

HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
THURSDAY, 23 FEBRUARY 2017, AT 10.00AM**

Agenda Item
No.

3

VALIDATION CHECKLIST

Report of the Chief Executive and Director of Environment

Authors: Christopher Martin

Tel: 01992 556308

1. Purpose of Report

To review the implementation of a Validation Checklist for all planning applications for which Hertfordshire County Council is the determining authority.

2. Summary

2.1 The purpose of the Validation Checklist is to provide potential applicants for planning permission with clear guidance on the form and content of information required for the submission of planning applications. By providing checklists on the scope and extent of the information required, applicants should have a greater certainty of their responsibilities and the public and decision makers will be better informed about the development proposals leading to a more open, accessible and efficient service. The Validation Checklist specifies what documents must be submitted with planning applications and what information must be included within these documents to make an application valid. If an application is not valid, it cannot be determined by the County Council.

3. Conclusion

3.1 The report concludes that one checklist document to meet the requirements of having an up-to-date checklist should be produced and reviewed every two years onward.

3.2 The approval of this updated Validation Checklist will allow Hertfordshire County Council to require applicants to comply with the Local Checklist, rather than just the National Checklist. It will also bring Hertfordshire's Validation Checklist in-line with current best practice.

3.3 It is therefore respectfully requested that Members approve the adoption of this proposed update to the Validation Checklist.

4. Background

- 4.1 Validation Checklists are present at national and local levels. National level checklists contain what is required to make applications valid across the entire country, whereas local level checklists contain what is required to make applications valid within a specific authority. The purpose of the Validation Checklist is to provide potential applicants for planning permission with clear guidance on the form and content of information required for the submission of planning applications. By providing checklists on the scope and extent of information required, applicants should have a greater certainty of their responsibilities while the public and decision makers will be better informed about the development proposals leading to a more open, accessible and efficient service.
- 4.2 Validation is the process where planning applications are examined to see if they are legally acceptable and can be used as a basis for consultation and determination. The validation process does not judge the quality of the submission, only that the documents are present; it may be that even if an application is acceptable for validation, it could be refused on grounds of insufficient information.
- 4.3 Local checklists must be updated every two years. Hertfordshire County Council has not updated their local checklist since 2011. Where an authority has not kept their local checklist updated every two years, applicants are only required to comply with the national checklist. Where a valid local checklist exists, planning officers may attach a lot of weight to the checklists and can rely upon them to measure applications against. If those applications do not measure up, they can be rejected and a robust position exists if challenged.
- 4.4 The checklists should improve the quality of applications helping eventually to improve the quality of development. This can occur through better proposals in the first place, through more thorough evaluation, more informed consultations to greater certainty and understanding for applicants of what good planning applications should contain. There is a balance however, as Government has stated checklists should not be overly onerous on applicants but should aim to help reduce the requirement of pre-commencement conditions.
- 4.7 The checklist to which this report relates will be all applications for which the County Council is the determining body.

5. Structure of the Validation Checklist

- 5.1 Hertfordshire County Council has used Validation Checklists produced by Buckinghamshire County Council, Gloucestershire County Council and Oxfordshire County Council, as examples of best practice, when constructing a checklist for Hertfordshire County Council. Hertfordshire County Council has used these examples as they are currently up-to-

date and many other authorities do not have an up to date local checklist, making them invalid.

- 5.2 The checklist is structured to contain all the national level and local level requirements, together with a clear description of what each document must contain and when each document is required to be submitted as part of an application.

6. Consultation Procedure

- 6.1 As it has been a significant amount of time since the last update, 2011, Hertfordshire County Council has undertaken a consultation process on the new checklist. This has entailed consulting various expert teams within the County Council such as Ecology, Landscape, Waste & Minerals, Flood and Archaeology as well as several others. Consultations have also been sent to all applicants / agents who have applied to Hertfordshire County Council for planning permission since 2011. There was a significant response from internal teams and this helped to ensure that the checklist contains information that those expert teams require. There was 1 response received from an agent, which did not raise any concerns in respect of the checklist.

7. Conclusions

- 7.1 This report concludes that at present Hertfordshire County Council cannot require applicants to meet the specifications of the Local Checklist as it has been more than two years since this was updated. However if this proposed checklist is approved by members, it will bring the Validation Checklist in-line with best current practice and will be enforceable, so as to ensure the submission of required documents for planning applications. It will also ensure that this checklist is reviewed every two years to ensure it remains enforceable.

8. Financial implications

- 8.1 There are no significant financial implications arising from this report. However, the consultation process has used administration time to prepare letters and associated postage costs.

Background information used by the author in compiling this report

Best Practice for validation of planning applications

Buckinghamshire County Council Validation Checklist
Gloucestershire County Council Validation Checklist
Oxfordshire County Council Validation Checklist

Appendix 1 – Proposed Validation Checklist

Hertfordshire County Council, Validation Checklist
Adopted February 2017

National and local requirements for the validation of planning applications submitted to Hertfordshire County Council

1. INTRODUCTION

This guidance document updates and supersedes the previous version adopted in June 2011. The purpose of this updated guidance is to provide users of Hertfordshire County Council's Development Management Planning Service with an overview of all supporting assessments and plans required at the time of submitting a planning application to make an application valid. Hertfordshire County Council is the determining planning authority for mineral, waste and the County Council's own development.

The form and content of planning applications are set out within the Town and Country Planning (Applications) Regulations 1988 (the 1988 Applications Regulations), the Town and Country Planning Act 1990 (the 1990 Act), the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMP) and within the Department for Communities and Local Government's (DCLG) Guidance on the Information Requirements and validation - March 2010. For the purposes of this document, a planning application is an application for outline or full planning permission, for approval of reserved matters pursuant to an outline permission, an application pursuant to Section 73 of the 1990 Act to carry out a development other than in accordance with conditions previously attached to a planning permission or Section 73A of the 1990 Act for development already carried out. Reference to other applications includes applications for the non-material amendments to planning permissions, Lawful Development Certificates (either for existing or proposed use or development) and applications for the discharge of conditions attached to planning permissions (details pursuant applications).

The National Planning Policy Framework (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 that Hertfordshire's Development Management Planning Service 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). The County Council will review this document at least every 2 years and make it available on our website.

2. VALIDATION REQUIREMENTS

Validation is what is required to enable the County Council to register and process a planning application through to determination. The validation checklist system consists of 'national information requirements' and 'local information requirements'. The compulsory requirements (the 'national list') are listed in the Part One: Statutory National Requirements; set out below. This information must be submitted with all planning applications and is the same throughout the country. The Part Two: Local Information Requirements sets out the additional information Hertfordshire County Council may require from applicants. This additional checklist is sometimes referred to as the 'Local List' and is derived from development plan policies affecting development proposals in that particular part of the country.

If the information required from either Part One or Part Two checklists is not included with any application for planning permission, the County Council will be entitled to declare the application invalid and not register or process it. If this is the case, the Council will set out the reasons for declaring the application invalid, in writing, to the applicant.

The validation requirements refer only to the information required to validate the application but the applicant should be aware that the County Planning Authority may still require and request further information where it considers it necessary to determine the application. The validation checklist is not exhaustive and simply aims to cover the most common requirements of planning applications. This will usually be determined by any locational constraints affecting the application site and the likely impacts of the proposed development. A pre-application discussion with a Planning Officer is strongly recommended, particularly with large scale and sensitive development to establish the type and scope of detailed assessment required for the County Council to determine a proposal and whether any community engagement should be carried out prior to the submission of a planning application.

3. VALIDATION PROCESS

The applicant has the option of making a planning application electronically or using a paper copy of the 1APP form. Where there are numerous large documents to submit, such as with mineral and waste applications, the documents should be submitted in both digital and paper format. This authority only wishes to receive one paper copy of application documents but reserves the right to request additional paper copies for consultation, particularly for larger proposals and EIA development. The County Planning Authority may also request further sets of plans or documents but will not refuse to process the application for this reason alone.

The submission of a valid application for planning permission requires a completed application form, compliance with national information requirements, the provision of local information requirements and the correct application fee. Details of valid applications will be placed on the Planning Register held by the District/Borough Council in which area the application site is located. The details will also be visible on the County Council's own database of planning applications which is available to view on-line via the County Council's website.

The County Planning Authority will start the process of determining the application as soon as a valid application, including the full fee, is received. An acknowledgement will be sent giving the date the application was registered and the date by which the decision should be made. A valid application is registered on the day of receipt. If the application is received after 4pm it will be treated as having being delivered at 9am on the next working day.

Fee Payment

The County Planning Authority can receive payment by cheque (made payable to Hertfordshire County Council) or BACs transfer which can be arranged by calling the Senior Support Officer on 01992 556266 quoting the Planning Portal reference number and name of the site.

4. CONTACTS

If you have any enquiries relating to submitting a planning application, please contact us by:

Telephone: 01992 556266

E-mail: spatial.planning@hertfordshire.gov.uk

Write to:

Spatial Planning and Economy Unit
Environment Department CHN216
Hertfordshire County Council
County Hall
Hertford
SG13 8DN

Our Website:

<http://www.hertfordshire.gov.uk/services/envplan/plan/planningapps/>

6. PART ONE: Statutory National Information Requirements:

Applicants are encouraged to supply documentation which has been produced electronically in that format. This applies whether the application is made on-line or whether a paper application is made. This facilitates the transfer of information to consultees and for the public to view planning proposals on-line without the need to have to visit the County or District/Borough Council Offices. It would be appreciated if the scale of the plans and paper size is no larger than is required to illustrate the proposals.

The national standards for on-line submission of electronic planning documents are as follows:

- Maximum single file size is 5 Mbytes;
- Maximum 25 Mbytes file size (the sum of all document file sizes). Where these maxima are exceeded the information should be submitted off-line using CDROM/DVD;
- Portable Document Format (PDF) is the recommended file format to ensure that they are accessible to consultees;
- All drawings shall be saved in a single layer;
- All drawings shall specify the printing page size for which the scale applies;
- All drawings shall be correctly orientated for on-screen display
- All drawings shall include a scale bar and key dimensions; All documents and drawings shall be named in accordance with the Royal Institute of British Architects' naming conventions.
- Scanned documents must be a minimum of 200 dpi resolution for black and white and 100 dpi for colour; All photographs in PDF file format and no larger than 15 cm x 10 cm.
- All documents and drawings shall be given a meaningful title with drawings given a unique plan reference.
- Updated or revised versions of plans or documents should be clearly named to show a change so that the new documents can be easily identified when uploaded.

i. Application forms:

The Council's relevant 1APP application form(s) are required and these must be signed and dated with all relevant sections completed. This can be downloaded from the Planning Portal.

Planning Portal 1APP Form:

<http://www.planningportal.gov.uk/planning/applications/planningapplications>

ii. Application Fee:

Planning applications and other submissions cannot be processed without payment of the correct fee. The correct fee, as determined in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2015, where one is necessary. As fees are subject to change, the latest version of these regulations should be checked or the Planning Portal's fee calculator can be used. Payment of the application fee may be made by cheque or by arranging BACs Transfer with the Team's Senior Support Officer. Cheques should be made payable to 'Hertfordshire County Council'. If the cheque is subsequently dishonoured or payment refused, the application becomes invalid until such time as the correct fee is received.

The current application fees may be viewed at:

http://www.planningportal.gov.uk/uploads/english_application_fees.pdf or

<http://planningguidance.communities.gov.uk/blog/guidance/fees-for-planning-applications/>

iii. Ownership & Agricultural Holding Certificates:

A completed, signed and dated Ownership Certificate A, B, C or D shall be submitted as set out under Section 65(5) of the Town and Country Planning Act 1990, and Section 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The ownership certificate states the ownership of the whole of the application site, including land which gives access to the site from the public highway or where development abuts or simply overhangs the boundary with the adjoining land or 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". A completed, signed and dated agricultural holdings certificate shall be submitted whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. The agricultural holding certificate is incorporated into the standard

application form for all except applications for approval of reserved matters, renewal of temporary consent, discharge or variation of conditions, conservation area and listed building consent and lawful development certificate.

iv. Design and Access Statement:

From June 2013, the government amended the DPO, reducing the types of development proposals that require a Design and Access Statement (DAS) to accompany an application to the following:

- Major development (full or outline where the site area is greater than 1 ha or buildings have a floorspace in excess of 1,000m²);
- Provision of buildings in a Conservation Area with floorspace of more than 100 m².

A statement will not be required for:

- permission to develop land without compliance with conditions previously attached, made pursuant to section 73 of the 1990 Act;
- permission to extend the time period for commencement of development already the subject of an existing planning permission;
- engineering or mining operations;
- a material change in use of the land or buildings;
- development which is waste development.

The statutory requirements for DAS are set out in Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

A DAS is a short report accompanying and supporting a planning application to illustrate the process that has led to the development proposal and to explain the proposal in a structured way. The level of detail required in a DAS depends on the level of complexity of the application and the length of the statement should vary accordingly but need not be long. Further advice is contained in DCLG Guidance on information requirements and validation and also from the Design Council. If crime prevention measures for major development are not addressed in a DAS then these should be addressed in a separate document.

v. Location Plan:

The location of the application site should be identified on a plan based on an up to date Ordnance Survey Map at a scale of:

- 1:1250 or 1:2500 for planning applications relating to development that the County Council itself proposes to carry out. Wherever possible the plans should be scaled to fit onto A4 or A3 sized paper;
- 1:10000 or 1:50000 for large scale development (e.g. Mineral and waste development).

Plans should be clearly titled, given a unique reference number and dated. The plans should wherever possible show at least two named roads and surrounding buildings and the properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site must be edged clearly with a solid red line and include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscape treatment, car parking and open areas around the buildings). The size of the application site can in some cases determine the fee payable for the application and should be carefully drawn. A blue line must be drawn around any other land owned by the applicant, close to or adjoining the application site.

vi. Site Plan:

The site plan should be submitted, at an appropriate scale:

- 1:500 or 1:200 for planning applications relating to development that the County Council itself proposes to carry out. (An exception to this may be large scale County Council development such as roads.)
- 1:1250 or 1:2500 for development relating to other development.

Plans will not be accepted unless the following is accurately show:

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

And the following unless these would not influence or be affected by the proposed development:

- All the buildings, roads and footpaths on land adjoining the site including access arrangements.

- All public rights of way crossing or adjoining the site;
- The position of all trees on the site and those on adjacent land;
- The extent and type of any hard surfacing;
- Boundary treatment including walls or fencing where this is proposed.

The Site Plan may also show the red line for the application area and the blue line for land in the applicant's ownership if this can be shown more accurately than would be possible at the location plan's scale.

vii. Other Plans:

In addition to the location plan and site plan, other plans should be submitted (dependent on the type of application and development proposed) to explain the proposal in detail. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. Where existing buildings and or walls are to be demolished these should also be clearly shown.

Existing and proposed elevations:

All elevations should be submitted drawn to a scale of 1:50, or 1:100 and should show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and orientations labelled. It will not be sufficient to state front, side and rear elevation. Elevations should indicate 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.

Existing and proposed floor plans:

These should be shown at a scale of 1:50 or 1:100 and be labelled to show the existing and proposed usage. Where buildings or walls are to be demolished these should be clearly shown. New buildings should be shown in relation to adjacent buildings.

Existing and proposed site sections and finished floor and site levels:

In cases where a proposal involves a change in ground levels or is on a sloping site, drawings at a 1:50, 1:100 or 1:200 scale should be submitted showing a cross section through the proposed building or site. Illustrative drawings should be submitted to show both existing and finished levels. The drawings may take the form of contours, spot levels or cross or long sections as appropriate.

Roof Plan:

A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for floor plans. Details such as roofing materials, vents and their location are typically specified on a roof plan.

Proposed Landscaping or Restoration Plans:

Where a development involves changes to land contours, soils, substrates, waterbodies, vegetation and/or landscape features then a proposed landscaping and restoration concept is expected to be depicted on one or more plans.

7. PART TWO: Information Requirements for Hertfordshire County Council

i. Air Quality Impact Assessment

When Required: When the site lies within or adjoining an Air Quality Management Area or where proposals will have a significant adverse impact on air quality.

Further Information: This will include proposals which will significantly alter the traffic composition in an area such as heavy goods delivery traffic or industrial activities with significant emissions to the atmosphere regulated by Environmental Permit or introduction of a new school or public building close to an existing source of air pollution. Any application that has the potential to generate increased dust should include a dust suppression scheme and will need to indicate how the applicant will minimise the impact of dust on the surrounding area, for further information please see Section x Dust Assessment. Where the 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 or where the grant of planning permission would conflict with, or render unworkable, elements of a Planning 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. Planning Policy Drivers and related guidance: The National Planning Policy Framework March 2012 - paragraphs 124

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance – How Detailed Does An Air Quality Assessment Need to Be <http://planningguidance.planningportal.gov.uk/blog/guidance/air-quality/how-detailed-does-an-air-quality-assessment-need-to-be/>

ii. Bio-aerosols Risk Assessment

When Required: Proposals involving the handling, storage or treatment of biodegradable wastes, particularly composting within 250 metres of sensitive land uses such as dwellings.

Further Information: Applications that involve the handling, storage or treatment of biodegradable waste, particularly composting applications within 250 metres of sensitive land uses such as housing will need to be accompanied by a bio-aerosol assessment. This will provide a risk assessment to ascertain the potential impacts on neighbouring sensitive properties or other sensitive locations. Bio-aerosol assessments should identify sources, pathways and receptors, paying particular attention to sensitive receptors and including mitigation measures. De-aerosol

developers with proposals for anaerobic digestion (AD) in an enclosed building will need to demonstrate that bioaerosols will not be generated from the AD plant.

iii. Biodiversity Assessment

When Required: When there is a potential for significant impact on biodiversity that is adverse or beneficial. The appraisal is required to ascertain, through survey and assessment, the effect of the development on designated sites, legally protected species, priority habitats and species on the English List (Section 41 of the Natural Environment & Rural Communities Act 2006), Wildlife Sites, Regionally Important Geological Sites ecological and /or landscape features of importance to biodiversity. There is also often an important time restraint on surveying ecology which must be properly considered when planning survey work to inform applications, as well as the need to obtain appropriate licences when necessary. Background information on the presence of habitats, sites and species recorded in Hertfordshire can be obtained from the Hertfordshire Environmental Records Centre. Proposals should aim to follow the 'mitigation hierarchy' of avoidance, mitigation, compensation and enhancement to achieve a no net loss and seek biodiversity gains where possible, including considering Biodiversity Offsetting where appropriate as part of a suitable assessment. Proposals should also follow BS 42020 on biodiversity and development.

Further Information: Ideally the Biodiversity Assessment should include monitoring of the site prior to, during and after implementation.

The National Planning Policy Framework March 2012 paragraphs 109, 117, 118, 119 and 125

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance – Natural Environment:

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment>

Circular 06/05: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system

<https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

BS 42020:2013 Biodiversity. Code of practice for planning and development
shop.bsigroup.com/bs42020

iv. Birdstrike Risk Management Plan

When Required: All applications involving mineral extraction or quarrying, landfill, sewage disposal and restoration schemes with major tree planting or nature reserves which would be attractive to birds falling within 13 kilometres of Civil Airports and Ministry of Defence Airfields will need to be accompanied by details of appropriate bird control measures to reduce the risk of birdstrike to aircraft.

Further Information: Further guidance is available from the Civil Aviation Authority.

v. Borehole or Trial Pit Analysis

When Required: For all mineral extraction proposals.

Further Information: The analysis should identify the depth and volume of soils and minerals proposed to be extracted, the extracted mineral type and position of the winter water table.

vi. Climate Change Statement

When Required: For mineral extraction proposals.

Further Information: A Climate Change Statement should be submitted containing details and reasoning of any measures that have been considered to adapt to and mitigate against the future impacts of climate change.

vii. Cross-section Drawings

When Required: In all cases where the proposal involves a change in ground level, drawings, information should be provided showing existing and proposed site levels and how proposed buildings relate the existing site levels and neighbouring development.

Further Information: Such plans should relate to a fixed datum point off site.

viii. Daylight / Sunlight Assessment

When Required: 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 Information: Further guidance is provided in 'Site layout planning for daylight and sunlight: a guide to good practice' (updated in Sept 2011) (<http://www.brebookshop.com/details.jsp?id=326792>). 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) (<http://shop.bsigroup.com/ProductDetail/?pid=000000000030157088>).

ix. Draft / Proposed Heads of Terms for Planning Obligations (\$106)

When Required: Planning obligations are contractual arrangements 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. Planning obligations may be made by

agreement with the Local Planning Authority or unilaterally by a landowner/developer.

Further Information: Further advice on planning obligations can be found in the NPPF at paragraphs 203-206.

x. Dust Assessment

When Required: For developments with the potential to generate dust and applications involving major construction works where dust is likely to be an issue.

Further Information: Dust emissions have the potential to cause significant nuisance effects and adverse impacts on human health and sensitive ecological sites both during the construction phase and the operational phase. This includes dust particles that can be seen and those too fine to be seen by the human eye. Applicants will need to assess any adverse effects of dust resulting from the development of the site and describe the appropriate controls that will be used to mitigate the impact. This could be a stand-alone Dust Management Scheme or as part of a wider Air Quality Assessment where there are operational phase effects to be considered. The National Planning Policy Framework March 2012 paragraphs 143 to 144:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf and National Planning Policy for Waste, Appendix B: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>.

xi. Environment Statement

When Required: The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require a developer to prepare an Environmental Statement (required for Schedule 1 projects and for some Schedule 2 projects as stated in the Regulations) to enable the Planning Authority to give proper consideration to the likely environmental effects of a proposed development.

Further Information: A “screening opinion” can be obtained from the Council as to whether the development proposed comprises development falling within the scope of the Regulations.

xii. Flood Risk Assessment

When Required: A Flood Risk Assessment (FRA) will be required for the following types of development: All development proposals of 1 hectare or greater in Flood Zones 1, 2 and 3; Operational development of less than 1 hectare in Flood Zones 2 and 3; Change of use resulting in ‘highly vulnerable’ or ‘more vulnerable’ development in Flood Zone 2 and 3; Change of use from water compatible to less vulnerable development in Flood Zone 3 and Non-residential extensions with a footprint of less than 250m² where the development includes culverting or control

of any river or stream or development within 20 metres of the top of a bank of a main river.

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

For further advice on what the LLFA expect to be contained within the surface water drainage assessment, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

xiii. Surface Water Drainage Strategy

When Required: A drainage strategy is required for all development likely to significantly increase or change patterns of surface water run-off.

Further Information: Detailed calculations of the greenfield run off rate and post development run off rate, discharge rate, attenuation volume and consideration of climate change should be given. The strategy must follow the discharge hierarchy, whereby: Infiltration is preferred where it is safe and acceptable to do so; If infiltration is not possible discharge to a water course is the next most preferable option and discharge to storm water sewer is a last resort. A demonstration that the drainage strategy will function as required will show: Ground investigation to prove the hydrological behaviour of the site (i.e. geological and ground surface characteristics); Infiltration rates of where infiltration is being proposed; if the site will drain to a water course, the location and adequacy of the watercourse is required and if connecting the surface water system to a sewer is the only option, written agreement to connect to the sewer from the sewerage undertaker will be required. Sustainable drainage systems (SuDS) components should be designed to best practice standards.

For further advice on what the LLFA expect to be contained within the surface water drainage assessment, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

xiv. Foul Sewage and Utilities Statement

When Required: 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). 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. 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.

Further Information: Guidance on what should be included in a non-mains drainage assessment is given in DETR Circular 03/99 and Building Regulations Approved Document Part H and in BS6297. Applicants should discuss the specific details required with the relevant utility provider. 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.

xv. Green Belt Statement

When Required: For applications in the Hertfordshire Green Belt, a statement where a development is inappropriate within the Green Belt will be required including an explanation of how the proposal relates to the purposes of including the site within the Green Belt, how the development impacts on the openness of the Green Belt and the case for any very special circumstances. Planning applications for extensions to buildings or replacement buildings in the Hertfordshire Green Belt need to include volume calculations (measured externally) of the existing building, the proposed extension/replacement building and any previous extensions to the building.

Further Information: The Green Belt Statement does not necessarily need to be a separate document and it can be included within the Planning Statement. For further guidance please see The National Planning Policy Framework March 2012 paragraphs 79 to 92:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

xvi. Heritage and Archaeological Statement

When Required: For developments affecting the historic environment (Listed Buildings, Conservation Areas, Scheduled Monuments, Historic Parks and Gardens, World Heritage Sites and other sites with known or the potential for, archaeological interest), a Heritage and/or Archaeological Statement may be required. The scope and degree of detail necessary in a Heritage and Archaeological Statement will vary according to the particular circumstances of each application.

Further Information: The Heritage / Archaeological Statement can include an archaeological desk-based assessment and/or field evaluation. **Archaeological Desk-based Assessment:** This will comprise the collation of existing archaeological and historic information about the application site, including previous land uses and the production of a report summarising this material. An assessment of the impact of the proposed development on heritage assets may be required, together with an assessment of significance. These may comprise known and/or currently unknown archaeological remains, historic buildings, historic gardens and landscapes or other aspects of the historic environment. **Field evaluation:** More detailed investigation of the site or building may be required to complete the assessment of the impact of the proposed development. This is likely to involve on-site investigation such as geophysical survey and the excavation of test pits or trenches. This work must be discussed with the County Council's Historic Environment team, including their Planning Advisors and the Historic Environment Record, in advance and carried out in accordance with a brief issued by the historic environment team and an approved written scheme of investigation.

xvii. Hydrological / Hydrogeological Assessment

When Required: 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.

Further Information: The assessment and technical information, including the calculation of the extent and volumes of dewatering 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. 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 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.

Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.'

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/ordwatercourse/>

xviii. Land Contamination Assessment

When Required: Where there is reason to suspect contamination of the application site or neighbouring land due to previous operations e.g. the existence of former industrial uses, the presence of former landfill sites, and the presence of former mineral tips.

Further Information: 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. Where contamination is known or suspected or the proposed use would be particularly vulnerable (such as schools or near public water supplies), the applicant should provide such information, in the form of a preliminary risk assessment, with the application as is necessary to determine whether the proposed development can proceed. The preliminary risk assessment should comprise the following: A desk study; Walkover site reconnaissance and Conceptual model identifying potential pollution sources, pathways and receptors (pollutant linkages) as a basis for assessing the risks and appraising the options for remediation. Applications involving development of sites on or within 250 metres of a former landfill site will need to include a risk assessment of landfill gas migration. In addition, long-term monitoring may be required, and this would need to be secured through a legal agreement.

xix. Landscape and/or Visual Impact Assessment

When Required: Any proposal that is likely to bring about change in visual amenity and/or the landscape.

Further Information: Landscape and Visual Impact Assessments should be carried out by a landscape professional in line with current good practice guidance 'Guidelines for Landscape and Visual Impact Assessment, Landscape Institute and Institute of Environmental Management and Assessment.'

The assessment baseline should identify the relevant landscape character areas as set out in the Hertfordshire Landscape Character Assessment and viewpoint locations should be agreed with the local planning authority. Photomontages and other visualisations may be required.

An assessment of effects should be carried out for each stage of the project lifecycle (for minerals development this should include the operational (extraction and infilling activity), and the restoration stages). Mitigation measures should ensure that any negative effects are avoided as far as possible. An assessment of cumulative effects may be required, in line with good practice guidance.

Hertfordshire Landscape Character Assessment:

[http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape Character Areas&layers=\[6:5\]](http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape+Character+Areas&layers=[6:5])

Hertfordshire Green Infrastructure Plan March 2011

<http://www.hertfordshire.gov.uk/services/leisureculture/heritage1/landscape/about/bioplan/>

Landscape Institute, Appointment of a landscape professional

<https://www.landscapeinstitute.org/technical-resource/appointing-landscape-professional/>

xx. Landscape Scheme

When Required: Where the proposal contains, or is likely to require, some form of landscaping to make it acceptable in planning terms. Some form of landscaping is expected for most application types.

Further Information: Landscape schemes should be underpinned by a comprehensive site survey and analysis, identify key environmental constraints and opportunities in line with national and local landscape, green infrastructure, biodiversity, and historic environment policy.

A Landscape Scheme should show the proposed landform (existing and proposed contours/levels, including any areas of cut and fill), layout of buildings and open spaces (including car parks), areas of hard surfacing, areas of new and retained planting (together with measures for its protection during the course of construction), boundary treatments, vehicle and pedestrian access points, routes and circulation areas services, and any other structures and ancillary objects (refuse bins, lighting columns etc.).

Schemes should be accompanied by hard (materials and workmanship) and soft (planting) landscape construction details, planting plans and schedules (noting plant numbers, sizes, species, density and locations), and written specifications (including site preparation and other operations associated with plant and grass establishment).

Aftercare should be provided for at least 5 years and detailed within management and maintenance specifications and schedules.

Applications for full planning permission (apart from change of use) should preferably be accompanied by a fully detailed scheme as above. In some circumstances

development may be approved subject to certain conditions such as hard and soft landscape details.

Hertfordshire Landscape Character Assessment

[http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape Character Areas&layers=\[6:5\]](http://webmaps.hertfordshire.gov.uk/herts/gendata.htm?title=Landscape+Character+Areas&layers=[6:5])

Hertfordshire Green Infrastructure Plan March 2011

<http://www.hertfordshire.gov.uk/services/leisureculture/heritage1/landscape/about/bioplan/>

xxi. Lawful Development Certificate Supporting Information

When Required: These are certificates of lawfulness for either a proposed use or operation/development or an existing use or operation/development. This type of application can also be one where condition(s) on a planning consent have not been complied with and you are wishing to regularise the situation.

Further Information: Hertfordshire County Council will need information specifying the land in question, describing the use, operations or other matter in question and stating under which paragraph of either section 191(1) or 192(1) of the Town and Country Planning Act 1990 the application is being made. You will need to provide evidence to support your application so that, in the balance of probabilities, your application can be proven. It is important that you collate as much evidence as possible to support your application, and copies of any documents; affidavits etc. can be useful in such cases. You will need to tell us about the use of the land at the time of the application (or, when the land is not in use at the date, the purpose for which it was last used). You will need to provide a statement detailing your interest in the land, the name and address of any other person known to you to have an interest in the land and whether you have notified any such person. If your application relates to a certificate of lawfulness of an existing operation or use, you will need to tell us the date on which the use, operations or other matter in question began or, in the case of operations carried out without planning permission, the date on which operations were substantially completed. If your application is for a use or operation which has not yet commenced, you will need to give reasons for why you believe the use or operation as described in the application is lawful and should be granted a certificate. In the case of applying where a development has taken place without complying with any condition or limitation, you will need to provide sufficient details/evidence to support your claim.

xxii. Lighting Scheme

When Required: Where proposals involve the provision of external lighting, where it will be necessary due to the nature of the development, and where it may have an impact upon the locality or biodiversity. Examples include in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside.

Further Information: Details should include the type of lighting, including details of the height above ground and the power rating of the lighting, the proposed hours of use of the lighting (including the means of control over the hours of illumination) and should be accompanied by drawings to demonstrate the spread of the light and the means of ensuring that the light does not extend beyond the site to the detriment of the amenity of neighbouring properties. The assessment of potential impact should include the impact on any sensitive biodiversity feature where relevant.

xxiii. Mineral Resource Assessment

When Required: Regulation 3 and waste applications on areas of significant mineral resources or within the County Council's Mineral Consultation Area.

Further Information: Policy 5 of the Minerals Local Plan encourages prior extraction of minerals where proposals for non-mineral developments have the potential to sterilise significant mineral resources. As a minimum, this assessment should establish the extent and quality of the resource, the likelihood of being able to work it in an environmentally acceptable way and economic viability in association with the proposed scheme. From this information the Mineral Planning Authority can consider whether it is necessary for the mineral to be extracted or allowed to be sterilised. This assessment should be undertaken by a suitably qualified professional.

xxiv. Noise and Vibration Impact Assessment

When Required: All land-filling and land raising applications; reworking or reclamation of former landfill sites; recycling of inert waste; where the proposal is likely to generate a noise level above background noise levels (mineral and road developments) which may have a detrimental impact on the nearest noise sensitive property.

Further Information: The statement should normally include the existing ambient noise climate and a survey of both pedestrian and vehicular numbers in and around the premises; assessment of the existing and future noise climate due to the proposed development, indicating any increase in predicted noise levels; assessment of the existing and predicted number of events and their size and scale and finally details of management procedures to reduce the impact of the premises' operation on the locality, including noise from incoming and outgoing vehicles. Developments that may require sound insulation of a building to contain the noise generated within it need to be accompanied by these details. Proper sound insulation can assist to minimise the disturbance experienced by other properties in the area of a proposal. Where development generates no significant noise a technical statement is not required but a statement to that effect in the application's supporting statement may provide sufficient assessment.

Proposals should consider BS 4142:2014 for noise considerations and The Planning Practice Guidance Noise section <https://www.gov.uk/guidance/noise--2>

xxv. Parking Provision

When Required: All applications involving the provision of parking space for cars and heavy goods vehicles.

Further Information: Details can be shown on the site plan. An assessment of the parking requirements of the proposal and how that provision would be accommodated should be provided. The plan should, where necessary, provide details of the existing parking provision and how the requirements of the new development relate to it. Temporary arrangements during construction for construction workers and materials delivery and storage should also be considered, especially in residential areas where car parking is limited. Each of the separate Hertfordshire District / Borough Councils has their own individual parking standards. Please also see Section xxxv Travel Plans.

xxvi. Phasing Plan

When Required: All applications for mineral extraction and landfill.

Further Information: Proposals for mineral extraction or land fill should clearly demonstrate the phasing of the mineral extraction or waste cell development. This should be to an appropriate timescale (1 or 5 years) relative to the overall timescale for the application and should cover phasing of extraction, restoration and landscape management. Where phasing is reliant on imported materials the application should include sufficient detail to demonstrate that the phasing timescale and restoration can be achieved with the potential availability of suitable material. Proposals for mineral extraction should have a quarry development plan with the location of benches with heights shown in measurements Above Ordnance Datum.

xxvii. Restoration Strategy and Aftercare

When Required: Where proposals involve the disturbance of the ground for the extraction of minerals or waste disposal.

Further Information: A restoration strategy is required to ensure that minerals and waste disposal operations do not have unacceptable impacts upon the natural and/or historic environment, and that restoration is carried out at the earliest opportunity to a suitable after use, that conserves and enhances local landscape character and visual amenity, and is of a high environmental standard.

The restoration strategy should demonstrate the approach to restoration and include details regarding the phasing and direction of working and progressive restoration (see also number xxvi Phasing Plan). For each working phase, site layout plans should show the location of enabling infrastructure (site access, offices, welfare facilities, car parking, haul roads and plant etc.), temporary and permanent mitigation measures (advanced planting, retained planting, protection measures, bunds and boundary treatments etc.)

and the location of voids, stockpiles and waste materials. Cross sections should also be provided to show the relative height of the above aspects within the wider site context.

The strategy should include details regarding the proposed restoration material and soils (overburden and/or importation of infill material), and the final landform. Plans showing existing and proposed contours should be provided alongside cross sections to show existing and proposed ground levels and gradients (where high settlement rates are expected, pre and post settlement contours may be required).

A landscape scheme should be provided in line with the requirements set out under Section xx Landscape Scheme. It should show the proposed land use (e.g. agriculture, geodiversity, biodiversity, native woodland, historic environment, recreation). For proposals that affect agricultural land, a statement of the existing and proposed Agricultural Land Classification is required. The scheme should also show site access and vehicular/pedestrian routes and public rights of way, retained and new landscape features (to include water/drainage features).

Aftercare should be provided for at least 5 years, and detailed within management and maintenance specifications and schedules.

Sufficient detail should be provided to avoid the imposition of pre-commencement conditions.

National Planning Policy Framework March 2012 'Facilitating the sustainable use of materials,' section 13. <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Planning Practice Guidance March 2014 'Restoration and aftercare of minerals sites,' paragraph 36 to 59. <https://www.gov.uk/guidance/minerals#Restoration-and-aftercare-of-minerals>

Defra Guidance for successful reclamation of mineral and waste sites.
<http://www.sustainableaggregates.com/library/docs/I0276guidance-full.pdf>

xxviii. Rights of Way

When Required: Where a public right of way traverses or passes close by the application site or involves the temporary diversion or closure of part of a route in order to construct the development.

Further Information: The National Planning Policy Framework March 2012 paragraph 75:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf.

xxix. Site Waste Management Plan

When Required: Regulation 3 applications with over 500m² of new building development.

Further Information: As a minimum this document should include: Estimates of waste arising, recordings of waste managed, list of waste carriers, proportion of wastes re-used, recycled, disposed.

Policy 12 of the Hertfordshire Waste Local Plan specifies the requirement for Site Waste Management Plans and can be found at

<http://www.hertfordshire.gov.uk/services/envplan/plan/hccdevplan/wasteplan/wstdevfrmkr/wcsdmpd/>

xxx. Soils Management and Handling Strategy

When Required: For mineral applications where significant development of agricultural land is involved.

Further Information: Proposals will require a comprehensive assessment of existing soils including a detailed soil survey to identify soil types, profiles and depths. A soil management and handling strategy would also be required to demonstrate how a proposal will undertake any soil operations including stripping, movement, storage and replacement.

xxxi. Supporting Planning Statement

When Required: All applications should include a supporting document to provide the context for the application.

Further Information: Information will include additional detail to that set out in the application form together with any additional supporting information. This should include an assessment of how the proposed development accords with policies in the development plan, supplementary planning document(s), masterplans or development briefs, national policy and guidance and any other technical guidance which may be of relevance. Unless it is concluded that the development is entirely in accordance with development plan policies, the need for the development should be stated and justification to any departure from policy, including very special circumstances for the development if it is contrary to Green Belt policies, must be provided.

xxxii. Sustainability Appraisal

When Required: For major school development valued over £500,000 and other schemes valued over £1 million.

Further Information: The sustainability appraisal must outline the elements of the scheme that address sustainable development issues. This should include an

assessment of the following: Water use – particularly where water scarcity is a recognised issue locally, and for major development involving surface or groundwater abstraction. Energy consumption – incorporation of renewable energy schemes, for example photovoltaic panels and wind turbines, aiming to reduce CO2 emissions. Sustainable construction – utilising recycled and locally-sourced building and landscaping materials. Waste management – promoting resource efficiency.

xxxiii. Statement of Community Engagement / Consultation

When Required: Where the development is expected to have significant effects on the local community such as a large mineral or waste proposal, the developer will need to provide evidence of how communities were involved and what issues were raised, prior to submitting an application as set out in the Statement of Community Involvement.

Further Information: The following sets out the specific circumstances under which a Statement of Community Engagement / Consultation will be required for each type of development:

- **Waste Applications:** Applications for disposal of degradable wastes with a capacity of 500,000 tonnes or more and/or a disposal life of 10 years or more; Applications for a waste processing plant having a throughput of 100,000 tonnes per annum (TPA) or more; Applications for the disposal to land of air pollution control residues (APCRs) from the incineration of waste for periods in excess of five years and Applications for new developments.
- **Mineral Applications:** Application for a new quarry and Applications for extensions of existing quarries of 25 hectares and/or with a production capacity of 250,000 tpa or more.
- **Other Applications:** School or other educational establishments with six classes per year group on a greenfield site and with significant transport implications and Road proposal with a length of 2km or more in an urban environment or a length of 5km or more in a rural environment and all bypasses.

xxxiv. Transport Assessment

When Required: All applications where there is likely to be a significant impact upon the existing transport network, and/or where additional parking is proposed. All applications where the use of HGVs is required will require a Transport Assessment (TA).

Further Information: 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.

xxxv. Travel Plan

When Required: For development which would lead to new or increased employment and/or new or additional visitor footfall, 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, and a strategy for implementation. Where schools will be expanding the number of pupils a Travel Plan will be required.

Further Information: For example, in terms of a school it could indicate that any new pupil levels generated by the new proposal will be brought on to the site either by public transport or by hired coaches. The draft must identify a plan coordinator, the management arrangements for the plan – e.g. a steering group and the development timetable. The strategy could also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.

xxxvi. Tree Survey / Arboricultural Statement

When Required: Where there are trees within, on the boundary or in close proximity to the site that could be affected by the proposed development.

Further Information: All surveys and statements should be prepared by a suitably qualified and experienced Arboriculturist and use the methodology set out in the British Standard BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' which is available at <http://shop.bsigroup.com/>. 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.