

Details of Local Requirements

The following advice sets out a basic framework to assist in the preparation of documents required by the Local Planning Authority when submitting planning applications.

Unless otherwise specified in the List of Local Requirements, “Major” application has the same meaning as set out in the Town and Country Planning (General Development Procedure) Order 1995 (or any Order revoking or re-enacting that order with or without modification) and presently comprises:-

- Residential development where the number of dwellings to be provided is 10 or more; or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known;
- The provision of a building or buildings where the floorspace to be created by the development is 1,000 sq.m. or more; or
- Development on a site of 1ha or more.

Affordable housing statement

Where local plan policies or Supplementary Planning Document guidance requires the provision of affordable housing the local planning authority may require information concerning both the affordable housing and any market housing for example, the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.

Air quality assessment

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

Biodiversity survey and report

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats

of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. Government planning policies for biodiversity are set out in **Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)** (August 2005), PPS9 is accompanied by a Government Circular: *Biodiversity and Geological*

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

Daylight/Sunlight assessment

In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications may also need to be accompanied by a daylight/sunlight assessment. Further guidance is provided in, for example, BRE guidelines on daylight assessments. (Local authorities may need to explain to applicants that planning permission would not confer any immunity on those whose works infringe another's property rights, and which might be subject to action under the Rights of Light Act 1959.)

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 Statement

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.

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.

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)*** and its associated *Practice Guide* provide comprehensive guidance for both local planning authorities and applicants in relation to the undertaking of FRAs and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

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 be required in support of an application for listed building consent. 32 The Validation of Planning Applications 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. For heritage assets, advice is provided in **Planning Policy Guidance Note 15 Planning and the Historic Environment**, (September 1994).

For archaeological remains, advice is provided in **Planning Policy Guidance Note 16: Archaeology and Planning** (November 1990).

Land Contamination assessment

Applications may also need to be accompanied by a land contamination assessment which should include an extended assessment of contamination inline 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 applications

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

Landscaping details

Applications may 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. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Lighting assessment

Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a listed building or a conservation area, or open countryside, where external lighting would be provided or made necessary by the development, should be required to be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. **Lighting in the countryside: Towards good practice** (1997)¹⁴ is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Noise assessment

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 24: Planning and Noise** (September 1994).

Open Space assessment

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 ***Planning Policy Guidance note 17: Planning for open space, sport and recreation*** (July 2002).

Parking Provision

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

Photographs and Photomontages These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.

Planning obligations – Draft Head(s) of Terms

Planning obligations (or “section 106 agreements”) 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 Documents contain policies that give details of likely planning obligation requirements, a local planning authority may require a statement of the proposed Heads of Terms to be submitted with the application. Further advice on planning obligations is available in Circular 05/2005,

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.

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

Sustainable Drainage

As a statutory consultee to the planning application process, Essex County Council will be commenting on submissions based on the principles of sustainable drainage with the aim of managing flood risk and protecting the natural environment, in line with Government policy set out in the NPPF under section 10 'Meeting the challenge of climate change, flooding and coastal change' paragraph 103 and section 11 'Conserving and enhancing the natural environment' paragraph 109. These principles are further outlined in the Essex County Council Adopted SuDS Design guide. In order to determine whether an application that has been submitted meets these targets ECC requires the submission of the information detailed in the Checklist For Submission – 'Detailed Drainage Design' and 'Outline Drainage Design'. Failure to meet the required level of information and to demonstrate that the site will be developed in accordance with these principles is likely to mean that a recommendation will be made to refuse the application.

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 – Evidence to accompany applications

Planning Policy Statement 6: Planning for Town Centres (March 2005)¹⁸, 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 (March 2001) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in **Guidance on Transport Assessment, (March 2007)** published by the Department for Transport. **18** Note that under proposals set out in the Planning White Paper Planning for a Sustainable Future (May 2007), it is proposed to review Planning Policy Statement 6.

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.

Tree survey/Arboricultural implications

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