

# SOUTH DERBYSHIRE DISTRICT COUNCIL PLANNING SERVICE

## Local List Guidance

The list below covers some of the possible Local requirements. The checklists will determine which areas you will need to consider.

### **Affordable housing statement**

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

In South Derbyshire currently there is a requirement for the provision of affordable housing on all sites of 15 houses or more but early discussion with the Council's Housing Strategy Manager is advised.

### **Air quality assessment**

Where the development is proposed inside, or adjacent to an air quality management area (AQMA) (there are currently none in South Derbyshire), 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](#)).

Applications for major development in the countryside that will affect areas designated at the national level in relation to landscape and scenic beauty will need supporting information to enable consideration of the issues set out in paragraphs 21-23 of [PPS7](#).

See also specific policies in the [South Derbyshire Local Plan](#).

### **Environmental Impact Statement**

The Town and Country Planning (Environmental Impact Assessment) Regulations (1999) set out the circumstances in which an Environmental Impact Assessment (EIA) is required. The British Standards Institute has produced a Publicly Available Standard, PAS 2010 *Planning to halt the loss of Biodiversity* which takes the form of recommendations on standard procedures for taking account of biodiversity in the planning process, and the Association of Local Government Ecologists has developed a [good practice template](#) which gives detailed validation requirements for biodiversity and geological conservation. Local authorities may wish to draw on this material when preparing their own local validation requirements. For example, Site layout planning for daylight and sunlight: a guide to good practice. BRE Report 209, 1991.

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

### **Evidence to accompany applications for town centre uses**

Policy advice on the tests for town centre uses is provided in [Planning Policy Statement 4: Planning for Sustainable Economic Growth](#) (December 2009)

Further advice is available from DCLG in the form of a [town centres guide](#) and a [guide to impact assessments](#)

### **Flood risk assessment**

At the planning application stage, an appropriate Flood Risk Assessment (FRA) will be required to demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now and taking climate change into account. Planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 should be accompanied by a Flood Risk Assessment (FRA). This should identify and assess the risks of all forms of flooding to and from the

development and demonstrate how these flood risks will be managed, taking climate change into account. For major developments in Flood Zone 1, the FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should be prepared by a developer in consultation with the local planning authority. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. Planning applications for development proposals within 20 metres of the bank of a River, affecting culverts or within Flood zones will require an assessment of flood risk and must in appropriate cases be accompanied by a Flood Risk Assessment. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed taking climate change into account. The Flood Risk Assessment may need to consider a Sequential Test and Exceptional Circumstances approach.

Maps of flood zones are available from the Environment Agency or by using their website <http://www.environment-agency.gov.uk> alternatively there is further information at on the Council's website on [flood risk assessments](#). The extent of the Flood Risk Assessment will need to be determined by reference to the standing advice from the Environment Agency detailed on the [Consultation Matrix](#). [Planning Policy Statement 25: 'Development and Flood Risk'](#) provides comprehensive guidance for both LPAs 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.

### **Foul sewerage assessment**

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

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

Supporting information may include plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, and historic battlefields. A heritage statement will be required in respect of proposals involving the disturbance of ground within an Area of Archaeological Potential as defined in the local plan, or in other areas the subject of major development proposals or significant infrastructure works, where archaeological remains may survive, as may be specified in pre-application advice. If

an application affects such a site an applicant may need to commission an assessment of existing information and submit the results as part of the application in accordance with policy advice in [Planning Policy Statement 5 'Planning for the Historic Environment'](#), (March 2010).

You can determine if your property or site is a Listed Building, Ancient Monument or within the World Heritage site or its Buffer Zone, Conservation Area, Historic Park and Garden or subject of an Article 4 Direction by linking to [Derbyshire Maps](#). Please note that a building may also be listed by being within the curtilage of a listed building. This is not indicated on the maps.

The relevant Planning Policies relating to Heritage issues can be found in the [South Derbyshire Local Plan](#).

### **Land Contamination assessment**

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

On previously developed or other sites, surveys will need to be made to determine whether there are any issues of contamination arising from ground contamination and ground gas. Where contamination is identified the proposed measures for remediation will need to be identified.

Investigations may require

- Site Investigation
- Desk Top Study
- Detailed Invasive Investigation
- Remediation Strategy and Validation Report

[A Guide For Developers is available.](#)

### **Landfill applications**

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

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

### **Noise impact assessment**

Application proposals that raise issues of disturbance or are considered to be a noise sensitive development in what are considered noise sensitive areas should be supported by a noise impact assessment prepared by a suitably qualified acoustician. Further guidance is provided in [Planning Policy Guidance note 24: Planning and Noise](#) (September 1994).

The Council's Environmental Health Staff may also be able to offer further guidance on the above. Advice should be sought from the Council's [Environmental Health Service](#) for individual Council requirements for sound insulation in residential and commercial developments and from [Building Control](#) about the need to submit either a 'Full Plans' application under the Building Regulations or a Building Notice for the erection of most types of buildings, material alterations to existing buildings. Works will need to be inspected on site during the construction process.

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

The Council requires the provision of recreational open space within all new housing developments of 5 or more houses. All submitted plans should show any areas of existing or proposed open space within or adjoining the application site.

In all new housing developments where on site provision is not delivered the Council will negotiate a commuted sum in lieu of the on site provision of Public Open Space through the Section 106 process. Where the Council agrees to adopt recreational open space a commuted payment will be negotiated for the ongoing maintenance of the provision through the Section 106 Process.

### **Other Plans**

These include additional plans or drawings which may be required in certain circumstances, dependent on factors such as the location or characteristics of the site and the scale and nature of the development, such as plans for issues relating to sustainability, including energy and water saving as well as landscaping proposals.

### **Parking and Access Arrangements**

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

### **Photographs and Photomontages**

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

### **Planning obligations - Draft Head(s) of Terms**

Planning obligations (or "section 106 agreements") 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. A statement of the proposed Heads of Terms may be submitted with the application.

The Council will particularly seek the provision of:

- Affordable Housing
- Open Space/recreation facilities
- Transport Infrastructure and Travel Schemes
- Education and Community Facilities.
- Health care

Applicants should also provide details of Title to the land or Office Copy entries with contact details of a Solicitor dealing with the matter.

[The Council's usual requirements are available here.](#)

### **Planning Statement/Business Case**

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. For example – Have proposals for barn conversions considered the conversion to tourist/employment uses in advance of conversion to a dwelling in accordance with Local Plan Policy. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. The proposal should also explain the Business Case for the development where necessary. However, a separate statement on community involvement may also be appropriate.

### **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)*.

[The Council has published its own Statement of Community Involvement as part of its preparation of the Local Development Framework.](#)

### **Sustainability/Climate Change Statement**

A sustainability statement should detail the elements of the scheme that address sustainable development issues, including the positive environmental, social and economic implications, together with details of specific measures to minimise water and energy usage and the generation of waste and including the provision of micro renewables and sustainable drainage. The statement should draw on the advice contained in the Council's Supplementary Planning Statement –Sustainable Development covering new housing, conversions and extensions.

Further guidance is obtainable from [PPS1](#), [PPS3](#), [PPS22 - Renewable Energy](#)

Also see

- [Building A Greener Future – Towards Zero Carbon](#)
- [The Code for Sustainable Homes](#)

### **Structural survey**

A structural survey may be required in support of an application such as a barn conversion. The survey will need to be carried out by a qualified structural engineer and identify the condition of the building and any recommendations for remediation.

### **Transport Assessment**

[Planning Policy Guidance 13 'Transport' \(March 2001\)](#) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in *Guidance on Transport Assessment*, published by the Department for Transport (March 2007).

### **Travel Plan (Draft)**

A (draft) travel plan should be submitted alongside planning applications which are likely to have significant transport implications. A (draft) travel plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. 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 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: [Good Practice Guidelines: Delivering Travel Plans through the Planning Process](#) [DfT, 2009] and [Making travel plans work](#) [DfT, 2008].

### **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. A suitably qualified and experienced arboriculturist should prepare this information. 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. The details should show the position size age species height and spread of the tree and an assessment of its condition and any appropriate remedial measures. Measures for protecting the tree during construction should also be detailed. Where remedial works are proposed these should follow the guidance in BS 3998 Recommendations for tree works.

See also the Councils SPG on ['Trees and Development Sites'](#).

### **Utilities Statement**

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

Utilities statements should demonstrate:

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

### **Ventilation/Extraction statement**

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. Restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment) and A5 (i.e. Hot food takeaways - use for the sale of hot food for consumption off the premises). This information (excluding odour abatement techniques unless specifically required) may 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.