

PLANNING COMMITTEE – 27 APRIL 2021

PLANNING APPLICATION VALIDATION CHECKLIST

1.0 Purpose of Report

- 1.1 Members will recollect the Draft Planning Application Validation Checklist was presented to Members on 2nd February 2021 seeking that Committee note the contents of the checklist and for approval to undertake an 8-weeks public consultation on the document with District Councillors and Town/Parish Councils, applicants/developers and neighbours as part of the application notification process. In addition, details of the consultation would be placed on the Council's website.
- 1.2 Consultation has been undertaken between 1st March and 12 April 2021 with the above consultees and methods. 26 responses have been received from a variety of parties and these are set out at the end of this report, together with the Council's response and whether changes have been made to the checklist as a result.
- 1.3 This checklist has been prepared to provide guidance to applicants on the information required to be submitted with a planning application in order to assist a timely decision. The previous checklist was adopted in 2013 and since this time there has been a significant number of changes to policy and legislation meaning it is appropriate to review this.

2.0 Background Information

- 2.1 Information is required to determine a planning application. The Government introduced, on 6 April 2008, a national list of documents and information necessary in order to validate planning applications. These comprise, as set out in within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306 Revision date: 06 03 2014):
 - Completed application form
 - Fee
 - Site Location Plan (showing the site in relation to the surrounding area)
 - Ownership Certificate and Agricultural Land Declaration
- 2.2 In addition, a Design & Access Statement is required for certain planning applications. There are also specific requirements set out for Outline planning applications which requires an indication of the area or areas where access points to the development will be provided to be shown, even if access is a reserved matter. Applications subject to Environmental Impact Assessment also require an Environmental Statement.
- 2.3 Any other information required such as elevations or floor plans of the proposal, statements such as flood risk are not included within the national list and therefore a local list is required. The Council has a local list, which was first adopted in 2007 and last amended in 2013.
- 2.4 Councils' are able to adopt a local list clarifying the information required to determine an application. The information required will be dependent upon the application type, scale and location. Information within the local list and required when validating the application must be:

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

2.5 These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).

2.6 It is also possible for an applicant, if a Local Planning Authority determine that additional information is required in order to validate the application, to dispute this by issuing a notice under article 12 of the DMPO. There is then a process for both the Local Planning Authority and applicant to go through. Very few applications are disputed in terms of the information provided due to the criteria above (paragraph 2.4) being complied with.

2.7 Legislation sets out that a local list is required to be published on a Council's website and is reviewed every 2 years. Due to the number and significance of legislative changes over recent years, it is considered appropriate to fully review the checklist.

2.8 The general thrust of the checklist as noted within the previous committee report, attached at Appendix 1, is the same as the current one. However, this aims to be more helpful with reference to different development proposals as well as expanding on information required for different application types. The intention is to provide the information on the Council's website as a matrix, whereby someone wishing to apply for a certain development/application type will click on the relevant name and then be guided automatically to the correct area, rather than needing to filter through numerous pages.

2.9 The responses from consultees and interested parties to the checklist are set out within the table at the foot of this report, with comments and whether or not the checklist has been amended. Some of these, as has been noted in the table, go beyond what we can reasonably ask for, such requests are primarily from consultees and interested parties. These comments compare to agents whose responses indicate they consider the checklist is onerous, thus costly (and more so than the existing one). However, it is important to note that information requested will only be what is needed in order to determine the application.

2.10 Appendix 1 within the checklist relating to Flood Risk Advice as suggested is removed. Some of the information within this appendix has been added to the main document. However, it is concluded that whilst the information provided within this appendix is very useful for relevant proposals, this advice is better placed elsewhere, alongside other useful advice such as that from the RSPB in relation to nightjar and woodlark (pdf copied in below). Additions to the checklist have been made in blue text with text to be removed crossed out ~~as such~~.

3.0 Equalities Implications

3.1 None from this report

4.0 Financial Implications

4.1 None from this report

5.0 Digital Implications

5.1 None from this report

6.0 Community Plan – Alignment to Objectives

6.1 The planning application validation checklist will contribute towards assisting with:

- Delivering inclusive and sustainable economic growth
- Creating more and better quality homes
- Enhancing and protecting the district's natural environment

7.0 RECOMMENDATIONS that:

- a) **the Planning Application Validation Checklists is adopted;**
- b) **minor amendments are made as necessary and to respond to consultation outcomes e.g. air quality document, need for section 106 planning obligations [set out within the table below]; and**
- c) **the checklist is reviewed every 2 years to take account of changes to legislation or other requirements.**

Reason for Recommendations

To update the Council's Planning Application Validation Checklist in line with Government guidance and legislation.

Background Papers

Planning Committee – 2 February 2021 – Planning Application Validation Checklist

Planning Committee – 15 February 2007 – Best Practice Guidance on the Validation of Planning Applications

For further information please contact Lisa Hughes (Business Manager – Planning Development) x5565.

Matt Lamb

Director – Planning & Growth

Respondent	Comment Made	Council's Response	Amendment to Checklist
<p>Anglian Water</p>	<p><u>3. Air Quality Assessment</u></p> <p>Reference is made to assessing the impact on air quality from new development proposals. There is also a need to consider whether a suitable standard of amenity can be achieved where development proposals are located adjacent to or within existing uses including water recycling centres (sewage treatment works) and that any impacts can be avoided or mitigated as part of the development.</p> <p>It is therefore suggested that the validation checklist refers to the submission of an odour assessment where development which is regularly occupied is located within proximity to such uses subject to the advice of Council's Environmental Health Team and the relevant sewerage company (Anglian Water or Severn Trent).</p> <p><u>11. Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage</u></p> <p>Foul drainage: reference is made to early discussions with Severn Trent Water to determine whether a load or flow assessment is required. Anglian Water together with Severn Trent are the sewerage undertakers for district.</p> <p>The majority of Newark and Sherwood is served by Severn Trent with part of the area being served by Anglian Water (including Barnby in Willows, Harby, Wigsley and part of Fernwood.)</p> <p>It is therefore suggested that the text should also refer to early discussions with Anglian Water and the need for pre-planning enquiry service. Further details of this service are available to view at the following address:</p> <p>https://www.anglianwater.co.uk/developing/planning--capacity/planning-and-capacity/</p> <p><u>Water efficiency</u></p> <p>Anglian Water together with Severn Trent are the water undertakers for district. With Severn Trent supplying water to most of the district.</p>	<p>3. Noted and agreed</p> <p>11. Noted and agreed</p> <p>Policy CP10 of the Core Strategy is a 'should' requirement. It is therefore not reasonable to invalidate applications for not demonstrating failure to evidence water efficiency.</p>	<p>Requirement for Odour Assessments for applicable developments has been added under criteria 23.</p> <p>This section has been updated to take account of Anglian Water's coverage.</p>

	The adopted Core Strategy refers to development being water efficient (Newark and Sherwood's Vision). However, the Validation Checklist does not include any requirements in respect of water efficiency for new developments.		
Natural England	No comment to make. Should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.	No changes required	-
Western Power Distribution	<p>I note there is little information on the Permitted Development rights of Statutory Undertakers, in particular the GDPO 2015, part 15 relating to Class B – Electricity Undertakings. (These regulations only apply to Licence Holders, under The Electricity Act 1989), which suggests even underground cable works require Planning Consent, if not carried out by a licence holder.</p> <p>In essence where any of WPD's electricity network is affected by a proposal then due regard needs to be given to the various Health and Safety Regulations governing safe working around the electricity network. All of Western Power's network plans are available via our external web page:- www.westernpower.co.uk.</p> <p>We are happy where needed, to provide advice to developers of any size in order to maintain safety as indicated above, but recommend early enquiries.</p> <p>We are fully expecting a significant increase in electricity works generally as a result of electric vehicle charging points and heat pumps being installed as required by the latest government policies. It is expected that this will require installation of many more substations on the future electricity networks.</p> <p>All enquiries should initially be directed to WPD, New Supplies Mids wpdnewsuppliesmids@westernpower.co.uk or the local office, Grantham or Lincoln, in relation to Safety issues or advice. (Detail available on the WPD webpage)</p>	<p>The checklist relates to proposals requiring planning permission as opposed to PD rights.</p> <p>Locations of WPD network is a matter for the developer to consider, as opposed to being a requirement for information to be submitted with an application. Details of where advice can be sought by developers can be provided on our website.</p>	No change to checklist
NCC Rights of Way	Part 1 National Requirements	The application form is a national form and NSDC	The checklist has been updated where it is

	<p>The Application form for NSDC currently asks</p> <ol style="list-style-type: none"> 1. Are there any new public rights of way to be provided within or adjacent to the site? Yes No 2. Do the proposals require any diversions/extinguishments and/or creation of rights of way? Yes No <p>However there is no specific question about public rights of way (RoW) crossing or adjacent to the site as this should be acknowledged even if the applicant believes there is no affect as it is a potential constraint to the site.</p> <p>Site plan (block plan) (p11) The inclusion of public rights of way must be shown on the plan whether they are affected or not, as like trees, require additional permissions (legal orders) to alter. I assume as part of the validation, NSDC will check for a ROW and if this is omitted from the plan, contact the applicant for an updated plan?</p> <p>Part 2 Local requirements Validations checklist</p> <p>(p14) Can rights of way be included in the list of examples with drainage, contamination and trees and archaeology. RoW, like the three mentioned, can have a major impact on the development of a site and a pre-commencement condition may be requested, such as the requirement to apply for a diversion or extinguishment of the RoW at the start to prevent delays with the development (and potential illegal obstructions of the Row) to ensure they are appropriately addressed at the correct time</p> <p>Part 3 Statements & Reports</p> <p>24 Planning Obligations pro forma statements (p36) Can I suggest a category for Rights of Way for consideration where a development will increase the use of the RoW and the urbanisation of the previously rural will change the way and how the public will use it. the RoW may require upgrading to a tarmac surface or be altered to also allow cycling (with permission or a change in legal status) within the site or benefit from a more strategic improvement linking to the wider network under sustainable transport and health and wellbeing policies e.g.</p>	<p>is not able to amend this. NCC RoW concerns will be made known to the Portal. The site plan is a national requirement in terms of information needed to be provided. We are therefore unable to invalidate an application if they are not shown.</p> <p>p.14 noted</p> <p>24, the comments from RoW have been provided to the Infrastructure Officer to consider as part of the review of the Council’s adopted Supplementary Planning Document on Planning Obligations.</p> <p>32 and 37 – noted</p>	<p>lawful to request information relating to a right of way. A new category has been added for rights of way.</p>
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Rights of Way

- Residential development of 10 or more dwellings which increases the likely use of the right of way to access facilities and the need to upgrade infrastructure
- Industrial development/employment where the RoW is being referred to in the Travel Plan as a sustainable access to the facility

32 Transport Statement and Assessment (p40)

Although footpaths are mentioned here it is likely that they are seen as the footway adjacent to the carriageways and the RoW are less considered/remembered. This can be improved by referring to them as footways and RoW in the script or an additional category giving them more visibility. If this is retained in this section please add the Right of Way Team contact details in to the Other information box (0300 500 8080 Website: www.nottinghamshire.gov.uk)

Alternatively a separate category is added to the list
e.g.

37. Rights of way
Threshold/Trigger Inclusion of a RoW within the application boundary or alongside the outside edge
Details of what should be included <ol style="list-style-type: none">1. A plan showing how the RoW is affected or being protected2. A statement of how the RoW will be managed during the development:<ul style="list-style-type: none">• ability to keep the path open,• requirement to apply for a temporary traffic regulations order (TTRO) to close the path for the duration due to public safety/provide alternative route• requirement to apply for a diversion or extinguishment of the path,3. Whether improvement to the paths are anticipated as a result of increased and higher level use and how that is to be managed. This may involve a 106 agreement4. Proposed future maintenance of the RoW if it is within public open space

Application types - noted

Legislation sets out what is required for a hedgerow removal notice and prior approval applications. It is therefore not legally

	<p>5. Information as to the future ownership of the land over which the path runs on completion of the development</p> <p>Other information</p> <p>Early engagement with Rights of Way Team is encouraged (countryside.access@nottscc.gov.uk)</p> <p>Part 4</p> <p>Applications types (p49) Under the following categories</p> <ul style="list-style-type: none"> • House holder and Highway Information (p49), • Full Planning Permission and Highways Information (p51), • Outline with all Matters Reserved (p53) • Outline with some Matters Reserved (p54) • Reserved Matters (p55) <p>Please add under Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site</p> <p>Hedgerow removal notice (p51) Please can you add the requirement to confirmation that the hedge is not alongside a public right of way</p> <p>Prior approval/ Notification (p56) Where there is a change of use from garden to paddock or agricultural/arable use to paddock does this require permission and if so can it be include here? ? It can have a major impact on a public right of way if the public then have to walk through a field now containing horses. I believe this is a change of use as the stock definition does not include horses for recreation (as opposed to a food source). The need for permission would provide the opportunity to ensure the public are safe with the provision of fences or a diversion at the expense of the applicant?</p>	<p>possible to add in this requirement.</p> <p>Part 5 – noted for those applications where it is lawful to request this information</p>	
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	<p>Part 5 (p40) Inclusion of the Right of way category suggested in Part 3 to all developments as a “sometimes required” where a RoW has been identified in the block plan</p>		
Forestry Commission	<p>Thank you for consulting the Forestry Commission on the validation checklist which looks pretty comprehensive. There is only one item we felt was missing, trees are covered very well in section 34 however there isn’t any mention of Ancient Woodlands or existing woodlands and how these will need to be treated as regards planning applications. Paragraph 175 in the National Planning policy framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf sets out the need to avoid Ancient Semi natural Woodlands: <i>bullet c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and the assessments that need to be done to assess impacts of nearby development can be found at https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences .</i></p> <p>This may not be for you but we note that on the Authorities TPO page there isn’t any mention of the need for a Felling licence (exemptions apply) to fell trees outside of gardens which may not be covered by TPOs and indeed if there is a TPO and permission has been given by the Local Authority depending on size etc. a Felling Licence from the Forestry Commission may still be needed. We are encouraging Local Authorities to put a note to that effect on their websites to avoid the situation we have seen lately where we a have had to prosecute a landowner for felling trees when he has been told by the Local Authority that ‘it’s OK there isn’t a TPO’ and the owner takes this to mean it’s OK to fell. We are pleased to see that Newark and Sherwood have a tree planting campaign.</p>	Noted.	<p>The checklist has been updated to account for Ancient Woodlands.</p> <p>The webpage will be updated in relation to need for felling licenses.</p>
Public Protection	<p>Just to comment on part 2 local requirement section 3 air quality – yes agree with comments in this section. I have recently produced the attached guidance document (based on the East Midlands Template) for air quality and planning, wonder if it may be of use to assist with the air quality assessments? Could it be referenced in section 3 if planning are happy with the document?</p>	Discussions are taking place with Planning Policy regarding the status of the air quality guidance. Once this has been established, the checklist will be updated accordingly.	The checklist will be updated according to advice received from Planning Policy in due course.

	Section 9 contamination survey – yes agree with content, the guidance document quoted (and still on the website) is a bit old now and should probably be replaced with the attached. I'll get it updated on the website.		
M.I.C Design Building Design Services	Many thanks Lee and glad to see Newark & Sherwood are on the ball.	Noted	No change required
Water Management Consortium and Doncaster East Internal Drainage Board	<p>Having looked at the consultation I would ask if there is any scope to include a line within the drainage section (11) that requires the developer to show and consider the presence of any open watercourse or culvert on the submitted plans.</p> <p>Ideally we would encourage developers to look at the consequence of surface water discharge from sites into any watercourse, particularly with regard to any impacts downstream.</p>	Noted	Checklist updated under section 11.
Sport England	<p>Checklist of Recommended Information Requirements</p> <p>In addition to the national validation requirements set out within the Government's Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.97 of the NPPF and relevant Local Plan policies.</p> <p>The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England's Playing Fields Policy.¹.</p>	Noted	Checklist updated

Document	Presenting details on.....	
Required for all applications		
Consultation Notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015	
	3. Location and nature of existing buildings.	
	4. Location and nature of existing sports facilities (including the layout of summer and winter playing pitches).	
	5. Significant features (e.g. trees, slopes, paths, fences, sewers) ¹ .	
	6. Existing levels across the site ¹ .	
	Proposed site plan	7. Location and nature of the proposed development.
8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works e.g. landscaping).		
9. Location and nature of all existing sports facilities (clearly showing any revised locations from the existing plan).		
10. Any changes to existing features and levels ¹ .		
Supporting Statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above).	
	12. Reason for the chosen location and alternatives considered.	
	13. Any proposed changes in the provision of indoor and outdoor sports facilities on the site (including ancillary facilities).	
Required in relation to specific policy exceptions		Exceptions
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced sports facilities (including relevant ancillary facilities) ¹ .	2, 4 & 5
Supporting Statements	15. Current and recent users of the playing field and the nature and extent of their use.	1,4 & 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) ^{1 2} .	1, 4 & 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) ² .	2, 4 & 5
	18. The specification of any ancillary facilities e.g. floodlights ¹ .	2, 4 & 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type ² .	4 & 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including ³ : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	4

¹. Level of detail to be proportionate to the nature of the development and its impact on the playing field.

	<p>². Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.</p> <p>³. All details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and NGB design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.</p> <p>Note: As set out within the Government's Planning [sic] Practice Guidance any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions</p>		
Fisher German LLP on behalf of Exolum	<p>As you may be aware, my client Exolum's (formerly CLH-PS) high pressure oil pipeline passes through land within your remit. It is of paramount importance that my client is made aware of any planning applications within the vicinity of their asset so that they can either; put in place measures to ensure the continued safe operation of their pipeline, prevent damage to the pipeline, or simply inform the occupiers of the pipeline's presence and their responsibilities for it's [sic] safeguarding.</p> <p>In order for this to be achieved, we encourage any potential developers to submit an enquiry on Line Search Before U Dig (https://www.linesearchbeforeudig.co.uk/) . This informs Exolum of the potential development and allows them to advise developers whether their asset is likely to be affected by the potential development, if so my client continues to liaise with the developer to help adapt their plans.</p> <p>The majority of utility providers subscribe to this service and can provide details of their assets within 2-3 days. The use of this service helps developers become aware of any utilities within their development area, meaning plans can be adapted accordingly at an early stage in the planning process leading to less disruption at the consultation phase. I therefore believe it would be highly beneficial to inform developers of the Line Search Before U Dig service in the Local Validation Checklist document.</p>	<p>Comments are noted. However, they relate to advice prior to an application being submitted as opposed to validation requirements. Information will be provided on the Council's website.</p>	<p>No change required.</p> <p>The website will be amended in due course.</p>
NHS Nottingham &	<p>We are pleased to see that S106 for Healthcare provision is included in your validation checklist. However, we would ask you consider amending the threshold No of dwellings</p>	<p>Comments have been provided to the</p>	<p>No amendment to checklist at this stage.</p>

Nottinghamshire CCG	from 65 to 25 for a developers Section 106 contribution in line with this number agreed between the CCG and the other local Councils we work with.	Infrastructure Officer to consider as part of the review of the Council's adopted Supplementary Planning Document on Planning Obligations.	Amendments will be made if required following the Planning Obligation review.
CLH Pipeline System (CLH-PS) Ltd	Thank you for your email to CLH Pipeline System (CLH-PS) Ltd dated 2 March 2021 regarding the above. Please find attached a plan of our client's apparatus. We would ask that you contact us if any works are in the vicinity of the CLH-PS pipeline or alternatively go to www.linesearchbeforeudig.co.uk , our free online enquiry service.	Comments are noted. However, they do not relate to the checklist.	No change required.
Ramblers Association	As you know, Ramblers is consulted as a matter of routine on any planning application within 5 metres of a Right of Way. The system works well and I would not like to see it changed. Could this arrangement be threatened by the proposed review? Do I need to make a formal response describing the value of asking for Ramblers' involvement in the planning process?	Query regarding consultation.	No change required.
Chandlers Building Surveyors Limited	My experience with Newark and Sherwood district Council are so poor I will not be making any further applications.	Not related to the validation checklist. Comments have been responded to separately	No change required.
NATS Safeguarding National Air Traffic Control)	NATS has no comments to make on the validation plan,		No change required.
Halsall Lloyd Partnership	Firstly, in relation to Pre App fees – would it not encourage applicants to undertake 'Pre Apps' if the responses provided sufficient advice that was treated as being 'material' to any future planning application made. In this way 'Pre Apps' would be of more value and speed up the potential future planning application process if the comments were taken on board reasonably. The process could be positively encouraged if the 'pre app' fees	Advice given is informal and based on the information provided. The advice is material but does not guarantee the	No change required.

	<p>were deducted from the planning application fee in due course. Otherwise, Clients feel that they are paying for no apparent benefit as ‘planning advice’ (the planning officers opinion) is always caveated, which is generally taken by Clients as being meaningless!</p> <p>Secondly, with regard to “local List” of non-designated heritage assets, how do you inform owners that their building may either be on a list or being considered for one. Have they the right to challenge this process at the outset of a notification in the same way as a ‘listed building notice can be challenged either by review at DCMS or a Certificate of Immunity application. This process needs to be clear, as often Clients appear to be unaware of the non-designated ‘local list’ and under the changing NPPF/NPPG if it is not clear, it could be seen as a method of operating a selection process as a back door to a formal listing review through Historic England, which sets a much higher standard both regionally and nationally.</p>	<p>outcome of an application. Legislation sets the fees applicable to a planning application, it is therefore not possible to amend the fee charged. Fees for pre-application advice are commensurate with the time involved and experience of the officer.</p> <p>Local list – the Council is looking to adopt a policy approach to locally listed buildings. Details of which and how to respond are detailed on the Council’s website. A response has been sent providing information.</p>	
The Coal Authority	<p>As you will be aware our records indicate that past coal mining activity and surface and shallow depth has left a legacy in the Newark and Sherwood area including; mine entries, reported surface hazards and fissures/breaklines.</p> <p>We are therefore pleased to see that Part 3 – Statements and Reports of the Validation List includes at Section 7 the requirement to provide a Coal Mining Risk Assessment to support development proposals within the defined Development High Risk Area. We support the inclusion within the validation checklist of this requirement and the reference to our guidance in the supporting text.</p>	Noted	No change required.
Malcolm Clark Associates	Under householder applications – ‘ <i>Sometimes required</i> ’ – states completion of a CIL form required <u>if exceeds 100 sqm</u> –	Noted. Checklist has been amended to make it clearer in terms of the	Checklist amended.

	<p>A welcome change - should only be required if exceeds 100 sqm - in practice at present is required for every householder application, irrespective of size</p> <p>Listed Building Consent</p> <p>The list of <i>'always required'</i> seems very excessive for say changing the colour of an internal wall or fitting a log burner or a new driveway gate</p> <p>The list seems to be based on an internal structural change – eg remove or add wall – replace windows</p> <p>To supply Elevations and full floor plans and Section for minor works seems well over the top. – why would you want Elevations / Floor Plans and Section to change one window? – why Floor plans and Section to replace Guttering?</p> <p>Trust above of assistance – my experience with Authorities who have instigated such lists applications now tend to become bogged down in the 'registration' process because the processing is handled by possibly lesser experienced staff, who reject submissions through 'eye' dotting and 'T' crossing reasons - where the information required is present, but not in the exact spot they feel it must be rejected. – for example South Holland will reject a submission if the distance to boundary, of an householder extension, is not shown on the Block Plan, but is shown on the Ground floor plan.</p>	<p>amount of information required.</p> <p>Prior to the checklist being adopted, training will be given to the Planning Support team. As indicated within the document, information required will be proportionate to the proposal. Clarification is sometimes required and in the instance of the example given, whilst this is not a NSDC requirement if the distance on one drawing was missed during validation and the applicant advises it is on another (appropriate) drawing, this would be accepted.</p>	
Town Planning Company	<p>As with many Councils the document is seeking to do multiple things within a single document. Whilst the desire to do this for ease is understood; it can in fact result in misinterpretation of the legal position.</p> <p>The Local Validation List produced under s62(3) TCPA 1990 and Article 11 DMPO 2015 only applies to applications for planning permission. It does not apply to advertisement consent, applications for prior approval/notification or listed building consent for example.</p> <p>The planning system has become unduly complicated with the number of different types of application now available, with many of these now having validation requirements set</p>	<p>Agreed. Planning is complex and applicants new to planning (including e.g. advertisement and listed building consent) will unlikely to be aware of information required to determine an application. The information within the checklist is therefore</p>	<p>The checklist has been updated throughout to respond to the comments and observations made.</p>

	<p>out not in the TCPA or DMPO but in other Regulations or Orders. For example, the legal requirements for Listed Building Consent are set out in ss10 & 11 of the Planning (Listed Buildings and Conservation Areas) Act 1990; supplemented by The Planning (Listed Buildings and Conservation Areas) Regulations 1990.</p> <p>If the Council wants to summarise the various legal requirements for the differing application types in a single document alongside the local validation list; then this would be appropriate provided that it is explicitly clear that the local validation list only applies to the consent types within s62(3) TCPA 1990 and Article 11 DMPO 2015. The current format does not make this clear.</p> <p>Local validation requirements should be based on a proportionate approach as required by Planning Practice Guidance. They should also consider the overall impact on viability of development and the upfront cost of producing and submitting planning applications. The more onerous the local validation list the more scope there is for validation disputes and inconsistency in validating planning applications. In overall terms a 72-page document relating to the validation of planning applications is disproportionate in scale and is unlikely to be read and used by most people submitting a planning application.</p> <p>In broad terms there should also be some correlation between consultees needing to be consulted on proposals and information requirements. There are a number of examples where information is now suggested as being required but the relevant consultee would not in fact comment on a planning application of that nature. As such there would appear little point in seeking the provision of the information in the first place.</p> <p>It is actually very difficult to comment on the document as it has no paragraph numbers or page numbers to help identify what element a comment relates to. I use the page number the relevant text appears on when viewing the document as a pdf:</p> <ul style="list-style-type: none"> • Page 9 - Application Forms – in strict terms a description of development should only refer to acts of development. Therefore, use of words such as ‘retention of’ or ‘retrospective’ as suggested are inappropriate. You will note that in appeals Inspectors continuously remove such words from descriptions of development. • Page 11 – Location Plan – reference to ‘include at least two adjacent road names where possible’ is well beyond the national requirements in article 7(1)(c)(ii) of the Town and 	<p>to provide as much assistance as possible. The comments, however, are noted.</p> <p>The size of the document is in some regards misleading as the checklist will be broken down into various parts with links once published on the website. Information sought will be proportionate to the proposal. It needs to be noted that the validation of an application is an administrative not technical function and therefore sometimes questions and queries will arise.</p> <p>Page 9 – inclusion of such words assists neighbours (and other parties) in understanding what is being applied for and whether or not it is ‘new’ development.</p> <p>Page 11 – noted, amended and updated to reflect comments.</p>	
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	<p>Country Planning (Development Management Procedure (England) (Order) 2015. The Planning Inspectorate has made this suggestion for years but does not apply it because it would render the majority of appeals invalid. To submit a location plan at 1:1250 on an A4 page in most cases prohibits two roads being shown.</p> <ul style="list-style-type: none"> • Page 11 – Site or Block Plan - Additional plans and drawings will in most cases be necessary to describe the proposed development, as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015. Any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions. This section includes additional requirements which go beyond the national requirements and should therefore be set out as local information requirements. • Page 12 – DAS for Listed Buildings – this section does not comply with s10(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It seeks to extend the legal requirements and should be rewritten to match that described in the Making an Application section of Planning Practice Guidance (Reference ID: 14-032-20140306). • Page 15 – Advertisement Applications – there is no legal basis for applying local validation requirements. • Page 18 – Air Quality Assessments – this is an onerous requirement for all forms of major development. For example, a change of use to a woodland glamping site could involve a large area thereby triggering it being major development but perhaps only involving a handful of glamping units. This is normally targeted at Air Quality Management Areas, of which Newark & Sherwood has none. Otherwise, this would be better targeted at types of development that are likely to generate air quality impacts. • Page 19 - Bin/Waste Management Information – this is inappropriate and unnecessary for example it cannot apply to outline applications; it is already addressed by questions on the standard application forms. • Page 23 – Drainage – requiring this for ‘Applications in areas at risk from flooding (Flood Zone 2 or 3); Applications adjacent to areas at risk of flooding; and Where there is a requirement in the relevant Neighbourhood Plan’ in unduly onerous and disproportionate. Planning Practice Guidance (Reference ID: 14-038-20140306) states that: “Local planning authorities should take a proportionate approach to the information requested in support of planning applications.” A flood risk assessment is already required in flood zones 2 and 3 and this already has to consider flood risk from all sources. There is no correlation between the flood zones based on river flooding and the 	<p>Page 15 – Advertisement applications were noted in 2 places with the checklist. These have been consolidated and clarification given regarding information required.</p> <p>Page 18 – amendments suggested in accordance with guidance from Environmental Health.</p> <p>Page 19 – details of the location of bin storage is important to achieve a high standard of design and also to ensure that refuse vehicles are able to access proposed locations.</p> <p>Page 23 – comments noted. Drainage information is required for certain types of developments. The checklist has been amended to reflect this.</p> <p>Page 28 – noted</p> <p>Page 30 – for designated assets, the HIA will always be required whereas for non-designated, the assessment <u>should</u> be submitted.</p>	
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	<p>potential impact of surface water run-off. Applying the proposed thresholds literally means that all householder development in a flood zone needs a drainage assessment which is wholly disproportionate.</p> <ul style="list-style-type: none"> • Page 28 – Flood Risk Assessments – this is seeking to become more complicated that the broadly simple approach of a flood risk assessment being required in flood zones 2 and 3 or for sites over 1ha in flood zone 1. • Page 30 – Heritage Impact Assessments – the current wording initially suggests that it applies for all proposals affecting heritage assets which would include non-designated heritage assets, whereas later on it refers to “Heritage Impact Assessments should also be submitted for planning applications affecting non-designated heritage assets, notably where that proposal would result in total loss or significant alteration of the heritage asset.” This should be clarified and it should also be clear that it only applies to non-designated heritage assets identified under the appropriate process still to be undertaken. • Page 38 – Street Scene Views – this is imprecise so should be removed as a validation requirement. There can be circumstances where a street scene is useful for determination so can be requested by a case officer during the determination process. • Page 38 – Structural Survey – as a local validation list can only address applications under s62(3) TCPA 1990 and Article 11 DMPO 2015 reference to proposals involving the conversion of rural buildings in change of use prior notification applications and works for applications to trees protected by a Tree Preservation Order where the reason for works relates to structural issues must be removed. • Page 40/41 - Transport Statement/Travel Plan – it is fundamentally unacceptable to include requirements that are based on use classes that no longer apply. It provides no advice for example on a proposal for class E; it seeks to undermine the flexibility provided by the new wide scope of class E. The thresholds should be revised to reflect the maximum thresholds that apply relating to the new use classes, so for example class E would become 1,500sqm and 2,500sqm respectively. • Page 44 - Ventilation and Extraction Report – this needs to be updated to reflect updated use classes or more likely be amended to refer to proposals involving ventilation and extraction. • Part 4 Application Types – In this section you occasionally refer under the heading ‘always required’ matters which are not set out in the relevant legislation; for example, for adverts and listed building consent. 	<p>A number of non-designated heritage assets are listed on the Historic Environment Record and therefore this requirement applies to those buildings, notwithstanding the Council is looking to formally adopt its own local list.</p> <p>Page 38 – Streetscene – this is what the checklist states at present – that they will be specifically requested.</p> <p>Structural Survey – reference to prior approval and TPOs has been removed. However, reference to evidence of structural damage has been updated under application types.</p> <p>Page 40/41 – noted and amended in line with Planning Practice Guidance</p> <p>Page 44 – amended.</p> <p>Part 4 – the applications referenced have been updated</p>	
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Southwell Town Council	<p>Part 3 – section 4 error in the Archeology section – refers to Air quality info</p> <p>Section 6 – welcome the requirement for superfast broadband</p> <p>Welcome the requirement for SW drainage design as part of the process rather than part of the conditions –</p> <p>Suggest the following is added: "If a town/village is known to have suffered flooding in the past, the local community/council/flood action group should be included in pre-planning discussions to fully assess the impact of developments on flood risk at local level."</p> <p>Welcome the need to provide a Hedgerow removal notice – this needs publicity as it's too late once removed.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>This checklist is for application requirements, not pre-application advice. As part of the Council's adopted Statement of Community Involvement, developers are encouraged to engage with various partners.</p> <p>Publicity regarding the need for hedgerow removal consent is provided on the Council's website. Advertising of such need outside of this is difficult.</p>	<p>Checklist has been updated in the Archaeology section.</p>
NCC Highways	<p>Highways</p> <p>Section 32 seems to conflate transport statements/assessments and travel plans. It includes information on the thresholds for all of these but then only provides details for TAs and Statements. Travel Plans are considered separately in Section 33. Given that the thresholds for requiring Travel Plan Statements and Full/Interim/Framework Travel Plans are identical to those for Transport Statements and Assessments, it makes sense to modify the headings of the table in Section 32 to reflect this. However, it would also then make sense to include info on Travel Plans in Section 32 as well. Alternatively, the table could be modified and repeated in Section 33 such that the TA and TP elements can be fully separated.</p>	<p>Comments are noted</p>	<p>Checklist has been updated to take account of all comments under Transport Assessments/Statements; Travel Plans and Environmental Impact Assessment.</p>

It might be worth including confirmation of the type of travel plan required, as follows: ·

- **Full Travel Plans,**
- **Interim (Outline) Travel Plans,**
- **Framework Travel Plans.**

Travel Plans submitted to Nottinghamshire County Council should fall into one of the above categories and be easily identifiable as such.

A **Full Travel Plan** should normally be submitted to support a full planning application. This will include clear targets, measures to achieve those targets, and a monitoring & review framework.

An **Interim (Outline) Travel Plan** may be more appropriate for certain applications (particularly outline applications) where there are few occupiers (less than five) and these occupants remains unknown. They should still include clear targets (based on maximum car trips) but some aspects may remain provisional (i.e. details of measures). An important component of the Interim Travel Plan would be a timeframe in which to develop and agree with the local highway authority a full Travel Plan.

A **Framework Travel Plan** can be submitted in the case of large developments with multiple (more than five) occupants and where the occupier(s) remains unknown. It should focus on targets and measures across the whole site and should be administered centrally. As individual occupiers come to the site, they should develop unit Travel Plans that are consistent with the Framework Travel Plan. As large sites can take some time to occupy, the Framework Travel Plan should include as a key component a clear timetable setting out when measures would be enacted.

NCC are unclear as to how Travel Plans are submitted at present. NCC assume they are submitted directly to NCC by the developer, in which case, it might be worthwhile specifying this in Section 33

Health and Wellbeing


The Nottinghamshire Planning and Health Framework (2019 -2022) brings together the Spatial Planning for Health and Wellbeing for Nottinghamshire (2016) and Planning and

	<p>Health Engagement Protocol (2017) into a single guidance document https://www.nottinghamshire.gov.uk/media/1740041/notts-spatial-planning-health-framework.pdf</p> <p>The purpose of this document is to present a holistic overview of health and planning across Nottinghamshire and to provide robust planning and health responses to planning applications, local plans, neighbourhood plans and other relevant planning documents, to ensure health is fully embedded into the planning process.</p> <p>The document sets out a Checklist for Planning and Health (Appendix 2) - the Nottinghamshire Rapid Health Impact Assessment Martrix 'The Matrix' which focuses on the built environment and issues directly or indirectly influenced by planning decisions. As a rapid assessment tool, its purpose is to quickly ensure that the health impacts of a development proposal/local plan are identified, and appropriate action is taken to address negative impacts and maximise benefits.</p> <p>NCC would like to see applicants and developers encouraged to undertake Health Impact Assessment (HIA) as part of the planning application process.</p> <p>Not all development proposals will require an HIA; this will depend on the type, scale and location of the development or proposal. However, HIA could be incorporated into the EIA process, at the screening stage using the Health Matrix as guidance.</p>		
IBA Planning Ltd	<p>The Planning for the Future white paper published in August 2020 outlined the urgent need to streamline our planning system and cut red tape to deliver a 'significantly simpler, faster and more predictable system' that delivers results in weeks and months rather than years and decades.</p> <p>The draft Local Validation Checklist 2021 does not reflect this movement towards simplify planning and reducing the amount of paperwork associated with planning applications and instead seeks to increase the already over-whelming amount of information required to be submitted as part of planning applications, adding unnecessary financial burden on applicants and additional pressure on Case Officers and consultees.</p>	<p>The comments are noted and agreed with in the main. Outline applications details that only the following information is required: form, fee, site location and block plan. Other information will be dependent upon site constraints e.g. contamination report might be required or</p>	<p>No changes required.</p>

	<p>In particular, the draft Local Validation Checklist adds several additional validation requirements which are either often not known at the application stage, especially for outline applications, or are more appropriately provided via condition once planning consent is granted.</p> <p>This can be particularly problematic for small-to-medium builders whose access to finance is often limited until planning consent has been granted – this being the section of the construction industry hardest hit by the 2008 recession and which the Government is specifically seeking to support in order to meet the deficit in the housing supply of regional/national housebuilders.</p> <p>Examples of information proposed to become validation requirements which are more appropriately dealt with by way of condition include product codes and filter names for ventilation and air-conditioning systems (which are best dealt with once the technical drawings have been produced for building regulations) and details of driveway gradients for private drives and individual driveways.</p> <p>In addition, there are several pieces of information proposed to become validation requirements which would not be appropriate/possible to submit with outline applications (for example detailed layouts of open space and timescales for their completion and maintenance) and it is suggested that the wording of the document be amended to reflect this and reduce the burden on applicants submitting outline applications.</p> <p>We would also like query the proposed changes to the Council’s approach to Viability Statements. The draft Validation Checklist states that there will be a separate fee in addition to the standard planning fee for applications requiring a viability assessment to cover the Council’s costs in appointing an independent professional to evaluate the assessment submitted. This again adds to the financial burden of applicants and effectively means that applicants have to pay twice for viability assessments. It is submitted that the Council should cover the cost of reviewing viability assessments as part of the application fee as it does with other reports and assessments submitted in support of planning applications.</p>	<p>matters being considered part of the outline application e.g. layout will require a plan showing the location of buildings for example.</p> <p>It is also of note, as well as not burdening developers with submission of unnecessary information the Government also wants local planning authorities to minimise the use of planning conditions. Where information is provided up front, it can often mean that developments can be commenced sooner.</p> <p>In relation to viability assessments, applicants at NSDC and other local planning authorities are requested to cover the cost of reviewing reports such as viability assessments. Very often the application fee does not cover the cost associated with the</p>	
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	<p>Moreover, it should be clarified whether applications for the removal of a rural worker occupancy conditions require information regarding the marketing of the building/site <i>and</i> a viability assessment or just information regarding the marketing of the building/site – the current wording of this section is unclear on this.</p> <p>Finally, the draft checklist includes several requirements which require a technical assessment to be made by the Council at the validation stage as to whether they are a validation requirement for each application or not. Examples include Daylight and Sunlight Assessments and Noise Impact Assessments. This does not aid clarity for applicants and it is therefore suggested that such requirements either be removed as proposed validation requirements or their wording be amended to provide more objective guidance on when they will be required at the validation stage to provide more certainty for applicants and help avoids delays in the validation of planning applications.</p>	<p>expertise needed for this work.</p> <p>Examples have been given within the checklist of when e.g. a noise or daylight/sunlight assessment might be required. It is not possible to provide a definitive guide or further information to that within the list as there will always be exceptions. As part of the Council’s response to pre-application enquiries, the officer will always provide information on which statements/drawings etc. are needed. Developers seeking pre-application advice will therefore benefit from not having applications delayed in validation.</p>	
Upper Witham Internal Drainage Board	<p>Part of Upper Witham Internal Drainage Board district and Upper Witham Internal Drainage Board Extended Area are within the boundary of Newark and Sherwood District Council.</p> <p>The Board supports Newark and Sherwood District Council Planning Policies and this draft checklist in general.</p> <p>Below are general Board comments:-</p>	<p>Comments are noted. These relate to matters that are considered as part of the determination of a planning application.</p>	No change required.

	<ul style="list-style-type: none"> • It is suggested developments should support the idea of sustainable drainage and that any proposed development should be in accordance with Local, National and Regional Flood Risk assessments and Management plans. • No new development should be allowed to be built within flood plain. The 'Flood Maps' on the Environment Agency website provides information on areas at risk. Also risk from surface water flooding should also be considered, information can also be found on the Environment Agency website. • Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures within any watercourse within the District. This is independent of the Planning Process. • Also, the Land Drainage Act. 1991 requires that a watercourse be maintained by its owner in such a condition that the free flow of water is not impeded <p>Through the planning process the Board will continue to comment on the individual planning applications, as and when they are submitted. Many of the proposed areas for development have been subject to multi-agency discussions including this Board about flood risk and surface water discharge.</p> <p>An extract of the Board's District is attached for your information.</p>		
Southwell Flood Forum	<p>This is a joint response to the consultation on the Planning Validation Checklist following discussions between Southwell Flood Forum, Lowdham Flood Action Group and Thurgarton Parish Council</p> <p>We understand this checklist is a useful driver to ensure that planning applications follow all the necessary processes and include all the necessary documents to ensure a development is carried out according to the National Planning Policy Framework and local planning considerations.</p>	<p>The comments from the Forum are supported. However, requirements that are within the checklist need to be based on advice and guidance from Government and respective bodies e.g. Environment Agency.</p>	<p>Checklist updated as necessary.</p>

	<p>We take this opportunity to emphasise the importance of enforcement, monitoring and maintenance to ensure that the good intentions of planning processes are achieved 'on the ground'.</p> <p>As three communities which have suffered flooding with considerable damage to property and long-lasting impact on the lives of residents we are keen to work with planning and risk management authorities to ensure that future development is safe from flooding, does not adversely affect existing properties and may possibly (preferably) contribute to reducing flood risk.</p> <p>We are in discussion with NSDC Planning Dept on the possibility of a Local Drainage designation/Supplementary Planning Document/a document on the critical drainage situation in Lowdham and Southwell. We appreciate that there are other communities in Nottinghamshire, such as Thurgarton, that are vulnerable to flooding and hope that this process could be rolled out to also benefit them.</p> <p>We realise that the planning process is complex and would support anything that helps people submit applications in a complete and thorough way that benefits planners and communities.</p> <p>We have therefore taken the liberty of reformatting Section 16 (attached) to include and emphasise the following issues (in green on the document).</p> <p> local validation planning checklist -</p> <ol style="list-style-type: none">1. avoid potential adverse impact on existing developments/properties 'downstream'2. EA flood risk maps must be referenced for <u>all</u> types of flooding, <u>particularly</u> surfacewater3. reference to information on flood risk vulnerability of a town/village - through the Neighbourhood Plan, a Supplementary Planning Document and/or an approved (by NCC/EA) evidence based document4. reference to Met office info on global warming - need to direct planners to the most up-to-date information.	<p>Some go beyond what can be included within the checklist but a number of additions have been added to Flood Risk Assessments</p>	
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	<p>5. applications need to take into account that drainage systems are typically old and cannot easily accept more water</p> <p>6. regarding SuDS - better national and local guidance and regulation and enforcement of national SuDS standards should be put in place.</p> <p>This could follow the lead of Wales who since the 7th January 2019 "requires new developments to include Sustainable Drainage Systems (SuDS) features that comply with national standards"</p> <p>https://gov.wales/sites/default/files/publications/2019-06/statutory-national-standards-for-sustainable-drainage-systems.pdf</p> <p>7. proposed run-off rates from a development should be thoroughly analysed</p> <p>8. pre-planning discussions should include the local community - flood group, town/parish councils</p> <p>Contact details provide have been deliberately excluded to ensure no breach of GDPR.</p>		
<p>Severn Trent Water</p>	<p>11. Drainage including surface water drainage, Sustainable Drainage Systems (SuDS) and Foul Drainage</p> <p>Severn Trent are supportive of the approach to require planning applications to submit information regarding the drainage aspects of development. We would encourage that when referring to SuDS, the importance of all 4 pillar of SuDS referenced within Current industry Best practice (CIRIA C753 The SuDS Manual) are highlighted. To do this we would advise that a bullet point is added below:</p> <p>“allowing sediments to settle out by controlling the flow of water”</p> <p>With words to the effect of:</p> <p>“creating space that will enhance biodiversity and amenity”</p> <p>We would encourage that the SuDS assessment highlights the need to assess the natural flow routes through the site and be consistent with the natural topography, to ensure that exceedance flows are allowed safely move through the development site. We would also recommend that all surface water drainage schemes include a Drainage hierarchy assessment. Detailing which of the options within the hierarchy are available and why</p>	<p>Comments are noted. Some comments relate to the adoption of planning policy and this information has been passed across to the Policy team to review as part of future local plans.</p>	<p>Checklist amended accordingly where appropriate.</p>

they have been discounted if not utilised. i.e. Infiltration has been discounted due to the impermeable nature of the underlying strata (Mercia Mudstone).

Severn Trent are supportive of the approach for developers to have early conversations with ourselves regarding foul sewerage capacity, connectivity etc.

Full Planning permission List

Severn Trent are supportive of the bullet point referencing Drainage including Surface Water Drainage, Sustainable Drainage Schemes (SuDS) and Foul Drainage.

Outline with all Matter Reserved List

Severn Trent are supportive of the bullet point referencing Drainage including Surface Water Drainage, Sustainable Drainage Schemes (SuDS) and Foul Drainage, Although it would be preferred if this was a required element or at least the assessment of natural flow routes and the identification for a viable outfall in accordance with the Drainage Hierarchy. This approach would reduce the need to more difficult discussions at the reserved matters phase where layouts need to be changed to accommodate natural flow routes and alternative outfall arrangements.

All guidance regarding the implementation of SuDS and good surface water design highlight the need to assess how development sites will be drainage as part of the development of the site layout. Whilst layout is not formally set within the outline stage, the developers have often created their site with an indicative layout that they will not want to change significantly at the reserved matters stage.

Outline with Some Matter Reserved List

Severn Trent are supportive of the bullet point referencing Drainage including Surface Water Drainage, Sustainable Drainage Schemes (SuDS) and Foul Drainage, Although it would be preferred if this was a required element or at least the assessment of natural flow routes and the identification for a viable outfall in accordance with the Drainage Hierarchy.

This approach would reduce the need to more difficult discussions at the reserved matters phase where layouts need to be changed to accommodate natural flow routes

and alternative outfall arrangements, especially if the layout is to be determined and not set as a reserved matter.

All guidance regarding the implementation of SuDS and good surface water design highlight the need to assess how development sites will be drainage as part of the development of the site layout. Whilst layout may not formally set at the outline stage, the developers have often created their site with an indicative layout that they will not want to change significantly at the reserved matters stage.

Flood risk assessment information

This section details the need to assess surface water run off from the existing site and includes the bullet point:

“details of the existing methods for managing surface water runoff, e.g. drainage to a sewer”

Severn Trent agree with the approach to understand the existing drainage arrangements but feel that as surface water connection to the sewer should be [sic] a last resort as detailed by the drainage hierarchy, we feel it would be better to provide a different example i.e. drainage to a watercourse.

Please keep us informed when your plans are further developed when we will be able to offer more detailed comments and advice.

For your information we have set out some general guidelines that may be useful to you.

Position Statement

As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity 3 once we have

sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.

Sewage Strategy

Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.

Surface Water and Sewer Flooding

We expect surface water to be managed in line with the Government’s Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer.

We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.

To encourage developers to consider sustainable drainage, Severn Trent currently offer a 100% discount on the sewerage infrastructure charge if there is no surface water connection and a 75% discount if there is a surface water connection via a sustainable drainage system. More details can be found on our website

[Infrastructure charges](#) | [Application forms, guidance & agreements](#) | [Regulations and forms](#) | [Building and Developing](#) | [Severn Trent Water \(stwater.co.uk\)](#)

Water Quality

Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that

water quality of supplies are not impacted by our or others operations. The Environment Agency's Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.

Water Supply

When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.

We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.

Water Efficiency

Part G of Building Regulations specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.

We recommend that in all cases you consider:

- Single flush siphon toilet cistern and those with a flush volume of 4 litres.
- Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute.
- Hand wash basin taps with low flow rates of 4 litres per minute or less.
- Water butts for external use in properties with gardens.

To further encourage developers to act sustainably Severn Trent currently offer a 100% discount on the clean water infrastructure charge if properties are built so consumption

	<p>per person is 110 litres per person per day or less. More details can be found on our website Infrastructure charges Application forms, guidance & agreements Regulations and forms Building and Developing Severn Trent Water (stwater.co.uk)</p> <p>We would encourage you to impose the expectation on developers that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day.</p> <p>We would also encourage the use of rainwater harvesting on larger developments, either residential or commercial. This helps to reduce the demand on public supply, associated carbon impact of supply and also reduced site run off and sewer flows. Rainwater Harvesting as a development rather than on a property by property basis is more cost efficient and can produce greater benefits.</p> <p>Both the River Severn River Basin Management Plan (Page 52) and the Humber River Basin Management Plan (page 46) recommend that Local Plan set out policies requiring homes to meet the tighter water efficiency standard of 110 litres per person per day as described in Part G of Schedule 1 to the Building Regulations 2010. As such Severn Trent’s recommendation is consistent with wider objectives within our water supply regions.</p>		
RSPB	<p>We have the following comments on the draft:</p> <ul style="list-style-type: none"> • Section 12. Ecological and Protected Species Assessment <p>Currently states: “Where development is within a Special Protection Area (SPA), potential Special Protection Areas (pSPA), Site of Special Scientific Interest, Local Wildlife Site (LWS).”</p> <p>This needs to be amended to include Special Area of Conservation (SAC) as the Birklands and Bilhaugh SAC is within the district. Also, when considering impacts on SACs/SPAs/pSPAs the appropriate assessment (Habitats Regulations Assessment, Conservation of Habitats and Species Regulations 2017) must include direct, indirect and</p>	Comments noted and agreed.	Checklist updated to take account of comments.

	<p>in combination impacts. Therefore, the current wording only including when a development is <i>within</i> such a protected area needs amending.</p> <p>Recommended change: “Where development will have direct, indirect or in combination impacts on a Special Area of Conservation (SAC), Special Protection Area (SPA), potential Special Protection Areas (pSPA) ...”</p> <p>For the What should be included section, include a desktop study, including consulting the Nottinghamshire Biological and Geological Records Centre, and appropriate habitat and species surveys.</p> <p>The hierarchical approach (avoid > mitigate > compensate) to minimising ecological and protected species impacts, as set out in the National Planning Policy Framework, should be included so those considerations (such as alternative sites) are included in planning applications.</p> <p>Mitigation measures have been requested but it should be noted that for SACs/SPAs/pSPAs mitigation measures can only be considered as part of the appropriate assessment (not as part of the screening process). This follows the ruling in April 2018, when the Court of Justice of the European Union delivered its judgment in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta ('People over Wind'). The judgment clarified that when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities cannot take into account any mitigation measures¹.</p> <p>A separate section for SACs/SPAs/pSPAs would seem to be beneficial in this document to provide clarity for planning applicants. To include information on screening process, scoping opinion, and appropriate assessment requirements (as has been done in section 14 for Environmental Impact Assessments).</p> <ul style="list-style-type: none"> • Hedgerow removal notice 		
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¹ See <https://www.gov.uk/guidance/appropriate-assessment#when-may-appropriate-assessments-be-required-in-the-planning-process>

The section on Hedgerow removal notice only asks for evidence that the hedge is older than 30 years. The Hedgerow Regulations 1997 also protect hedges of archaeological and ecological importance. So, including evidence that the hedge does not meet criteria that makes it important is needed. Include link to planning portal information (as done for other sections) -

https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-hedgerow_removal_notice.pdf



Sherwood Nightjar
and Woodlark Advic