



## Planning Applications

### **Validation Checklist – Revised guidance notes to accompany the local list Published July 2013**

Applications for planning permission are required to be accompanied by the following. The basis for these requirements is the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Note: we will only require information considered :

- To be reasonable having regards to the nature and scale of the development; and
- To relate to matters that it is reasonable to think will be a material consideration in the determination of the application.

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<b>National list – information that must be provided</b>	
1	<p><b>Standard application form (1App).</b></p> <p>There is no need to select an application form if the application is submitted on line via the Planning Portal as the details of the development automatically 'build' the correct form.</p> <p>The Council encourages the on line submission of planning applications via the Planning Portal.</p> <p><b>If you submit the application on paper you will need to ensure that the correct form has been selected or your application will be invalid.</b></p> <p>Download forms, help text and guidance notes from the Planning Portal - <a href="#">Planning Portal download forms</a></p>
2	<p><b>Location Plan</b></p> <p>All applications must include copies of a location plan based on an up-to date map. This should be at a scale of 1:1250 or 1:2500. Two copies are required (unless submitted electronically). In exceptional circumstances plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear</p>
3	<p><b>Red Line</b></p> <p>The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.</p>
4	<p><b>Blue Line</b></p> <p>A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.</p>
5	<p><b>Site Plan</b></p>

	See schedule
6	<p><b>Ownership Certificates</b></p> <p>Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 12 of the Development Management Procedure Order, the local planning authority must not entertain an application for planning permission unless the relevant certificates concerning the ownership of the application site have been completed. All applications for planning permission must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. The certificate is part of the 1App form.</p> <p>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.</p>
7	<p><b>Notice(s)</b></p> <p>A notice to owners of the application site must be completed and served in accordance with Article 11 of the Development Management Procedure Order. Links to the notices to be used can be accessed via the ‘Help Text’ on the Planning portal, or contact the Local Planning Authority.</p>
8	<p><b>Agricultural land declaration</b></p> <p>An Agricultural Holdings Certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. This certificate was incorporated into the ‘ownership certificates’ section of application forms in February 2013. A link to the notice to be used (‘notice no 1’) can be accessed via the ‘Help Text’ on the Planning Portal, or contact the Local Planning Authority. This certificate is not required if the applicant is making an application for reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, or express consent to display an advertisement.</p>
9	<p><b>The correct fee</b></p> <p>Check this on the Planning Portal: <a href="#">fees</a></p>

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## Design and Access Statement

A design and access statement (DAS) is a short report accompanying and supporting a planning application. They are documents that explain the design thinking behind a planning application. For example, they should show that the person applying for permission (the applicant) has thought carefully about how everyone, including disabled people, older people and very young children, will be able to use the places they want to build.

A DAS is only required for a limited number of planning applications. These are:

a. Major Applications

(but not Major applications for 'Extensions of Time', S73. Variation of condition, engineering or mining operations, changes of use or waste development)

b. Development in a Conservation Area for:

i. One or more dwellings

ii. The provision of a building or buildings where the floorspace created will be 100 sq m or more

c. listed building consent.

The Town and Country Planning (Development Management Procedure) Order 2010 (as amended) states that a **DAS, related to planning applications, should explain**

(a) the design principles and concepts that have been applied to the development

(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account

(c) how issues relating to access to the development have been dealt with, including how policies relating to access in relevant local development documents have been taken into account;

(d) what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and

(e) explain how any specific issues which might affect access to the development have been addressed

The T&CP (Listed Buildings and Conservation Area) Regulations 1990 (as amended) states that a **DAS, related to applications for listed building consent\* should explain**

	<p>how the design principles and concepts that have been applied to the works proposed take account of—</p> <p>(i) the special architectural or historic importance of the building;</p> <p>(ii) the particular physical features of the building that justify its designation as a listed building; and</p> <p>(iii) the building’s setting; and;</p> <p>(iv) how the issues relating to access to the building have been dealt with including what alternative means of access have been considered, and how policies relating to access in relevant local development documents have been taken into account</p> <p>(v) state what, if any, consultation has been undertaken and what account has been taken of the outcome of any such consultation;</p> <p>(vi) explain how any specific issues which might affect access to the building have been addressed;</p> <p>*see also Heritage Statement at A4 below. The DAS can be combined with the Heritage Statement.</p>
<b>A</b>	<b>GUIDANCE NOTES FOR LOCAL INFORMATION REQUIREMENTS</b>
	<b>Plans – all applications where new building work is proposed in addition to a block/site plan</b>
	<p>Please note that copies of the submitted plans are not issued with the decision, and it is the applicant's or agent's responsibility to keep a record of which plans have been submitted and any subsequent amendments. The decision notice will identify which plans the decision has been based upon. Two copies need to be submitted unless the application is submitted electronically.</p> <ul style="list-style-type: none"> <li>• <b>Existing and proposed elevations</b> (e.g. at a scale of 1:50 or 1:100). These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.</li> </ul>

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** (e.g. at a scale of 1:50 or 1:100) These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).
- **Existing and proposed site sections and finished floor and site levels** (e.g. at a scale of 1:50 or 1:100) The plans should be drawn at a scale of 1:50 or 1:100, showing a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided.

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

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

- **Roof plans** (e.g. at a scale of 1:50 or 1:100) 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 the floor plans. Details such as the roofing material and their location are typically specified on the roof plan.

**Policy driver – NPPF para 192**

A1	<p><b>Existing and proposed car parking and access arrangements</b></p> <ul style="list-style-type: none"> <li>• Applications may be required to provide details of existing and proposed parking provision. These details could also be shown on a site layout plan.</li> <li>• Access arrangements must be clearly shown on the submitted plans.</li> <li>• Any land required for car parking or access (e.g. sight lines) has to be included within the site boundary (red or blue line).</li> </ul>
<p><b>Policy driver – UDP T 19 / T 20</b></p>	
A2	<p><b>Bat survey –</b></p> <ul style="list-style-type: none"> <li>• Bat species use a range of roost features which are found in buildings, trees and underground sites. Some species are particularly associated with the built environment for breeding and hibernating. Bats often use linear features such as tree lines as foraging or commuting routes and loss or disruption of these routes may affect bat populations, even if roost sites are unaffected. Developers should also be mindful of the impact of external lighting on bats which can also act to fragment routes. See <a href="#">‘Bats and Lighting in the UK</a></li> <li>• Bats are ‘reasonably likely’ to roost close to woodland or water or in certain structures, such as barns, in any area below 300m. <a href="#">The ‘Bat Alert’ layer</a> can be accessed on the West Yorkshire Ecology website.</li> <li>• Bats are a material consideration when deciding whether to grant planning permission. If there is a ‘reasonable likelihood’ that bats do roost at the site, you will need to submit a bat survey with your application. All surveys should be undertaken by suitable experienced, and licensed surveyors. Surveys must be undertaken in line with the <a href="#">‘Minimum Standards for Bat Surveys in West Yorkshire’</a> published by West Yorkshire Ecology.</li> <li>• It may not be possible to undertake a full bat survey during the months from October to April which means there may be insufficient information to determine an application. However, where it can be established that there is limited bat roost potential or that impacts can be avoided, it may be possible to progress with the application. Guidance on <a href="#">winter surveys for bats</a> can be found on the West Yorkshire Ecology website.</li> <li>• The presence of bats within or adjacent to the development site is unlikely to stop the development going ahead provided that appropriate mitigation measures are in place. Mitigation is usually the term used for the combination of avoidance measures, such as careful timing to avoid the impacts, actions to limit the impact and, compensation to</li> </ul>

	<p>create replacement habitat.</p> <ul style="list-style-type: none"> <li>• If a bat roost is likely to be affected, a developer has a legal duty to carry out agreed measures to ensure that bats continue to roost at the site after the development has taken place. This is likely to need a licence from Natural England in addition to valid planning permission.</li> <li>• For further information or advice about bats contact the Natural England enquiry service on 0845 600 3078 or visit the <a href="#">Natural England</a> website. Further help and advice can also be obtained from the <a href="#">Bat Conservation Trust</a> or the National Bat Helpline on 0845 1300 228.</li> </ul>
	<p><b>Policy driver – NPPF 11 paras 109, 118</b></p>
<p><b>A3</b></p>	<p><b>Foul and surface water sewerage</b></p> <ul style="list-style-type: none"> <li>• The <a href="#">Technical Guidance to the National Planning Policy Framework</a> states that developers should seek opportunities for sustainable drainage systems within application sites to reduce flood risk. These should be incorporated within the layout and form of the development. Sustainable drainage systems should be considered in preference to connections to watercourses or sewers.</li> <li>• Information on sustainable drainage systems for managing surface water are set out in Chapter 7 ('Managing Surface Water') of the extant <a href="#">Practice Guide to PPS 25</a>.</li> <li>• All new buildings need separate connections to foul and storm/surface water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers.</li> <li>• Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment (FDA) will be required to demonstrate why the development cannot connect to the public mains sewer system and demonstrate that the alternative means of disposal are satisfactory. As a minimum the <a href="#">Environment Agency's FDA assessment form</a> should be submitted, without it an application connecting to non-mains will be invalid. This form follows the hierarchy set out in <a href="#">Circular 03/99</a> and allows for assessment of the suitability of non-mains drainage for any development proposals.</li> <li>• If the proposed development results in any changes/replacement to the existing system or the creation of a new system, plans of the new foul drainage arrangements will also need to be provided. 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.</li> <li>• An application should indicate how the development connects to existing utility infrastructure systems. The main</li> </ul>

	<p>planning issue arising is whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees, archaeological remains, pollution prevention and flood risk.</p> <ul style="list-style-type: none"> <li>• Where it is proposed to hardsurface an existing domestic garden information will be required about the proposed surfacing materials and the drainage methods. For further information see the Environment Agency's publication: <a href="#">Guidance on the permeable surfacing of front gardens</a></li> </ul>
	<p><b>Policy driver</b> NPPF Section 10,11, 12 and Circular 03/99, Technical Guidance to NPPF 2012, PPS25 Practice guide 2009 and any forthcoming Environmental Quality Guidance that may arise from Taylor review</p>
<p><b>A4</b></p>	<p><b>Heritage statement</b></p> <p>The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the impact of the proposal on its significance. Applicants are advised to discuss proposals with either a planning officer or a conservation officer before any application is made.</p> <p>The following is a guide to the sort of information that may be required for different types of application. Key photographs of the building, site and surroundings are always of use.</p> <ul style="list-style-type: none"> <li>• For <b>applications for listed building consent</b>, a written statement should be submitted that includes a schedule of works to the listed building(s), an assessment of the significance of its archaeological, architectural, artistic or historic importance and the contribution of its setting to that significance, together with an assessment of the impact of the proposal on that significance. A description of the sources considered and expertise consulted in assessing significance should also be included.</li> <li>• The justification for the proposed works should also be submitted.</li> <li>• For <b>applications for conservation area consent*</b>, a written statement should be submitted that includes an assessment of the significance of the building/structure and the contribution of its setting to that significance, together with an assessment of the impact of the proposal on that significance. A description of the sources considered and expertise consulted in assessing significance should also be included.* until such time the requirement for conservation area consent is revoked.</li> <li>• The justification for the proposed demolition should also be submitted.</li> <li>• For <b>applications either related to or impacting on the setting of designated heritage assets (including listed buildings, conservation areas, historic parks and gardens, historic battlefields and scheduled ancient</b></li> </ul>

	<p><b>monuments)</b> a written statement should be submitted together with plans indicating those heritage assets whose setting is affected, There should be an assessment of the significance of the archaeological, architectural, artistic or historic interest of the designated heritage asset(s) affected, in particular focusing on the contribution of its setting to that significance, as well as a description of the sources considered and expertise consulted in assessing significance.</p> <ul style="list-style-type: none"> <li>• The justification for the proposed works should also be submitted.</li> <li>• Where an <b>application site includes, or is considered to have the potential to include, heritage assets with archaeological interest</b>, applicants may be required to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation. Further information can be obtained from the <a href="#">West Yorkshire Archaeology Advisory Service</a>. (WYAAS)</li> <li>• For <b>applications affecting non-designated heritage assets</b>, a description may be required of the significance of the heritage assets affected and the contribution of their setting to that significance, together with an assessment of the impact of the proposal on that significance and an explanation of the justification for the works.</li> </ul> <p><b>PPS5: Planning for the Historic Environment <a href="#">Practice Guide</a></b> endorsed by Communities and Local Government, the Department for Culture, Media and Sport (DCMS) and English Heritage provides useful guidance to assist in the preparation of a heritage statement. In addition the WYAAS website includes details of the information a Heritage Statement accompanying an application affecting a heritage asset may include. See <a href="#">WYAAS Heritage Statement Information</a>.</p> <p>Advice in the NPPF (para128) states that ‘as a minimum the relevant historic environment record should have been consulted’ where a proposed development could directly or indirectly affect a designated or undesignated heritage asset (including areas of below ground archaeological interest). For information regarding historic environment records within Kirklees one source of information is the <a href="#">West Yorkshire Historic Environment Record</a> held by West Yorkshire Archaeology Advisory Service.</p> <p>Details of designated heritage assets can be found via the following <a href="#">English Heritage</a> website:</p>
	<p><b>Policy driver – NPPF Chapter 12 and practice guide to PPS5</b></p>
<p><b>A5</b></p>	<p><b>Land contamination assessment</b></p>

	<ul style="list-style-type: none"> <li>• Applications may need to be accompanied by a land contamination assessment which should include sufficient information to determine the existence or otherwise of contamination, its nature and the risks that it may pose and whether these can be satisfactorily reduced to an acceptable level.</li> <li>• For further information regarding requirements for contaminated land investigation and the information to be submitted please refer to the regional guidance produced by the Yorkshire and Humber Pollution Advisory Council entitled <a href="#">Development on Land Affected by Contamination</a></li> <li>• For major applications, Dwellings – more than 10 or 0.5 Ha site area All other development – more than 1000m<sup>2</sup> floor space or 1 Ha site area A phase 1 and 2 site investigation may be required to be submitted with the application, please contact the Council's Pollution and Noise Control Team for information 01484 221349</li> </ul>
	<b>Policy driver</b> – NPPF 11 paras 109, 120-122 and any forthcoming Environmental Quality Guidance that may arise from Taylor review
<b>A6</b>	<b>Landfill statement</b> <ul style="list-style-type: none"> <li>• Applicants should provide sufficient information to enable the waste planning authority to fulfil its requirements under the <a href="#">Landfill (England and Wales) Regulations 2002</a>. This information may be provided as part of the Environmental Statement. For further information please refer to <a href="#">PPS 10 – Planning for Sustainable Waste Management</a>.</li> </ul>
	<b>Policy driver – PPS 10</b>
<b>A7</b>	<b>Lighting assessment</b> <p>Glare and stray light from external lighting associated with development may be held to affect local amenity, dark landscapes and nature conservation to an unacceptable degree and/or to adversely impact on the character of a Conservation Area or listed building.</p> <p>Depending on location applications that include proposals for external lighting can raise issues relating to glare and light</p>

	<p>pollution. Such applications need to be supported by detailed information to include:</p> <ol style="list-style-type: none"> <li>1. The proposed level of maintained average horizontal illuminance for the site,</li> <li>2. The predicted vertical illuminance that will be caused by lighting when measured at the windows of any properties in the vicinity</li> <li>3. The specification of the luminaries, including the number and location of the luminaries, the type and rating of the lamps, the design of lamp housing and proposals to minimise or eliminate glare from the use of the lighting installation</li> <li>4. The proposed hours of operation of the lighting.</li> </ol> <p>For issues specifically relating to the effect of lighting on bats see the Bat Conservation Trust guidelines '<a href="#">Bats and Lighting in the UK</a>'</p> <p>An overview of issues relating to light pollution can be found in the Institution of Lighting Professional's (I.L.P.) '<a href="#">Guidance Notes for the reduction of obtrusive light</a> (GN01:2011)</p> <p>For larger schemes applicants are encouraged to seek advice/ guidance direct from <a href="#">The Institution of Lighting Professionals ILP web site</a>.</p> <p>Further guidance, with a particular emphasis on floodlighting relating to sports development can be found in Sport England's briefing note on <a href="#">Outdoor Sports Lighting</a> and <a href="#">Artificial Sports Lighting: Design Guide (Nov 2012)</a> Two sources available to purchase are the Society of Light and Lighting document <a href="#">LG04 Lighting Guide: Sports</a> and <a href="#">British Standard BS EN 12193: 2007 "Light and lighting – sports lighting"</a>.</p>
	<p><b>Policy driver – NPPF 11 para 125</b> and any forthcoming Environmental Quality Guidance that may arise from Taylor review</p>
<p><b>A8</b></p>	<p><b>Noise impact assessment</b></p> <p>Noise assessments assist the Local Planning Authority in making judgments as to whether a scheme is acceptable. The requirement for a noise assessment must be determined on a site by site basis taking account of the specifics of the proposals and the character of the area. The requirement for an assessment should be identified at pre-planning application stage at which time, where deemed necessary, the scope of the report and assessment of any impacts can be determined.</p>

	<p>Noise can be generated by a number of different sources including road traffic, industrial and commercial processes and night time uses, such as bars, public houses, hot food takeaways and nightclubs.</p> <p>Night-time uses are often at the peak of their activity in the evening and late night. When considering such proposals the noise that is generated within the premises will not be the only consideration as the attendant problems of noise that may be made by customers arriving, queuing to enter premises, leaving premises, associated traffic and car parking can all cause disturbance.</p> <p>For additional advice on producing a noise assessment please see <a href="#">Kirklees Council Noise Design Advice</a> and the Council's advice note <u>Guidance on noise, odour and air quality control for residential development in the town centres</u></p>
	<p><b>Policy driver –NPPF 11 paras 109, 123 UDP EP 4, EP6</b> and any forthcoming Environmental Quality Guidance that may arise from Taylor review</p>
<p><b>A9</b></p>	<p><b>Structural survey</b></p> <p>The handling of individual applications for development on land which is known or suspected to be unstable or potentially unstable will need to take account of the potential hazard that such instability could create both to the development itself and to the neighbouring area. Whilst there is scope for flexibility, and each application must be treated on its merits, it is important that the local planning authority is satisfied by the developer that any instability has been taken into account. The causes of ground instability fall into three broad categories: the effects of underground cavities; unstable slopes; and ground compression.</p> <p>Where an application for planning permission seeks to re-use a building in the Green Belt in order to comply with the NPPF the applicant needs to demonstrate that the building(s) are of permanent and substantial construction.</p> <p>Where an application seeks listed building consent or conservation area consent for structural alterations which would affect the significance of these heritage assets information that is proportionate to the significance of the asset and the potential impact upon that significance of the proposals should be provided. For example, for a substantial demolition it is reasonable to expect the applicant to provide detailed information on the asset as a whole and a thorough explanation of the impact. An application for a minor alteration to part of the asset is likely only to require detailed information on the</p>

	affected part of the asset, along with a brief explanation of how the impacts relate to the significance of the asset as a whole. For further information see PPS5 – Planning for the Historic Environment <a href="#">Practice Guide</a> .
	<b>Policy driver</b> – NPPF para 120, NPPF Chapter 9 Practice guide to PPS5
<b>A10</b>	<p><b>Ventilation/extraction statement</b></p> <ul style="list-style-type: none"> <li>• Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. Restaurants and cafes – use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment), A5 (i.e. Hot food takeaways – use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial).</li> <li>• This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.</li> <li>• For all applications for the installation of air conditioning equipment details of the position and design of the equipment, including acoustic noise characteristics, will be required.</li> </ul>
	<b>Policy driver</b> – NPPF 11 para 109, and any forthcoming Environmental Quality Guidance that may arise from Taylor review
<b>A11</b>	<p><b>Site waste management plan</b></p> <ul style="list-style-type: none"> <li>• Proposed new development should be supported by a site waste management plan. These do not require formal approval by planning authorities, but are intended to encourage the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed. See also <a href="#">DEFRA Guidance</a></li> <li>• Major commercial and residential development can generate a requirement for significant on-site waste management facilities (disposal and recycling). Information submitted with such application should demonstrate how the development makes sufficient provision for waste management and secures the integration of waste management facilities without adverse impact on the street scene or, in less developed areas, the local landscape.</li> </ul>

	<ul style="list-style-type: none"> <li>Further guidance can be found in <a href="#">PPS10 Planning for Sustainable Waste Management</a>.</li> </ul>
	<b>Policy driver – PPS 10</b>
<b>A12</b>	<b>Biodiversity/Geodiversity survey and report</b> <ul style="list-style-type: none"> <li>Where a proposed development may have possible impacts on wildlife, biodiversity or geodiversity, information should be provided on existing interests and possible impacts on them, to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation and enhancement measures information to support those proposals will be needed.</li> <li>Details of the requirements are set out in the guidance note “<a href="#">Local Requirements Template for Biodiversity and Geological Conservation Local List Requirement A12</a>” published on the Council’s website.</li> </ul>
	<b>Policy driver – Circular 06/2005, NPPF 11 paras 109,117, 118, UDP EP11</b>
<b>A13</b>	<b>Coal mining risk assessment</b> <p><b>Types of Application that require this information:</b> All non-householder development which falls within the Development High Risk Areas as defined by The Coal Authority and held electronically by the Local Planning Authority. See <a href="#">Coal Mining Risk Areas map</a>, defined as on the Coal Authority website.</p> <p>Note: there are ‘exemptions’ which are set out in a guidance note from The Coal Authority. The <a href="#">Exemptions List</a> is divided into two parts: Type of Application and Nature of Development. Only one of these needs to be met, either it is the application type or nature of development which would exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the LPA to consult the Coal Authority.</p> <p><b>Geographic locations where this information is required:</b> Development High Risk Areas as defined by The Coal Authority and held electronically by the Local Planning Authority.</p> <p><b>What information is required:</b> The desk based <a href="#">Coal Mining Risk Assessment</a> should be prepared by a suitably qualified and competent person (see extract from former PPG14 for definition). It should contain:</p> <ol style="list-style-type: none"> <li>1. Site specific coal mining information</li> </ol>

	<p>Including past/present/future underground mining, shallow coal workings (recorded or probable), mine entries (shafts and adits), mine gas, current licensed areas for coal extraction, any geological features, any recorded surface hazards, past/present surface mining sites (past sites may have used the old style opencast extraction methods);</p> <p>2. Identify what <u>risks</u> these coal mining features, including <u>cumulative effects</u>, pose to the new development;</p> <p>3. Identify how coal mining issues have influences the proposed development scheme, (e.g. layout) and what mitigation measures will be required to manage those issues and/or whether any changes have been incorporated into the development proposals;</p> <p>4. Confirm whether the prior written permission of the Coal Authority will be required for the site investigations and/or mitigation works; and indicate when this permission will be sought.</p> <p>Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or mine entries require the prior written permission of the Coal Authority in the interests of public safety and state property management.</p> <p>Note: if the development is subject to the Environmental Impact Assessment process under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended), it is suggested that the Coal Mining Risk Assessment can be incorporated into the Environmental Statement.</p> <p><b>Where to look for further assistance:</b>  National Planning Policy Framework, section 11 conserving and enhancing the natural environment.  The Coal Authority website: <a href="http://www.coal.decc.gov.uk/services/planning">www.coal.decc.gov.uk/services/planning</a>  The Coal Authority - Planning and Local Authority Liaison  Telephone 01623 637 119 (direct line for planning enquiries)  Email: <a href="mailto:planningconsultation@coal.gov.uk">planningconsultation@coal.gov.uk</a>  The Local Planning Authority has been provided with the Development High Risk/Low Risk spatial areas by The Coal Authority.</p>
	<p><b>Policy driver – NPPF paras 109, 121</b></p>
<p><b>A14</b></p>	<p><b>Open space / sport and recreational buildings and land assessment</b></p> <p>Application proposals within open spaces should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning consent is not normally given for development of existing open spaces, sport or recreational buildings and land which local communities need. Exceptions may be allowed, in accordance with the NPPF, where an assessment has been undertaken which shows that: the land or buildings are surplus to local requirements; or replacement provision is provided that is equivalent or better to that being lost, or the development is for</p>

	<p>alternative sports and recreational facilities, the needs for which clearly outweigh the loss. Any such evidence should accompany the planning application.</p> <p>The Council's <a href="#">Open Space Study</a> and <a href="#">Playing Pitch Strategy</a> which constitute supporting information to the Local Development Framework provide a comprehensive assessment of open space within Kirklees.</p> <p><a href="#">Sport England</a> is a statutory consultee on any application affecting a playing field and asserts that it will object to the development of any Playing Field unless certain exceptional circumstances apply. See their website for further information.</p>
	<p><b>Policy driver – NPPF 8 paras 73-74</b></p>
<p><b>A15</b></p>	<p><b>Flood risk assessment</b></p> <p>A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and for all proposals for new development (including minor development and change of use) located in Flood Zones 2 and 3 as designated by the Environment Agency.</p> <p>A FRA will also be required:</p> <ul style="list-style-type: none"> <li>• in Flood Zone 1 in an area which has critical drainage area (as notified to the Local Planning Authority by the Environment Agency) and</li> <li>• where proposed development or a change of use to a 'more vulnerable' may be subject to other sources of flooding.</li> </ul> <p>For further information please see NPPF paragraph 103 and the <a href="#">Technical Guidance to the National Planning Policy Framework</a> (paragraph 9).</p> <p>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 demonstrate that the development is appropriately flood resilient and resistant including safe access and escape routes where required and that any residual risk can be safely managed. It should also give priority to Sustainable Drainage Systems (SuDs).</p> <p>The Environment Agency provides guidance on preparing <a href="#">Flood Risk Assessments</a> that is specific to the particular flood zone and type of development. It also provides information about which flood zone a site is in and <a href="#">Flood Risk Standing Advice</a> which is a useful tool for applicants when submitting an application.</p>

	<p>The FRA should be prepared by an applicant in consultation with the local planning authority with reference to published local development documents and the Calder Valley <a href="#">Strategic Flood Risk Assessment</a>. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) 2011 (S.I. 2011/1824)</p>
	<p><b>Policy driver</b> – NPPF 10 para 103, Technical Guidance to NPPF 2012 paras 9, 16-19, PPS25 Practice Guide 2009.</p>
<b>A16</b>	<p><b>Flood Risk Sequential Test and Exception Test evidence</b></p> <p>Before producing a Flood Risk Assessment it is advisable to first ensure that the Sequential Test has been passed. If there are other available sites at a lower probability of flooding that could accommodate the proposed development then the Sequential Test will be failed and a Flood Risk Assessment would be irrelevant. Further information on the Sequential Test can be found in NPPF paragraphs 100-102 and the <a href="#">Technical Guidance to the NPPF (paragraphs 3-5)</a>.</p> <p>If, following the application of a Sequential Test, it is not possible to locate the development in a lower flood risk zone, an Exception Test may also be required (see Table 3, page 8 of the Technical Guidance to the NPPF). Details of the Exception Test are set out in <a href="#">NPPF paragraph 102</a>.</p> <p>Evidence that the Sequential Test has been passed, and the Exception Test requirements have been satisfied, where applicable, will be added to the planning file.</p>
	<p><b>Policy driver</b> – NPPF 10, paras 100-102, Technical Guidance to NPPF 2012, PPS25 Practice Guide 2009</p>
<b>A17</b>	<p><b>Planning Statement</b></p> <p>For further information on summaries of planning applications see INF 3 of the <a href="#">Development Management Policy Annex 2010</a></p>
	<p><b>Policy driver</b> – Development Management Policy Annex: Information requirements and validation of planning applications 2010</p>
<b>A18</b>	<p><b>Air Quality Statement</b></p> <p>Where the development is proposed inside, or adjacent to an air quality management area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict</p>

with, or render unworkable, elements of a local authority's air quality action plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area.

### **Thresholds/Type of application details**

- Proposals that will generate or increase traffic congestion, where 'congestion' manifests itself as an increase in periods with stop start driving;
- Proposals that will give rise to a significant change in either traffic volumes, typically a change in annual average daily traffic (AADT) or peak traffic flows of greater than  $\pm 5\%$  or  $\pm 10\%$ , depending on local circumstances (a change of  $\pm 5\%$  will be appropriate for traffic flows within an AQMA), or in vehicle speed (typically of more than  $\pm 10\text{kph}$ ), or both, usually on a road with more than 10,000AADT (5,000 if 'narrow and congested')
- Proposals that would significantly alter the traffic composition on local roads, for instance, increase the number of HDVs by 200 movements or more per day, due to the development of a bus station or an HGV park (professional judgement will be required, taking account of the total vehicle flow as well as the change);
- Proposals that include significant new car parking, which may be taken to be more than 100 spaces outside an AQMA or 50 spaces inside an AQMA. Account should also be taken of car park turnover, i.e. the difference between short-term and long-term parking, which will affect the traffic flows into and out of the car park. This should also include proposals for new coach or lorry parks. These criteria are designed to trigger the requirement for the assessment of traffic on the local roads. It may also be appropriate to assess the emissions from within the car park itself;
- Developments which may significantly affect nitrogen deposition to sensitive habitats;
- Introduction of new exposure close to existing sources of air pollutants, including road traffic, industrial operations, agricultural operations etc; See also the Council produced guidance note on [air quality control for residential development in town centres](#).
- Proposals that include biomass boilers or biomass-fuelled CHP plant
- Proposals that could give rise to potentially significant impacts during construction for nearby sensitive locations, e.g. residential areas, areas with parked cars and commercial operations that may be sensitive to dust;
- Large, long-term construction sites that would generate large HGV flows (>200 movements per day) over a period of a year or more.

### **The Air Quality Assessment**

The type of Air Quality Statement/Assessment (AQA) required should be proportionate to the likely significance of any air quality impact that may be presented. The type of AQA required will depend upon how much information is already available, the significance of any air quality issue, the scale over which impacts might be expected and the availability of

	<p>suitable methodology.</p> <p>Reports on Air Quality in Kirklees including Areas of Known Poor Air Quality (AQMA) can be found on the <a href="#">Kirklees Council website</a>.</p> <p>AQAs may initially, in some situations, involve the use of screening methods such as that set out in the Design Manual for Roads &amp; Bridges (DMRB) The shortcomings of such methods should be noted, to ensure they are fit for purpose. In the case of screening methods such as DMRB it is important that the significance of non-road traffic related sources are recognised and accounted for.</p> <p>Screening methods can be a relatively quick and cheap way of ruling out the likelihood of significant air quality impacts. However, where the screening method predicts that the development may have a significant air quality impact, it will be necessary for a detailed assessment to be carried out.</p> <p>Detailed AQAs typically make use of dispersion models. It may be necessary to also collect monitoring data for these types of assessment. In some special circumstances a site specific approach should be developed in agreement with the Local Planning Authority.</p> <p>Further Information on Air Quality Assessments can be found at the <a href="#">Institute of Air Quality Management</a></p> <p>Further advice can be obtained from the Pollution and Noise Control Team on 01484 221349 or email <a href="mailto:pollution@kirklees.gov.uk">pollution@kirklees.gov.uk</a></p>
	<p><b>Policy driver</b> – NPPF 11 paras 109 and 124 and any forthcoming Environmental Quality Guidance that may arise from Taylor review</p>
<p><b>A19</b></p>	<p><b>Statement of Community Involvement</b></p>

	<p>Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted <a href="#">statement of community involvement</a> and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.</p>
	<p><b>Policy driver – Kirklees Statement of Community Involvement</b></p>
<p><b>A20</b></p>	<p><b>Planning obligation/draft heads of terms</b></p> <p>Planning obligations (or “section 106 agreements”) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms. Further advice on planning obligations is available in the <a href="#">NPPF</a> and a model section 106 agreement is available on the Communities and Local Government website within the document <a href="#">Planning Obligations: Practice Guide</a>.</p> <p>A <a href="#">model planning agreement</a> has been published by The Law Society that is intended to provide a starting point for negotiations and reduce the time spent discussing standard matters.</p> <p>There are three ‘model’ obligations prepared by the Council. These are:</p> <ol style="list-style-type: none"> <li>1. <a href="#">Agreement</a></li> <li>2. <a href="#">Supplemental Agreement</a></li> <li>3. <a href="#">Preferred form of Unilateral Undertaking for financial contributions</a></li> </ol> <p>Where an applicant is proposing to use a Planning Obligation, it is recommended that either a draft Unilateral Obligation or a statement of the proposed Heads of Terms is submitted with the application, whichever is most appropriate. A unilateral obligation will need to be accompanied by a site plan, with the site clearly identified, and an office copy of the land registry ownership details to prove that the signatory of the obligation is entitled to enter into that obligation.</p> <p><a href="#">Supplementary Planning Documents</a> explain where contributions towards affordable housing and negotiating financial contributions for transport improvements may be sought. <a href="#">Policy H18</a> of the UDP sets out the requirements for public open space in new developments.</p>

	<p>The NPPF at paragraph 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement.</p>
	<p><b>Policy driver</b> – NPPF paras 203-205 SPD2 Affordable Housing, SPD1 negotiating financial contributions for transport improvements, NPPF Para 72 (Education), Policy H18 UDP.</p>
<b>A21</b>	<p><b>Main Town Centre Uses – sequential test</b></p> <p>The NPPF defines main town centre uses as follows: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities, the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness clubs, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).</p> <p><a href="#">NPPF</a> paragraphs 24 and 27 outline the key considerations for the sequential test and when applications should be refused.</p> <p><a href="#">Planning for Town Centres: Practice guidance on need, impact and the sequential approach</a> (Dec 2009) sets out the main town centre uses to which the policy applies and the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal. A checklist for adopting a sequential approach is set out on page 46.</p> <p>The Council’s Supplementary Planning Guidance document to UDP Policy S4 ‘<a href="#">Large New Stores</a>’ identifies the main shopping areas in the 5 largest towns in Kirklees (Huddersfield, Dewsbury, Batley, Cleckheaton and Heckmondwike) providing the boundary for determining whether proposals are in or out of centre.</p>
	<p><b>Policy driver</b> – NPPF 2 paras 23-27, Planning for Town Centres: practice guidance on need, impact and the sequential approach 2009, SPG Policy S4 ‘Large New Stores’</p>
<b>A22</b>	<p><b>Main Town Centre Uses – assessing impact</b></p> <p>The NPPF defines main town centre uses as follows: Retail development (including warehouse clubs and factory outlet</p>

	<p>centres); leisure, entertainment facilities, the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness clubs, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).</p> <p>NPPF paragraphs <a href="#">26 and 27</a> outline the key considerations for an impact assessment and when applications should be refused.</p> <p><a href="#">Planning for Town Centres: Practice guidance on need, impact and the sequential approach</a> (Dec 2009), sets out the main town centre uses to which the policy applies and the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal. A checklist for scoping impact assessments is set out on page 60.</p> <p>The Council's Supplementary Planning Guidance document to UDP Policy S4 '<a href="#">Large New Stores</a>' identifies the main shopping areas in the 5 largest towns in Kirklees (Huddersfield, Dewsbury, Batley, Cleckheaton and Heckmondwike) providing the boundary for determining whether proposals are in or out of centre. The guidance also provides information on the requirements for retail proposals that could be operated beyond the local level which are not normally below 750 square metres gross floorspace.</p>
	<p><b>Policy driver</b> – NPPF 2 paras 23-27 , NPPF 8 para 70, Planning for Town Centres: practice guidance on need, impact and the sequential approach 2009. UDP SPG Shopping Policy S4: Large New Stores.</p>
<p><b>A23</b></p>	<p><b>Transport Assessment/Transport Statement</b></p> <p>The National Planning Policy Framework states that a Transport Statement or Assessment (TA) should be submitted as part of any planning application for developments that generate significant amount of movements. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the Transport Statement should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance will be found in <a href="#">Guidance on Transport Assessment</a>, published by the Department for Transport. This includes, at Appendix B page 47, the thresholds for Transport Assessments. (which can be either speculative and non-speculative).</p>

	<b>Policy driver – NPPF 4, para 32</b>
<b>A24</b>	<p><b>Travel Plan</b></p> <p>A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by the NPPF paragraph 36. Further advice is available in Good Practice Guidelines: <a href="#">Delivering travel plans through the planning system, DfT April 2009</a>, also <a href="#">Making residential travel plans work: guidelines for new development: DfT</a></p>
	<b>Policy driver – NPPF 4, para 36</b>
<b>A25</b>	<p><b>Tree Survey/Arboricultural Report</b></p> <p>Where there are trees within the application site, or overhanging the site (including street trees), information will be required on which trees are to be removed or retained. Details will be required on the means of protecting the retained trees during construction and plans need to show any retained trees in relation to the proposed development. This information should be prepared by a qualified arboriculturist.</p> <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application can be found using current BS5837 “Trees in relation to design, demolition and construction – recommendations”. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided. This information should be prepared by a qualified arboriculturist.</p> <p>There may be a requirement to submit bat and breeding bird surveys. Please read the requirements sections A2 and A12.</p>
	<b>Policy driver – UDP Policy NE9, NPPF para 118</b>
<b>A26</b>	<p><b>Environmental Statement</b></p> <p>The Town and Country Planning (Environmental Impact Assessment) Regulations (SI 2011/1824) set out the circumstances in which an Environmental Impact Assessment (EIA) is required. The Environmental Impact Assessment (EIA) procedure must be followed for certain types of development before they are granted consent. The UK procedures are set out in <a href="#">Environmental impact assessment: guide to procedures</a>. An Environmental Statement (ES) is always required for Schedule 1 projects and may be required for Schedule 2 projects.</p>

	<p>It may be helpful for a developer to request a 'screening opinion' (i.e. to determine if whether ES is required for Schedule 2 projects) from the Planning Service before submitting an application. Screening opinions will be placed on the 'Public Register'.</p> <p>If required, the developer has to compile an ES describing the likely significant effects of the development on the environment and proposed mitigation measures. The ES must be circulated to statutory consultation bodies and made available to the public for comment.</p> <p>It enables environmental factors to be given due weight, along with economic or social factors. It helps to promote a sustainable pattern of physical development and land and property use.</p> <p>From the developer's point of view, the preparation of an environmental statement in parallel with project design provides a useful framework within which environmental considerations and design development can interact. Environmental analysis may indicate ways in which the project can be modified to avoid possible adverse effects, for example through considering more environmentally friendly alternatives. The national guidance includes a checklist of matters to be considered for inclusion in an ES, but it is also essential to agree the scope of the ES with the Planning case officer. Taking these steps is likely to make the formal planning approval stages run more smoothly.</p> <p>Where an ES is required, it may override any requirement for related supporting submissions set out in this checklist.</p>
	<p><b>Policy driver</b> - NPPF para 192, Environmental Impact Assessment Regulations 2011 (S.I. 2011/1824)</p>
<p><b>A27</b></p>	<p><b>Affordable Housing Statement</b></p> <p>The Local Planning Authority's adopted <a href="#">Supplementary Planning Document on Affordable Housing (SPD2)</a> November 2008 sets out detailed guidance on the Council's requirements for the provision of affordable housing. This includes the process for phased introduction of SPD2. The local planning authority may require information concerning both the affordable housing and any market housing for example, the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords/ Private Registered Providers acting as partners</p>

	<p>in the development.</p> <p>The adopted SPD, at paragraph 13.3, sets out the procedure to follow where an applicant considers a proposal is not viable given the Council's affordable housing requirement. See also A32 'Viability Appraisal'.</p>
	<p><b>Policy driver – UDP H 10 / Supplementary Planning Document 2</b></p>
<p><b>A28</b></p>	<p><b>Assessment of Water Area affected by development.</b></p> <p><b>The Management of Mill Ponds, Ornamental Ponds and Small Reservoirs in Kirklees</b>  Larger reservoirs (capacity greater than 25,000m<sup>3</sup>) are regulated under the Reservoirs Act and are responsibly managed and maintained by their owners. The Flood and Water Management Act proposes a reduction in the capacity criteria to 10,000m<sup>3</sup> (yet to be implemented). There are in excess of 150 smaller water bodies (with a capacity between 500 and 25,000m<sup>3</sup>) across the district with no statutory requirement for assessment or maintenance. Around 70 small ponds and reservoirs are “raised” ie created with an artificial dam, which could have inherent safety issues around dam failure. The smaller ponds are generally privately owned and unmaintained. Some ponds are leased to, or owned by, angling clubs most have general, informal, amenity value and some are derelict and overgrown. Few, if any, retain any original operational purpose.  The Council has a variety of interests in ensuring that ponds are preserved, managed and maintained for the wider benefit of the local communities.</p> <p><b>The Council's general aspirations for smaller water bodies, which should be taken into account in the formation of supporting information, are that:</b></p> <ul style="list-style-type: none"> <li>• There will be a presumption that where proposed development contains a water body, the water body will be retained and appropriate measures put in place to maintain them in the future. This is in accordance with Policy NE6 of the Unitary Development Plan</li> <li>• Development of an ex-mill building should also consider any extant mill pond (and ancillary infrastructure), however remote from the mill</li> <li>• Any mill building listed under the Planning (Listed Buildings/Conservation Areas) Act 1990 will be considered to include its associated mill pond(s)</li> </ul>

	<ul style="list-style-type: none"> <li>• Every opportunity should be taken to maintain the environmental and biodiversity benefits of mill ponds and small reservoirs and encourage measures to improve the environmental quality of unmaintained or deteriorating water bodies</li> <li>• Raised ponds should have specific operational plans to manage the ongoing flood risk from dam failure</li> </ul>
	<p><b>Policy driver – UDP Policy NE6</b></p>
<p><b>A29</b></p>	<p><b>Agricultural (Rural) Workers Dwelling: Supplementary Information</b></p> <p>NPPF paragraph 55 states;  “Local Planning Authorities should avoid isolated homes in the countryside <i>unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside</i>”.</p> <p>NPPF paragraph 87 states that inappropriate development in the green belt should not be approved, except in very special circumstances. The special circumstances required by paragraph 87 are conveyed by paragraph 55, providing that the need is shown to be both <u>essential</u> and <u>permanent</u>.</p> <p>Supplementary information is required to ensure that all applications for planning permission for new occupational dwellings in the countryside demonstrate that the nature and demands of the work concerned make it <u>essential</u> for one or more people engaged in the enterprise to live at, or very close to, the site of their work. In these circumstances it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time, ie is there a ‘<u>permanent</u>’ need.</p> <p><u>Essential need</u></p> <p>To demonstrate that the need is essential in order to comply with paragraph 55 of NPPF, applications for new dwellings in the green belt should show that;</p> <ul style="list-style-type: none"> <li>• a new dwelling is required on the grounds of animal welfare or agricultural processes, where attendance is needed at short notice, at all times of the day or night, where failure to attend could lead to serious loss of crops or livestock. The location of the dwelling must be suitable for this purpose. The presence of an existing dwelling from where this</li> </ul>

	<p>type of care could be given will be taken into consideration.</p> <p><u>Permanent need</u></p> <p>In order to demonstrate that the need is permanent in order to comply with paragraph 55 of NPPF, applications for new dwellings in the green belt should show that;</p> <ul style="list-style-type: none"> <li>• The worker is required on a full time basis;<sup>1</sup></li> <li>• The enterprise is sound enough to support a permanent need, both now and as far as can reasonably be seen ahead;</li> <li>• The dwelling will remain available while ever the need remains.</li> </ul> <p>Although Annex A to Planning Policy Statement 7 has been cancelled the functional and financial tests set out in here remain an appropriate method of assessing any essential and permanent need and can be a material consideration when applications are being assessed.</p> <p><sup>1</sup> Through the use of standard man days as set out in John Nix’s Farm Management Pocket Book or other relevant publications.</p>
	<b>Policy driver – NPPF Para 55</b>
<b>A30</b>	<p><b>Statement in support of loss of business and industry site(s)</b></p> <p>Information is required order to assess applications involving the change of use of premises and sites with established use, or last used, for business and industry. This is to ensure that business activity, and consequently employment levels are sustained and that the stock of business premises is maintained at a level commensurate with likely demand. Details of the information required are set out in <a href="#">UDP Policy B4</a>.</p>
	<b>Policy driver – UDP Policy B4.</b>

<p><b>A31</b></p>	<p><b>Crime Prevention Measures</b>  The NPPF para 69 states that planning decisions should aim to achieve places which promote ‘safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion’.</p> <p>Details of how development has been designed to address issues of crime and minimise its impact on the safety and security of the area should be included with the application.</p>
	<p><b>Policy driver</b> - NPPF 8 para 69, Crowded Places: The planning system and counter terrorism 2010</p>
<p><b>A32</b></p>	<p><b>Viability Appraisal</b>  <b>Background</b>  Financial viability is inherently linked to the ability to satisfy planning policy, and to deliver regeneration objectives and economic development. In the current economic climate this is particularly important in the context of negotiating section 106 contributions/obligations, including affordable housing, public open space and education and where such contributions are to be relaxed.</p> <p>The NPPF states that where obligations are being sought or revised local planning authorities should take account of changes in market conditions over time and, ‘wherever appropriate, be sufficiently flexible to prevent planned development being stalled’.</p> <p>The Ministerial Statement of 6th September 2012, the revisions to the Planning Act 1990 through the Growth and Infrastructure Act and the DCLG Guidance on the review of S106 Affordable Housing contributions set out the need for the Council to consider such aspects more proactively. This advice and the existing SPD 2 (Section 13) on Affordable Housing demonstrate the requirement for the Council to strengthen and make its approach on this issue, and the requirements for planning applications, clearer.</p> <p><b>Pre- Application discussions</b>  The council encourages applicants to engage in pre-application discussions around key policy requirements and issues around viability. The council will work with developers to consider alternative approaches that may help developments to deliver against policy objectives and remain viable.</p> <p><b>Requirements – both full and outline applications.</b>  The submission of a planning application for a development where a relaxation of a contribution required by ‘policy drivers’ on viability grounds is sought will need to be accompanied by a viability assessment/financial appraisal (‘the appraisal’).</p>

	<p>The Council will expect that this is independently assessed. The independent assessor will be one which is approved by the Council. The cost of the independent financial assessment shall be borne by the applicant as a separate cost to the planning application fee. Agreement to pay this cost will be required at the time the application submitted. The application will not be validated without that agreement in writing.</p> <p>Submission of any planning application for development where there is no intention to reduce ‘policy driver’ requirements will need to be accompanied by a statement which sets out that financial viability has been fully considered and that the full contributions can be met.</p> <p>The format of the viability approach and evidence is set out in Annex A of DCLG guidance <a href="#">“Section 106 affordable housing requirements Review and appeal”</a>. Although this guidance relates to affordable housing the format in Annex A also provides key variables that are relevant in other circumstances.</p> <p><b>Requirements for applications seeking review of planning obligations on planning permissions which relate to the provision of affordable housing.</b></p> <p>As set out in the DCLG Guidance <a href="#">“Section 106 affordable housing requirements Review and appeal”</a>.</p>
	<p>NPPF paras 72, 173 and 205, SPD1, SPD2, Policy H18, DCLG Guidance: Section 106 Affordable housing requirements April 2013</p>
<p><b>A33</b></p>	<p><b>Agricultural/Forestry Buildings Statement</b></p> <p>The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.</p> <p>The construction of new buildings in the Green Belt are regarded as inappropriate (para 89 of the NPPF). Buildings for agriculture and forestry, however, are exceptions to this presumption. To protect the openness of the Green Belt applications for agriculture/forestry buildings need to be supported by information to demonstrate the requirements for that building. This should be in the form of a short statement to include the following items:</p> <ul style="list-style-type: none"> <li>• Details of the type of agriculture being practised and the operation of the farm.</li> </ul>

- Precise details of the proposed use of the building, including details of the floor area for each proposed use.
- Details of the number of animals kept at the site (where relevant).
- Details of those employed at the site, and whether this is on a full or part time basis and their only source of income.
- Details of whether the land is owned or rented by the applicant.
- Details of any additional rented land; these details should include the basis on which the land is rented (i.e. how long it has been rented for including start and end contract dates and what type of contract there is for each piece of land).
- Details of any other buildings used, including those on rented land (details should include the floor space of the building and what each part of the building is currently used for).

Plans accompanying the application should indicate:

- The extent of the entire agricultural unit.
- The location of existing buildings on the unit.
- Access and servicing arrangements.

In some cases, whole farm plans could be used to support applications for agricultural developments.

In some cases, particularly with proposals involving buildings for new agricultural holdings, evidence of stock such as animal passports will also be necessary.

Applications involving buildings for new agricultural holdings should explain how the proposed unit would be operated and what extent of development is envisaged. Applications should also show how the holding is functionally viable. Proposals should also demonstrate why any existing buildings could not be used.

	NPPF Chapter 9
<b>B</b>	<b>SECTION B GUIDANCE NOTES FOR SPECIFIC APPLICATION TYPES.</b>
<b>B1</b>	<b>Notifications for Agricultural Buildings</b>
	Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 states that the erection of a new building permitted (not extension) must be ‘...for the carrying out on agricultural land comprised in an agricultural unit of five hectares or more in area of works for the erection, extension or alteration of a building and be reasonably necessary for the purposes of agriculture within that unit. The information is required to clarify that the development proposed is in accordance with this requirement.
	<b>Policy driver –Town and Country Planning (GPDO) 1995 (as amended)</b>
<b>B2</b>	<b>Notification for demolition</b>
	In accordance with Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the applicant is required to display a site notice on or near the land on which the building is to be demolished for not less than 21 days in the period of 28 days beginning with the date on which the application is submitted to the local planning authority.
	<b>Policy driver – Town and Country Planning (GPDO) 1995 (as amended)</b>
<b>B3</b>	<b>Wind Energy Applications</b>
	The checklist requirement for wind energy is intended to provide greater certainty to applicants concerning the requirements for planning applications for wind turbines, setting out the information that will be needed to determine the level of impact, and will enable a consistent approach to the determination of such applications by the Council.
	Please note that where the document refers to turbine height, this should be taken as the maximum height to the blade tip, rather than just the height of the mast or tower.
	<b>Statement of design rationale and access.</b>
	As well as providing the rationale behind the design and development of the proposed scheme, this statement should

demonstrate how the proposed access tracks are capable of safely accommodating the proposed traffic, including long loads. The statement should also include an assessment of landscape and visual impact.

Additional information which will be required includes:

- The proposed total number of lorry and crane movements and routes of travel
- Details of what measures will be required to accommodate oversize loads on the road network
- Details of the proposed engineering design and construction of access tracks, including details of their permanence or removal once the wind turbine(s) are erected, and source of materials.
- Details of crane hard standings
- Details of any concrete mixing to be carried out on site, and details of disposal of excess concrete and washing out of equipment
- Location and design of construction compound where appropriate
- Design and location of any electricity transmission equipment
- Proposed hours of construction

#### **Landscape and Visual and Cumulative Impact Assessment**

The design statement should include a landscape and visual impact assessment which demonstrates how visual impacts have been minimised / mitigated and how the proposed turbine(s) will fit into the landscape. The assessment should include details of the following:

- Alternative sites which have been considered for the development
- Alternative turbine amounts / layouts / configurations which have been considered
- Alternative turbine heights / models / appearances which have been considered
- Alternative access arrangements / routes which have been considered
- Landscaping arrangements which have been considered to mitigate the visual / landscape impact of the proposed turbine(s)

For each of the above, it should be clearly demonstrated why the chosen arrangements represent the best option in terms of visual and landscape impact minimisation.

The cumulative visual impact of the proposed turbine(s) with other existing operational or permitted turbines, or turbines currently subject to a planning application should be fully addressed in the Landscape and Visual Impact Assessment. Landscape and visual impact assessments should make reference to the [\*Landscape Capacity Study for Wind Energy Developments in the South Pennines\*](#) (Julie Martin Associates, 2010) –on the Council's website. The study forms part of the

evidence base for the Council's Core Strategy, and is used as a tool for assessing the landscape impacts of wind energy developments within the Borough.

Furthermore landscape, visual and cumulative impact assessments for turbines up to 60 metres in height should make reference to the [Landscape guidance for wind turbines up to 60m high in the South and West Pennines](#) (Julie Martin Associates 2013). This guidance, published on the council's website, has been prepared for eight local planning authorities in the South and West Pennines, in recognition of the need to accommodate well-sited and appropriately designed turbines in these landscapes. It presents generic advice on the landscape and visual issues associated with the smaller classes of wind turbine, including good practice guidance in relation to location, siting, layout, design and cumulative impacts.

The Council will also expect applications to include an assessment of the impacts of the proposed turbine(s) on significant cultural, recreational or heritage assets which could potentially be affected. This should include any potential sub-surface archaeological issues. For turbines with a total height of under 40m, this should cover assets within a minimum radius of ten times turbine height (the Council reserves the right to request an assessment of the impacts on significant assets outside this radius if it is deemed necessary). For proposed turbines with a total height of 40m or above, the assessment should extend to significant assets within a radius of 5km of the nearest boundary of the site. For schemes of greater than 100 metre total height the 5km distance may be extended. Cultural assets may include Listed Buildings, Conservation Areas, archaeological assets, Scheduled Ancient Monuments, parks and public gardens, recreation areas, cemeteries and any other nearby assets which could potentially suffer harm due to the presence of wind turbines.

#### **Planning Statement**

A statement should be included with the application to demonstrate how the proposed scheme fits into the current national, regional and local planning policy context.

#### **Photomontages and Wireframe Diagrams**

The Council will expect all wind turbine applications to be accompanied by a representative range of photomontages and/or wireframe diagrams to demonstrate how the proposed turbine(s), ancillary equipment and access roads will fit into the landscape. Photomontages and wireframe diagrams should be created by a suitably qualified person or organisation. Locations for photomontage and wireframe diagram viewpoints should be agreed with the Council at the pre-submission stage.

#### **Zone of Theoretical Visibility (ZTV) Maps**

Unless the application is for a single turbine with a height of 25m or less (which is not within 1km of any other operational or

permitted turbines, or turbines currently subject to a planning application), the Council will expect applications to be accompanied by two Ordnance Survey based maps showing the ZTV of the proposed turbine(s):

- The first of the maps should show the ZTV of the proposed turbine(s) only.
- The second map should show the cumulative ZTV of the proposed turbine(s) along with any other operational and permitted turbines (and those currently subject to a planning application). Applicants should contact the Council to obtain an up to date list of such turbines.

The radius of the ZTV maps required depends on the proposed height of the turbine(s) in the application and other factors. Please contact the Council regarding your specific proposal.

In addition, any recognised long distance recreational routes or recreational routes of local significance (e.g. The Kirklees Way, The Pennine Way, etc) should be plotted on the ZTV maps. If the ZTV maps indicate that the proposed turbine(s) will be visible from along such recreational routes, the applicant will be expected to provide photomontages showing the predicted view of the turbine(s) from points along the route. This may include an assessment of sequential visibility. The exact location of such photomontage viewpoints should be agreed with the Council at the pre-submission stage.

#### **Public Rights of Way**

The Council will expect a plan to be submitted which identifies all Public Rights of Way within a radius of 10 times turbine height from the centre of the turbine. The impact on locally and sub-regionally significant or recreational routes or long distance trails should be fully addressed where the turbine(s) will be located within 1km of such a route. Such routes could include the Dark Peak link to the Pennine Bridleway, the Pennine Way and the Kirklees Way, etc. Other routes exist however, and applicants are advised to contact the Council's Public Rights of Way team for clarification where they are unsure if such a route exists in proximity to the proposed turbine(s).

#### **Ecological Assessment**

The Council will expect a clear methodology to be followed – a preliminary desk-based assessment should be carried out to determine whether or not there is a need for further more detailed ecological investigation. The desk-based assessment should include information on nearby locally or nationally designated ecology or biodiversity assets, protected species and habitats, and should demonstrate how the proposed wind turbine(s) will avoid causing harm.

Where the desk-based exercise concludes that further ecological investigation is required, the Council will require clear evidence of an ecological survey by a suitably qualified person or organisation, which addresses the site-specific issues identified and provides clear recommendations. To avoid doubt and clarify the requirements for individual proposals, applicants are recommended to contact the Council at pre-application stage. See also Sections A2 and A12 of the Guidance Notes: 'Bats' and 'Biodiversity/Ecological survey and report' respectively.

For sites within 1km of the South Pennine Moors Special Protection Area and any other sites with records of notable bird species see the [bird alert layer](#) on the West Yorkshire Ecology website.

For sites close to bat roosts or foraging habitats see the [bat alert layer](#) on the West Yorkshire Ecology website. There is also specific advice on [bats and wind turbines](#) on this website.

### **Noise, 'Shadow Flicker' and Light Reflection Assessment**

For all wind energy applications the Council will expect that a plan is submitted which identifies any occupied buildings situated within a radius of ten times turbine height from the centre of the proposed turbine. In exceptional circumstances a greater distance may be prescribed.

Site-specific noise assessments for all buildings within the identified radius should be carried out and full details and recommendations included within a report accompanying the planning application. The report should demonstrate that any noise is compliant with ETSU-R-97. Further guidance on assessments to measure the noise emitted by wind turbines see the Institute of Acoustics' publication '[A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise](#)'.

Depending on the size of the proposed turbine(s) and the proposed location, submission of manufacturers' standard noise output specifications for a given turbine model may or may not be sufficient, as such specifications do not generally address site-specific conditions. Applicants should contact the Council at pre-application stage to confirm the likely requirements for information relating to noise.

In terms of shadow flicker effect, the Council will expect a report to be submitted which demonstrate that the impact on occupied properties within a radius of 10 times turbine height and if necessary any mitigating measures. Shadow flicker effects on horses using bridleways within a 10 times turbine height radius should also be addressed. Such reports should be carried out by a suitably qualified person or organisation, and set out clear recommendations.

Light reflection is influenced by the surface finish of the turbine blades. Details should be submitted to indicate the proposed finish designed to mitigate the impact of light reflection.

### **Peat and Hydrology Assessment**

Peat is recognised as an important store of carbon, which if damaged can dry out leading to oxidization of stored carbon, resulting in the release of carbon dioxide into the atmosphere. Poor siting of turbines risks damaging peat and undermining the role of wind turbines in providing energy with low carbon emissions. Peat also plays an important role in retaining water on Kirklees' moorlands, helping to prevent flooding further down in the valleys following periods of heavy rainfall. In order to

conserve these peatlands, the Council will expect applications for single wind turbines over a height of 25m (or multiple turbines of any height) to identify whether peat exists on the site and demonstrate how the turbine(s) has been sited to avoid it – including details of measures proposed to avoid damage to underlying peat by any proposed access tracks. Where peat is identified on site, the Council reserves the right to request further investigation to determine its extent. The Council will also expect applications to demonstrate how the construction of any access tracks or trenches for cables will be achieved without substantially altering the hydrological regime of the site – i.e. how tracks, trenches and any other associated infrastructure have been designed and sited to avoid draining peat and avoid creating new channels for surface water to run off the site. Disturbance to underlying peat by wind turbines has the potential to cause adverse impacts on the quantity, quality and colour of water supplies which are replenished by water draining from moorlands. Where underlying peat is identified on site, the Council will expect applications to demonstrate how adverse impacts on the quantity, quality and colour of any potentially affected water supplies will be avoided.

#### **Decommissioning**

An indication of how decommissioning will be undertaken should be provided.

For all single wind turbines over a height of 40m (or multiple turbines of any height), the Council will expect that evidence is provided to demonstrate that a bond has been put in place with the Local Authority to cover the entire costs of decommissioning and removing the wind turbine(s) from site once they have reached the end of their 25 year operational period. This should be done through a Unilateral Undertaking.

This is necessary to prevent redundant wind turbines from remaining in the landscape once the end of their operating life has been reached, and acts as a safeguard in case of any financial constraints which may prevent the owner / operator of the turbine(s) from carrying out decommissioning works in future.

#### **Socio-Economic Benefits Statement**

Applicants for wind energy developments with a total generating capacity of 250kW or above should indicate how consideration has been given to offsetting the impact of the development on the local community.

Best practice guidance exists for applicants on community benefits, published by Renewable UK in its [Community Benefits Protocol](#).

#### **Telecommunications and Radar Statement.**

The Council will consult the Ministry of Defence (Defence Infrastructure Organisation) and National Air Traffic Services (NATS) on wind turbine applications. As such, there is no requirement for applicants to consult with these two bodies prior to submission of an application. However, In addition to statutory aviation consultees it is also best practice to identify the non-statutory aviation consultees; for example, operators of aerodromes who are not officially safeguarded and Emergency Service Helicopter Support Units who may be affected by the introduction of wind turbines.

	<p>It is also the responsibility of the applicant to demonstrate that the proposed turbine(s) will not cause any interference to the operation of any communications or broadcast equipment, through consultation with the operators of any masts or antennae which may be subject to adverse effects from the proposed turbine(s). Consultation responses from any such individuals or organisations should be submitted to the Council alongside the planning application. Applicants should also demonstrate that any possible effects on telecommunications equipment, including television reception, have been considered and if necessary mitigation measures taken.</p>
	<p>Policy driver – UDP Policies EP7 and EP8, PPS22 Companion Guide, NPPF paras 97, 98</p>
<p><b>B4</b></p>	<p><b>Application to Modify or Discharge Planning Obligation</b>  <a href="#">Application form</a> available on the Council’s website.  Any application should be accompanied by a statement supporting the proposal with reference to the relevant Section 106 Agreement or Unilateral Undertaking explaining the planning reasons why the original Planning Obligation(s) should be discharged or varied. Where it is proposed to vary an Obligation the proposed revised text should be provided, preferably in the form of draft Section 106 Agreement/Unilateral Undertaking.  Applications seeking to modify or discharge Planning Obligations on the grounds of viability should refer to the information requirements in section A32 ‘viability appraisal’ above.  Guidance for applications specifically related to affordable housing requirements are set out in the DCLG document <a href="#">“Section 106 affordable housing requirements – review and appeal”</a></p>
	<p><b>Policy Driver</b> - T&amp;CP (modification and Discharge of Planning Obligation) Regulations 1992 SI 1992/2832, S106BA of the Town and Country Planning Act 1990, DCLG document Section 106 Affordable Housing Requirements – review and appeal.</p>