APPENDIX A – REPORT 13/239 - REVIEW OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

VALIDATION REQUIREMENTS FOR PLANNING AND OTHER APPLICATIONS SUBMITTED UNDER THE TOWN AND COUNTRY PLANNING ACTS

This document was originally prepared in partnership on behalf of a number of North Yorkshire Planning Authorities and has subsequently been reviewed by Scarborough Borough Council.

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## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>5</td>
</tr>
<tr>
<td>Protocol for Submission and Validation of Applications</td>
<td>7</td>
</tr>
<tr>
<td>• Pre-Application Discussions</td>
<td>7</td>
</tr>
<tr>
<td>• Validation of Applications</td>
<td>8</td>
</tr>
<tr>
<td>• Processing of Applications</td>
<td>8</td>
</tr>
<tr>
<td>• Section 106 Planning Obligations</td>
<td>9</td>
</tr>
<tr>
<td>• Summary</td>
<td>9</td>
</tr>
<tr>
<td>Information Requirements for Applications by Main Application Type</td>
<td>11</td>
</tr>
<tr>
<td>Explanatory Guidance of Terms</td>
<td>13</td>
</tr>
<tr>
<td>• National List of Validation Requirements</td>
<td>13</td>
</tr>
<tr>
<td>• Standard Application Form</td>
<td>13</td>
</tr>
<tr>
<td>• Location Plan</td>
<td>13</td>
</tr>
<tr>
<td>• Site/Block Plan</td>
<td>13</td>
</tr>
<tr>
<td>• Existing and Proposed Elevations</td>
<td>14</td>
</tr>
<tr>
<td>• Existing and Proposed Floor Plans</td>
<td>14</td>
</tr>
<tr>
<td>• Existing and Proposed Site Sections, Finished Floor and Site Levels</td>
<td>14</td>
</tr>
<tr>
<td>• Roof Plan</td>
<td>15</td>
</tr>
<tr>
<td>• Ownership Certificate and Notice</td>
<td>15</td>
</tr>
<tr>
<td>• Agricultural Land Declaration</td>
<td>15</td>
</tr>
<tr>
<td>• Design and Access Statement</td>
<td>15</td>
</tr>
<tr>
<td>• Environmental Statement</td>
<td>19</td>
</tr>
</tbody>
</table>
• Local List of Validation Requirements 17
• Affordable Housing and/or Viability Statement 17
• Air Quality Assessment 18
• Biodiversity Survey and Report 18
• Daylight/Sunlight Assessment 19
• Flood Risk Assessment or Surface Water Drainage Details 19
• Foul Sewerage and Utilities Assessment 20
• Geotechnical Survey/Stability Report 21
• Heritage Statement 21
• Land Contamination Assessment 22
• Landscape and Visual Impact Assessment 23
• Landscape Plans 23
• Lighting Assessment 23
• Noise Assessment 24
• Open Space Assessment 24
• Parking Provision 24
• Photomontages, 3D Images and Photographs 24
• Planning Obligations – Draft Heads of Terms 25
• Planning Statement 25
• Socio-Economic Statement 25
• Statement of Community Involvement 25
• Structural Survey 26
• Summary of Planning Applications 26
• Telecommunications Development – Supplementary Information 26
• Town Centre Uses – Evidence to Accompany Applications 26
• Transport Statement/Assessment 26
• Travel Plan 27
• Tree Survey/Arboricultural Implications 27
• Ventilation/Extraction Statement 27
1. Introduction

1.1 In 2008 an amendment to the Town and Country Planning (General Development Procedure) Order 1995 introduced a mandatory standard national application form and associated information requirements for the validation of planning applications and other applications submitted under the Town and Country Planning Acts. The standard ‘1APP’ form is now available online via the planning portal. Government Guidance states that where local authorities wish to maintain their own distinct ‘local list’ (in addition to the ‘national list’) of information, this should be reviewed, consulted on and adopted before 31 July 2013 and every 2 years thereafter. Therefore, this document takes account of these requirements, as well as other changes in national and local planning policy as applicable to Scarborough Borough Council.

1.2 The purpose of the validation arrangements is to

- provide a guide to the information that may be required at the outset;
- enable the Local Planning Authority to provide applicants with certainty as to the information required;
- enable the Local Planning Authority to have all the necessary information to determine the application and to draft the planning permission and all conditions;
- minimise the need for further submission of additional information in order to allow Local Planning Authorities a reasonable opportunity to determine applications within the National Indicator; and,
- ensure consistency in the approach taken by different Local Planning Authorities validating applications, whilst recognising the need for variation appropriate to local circumstances.

1.3 With this in mind, in 2011, a group of the North Yorkshire Planning Authorities sought to set down a consistent and proportionate approach to the information that is required for all different types of applications. This will be kept under review every two years to ensure that it is meeting the above objectives in practice. In setting out these requirements, we are seeking to minimise the number of applications which have to be returned as invalid due to insufficient information or being wrongly completed.

1.4 This revised document takes full account of the Department of Communities and Local Government document ‘Guidance on Information Requirements and Validation’. In line with its recommendations the local list of application requirements are presented in tabular form, using weblinks where appropriate. In drawing up these lists the key principles set out in the DCLG document have been carefully considered. In summary, these principles are:

- Necessity
- Precision
- Proportionality
- Fitness for Purpose
- Assistance
1.5 This document and the Borough Council's approach to validation takes full account of the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) in May 2013, which states, “the particulars or evidence the authority require to be included in the application —

(i) are reasonable having regard, in particular, to the nature and scale of the proposed development; and
(ii) are about a matter which it is reasonable to think will be a material consideration in the determination of the application”

1.6 While the ‘local list’ for validation contains numerous potential items, its purpose is to provide comprehensive guidance on the type of information required to assess a wide range of planning applications. The Council will apply a proportionate approach, requiring submission of items from the ‘local list’ only where they are relevant to the consideration of a particular application. The information required on the national list, plus possibly a few items from the local list will suffice to make most applications valid. Some of the documents on the local list may also form part of another document such as a Planning or Design and Access Statement. The guidance seeks to indicate where this might be appropriate. If in any doubt, please contact Planning Services for further advice.

1.7 Section 2 of this document explains the approach to the submission and validation of applications. Section 3 provides a list of requirements for each of the main types of application made under the Town and Country Planning Acts. Where “combination” applications are made, then reference should be made to both of the individual requirements. Section 4 provides explanatory guidance to the terms used.

1.8 The checklist will provide the bulk of the information that you need in order to submit a valid application, but more detailed information of the terms used as well as a general overview of the application process is provided in the following pages of this document if required. There is also a separate Appendix providing detailed guidance on the specialist area of Biodiversity and Geological Assessments.

1.9 Although not specifically covered by these requirements, applications can also be made for extensions to the time limits for implementing permissions; non-material amendments to existing permissions; and minor material amendments to existing permissions. Detailed information about the specific requirements for making such applications can be found in the Government publication Greater Flexibility for Planning Permissions.
2. Protocol for Submission and Validation of Applications

Pre-Application Discussions

2.1 You are invited to have pre-application discussions with a Planning Officer prior to the formal submission of an application to:

(a) confirm the scope of the information in the application;

(b) address whether the proposal may need to be amended to comply with the Council’s policies in the Development Plan and other Officer advice; and,

(c) to seek a view on whether planning permission is likely to be granted.

This advice is given without prejudice to the final recommendation on the proposal, which will be made in the light of consultation responses and detailed consideration of the application (see link below). Please note that Scarborough Borough Council normally charges for pre-application advice. However, if the enquiry solely relates to the scope of information needed to make an application valid, and this does not involve a meeting, then this will not be subject of a charge. More information on the pre-application advice service can be found [here](#).

2.2 It may be necessary in relation to some supporting information to carry out pre-submission consultation with technical consultees, for example, the Environment Agency, Yorkshire Water, Natural England, North Yorkshire County Council or English Heritage as appropriate, prior to the formal registration of the application. It is expected that such consultation will automatically be part of the pre-application process for all major\(^1\) applications and that applicants for other application types will carry out such consultation where particular technical issues are identified at the pre-application stage.

2.3 For some particularly complex cases, the Council may set up a “Development Team” to involve some of the above Agencies. For larger scale schemes the applicant may decide to enter into a Planning Performance Agreement (PPA) with the Council. In such circumstances, the contents of this document remain valid although the precise form and content of applications may be subject to more bespoke requirements to be agreed as part of the PPA.

2.4 On larger schemes, particularly where design is critical, the applicant will also be encouraged to submit the proposals for consideration by a Design Review Panel at the pre-application stage. Depending on the importance of the scheme, this may occur at a national, regional or local level. Applicants are encouraged to discuss this at an early stage with the Council to establish the most appropriate arrangements.

2.5 All applicants, but particularly those bringing forward major development schemes, are encouraged to carry out pre-application public consultation with appropriate\(^1\) “Major” developments comprise proposals for ten or more dwellings; an outline application for residential development on a site of more than 0.5 hectare; new building(s) of more than 1,000 sq. m. floorspace; or development on a site of more than 1 hectare.
sections of the public (e.g. neighbours directly affected, Parish/Town Council or specific interest groups) in accordance with the Council’s *Statement of Community Involvement*. When considering whether to engage in pre-application consultation, applicants should be aware that seemingly minor proposals can sometimes be significant, or even controversial, for local people. Therefore, it is often advisable to take a precautionary approach and to engage with those that may be affected whenever possible.

**Validation of Applications**

2.6 The Council will not validate an application if it is incomplete, i.e. if all information listed in the appropriate validation criteria is not provided in a complete form. We will, however, always seek to take a proportionate view on information requirements and only seek further details where this is genuinely necessary for the application to be properly considered.

2.7 Under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations the Council also has power in the course of dealing with an application to require an applicant to:

(a) supply any further information, and accept outline applications, plans and drawings necessary to enable them to determine the application; or

(b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.

2.8 If an application is subsequently found to be invalid following registration, the time period for determination may be suspended until such time as it becomes valid and the period for determination of the application reset. However, where information is found to be insufficient the Council is more likely to follow the course of action set out in paragraphs 2.10 - 2.13 below.

2.9 If you disagree with our reason(s) for not validating the application, you should first discuss it with the Planning Service. If the dispute cannot be resolved this way, the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 sets out the relevant procedures, which in certain circumstances include the right to appeal.

**Processing the Application**

2.10 The opportunity to make significant changes to an application, after validation, is severely limited. Significant changes, i.e. revised plans which require re-consultation, may not be accepted, because the re-consultation may not be able to be carried out and a decision made inside the 8 or 13 week target. Applicants may, however, be able to make changes to plans to address issues raised by Officers and consultees, if time permits during the process of consideration. In every case, the submission of revised details must be accompanied by a schedule clearly setting out the proposed changes.
2.11 Fresh drawings or modifications that significantly alter the nature or description of the proposal will not normally be accepted after validation. If such a change is unavoidable, the Council will ask for a fresh application.

2.12 Where an application has been validated but needs significant alteration to make it acceptable, or where pre-application advice to overcome problems has not been followed, the Council will consider the application as submitted and this may result in a recommendation of refusal. The applicant may, however, withdraw the application and submit a new application for a revised scheme before a decision is made. There is normally no fee for the first such resubmission.

2.13 Prior to a recommendation of refusal being made on an application, the agent/applicant will be informed and given the opportunity to withdraw the application if it is clear that there would be no other acceptable outcome. These applications can normally be resubmitted in revised form, with no fee.

Section 106 Planning Obligations

2.14 These legal undertakings under Section 106 of the Town & Country Planning Act 1990 either take the form of a Planning Agreement between the applicant, the Council and possibly other parties, or alternatively, a Unilateral Undertaking made by the applicant alone. They are normally used to secure infrastructural improvements required in connection with the development, such as those relating to schools, highways, open space or affordable housing. Whenever possible, conditions will be used in preference to planning obligations, but there are circumstances (such as where commuted payments towards infrastructure are required) where they are unavoidable. In the area covered by Scarborough Borough Council, this normally applies to all planning applications involving the creation of new dwellings, and occasionally to other forms of development. Where possible, applicants are requested to use Unilateral Undertakings rather than entering into Section 106 Planning Agreements to meet planning obligations associated with development proposals.

2.15 Unilateral Undertakings and Planning Agreements should be substantially drafted prior to the submission of the application. Standard pro-formas for common undertakings and agreements are available to download from the Council’s website and Agreements can be provided on request.

2.16 Where Undertakings or Agreements are not completed in time to allow approval of a development within the target timescale of 8 or 13 weeks, and the delay lies with the applicant, planning permission may be refused on the grounds of failure to meet a necessary obligation.

Summary

2.17 The key elements of the Protocol for submission and validation of applications are:

- Compile a full application before formal submission.
• Consult the Local Planning Authority and key consultees before formal submission.

• “Front load” the application process by taking into account the views of other parties who will be involved in commenting on and considering the application.

• Significant alterations to applications cannot be made after registration/validation.

• The Council will make decisions in most cases within the relevant target of 8 or 13 weeks. Applicants/agents will be advised as soon as practicable if any application is to be recommended for refusal.

• Advance preparation of documents for Section 106 Planning Obligations will assist a prompt and favourable outcome.
3. **Information Requirements for Applications by Main Application Type**

3.1 The relevant validation requirements for each type of application are set out in tabular form as a series of individual checklists for each type of proposal. These reflect local requirements and cover the following types of application:

- **SBC1**: Householder Application for Planning Permission
- **SBC2**: Application for Outline or Full Planning Permission
- **SBC3**: Application for Approval of Reserved Matters
- **SBC4**: Application for Listed Building Consent
- **SBC5**: Application for Advertisement Consent
- **SBC6**: Application for Lawful Development Certificate
- **SBC7**: Application for Conservation Area Consent
- **SBC8**: Application for Prior Notification of Proposed Development by Telecommunications Code System Operators
- **SBC9**: Application for Prior Notification of Agricultural or Forestry Development (including proposed buildings, roads, excavation/deposit of waste material from the farm and fish tanks)
- **SBC10**: Application for Prior Notification of Proposed Demolition
- **SBC11**: Application for Tree Works : Works to Trees Subject of a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in a Conservation Area
- **SBC12**: Application for Approval of Details Reserved by Condition
- **SBC13**: Application for Removal or Variation of a Condition Following the Grant of Planning Permission (Section 73 of the Town and Country Planning Act 1990)
- **SBC14**: Application for Hedgerow Removal Notice
- **SBC16**: Application to Modify or Discharge a Section 106 Planning Obligation (Section 106A of the Town & Country Planning Act 1990)
- **SBC17**: Application of Prior Notification of Rear Home Extension
- **SBC18**: Application of Prior Notification for Temporary Change of Use
3.2 Please refer to Section 4 below for more detailed explanatory guidance of the terms used.
4. **Explanatory Guidance of Terms**

**National List of Validation Requirements**

4.1 The requirements on the National List are consistent across the whole of England. The requirements on the Local List are equally important where submission is deemed necessary, but these are much more likely to be determined on a case by case basis.

**Standard Application Form**

4.2 Since April 2008, all applications have had to be presented on the standard “1APP” application form, which is available electronically. We would encourage you to submit your application electronically wherever possible via the Planning Portal, as this provides opportunities for improved efficiency and reduced costs. However, you still have the option of submitting a paper-based application if you wish, in which case one original will suffice, but for ‘major applications’ (see footnote on page 7) three additional copies of the documents shall be submitted.

**Location Plan**

4.3 All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500 and normally on A4-sized paper. In exceptional circumstances, plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

4.4 The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

**Site/Block Plan**

4.5 The site/block plan should be drawn at a scale of 1:100 or 1:200. On larger sites a masterplan may be submitted at a scale of 1:500 or similar. All such plans should accurately show:

a) The direction of North.

b) The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries.

and the following, unless these would NOT influence or be affected by the proposed development:
c) All the buildings, roads and footpaths on land adjoining the site including access arrangements.

d) All Public Rights of Way crossing or adjoining the site.

e) The position of all trees on the site, and those on adjacent land that could influence or be affected by the development.

f) The extent and type of any hard surfacing.

g) Boundary treatment including the type and height of walls or fencing where this is proposed.

h) The position of any river, pond or other water/coastal feature on or adjacent to the site.

**Existing and Proposed Elevations**

4.6 These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.

4.7 Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property. It will not be necessary for an applicant to provide detailed information on elevations of existing buildings on the site if these will not be altered by the development proposal.

**Existing and Proposed Floor Plans**

4.8 These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).

**Existing and Proposed Site Sections, Finished Floor and Site Levels**

4.9 These should be drawn at a scale of 1:50 or 1:100 and should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided.

4.10 Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum...
point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings.

4.11 In the case of extensions to existing buildings, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of Design and Access Statements.

**Roof Plan**

4.12 This should be drawn at a scale of 1:50 or 1:100 and is used to show the roof design. Details such as the roofing material, vents and their location are typically specified on the roof plan.

**Ownership Certificate and Notice**

4.13 Under the Town & Country Planning (Development Management Procedure) Order 2010, (DMPO) the applicant shall submit the relevant Certificates concerning the ownership of the application site have been completed. All applications for planning permission except for approval of reserved matters must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an ‘owner’ is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

4.14 Where an applicant is not the (or sole) owner of the land, a notice to any other owner(s) of the application site must be completed and served in accordance with the DMPO.

**Agricultural Land Declaration**

4.15 This is a certificate which is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate is not required if the applicant is making an application for reserved matters, extension to the time limit for implementing an existing planning permission, discharge or variation of conditions, works to protected trees, conservation area consent for demolition, Listed Building Consent, a lawful development certificate, prior notification of proposed agricultural or forestry development, a non-material amendment to an existing planning permission, or consent to display an advertisement.

**Design and Access Statement**

4.16 Planning applications shall be accompanied by a Design and Access Statement where they relate to the following:

- A major development (see footnote on page 7 for definition)
• the provision of one or more dwellinghouses or the provision of a building or buildings where the floor space created by the development is 100 square metres or more, where any part of the site is in a Conservation Area.

4.17 However, there are exceptions to the above, and Design and Access Statements are not required for the following:

• applications to develop land without compliance with conditions previously attached or subject to a new time limit (Section 73 applications);
• engineering or mining operations;
• a material change in use of the land or buildings;

4.18 The Design and Access Statement shall set out the following:

• explain the design principles and concepts that have been applied to the development;
• demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
• explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
• state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
• explain how any specific issues which might affect access to the development have been addressed.

4.19 The Design and Access Statement should be a short report that should seek to explain and justify the proposal in a structured non-technical way, which can easily be understood by local communities. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application and be proportionate to the type of development proposed. When considering the design principles and concepts reference should be made to relevant planning policies including Conservation Area Appraisals where appropriate, which can be found on the Council website.

4.20 The Design and Access Statement may also need to consider security and crime prevention. Applicants are encouraged to show how measures to prevent crime and disorder have been incorporated. Further information can be found on the Police’s Secured by Design website.

4.21 Applications for Listed Building Consent will also be required to be accompanied by a Design and Access Statement. The required content varies to some extent from a Statement relating to development not requiring Listed Building Consent and such a statement should particularly address:

(i) the special architectural or historic interest of the building and how this is to be preserved or enhanced;
(ii) the particular physical features of the building that justify its designation as a Listed Building;
(iii) the building’s setting; and,

(iv) where appropriate, how the proposed approach to access has balanced the duties imposed by the Disability Discrimination Act and the particular historical/architectural significance of the building.

4.22 The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. There may be some overlap with the requirements of Heritage Statements (see page 21). Where this is the case a single document encompassing all relevant matters may be acceptable.

4.23 A more detailed explanation of what is required in a Design and Access Statement is set out in Article 4C of the (General Permitted Development) Order, as amended in 2013.

Environmental Statement

4.24 The Town and Country Planning (Environmental Impact Assessment) Regulations (1999), as amended, set out the circumstances in which an Environmental Impact Assessment (EIA) is required. Environmental Statements are lengthy documents, which are only required on developments with significant impact, but in effect they cover a range of assessments, thus obviating the need for some other separate documents on the Local List of Validation Requirements.

4.25 Where 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.

Where EIA is necessary, a ‘scoping letter’ shall also be sent to the Local Planning Authority in accordance with the 1999 Regulations in order to agree the methodology and broad content of the Environmental Statement. In cases where a full EIA is not required, the Local Planning Authority may still require environmental information to be provided.

Local List of Validation Requirements

4.26 Whilst the items on the National List will commonly be required on most or many applications, those on the Local List will only be deemed necessary based on the particular circumstances relating to an application.

Affordable Housing and/or Viability Statement

4.27 Where Local Plan policies or Supplementary Planning Document (SPD) guidance requires the provision of affordable housing the Local Planning Authority may require information concerning both the affordable housing and any market housing. This may include the number 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 Providers of affordable housing acting as partners in the development.

4.28 In the event that the applicant is seeking to make an exception to the established policies of the Local Plan/Local Development Framework or other SPD guidance on the provision of affordable housing, this will need to be fully justified. Where this is based on a financial case a Viability Assessment shall be carried out by a suitably qualified valuer. Establishing the appropriate level of affordable housing having regard to both financial viability constraints and the expectations of the Council’s policies can be a complex and time consuming process which cannot be accommodated within the normal timescale of a planning application. The applicant should therefore seek to agree the scope and methodology of the Viability Assessment with the Council and complete any discussions, as well as the finalised document prior to the submission of the planning application. The Homes & Community Agency provides a Development Appraisal Tool which we would encourage applicants to use. Further Government guidance can be found in the document, Section 106 Affordable Housing Requirements: Review and Appeal.

Air Quality Assessment

4.29 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 the 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. Further advice is available in Development Control: Planning for Air Quality (2010 Update).

Biodiversity Survey and Report

4.30 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 of Habitats and Species Regulations 2010 or the Protection of Badgers Act 1992.

4.31 Applications for development 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 mature trees, woodland, scrub, hedgerows or alterations to water courses and ponds may
affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. This list is by no means conclusive and specialist guidance should be sought.


4.33 Surveys for bats, Great Crested Newts and other protected species can only take place during specific periods of the year. Applicants should application undertake such surveys in advance of submitting a planning application to avoid delays in decision-making and the implementation of development.

4.34 We have prepared a separate document as an Appendix to these Validation Requirements which provides detailed guidance on the specialist area of Biodiversity and Geological Assessments and how these should be undertaken.

**Daylight/Sunlight Assessment**

4.35 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 will need to be accompanied by a daylight/sunlight assessment. Further guidance is provided in, for example, *BRE guidelines on daylight assessments*. It should be noted that the grant of 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.

**Flood Risk Assessment or Surface Water Drainage Details**

4.36 A Flood Risk Assessment (FRA) will be required 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 where required under Flood Risk Standing Advice as issued by the Environment Agency (see its website for further information). 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. In areas vulnerable to non-fluvial flooding a Flood Risk Assessment may be required in some cases even if outside a designated Flood Zone.

4.37 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 requirements for safe access to and from the development in areas at risk of flooding.
4.38 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. The NPPF and associated Technical Guidance provides advice in relation to the undertaking of flood risk assessments.

4.39 Surface water drainage details may also be required on certain applications, which do not necessitate a full FRA. This particularly applies to sites within Critical Drainage Areas as defined by the North East Yorkshire Strategic Flood Risk Assessment. It will be necessary to demonstrate details of proposals to maintain surface water run-off at current levels. If this is by means of a soakaway, the results of a percolation test should be submitted.

Foul Sewerage and Utilities Assessment

4.40 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.

4.41 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; Building Regulations Approved Document Part H; and in BS6297.

4.42 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.

4.43 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.

4.44 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; and,

(d) where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

Geotechnical Survey/Stability Report

4.45 This is likely to be required where the development would affect or be affected by unstable land. This includes sites subject to effects of underground cavities, unstable slopes, ground compression, coastal erosion and the legacy of past mining activity. Where stability of land is likely to be a material consideration (especially if identified as an area liable to such risk in a local strategy) contact should be made with the council at the pre-application stage to agree the form and content of information required as part of a planning application. Information regarding Coal Mining Risk Assessments can be found on the website of the Coal Authority.

Heritage Statement (including Historical, Archaeological Features and Scheduled Ancient Monuments)

4.46 Applications which are likely to affect a designated heritage asset (e.g. a Listed Building, a Conservation Area, a Registered Historic Park and Garden or a Scheduled Monument) or which might impact upon the setting of one of these assets will, in appropriate circumstances, be required to submit a Heritage Statement. There may be some overlap with the requirements of Design & Access Statements. Where this is the case, a single document encompassing all relevant matters may be acceptable; (the submission of the same document twice with different same titles is not appropriate).

4.47 A Heritage Statement should contain:

- A description of those elements which contribute to the significance of any heritage assets likely to be affected by the proposals.

- An assessment of the contribution which the setting makes to that significance.
An assessment of the likely impact which the proposals will have upon those elements which contribute to the significance of those assets.

4.48 In certain circumstances, Heritage Statements may also be required for applications affecting other non-designated heritage assets such as non-scheduled archaeological sites and locally-important historic buildings. 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 a Planning Officer and/or 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.

4.49 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.

4.50 For applications involving demolition of a building/structure in a Conservation Area, 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.

4.51 Where an application site either includes or is likely to include archaeological remains, the Heritage Statement will be expected to include an appropriate desk-based assessment of the impact which the proposals might have upon these remains. In certain circumstances, where desk-based assessment in insufficient to properly assess the likely impact, a field evaluation may be required instead. Certain parts of the Borough are defined as Areas of Archaeological Significance in local policies. Where an application is likely to affect any archaeological remains, applicants should first consult the Heritage Section of the County Council.

4.52 Further advice on can be found in the English Heritage document, *PPS5 Planning for the Historic Environment: Practice Guide*.

**Land Contamination Assessment**

4.53 Applications may need to be accompanied by a Land Contamination Assessment which should be carried out in accordance with established procedures (currently BS10175 (2011) *Code of Practice for the Investigation of Potentially Contaminated Sites*). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance. Further advice on undertaking a land contamination assessment can be found in the Yorkshire and Humber Pollution Advisory Council booklets, *Development on Land Affected by Contamination*, available on the Council website and *Verification Requirements for Cover Systems to Remediate Contaminated Land*. The latter document is
not currently available electronically from YAHPAC but can be obtained from the Council’s Environmental Health section. Sufficient information should be provided in the submitted Assessment to determine the existence or otherwise of contamination, its nature and the risks that 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 (e.g. housing with gardens, schools, nurseries or allotments), the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

**Landscape and Visual Impact Assessment (LVIA)**

4.54 This is likely to be required for development, which in the view of the Council is likely to result in significant effects on the landscape and visual amenity, particularly in sensitive areas, such as the coastal zone, close to the National Park or where there may be significant cumulative visual impacts (e.g. wind farms). The LVIA should demonstrate the likely effects and explore the effectiveness of mitigation measures to avoid or minimise harm to the landscape or visual amenity. An LVIA should include:

- Baseline description of site and landscape context;
- Evaluation of landscape sensitivity and capacity to accommodate development
- Identification and assessment of effect on landscape character and quality with reference to the **Scarborough Landscape Study**
- Identification and assessment of visual impact
- Measures that would avoid or minimise adverse effects
- Where significant adverse effects are unavoidable, consideration of alternatives and why rejected;
- Methodology of LVIA with reference to best practice guidance


**Landscape Plans**

4.56 Landscape proposals, where required should form an integral part of the design concept in the Design and Access Statement. Indicative plans (and possibly) sections showing existing and proposed hard and soft landscape proposals should be submitted for most larger scale proposals, those having a significant visual impact or incorporating areas of public realm. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development (see also Tree Survey later). Applications may also be accompanied by landscape details and include proposals for long terms maintenance and landscape management.

**Lighting Assessment**

4.57 Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or in 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 the proposed
external lighting and the hours when the lighting would be switched on. These
details should include a layout plan with beam orientation and a schedule of the
equipment in the design. Submission of an ‘isolux’ or similar drawings showing the
luminance at specified heights above ground level may also be requested for
particularly sensitive proposals or sites, such as sports floodlighting in rural or
residential areas. Further advice on this can be found in “Lighting in the Countryside
Towards Good Practice” (1997), which is available at
http://www.communities.gov.uk/index.asp?id=1144822 and in the Institution of
Lighting Engineers (ILE) “Guidance Notes for the Reduction of Obtrusive Light”.

Noise Assessment

4.58 Application proposals 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 impact assessment prepared by a suitably qualified acoustician. Further
guidance is provided in *Explanatory Note to the Noise Policy Statement for

Open Space Assessment

4.59 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 permission is not normally given for development of
existing open spaces which local communities need. An applicant may seek to
demonstrate through an independent assessment that the land or buildings are
surplus to local requirements. National planning policy is set out in Section 8 of the
*NPPF*. Where Sport England is involved as a consultee on developments affecting
existing sports facilities, they will need information which helps them to assess the
effects of the proposal. The type and level of detail required can be found on the
Sport England website.

Parking Provision

4.60 Applications may be required to provide details of existing and proposed parking
provision. These details may be shown on a site layout plan. Where appropriate,
provision should be made for parking spaces for the disabled and visitors. Where
parking provision is above or below the standards recommended by the Local
Highway Authority (or where there are no standards), the level of provision may
need to be justified, taking account of the particularly circumstances relating to the
proposed development and site.

Photomontages, 3D Images and Photographs

4.61 Photomontages or illustrative 3 dimensional drawings provide useful background
information and can help to show how large developments can be satisfactorily
integrated with their surroundings. Photographs should be provided if the proposal
involves the demolition of an existing building or development affecting a
Conservation Area or a Listed Building. They may form part of the Design and Access Statement or the Heritage Statement.

Planning Obligations – Draft Heads of Terms

4.62 As explained in paragraphs 2.14-2.16 Section 106 Planning Obligations are legal undertakings intended to make acceptable development which would otherwise be unacceptable in planning terms, where planning conditions are not suitable. Whilst they form a vital part of the Development Management framework, they can cause delay to the approval of a planning application. They are normally required for all applications for residential development. Where they are required, a draft Section 106 Unilateral Undertaking or Agreement should be submitted with the planning application (templates and further guidance are available on the Council [website](#)).

Planning Statement

4.63 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 and local planning policies. This is particularly important where a proposal does not accord with adopted policies.

4.64 Sustainability should be addressed within the statement, including sustainable design and construction of buildings together with provision for on-site renewable energy generation. It also needs to consider how the scheme can help to mitigate climate change and adapt to the climate that the development is likely to experience over the course of its expected lifetime. This information may alternatively be provided in the Design & Access Statement.

Socio-Economic Statement

4.65 Applications may 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 floor space 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. In many cases the Socio-Economic Statement may be incorporated within other submitted documents, such as the Planning Statement or Environmental Statement.

Statement of Community Involvement

4.66 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 Council’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. This information will be included as part of the Design & Access Statement, where one is required.
Structural Survey

4.67 A structural survey will be required in support of an application if the proposal involves substantial demolition or where it is important to maintain the structural integrity of a building, for example, barn conversion applications or development which may affect the stability of buildings/structures identified as Heritage Assets (e.g. Listed Buildings or historic buildings in Conservation Areas).

Summary of Planning Applications

4.68 These are only required where the supporting information for a major application exceeds 100 pages. Applicants should submit a summary of the whole scheme, which should be no more than 20 pages long and should provide an overview of the proposal and a clear description of its key impacts. Normally, they can be provided as part of the Design & Access Statement or Planning Statement. If a development proposal is already subject to Environmental Impact Assessment (EIA), the non-technical summary of the resulting Environmental Statement will normally suffice.

Telecommunications Development – Supplementary Information

4.69 Planning applications and applications for prior notification by telecommunications code operators for masts and antenna development should be accompanied by a range of supplementary information. This should include the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.

4.70 Applications shall 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 Best Practice on Mobile Phone Network Development (2002).

Town Centre Uses – Evidence to Accompany Applications

4.71 The NPPF sets out the government’s approach to the main town centre uses, which include retail, leisure, office, cultural and tourist uses. The NPPF indicates that applications for retail, leisure and office development outside town centres and exceeding 2,500sqm should be accompanied by an impact assessment. Where appropriate, information to show how a proposal would comply with the sequential test referred to in the NPPF would be of assistance. 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 Statement/Assessment

4.72 The NPPF advises that a Transport Statement (TS) or Transport Assessment (TA) should be submitted as part of any planning application where the proposed development generates significant amounts of vehicular movement. The coverage and detail of the TS/TA should reflect the scale of the development and the extent of
the transport implications of the proposal. For smaller schemes a TS should simply outline the transport aspects of the application, while for major proposals, a 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. Further guidance can be found in the Borough Council’s Transport Assessments Supplementary Planning Document (2007).

Travel Plan

4.73 A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by the NPPF. Further advice is available in Good Practice Guidelines: Delivering Travel Plans Through the Planning Process (CLG and DfT, 2009), Making Residential Travel Plans Work (DfT, 2007) and the Borough Council’s Travel Plans Supplementary Planning Document (2007).

Tree Survey/Arboricultural Implications

4.74 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 in advance of the application being submitted by a suitably qualified and experienced arboriculturist. It should take the form of pre-development report(s), arboricultural impact assessment(s), arboricultural method statement(s) and tree protection plan(s). More detailed guidance can be found in the Appendix, Biodiversity, Geological and Arboricultural Assessments. This document also provides guidance where trees may be roosts for bats or nesting sites for protected birds.

4.75 Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in BS5837 (2012) ‘Trees in Relation to Design, Demolition and Construction – Recommendations’ or any subsequent equivalent. 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

4.76 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 restaurants, drinking establishments and hot food takeaways. This information will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed. Advice on suitable ventilation and extraction equipment can be obtained from the Environmental Health team.