

DERBYSHIRE DALES DISTRICT COUNCIL

VALIDATION OF PLANNING APPLICATIONS GUIDANCE NOTE



APRIL 2008

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1. INTRODUCTION

- 1.1 Derbyshire Dales District Council is committed to providing a quicker, more predictable and efficient planning service. As part of this initiative, the Government is introducing a new standard electronic application form for applications for planning permission made under the Town and Country Planning system. As of 6th April 2008 the new form named '1APP' will be the only method of submitting a planning application in England.
- 1.2 Alongside this, and to support the use of this standard application form, the Government is introducing new information requirements for the validation of planning applications by Local Planning Authorities. These requirements make up the new Validation Checklists, the contents of which, dependant on the particulars of the application, will need to be provided by the applicant in order for the application to be considered 'valid' in accordance with the provisions of section 42 of the Planning and Compulsory Purchase Act 2004. Until the requirements of the relevant Validation Checklist are met, the application will not be processed.
- 1.3 This guidance note covers the following types of applications:-
- Householder consents.
 - Outline and full planning permission and approval of reserved matters.
 - Listed Building consent.
 - Conservation Area consent.
 - Advertisement consent.
 - Consent under Tree Preservation Orders.
 - Certificates of Lawful Development.
 - Applications for Prior Notification under the General Permitted Development Order 1995.
 - Removal or variation of conditions.
- 1.4 The purpose of the new validation arrangements is:-
- To provide advice and create certainty for applicants and agents by setting out clearly what information is required.
 - To create a 'level playing field' for all applicants.
 - To assist interested parties in their consideration of applications by ensuring that each application contains a basic level of consistent information.
 - To minimise the number of invalid applications received.
 - To minimise the need to request additional information either before or after registration of an application.
 - To improve determination times for applications in accordance with central Government targets.
- 1.5 The Council acknowledges that different types and scale of applications will require different levels of information and supporting documentation to be submitted. However, the Council will require all applications to meet the statutory minimum requirements in all cases.

- 1.6 Should an applicant consider particular information not to be required for a particular submission, the Council will consider the reasons put forward and respond to the applicant or their appointed agent.
- 1.7 However, the failure to submit the information required by this 'Validation Checklist' will result in an application being treated as invalid under Article 5(4) of the Town and Country Planning (General Development Procedure) Order 1995 (As Amended).

2. STATUTORY FRAMEWORK

- 2.1 The statutory framework for the validation and registration of planning and other applications is provided by:-
- Town & Country Planning Act 1990
 - Planning (Listed Buildings & Conservation Areas) Act 1990
 - Planning & Compensation Act 1991
 - Planning & Compulsory Purchase Act 2004
 - Town & Country Planning (General Development Procedure) Order 1995
 - Town & Country Planning (General Permitted Development) Order 1995
 - Town & Country Planning (Use Classes) Order 1995
 - Town & Country Planning (Applications) Regulations 1988
 - Town & Country Planning (Fees for Applications & Deemed Applications) Regulations 1989
 - Town & Country Planning (Control of Advertisements) Regulations 1992
 - Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
 - Town & Country Planning (Trees) Regulations 1999
 - Environment Act 1997 (Section 97) – Hedgerow Regulations 1997.
- 2.2 It should be noted that some of the legislation listed above has been amended a number of times.
- 2.3 The General Permitted Development Order 1995 (as amended) requires, as a minimum, that an application for planning permission should:-
- Be made in writing (paper or electronic application) to the Local Planning Authority on a form published by the Secretary of State (or a form which is substantially the same).
 - Include the particulars specified in the form and be accompanied by a plan which identifies the land to which it relates.
 - Any other plans and drawings or information necessary to describe the development which is the subject of the application; which must be drawn to an identified scale and, in the case of plans, show the direction of North.
 - For paper applications, include 1 original and 3 copies of the form (or fewer if the Local Planning Authority so indicates). No copies are required if the application is made electronically.
 - Include 1 original and 3 copies of the plans, drawings and information (or less if the Local Planning Authority so indicates or no copies if the application is submitted electronically).
 - Be accompanied by any Certificate or documents required by the Town and Country Planning Act 1990 or the General Development Procedure Order 1995.

- Include any fee required to be paid in respect of the application. Making an electronic payment, a bank transfer or calling the Council's payment line for the correct fee amount is taken as payment.
- Be accompanied by a Design and Access Statement, if required.

3. VALIDATION PROCESS

3.1 If an applicant submits an application not in accordance with both the national and local lists, the Authority will declare the application invalid and so decline to determine it.

An application will be invalid if:-

- the application form and its Certificates have not been completed correctly; or
- the necessary fee has not been provided; or
- the necessary plans, drawings and supplementary information have not been provided;

as set out in the following annexes.

3.2 If an application is invalid, we will contact the applicant or agent (by telephone, by e-mail or by letter) to explain what is required to create a valid application. Where an application is considered invalid, the Authority will notify the applicant as soon as possible of its reasons. In complex cases, the Authority will set out its reasons in writing to avoid any confusion and will specify the information required in order to make the application valid. Where an application is not accompanied by information required by the Planning Authority, applicants should provide written justification with the application as to why it is not appropriate in the particular circumstances.

3.3 If, after 14 days, the requested information has not been received, an invalid application will be treated as 'finally disposed of'. Any fee that has been paid will be refunded if an application is withdrawn before it is registered.

3.4 An invalid application will not be registered and will not be considered until all of the requested information has been received.

3.5 It is recognised that the electronic submission of supporting documents may not always be possible because of the volume and variety of information. In these circumstances, documents can be submitted in hard copy even if the application itself has been submitted electronically.

3.6 In circumstances where applicants do not agree with the requirement for information or plans set out by the Local Planning Authority, they may wish to challenge the decision not to validate an application. In such cases, applicants have the right of appeal for non-validation under Section 78 of the Town and Country Planning Act 1990. The relevant ground for the appeal would be non-determination within the 8 or 13 week determination period (depending upon whether the application is minor or major).

4. VALID APPLICATIONS (REGISTRATION)

4.1 An application will be valid:-

- If the application form and its Certificates have been completed correctly (and ideally includes the full OS grid reference);
- if the necessary fee has been provided;
- If the necessary plans, drawings and supplementary information have been provided;

as set in the following annexes.

4.2 Once a valid application has been received it will be registered with a start date that equals the day of receipt (which is day 0). The time period from application to decision begins the day after a valid application and the correct fee (where a fee is payable) have been received. If the application has been submitted electronically it will be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted. The statutory period for determination will then commence. Upon registration, an acknowledgement letter will be sent to the applicant or agent.

4.3 When registered, full details (including the application form, plans, drawings and supporting information) about, and progress on, an application will be made available to view on the Council's website www.derbyshiredales.gov.uk

5. REGISTERED APPLICATIONS – REQUESTS FOR ADDITIONAL INFORMATION

5.1 Whilst this document seeks to ensure that all the necessary information is provided before an application is registered, there will be occasions during the consideration period when more information will be required. The formal procedures that may be used to request additional information are set out below.

Outline Planning Applications

5.2 If it is considered that additional necessary information is required before an outline application can be determined then we will formally notify the applicant or agent, under Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995, of the additional information required. No further consideration of the application will be made and the application will not be treated as 'valid' until the additional information has been received.

5.3 Department for Communities and Local Government Circular 01/2006 sets out the scope of information to be submitted with an outline application. Even if layout, scale and access are reserved, an application will still require a basic level of information. As a minimum, applications should always include information on:-

Use – the use or uses proposed for the development and any distinct development zones within the site identified.

Amount of development - the amount of development proposed for each use.

Indicative layout - an indicative layout with separate development zones proposed within the site boundary where appropriate.

Scale parameters - an indication of the upper and lower limits for height, width and length of each building within the site boundary.

Indicative access points - an area or areas in which the access point or points to the site will be situated.

In addition to the information above, applications for outline planning permission should also include a Design and Access Statement.

Full and Reserved Matters Applications

- 5.4 If it is considered that additional information is required before a full or reserved matters application can be determined, then we will formally notify the applicant or agent under Article 4 of the Town and Country Planning (Applications) Regulations 1988 and Article 5(2) of the Town and Country Planning (General Development Procedure) Order 1995, of the additional information required.

Listed Building Applications

- 5.5 If it is considered that additional information is required before a listed building application can be determined then we will formally notify the applicant or agent under Regulation 3(3) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, of the additional information required.
- 5.6 The Council will, however, only request such information as is reasonably required to adequately consider the effect of the proposed works on the listed building as one of architectural and historic interest. In practice, this may mean that minor works to the interior may only require photographs of the existing interior it is proposed to alter, together with adequately detailed drawings of the works that are proposed.

Timescales

- 5.7 The decision to request additional information under Article 3(2) can be made up to 28 days after the initial registration of an application for outline planning permission. For all the other applications, the request for additional information will be made as soon as is reasonably practicable.
- 5.8 The Council recommends that applicants and agents discuss their proposals with a member of the Registration Team prior to the submission of their application if they are unsure about what information should be provided.

6. MAJOR APPLICATIONS - GENERAL ADVICE TO APPLICANTS

- 6.1 If an application:-
- comprises development of 10 or more dwellings; or
 - has a proposed residential site area of 0.5 hectare (or more); or
 - proposes the creation of 1000m² (or more) of floor space; or
 - has a non-residential site area of 1 hectare (or more);

then it will be classed as a major application.

- 6.2 We recommend that applicants and/or agents discuss their major proposals with the Council and key consultees before submitting an application. We also encourage applicants and agents to undertake appropriate pre-application consultations with other relevant consultees.
- 6.3 In practice, pre-application discussions are likely to be more appropriate for 'major' applications than for householder or small-scale proposals that are likely to be non-contentious. However, in certain instances, pre-application discussions with specialist consultees may still be appropriate for even minor proposals.
- 6.4 Targeting pre-application consultations to major applications will also assist the Council in responding to such requests in a timely manner. If we are approached at the **Pre-Application Stage** we will offer to:-
- facilitate joint meetings with key consultees and stakeholders (for large/complex applications);
 - set-up a 'development team' with an identified lead 'Case Officer' for large/complex applications that will oversee the decision making process;
 - provide advice on the relevant policies and other applicable legislation;
 - evaluate draft supporting information (e.g. affordable housing statement);
 - provide a template for a Section 106 Agreement and unilateral undertaking with standard clauses.
- 6.5 Once a major application has been registered the Case Officer will:-
- continue with the work started at the pre-application stage;
 - outline the decision making process and likely timetable for the application;
 - contact relevant Members so that their involvement can be identified and addressed at an early stage in the decision making process;
 - send the applicant and or agent copies of relevant consultation responses and other information considered necessary to progress the proposal.

7. CERTIFICATION OF APPLICATIONS

- 7.1 The Council recommends that agents ask their clients (i.e. the applicant) to sign the ownership Certificates that accompany applications for planning permission. This will ensure that Section 65 of the 1990 Planning Act and Paragraphs 6 and 7 of the General Development Procedure Order 1995 are complied with. This will also ensure that an agent will be protected from committing a criminal offence under Section 65(6) of the Act. (This Section states that if any person recklessly issues a Certificate, which contains a statement that is false or misleading, he shall be guilty of an offence for which the maximum penalty is £5,000. Unless an agent has actually investigated the title to the property, and can, therefore, sign with surety, the Courts might conclude that the agent has recklessly issued a Certificate.)
- 7.2 If an agent does sign the Certificates on their clients' behalf, then an individual (i.e. a director, partner or another member of the company that has been authorised to sign on behalf of that company) must sign the Certificates. Writing or typing a company name is not acceptable. It is recognised that when an agent signs a Certificate they are usually doing so as an employee of the company they work for and not in a personal capacity.
- 7.3 If in doubt as to what information is required to accompany an application, please contact the Registration Team to discuss the matter.

7.4 In many instances, particularly with householder applications, applicants may consider it sensible to advise their neighbours of their intention to submit a planning application before any such application is formally registered and neighbours notified by the Council in accordance with its usual neighbour notification practice.

8. VALIDATION CHECKLISTS

8.1 The following advice should be read in conjunction with the relevant Validation Checklist for the type of application you are submitting to the District Council. This illustrates the level of information required in order to ensure that an application can be validated.

8.2 The Validation Checklists provide details of the national and local requirements. The following sections provide further information in respect of the local requirements.

Affordable Housing Statement

Local Plan policy and the Council's Affordable Housing Supplementary Planning Document (Adopted July 2006) requires affordable housing to be provided for schemes comprising 15 or more dwellings (or sites with an area of 0.5ha or more) in Matlock, Wirksworth, Ashbourne.

Where applications are received for residential development on sites within the Settlement Framework Boundaries of Other Settlements (which include Brailsford, Hulland Ward, Cromford, Matlock Bath, Darley Dale, Middleton Doveridge, Tansley) that exceeds the thresholds set out in Policy H11 in the adopted Derbyshire Dales Local Plan, the applicant will be advised that the need for affordable housing will be a material consideration in the determination of a planning application.

The Supplementary Planning Document provides detailed guidance on the application of policies H10 (Affordable Housing within the Settlement Framework of Market Towns); H11 (Affordable Housing within the Settlement Frameworks of Other Settlements), H12 (Alternative Provision for Affordable Housing Outside Settlement Frameworks) and H13 (Affordable Housing Exception Sites in Rural Areas) of the Derbyshire Dales Local Plan (Adopted November 2005).

A copy of the Affordable Housing Supplementary Planning Document 2006 can be viewed and downloaded from the Council's website at <http://www.derbyshiredales.gov.uk>

The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development together with details of the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained.

Biodiversity Survey and Report

Where a proposed development may affect protected species, designated sites, semi-natural habitats or geological features, the applicant must submit an appropriate ecological survey and an assessment of possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and / or compensation measures, information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992.

The Biodiversity Survey:-

- a) should be undertaken and prepared by suitably qualified, competent persons with relevant experience;
- b) must be carried out at an appropriate time of year in suitable weather conditions;
- c) must use nationally recognised survey guidelines/methods where available;
- d) must be to an appropriate level of scope and detail;
- e) must record which species are present and identify their numbers (may be approximate) and map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).
- f) must record which habitats and features are present on and, where appropriate, around the site and identify the extent/area/length of habitats present.

The assessment must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards), or the designated sites, priority habitats, other listed biodiversity features or geological features.

Where harm is likely, evidence must be submitted to show:-

- a) how alternative designs or locations have been considered;
- b) how adverse effects will be avoided wherever possible;
- c) how unavoidable impacts will be mitigated or reduced;
- d) how impacts that cannot be avoided or mitigated will be compensated.

The Assessment should also indicate whether there is likely to be a net loss or gain in species numbers after development or whether there will be a net loss or gain in the area (in hectares) of priority habitat on the site after development.

Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long-term maintenance and management.

This information might form part of an Environmental Statement where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water

courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

Government planning policies for biodiversity are set out in Planning Policy Statement 9 : *Biodiversity and Geological Conservation* (PPS9). PPS9 is accompanied by a Government Circular : *Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system* (ODPM Circular 06/2005, Defra Circular 01/2005 and *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*.

Exceptions When a Full Survey and Assessment May Not Be Required

International and National Sites and Local Nature Reserves: A survey and assessment will not be required where the applicant can provide pre-application correspondence with Natural England, confirming that Natural England is satisfied that the proposed development will not adversely affect an ecological or geological interest of national or international importance.

Local Sites and Habitats: A survey and assessment will not be required where the applicant can provide pre-application correspondence with the Local Planning Authority's ecologist and/or the local Wildlife Trust or with appropriate local geological experts confirming that the proposed development will not affect any local sites designated for their local nature conservation importance or other significant features.

Design and Access Statements

A Design and Access Statement should explain the design principles and concepts that have informed the development and how access issues have been dealt with.

A Design and Access Statement should explain the design principles and concepts that have been applied to particular aspects of the proposal – these are the amount, layout, scale, landscaping and appearance of the development.

The **amount** of development is how much development is proposed. For residential development this means the number of proposed units for residential use and for all other development this means the proposed floor space for each proposed use.

The **layout** is the way in which buildings, routes and open spaces (both private and public) are provided, placed and orientated in relation to each other and buildings and spaces surrounding the development. If layout is reserved at the outline stage, the outline planning application should provide information on the approximate location of buildings, routes and open spaces proposed.

Scale is the height, width and length of a building or buildings in relation to its surroundings. If scale has been reserved at the outline stage the application should still indicate parameters for the upper and lower limits of the height, width and length of each building proposed to establish a 3-dimensional building envelope within which the detailed design of buildings will be constructed. In such cases the design component of the statement should explain and justify the principles behind these parameters and explain how these will inform the final

scale of the buildings.

For detailed applications and outline applications that do not reserve scale, the Design and Access Statement should explain and justify the scale of buildings proposed, including why particular heights have been settled upon and how these relate to the site's surroundings and the relevant skyline. The statement should also explain and justify the size of building parts, particularly entrances and facades with regard to how they will relate to the human scale.

Landscaping is the treatment of private and public spaces to enhance or protect the amenities of the site and the area in which it is situated through hard and soft landscaping measures. Statements should also explain how landscaping will be maintained. If landscaping is reserved at the outline stage the outline application does not need to provide any specific landscaping information. However, the Design and Access Statement should still explain and justify the principles that will inform any future landscaping scheme for the site.

For detailed applications and outline applications that do not reserve landscaping, the Design and Access Statement should explain and justify the proposed landscaping scheme, explaining the purpose of landscaping private and public spaces and its relationship to the surrounding area. A schedule of planting and proposed hard landscaping materials should be included.

Appearance is the aspect of a place or building that determines the visual impression it makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

If appearance is reserved at the outline stage, the outline application does not need to provide any specific information on the issue. In such cases the Design and Access Statement should explain and justify the principles behind the intended appearance and explain how these will inform the final design of the development.

For detailed applications and outline applications that do not reserve appearance, the Design and Access Statement should explain and justify the appearance of the place or buildings proposed including how this will relate to the appearance and character of the development's surroundings. It should explain how the decisions taken about appearance have considered accessibility. The choice of particular materials and textures will have a significant impact upon a development's accessibility. Judicious use of materials that contrast in tone and colour to define important features such as entrances, circulation routes or seating, for example, will greatly enhance access for everyone. Similarly, early consideration of the location and levels of lighting will be critical to the standard of accessibility ultimately achieved.

The access component of the statement relates only to "access to the development" and, therefore, does not extend to internal aspects of individual buildings. Statements should explain how access arrangements would ensure that all users would have equal and convenient access to buildings and spaces and the public transport network. The statement should address the need for flexibility of the development and how it may adapt to changing needs.

Design and Access Statements for outline and detailed applications should also demonstrate how crime prevention measures have been considered in the design of the proposal in accordance with advice contained at paragraph 87 of DCLG Circular 01/2006 and as set out in “*Safer Places - the Planning System and Crime Prevention*” (ODPM/Home Office 2003).

Further information regarding Design and Access Statements can be found at:-
www.derbyshiredales.gov.uk/Environment/Planning/Landuseplanning

Economic Statement

Applications may also need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal.

Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations (SI 1999/293), as amended, set out the circumstances in which an Environmental Impact Assessment (EIA) is required. EIA may obviate the need for other more specific assessments.

Where an EIA is required, Schedule 4 to the regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into consideration when the Local Planning Authority decides whether to grant planning consent. It may be helpful for a developer to request a ‘screening opinion’ (i.e. to determine whether EIA is required) from the Local Planning Authority before submitting a planning application. In cases, where a full EIA is not required, the Local Planning Authority may still require environmental information to be provided.

For general guidance, an EIA may be required, dependant on the details of the proposal, for development of the following types:-

1. Agriculture and aquaculture.
2. Extractive industry.
3. Energy industry.
4. Production and processing of metals.
5. Mineral industry.
6. Chemical industry.
7. Food industry.
8. Textile, leather, wood and paper industries.
9. Rubber industry - Manufacture and treatment of elastomer-based products.
10. Infrastructure projects.
11. Other projects (such as significant urban development).
12. Tourism and leisure.

13. Any change to or extension of development of a description listed in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 or where development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment; Details of The Town and Country Planning (Environmental Impact Assessment) Regulations (1999) can be found at:-
<http://www.opsi.gov.uk/si/si1999/19990293.htm>

Flood Risk Assessment

A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and for all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. A FRA will also be required for any development other than minor development in a designated critical drainage area which has been notified to the Local Planning Authority by the Environment Agency.

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

For major developments in Flood Zone 1, the FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should be prepared by an applicant in consultation with the local planning authority with reference to their published local development documents and any Strategic Flood Risk Assessment. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Planning Policy Statement 25 : *Development and Flood Risk* (December 2006), provides comprehensive guidance for both Local Planning Authorities and applicants in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Further information regarding Flood Risk Zones can be found at:-
<http://www.environment-agency.gov.uk/maps/info/floodmaps/>

Foul Sewage and Utilities Assessment

All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers.

Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in *DETR Circular 03/99 and Building Regulations Approved Document Part H and in BS6297*.

If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

The applicant should demonstrate:-

- (a) that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;
- (b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
- (c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains;
- (d) where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

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

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with either a Planning Officer or a Conservation Officer before any application is made. The following is a guide to the sort of information that may be required for different types of application.

For applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required. A structural survey may also be required in support of an application for listed building consent.

For applications for conservation area consent, a written statement that includes a structural survey, an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required.

For applications either related to or impacting on the setting of heritage assets, a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.

For applications within or adjacent to a Conservation Area, an assessment of the impact of the development on the character and appearance of the area may be required.

For all applications involving the disturbance of ground within an Area of Archaeological Potential as defined in the development plan or in other areas in the case of a major development proposal or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information and submit the results as part of the Heritage Statement.

Supporting information should include plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures and historic parks and gardens. A heritage statement will be required in respect of proposals involving the disturbance of ground within an Area of Archaeological Potential, (contact Derbyshire County Council Archaeologist for information) or in other areas the subject of major development proposals or significant infrastructure works, where archaeological remains may survive, as may be specified in pre-application advice. If an application affects such a site an applicant may need to commission an assessment of existing information and submit the results as part of the application in accordance with policy advice in Planning Policy Guidance Note 15 : *Planning and the Historic Environment*, Paragraphs 3.16 to 3.19.

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

Land Contamination Assessment

A Land Contamination Assessment is required for contaminated sites, sites previously used for industrial purposes or near a watercourse and major developments (10 or more residential units, 1,000 m² non-residential floorspace) and those on or adjoining public open space. The information should include an extended assessment of contamination in line with Planning Policy Statement 23 : *Planning and Pollution Control* (November 2004).

Sufficient information should be required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level.

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

Landfill Statement

Applicants should provide sufficient information to enable the Waste Planning Authority to fulfill its requirements under the Landfill (England and Wales) Regulations 2002. This information may be provided as part of the Environmental Impact Assessment.

Landscaping Details

Applications must be accompanied by landscaping details and include proposals for long-term maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the Design and Access Statement, if required.

The Council has prepared a Landscape Character and Design Supplementary Planning Document (Adopted July 2007) that compliments Policies NBE8 (*Landscape Character*) and NBE26 (*Landscape Design in Association with New Development*) of the Adopted Derbyshire Dales Local Plan. The SPD provides detailed guidance on how new development can meet the aims and objectives of Local Plan policies and seeks to raise awareness of the design issues related to landscape character. It provides an important reference point for developers on design standards ensuring that future development protects or enhances the character and local distinctiveness of the landscape.

A copy of the Landscape Character and Design Supplementary Planning Document can be viewed and downloaded from the Council's website at <http://www.derbyshiredales.gov.uk>

Lighting Assessment
<p>Proposals involving the provision of publicly accessible developments in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be required to be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design.</p> <p><i>Lighting in the Countryside : Towards Good Practice</i> (1997) is a valuable guide for Local Planning Authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.</p> <p>Further information regarding Lighting Assessments can be found at:- www.communities.gov.uk/publications/planningandbuilding/lighting</p>
Noise Assessment
<p>Applications for developments that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise assessment prepared by a suitably qualified acoustician. Further guidance is provided in Planning Policy Guidance note 24 : <i>Planning and Noise</i>.</p>
Open Space Assessment
<p>For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning consent is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. National planning policy is set out in <i>Planning Policy Guidance note 17: Planning for open space, sport and recreation</i> (July 2002).</p>
Parking Provision
<p>Applications should provide details of existing and proposed parking provision (where relevant). These details could also be shown on a site layout plan.</p>
Photographs / Photomontages
<p>These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs</p>

should be provided if the proposal involves the demolition of an existing building or development affecting a Conservation Area or a listed building.

Planning Obligations - Draft Heads of Terms

Planning obligations (or “Section 106 Agreements” - agreements made under Section 106 of the Town and Country Planning Act 1990 as substituted by Section 12 of the Planning and Compensation Act 1991) are private agreements negotiated between Local Planning Authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable, development which would otherwise be unacceptable in planning terms. Where Development Plan policies give details of likely Section 106 requirements, a statement of the proposed Heads of Terms should be submitted with the application.

Further advice is available in ODPM Circular 05/2005, Planning Obligations and the model Section 106 Agreement, both of which are available on the Communities and Local Government website at www.communities.gov.uk

The Audit Commission has also produced helpful guidance. Route Map to Improved Planning Obligations: Improving performance on Section 106 agreements which can be found on their website at www.audit-commission.gov.uk

Planning Statement

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

Planning Statements should specifically address issues of sustainability, including proposals for renewable energy in accordance with Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Statement 22 – Renewable Energy, both of which are available on the Communities and Local Government website at www.communities.gov.uk

Site Waste Management Plan

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

Statement of Community Involvement

Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Local Planning Authority's adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals. Further guidance on Statements of Community Involvement is available in Chapter 7 of '*Creating Local Development Frameworks: A Companion Guide to PPS12* (November 2004)'.

Structural Survey

A structural survey will be required for all applications which propose the conversion of a historic building or farm buildings in accordance with the Council's Conversion of Farm Buildings Supplementary Planning Document (Adopted November 2005).

A copy of the Conversion of Farm Buildings Supplementary Planning Document can be viewed and downloaded from the Council's website at <http://www.derbyshiredales.gov.uk>

Telecommunications Development – Supplementary Information

Planning applications for mast and antenna development by mobile phone network operators in England should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.

Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on the information that may be required is set out in the *Code of Practice on Mobile Network Development (2002)*.

Town Centre Uses

Planning Policy Statement 6: *Planning for Town Centres* (March 2005), sets out the main town centre uses to which the policy applies, in paragraph 1.8. Subject to the policies set out in the document, paragraph 3.4 lists the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

Transport Assessment

Planning Policy Guidance 13 : *Transport*, advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes, the TA should simply outline the transport aspects of the application while, for major proposals, the TA should illustrate accessibility to the site by all modes of transport and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

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

Travel Plan

A Travel Plan should be submitted alongside planning applications which are likely to have significant transport implications as advised by Planning Policy Guidance Note 13: *Transport* (DETR, 2001), paragraphs 87-91.

A Travel Plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The Travel Plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan co-ordinator, the management arrangements for the plan, e.g. a steering group and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.

Further advice is available in 'Using the Planning Process to Secure Travel Plans: Best Practice Guidance for Local Authorities, Developers and Occupiers (ODPM and DfT, 2002) and 'Making Residential Travel Plans Work (DfT, 2007).

Tree Survey / Arboricultural Assessment

Where there are trees within the application site or on land adjacent to it that could be influenced or affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced Arboriculturist.

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

Ventilation / Extraction Statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. drinking establishments - use as a public house, wine-bar or other drinking establishment) and A5 (i.e. hot food takeaways - use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial).

This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed. This will be required for applications which include commercial extraction flues or that require special sound insulation measures.