



**19<sup>th</sup> January 2016**

**Agenda Item:**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

### **LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS**

#### **Purpose of Report**

1. To advise Members of the proposed review of the County Council's Guidance Note on the Validation of Planning Applications - the Local list, in accordance with the requirements of planning legislation.

#### **Information and Advice**

2. Since 2008 Local Planning Authorities have been required to adopt and publish local validation requirements - a local list, which sets out what information, over and above the national requirements ( ie application form, plans, fee, ownership certificate etc), is necessary to accompany a planning application before it is registered by the Council as "valid". The Council's first Local List was adopted in April 2008 and was reviewed and updated in 2013 (and formally adopted February 2014).

3. 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."*

The Growth and Infrastructure Act 2013 reiterated this requirement for information to be proportionate to the scale and nature of the development proposed.

4. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), as well as the Planning Practice Guidance (published March 2014) state that Local Planning Authorities should have a list of local requirements that is no more than two years old. The DMPO further stipulated that this list must now be;

- Reasonable, having regard, in particular to the nature and scale of the proposed development; and

- About a matter which is reasonable to think will be a material consideration in the determination of the application.
5. Nottinghamshire County Council's Local list was adopted in February 2014 and, consequently, now needs to be reviewed to ensure that the Authority has a Local List against which it can validate incoming planning applications. Without an adopted Local List the Council can only rely upon the national requirements when validating applications which could potentially lead to less comprehensive applications and ultimately less robust decisions.

### **Review process**

6. The Planning Practice Guidance sets out the recommended process for reviewing and revising local lists which follows three stages;

#### Step 1- Review

Local Planning Authorities should identify "drivers" for each item on their existing list, which should be statutory requirements, policies in the NPPF or development plan, or published guidance that explains how adopted policy should be implemented. Having undertaken this, Local Planning Authorities should decide whether they need to revise their existing list. Where it is concluded that no changes are necessary it should publish an announcement to this effect on its website and republish its local list.

#### Step 2- Consulting on the proposed changes

Where the Local Planning Authority considers changes are necessary the proposals are issued to the local community, including applicants and agents, for consultation.

#### Step 3 – Finalising and publishing the revised local list

The Local Planning Authority must take account of the consultation response in preparing the final revised list. The revised list should be published on the Council's website. It is essential that information requested with a planning application at the validation stage must meet the statutory test introduced by the Growth and Infrastructure Act.

### **The next stage**

7. Officers have reviewed the existing local list in the light of the above requirements and have proposed some minor changes. A copy of the draft revised local list forms Appendix 1 to this report. Officers now intend to undertake a consultation exercise on the proposed changes with members of the public (through the County Council's website), County Council Members, together with a selection of applicants/agents and any other relevant parties,

such as District Council, Parish Councils, and statutory and non- statutory consultees.

8. The proposed changes to the existing Local List are fairly minimal and are largely restricted to the removal of obsolete circulars, statutory instruments and Government Guidance etc, together with the insertion of references to the updated planning legislation, new Planning Practice Guidance and policy “drivers”, Sustainable urban drainage systems (SUDs) and Lead Local Flood Authorities (LLFA), amendments to the requirements for Design and Access Statements and administrative changes relating to the electronic submission of plans and the planning application fee, pre-application charging etc.
9. In the light of relatively few changes proposed, budgetary constraints and the limited number of responses (ten) received to the extensive consultation undertaken previously at the end of 2013, it is recommended that the level of consultation is less extensive and carried out using electronic communication (email) only, together with its publication on the County Council website. A period of 21 days will be given to respond to the consultation to be undertaken following this meeting.
10. Following consideration of the responses a report will be brought back to Members at the next Committee summarising the comments received and the proposed revised Local List for approval. The revised list will then be published on the Council’s website available to view and download and will form the basis on which applications are “validated” by planning officers.

### **Other Options Considered**

11. Given the requirements set out in paragraphs 3 and 4 above no options other than a full review were considered to be adequate to meet the Government’s stipulation for Local Lists to be no more than two years old.

### **Statutory and Policy Implications**

12. 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

13. It is considered that the proposed review of the Local List will assist users of the document by containing more current and accurate information.

### Human Rights Implications

14. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### **RECOMMENDATIONS**

15. It is RECOMMENDED that Members note the review of the Council's Guidance Note on the Validation of Planning Applications - Local List, the intention to undertake a consultation exercise and report back the findings along with a proposed updated Local List to the next Planning and Licensing Committee for approval.

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments**

Planning & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 17/12/2015]

### **Comments of the Service Director - Finance**

The contents of this report is duly noted; there are no financial implications.

[DJK 21.12.15]

### **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

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

All

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For any enquiries about this report, please contact the report author.

# Appendix 1

## Nottinghamshire County Council's Policy on the Validation Requirements for 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 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.~~ **In July 2014 the County Council started charging for providing pre-application advice. The fee for this service depends on the scale of development. Some advice, such as whether planning permission is required, will continue to be provided free of charge. The full details of this pre-application advice service can be found on the County Council's website.**

**Compulsory pre-application engagement- On-shore wind turbine development** Article 3 of the Town and Country (Development Management Procedure) (England) Order 2015 requires a statement providing evidence of how the applicant has undertaken and responded to community consultation before submitting an application for on- shore wind turbine developments where the development involves more than two turbines, or where the hub height of any turbine exceeds 15 metres.

### 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 **2015**, 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. **The Council will only request supporting information that is relevant, necessary and material to the application.** In the event of a disagreement with the Council, the applicant may submit a written justification (using an Article 40A **12** 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, **starting with the date of receipt of the application**, has elapsed. The Planning Inspectorate will determine these cases, **the inspector will consider both the dispute regarding invalidity and the merits of the application itself.**

### **Electronic submission**

**The County Council's preferred method of receiving applications is electronically via the Council's website or 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 Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the following forms, plans and information ~~are compulsory and must to~~ be submitted with all applications unless otherwise stated.

**The planning application form:** Planning applications should be ~~made~~ submitted on the standard application form ~~and submitted~~ electronically ~~to the County Council at [development.management@nottscc.gov.uk](mailto:development.management@nottscc.gov.uk)~~ (or via the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk)). ~~The standard application form should be used for all applications (except those for Minerals). A separate form is also available for onshore oil and gas development.~~ All planning application forms are available to download at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk). If you prefer to submit paper copies please provide ~~one original, plus 3 additional copies.~~ **two copies**. All forms must be signed and dated with all relevant sections completed.

**The application fee:** See Nottinghamshire County Council's or the Planning Portal's websites for the current fee schedule and exemptions. The Planning Portal's fee calculator can be used to calculate the correct fee. ~~Payments for applications should be made electronically by telephoning the Planning Support Officer on 0115 9932584 or if paying by cheque these should be made payable to "Nottinghamshire County Council".~~

**Ownership/ Agricultural Holding certificates:** A completed, signed and dated ownership/~~agricultural holding~~ Certificate A, B, C or D confirming the site ownership ~~and whether any of the land to which the application relates is, or is part of, any agricultural holding. of the application site.~~ These certificates are part of the standard application 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. ~~'Agricultural tenant' means a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates.~~ A notice to owners and /or agricultural tenant of the application site must be completed and served in accordance with Article 44~~13~~ of the Development Management Procedure Order (DMPO), 2010-**2015**

~~**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:** As stated above the Council's preferred method of receiving applications is electronically. If not submitted electronically ~~Unless submitted electronically,~~ all applications must include two copies of a location plan based upon an up to date map. ~~the original, plus three copies of the location plan are required.~~ 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:** ~~If not~~ unless submitted electronically two copies ~~the original, plus three~~ copies of the site plan should be submitted. The site plan should be at an appropriate scale for the development proposed and 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, roads 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:** ~~If not~~ unless submitted electronically two copies ~~the original plus 3~~ copies of all other plans should be submitted. ~~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.~~ Any plans or supporting documents which supersede those originally submitted should be clearly labelled and sent directly to the County Council.

**Design and Access Statement:** A Design and Access Statement (DAS) must accompany the following 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.



- All applications for major development (as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or
- If within a designated area (Conservation Area or World Heritage Site) for development consisting of one or more dwelling or a building or buildings with a floor space of 100 square metres or more

**Unless** the application is for waste development, a change of use, engineering or mining operations or relates to an application to amend the conditions attached to a planning permission (Section 73 applications).

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 9 of the Development Management Procedure Order, 2015 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 2015 2010, and subsequent amendments*

*National Planning Policy Framework*

*Planning Practice Guidance*

~~*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.planningportal.gov.uk](http://www.planningportal.gov.uk)

and

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

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

## 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 **nature** and scale. **We will only request information about a matter which is likely to be a material consideration in the determination of the application.** 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~~ **two 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. **It should be proportionate and specific to the development.** Where a proposal does not comply with policy an **explanation statement** must be provided to justify the need or set out overriding reasons as to why the proposal should go ahead. **The supporting statement should also include details of the proposed development in terms of its achievement of sustainable development. This should cover economic, social and environmental issues.** ~~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 **should be included in the supporting statement.**

*Further information and Policy driver*

*National Planning Policy Framework*

*Planning Practice Guidance – Achieving sustainable development*

### 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 **request** ~~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 and **Policy driver***

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

~~*Circular 02/99 Environmental Impact Assessment*~~

***Planning Practice Guidance and National Planning Policy Framework***

*www.gov.uk*

### **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 **between** ~~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 **and Policy driver***

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

***Planning Practice Guidance- Travel Plans, transport assessments and statements in decision taking.***

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

~~*Highways 6Cs Design Guide – November **2014** 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 and Policy driver*

*The National Policy Planning Framework (as above)*

*Planning Practice Guidance*

~~*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, Place Department, Nottinghamshire County Council.*~~

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

The purpose of planning obligations is to make development acceptable in planning terms. This is about mitigation, rather than just identification, of any undesirable impact and is generally negotiated during consideration of a planning application (see PPG). Where considered essential by the County Council, 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 and Policy driver*

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

*Planning Practice Guidance- Planning Obligations*

~~*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**

### Flood Risk Sequential Test

The NPPF states that development should not be permitted if there are reasonably available alternative sites appropriate for that development in areas at a lower risk of flooding.

Where a site has not been allocated, or sequentially tested by the Local Planning Authority, it is the responsibility of the developer in consultation with the LPA to demonstrate that the Sequential Test is passed. The requirements for the flood risk sequential test are set out in paragraphs 3 and 5 of the NPPF Technical Guidance.

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 (as the Lead Local Flood Authority), the Environment Agency, and the Internal Drainage Board where appropriate. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDS). The County Council is now the Lead Local Flood Authority with powers and a statutory duty to manage and coordinate local flood risk management activities and therefore early consultation with them is advisable.

*Further information and Policy driver*

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).

Planning Practice Guidance on Flood Risk and Coastal Change

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

Association of Drainage Authorities - [www.ada.org.uk/](http://www.ada.org.uk/)

Flood Risk Management Team, Nottinghamshire County Council.

## **7. Land Contamination Survey**

An appropriate contaminated land assessment must be submitted with any application where it is stated on the planning application form that land is known and/or suspected to be contaminated or the proposed use would be vulnerable to the presence of contamination. 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.

Applications involving works to school buildings known or suspected to contain asbestos should be accompanied by an appropriate contamination survey.

*Further information and Policy driver*

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

Planning Practice Guidance – Land affected by contamination

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

A Guide to Developing Land in Nottinghamshire – *by the Nottinghamshire Land Quality Group 2013 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 **with the application**. The location of any trees within adjacent sites, including **highway 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.

~~The felling of trees (thresholds apply) could constitute “deforestation” under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (Statutory Instrument No. 2228/1999) for which the Forestry Commission is the competent authority, and may therefore require consent from the Forestry Commissioners. For further advice refer to the guidance issued by the European Commission in 2008 as detailed below.~~

*Further information and Policy Driver*

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

*National Planning Policy Framework*

*Planning Practice Guidance*

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

~~EIA Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment 2008-022~~

Forestry Commission East and East Midlands Area, [www.forestry.gov.uk/emidlands](http://www.forestry.gov.uk/emidlands)

Natural England’s Standing Advice on Species Protection and standing advice tools, [www.naturalengland.org.uk/](http://www.naturalengland.org.uk/)

## 9. **Heritage Impact Assessment Statement**

A ~~Heritage Impact Assessment~~ **Statement** 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. **This requirement also applies to non-designated heritage assets, such as buildings of ‘local interest’.**

The ~~Heritage Impact Assessment~~ **Statement** 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 and Policy driver*

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

*Planning Practice Guidance*

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

~~*DETR Circular 01/2001.*~~

*Arrangements for handling heritage applications Direction 2015*

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

~~*www.english-heritage.org.uk*~~

*Historic England Guidance Notes- [historicengland.org.uk](http://historicengland.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 and Policy driver*

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

*Planning Practice Guidance*

~~*PPS5 Practice Guide*~~

*Archaeological Officer – Nottinghamshire County Council.*

~~*www.english-heritage.org.uk*~~

*Historic England Guidance Notes- [historicengland.org.uk](http://historicengland.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.

Where appropriate, early consultation with Natural England is recommended, including use of the agency's Discretionary Advisory Service (DAS), together with its standing advice and detailed guidance.

*Further information and Policy driver*

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

*Planning Practice Guidance*

*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: Template for Biodiversity and Geological Conservation Validation checklists, [www.alge.org.uk](http://www.alge.org.uk)*

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

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

*DEFRA, <http://guidanceanddata.defra.gov.uk/habitats-regulations-assessments/>*

## **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 (such as a school) 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 also often be used to assess the noise impacts of waste development, in the Technical Guidance to the National Planning Policy Framework.

*Further information and Policy driver*

*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).*

*Planning Policy Guidance*

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

*Noise Policy Statement for England, DEFRA 2010*

*Environmental Protection Act 1990, as revised.*



### **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, **details of sensitive receptors/locations, the methodology used for assessing impact and the proposed** outlining appropriate mitigation measures. Specific guidance on the impacts of dust emissions from minerals development, which can **also** 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 and Policy driver*

*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.*

*Air Pollution Information Service (APIS) [www.apis.ac.uk](http://www.apis.ac.uk)*

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

Sun lighting/day lighting 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 and Policy driver*

*National Planning Policy Framework*

*Planning Practice Guidance- Light pollution*

*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 and Policy driver*

*Planning Practice Guidance*

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

## **167. 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 and Policy driver*

*National Planning Policy Framework*

*Planning Practice Guidance- Open space, sports and recreation facilities, public rights of way and local green space*

*Countryside Access Team, NCC (countrysideaccess@nottscc.gov.uk).*

*Nottinghamshire County Council: Rights of Way Improvement Plan- 2007*

## **178. 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 **have an impact** ~~result in significant adverse effects~~ on the landscape **and** ~~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 and Natural England is advisable.

*Further information and Policy driver*

*National Planning Policy Framework*

*Planning Practice Guidance- Natural Environment*

*“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, as amended*

*Landscape and Reclamation Team, Nottinghamshire County Council*

~~Natural England's website (in particular sections on Landscape, National character Areas, Accessible Green Space Standards and Linking People with their natural environment) – [www.naturalengland.org.uk](http://www.naturalengland.org.uk)– [www.gov.uk](http://www.gov.uk)~~  
~~DEFRA: Construction Code of Practice for the Sustainable Use of soil on development sites 2011~~

## **189. Land Stability/Coal Mining Risk Assessment**

Coalfields are divided into high and low risk areas. A high risk area is where there are hazards that are likely to affect new development. Planning applications for proposals involving built development or disturbance to the ground in Development High Risk Areas, as defined by the Coal Authority, and held electronically by the Local Planning Authority, should be accompanied by a Coal Mining Risk Assessment. Further information can be found on the Coal Authority website including an interactive map showing the extent of the referral area and the information required for inclusion in the Coal Mining Risk Assessment. If the development is subject to the Environment Impact Assessment process it is suggested that the Coal Mining Risk Assessment should be incorporated into the Environmental Statement. Applications in low risk areas need not be accompanied by a coal mining risk assessment.

*Further information and Policy driver*

*National Planning Policy Framework - Conserving and enhancing the natural Environment.*

*Planning Policy Guidance*

*Guidance on Planning applications: coal mining risk assessments published 2014*

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

Coal Authority website: [www.coal.decc.gov.uk/services/planning](http://www.coal.decc.gov.uk/services/planning)–[www.gov.uk](http://www.gov.uk)

Coal Authority Planning and Local Authority liaison email

[planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

British Geological Survey: [www.bgs.ac.uk](http://www.bgs.ac.uk)

### **Definitions**

**Definition of major applications**, (based on Town and Country Planning (Development Management Procedure) (England) Order 2015 2010), development involving:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development (i.e. 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 floor space 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 floor space 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@nottscc.gov.uk](mailto:development.management@nottscc.gov.uk)

Useful websites: [www.nottscc.gov.uk](http://www.nottscc.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. Sun lighting/day lighting/lighting Assessment			

15. Statement of Community Involvement			
<del>16. Sustainability Appraisal</del>			
167. Rights of Way			
<del>178. Landscape and Visual Impact Assessments</del>			
189. Land stability/ Coal Mining Risk assessment			

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