DIRECTOR POLICY, PLANNING AND CORPORATE SERVICES**

### **Constitutional Comments (NAB 10.10.13)**

13. Planning and Licensing Committee has authority to consider and approve the recommendations set out in this report by virtue of its terms of reference.

### **Financial Comments (SEM 10/10/13)**

14. There are no specific financial implications arising directly from this report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

### **Electoral Division(s) and Member(s) Affected**

All

**For any enquiries about this report please contact: Jane Marsden-Dale  
Tel. 0115 969 6505**

## **Appendix A**

### **Guidance Note on the Validation of Planning Applications**

#### **Introduction**

In order for the County Council to deal properly and efficiently with the planning applications it receives, it is essential that the correct information is submitted from the outset.

This guidance note sets out what “**minimum**” **requirements** applicants need to submit to enable the proper validation and determination of applications. This will ensure that applications are “fit for purpose” and minimise the need for the submission of information at a later stage. This in turn will enable the County Council to provide an efficient planning service and help to achieve targets for the determination of planning applications.

The County Council recognises that the scale and type of applications vary and this will require the submission of differing levels of information and supporting documentation. This guidance note takes this into account in the scope of information needed for the various types of applications dealt with by the County Council. The National Planning Policy Framework (NPPF) states that “*Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question*” (para.193).

## **Pre-Application Advice**

The County Council encourages applicants and their agents to seek pre-application advice. This is particularly relevant for larger, more complex or potentially controversial proposals. This should help applicants identify the information and details that needs to be submitted with their application. Such an approach can help minimise delays later in processing the application and identify whether other consents may be required. The NPPF also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. In 2011 the Localism Act introduced a new requirement for applicants to engage with local communities before submitting applications. The details about which applications this applies to will follow once announced by the Government.

## **The Validation Process (including the right to appeal against non-validation)**

All applications received by the County Council will be checked against the **Statutory national information requirements**, and the **Local information requirements (Local List)**. Most minor applications will be validated within 3 to 5 working days from the date of receipt and most major applications within 10 working days.

## **Invalid applications**

Where an application does not contain all the information listed in the **Statutory national information requirements** the application will be deemed invalid under the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. The applicant will be informed in writing the requirements necessary to validate it. There is no right of appeal against the Council's decision to invalidate the application; any challenge to the decision must be made through a judicial review.

Where an application does not include information (in sufficient detail) listed in the **Local information requirements (Local List)** that the Council considers should be provided, then the application will be treated as invalid and the applicant will be informed in writing what information is required to validate the application. In the event of a disagreement with the Council, the applicant may submit a written justification (using an Article 10A Notice, which may be submitted at any time during the course of the application) explaining why the information requested is not required in the particular circumstances of their application. The Council will consider any written justification and either agree that the information is not required and validate the application or invalidate the application where it can be demonstrated that the additional information **is** necessary to determine the application. If the dispute cannot be resolved the applicant has the right of appeal against non determination on grounds of invalidity once the 8/13 week determination period has elapsed. The Planning Inspectorate will determine these cases.

## **Electronic submission**

The County Council's preferred method of receiving applications is electronically via the Planning Portal.

The national standards for on-line submission of electronic planning documents are as follows:

Maximum single file size is 5 Mbytes;

Maximum 25 Mbytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted off-line using CDROM/DVD;

Portable Document Format (PDF) is the recommended file format to ensure that they are accessible to consultees;

All drawings shall be saved in a single layer;

All drawings shall specify the printing page size for which the scale applies;

All drawings shall be correctly orientated for on-screen display

All drawings shall include a scale bar and key dimensions;

All documents and drawings shall be named in accordance with the Royal Institute of British Architects' naming conventions.

Scanned documents must be a minimum of 200 dpi resolution for black and white and 100 dpi for colour;

All photographs in PDF file format and no larger than 15 cm x 10 cm.

## **Information required for planning applications**

**Part One- Statutory national information requirements)** that must be submitted with **all** applications, and

**Part Two- Local information requirements (Local List)** that must be submitted with planning applications depending on their type and scale.

### **Part One- Statutory national information requirements**

The following forms, plans and information are compulsory and **must** be submitted with all applications unless otherwise stated.

**The planning application form:** Planning applications should be submitted electronically via the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). If you prefer to submit paper copies please provide one original, plus 3 additional copies. All applications (except those for Minerals applications) must be made on the standard planning application form (1APP). Forms must be signed and dated with all relevant sections completed. All planning application forms, including Minerals forms, are also available to download at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

**The application fee:** cheques should be made payable to "Nottinghamshire County Council". See Nottinghamshire County Council or Planning Portal websites for current fee schedule and exemptions. The Planning Portal's fee calculator can be used to calculate the correct fee.

**Ownership certificates:** A completed, signed and dated ownership certificate A, B, C or D confirming the ownership of the application site. These certificates are part of

the standard 1APP form. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. A notice to owners of the application site must be completed and served in accordance with Article 11 of the Development Management Procedure Order (DMPO), 2010.

**Agricultural Land Declaration:** A completed, signed and dated Agricultural holdings certificate should be submitted whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the application is for reserved matters, renewal of a temporary planning permission, or for the discharge or variation of conditions, a lawful development certificate or a non-material amendment to an existing planning permission.

**Location plan:** Unless submitted electronically, the original, plus three copies of the location plan are required. The County Council will require 8 copies for all minerals and waste applications for consultation purposes. The location plan should be at a scale of 1:1250 or 1:2500, based on a metric, OS map, indicate north point and give a drawing reference number. In exceptional circumstances, such as a development covering a large area, location plans of a smaller scale may be more appropriate to enable the application site to be identified. The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site etc. A blue line should be drawn around any other land owned by/under the control of the applicant, close to or adjoining the application site. The location plan should wherever possible show at least two named roads, surrounding buildings and features.

**Site Plan:** Unless submitted electronically the original, plus three copies of the site plan should be submitted at an appropriate scale for the development proposed. Plans should accurately show the direction of North and the proposed development in relation to the site boundaries and other existing buildings, with written dimensions including those to the boundaries. The site plan should also show the following, unless these would NOT influence or be affected by the proposed development; all the buildings, road and footpaths adjoining the site including access arrangements, all public rights of way, the position of all trees on the site and those on the adjacent land, the extent and type of any hard surfacing and any boundary treatment.

**Other plans:** Unless submitted electronically the original plus 3 copies of all other plans, the County Council will require 8 sets of plans for all minerals and waste applications. For details of specific plans required see the Guidance notes accompanying the planning application forms. This will vary according to the type of development proposed. All plans should be at an appropriate scale and include a unique drawing reference number and a title. Plans which state do not scale are not acceptable.

**Updated and superseded plans:** If plans or supporting documentation submitted via the Planning Portal need to be replaced, the updated document should be clearly labelled and the County Council informed of the replacement document.

**Design and Access Statement:** A Design and Access Statement (DAS) must accompany applications for all **major\*** developments (\*as defined by the



Development Management Procedure Order, 2010 see the definition towards the end of this document) excluding those for waste development and mining operations. A DAS is also required for applications in Conservation Areas where the floor space created is 100sqm or more.

Design and Access Statements should explain the design concepts and principles that have been applied to the proposed development and demonstrate how context has informed the scheme. Statements should also explain the approach to access and state how any consultation on access issues have been taken into account. (refer to article 8 of the Development Management Procedure Order, Amendment 2013 -SI 1238, for full details of DAS submission requirements). The level of detail required in a statement will depend on the scale and complexity of the application.

*Further information*

*Town and Country Planning (Development Management Procedure) (England) Order 2010, and subsequent amendments*

*National Planning Policy Framework*

*DCLG: Guidance on information requirements and Validation, March 2010, and Streamlining the Planning Application Process- Government consultation Jan 2013 and Response June 2013*

[www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk),  
[www.communities.gov.uk](http://www.communities.gov.uk)

[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

and

## **Part Two Local information requirements ( Local List )**

In addition to the national requirements above, the list below sets out further information and assessments that must be submitted with planning applications depending on their type and scale. This information is required to enable the validation of the application. As requirements will vary from case to case you are advised to contact us at an early stage if you are unsure about what information you will need to submit.

If not submitted electronically the original, plus 3 additional copies of all documents should be submitted, although more copies may be requested where a significant amount of consultation is to be carried out. All sections include references where further guidance may be found.

**[A checklist is attached which should be completed and submitted with your application identifying the information that has been provided.]**

### **1. Supporting Planning Statement**

A statement required for **all** applications explaining the need for the proposed development and demonstrating how it complies with policies in the Development Plan and other relevant documents. Where a proposal does not comply with policy a statement must be provided to justify the need or set out overriding reasons as to why the proposal should go ahead. It should also include details of any consultation with Development Management or other County Council officers and wider community/statutory consultees undertaken prior to submission.

### **2. Environmental Statement**

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects. For detailed guidance, including indicative criteria and thresholds for proposals requiring environmental assessment, see documents listed below. A “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the Regulations. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the applicant to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures. You are entitled to receive a “scoping opinion” as to the key environmental issues the Environmental Statement should cover. Early consultation with Development Management Officers is recommended prior to making your application.

*Further information*

*The Town and Country Planning (Environment Impact Assessment) Regulations 2011*

### **3. Transport Assessment**

A Transport Assessment (TA) will be required for all major developments (see definition at end of this document) and any other 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 traffic implications. Information should include all existing and proposed vehicular and pedestrian movements to and from the site. Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified. The assessment should describe and analyse existing transport conditions and explain how the development would affect those conditions and measures proposed to overcome any problems. A sustainable approach to transport should be explored for all proposals and the TA should give details of proposed measures to improve access by public transport, walking and cycling.

For smaller developments such as school extensions a TA might still be required because thresholds are not solely based on the size of the proposed development but also the sensitivity of the location; for example development which is likely to increase accidents or conflicts among motorised and non-motorised users, particularly vulnerable road users such as children, people with disabilities and elderly people. Government guidance on the indicative thresholds for carrying out transport assessments has been published by the Department for Transport. Applicants should submit details of employee numbers, an assessment of accessibility by non-car modes and an estimate of both vehicle and cycle parking spaces prior to the submission of an application in order that the County Council can advise on the level of assessment required.

#### *Further information*

*The National Planning Policy Framework – Promoting Sustainable Transport (paras 29 – 41).*

*Guidance on Transport Assessment, - March 2007 published by the DfT*

*Highways 6C Design Guide – November 2011, updated 2012 and 2013*  
*www.nottinghamshire.gov.uk*

### **4. Draft Travel Plans**

Where a development will generate a significant amount of movement a travel plan should be provided (NPPF para. 36). A travel plan is a long term management strategy that seeks to deliver sustainable transport objectives. It will normally be prepared alongside the transport assessment (see above). Draft Travel Plans should outline the way in which transport implications of the development are going to be managed in order to ensure the minimum

environmental, social and economic impacts. The draft travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements and the timetable of the plan.

School Travel Plans will be required for all planning applications involving new schools or significant extensions to existing schools - these should address parent, staff and pupil parking as well as vehicular and pedestrian access. For minerals and waste developments details to be submitted should include the amount of traffic movements that will occur during operating hours etc.

*Further information*

*The National Policy Planning Framework (as above)*

*Using the planning process to secure Travel plans: Best Practice Guidance for local authorities, developers and occupiers - ODPM and DfT, 2002.*

*School Travel Plan officers, Road Safety Team, Environment and Resources Department, Nottinghamshire County Council.*

## **5. Planning Obligations – Draft Heads of Terms**

Where relevant, the draft heads of terms for a Section 106 agreement or unilateral undertaking should be provided with the submission of the planning application. Applicants should specify the County Council's requirements as established in any pre-application discussions.

*Further information*

*National Planning Policy Framework – Planning Conditions and Obligations (paras 203 – 206)*

*Planning Obligations: Practice Guidance – July 2006 [www.gov.uk](http://www.gov.uk)*

*The Planning Inspectorate Advice Note 16 –Submitting Planning Obligations [www.planningportal.gov.uk](http://www.planningportal.gov.uk)*

## **6. Flood Risk Assessment**

Planning applications for proposals for new development in Flood Zones 2, 3a and 3b and for proposals of 1 hectare or greater in Flood Zone 1 should be accompanied by a Flood Risk Assessment (FRA). Information about these zones and their implications for development can be found in the Technical Guidance to the National Planning Policy Framework and on the Environment Agency's website. The FRA should identify and assess all forms of flooding to and from the development and demonstrate how these flood risks will be managed now and in the future, taking climate change into account.

Where a FRA is required this should be prepared by the applicant in consultation with the Local Planning Authority and the Environment Agency.

#### *Further information*

National Planning Policy Framework – Meeting the Challenge of Climate Change, Flooding and Coastal Change (paras 93 – 108).

Technical Guidance to the National Planning Policy Framework – Flood Risk (paras 2 – 19).

Flood Risk Standing Advice - [\\_www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

### **7. Land Contamination Survey**

A desktop survey to establish the extent of contamination and proposed remedial works will be required in support of all planning applications involving sites which have previously been used for industrial purposes, landfill or other potentially contaminating uses. Where contamination is known to exist more detailed investigation will be required this should be able to demonstrate whether the site is suitable for the proposed use taking into account pollution from previous uses and any measures for mitigation.

#### *Further information*

*National Planning Policy Framework – Conserving and enhancing the natural environment (paras 120 – 122)*

*Landscape and Reclamation Team – Environment and Resources Department, Nottinghamshire County Council.*

*A guide to developing land in Nottinghamshire – 2009*

### **8. Tree Survey/Arboricultural Implications**

Where a proposal involves works that affect any trees or hedgerows within the application site, the position, species, spread and roots of trees should be illustrated accurately on the site plan. This must indicate any trees which are to be felled or are otherwise affected by the proposed development. For large scale proposals, or those on sites with significant tree coverage, it may be appropriate to submit further information during the course of the application following a detailed tree survey. The location of any trees within adjacent sites, including street trees, which may be affected by the application, should also be shown. 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.

#### *Further information*

*BS5837; “Trees in relation to design, demolition and construction”, 2012*

*Nottinghamshire County Council - Tree Conservation and Maintenance Policy- July 2000*

## **9. Heritage Impact Assessment**

A Heritage Impact Assessment should be submitted with all proposals affecting Heritage assets. 'Heritage Assets' include Listed Buildings, Conservation Areas, and Scheduled Ancient Monuments, Registered Parks and Gardens and sites of Archaeological Interest and assets identified by the local planning authority.

The Heritage Impact Assessment should describe the significance of the heritage asset affected, including any contribution made by its setting and the effect of the development on the asset. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the Nottinghamshire Historic Environment Record should have been consulted along with specialist officers at the County Council and at the relevant District Council.

### *Further information*

*National Planning Policy Framework – Conserving and enhancing the historic environment (paras 126 – 141)*

*PPS5 Practice Guide (PPS5 itself now replaced by NPPF)*

*DETR Circular 01/2001.*

*Conservation Officers – Nottinghamshire County Council and relevant District Council.*

*[www.english-heritage.org.uk](http://www.english-heritage.org.uk)*

## **10. Archaeological Assessment**

Applicants submitting proposals on sites of archaeological interest will be required to undertake an archaeological assessment and where necessary carry out further archaeological investigations to allow the significance of the archaeology, as well as the impact of the development, to be understood. The results of this work will need to be included in the Heritage statement submitted with the application. The level of assessment required will depend on the archaeological sensitivity of the site. Advice should be sought from Archaeological Officers at the County Council. Documentation to support the application must be submitted in accordance with policy advice set out in the National Planning Policy Framework and PPS5 Practice Guide.

### *Further information*

*National Planning Policy Framework – Conserving and enhancing the historic environment (paras 126 – 141).*

*PPS5 Practice Guide*

*Archaeological Officer – Nottinghamshire County Council.*

*[www.english-heritage.org.uk](http://www.english-heritage.org.uk)*

## **11. Biodiversity and Geodiversity Assessment**

Where a proposed development may have potential impacts on biodiversity and/or geodiversity, an assessment of these potential impacts should be carried out. For major development, this should take the form of an Ecological Impact Assessment (EclA).

Such assessments should include a desktop study (to include consultation with the Nottinghamshire Biological and Geological Records Centre) and the results of surveys to determine the presence/absence of notable habitats, protected species or species of principle importance for the conservation of biodiversity in England. Such work must be undertaken by a suitably qualified person, following nationally recognised guidelines.

When considering impacts on biodiversity and/or geodiversity, consideration should be given to both direct impacts (such as habitat loss) and indirect impacts (such as changes to hydrology, air quality, noise and disturbance). Where proposals include mitigation and/or compensation measures, information to support those measures will be needed. Proposals should seek to provide ecological enhancements wherever possible, and make provision for the maintenance and management of retained or created biodiversity/geodiversity features.

In addition, where proposals have the potential to affect a Special Area of Conservation or a Special Protection Area, then a Habitats Regulations Assessment (HRA) must also be undertaken.

For further advice please contact the County Council's Conservation Team.

### *Further information*

*National Planning Policy Framework – Conserving and enhancing the natural environment (paras 109 – 125).*

*Circular 06/2005 Biodiversity and Geological Conservation- Statutory obligations and their impact within the planning system and the accompanying guide- Planning for Biodiversity and Geological Conservation: A Guide to good practice 2006)*

*BSI: PAS 2010 Planning to halt the loss of Biodiversity*

*Association of Local Government Ecologists: good practice template*  
[www.alge.org.uk](http://www.alge.org.uk)

*Natural England - [www.naturalengland.org.uk/](http://www.naturalengland.org.uk/) ( see Standing Advice)*

*Nottinghamshire Wildlife Trust [www.wildlifetrust.org.uk/nottinghamshire](http://www.wildlifetrust.org.uk/nottinghamshire)*

## **12. Noise Assessment**

A Noise Impact Assessment should be submitted with all applications for potentially noisy developments and uses where these are likely to raise issues of disturbance to the occupants of nearby existing buildings. Proposals for noise sensitive uses close to existing sources of noise should also be accompanied by a Noise Impact Assessment. These should be prepared by a suitably qualified acoustician and should include information on existing and

proposed noise levels (including night-time noise levels where relevant) and where appropriate should recommend a scheme of measures to mitigate noise impact. Guidance is provided in the National Planning Policy Framework with specific guidance for minerals development, which can often be used to assess the noise impacts of waste development, in the Technical Guidance to the National Planning Policy Framework.

*Further information*

*National Planning Policy Framework – Facilitating the Sustainable Use of Minerals (paras 142 – 149) and para 123.*

*Technical Guidance to the National Planning Policy Framework – Noise Emission (paras 28 – 31).*

*BS4142 Method for rating noise affecting mixed residential and industrial areas 1997.*

Noise Policy Statement for England, DEFRA 2010

Environmental Protection Act 1990.

### **13. Air Quality Assessment**

Proposals that impact on air quality or are potential pollutants should be supported by an air quality assessment indicating the change in air quality resulting from the proposed development and outlining appropriate mitigation measures. Specific guidance on the impacts of dust emissions from minerals development, which can often be used to assess the dust impacts of waste development, is provided in the Technical Guidance to the National Planning Policy Framework.

*Further information*

*National Planning Policy Framework– Conserving and Enhancing the Natural Environment (paras 109 – 125).*

*Technical Guidance to the National Planning Policy Framework – Dust Emissions (paras 23 – 27).*

*A Breath of Fresh Air for Nottinghamshire- Nottinghamshire Environmental Protection Working Group, 2008.*

*District Council Environmental Health Officers.*

### **14. Sunlighting/Daylighting/Lighting Assessment**

Sunlighting/daylighting assessments are to be undertaken and submitted for all applications where there is a potential adverse impact upon current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including their gardens or amenity space.



Where significant external lighting is proposed as part of a development (for instance, floodlighting of a multi-use games area) the application must include a layout plan with beam orientation, a schedule of the proposed equipment and the proposed measures to reduce any impact on neighbouring sites/properties.

*Further information*

*British Research Establishment (BRE): Site layout planning for daylighting and sun lighting; a guide to good practice 2011*

*Lighting in the countryside; Towards good practice (1997)*

## **15. Statement of Community Involvement**

Where relevant, applications need to be supported by a statement detailing how the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement Review has been met. In particular this should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

*Further information*

*Nottinghamshire County Council Statement of Community Involvement Review – adopted April 2013 (see [www.nottscc.gov.uk](http://www.nottscc.gov.uk))*

## **16. Sustainability Appraisal**

A statement, proportionate to the scale of the proposal should be submitted for **all** applications setting out the three dimensions to sustainable development; economic, social, and environmental (see NPPF para.7). It should include details of where a development will create jobs, lead to a net gain for nature, deliver better design and improve living conditions. Where relevant, the statement should consider ecology and biodiversity considerations, choice of construction materials, sustainable drainage systems, sustainable waste management, energy consumption - minimisation, supply and generation as well as any other relevant sustainability issues.

*Further information*

*National Planning Policy Framework – Achieving Sustainable Development (paras 6 – 16).*

## **17. Rights of Way (footpaths, bridleways and byways)**

Proposals which affect a public right of way, even temporarily during construction phases, within or adjacent to the application site should indicate this on the submitted plans. A statement should be submitted outlining the details, including, where appropriate, the steps to be taken to comply with any legal requirement to stop up or divert the right of way. Early consultation with the County Council's Countryside Access Team is advisable.

#### *Further information*

*Countryside Access Team, NCC (countrysideaccess@nottsccl.gov.uk).  
Nottinghamshire County Council: Rights of Way Improvement Plan- 2007*

### **18. Landscape and Visual Impact Assessments (LVIAs)**

Landscape and Visual Impact Assessments should be provided for all major developments which are subject to the Environmental Impact Assessment process and for all other development which, in the view of Nottinghamshire County Council, are likely to result in significant adverse effects on the landscape or visual amenity. This applies to applications in both rural and urban settings. This assessment should include photographs and/or photomontages as appropriate. Early consultation with the County Council's Landscape and Reclamation Team is advisable.

#### *Further information*

*"Guidelines for Landscape and Visual Impact Assessments" The Landscape Institute and Institute of Environmental Management and Assessment, April 2013  
Landscape Institute Advice Note 01/11: Photography and photomontage in Landscape and visual impact assessment.  
EIA Regulations, 2011  
Landscape and Reclamation Team, Nottinghamshire County Council  
Natural England – [www.naturalengland.org.uk](http://www.naturalengland.org.uk)*

### **Definitions**

**Definition of major applications**, (based on Town and Country Planning (Development Management Procedure) (England) Order 2010), development involving:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development (ie operational development designed to be used wholly or mainly for the purpose of, or material change of use to treating, storing, processing or disposing of refuse or waste materials);
- the provision of a building or buildings where the floorspace to be created by the development is 1,000 sq metres or more; or
- development carried out on a site having an area of 1 hectare or more.

**Definition of large-scale major applications**, (based on DCLG Guidance issued August 2007 and DCLG Consultation on Planning Performance Agreements issued May 2007), development involving:

- provision of a building where the floorspace to be created is 10,000m<sup>2</sup> or more,

## **Contacts**

Further information and advice is available from the Development Management Team on 0300 500 80 80 or [development.management@nottsc.gov.uk](mailto:development.management@nottsc.gov.uk)

Useful websites: [www.nottsc.gov.uk](http://www.nottsc.gov.uk) and [www.gov.uk](http://www.gov.uk)

|                                      |     |    |  |
|--------------------------------------|-----|----|--|
| <b>CHECKLIST</b>                     |     |    |  |
| <b>Planning Application address:</b> |     |    |  |
|                                      | Yes | No | Notes/why information is not required for this application |

|   |  |  |  |
|---|--|--|--|
| • Essential Information as required by Part One |  |  |  |
| 1. Supporting Planning Statement                |  |  |  |
| 2. Environmental Statement                      |  |  |  |
| 3. Transport Assessment / TAPA                  |  |  |  |
| 4. Draft Travel Plan                            |  |  |  |
| 5. Planning Obligation – Draft Heads of Terms   |  |  |  |
| 6. Flood Risk Assessment                        |  |  |  |
| 7. Land Contamination survey                    |  |  |  |
| 8. Tree Survey/Arboricultural implications      |  |  |  |
| 9. Heritage Statement                           |  |  |  |
| 10. Archaeological Assessment                   |  |  |  |
| 11. Biodiversity and Geodiversity Assessment    |  |  |  |
| 12. Noise Assessment                            |  |  |  |
| 13. Air quality Assessment                      |  |  |  |
| 14. Sunlighting/daylighting/lighting Assessment |  |  |  |
| 15. Statement of Community Involvement          |  |  |  |
| 16. Sustainability Appraisal                    |  |  |  |
| 17. Rights of Way                               |  |  |  |
| 18. Landscape and Visual Impact Assessments     |  |  |  |

**Please return this checklist with your planning application confirming which documents have been submitted.**