



**Erewash Borough Council**  
**Directorate of Development & Regulatory Services**

## **Validation of Planning and related Applications**

---

### **Additional Information on Erewash Borough Council Local Validation Requirements**

The elements listed below set out the recommended scope of information required by the Council to validate an application (in addition to the requirements of the National list), including thresholds are criteria for the submission of particular types of application. Applicants are encouraged to discuss proposals in advance of the formal submission of a planning application to ensure that the appropriate information is provided with each application. The Council will continue to be able to request further information during the determination process and the application could still be deemed valid and the refused on the grounds of inadequate information, if the documentation submitted is subsequently found to be inadequate.

*Note:*

**Major Applications**

*Include residential developments of more than 10 dwellings and office, retail and industrial developments involving 1000 square metres of floorspace or where site area is 1 hectare or over.*

**Minor Applications**

*Includes residential developments up to 10 dwellings and office, retail and industrial developments up to 1000 square metres of floorspace or where site area is up to 1 hectare.*

**Other Applications**

*Include householder developments, changes of use, listed building and conservation consents and applications to display advertisements.*

### **Affordable housing statement**

The Erewash Local Plan and associated Supplementary Planning Document (as amended by the Planning Committee resolution of 4 April 2007) requires the provision of affordable housing on all sites proposing 15 houses or more, or capable of accommodating 15 dwellings or more.

Further advice is available in the Council's Adopted Supplementary Planning Document: Affordable Housing.

Erewash Borough Council requires 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.

### **Air quality assessment**

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

[www.communities.gov.uk/index.asp?id=1143916](http://www.communities.gov.uk/index.asp?id=1143916)

### **Biodiversity survey and report / Protected Species Survey**

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. Government planning policies for biodiversity are set out in *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)* (August 2005),

[www.communities.gov.uk/index.asp?id=1143832](http://www.communities.gov.uk/index.asp?id=1143832)

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*.

<http://www.communities.gov.uk/index.asp?id=1144318>

Please also refer to the Council's Supplementary Planning Document "Biodiversity" (2006)

## **Building For Life Assessment**

The Council has adopted the CABE Building For Life Standards as a material consideration for all applications proposing of 10 or more dwellings and encourages applicants to submit an assessment of their proposed development against the 20 questions within the BFL document, as a means of assessing the design merits of the proposals. Further guidance is available on the Council's website or at [www.buildingforlife.org](http://www.buildingforlife.org)

## **Energy Efficiency / Sustainability Statement**

For 'major' planning applications, Erewash Borough Council requires the submission of a report detailing how the proposed development incorporates energy efficiency best practice measures in its design, layout and orientation in accordance with the objectives of Planning Policy Statement 22: Renewable Energy and Planning & Climate Change (Supplement to PPS1).

The report should detail the elements of the scheme that address sustainable development issues, including the positive environmental, social and economic implications, together with details of specific measures to minimise water and energy usage and the generation of waste and including the provision of micro renewables and sustainable drainage.

Further guidance is obtainable from

[PPS1](#)

[PPS3](#)

[PPS22 - Renewable Energy](#)

Building A Greener Future – Towards Zero Carbon

<http://www.communities.gov.uk/index.asp?id=1505157>

A Code for Sustainable Homes

<http://www.communities.gov.uk/index.asp?id=1506120>

## **Environmental Impact Statement**

The Town and Country Planning (Environmental Impact Assessment) Regulations (SI 1999/293) as amended, set out the circumstances in which an Environmental Impact Assessment (EIA) is required. EIA may obviate the need for other more specific assessments.

Where an EIA is required, Schedule 4 to the regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into consideration when Erewash Borough Council decides whether to grant planning consent. Developers can request a 'screening opinion' (to determine whether an EIA is required) from the Council before submitting a planning application. In cases where a full EIA is not required, the Council may still require environmental information to be provided.

## **Flood risk assessment**

A Flood Risk Assessment (FRA) will be required for planning applications for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development

located in Flood Zones 2 and 3 as designated by the Environment Agency. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SuDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

The FRA should be prepared by an applicant in consultation with the local planning authority and/or the Environment Agency. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

Planning applications for development proposals within 20 metres of the bank of a River, affecting culverts or within Flood zones will require an assessment of flood risk and must in appropriate cases be accompanied by a Flood Risk Assessment. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed taking climate change into account.

The Flood Risk Assessment may need to consider a Sequential Test and Exceptional Circumstances approach

Maps of flood zones are available from the Environment Agency or by using their website [www.environmentagency.gov.uk/](http://www.environmentagency.gov.uk/)

The extent of the Flood Risk Assessment will need to be determined by reference to the standing advice from the Environment Agency detailed on the Consultation Matrix at [www.pipenetworking.com/floodrisk/index.html](http://www.pipenetworking.com/floodrisk/index.html)

Planning Policy Statement 25: 'Development and Flood Risk' provides comprehensive guidance for applicants and Local Planning Authorities 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. PPS25 can be found at <http://www.communities.gov.uk/index.asp?id=1144113>

### **Foul sewerage assessment**

A foul sewerage assessment should be provided for all 'major' applications and include a description of the type, quantities and means of disposal of any trade waste or effluent. All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers. The use of soakaways will require satisfactory percolation tests to have been undertaken. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

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

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 their proposals with a Planning Officer or the 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), and 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 will 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 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 will be required.

For applications either related to or impacting on the setting of heritage assets, for example the World Heritage Site and its buffer zone, a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building/structure, its setting and the setting of adjacent listed buildings will be required.

For planning applications within a conservation area, an assessment of the impact of the development on the character and appearance of the area will be required.

For archaeological remains, advice is provided in *Planning Policy Guidance Note 16 'Archaeology and Planning'* (November 1990) section B, paragraphs 18 to 26.  
[Planning Policy Guidance Note 16](#)

## **Land Contamination assessment**

'Major' applications proposing development on sites known to be contaminated, or which have been previously in use for industrial processes will 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).

[www.communities.gov.uk/index.asp?id=1143916](http://www.communities.gov.uk/index.asp?id=1143916)

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

Investigations may require

- Site Investigation
- Desk Top Study
- Detailed Invasive Investigation

- Remediation Strategy and Validation Report

The Council's Environmental Health staff may be able to offer guidance

### **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 accompanied by details of external lighting (except street lighting) and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. *'Lighting in the countryside: Towards good*

*practice* (1997) is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

<http://www.communities.gov.uk/index.asp?id=1144822>

### **Noise impact assessment**

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

[www.communities.gov.uk/index.asp?id=1144097](http://www.communities.gov.uk/index.asp?id=1144097)

The Borough Council's Environmental Health Staff may also be able to offer further guidance on the above.

### **Open Space assessment**

For development within open spaces (as defined by PPG17), application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements and any such evidence should accompany the planning application. Government planning policy is set out in *Planning Policy Guidance note 17: Planning for open space, sport and recreation (July 2002)*

The Erewash Local Plan and associated Supplementary Planning Document seeks the provision of Public Open Space or financial contributions through a S106 Obligation towards the upgrading of existing Public Open Space to meet the needs of the development for major housing applications.

Where the Council agrees to adopt recreational open space a commuted payment will be negotiated for the ongoing maintenance of the provision through a Section 106 Planning Obligation.

### **Other Plans**

These include additional plans or drawings which may be required in certain circumstances, dependent on factors such as the location or characteristics of the site and

the scale and nature of the development, for example, landscaping plans (refer to the Council's Supplementary Planning Documents).

### **Parking and Access Arrangements**

Most applications, including some householder applications will be required to provide details of existing and proposed parking provision and access arrangements. These details could also be shown on a site layout plan.

Further details of the Council's parking requirements are available in the Council's Supplementary Planning Document "Parking Standards".

### **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. Electronic versions of photomontages can be submitted to aid in the presentation of such images at Planning Committee meetings.

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

Planning obligations (or "section 106 agreements") are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or "developers"), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Where the Council's Local Plan / Local Development Framework policies and its Supplementary Planning Documents give details of likely section 106 requirements, a statement of the proposed Heads of Terms should be submitted with the application. Further advice is available in ODPM Circular 05/2005, *Route Map to Improved Planning Obligations*:

<http://www.communities.gov.uk/index.asp?id=1500145>

Examples of areas where obligations may be sought:

- Open Space
- Education
- Heritage
- Transportation
- Drainage works and flood risk management
- Environmental sites (biodiversity)
- Community facilities
- Affordable Housing

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

### **Planning Statement**

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. The proposal should also explain the Business Case for the development

where necessary. Such statements would be beneficial for most applications, and are required for 'major' applications, although the content could be amalgamated with the Design & Access Statement.

A separate statement on community involvement may also be appropriate.

### **Statement of Community Involvement**

'Major' applications need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

The Council's Statement of Community Involvement is available on its website <http://www.erewash.gov.uk/NR/rdonlyres/8B256B36-9CF1-4954-A2B1-505A62502893/0/AdoptedEBCSCIDocumentComplete.pdf>

### **Structural survey**

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

### **Telecommunications Development**

Planning applications for mast and antenna development by mobile phone network operators should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development.

Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

### **Transport Assessment**

*Planning Policy Guidance 13 'Transport' (March 2001)* <http://www.communities.gov.uk/index.asp?id=1144015> advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in *Guidance on Transport Assessment*, published by the Department for Transport (March 2007).

## **Travel Plan (Draft)**

A (draft) travel plan should be submitted alongside planning applications which are likely to have significant transport implications. A (draft) travel plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts. The (draft) travel plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements for the plan – e.g. a steering group and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site. Further advice is available in *Using the planning process to secure travel plans: best practice guidance for local authorities, developers and occupiers* [ODPM and DfT, 2002] and *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.

The details should show the position, size, age, species, height and spread of the tree and an assessment of its condition and any appropriate remedial measures. Measures for protecting the tree during construction should also be detailed. Where remedial works are proposed these should follow the guidance in BS 3998 Recommendations for tree works.

## **Town Centres: Evidence to accompany applications for town centre uses**

An application should be accompanied by an assessment of the need for the proposal where this would be in an edge of centre or out of centre location, and where it is not in accordance with an up to date development plan document strategy. Evidence should be provided to show that there are no sequentially preferable sites. Policy advice on the policy tests for town centre uses is provided in *Planning Policy Statement 6: Planning for Town Centres (March 2005)*

<http://www.communities.gov.uk/index.asp?id=1501955>

It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.

## **Impact assessment**

Impact assessments are required for all retail and leisure developments over 2,500 square metres gross floorspace, and may be required for smaller developments such as those likely to have a significant impact on smaller centres. Impact assessments should also be provided for applications for other main town centre uses when they are in an edge of centre or out of centre location and not in accordance with a development plan. Policy

advice can be found in *Planning Policy Statement 6: Planning for Town Centres (March 2005)*.

<http://www.communities.gov.uk/index.asp?id=1501955>

### **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), B1 (business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.