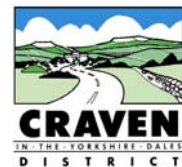


VALIDATION REQUIREMENTS FOR PLANNING AND OTHER APPLICATIONS SUBMITTED UNDER THE TOWN AND COUNTRY PLANNING ACTS



This document has been prepared in partnership on behalf of the above North Yorkshire Planning Authorities and is applicable to all applications submitted to those Authorities (subject to specific local variations).

Adopted April 2011

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1. Introduction

- 1.1 In 2008 an amendment to the Town and Country Planning (General Development Procedure) Order 1995 introduced a mandatory standard national application form and associated information requirements for the validation of planning applications and other applications submitted under the Town and Country Planning Acts. The standard '1APP' form is now available online via the [planning portal](#). In March 2010 the government issued revised guidance on information requirements and validation. This stated that where local authorities wish to maintain their own distinct 'local list' (in addition to the 'national list') of information, this should be reviewed, consulted on and adopted by the end of December 2010. Therefore this revised document has been published to take account of these requirements, as well as other changes in national, regional and local planning policy as applicable to North Yorkshire.
- 1.2 The purpose of the validation arrangements is to :
- provide a guide to the information that may be required at the outset;
 - enable the Local Planning Authority to provide applicants with certainty as to the information required;
 - enable the Local Planning Authority to have all the necessary information to determine the application and to draft the planning permission and all conditions;
 - minimise the need for further submission of additional information in order to allow Local Planning Authorities a reasonable opportunity to determine applications within the National Indicator (NI)159 targets; and,
 - ensure consistency in the approach taken by different Local Planning Authorities in registering and validating applications, whilst recognising the need for variation appropriate to local circumstances.
- 1.3 With this in mind, a group of the North Yorkshire Planning Authorities has sought through this document to set down a consistent and proportionate approach to the information that is required for all different types of applications. This will be kept under review every three years to ensure that it is meeting the above objectives in practice. In setting out these requirements, we are seeking to minimise the number of applications (previously around 30%) which have to be returned as invalid due to insufficient information or being wrongly completed.
- 1.4 This revised document takes full account of the Department of Communities and Local Government document '[Guidance on Information Requirements and Validation](#)'. In line with its recommendations the local list of application requirements are now presented in tabular form. The opportunity has also been taken to increase the use of weblinks where appropriate. In drawing up these lists the key principles set out in the DCLG document have been carefully considered. In summary, these principles are:
- Necessity
 - Precision
 - Proportionality
 - Fitness for Purpose

- Assistance

- 1.5 Section 2 of this document explains the approach to the submission and validation of applications. Section 3 provides a list of requirements for each of the main types of application made under the Town and Country Planning Acts. Where “combination” applications are made, then reference should be made to both of the individual requirements. Section 4 provides explanatory guidance to the terms used. If you are familiar with the process of submitting applications you should only need to refer to the relevant checklist for the application which you are making. The checklist will provide the bulk of the information that you need in order to submit a valid application, but more detailed information of the terms used as well as a general overview of the application process is provided in the following pages of this document if required. There is also a separate Appendix providing detailed guidance on the specialist area of Biodiversity and Geological Assessments. We hope that you find these documents useful.
- 1.6 Although not specifically covered by these requirements, applications can also now be made for extensions to the time limits for implementing permissions; non-material amendments to existing permissions; and minor material amendments to existing permissions. Detailed information about the specific requirements for making such applications together with general guidance and background information can be found in the Communities and Local Government publication [*Greater Flexibility for Planning Permissions*](#).

2. Protocol for Submission and Validation of Applications

Pre-Application Discussions

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

- (a) confirm the scope of the information in the application;
- (b) address whether the proposal may need to be amended to comply with the Council's policies in the Development Plan and other Officer advice; and,
- (c) to seek a view on whether planning permission is likely to be granted.

This advice is given without prejudice to the final recommendation on the proposal, which will be made in the light of consultation responses and detailed consideration of the application. Please note that some of the North Yorkshire Authorities do make a charge for this service and that in all Authorities the availability of this service may have to be prioritised dependent upon staffing and other resources.

2.2 It is recognised that for reasons of urgency some applications may be submitted without the benefit of pre-application advice. The Council will vet applications on receipt and inform the agent/applicant if the plans and supporting information is sufficient to register the application. It will be necessary to submit all required documents with the application as set out in the Council's published validation criteria for the application to be formally accepted and registered.

2.3 It may be necessary in relation to some supporting information to carry out pre-submission consultation with technical consultees, for example, the Environment Agency, Yorkshire Water, Natural England, North Yorkshire County Council or English Heritage as appropriate, prior to the formal registration of the application. It is expected that such consultation will automatically be part of the pre-application process for all major¹ applications and that applicants for other application types will carry out such consultation where particular technical issues are identified at the pre-application stage.

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

2.5 On larger schemes, particularly where design is critical, the applicant will also be encouraged to submit the proposals for consideration by a Design Review Panel at the pre-application stage. Depending on the importance of the scheme, this may

¹ "Major" developments comprise proposals for ten or more dwellings; an outline application for residential development on a site of more than 0.5 hectare; new building(s) of more than 1,000 sq. m. floorspace; or development on a site of more than 1 hectare.

occur at a national, regional or local level. Applicants are encouraged to discuss this at an early stage with the Council to establish the most appropriate arrangements.

- 2.6 All applicants, but particularly those bringing forward major development schemes, are encouraged to carry out pre-application public consultation with appropriate sections of the public (e.g. neighbours directly affected, Parish/Town Council or specific interest groups) in accordance with the Council's published "Statement of Community Involvement". When considering whether or not to engage in pre-application consultation, applicants should be aware that seemingly minor proposals can sometimes be significant, or even controversial, for local people. Therefore, it is often advisable to take a precautionary approach and to engage with those that may be affected whenever possible.

Validation of Applications

- 2.7 The Council will not register or validate an application if it is incomplete i.e. if all information listed in the appropriate validation criteria is not provided in a complete form. We will, however, always seek to take a proportionate view on information requirements and only seek further details where this is genuinely necessary for the application to be properly considered.
- 2.8 Under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations the Council also has power in the course of dealing with an application to require an applicant to :
- (a) supply any further information, and accept outline applications, plans and drawings necessary to enable them to determine the application; or
 - (b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.
- 2.9 If an application is subsequently found to be invalid following registration, the time period for determination will be suspended until such time as it becomes valid and the period for determination of the application reset. However, where information is found to be insufficient the Council is more likely to follow the course of action set out in paragraphs 2.10 - 2.13 below.

Processing the Application

- 2.10 The opportunity to make significant changes to an application, after validation, is severely limited. Significant changes, i.e. revised plans which require re-consultation, may not be accepted, because the re-consultation may not be able to be carried out and a decision made inside the 8 or 13 week target. Applicants may, however, be able to make changes to plans to address issues raised by Officers and consultees, if time permits during the process of consideration. In every case the submission of revised details must be accompanied by a schedule clearly setting out the proposed changes.

- 2.11 Fresh drawings or modifications that significantly alter the nature or description of the proposal will not normally be accepted after validation. If such a change is unavoidable, the Council will ask for a fresh application.
- 2.12 Where an application has been validated but needs significant alteration to make it acceptable, or where pre-application advice to overcome problems has not been followed, the Council will consider the application as submitted and this may result in a recommendation of refusal. The applicant may, however, withdraw the application and submit a new application for a revised scheme before a decision is made. There is normally no fee for the first such resubmission.
- 2.13 Prior to a recommendation of refusal being made on an application, the agent/applicant will be informed and given the opportunity to withdraw the application if it is clear that there would be no other acceptable outcome. These applications can normally be resubmitted in revised form, with no fee.

Legal Agreements

- 2.14 These are legal undertakings under Section 106 of the Town & Country Planning Act 1990 and either take the form of a Planning Agreement between the applicant, the Council and possibly other parties, or alternatively a Unilateral Undertaking made by the applicant alone. They are normally used to secure infrastructural improvements required in connection with the development, such as those relating to schools, highways, open space or affordable housing. Whenever possible, conditions will be used in preference to planning obligations, but there are circumstances (such as where commuted payments towards infrastructure are required) where they are unavoidable. Where possible, applicants are requested to use Unilateral Undertakings rather than entering into Section 106 Planning Agreements to meet planning obligations associated with development proposals.
- 2.15 Unilateral Undertakings and Planning Agreements should be substantially drafted during the preparation of the application or, where possible, should be included as part of the formal submission of the application. As a minimum, draft Heads of Terms outlining the key contents of a proposed Planning Obligation, where one is deemed likely to be necessary should be submitted with the application. Standard pro-formas for common Undertakings and Agreements can be provided. Further advice on Planning Obligations is available in Circular 05/2005, [Planning Obligations](#) and a model [Section 106 Agreement](#) is available on the Communities and Local Government website.
- 2.16 Where Undertakings or Agreements are not completed in time to allow approval of a development within the target timescale of 8 or 13 weeks and the delay lies with the applicant, planning permission may be refused on the grounds of failure to meet a necessary obligation.

Summary

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

- Compile a full application before formal submission.

- Consult the Local Planning Authority and key consultees before formal submission.
- “Front load” the application process by taking into account the views of other parties who will be involved in commenting on and considering the application.
- Significant alterations to applications cannot be made after registration/validation.
- The Council will make decisions in most cases within the relevant target of 8 or 13 weeks. Applicants/agents will be advised as soon as practicable if any application is to be recommended for refusal.
- Advance preparation of documents for Unilateral Undertakings or Planning Agreements will assist a prompt and favourable outcome.

3. Information Requirements for Applications by Main Application Type

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

- NYPA1 : Householder Application for Planning Permission**
- NYPA2 : Application for Outline or Full Planning Permission**
- NYPA3 : Application for Approval of Reserved Matters**
- NYPA4 : Application for Listed Building Consent**
- NYPA5 : Application for Advertisement Consent**
- NYPA6 : Application for Lawful Development Certificate**
- NYPA7 : Application for Conservation Area Consent**
- NYPA8 : Application for Prior Notification of Proposed Development by Telecommunications Code System Operators**
- NYPA9 : Application for Prior Notification of Agricultural or Forestry Development (including proposed buildings, roads, excavation/deposit of waste material from the farm and fish tanks)**
- NYPA10 : Application for Prior Notification of Proposed Demolition**
- NYPA11 : Application for Tree Works : Works to Trees Subject of a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in a Conservation Area**
- NYPA12 : Application for Approval of Details Reserved by Condition**
- NYPA13 : Application for Removal or Variation of a Condition Following the Grant of Planning Permission (Section 73 of the Town and Country Planning Act 1990)**
- NYPA14 : Application for Hedgerow Removal Notice**
- NYPA15 : Application for Minerals or Waste Development**
- NYPA16 : Application to Modify or Discharge a Section 106 Planning Obligation (Section 106A of the Town and Country Planning Act 1990)**

Please refer to Section 4 below for more detailed explanatory guidance of the terms used.

4. Explanatory Guidance of Terms

Standard Application Form

Since April 2008, all applications have had to be presented on the standard "[1APP](#)" application form, which is available electronically. We would encourage you to submit your application electronically wherever possible, as this provides opportunities for improved efficiency and reduced costs. However you still have the option of submitting a paper based application if you wish, in which case one original and three additional copies of the completed standard application form should be submitted. In some circumstances you may be requested to submit more than four sets of documents copies, but four is the statutory requirement for a valid application.

Location Plan

All applications must include copies of a location plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:2500 and normally on A4 or A5 sized paper. In exceptional circumstances plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.

A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

Site/Block Plan

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

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

and the following, unless these would NOT influence or be affected by the proposed development :

- c) All the buildings, roads and footpaths on land adjoining the site including access arrangements.
- d) All Public Rights of Way crossing or adjoining the site.
- e) The position of all trees on the site, and those on adjacent land that could influence or be affected by the development.

- f) The extent and type of any hard surfacing.
- g) Boundary treatment including the type and height of walls or fencing where this is proposed.
- h) The position of any river, pond or other water/coastal feature on or adjacent to the site.

Existing and Proposed Elevations

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

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

Existing and Proposed Floor Plans

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

Existing and Proposed Site Sections, Finished Floor and Site Levels

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

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

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

Roof Plan

This should be drawn at a scale of 1:50 or 1:100 and is used to show the shape of the roof. It is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material, vents and their location are typically specified on the roof plan.

Ownership Certificate and Notice

Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 7 of the General Development Procedure Order 1995 (GDPO), the Local Planning Authority 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 stating the ownership of the property. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

Where an applicant is not the (or sole) owner of the land, a notice to any other owner(s) of the application site must be completed and served in accordance with Article 6 of the GDPO.

Agricultural Land Declaration

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

Design and Access Statement

A Design and Access Statement must accompany applications for both outline and full planning permission unless they relate to one of the following :

- A material change of use of land and buildings, (unless it also involves operational development);
- Engineering or mining operations;
- Extension to the time limit for implementing an existing planning permission;
- Development of land pursuant to Section 73 of the Town and Country Planning Act 1990 (determination of applications to develop land without conditions previously attached);

Except where the site is wholly or partially within a designated Conservation Area or World Heritage Site, Design and Access Statements are not required for the following :

- Householder developments.
- Development of an existing flat for purposes incidental to its use as a flat.
- The extension of an existing building used for non-domestic purposes where the floorspace created does not exceed 100 square metres.
- The erection or alteration of a gate, fence, wall or other means of enclosure, up to 2m high (or the height of the existing means of enclosure, whichever is the higher), except where it is within a the curtilage of a Listed Building.
- Development on operational land, consisting of the erection of a building or structure up to 100 cubic metres in volume and 15m in height.
- The provision of plant or machinery where, as a result of the development, the height of the plant or machinery would not exceed the greater of 15 metres above ground level, or its original height.

A Design and Access Statement is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured non-technical way which can easily be understood by local communities. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application and be proportionate to the type of development proposed, but need not be long. The Design and Access Statement 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, including how relevant planning policies have been taken into consideration together with security and crime prevention. It also needs to consider how the scheme can help to mitigate climate change and adapt to the climate that the development is likely to experience over the course of its expected lifetime. This should include the approach to the sustainable design and construction of buildings, together with provision for on-site renewable energy generation. Crime prevention is also an aspect to consider in relevant circumstances and it will be at the discretion of the Local Planning Authority to determine whether the absence of any reference to this will invalidate a particular Design and Access Statement at the outset. In any event, such information may be relevant to consideration of the application and applicants are strongly encouraged to show how measures to prevent crime and disorder have been incorporated. Further information can be found on the Police's [Secured by Design](#) web site.

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

- (i) the special architectural or historic interest of the building and how this is to be preserved or enhanced;

- (ii) the particular physical features of the building that justify its designation as a Listed Building;
- (iii) the building's setting; and,
- (iv) where appropriate, how the proposed approach to access has balanced the duties imposed by the Disability Discrimination Act and the particular historical/architectural significance of the building.

The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

A more detailed explanation of what is required in a Design and Access Statement is set out in Article 4C of the GDPO and the Department for Communities and Local Government document "[Guidance on Information Requirements and Validation](#)".

Affordable Housing Statement

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

In the event that the applicant is seeking to make an exception to the established policies of the Local Plan/Local Development Framework or other SPD guidance on the provision of affordable housing, this will need to be fully justified. Where this is based on a financial case a Viability Assessment shall be carried out by a suitably qualified valuer. Establishing the appropriate level of affordable housing having regard to both financial viability constraints and the expectations of the Council's policies can be a complex and time consuming process which cannot be accommodated within the normal timescale of a planning application. The applicant should therefore seek to agree the scope and methodology of the Viability Assessment with the Council and complete any discussions, as well as the finalised document prior to the submission of the planning application.

Air Quality Assessment

Where the development is proposed inside, or adjacent to an Air Quality Management Area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of the Local Authority's Air Quality Action Plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Where AQMAs cover regeneration areas, developers should provide an Air Quality Assessment as part of the planning application. Further advice is available in

[Planning Policy Statement 23: Planning and Pollution Control](#), (November 2004) and [Development Control : Planning for Air Quality](#) (2010 Update).

Biodiversity Survey and Report

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of mature trees, woodland, scrub, hedgerows or alterations to water courses and ponds may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. This list is by no means conclusive and specialist guidance should be sought. Government planning policies for biodiversity are set out in [Planning Policy Statement 9: Biodiversity and Geological Conservation \(PPS9\)](#) (August 2005), PPS9 is accompanied by a Government Circular: [Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System](#) (ODPM Circular 06/2005, Defra Circular 01/2005) and [Planning for Biodiversity and Geological Conservation: A Guide to Good Practice](#). Material produced by other organisations may also provide a useful reference resource. Whilst scoping surveys (checking for signs and potential) for bats can be carried out during the winter months, many proposals will require a bat activity survey which can only be properly undertaken between May and August. Applicants should be aware that this can cause delays in the implementation of development.

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

Daylight/Sunlight Assessment

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

Economic Statement

Applications may need to be accompanied by a supporting statement of any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floorspace totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal. In many cases the Economic Statement may be incorporated within other submitted documents, such as the Planning Statement or Environmental Statement.

Environmental Statement

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

Where EIA is required, Schedule 4 to the Regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into consideration when the Local Planning Authority decides whether to grant planning consent. It may be helpful for a developer to request a 'screening opinion' (i.e. to determine whether EIA is required) from the Local Planning Authority before submitting a planning application. Where EIA is necessary, a 'scoping letter' shall also be sent to the Local Planning Authority in accordance with the 1999 Regulations in order to agree the methodology and broad content of the Environmental Statement. In cases where a full EIA is not required, the Local Planning Authority may still require environmental information to be provided.

Flood Risk Assessment

A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 where required under Flood Risk Standing Advice as issued by the Environment Agency (see their [website](#) for further information). A FRA will also be required for any development other than minor development in a designated critical drainage area which has been notified to the Local Planning Authority by the Environment Agency. In areas vulnerable to non-fluvial flooding a Flood Risk Assessment may be required in some cases even if outside a designated Flood Zone.

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

The FRA should be prepared by an applicant in consultation with the Local Planning Authority with reference to their published local development documents and any Strategic Flood Risk Assessment. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental

Impact Assessment) (England and Wales) Regulations 1999 as amended.

[Planning Policy Statement 25: 'Development and Flood Risk](#) (March 2010)

provides comprehensive guidance in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere. A more local [Flood Risk Guide](#) has been prepared by Craven District Council. Although designed primarily with that area in mind, these documents contain helpful information for use in complying with application validation requirements elsewhere in North Yorkshire.

Foul Sewerage and Utilities Assessment

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

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

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

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

The applicant should demonstrate :

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

Geotechnical Survey/Stability Report/Coal Mining Risk Assessment

This is likely to be the required where the development would affect or be affected by unstable land. This includes sites subject to effects of underground cavities, unstable slopes, ground compression and the legacy of past coal mining activity. [Planning Policy Guidance Note 14: Development on Unstable Land](#) provides general guidance, while its two Annexes relating to landslides and subsidence provide more detailed guidance relating to the form and content of information required as part of a planning application.

Other specific information regarding Coal Mining Risk Assessments can be found on the web site of the [Coal Authority](#). This explains how their “risk-based” approach works and provides information regarding coal mining referral areas, as well as guidance and templates for preparing Risk Assessments.

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

All applications which are likely to affect a designated heritage asset (i.e. a Listed Building, a Conservation Area, a Registered Historic Park and Garden, a Scheduled Monument, a Registered Battlefield, or a World Heritage Site) or which might impact upon the setting of one of these assets will, in appropriate circumstances, be required to submit a Heritage Statement. A Heritage Statement should contain :

- A description of those elements which contribute to the significance of any heritage assets likely to be affected by the proposals.
- An assessment of the contribution which the setting makes to that significance.
- An assessment of the likely impact which the proposals will have upon those elements which contribute to the significance of those assets.

In certain circumstances, Heritage Statements may also be required for applications affecting other non-designated heritage assets such as non-scheduled archaeological sites and locally-important historic buildings. The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with either a Planning Officer or a Conservation Officer before any application is made. The following is a guide to the sort of information that may be required for different types of application.

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

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

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

Further advice on Heritage Assets is provided in [Planning Policy Statement 5 'Planning and the Historic Environment'](#), (March 2010).

Land Contamination Assessment

Applications may also need to be accompanied by a Land Contamination Assessment which should include an extended assessment of contamination in line with [Planning Policy Statement 23 'Planning and Pollution Control'](#) (November 2004). Further advice on undertaking a land contamination assessment can be found in the Yorkshire and Humber Pollution Advisory Council booklets, ['Development on Land Affected by Contamination'](#) (March 2010) and ['Verification Requirements for Cover Systems to Remediate Contaminated Land'](#). The latter document is not currently available electronically from YAHPAC but can be obtained from the Council's Environmental Health section. Sufficient information should be provided in the submitted Assessment to determine the existence or otherwise of contamination, its nature and the risks that it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable (e.g. housing with gardens, schools, nurseries or allotments), the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

Landfill Applications

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

Landscaping Details

Applications may be accompanied by landscaping details and include proposals for long terms maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the Design and Access Statement, if required. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Lighting Assessment

Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be required to be accompanied by details of the proposed external lighting and the hours when the lighting would be switched on. These details should include a layout plan with beam orientation and a schedule of the equipment in the design. Submission of an 'isolux' or similar drawings showing the luminance at specified heights above ground level may also be requested for particularly sensitive proposals or sites, such as sports floodlighting in rural or residential areas. ['Lighting in the Countryside: Towards Good Practice'](#) (1997) is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Noise Assessment

Application proposals that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise impact assessment prepared by a suitably qualified acoustician. Further guidance is provided in [Planning Policy Guidance Note 24: Planning and Noise](#) (September 1994).

Open Space Assessment

For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by the Local Authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. National planning policy is set out in [Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation](#) (July 2002). Where Sport England are involved as a consultee on developments affecting existing sports facilities, they will need information which helps them to assess the effects of the proposal. The type and level of detail required can be found on the Sport England [website](#).

Parking Provision

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

Photographs and Photomontages

These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a Conservation Area or a Listed Building. They may form part of the Design and Access Statement or the Heritage Statement.

Planning Obligations – Draft Heads of Terms

Planning Obligations (or “Section 106 Agreements”) are private agreements negotiated between Local Planning Authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Whilst they form a vital part of the Development Management framework, they can cause considerable delay to the approval of a planning application. Where they are required it is strongly recommended that a draft Section 106 Agreement or Unilateral Undertaking is submitted with the planning application. If this not possible, a minimum requirement for validation will be the submission of a statement of the proposed draft Heads of Terms, summarising the key obligations within a proposed Agreement or Undertaking.

Local Development Plan Documents may contain policies that give details of likely Planning Obligation requirements. Further advice on Planning Obligations is available in Circular 05/2005, [Planning Obligations](#) and a model [Section 106 Agreement](#) is available on the Communities and Local Government website.

Planning Statement

A Planning Statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. This is particularly important where a proposal does not accord with adopted policies. It may also include details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission. Alternatively, a separate Statement of Community Involvement may also be appropriate.

Sustainability should be addressed within the statement, including sustainable design and construction of buildings together with provision for on-site renewable energy generation.

Site Waste Management Plan

Proposed new development should be supported by Site Waste Management Plans of the type encouraged by the code of practice published in 2008 by DEFRA entitled ['Guidance for Site Waste Management Plans'](#). These do not require formal approval by the planning authority, but are intended to encourage the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.

Statement of Community Involvement

Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Council's adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

Structural Survey

A structural survey will be required in support of an application if the proposal involves substantial demolition, for example, barn conversion applications or development which may affect the structural stability of buildings/structures identified as Heritage Assets (i.e. Listed Buildings or historic buildings in Conservation Areas).

Summaries of Planning Applications

The principal aim of a summary is to introduce the scheme to parties who are not familiar with the details of the proposed development. Where the supporting information for a major application exceeds 100 pages (excluding the application form itself), applicants should submit a summary of the whole scheme. This summary should be no more than 20 pages long and should provide an overview of the proposal and a clear description of its key impacts. If a development proposal is already subject to Environmental Impact Assessment (EIA), the non-technical summary of the resulting Environmental Statement is likely to provide most of the necessary information. Applicants should simply summarise any other key topics that are outside the scope of EIA. To avoid unnecessary duplication the summary may form part of the Design & Access Statement or Planning Statement, but to assist with validation procedures it should be clearly identified within the document.

Telecommunications Development – Supplementary Information

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

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

Town Centre Uses – Evidence to Accompany Applications

[Planning Policy Statement 4 : Planning for Sustainable Economic Growth](#)

(December 2009), sets out the main town centre uses to which the policy applies, including retail, leisure, office, cultural and tourist uses. Policies EC14 to EC17, in particular, set out the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

Transport Assessment

[Planning Policy Guidance 13 'Transport'](#) (January 2011) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in **[Guidance on Transport Assessment](#)**, (March 2007) published by the Department for Transport.

Travel Plan

A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by **[Planning Policy Guidance Note 13 : Transport](#)** (January, 2011), paragraphs 86-90.

Further advice is available in **[Good Practice Guidelines : Delivering Travel Plans Through the Planning Process](#)** (CLG and DfT, 2009), also **[Making Residential Travel Plans Work](#)** (DfT, 2007).

Tree Survey/Arboricultural Implications

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

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

Ventilation/Extraction Statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. restaurants and cafes - use for the sale of food and drink for consumption on

the premises), A4 (i.e. drinking establishments – use as a public house, wine-bar or other drinking establishment) and A5 (i.e. hot food takeaways - use for the sale of hot food for consumption off the premises). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.