

VALIDATION CHECKLIST

SUPPLEMENTARY GUIDANCE FOR THE REQUIREMENTS OF A VALID PLANNING APPLICATION SUBMITTED TO ESSEX COUNTY COUNCIL

SEPTEMBER 2013

The information contained in this document can be translated and/or made available in alternative formats, on request.

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Note: All hyperlinks are correct at the time of publication

ABBREVIATIONS

AA	Appropriate Assessment	GDPO	Town & Country Planning (General Permitted Development) Order
AQMA	Air Quality Management Area	HRA	Habitats Regulation Assessment
AOD	Above Ordinance Datum	LPA	Local Planning Authority
CLUED	Certificate of Lawful Use of Existing Development	MMA	Minor Material Amendment
CLUEPD	Certificate of Lawful Use of Existing or Proposed Development	NMA	Non Material Amendment
DAS	Design & Access Statement	NPPF	National Planning Policy Framework
DCLG	The Department for Communities and Local Government	PIP	Public Involvement Programme
EA	Environment Agency	S73	'Section 73 Applications' for the removal or variation of conditions
ECC	Essex County Council	SCI	Statement of Community Involvement
EIA	Environmental Impact Assessment	SAB	SuDS Approval Body
EPOA	Essex Planning Officers Association	SuDS	Sustainable Drainage Systems
ES	Environmental Statement	TA	Transport Assessment
FRA	Flood Risk Assessment	TP	Travel Plan
GIA	Growth & Infrastructure Act	TS	Transport Statement

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1 INTRODUCTION

This guidance note has been updated in the light of the requirements of the [National Planning Policy Framework](#) (NPPF) and to reflect other recent changes in National Guidance and Legislation. The checklist includes all potential requirements that may be requested to make a planning application valid when submitted to Essex County Council (ECC). ECC is the determining planning authority for mineral, waste and Regulation 3 applications¹. The national guidance note '[Guidance on information requirements and validation](#)' issued by the Department for Communities and Local Government (DCLG) provides further information regarding validation of planning applications.

Guidance with regard to information requirements is constantly emerging from central government, including the abolition of the East of England Regional Spatial Strategy in January 2013. An [Order](#) amending the rules on the information that must be submitted with a planning application came into force on 31 January. This removed existing national requirements for information on layout and scale to be provided with outline applications where these are reserved matters to be determined at a later date, although these can remain within the local lists. The Order also requires local planning authorities to have an up to date (not more than 2 years) validation checklist. There is likely to be further streamlining measures (for example simplifying ownership and agricultural land holdings certificates) implemented, therefore this guidance note produced by ECC will be updated to reflect the rapidly evolving situation.

The NPPF was published in March 2012 and requires all Local Planning Authorities (LPAs) to publish a validation checklist to help applicants submit the right information with an application. This ensures ECC is able to deal with applications as quickly and comprehensively as possible. The list should be proportionate to the nature and scale of the development proposals and reviewed on a frequent basis. LPAs should only request information that is relevant, necessary and material to the application in question (paragraph 193).

In addition to the NPPF, it is important to note the [Growth and Infrastructure Act 2013](#) (GIA), which was enacted on 25 April 2013 following Royal Assent. Importantly, the GIA amends section 62 of the Town and Country Planning Act 1990, which governs what LPAs can and cannot seek in support of a planning application. The GIA introduced limits on LPAs power to require information with planning applications, so that such requests are reasonable and relate to matters that are likely to be material planning considerations. The limits are defined as:

- Information requests must be reasonable having regard, in particular, to the nature and scale of the proposed development; and
- May require the particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.

1.1 Purpose of this Guidance

This guide is designed to give an overview of all supporting documents, statements, assessments and plans that could potentially be required to be submitted at the time the application is made. The validation requirements refer solely to the information required

¹ The applications for which Essex County Council is the determining authority is further explored in the EPOA guidance document ECC (2009) [Development Involving County Matters](#).

in order to validate an application. This list is not exhaustive and there may be issues that are material in the determination of the application, but not addressed in this overview.

Applicants should be aware that ECC might still require and request further information or supporting documentation post validation, where it is considered necessary to determine the application. However, not all items within the checklist will be relevant to every type of planning application that is dealt with by the Authority.

Applicants should also be aware that an application could still be refused on the grounds of inadequate information. The validation checklist is not exhaustive and simply aims to capture the basic and most common requirements for your application. It is therefore highly recommended that potential applicants discuss proposals with ECC at the pre-application stage, especially for large scale and sensitive developments.

Pre-application advice can potentially reduce the costs of the planning process and speed up the system, by improving the quality of applications/proposals and thus reduce refusal and appeal rates. Early discussions establish the relevant planning policies to be taken into account and clarify the format, type and level of detail required by ECC to determine an application. This would include any assessments that would be required on a case-by-case basis.

[‘Pre-application consultation with communities: a basic guide’](#) (February 2011) is a short guidance note for potential applicants produced by the DCLG. It provides an overview of the requirement to consult with local communities prior to submitting certain types of planning application.

Individual checklists for each of the types of application listed in section 1.2 for are available on the Essex County Council website ([hyperlink](#)).

1.2 Producing and Submitting an Application

As noted above, ECC is the determining authority on County Matter applications. Within these matters, there are a number of different types of application that are frequently determined by the ECC, as explored below.

With regard to waste developments, there is [guidance for developments requiring planning permission and environmental permits](#) published by the Environment Agency (EA) in October 2012. This guidance sets out the remits of planning and permitting regimes, as these decisions are separate but closely linked. This aims to help applicants and authorities understand how the EA will respond to planning applications that require an Environmental Permit, under the [Environmental Permitting \(England and Wales\) Regulations](#) (2010).

There are five different validation checklist published in the Essex County Council website ([hyperlink](#)). These consist of:

- Form 1 – For Full/Outline/Reserved Matters/variation (non-compliance) with Condition(s) applications; Form 2 – For Lawful Development Certificates
- Form 3 – For Listed Building Consent, Conservation Area Consent & Scheduled Monument Consent
- Form 4 – For Non-Material Amendments or Minor Material Amendments
- Form 5 – For Screening Opinions & Scoping Requests

The correct form should be completed and submitted as part of the application, to ensure speed up the validation process, by highlighting and potential deficiencies within the submission.

1.2.1 Outline Applications

Outline applications are to establish whether a particular type of development is of the use has been established. There are two different types of application, where all matters are reserved or where only some matters are reserved. These reserved matters can consist of:

- Access: To the site and within the site
- Appearance: Visual impact of site
- Design: The form and function of the development including the landscape treatment of land to enhance or protect amenities
- Layout: Situation and orientation of buildings, routes and open spaces in relation to each other
- Scale: the height, width and length of each building within the development
- Siting: Where the development is located

The information required to validate an outline application are as follows:

- The fully completed standard application form for either [some reserved matters](#) or [all reserved matters](#), including ownership and agricultural holding certificates;
- Correct fee;
- Location Plan;
- Site Plan;

Unlike the site plans to be submitted with a full application, a plan submitted in conjunction with an outline application must show:

- Where layout is reserved, the approximate location of buildings, routes and open spaces included in the development is still required
- Where scale is reserved, the upper and lower limit for the height, width and length of each building included in the development must still be indicated
- Where access is reserved, the area or areas where access points will be situated must still be shown.

Please note: ***Outline applications cannot be made for minerals applications.***

Further information about outline applications can be found on the [Planning Portal's website](#).

1.2.2 Reserved Matters Application

Following the granting of any outline application, before development can progress, the reserved matters (as noted above) must be clarified. In addition to the fully completed [standard application form](#), the appropriate assessments and statements must be submitted. This will be clarified by planning officers at the pre-application stage.

1.2.3 Full Applications

This type of application is the most common dealt with by the Authority. The guidance noted in part 2 (National Requirements, page 13) and 3 (Essex List of Local Requirements, page 21) provide detailed information on all information that the Authority may require to be submitted in conjunction with a planning application, although the information required will be commensurate with the nature and type of the

proposal. Please discuss what will be required during pre-application discussions with a planning officer.

1.2.4 Applications Requiring Environmental Impact Assessment (EIA)

The [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#) and the [NPPF \(paragraph 192\)](#) set out the circumstances in which an Environmental Statement (ES) is required. If an ES is required, due to the nature/size/scale of impacts of the proposed development, this may obviate the need for other more specific statements as described in the local requirements as set out below in Part 3 of this guidance, starting on page .

The information in the ES has to be taken into consideration prior to the determination of the application.

If the application is accompanied by an ES, the applicant must provide contact details about who to write to in order to obtain a copy and the charge (including post and packing). Where appropriate, the applicant should also include a web site address where the ES can be viewed and an address in the locality where the ES can be inspected.

1.2.4.1 Screening Opinion

It is advised that an applicant requests a screening opinion (to determine whether an ES is required) from ECC before submitting a planning application, particularly for large and/or complicated schemes. If a formal screening opinion has not been sought, ECC will screen all applications it receives, to ensure an EIA accompanies all relevant development proposals.

Requests for screening opinions should be made in writing, accompanied by sufficient detail to allow the Authority to determine the need for an ES in addition to a planning application. Details required for a screening opinion to be considered are:

- A red line plan of the boundary of the proposed site;
- A description of the proposed development, where it would be useful to include the following:
 - The estimated period of time that the development would take place;
 - The estimated amount of mineral that would need to be extracted and/or processed or waste (including types of waste) to be deposited and /or processed;
 - Estimated hours of operation, during both construction and the operational phases;
 - Any other information that may be of relevance to the potential application.

1.2.4.2 Scoping Opinion & Content of an ES

[Schedule 4](#) to the 2011 regulations sets out the information that should be included. However, a formal scoping opinion provides more specific guidance as to the issues that need to be addressed within an ES and includes consultation with relevant consultees in forming a screening opinion.

Requesting a scoping opinion helps to avoid subsequent delays in processing the application, by ensuring the applications and ES are as full as possible. Where the need for an ES has been identified, ECC strongly encourages that a request for a scoping opinion is made.

A scoping opinion request requires the same minimum information with respect to the development as that for a screening opinion. In some cases, the applicant may find it more beneficial to describe more fully what is considered to be required to be included within the ES, therefore enabling a more detailed response from consultees.

A screening opinion and scoping opinion request can be made at the same time.

1.2.5 Applications where an applicant would like to take part in the Biodiversity Off-Setting pilot Scheme

Essex County Council is currently taking part in a DEFRA project to deliver [biodiversity offsetting](#). This is a new initiative designed to account for the impact that individual developments have on habitats with greater accuracy.

All developments are required to achieve no net loss for biodiversity: offsetting is intended for use as another step at the end of the mitigation hierarchy to ensure truly sustainable development with regard to habitat conservation and in accordance with the NPPF.

For any site, where the applicant considers offsetting of residual impacts would be possible, they would need to ensure the following is contained within the environmental report:

- Habitat types present on site
- Areas of on-site habitats
- Condition of onsite habitats

Until March 2014, the Environment Bank in partnership with ECC Place Services (Ecology) are offering a free service to calculate impacts for individual developments.

It should be noted that this is a voluntary scheme that can be used to deliver existing requirements for compensation or entered into by the developer to test the use of offsetting and offset for previously unaccounted for impacts.

1.2.6 Removal or Variation of Conditions (Section 73 Applications)

Section [73](#) of the [Town and Country Planning Act 1990](#) (as amended) describes the course of action to be taken where an application has been granted with specific conditions attached to it and the applicant wishes to remove or alter one or more of these. It notes that in these circumstances, a further application must be submitted to the Local Authority. This includes when the submitted details need to be amended and either:

- These amendments are considered to be of greater significance than a minor material amendment;
- The sum of Minor Material Amendments significantly alter the development as submitted

To enable the Authority to determine this type application, the applicant will need to provide the following information:

- The fully completed [standard application form](#);
- The previous planning permission reference;
- The condition(s) that the applicant is seeking to vary or remove;
- Any plans/drawings permitted in the original planning permission, which would be altered as a result of the proposed changes;

- A supplementary statement to be read in conjunction with the documents that supported the original application, which would detail the need for the alteration, its consequences and the alternative condition proposed.

The applicant will not be required to provide full copies of the original application. However, copies of the original plans and drawings **will** be required to assist the Local Planning Authority in its consultation and determination procedures. The application would be subject to consideration under the EIA regulations and therefore depending on the scale of the variation or removal of conditions, an EIA may be required (see paragraph 1.2.4). All major applications (including S73 applications) will be screened at the point of submission (if the proposals have not already been issued with a screening opinion) to ensure this requirement for EIA is fulfilled.

1.2.7 Non Material or Minor Material Amendments

In 2009, the [Town and Country Planning \(General Development Procedure\) \(Amendment No. 3\) \(England\) Order 2009](#) came in to force, which allows local planning authorities to approve small amendments to previously approved development, which are considered too minor to warrant a full section 73 application.

There are some instances where applicants find that the planning permission that they have received needs to be amended in a small way. There are two different types of amendment applications that can be submitted in relation to an existing application.

A Non Material Amendment (NMA) would consist of a non material or insignificant change to the approved development. If you are proposing minor changes from the approved plans that you think could be considered as a non material amendment, then you should contact the case officer who originally dealt with your application. They will be able to advise if the amendments can benefit from this procedure, or whether a Section 73 application or a Minor Material Amendment is more appropriate.

A Minor Material Amendment (MMA) would consist of a more significant change to an approved scheme, but would be classed too insignificant to require an S73 application to vary a planning permission. The Government has defined this type of change as being "one whose scale and nature results in a development which is not substantially different from that which has been approved", although there is no set criteria for this type of application. If you are proposing minor changes from the approved plans that you think could be considered as a Minor Material Amendment, then you should contact the case officer who originally dealt with your application. They will be able to advise if the amendments can benefit from this procedure, or whether a Section 73 application is more appropriate.

Further guidance regarding Non-Material Amendments and Minor Material Amendments applications made to Essex County Council can be viewed on the Essex County Council [website \(HYPERLINK to Shelley's guidance\)](#).

The information that needs to be submitted for both Non Material and Minor Material Amendments are:

- The fully completed standard application form for [NMA](#) or [MMA](#)²;
- The correct fee;

² Please note, in the case of Essex County Council the same form is used for both MMAs and S73 applications.

- Supporting statements and plans as are necessary to identify the change from the original approved development.

1.2.8 Submission of Details Applications

In some instances, during the granting of full planning permission, conditions have been incorporated which require details of a specific aspect of the development that was not adequately described in the original application. This can include further clarification on landscaping or materials to be used for example.

For these submission of details applications, the following will need to be submitted:

- The fully completed [standard application form](#), noting which condition(s) are being addressed within this application;
- The information/samples/details required for the application as specified in the original planning permission.

1.2.9 Historic Environment Consents

1.2.9.1 Listed Buildings Consent

When Listed Building Consent is required, this will need to be submitted to ECC in addition to the full application for the proposal. These will need to be submitted as two separate applications: one in relation to the Listed Building Consent and one for the full planning application. Some works (for example some regulation 3 development) will only require Listed Building Consent (to be submitted to the County Planning Authority), as minor development can be classed as 'permitted development'.

In addition to the fully completed [Listed Building Consent application form](#), the applicant will need to submit a written statement, which would need to include:

- A schedule of works to the listed building(s);
- An analysis of the significance of the listed building/structure, including its archaeology, history, development and character of the building/structure;
- The principles of and justification for the proposed works;
- The impact of the proposal on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings;
- A condition survey and/or a structural survey may be required in support of an application for listed building consent;
- Suitable plans of the areas affected by the proposal and of the proposals themselves.

1.2.9.2 Conservation Area Consent

When Conservation Area Consent is required, this will need to be submitted to ECC in addition to the full application for the proposal. These will need to be submitted as two separate applications: one in relation to the Conservation Area Consent and one for the full planning application. In addition to the fully completed [Conservation Area Consent application form](#), the applicant will need to submit a written statement, which would need to include:

- A structural survey;
- An analysis of the character and appearance of the building/structure;
- The principles of and justification for any proposed demolition.

- The proposals impact(s) on the special character of the area.

1.2.9.3 Scheduled Monument Consent

When Scheduled Monument Consent is required, this will need to be submitted to ECC, in addition to the full application for the proposal. These will need to be submitted as two separate applications: one in relation to the Listed Building Consent and one for the full planning application. A written statement will be required detailing:

- An analysis of the significance of archaeology, history, development and character of the building/structure;
- The principles of and justification for the proposed works;
- The proposals affect the special character of the listed building or structure, its setting and the setting of adjacent listed buildings.

1.2.10 Lawful Development Certificates

The system of 'lawful development certificates' enables local planning authorities, when the appropriate conditions are satisfied in each case, to grant a certificate saying that:

- An existing use of land, or some operational development, or some activity in breach of a planning condition is lawful. In this case, a Certificate of Lawful Use or Existing Development (CLUED) would be issued, if deemed acceptable;
- A proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful. In this case, a Certificate of Lawful Use of Existing or Proposed Development (CLUEPD) would be issued if deemed acceptable.

Any decision by ECC on either type of lawful development certificate would be legally binding. Sections [63](#) and [64](#) of [The Town and Country Planning Act 1990](#) (as amended) provide a formal process for establishing whether a development will or did need planning permission. In December 2007, DCLG published the '[Lawful Development Certificate: User's Guide](#)' to explain how to apply for a certificate or to appeal against refusal of a certificate. Applicants should read this guide, seek pre-application advice from Essex County Council, then complete and submit the appropriate '[Application for Lawful Development Certificate](#)' form together with the necessary supporting evidence.

1.2.10.1 Certificate of Lawful Use of Existing Development (CLUED)

CLUED applications must always be supported by factual evidence wherever possible. As CLUEDs are legal documents, they can only be issued where the Local Planning Authority is satisfied, on the balance of probability, that what has been applied for has occurred as a matter of fact for the stated term.

This can only be achieved where sufficient supporting information has been provided that demonstrates the facts as submitted in the application. Pre-application advice from the planning team is encouraged to ensure the correct information is submitted, but as a minimum, this should include:

- The fully completed [standard application form](#);
- Whether the application relates to:
 - A use;
 - A building operation;

- A condition not complied with.
- The date that the use (or breach of condition) started, or the date on which the building was substantially complete;
- The use class the applicant considers to be applicable;
- In the case of a breach of condition, details of the relevant application;
- The reasons the applicant thinks he is entitled to a CLUED;
- A plan(s) identifying the land;
- A certificate as to the applicant's interest (ownership, tenancy etc.) in the land and any interest of any other person;
- Any other relevant information, for example:
 - Statutory declarations (sworn statements);
 - Photographs;
 - Invoices/payment records;
 - Historical maps.

1.2.10.2 Certificate of Lawful Use of Existing or Proposed Development (CLUEPD)

For many years, planning officers have provided informal advice on whether planning permission would be required for all types of development proposals, or if the proposal would fall in to the permitted development category. This advice is not legally binding on the Planning Authority and does not guarantee that, even if the officer has advised that planning permission is not required, the Council may take a different opinion at a later date with further information/evidence.

If an applicant would prefer a legally binding decision, which would guarantee the stated proposal would not require planning permission, they would need to submit a CLUEPD. Information that would need to be submitted in support of a CLUEPD would include:

- The fully completed [standard application form](#);
- Whether the application relates to:
 - A use;
 - A building operation;
- The use class the applicant considers to be applicable;
- The reasons the applicant thinks he is entitled to a CLUEPD;
- A plan identifying the land;
- A detailed and precise description of the proposed use or operation;
- A certificate as to the applicant's interest (ownership, tenancy etc.) in the land and any interest of any other person.

1.2.11 Electronic Submissions

Essex County Council is currently improving the planning service it offers, by improving the electronic case management system. Once this is fully enabled, it will allow all planning applications to be submitted by applicants and viewed by all interested parties online³. It will also allow comments to be submitted online, which will be viewable by all.

³ All applications (except those related to minerals) can be submitted via the Planning Portal on the national 1-APP form. There is not a national equivalent of the 1-APP form for mineral submissions, therefore a specific form will be available on the ECC website, which can be filled out electronically and submitted via email.

This will improve the accessibility of clear and accurate information provided within planning applications, to allow everyone to view and comment on applications, without the need to visit the local or county planning offices or the library closest to the site boundary.

The new system allowing people to view and comment on applications online is expected to be fully enabled by late Summer 2013. At present, all applications (with the exception of minerals applications) can be submitted online. For further advice, please get in touch with planning officers directly.

The [Essex Statement of Community Involvement - First Review](#) (December 2012) highlight a number of key changes in the way we receive and consult upon planning applications. The main change is that electronic submission of planning applications and communication becomes the preferred method for consultation.

1.2.11.1 Prior to the Adoption of the Online Consultation Portal

In line with this key change, (and in readiness for the adoption of the online consultation portal) ECC requires applicants to submit applications online wherever possible.

For Waste and Regulation 3 Applications, this should be completed via the [Planning Portal](#) on the national 1-APP form. There is not a national equivalent of the 1-APP form for mineral submissions; therefore, a specific form is available on the [ECC website \(hyperlink\)](#) for this type of submission. The relevant form must be fully completed and included within the submission. If it is not possible to submit online, digital submissions on CD or other portable storage media is required.

The national standards for on-line and electronic submission of digital planning documents are set out in the sections below. Applications **will not be validated** (potentially causing delays) unless **all** parts of the submission comply with **each** of the criteria contained within the following subsections.

1.2.11.2 File Formats

Portable Document Format (PDF) is the recommended file format for all electronic documents to ensure they are accessible to all consultees, including any scanned images. PDFs must be created so they are electronically measurable on screen by all consultees and shall:

- Be saved in single layers;
- Specify the printing page size for which the scale applies;
- Be correctly oriented for on-screen display;
- Include a scale bar and key dimensions.

Scanned documents must be a minimum resolution of 200 dpi (dots per inch) for black and white and 100 dpi for colour.

Specifically in relation to drawings/plans TIFF, JPEG, GIF are also acceptable. PDF is the recommended file format for all photographs; however, JPEG & BITMAP are also acceptable. All photographs shall be no larger in size than 15cm x 10cm.

Post processing that fundamentally alters the original document should not be used on any electronic document⁴.

⁴ With the exception of photomontages, which by their very nature require the imposition of development form in to the actual photographs.

1.2.11.3 File Naming

All documents and drawings should be named in plain English, for example:

- Location plan drawing v1A.pdf;
- North elevation v2B.pdf;
- Public involvement programme.pdf;
- Historic environment assessment.pdf;
- Artists impression before.jpg;
- Artists Impression after.gif.

Each individual plan **must** be submitted in separate documents, to allow correct naming for each drawing. This will also help keep the file size to a minimum.

File extensions shall conform to standard three letter naming conventions and shall describe the actual digital format of the digital asset, e.g. Portable Document Format (PDF) = .pdf.

1.2.11.4 File Sizes

For consultation purposes, it is necessary that the maximum size for a single file for online transaction is 5Mb. The recommended maximum application file size (i.e. the sum of individual document file sizes) for online submission is 25Mb.

1.2.11.5 Updates to Supporting Documents & Version Control

There may be instances where an applicant will need to alter plans, a supporting document or written statements from those initially submitted, during the course of application determination. Any changes within plans must be clearly identified to assist the Local Authority and consultees.

All submissions must clearly state the new version number within them and all digital submissions must be clearly labelled as such in the file name, for example location plan drawing v1B.pdf

If an applicant originally submitted the application online and needs to update a supporting document or plan, the replacement document or plan should be uploaded as soon as practically possible, ensuring that it is clearly labelled as such in the file name. The ECC case officer must be informed either prior to, or immediately after the replacement document or plan has been uploaded

1.2.11.6 Hard Copy Requirements

The submission requirements for hard copy(ies) of applications and supporting information will depend on the status of the online consultation portal at the time that the application is submitted.

As such, the electronic and hard copy submission requirements should be discussed with ECC planning officers, prior to any submission as depending on the type/scale of application, further copies may be required. Pre-application advice will ensure the application can be validated as quickly as possible.

1.2.11.7 Requirements Prior to the Adoption of the Online Consultation Portal

At the time of publication of this document, applicants are required statutorily to submit at least three hard copies of an application for it to be valid. This applies to all

application forms, plans, drawings and other documentation supporting the application, even when submitting applications online or via other digital media.

ECC may require extra hard copies to be submitted⁵ for consultation purposes, which should be discussed with ECC Planning Officers, prior to submission.

This will remain the case until the system for viewing applications online is implemented.

1.2.11.8 Requirements Post the Adoption of the Online Consultation Portal

The implementation of electronic case management system will provide opportunities for streamlining procedures, speedier consultation and cost reduction.

Following the implementation of the online consultation portal, as a local requirement, ECC requires the submission of 1 hard copy of **all** application forms, plans, drawings and other documentation supporting the application, even when submitting applications online or via other digital media.

Applications and supporting documentation being submitted on individual CDs/DVDs or other portable storage device and **must** be in the same format as the hard copy.

Due to the scale of some minerals and waste applications, it is appropriate to submit scaled plans at A2, A1 or A0 paper sizes. In such cases, ECC may require up to seven hard copies of these plans to be submitted, for consultation purposes.

⁵ Up to 7 copies of the application(s) may be required, depending on the scale of the application and the number of statutory consultees to be consulted.

2 NATIONAL REQUIREMENTS

The national requirements consist of the core information needed for a valid planning application. This document details where you can find further information on these requirements and the policy drivers. In addition to the national requirements, the local requirements are set out below in part 3 of this document, on page 21.

2.1 Design and Access Statements

In line with the Government's aim to streamline the planning system, following a consultation carried out by DCLG during early 2013, from the 25 June 2013 new **rules** **HYPERLINK** reduce the number of applications that require a design and access statement (DAS), to reduce burdens placed on applicants.

Only applications for major development and Listed Building Consent must be accompanied by a DAS, but with lower thresholds applying in designated historic areas. It is highly recommended that any applicant seeks pre-application advice for the need for a DAS in relation to the proposed scheme and if necessary to ensure the requirements are commensurate to the scale and complexity of the proposal and potential for harm. As such, a DAS does not necessarily need not be long or complex. The minimum requirements for a design and access statement are set out in [Article 4C](#) of the GDPO and the DCLG [Circular 01/06](#) 'Guidance on Changes to the Development Control System'. Further advice can also be accessed through the [Planning Portal](#).

For those applications that will still require a DAS, it is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured way. The level of detail required in a design and access statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly.

The DAS should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with. It should contain details of all of the options that were considered in the design process and reasons why the final (submitted) design was considered the preferred option. If necessary, crime prevention measures should be addressed in a DAS. Further information on crime prevention statements can be found on the Secured by Design publication '[Design and access statements: How to use them to prevent crime](#)'

2.1.1 Applications Requiring Historic Environment Consent

Applications for Listed Building Consent, Conservation Area Consent or Scheduled Monument Consent will need to be accompanied by a design and access statement. In particular, such a statement should address:

- The special architectural or historic interest of the heritage asset;
- The particular physical features of the heritage asset that justify its designation as a listed building;
- The setting of the heritage asset.

The legislative requirements are set out in [Regulation 3A](#) of the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2008.

Again, it is highly recommended that any applicant seeks pre-application advice, with regards to the status of the new rules (as noted above) regarding design and access

statements; there are proposed changes to the amount of information to be required in relation to Historic Environment Consents.

2.1.2 Regulation 3 Development Specific Design Issues

With regard to temporary classbases applications on school sites, the Economic Development and Environment Policy and Scrutiny Committee produced recommendations(as set out in the [Scrutiny Report on School Relocatable Classrooms Planning Policy](#) (2009)). This requires a design and access statement for temporary and permanent accommodation to include specific information about accessibility regarding doors and disabled access, particularly ensuring the proposal is DDA compliant.

Again, it is highly recommended that any applicant seeks pre-application advice, with regards to the status of the new rules (as noted above) as design and access statements may not be required for this type of application, following adoption of the new rules.

2.2 Planning Fee

Planning applications and submissions of detail cannot be entertained without payment of the correct fee.

In November 2012, [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#) came in to force, which increased planning fees by 15% on the 2008 levels. This supersedes the previous plans to allow local authorities to set their own fees.

The Planning Portal provides a [guide to the fees for planning applications in England](#), which specifies the fees required for all planning application. Alternatively, the Planning Portal also provides a [fee calculator](#) as a tool, to help all applicants assess the fee would be required to be submitted with an application. Alternatively, please contact the Development Management Team (contact details are on the back cover) for further advice.

Making an electronic payment for the correct fee amount is the preferred method of payment, although lodging a cheque with the hard copy(ies) required will still be accepted as payment. Credit card payments can be made by calling 01245 435 555 or 01245 437 152, whereby a planning officer will put the caller through to a member of staff to take payment. To pay, a caller will need to have the following information ready:

- The Planning Portal reference number (if the application was submitted via the Portal);
- The site name;
- The site address;
- The fee required as calculated from the Planning Portals [fee calculator](#) tool or [guidance](#);
- Payee's name and address;
- Card details:
 - Name on card;
 - 16 digit card number and;
 - Expiry date.

2.3 Plans of the Development

There are a number of plans that are required to be submitted with any planning application. The policy driver behind these requirements is in [The Town and Country \(Development Management Procedure\) \(England\) Order \(2010\), Article 6](#).

All of the plans described in this section will require basic information and applications **will not be accepted** in the validation process unless the following is shown:

- The direction of north is shown
- Scale bar on the plan;
- The scale and specified page size at which the original plan was produced (e.g. 1:1000, A3).

Please note: that any plan that contains the phrase “do not scale” will not be accepted.

For large scale developments (e.g. mineral and/or waste development) the scale of drawings may need to reflect the scale of the proposal, for example a scale of 1:2,500 may be more appropriate for sites covering large areas. The scale of drawings should follow the guides set out below, depending on the type of plan required. Where appropriate and dependent upon the scale and nature of development alternative scaling may be appropriate. If uncertain, please seek advice from minerals and waste planning officers prior to submission.

2.3.1 Block Plan of the Site

This should be at a scale of 1:100 or 1:200 with the scale and paper size (A4 or A3 where possible) clearly stated on the plan. The plans should show:

- All site boundaries;
- The type and height of proposed boundary treatment(s) (e.g. walls, fences etc.);
- The position of any building or structure on the other side of such boundaries;
- Position of all trees within and adjacent to the site.

Please refer to section 1.2.11 Electronic Submissions (above) for submission requirements regarding the number of copies required.

2.3.2 Existing and Proposed Elevations

Elevations should be at a scale of 1:50 or 1:100 with the scale and paper size (A4 or A3 where possible) clearly stated on the plan, to explain the proposal in detail. These **must** clearly show the proposed works in relation to what is already there. All sides of the proposal must be shown and clearly identified. Elevations should indicate, where possible, the proposed building materials, the style and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.

Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings. Elevations should detail the positions of the openings on each property, rather than the proposed development in isolation.

Please refer to section 1.2.11 Electronic Submissions (above) for submission requirements regarding the number of copies required.

2.3.3 Existing and Proposed Floor Plans

Floor plans should be at a scale of 1:50 or 1:100 with the scale and paper size (A4 or A3 where possible) clearly stated on the plan, to 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).

Please refer to section 1.2.11 Electronic Submissions (above) for submission requirements regarding the number of copies required.

2.3.4 Existing and Proposed Site Sections and Finished Floor/Site Levels

Site sections and site levels should be submitted at a scale of 1:50 or 1:100 with the scale and paper size (A4 or A3 where possible) clearly stated on the plan to explain the proposal in detail. The location of where the cross section(s) are taken should be clearly labelled on the site plan, including the direction of the view of the cross section.

Please refer to section 1.2.11 Electronic Submissions (above) for submission requirements regarding the number of copies required.

2.3.4.1 *Built & Regulation 3 Development*

Where the existing or proposed site levels would impact on built development, such plans should show a cross section(s) through the proposed building(s). Where levels may be evident from floor plans and elevations, cross sections may not be required. Particularly in the case of sloping sites, it will be necessary to show how proposals relate to existing ground levels or where ground levels would be modified. Levels should also be taken into account in the formulation of design and access statements.

In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details eaves and how encroachment onto adjoining land is to be avoided.

Full information should 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 show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings.

2.3.4.2 *Minerals and Waste Development*

In the case of a change of levels, resulting from minerals and/or waste development (due to the potential to alter topography), both existing and proposed levels plans and cross sections **must** extend at least 250m from the site. This will help to assess the development in the context of the surrounding land and any wider implications of the development in terms of the topography and landscape.

2.3.5 Location Plan

The [Town and Country Planning \(Development Management Procedure\) Order \(2010\), Article 8](#) requires all applications to include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1,250 or 1:2,500 with the scale and paper size (A4 or A3 where possible) clearly stated on the plan. On occasion, plans of other

scales may also be required, but the need for plans of alternate scale plans should be discussed in any pre-application discussions with the authority before submission.

Please refer to section 1.2.11 Electronic Submissions (above) for submission requirements regarding the number of copies required.

Plans **must** show at least two named roads and surrounding buildings, roads and footpaths on land adjoining the site. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a solid red line, which should be entirely visible within the plan submitted. The red line boundary 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 solid blue line should be drawn around any other land owned by the applicant close to or adjoining the application site. For this purpose, an owner is anyone with a freehold interest or leasehold interest, where the unexpired term of which is not less than 7 years.

2.3.6 Roof Plans

Roof plans should be submitted at a scale of 1:50 or 1:100 with the scale and paper size (A4 or A3 where possible) clearly stated on the plan.

A roof plan is used to show the shape of the roof and should include details of the roofing material, vents and their location.

Please refer to section 1.2.11 Electronic Submissions (above) for submission requirements regarding the number of copies required.

2.3.7 Site Plan

The site plan should be drawn at a scale of 1:500 or 1:200 with the scale and paper size (A4 or A3 where possible) clearly stated on the plan. The site plan must accurately show:

- The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries;
- All the buildings, roads and footpaths⁶ on land adjoining the site including access arrangements;
- All public rights of way crossing or adjoining the site⁷;
- The position of all trees on the site and those on adjacent land that could influence or be affected by the development;
- The extent and type of any hard surfacing;
- Boundary treatment including walls or fencing where this is proposed.

Please refer to section 1.2.11 Electronic Submissions (above) for submission requirements regarding the number of copies required.

⁶ Footpaths would benefit from the clear definition of the type of footpath affected. For example, it should be referenced that 'footpath' means footways at the side of a carriageway or route from the definitive map. Such definitions must be clearly defined and consistent as each has a different legal and maintenance liability meaning.

⁷ All Public Rights of Way within and adjoining the boundary site as shown on the current Definitive Map.

2.4 Standard Application Form

The standard application form is required to be completed for all planning applications and associated consent(s), as required in [The Town and Country \(Development Management Procedure\) \(England\) Order \(2010\), Article 6.](#)

As noted in 1.2.11 Electronic Submissions (above), ECC encourages applicants to submit applications electronically wherever possible via the 1-APP forms on the [Planning Portal](#) for Waste and Regulation 3 Applications and via our [own website \(HYPERLINK\)](#) for mineral extraction applications.

All relevant questions **must** be answered fully on the application form. Application forms that are incorrectly completed and/or incomplete will not be accepted and will result in a delay to the application being validated and progressed.

The description of development (within the application form) is often ambiguous and can delay validation of the application, while clarification is sought. It is advised that the description should be concise and note the key aspects to the proposal without excessive detail. Key aspects/details to be included:

- 'Retrospective application for ...' should be used if this is the case;
- Tonnage of minerals or waste to be managed/treated/processed per annum;
- Total void to be created or filled with extraction or landfill proposals.

Some examples are listed below, but will vary on a site by site basis.

- Retrospective application for a change of use from agricultural to enable the recycling of 10,000 tpa of inert material
- Application for the extraction of 10,000tpa sand and gravel creating 6.3 cubic metres void.

Further information and clarification should be contained within the Planning Statement (section 3.21, page 37). If unsure about what should be contained within the description, please discuss with the planning officer during the pre-application discussions.

It is sometimes necessary to submit two or more applications for the same proposal. For example, Listed Building Consent may be required in addition to a full planning application, if the proposal would require any alteration or demolition activities. It should be noted that these are separate applications and should both be submitted separately through the [Planning Portal](#).

2.4.1 Agricultural Holdings Certificate

This certificate is required **whether or not** the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application, as required by the Town and Country Planning (Development Management Procedure) Order (2010), Article 11.

This certificate is not required if the applicant is making an application for reserved matters, renewal of temporary planning permission, discharge or variation of conditions.

2.4.2 Ownership Certificates

Under [Section 65\(5\)](#) of the Town and Country Planning Act 1990 (as amended), read in conjunction with Article [11](#) and [12](#) of the Development Management Procedure Order (2010), ECC must not entertain an application for planning permission unless 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 within the standard application form, stating the ownership of the property/area of land for which the planning application applies.

For this purpose, an owner is anyone with a freehold interest or leasehold interest, where the unexpired term of which is not less than 7 years.

In addition, where Ownership Certificates B, C or D have been completed, notice(s) as required to be submitted to the Planning Authority by the [Town and Country Planning \(Development Management Procedure\) Order \(2010\), Article 11](#), details of these requirements are below.

2.4.2.1 Certificate A

Complete this section within the standard application form, if the applicant is the sole owner of the site at the beginning of a period 21 days before the date of the submission of the application. This concerns all of the land to which the application relates, including any access arrangements.

If you are not the sole owner of the land to which the application relates, (this includes any encroachment on to adjoining land, which is not owned by the applicant, including any eaves, guttering or foundations) then you will need to complete Certificates B, C or D. This includes situations where development abuts, simply overhangs the boundary with the adjoining property/land, or whereby you require access over land which you do not own.

2.4.2.2 Certificate B

This Notice must be served if the applicant is not the sole owner of the land to which the development relates. Notice must be served on every person who was the owner of any part of the land to which the application relates at the beginning of a period 21 days before the date of the submission of the application. The names and addresses on whom notice has been served should be provided within the appropriate section of the standard application form.

2.4.2.3 Certificate C

This Notice must be served if the applicant is not the sole owner of the land to which the development relates and only some of the owners of the land to which the application relates are known. The applicant will need to comply with all those matters required by both Certificate B and D.

2.4.2.4 Certificate D

This Notice must be served if the applicant is not the sole owner of the land to which the development relates and none of the owners of the land to which the application relates are known.

The applicant will need to specify what steps you have undertaken to find the owners, for example planning history and land registry enquiries/searches. Furthermore, the application must be advertised in a local newspaper not earlier than the beginning of the

period 21 days ending with the date of submission of the application. A copy of the advert should be included with the application.

3 ESSEX LIST OF LOCAL REQUIREMENTS

In addition to the national requirements, the national list of local requirements is drawn upon to establish the requirements set by Essex County Council (ECC), known as the local requirements for each type of application.

3.1 Aftercare/Restoration Scheme

Aftercare and restoration is particularly relevant to mineral and landfill applications. Normally, this would be a plan setting out how a site would be maintained and monitored to facilitate recovery from working for at least a 5-year period following restoration. The [National Planning Policy Framework Technical Guidance Note](#) provides further information about restoration and aftercare.

A relevant application needs to demonstrate and explain how the site is proposed to be restored and what type of afteruse is proposed for the site. This should include

- If the site would be returned to former levels
Detailing how and what type of materials would be used for in-filling;
- If the site would remain at lower levels;
- Other type of restoration proposal, e.g. water uses
- A mixture thereof.
- The type of afteruse proposed for example agricultural, landscape/natural/habitat creation/woodland regeneration etc. and why this was considered most suitable over other options should be explained.

Details of pre- and post-settlement contour plans and cross sections, identifying both the top of the waste and the top of the restoration level will be required for landfill/landraise proposals. In addition, information should be provided to indicate the estimated level of settlement for landfill/landraise proposals.

Details would need to be provided regarding probable origin of the wastes and distances of this to the proposed development. The type and location of the pre-treatment of the wastes by waste-type should be included. Relevant details of leachate, landfill gas and litter management systems should be incorporated if this is applicable to the proposed development.

Should a relevant application not have a restoration and aftercare plan, it is likely that a planning condition would be imposed requiring an aftercare plan to be submitted, should permission be granted.

3.1.1 Agricultural Impact

Should the proposed development involve the disturbance of existing agricultural land (e.g. mineral extraction and associated development), details of the Agricultural Land Classification (ALC) will need to be provided.

In addition, a statement regarding the intended restored ALC grade of the land would be (to at least the original grade of the land) would be required, including the restoration methods to be used to secure the ALC grade on completion of the development. Reference should be made to the [National Planning Policy Framework Technical Guidance Note](#).

Where an application proposes that the site would not be returned to agriculture (for example restoration would be to biodiversity, amenity or water uses) consideration must

be given the overall viability of the remainder of the farm complex. In this instance, the end use of the surplus topsoil should also be considered.

3.2 Air Quality Impact Assessment

The [NPPF \(paragraph 124\)](#) and various Local Councils' policy, require applications to be supported by information necessary to allow a full consideration of the impact of the proposal on the air quality of the area, where development is proposed:

- Inside or adjacent to an Air Quality Management Area (AQMA);
- Where the development could in itself result in the designation of an AQMA;
- Where the granting of planning permission would conflict with, or render unworkable, elements of a local authority's air quality action plan.

Where AQMAs cover regeneration areas, developers should provide an air quality impact assessment as part of their planning application. In addition, the following emissions to air should be addressed to allow consideration of any impacts on local policy.

The following assessments and statements can be contained within a single Air Quality Impact Assessment if they are applicable to the development. Alternatively, these aspects can be dealt with individually. Additionally, this information might form part of an Environmental Statement, where one is necessary (see 1.2.4 Applications Requiring Environmental Impact Assessment, page 4).

3.2.1 Dust

Where dust is likely to be an issue a Dust Management Scheme will normally be required. This should set out the possible dust sources, sensitive receptors, mitigation measures and monitoring arrangements. Please refer to the [National Planning Policy Framework Technical Guidance Note](#) for further information relating to dust.

3.2.2 Odour

Where odour is likely to be an issue an Odour Management Scheme will normally be required. This should set out the possible odour sources, sensitive receptors, mitigation measures and monitoring arrangements. Such schemes should normally be discussed with other relevant regulatory bodies, including the Environment Agency and the relevant Essex District/Borough/City Council Environmental Health Officers.

3.2.3 Bio-aerosols Risk Assessment

This is normally required as part of the planning application for an open-air composting facility that is within 250m of residential properties and/or employment premises. It is also considered by the Environment Agency as part of licensing of the site. Further information can be obtained directly from the Environment Agency's website provides '[Guidance on the evaluation of bio-aerosol risk assessments for composting facilities](#)' by Cranfield University, or by contacting the Environment Agency directly.

3.3 Natural Environment and Biodiversity

Where a proposed development may have possible impacts on the natural environment, ecology and biodiversity, information must be provided on existing biodiversity interests and potential impacts for full consideration, in accordance with the [NPPF \(paragraph 109\)](#).

3.3.1 Biodiversity Checklist

Applications for major developments⁸ must complete the [Biodiversity Validation Checklist](#). This will allow full consideration of the natural environment in accordance with the NPPF (paragraph 109).

All relevant sections (including the signed and dated declaration in step 6) within the checklist must be completed for all major applications. The flow process is designed to help applicants ascertain the level of biodiversity information that will be required by the ECC to determine their application. It establishes standard requirements, consistent with national guidelines, for survey, assessment and mitigation procedures. For all other applications, applicants are strongly encouraged to use the checklist where there may be significant effects on the natural environment, for example impacts upon legally protected species.

The Biodiversity Validation Checklist is not exhaustive and aims to capture the standard requirements for an application. It is therefore highly recommended that potential applicants discuss proposals with ECC at the pre-application stage, especially for large scale and sensitive developments.

Applications for development that have the potential to affect protected sites significantly are likely to require a formal Environmental Statement (see 1.2.4 Applications Requiring Environmental Impact Assessment, page 4).

Further national guidance can be obtained from the '[Guidelines for Preliminary Ecological Appraisal](#)' by the Institute of Ecology and Environmental Management. Please also refer to the '[template for biodiversity and geological conservation for the local planning application requirements](#)' prepared by the Local Government Ecologists (ALGE) for further information.

In line with the biodiversity validation checklist the applicant is strongly encouraged to seek pre-application advice from Natural England if the development is in the vicinity of a statutory protected site (see section **Error! Reference source not found.** below).

3.3.2 Habitats Regulations Assessment

The European Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance (Natura 2000 sites). The Conservation of Habitats and Species Regulations 2010 (usually referred to as the 2010 Habitats Regulations implements the Directive into national legislation.

The [Habitats Regulations](#) require competent authorities to carry out a Habitat Regulations Assessment (HRA), where a plan or project is not directly connected with or necessary to the management of a site but is likely to have significant effects on it, either individually or in combination with other plans or projects.

The HRA is designed to assess the impacts of a plan or project on a European [Natura 2000](#) site⁹ for any 'likely significant effects' and to ascertain whether the proposed plan or project would adversely affect the integrity of the site. This applies to any development that has the potential to affect a European site, no matter how far away the development is from that site.

⁸ (we are using the T&C Planning Order)....

⁹ Natura 2000 sites include Ramsar sites, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) as well as potential SPAs (pSPAs) and candidate SACs (cSACs)

The HRA should be undertaken by an appropriately qualified professional ecologist. The general stages of HRA are set out below:

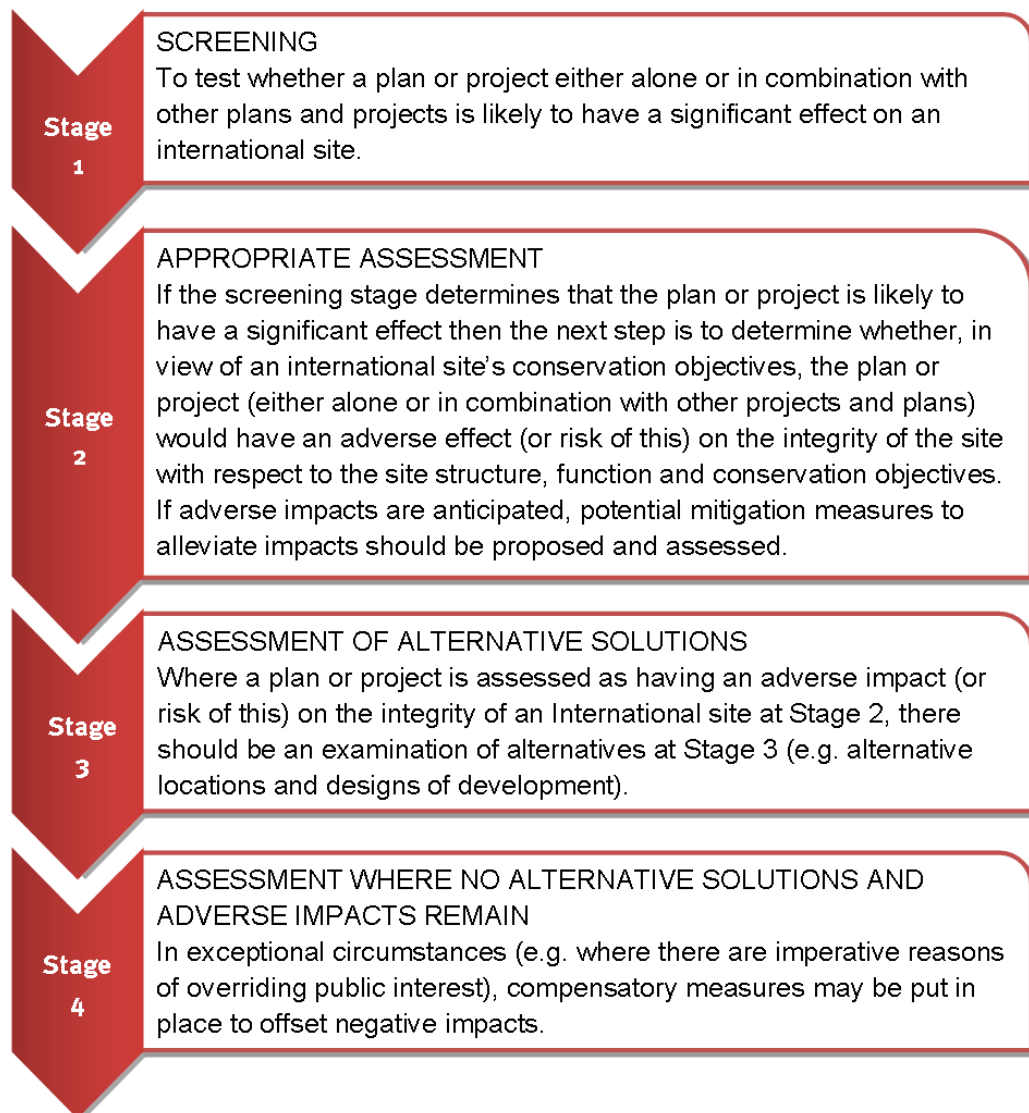


Figure 1: Four Stage HRA Process

Appropriate Assessment (Stage 2) is only required where screening (Stage 1) determines that a plan or project (either alone or in combination with other plans and projects) is likely to have a significant effect on an international site.

ECC must not authorise a plan or project unless it can ascertain that it will not adversely affect the integrity of a European site. The only exceptions are if:

- There are no alternative solutions or;
- There are imperative reasons of overriding public interest for the plan or project to go ahead.

ECC will screen all applications it receives to ensure an HRA/AA accompanies all relevant development proposals. Any such requirement and scope of the appraisal would form part of the pre-application discussions with ECC planning officers.

Further information regarding HRA is available from the Environment Agency's [Guidance for developments requiring planning permission and an environmental permit](#).

3.3.3 European and Nationally Protected Species

In some circumstances, an applicant may be required to carry out a survey for the presence of European and/or Nationally Protected Species. Advice from Place Services is contained within the [biodiversity checklist](#), but further advice can be sought from with ECC planning officers as part of the pre-application discussions.

In addition to evidence demonstrating suitable survey and assessment procedures have been followed, further information is also likely to be required to allow determination of the application in accordance with relevant legislation. For example, The Conservation of Habitats and Species Regulations 2010 (as amended) requires the Local Planning Authority to consider 'Three Tests' when determining a planning application that may affect a European Protected Species.

These 'tests' can be summarised as follows:

- Is there a genuine need and 'purpose' for the proposed development?
- Are there any satisfactory alternatives to delivering and meeting the need in the way proposed?
- Will there be any adverse effect on the conservation status of the species concerned?

If there is a risk of European Protected Species being impacted by the development the applicant would need to submit sufficient evidence to enable these tests to be satisfactorily addressed.

Further guidance is provided in the Natural England publication '[European Protected Species and the Planning Process](#)'.

3.4 Borehole or Trial Pit Analysis

For mineral proposals, the borehole analysis should be relevant to the site under question (i.e. within the site boundary) and identify:

- Depth and volume of soil(s), overburden and minerals proposed to be extracted Above Ordinance Datum (AOD);
- Mineral type, including sieve analysis, percentages of sand and gravel sizes and silt;
- Position of the winter water table (AOD).

3.5 Climate Change/Energy/Sustainability Statement

A statement will be required to show the impact of the proposal in terms of climate change, energy use (and/or production) and sustainability to ensure compliance with the National Planning Policy Framework. Evidence of consideration towards climate change, energy and sustainability will be required in all applications, but it is important that this statement is to an appropriate level commensurate with the complexity/scale of the proposal; it should be no more than is sufficient to understand the potential impact (positive or negative) of the proposal.

If the applicant considers that the development would not have either a negative or positive impact, this should be stated within the planning statement (section 3.21).

If the proposal is likely to have an impact, the following should be addressed:

- The predicted energy demand for the development should be specified with explanation of how the development would meet current energy efficiency

standards and maximise use of sustainable and/or renewable sources (in line with BREEAM standards, if applicable)

- Impact on the carbon footprint associated with the development (This can be through the development itself and/or transportation);
- Water conservation measures incorporated in the design and/or resource management strategy;
- The sustainable design and construction methods/materials used within the proposal;
- Renewable energy statement showing, which renewables have been considered and the overall reduction in carbon emissions delivered if renewables were to be installed.

If the proposal would generate energy, this statement should specify in what form this would take and how much is anticipated to be generated per annum and link to the [Utilities Assessment](#) (as noted in section 3.9). Please refer to the [National Planning Policy Framework](#) and the Good Practice Guidance: Sustainable Design and Construction created by [BREEAM](#) for further guidance.

3.6 Daylight/Sunlight Assessment

In circumstances where there is a potential adverse impact upon the current levels of daylight/sunlight enjoyed by adjoining properties or building(s), including associated gardens or amenity space. As such, this is a material planning consideration, so applications that may have an impact will need to be accompanied by a daylight/sunlight assessment.

Further guidance is provided in '[Site layout planning for daylight and sunlight: a guide to good practice](#)' (updated in Sept 2011). This guidance is intended to be used in conjunction with the [British Standard Code of Practice for daylighting](#) (BS 8206-2:2008, Lighting for buildings).

Where appropriate, this should include an assessment of any adjoining waterway to ensure there is no undue overshadowing to the waterway.

3.7 Economic Statement

In line with the requirements of the NPPF, a supporting statement of any economic growth/regeneration benefits should accompany applications from the proposed development. This needs to be commensurate with the complexity/scale of the proposal; it should be no more than is sufficient to understand the potential impact (positive or negative) of the proposal.

If the applicant considers that the development would not have either a negative or positive impact (for example retention of a temporary classbase), this should be stated within the planning statement (section 3.21).

If the proposal is likely to have an impact, the following should be included:

- Viability Assessment, which is sensitivity tested to an appropriate level commensurate with the complexity of the proposal. Schemes that are more complicated would need further scenario and/or simulation analysis to be undertaken;
- Any new jobs that might be created or supported;
- The relative floor space totals for each proposed use (where known);
- Any community benefits;

- Reference to any regeneration strategies.

Where appropriate, applications should demonstrate how they would contribute to the implementation of the goals of the [National Planning Policy Framework](#) sections 173 to 177.

3.8 Impacts on the Water Environment

The following assessments and statements can be contained within a single hydrology statement, if they are applicable to the development. Alternatively, these aspects can be dealt with individually. Additionally, this information might form part of an Environmental Statement, where one is necessary (see 1.2.4 Applications Requiring Environmental Impact Assessment, page 4).

3.8.1 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. This is a requirement of the [NPPF \(paragraphs 93 to 108, 166 and 192\)](#) and local policies. 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. Flood zone maps can be found on the [Environment Agency's website](#).

The FRA should identify and assess the risks of all forms of flooding¹⁰ to and from the development and demonstrate how these flood risks will be managed, taking climate change and sea level rise 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) (please see below) 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 ECC with reference to published Local Development Documents, any Strategic Flood Risk Assessment and with reference to the [Flood and Water Management Act \(2010\)](#). 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 2011. The [National Planning Policy Framework Technical Guidance Note](#) provides 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.

ECC will require a Flood Risk Assessment in line with the Environment Agency's [Standing Advice on Development and Flood Risk](#).

3.8.2 Hydrological and Hydro-geological Assessments

For minerals and/or waste related development proposals, where dewatering is proposed or proposals affect the water table, hydrological and/or hydro-geological assessments will be required. Applicants are advised to consult the Environment Agency at an early stage and to involve a qualified Hydro-geologist.

¹⁰ Common types of flooding include: coastal flooding, fluvial (river) flooding, pluvial (rainwater) flooding, groundwater flooding and sewer flooding

The assessment and technical information may need to include details of topography and surface drainage, artificial ground, superficial deposits, landslip deposits, rockhead depth, bedrock geology and details of any borehole reports including any information with regard to both licensed and unlicensed abstractions. It may also be necessary to include the calculation of the extent and volumes of dewatering will be required in order for the Agency and the County Council to assess further investigations. This may include monitoring of the existing water regime for at least 12 months prior to submission of the application in order to ensure that surface and ground water can be safeguarded.

Applicants should indicate natural water table including its depth, source catchment areas and characteristics. Consideration of the potential impact upon any wetland site of special scientific interest should be incorporated. The statement must show that third parties will not be affected by the proposed dewatering. Where investigations show that dewatering is likely to have an impact on public and private water supplies or water bodies or watercourses details of mitigating measures must be included in the application e.g. recharging reservoirs etc.

Details of proposed methods of dewatering and proposed methods of water disposal must be given. Applicants should include proposed measures to control potential pollution to protect ground and surface water. They should also give an indication of any necessary drainage and flood control measures; and proposed monitoring measures, including any requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; and the prevention of material entering open watercourses.

3.8.3 Sustainable Drainage Systems (SuDS)

ECC will become a SuDS Approval Body (SAB) by the enactment of Schedule 3 of the [Flood and Water Management Act \(2010\)](#), which is likely to be from April 2014. This means that all new development that has surface water drainage implications will potentially require SAB approval and need to conform to National and Local Standards. Initially, only major developments will need SuDS approval, but this will be rolled out to minor developments in due course.

The process for SuDS approval will be similar to the planning process, requiring validation of required forms and documentation, consultation and determination. It is anticipated that the determination periods will be 7 weeks for minor applications and 12 weeks for major applications, to allow applicants to be notified of both the planning and SuDS decision notices at the same time (when these are submitted together). As with planning, early discussion with the SuDS Approval Body will be required, to ensure applications have sufficient information submitted to allow validation.

Defra have carried out an initial consultation on the process for gaining SuDS approval and applicants for planning permission should be made aware that:

1. The national standards should be followed wherever possible when designing SuDS to increase the likelihood that the SAB can adopt them in the future.
2. ECC is developing local standards through its [draft SuDS Design and Adoption Guide](#), which completed public consultation in September 2012. When the Flood and Water Management Act 2010 is enacted, the local standards should be followed wherever possible when designing SuDS to increase the likelihood that the SAB will approve the scheme and can adopt them in the future.

3. Developments with existing planning permission, with one or more reserved matters or where a valid planning application exists before enactment of Schedule 3 (likely April 2014) will not require SuDS approval during the first 12 months (up to April 2015) but following this date must obtain SuDS approval prior to commencement of development.

For further information regarding the progress of enacting the Flood and Water Management Act 2010 and whether a SuDS approval is required please view [ECC's website](#). Alternatively, once enacted and you wish to discuss the requirements of a SuDS application please get in contact with the SuDS team at suds@essex.gov.uk or telephone 01245 437 062 or 01245 437 138.

3.8.4 Water Pollution

Discharges to water from development (in both the construction and operational phases of development) can significantly affect a high quality water environment. This would then have further impacts on habitats for plants, animals and local people. Guidance on practical ways to prevent water pollution and [pollution prevention guidance notes](#) both produced by the Environment Agency provide useful information to be considered as part of the design phase of a development. If there is to be a potential impact on water pollution, either in the construction or operational phases, developers should refer to this guidance as to how these prevention measures have been considered/incorporated in to the development.

3.9 Foul Sewage and Utilities Assessment(s)

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 more detailed foul drainage assessment will be required including details of:

- The method of storage, treatment and disposal;
- A full assessment of the site, its location and suitability for storing, transporting, treating or disposing of 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. Government guidance on what should be included in a non-mains drainage assessment is given in [Circular 03/99](#) 'Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' and [Building Regulations Approved Document Part H](#) and in [BS 6297](#).

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 (as described previously in section 2.3 Plans of the Development) and specification. Drainage details that 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 one or more of existing utility services, including:

- Electricity and gas supplies;
- Telecommunications;
- Water supply;
- Foul and surface water drainage and disposal.

Two planning issues arise in connection in connecting to exiting utilities infrastructure:

- Whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands that would arise from the completed development;
- Whether the provision of services on site would give rise to any environmental impacts, for example, excavations close to trees or archaeological remains.

The applicant should demonstrate 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;
- Proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
- Service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains;
- To avoid potential damage to trees full details of service layouts should be submitted and the layout and installation should be carried out in accordance with the requirements of The National Joint Utilities Group (NJUG) '[Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees](#)';
- Where the development impinges on existing infrastructure, the provisions for relocating or protecting that infrastructure has been agreed with the service provider.

3.10 Health Impact Assessments

A Health Impact Assessment (HIA) may be required to provide information about how a proposal may affect, directly or indirectly, on people's health. This is noted in the [NPPF \(paragraph 120\)](#) and local planning policies. HIAs are used to assess possible significant health effects, which could be affected by development. The aim of an HIA is to identify potential health consequences of decisions and to maximise the health benefits while minimising any negative impacts, which could arise during the construction phase and/or during operations as a result of pollution, transport, radioactivity or if the development would be located near a hazardous installation etc.

Consideration of health impacts must be commensurate with the complexity/scale of the proposal; it should be no more than is sufficient to understand the potential impact (positive or negative) of the proposal.

If the applicant considers that the development would not have either a negative or positive impact (for example retention of a temporary classbase), this should be stated within the planning statement (section 3.21).

For this assessment to be of significant value it needs to be connected with other impact assessments, including environment and transport.

Please refer to the [World Health Organisation](#) website, ECC's Public Health Team¹¹ or the Essex Planning Officers Association Guidance Note '[Health Impact Assessments](#)' (March 2008)

3.11 Heritage Statement

The need for heritage statements is derived from the [NPPF \(paragraph 128\)](#) and local policies. The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. The statement should be commensurate with the scale of the proposals and the importance of the affected asset(s): it should be no more than is sufficient to understand the potential impact (positive or negative) of the proposal on the heritage assets' significance. Applicants are advised to discuss proposals with a planning officer, who may (depending on the proposal) need to refer to the Council's Historic Environment Consultant¹² before any application is made, to ensure the requirements are commensurate to the scale of the proposal and potential for harm.

Assessment of the following heritage Assets can be contained within a single heritage statement, if they are applicable to the development. Alternatively, these aspects can be dealt with individually. Additionally, this information might form part of an Environmental Statement, where one is necessary (see 1.2.4 Applications Requiring Environmental Impact Assessment, page 4).

Heritage statements are required if a development would affect a heritage asset (whether on or adjacent to the proposal site), including:

- Listed buildings;
Would require the following information in support of any planning application;
 - The details in support of the Listed Building Consent application;
 - Any agreed programme of mitigation;
 - A copy of the Listed Building Consent form.
- Conservation areas;
Would require the following information in support of any planning application;
 - The details in support of the Conservation Area Consent application;
 - Any agreed programme of mitigation;
 - A copy of the Conservation Area Consent form.
- Historic battlefields;
- Protected wrecks;
- Registered parks and gardens.
- Archaeological sites and their setting (whether on, or adjacent to the proposal site);
- Scheduled Monuments and their setting (whether on, or adjacent to the proposal site).

If a Scheduled Monument would be impacted through the proposals, English Heritage should be consulted before the submission of the application

For applications either related to, or affecting the setting of heritage assets (as set out above) the heritage statement should include:

¹¹ Responsibility and accountability for Public Health was transferred from NHS Primary Care Trust to local authorities on the 1st April 2013.

¹² Within the County Council's 'Place Services'.

- An analysis and description of the significance of any heritage assets affected, including any contribution made by their setting;
- An assessment of the impact (positive or negative) of the proposals on the significance of the heritage assets;
- A statement of justification for the works.
This must be submitted in the form of a written statement with plans identifying the heritage assets that may exist on or adjacent to the application site, including:
 - All designated sites;
 - All non-designated sites (e.g. locally listed buildings and heritage assets recorded in the Historic Environment Record).

All heritage statements should take into account the impact or potential impact of the proposed development. Any proposals must avoid, minimise or mitigate such impacts. Proposals may also have an impact on the surrounding environs (the historic landscape/historic environment character) and these issues need to be addressed in any assessment. The principles of and justification for the proposed works and their impact on the special character and appearance of the heritage asset, its setting, views into and out of it, and the setting of adjacent assets may also be required.

For heritage assets, further advice is provided in the [National Planning Policy Framework](#), English Heritage's PPS 5 [Practice Guide \(2010\) and Conservation Principles \(2008\)](#).

3.11.1 Archaeological Assessment

As a minimum, the Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise. Where a site where the proposed development includes, or has the potential to include heritage assets, there is a requirement for developers to submit an appropriate desk-based assessment and, where necessary, the results of a field evaluation. The results of any field assessment must be submitted as part of the Heritage Statement.

Further advice is provided in the [National Planning Policy Framework](#), English Heritage's PPS 5 [Practice Guide \(2010\) and Conservation Principles \(2008\)](#).

3.12 Land Contamination Assessment

Where there is known or suspected contamination on the application site, a land contamination assessment will be required as noted in the [NPPF \(paragraphs 120 to 122\)](#). A land contamination assessment will be required in the following cases:

- Where an application is either suspected or known to be sited on a previous use that could potentially have contaminated the site;
- Where an application is sited adjacent to an existing or previous use that could potentially have contaminated the site;
- If the proposed use would be particularly vulnerable (e.g. sensitive uses) to potential contamination.

Where development would fall in to one of the above cases, sufficient information is 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 allowing the development to proceed. The minimum level of information for validation in these cases is a report of the preliminary risk assessment. This presents the findings of

a desk study and site reconnaissance (walk over), identifying any sources, pathways and receptors of contamination on or adjacent to the site.

Where contamination is found, developers would need to demonstrate that unacceptable risk from it will be successfully addressed through remediation, without undue environmental impact during and following development.

The relevant Essex District/Borough/City Councils' Environmental Health Officers are key consultees in relation to ground contamination issues. Land affected by contamination is also of interest to the Environment Agency due to the potential effect on "controlled waters".

3.13 Landscape and/or Visual Impact Assessment

Any proposal (but particularly for major applications) can have significant impacts on the local landscape or townscape. The need for landscape and/or visual impact assessments is derived from local policies and the [NPPF \(paragraphs 109, 113-116\)](#).

Where the development would potentially have a significant impact on the landscape or townscape, an assessment of the existing conditions, the effect the proposal would have on the landscape/townscape and the resulting visual impacts should be submitted. As such, plans may be required (depending on the scale of development) that identify the contours, planting (including species and location) and other aspects that would potentially affect the landscape/townscape and/or have a visual impact. The advice in the latest version of 'Guidelines for Landscape and Visual Impact assessment'¹³ (GLVIA) by the Landscape Institute and the Institute of Environmental Management and assessment should be used in determining these impacts.

Applications may be accompanied by landscaping details and include proposals for long-term maintenance and landscape management. These proposals should follow from the design concept in the Design and Access Statement (if required) and should mitigate any landscape and visual impacts identified. It should also be explained why these were considered the most appropriate option.

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

3.13.1 Photographs and Photomontages

Both photographs and photomontages provide useful background information of the exiting views around the site and can help to show how large developments can be satisfactorily integrated within the street scene/landscape. As such, photographs and/or photomontages must be incorporated into a landscape and visual assessment.

However, post-processing that fundamentally alters the original photograph should not be used on any electronic document¹⁴. Also, please note the guidance on [maximum file sizes](#) if submitting electronically.

3.14 Lighting Impact Assessment

A lighting assessment may be required (in accordance with the [NPPF paragraph 125](#) and local policies where applicable) for proposals where external lighting would be

¹³ At the time of publication, the most recent version of the GLVIA is the third edition published in 2013.

¹⁴ With the exception of photomontages, which by their very nature require the imposition of development form in to the actual photographs.

provided, or made necessary by the potential development. This would include proposals for:

- Provision of publicly accessible developments;
- In the vicinity of one or more:
 - Residential properties;
 - Listed building(s);
 - Conservation area(s) or
 - In the open countryside.

In these cases, the application is 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 lessen the effects of external lighting, including street and security lighting. The advice is applicable in towns where neighbouring buildings could be affected, as well as the countryside.

Where appropriate, this should include an assessment of any adjoining waterway, to ensure there is minimal illumination overspill onto the waterway.

3.15 Noise Impact Assessment

There are a number of instances where noise impact assessments (to be prepared by a suitably qualified acoustician) are required in support of a planning application, principally:

- Proposals that raise issues of disturbance;
- Proposals that are considered a noise sensitive development;
- Proposals that are within what is considered a noise sensitive area.

Applications for proposals of commercial or industrial premises adjacent to noise sensitive¹⁵ premises should undertake a [BS4142](#) noise assessment as agreed with the planning authority. A noise impact assessment will be required where the proposal is for a change of use or built development that will result in a mineral or waste development adjacent to housing or other noise sensitive premises, or if the proposal is for mineral extraction or landfill/landraising development. For proposals for mineral extraction, further guidance is provided in [The National Planning Policy Framework Technical Guidance Note](#).

Details of the sound insulation provision within development schemes to mitigate and muffle the escape of noise from the proposed development, such as building insulation measures may need to be submitted. Reference should be made to Building Regulation requirements, Environmental Health and NPPF technical guidance requirements.

3.16 Open Space and/or Playing Field Assessment

For development within open spaces or playing fields, application proposals must be accompanied by plans showing any areas of existing or proposed open space/playing field within or adjoining the application site. The requirement for this stems from The

¹⁵ Noise sensitive developments are generally classified as: hospitals, schools, residential / care homes.

Town and Country Planning (Development Management Procedure) (England) Order 2010 [Schedule 5 \(Consultations before the grant of permissions\)](#).

Sport England is the key statutory consultee on any planning application for development which:

- Is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field;
- Is on land which has been either:
 - Used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped;
 - Allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement;
- Involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.

Any application involving the loss of or provision of, playing fields should be supported by evidence from a district wide Playing Pitch Strategy; or 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 needs assessment. This assessment must establish whether the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. National planning policy is set out in the [National Planning Policy Framework](#).

Where appropriate pre-application discussion should be held with Sport England to ascertain whether any mitigation measure for any loss of pitches can be implemented and evidence of this should be submitted with any planning application. The Sport England publication '[A Sporting Future for the Playing Fields of England – Policy on planning applications for development on playing fields](#)' sets out the exception criteria against which applications will be assessed by Sport England.

More general advice from Sport England on planning and playing fields is available [here](#).

In open space assessments reference should be included as to whether land is registered common land or town/village green under [Commons Registration Act 1965](#) and [Commons Act 2006](#).

3.17 Parking Provision

Applications that will have an impact on parking provision will be required to provide details of existing and proposed car parking provision and access arrangements, in accordance with the [NPPF \(paragraph 39\)](#) and local planning policies. Applications need to provide details of:

- Existing and proposed parking provision;
- Permanent access arrangements for both vehicles and pedestrians;
- Temporary arrangements for both vehicles and pedestrians during construction.
- Consideration would need to be given to visibility splays.

These details must be completed within the standard application form and shown on a site layout plan. If motorcycle or bicycle parking is proposed this must also be illustrated.

Guidance on Essex Parking Standards is in the [EPOA Vehicle Parking Standards](#) (2009), which has been adopted by many Essex Authorities as a Supplementary Planning Document (SPD). If the proposal is for a greater number of allocated parking spaces than what is contained within this guidance full justification of need and reasons would have to be submitted with any planning application.

3.18 Phasing and Method of Operation Statement

Information is required on the types and quantities of minerals to be extracted and/or landfill waste materials in both tonnages and volumes, both in terms of total for the site and proposed annual extraction and/or infill rates. This is also applicable for and primary or secondary processing plant applications.

Details of phasing would need to be provided through a phasing programme including relevant plans should extraction/infilling be intended to progress in this manner.

Topographical survey information may also need to be submitted. This should be to a scale of at least 1:1,250 and contain the following:

- Pre-development and proposed contours over and within 2km of the site and maybe further where necessary;
- Existing trees, hedges and ditches, watercourses and water bodies
- Location of building on the site or within 250m of the site identifying current use
- Position of Public Rights of Way within and adjacent to the sites

For mineral extraction, the percentage of silt arising from processing should be indicated and the method of silt management and disposal explained.

Further information can be found in the Planning4Minerals: '[A Guide on Aggregates](#)' produced by Entec UK Ltd.

3.19 Photographs and Photomontages

As noted within section 3.13.1, both photographs and photomontages provide useful background information for applications and as such must be incorporated in to any landscape and visual impact assessment submitted with an application.

In addition to this requirement, an application that does not require a landscape and visual impact assessment and where the submission of photographs and photomontages would benefit the consultees these must be included if the proposal involves:

- The demolition of an existing building;
- Development affecting a conservation area or a listed building
- Potential significant potential effects on the landscape or street scene.

It is considered that the benefit of photographs and photomontages of the site is not limited to solely applications requiring landscape and visual impact assessment or the above criteria. Photographs and photomontages should be included in any application where the applicant feels it would benefit their case to include these.

However, post-processing that fundamentally alters the original photograph should not be used on any electronic document (with the exception of photomontages, which by their very nature require the imposition of development form in to the actual photographs). Also, please note the earlier guidance on [maximum file sizes](#) if submitting electronically.

3.20 Planning Obligations - Draft Head(s) of Terms

Planning obligations (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 a development acceptable, which would otherwise be unacceptable in planning terms.

Where the developer is prepared to offer to enter into a planning obligation, draft Heads of Terms and Certificate of Title will need to be submitted.

A ‘Unilateral Undertaking’ is a simplified version of a planning agreement, which is relatively quick and straightforward to complete and is entered into by the landowner and any other party with a legal interest in the development site. They can assist in ensuring that planning permissions are granted speedily, which benefits both applicants and the Council. Where the developer is prepared to offer a Unilateral Undertaking to enter into a planning obligation, usually this would be submitted with the planning application.

3.21 Planning Statement

A planning statement identifies the context and need for a proposed development. It seeks to describe the proposed development, justify the development in regards to the local and national planning policy and considers other material planning considerations. This should include further clarification and details of the proposal, which is included within the description of development contained within the Standard Application Form (section 2.4, page 18).

3.21.1 Justification in Policy Terms

The Planning Statement should include an assessment of how the proposed development accords with relevant national and local planning policies.

3.21.2 Justification and Need of Proposal

When the justification and need of a proposal is considered to be material considerations in determining a planning application, the Planning Statement should include reference to why the applicant considers there is a valid need for the proposal.

Where the application is for a change of use, inclusion of further information for the reasons for the change of use will be required.

Prior to submission, applicants should discuss whether need and justification of the proposals is required to be addressed within the pre-application discussions.

3.21.2.1 Regulation 3 Development

Regulation 3 applications are applications for any County Council owned property (or jointly owned property, where the County Council retains a significant interest), e.g. community schools and libraries. These applications must show they are from the relevant authority service area that is providing the service or facility (and if it is a joint development, the other body).

Applications that do not meet these criteria (e.g. schools with academy status, where the Council does not maintain a significant interest, or additional development that is either not supported by the County Council or beyond the remit of County Council interest) should be made to the District, Borough or City Council.

Details will need to be provided regarding the need for the proposed development. For school development and where an application relates to the continued use of a temporary classbase, the following is required:

- Identified need:
 - Schools net capacity in all permanent and temporary accommodation;
 - Details of current and forecast pupil and staff numbers
For the duration of the development, if for a temporary classbase, or for at least five years if permanent);
 - Details of class sizes and year groups, where it is of relevance to the application and where there is not a clear need;
 - If the school is on priority list and the temporary classbase is to satisfy need while a permanent accommodation solution is evolving this should be noted. In this case it would also be useful to note any potential timescale for this permanent accommodation (if applicable)
- Realistic timescale as to duration of the identified need;
- Proposed use e.g. education, extra-curricular activities
If the majority of the use of the classbase would not for educational purposes then the application should be submitted to the relevant City/District/Borough Council;
- The number of car parking spaces on site and if more are required.

Further information regarding for temporary mobile (relocatable) classbases is within the [Scrutiny Report on School Relocatable Classrooms Planning Policy](#) (2009).

3.21.3 Impacts and Mitigation Proposed

Depending on the scale of the development, the planning statement may include information regarding the impacts and mitigation measures any of the statements/assessments noted within this guidance.

As such, to be commensurate with the scale of the proposals and potential impacts, a planning statement may obviate the need for other more specific and detailed statements described in this guidance. Major developments, or those where it is likely there would be a significant impacts, more detailed individual statements would be required, as prescribed by this guidance.

Where an application is supported with an Environmental Statement (as required through the Applications Requiring Environmental Impact Assessment regulations (section 1.2.4, page 4), the planning statement and the ES must be separate documents. The planning statement must be able to be read alone without reference to the ES i.e. the supporting statement must describe all the proposed mitigation and monitoring based on the outcomes of the EIA.

3.22 Public Rights of Way

Reference to any Public Rights of Way (PRoW) which would be affected by the potential development, with the number/name of the PRoW identified on plans. This includes PRoWs within or adjacent to the site which would be affected by the proposed development.

It should be specified whether any impacts on the PRoW would be for a temporary period or permanent, (e.g. temporary diversion during the construction phase or during mineral workings) and what alternative arrangements would be made/proposed.

Any PRoW affected should be identified with any detail of any diversion or 'stopping up' required. Further details can be found within the EPOA guidance "[Development and Public Rights of Way: Advice note for developers and development management officers](#)" (2010).

3.23 Public Involvement Programme (PIP)

The recently adopted [Essex Statement of Community Involvement First Review](#) has implemented some key changes to the County Council's methods of public consultation in connection with planning applications and in the preparation of planning policy documents. In this case, it notes that the [Localism Act 2011](#) (S122) and the [NPPF \(paragraphs 66, 188 and 189\)](#) place a statutory requirement on applicants to undertake pre-application consultation on applications for major developments. Previously, the planning authority could only encourage pre-application consultation.

The Localism Act received Royal Assent in November 2011 and contains a number of enabling provisions. As such, not all of the measures are in force, but the enabling provisions give the Secretary of State power to introduce regulations and guidance that will make the measures 'live.' At the time of publication, [Government](#) is keeping commencement of this provision (S122) under review to ensure the regulation can best be shaped to benefit both applicants and local communities. It is highly recommended to discuss the status of this provision with planning officers during the pre-application discussions.

Once this provision is live, **all** applications will need to be supported by a Public Involvement Programme (PIP) or Statement of Community Involvement (SCI). This evidence will need to be commensurate with the size of the development, but even smaller proposals, should ensure early engagement with the opportunity to design out any potential objections. The statement must set out evidence of how the applicant has complied with the requirements for pre-application consultation. Therefore, the minimum requirements are as follows:

- Evidence to show that relevant individuals/organisations have been consulted;
- Must detail how these consultees should respond and by when;
- Demonstrate how the responses of which have been taken in to account in the formulation of development proposals.

For smaller developments, the pre-application consultation information can be held within the Planning Statement.

Proposals that are more significant will need to include a formal record of the Public Involvement Programme in relation to the proposals. Depending on the individual proposal, the public involvement programme may use media, posters and flyers, public exhibitions, drop-in sessions and meetings, by direct contact, or any other appropriate methods as discussed with planning officers. The submission must evidence that the public involvement proposal has achieved the requirement to bring the proposal to the attention of the majority of those homes and businesses in the vicinity of the proposal.

Any potential applicant should discuss the appropriate level of community involvement and pre-application consultation with the local authority. The statement should be mindful of the requirements of the 'Equality: key concepts' as defined in Part 2 of [Equality Act 2010](#) and include the details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission.

For further information about ECC's currently adopted SCI First Review please refer to the [ECC website](#).

3.24 Structural Survey

A structural survey may be required in support of an application if the proposal involves the alteration to an existing building that would potentially alter the structural integrity of a building, or to demonstrate the need for demolition of a building. An example of when a structural survey would be required is if the application proposed a change of use of an existing farm or industrial buildings to be used in relation to minerals and/or waste development, or if substantial remodelling or demolition was required for any regulation 3 development. These surveys must be carried out by a structural engineer or other suitably qualified person. Structural surveys will also be required for applications for Listed Building Consent or Conservation Area Consent for demolition in a conservation area.

For waterway walls, a 'waterway wall survey' would normally be required. See www.britishwaterways.co.uk for more information.

Further clarification of whether a structural survey would be required should be discussed during pre-application discussions with a planning officer.

3.25 Transport Assessment/Transport Statements

The Highway Authority (and the Highways Agency, where relevant) will be consulted on all applications that have a relationship with, or impact upon the public highway. Transport Statements and Assessments are required by [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010, \(Article 16, schedule 5\)](#), the [NPPF \(paragraphs 32 to 38\)](#) and various local planning policies. The NPPF advises that a Transport Assessment (TA) or where appropriate, Transport Statement (TS) should be submitted as part of any planning application where the proposed development has significant transport implications. As such and in order, for the Highways Authority to assess an application accurately, the following information will be required:

- All applications:
 - A scale drawing (1:500 or 1:1250) of the access arrangements for the application site;
 - Information on Public Rights of Way (if relevant) that may be affected by the proposal;
 - A Transport Assessment if the application site will generate more than 50 car movements or equivalent
This equally applies to education applications that propose a significant increase in pupil/staff numbers;
 - A Travel Plan if the application site has more than 50 employees, or in the case of a school application, if the application site does not already have one in place.
- All applications that propose a material change to the existing public highway
 - A scale drawing (1:500 or 1:1250) of the proposed changes;
 - A stage one road safety audit of the proposed changes conducted by an independent qualified auditor.

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 detailed guidance can be found on ECC's [website](#) within the Essex Local Transport Plan and Development Management Policies. These documents outline when a transport assessment will be required and what is to be included. Where the development may have impact upon a trunk road requirements for Traffic Impact Assessment are set out in the Department for [Transport Circular 02/2007](#).

If the proposals would involve HGVs entering or leaving the site during the construction and/or operational phase, (this would normally concern minerals and/or waste development) of the development, details should be provided of the methods that would be used to prevent mud and debris from being deposited on the public highway.

The feasibility of using the railway network, waterways and their towpaths for waterborne freight and passenger transport, cycling and walking should be assessed where appropriate.

3.26 Travel Plan

A travel plan should be submitted alongside planning applications that are likely to have significant transport implications. The travel plan should contain clear measurable targets, monitoring arrangements and means of enforcement.

Further advice is available in [Good Practice Guidelines: Delivering travel plans through the planning process](#); DCLG and DfT (2009), also [Making residential travel plans work: Good practice guidelines for new development](#); DfT; [A guide to development related travel plan](#) (Addison & Associates) and the [developer guidance](#) produced by ECC.

The feasibility of using the railway network, waterways and their towpaths for waterborne freight and passenger transport, cycling and walking should be assessed where appropriate

3.27 Tree Survey, Arboricultural Implications and Method Statement

Applicants should anticipate the need to retain and accommodate trees within the development as a whole and should provide for the retention of as much of the existing tree cover as is practicable. Existing trees on development sites are particularly vulnerable to damage during construction and as such must be suitably protected during development and/or construction.

All surveys and statements should be prepared by a suitably qualified and experienced arboriculturist and use the methodology set out in the British Standard [BS5837 'Trees in relation to construction – Recommendations'](#). Adherence to the processes set out within this British Standard will help to ensure that the most suitable trees are retained, development is suitably and fully integrated with trees, appropriate protection is provided for retained trees and that any potential conflicts are identified early on in the process and can subsequently be avoided.

A tree survey is required in all applications where there are any trees:

- Within the application site,
- On land adjacent to the application site or
- That could influence or be affected by the development (including street trees).

This survey information is required not only to establish the tree stock (identifying any to be retained or removed as part of the proposals) but also to assess the protection requirement of the trees during construction works and recommend any potential mitigation required in order to facilitate a proposal.

Trees do not have to be subject to a Tree Preservation Order (TPO) or within a conservation area; any tree that could influence, or be affected by the development, should be addressed regardless of designation and will be considered on their own merits. If a tree is protected by a TPO, it should be identified and details provided within the tree survey.

This extent of the information required (both the tree survey and and/or arboricultural implications and method statement) will depend on the application site and types of works proposed. Where there is only potential for minor impact (in smaller scale proposals, such as regulation 3 development), a survey, brief method statement and plan would be required. At the very minimum, a basic survey would be required and the following would need to be considered and/or illustrated:

- Location of each tree
- Height;
- Spread;
- Trunk diameter;
- Species;
- Condition of all trees;
- A levels survey of the site and the surrounding area;
- Where trees are to be retained within the application site, details of protection and working methods to minimise damage to the trees during construction works will be required

Where there is the potential for more significant impacts on trees, a full tree survey and arboricultural implications and method statement needs to be completed by a suitably qualified and experienced arboriculturist as noted above.

In applications where extensive or significant works are to be carried out, there must be provision for qualified arboricultural supervision of all works close to retained trees as part of an application.

Additional guidance can be found in the Communities and Local Government '[Tree Preservation Orders: A Guide to the Law and Good Practice](#)' and in '[British Standard 5837: Guide for trees in relation to construction](#)'.

Applicants are strongly advised to discuss any potential impacts on trees with within the pre-application discussions with a planning officer.