West Suffolk Local Validation Requirements Consultation Draft Document

January 2016
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Introduction

As part of the restructure to create a shared service across both Forest Heath District Council and St Edmundsbury Borough Council the Local Planning Authority has reviewed its Local Validation List in order to adopt a consistent approach across the service and adopt a joint List.

The process of validation is essentially a checking process to identify if an application has sufficient information to determine it and the validity of the information that has been submitted.

What is the Local Validation List?

While national information requirements introduce the need for certain documents across the country, the Local Validation List, also known as the Local Validation Requirements, is a list of documents that the Local Authority considers necessary in order to determine applications. The amount of information required will vary from application to application depending on the proposal and not all requirements on the Local List will be relevant in each case. Formally setting out the requirements helps ensure both a consistency of approach in validating applications and prevent unnecessary delays that might result in refusal of planning permission.

The Local Planning Authority retains the power to request additional information after an application has been registered if it is considered that the information is necessary to determine the application.

The Consultation Process

As part of the review process the Local Authority is required to consult on the proposed changes to be made to the Local Validation Lists. These changes include:

- The requirement for Parking Layout Plans for developments involving new residential dwellings or where there is a change in the number of bedrooms within an existing dwelling
- The replacement of Site Waste Management Plans with Refuse Storage Plans
- The replacement of Planning Statements for Advertisement Applications with a less intensive Advertisement Statement
- The adoption of a Biodiversity Checklist to identify when surveys are required

The consultation period last for 6 weeks and runs from the 25th January to 7th March. Once this period has expired the Local Authority will make any necessary changes and adopt the Local Validation Lists.

The government guidance on the validation states that the Local List;

- must be reasonable, having regard, in particular, to the nature and scale of the proposed development;
- may 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.
Local Validation Requirements Consultation – January 2016

Viewing Local Validation Requirements Online

As part of the proposed changes, the Local Authority is currently in the process of adopting a website that will display the Validation Requirements depending on application type. This is intended to clarify which documents will relate to which application.

While this consultation only relates to documents on the Local Validation List, and is therefore not exhaustive, the website is intended to include both Local and National Validation Lists and identify what information about legislation requirements may be found.

Making Comments

All comments regarding the proposed Local Validation List must be made in writing and may be sent to the below addresses:

Email: planning.help@westsuffolk.gov.uk

Postal:
Planning and Regulatory Services
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

West Suffolk currently offers a duty officer service that is available from 9am to 1pm Monday to Friday if you wish to discuss these requirements. The duty officer may be contacted via 01284 757675.
Local Validation Requirements

The following table indicates which documents will be relevant to each application. Document types are listed horizontally and the application type is listed vertically.

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Local Requirements

Advertisement Statement

All Applications for advertisement Consent require an advertisement Statement.

The statement should consider ‘amenity’ and ‘public safety’ (further information may be found within Para. 67 of the NPPF and the Advertisement Regulations 2007).

Applications sited in a Conservation Area, adjacent to a Listed Building or within a residential area will particularly need to justify any proposed illumination.

Air Quality Assessment

This is required where development proposals could impact upon air quality or where there are potential pollutants.

The assessment should indicate the change in air quality resulting from the development and outline mitigation measures as necessary.

Biodiversity Survey and reports

This is required for all applications where the proposed development is likely to have an impact on Biodiversity. The Local Authority has adopted a checklist in order to identify whether surveys will be required for a proposal. The checklist may be found here.

A project level Habitat Regulations Assessment (HRA) may be required where a development is within the Breckland SPA or an adjoining constraint zone (designated for Stone Curlew, Woodlark and/or Nightjar).

Biodiversity surveys are valid for up to two years.

More information may be found in the following links:
NPPF (in particular Paragraphs 109-119)
Circular 06/2005
Forest Heath Local Plan
St Edmundsbury Local Plan
Association of Local Government Ecologists (ALGE)
Natural England
Suffolk Wildlife Trust
Suffolk Biodiversity Partnership
CIEEM
Suffolk County Council Local Validation Requirements
Daylight/Sunlight Assessment

This is required for all Applications where the development is likely to have an adverse impact on the current levels of daylight/sunlight enjoyed by adjacent properties or buildings, including associated gardens and amenity space.

An assessment should provide sufficient information to assess the impact on adjacent properties or buildings with regard to sunlight availability to windows, open spaces and gardens. This should be demonstrated on a block plan (to an appropriate scale) showing the adjacent properties in relation to the proposed development.

Demolition and Construction Management Plan

This is not an essential requirement for determining the application but can be helpful when submitted with those applications that involve substantial demolition and construction.

A Demolition and Construction Management Plan should include:
• a noise management plan including a scheme for the monitoring of demolition noise
• a scheme for the control of dust arising from demolition works
• a scheme of chassis and wheel cleaning for demolition vehicles including contingency measures should these facilities become inoperative and a scheme for the cleaning of affected public highways
• a scheme of working hours for demolition works
• a scheme for demolition access from the Parkway including measures to ensure that all demolition vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site
• a scheme for parking of contractors vehicles
• a scheme for access and deliveries including hours

Draft Heads of Terms

A Planning Obligation (Section 106 Agreement) is a separate legal agreement signed by the Planning Authority and the landowners (i.e. persons with a legal interest in the land, which may also include the developer), prior to the grant of a planning permission. The agreement will include commitments given by the landowner towards the provision of various community benefits considered necessary to make the proposals acceptable.

It should include a schedule of issues (such as affordable housing provisions or contributions to schools) to be addressed (known as the Draft Head(s) of Terms) during the planning application process should be submitted with any application where an obligation is required. This will be required for applications involving the creation of at least one dwelling that is not a replacement, unless otherwise advised by the Local Planning Authority.

Further guidance may be found at: S106 Developers guide to Infrastructure Contributions in Suffolk
Energy Statement

Proposals for new residential development (including re-use or conversion of buildings) and non-residential development over 1000 square metres will be required to submit an energy statement that details how it is proposed the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other policies in the Local Plan should be identified and proposals for resolving this conflict outlined.

The energy statement may be included within the Design and Access statement where this is also required.

Environmental Impact Assessment

This is a process by which information about the likely environmental effects of developments are collected, assessed and taken into account. Usually this will only apply to major projects such as motorways, wind farms and large developments. However, this is not always the case and some smaller developments, if located in a sensitive area, may require an EIA. If you are proposing any large development you should ask the Local Planning Authority about an Environmental Impact Assessment as part of your pre-application discussion and we can explain what needs to be done.

Please refer to the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015
Flood Risk Assessment

In order to determine whether you need to submit a site specific flood risk assessment (FRA) as part of your application please do the following:

1. Establish which flood risk zone your site falls within using the Environment Agency Interactive Map on the Environment Agency’s Website. Click on and expand the Flood Zones option to be able to show this information on the map.

   - Zone 3 is an area that could be affected by flooding either from rivers or the sea, if there were no defences. This area could be flooded from:
     i. a river by a flood that has a 1 per cent (1 in 100) or greater chance of happening each year.
     ii. the sea by a flood that has a 0.5 per cent (1 in 200) chance of happening each year.

   - Zone 2 is the extent of an extreme flood from the rivers or the sea if there were no defences. These areas could be affected by a major flood with up to a 0.1 per cent (1 in 1000) chance of occurring each year.

   - Zone 1 is the area not shown as being in Zones 2 or 3 and considered to be at low risk of flooding from rivers or the sea. Please note that other sources of flood risk are not shown on these maps so your site may still be in an area of risk from surface water or groundwater flooding.

2. Following the Environment Agency’s Flood Risk Standing Advice which will help you determine with an FRA needs to be submitted.

If a proposal requires a full FRA you are strongly advised to discuss the scope and content of the flood risk assessment with the Environment Agency before you start work on it. Further information may be found on the Environment Agency’s website as to the requirements of a flood risk assessment and whether one is required at the links below.

Flood Risk Assessments for Planning Applications
Flood Zone 1 and Critical Drainage Areas
Flood Zones 2 and 3

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Heritage Statement

All applications where the development is likely to have an impact on heritage assets (such as Listed Buildings and Conservation Areas) will require a heritage statement. This applies to development that both directly affects a heritage asset and where a development is located within or adjacent to a heritage asset.

Annex 2 (Glossary) of the NPPF defines a heritage asset as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the Local Planning Authority (including local listing)"

A statement should include:

- A description of the significance of any heritage assets affected, including any contribution made by their setting;
- The relevant historic environment record should be consulted;
- An assessment of the heritage assets using appropriate expertise where necessary;
- An assessment of the impact of the proposal;
- Where an application site includes new building or ground disturbance on or adjoining a heritage asset of archaeological interest, a desk-based archaeological assessment should be compiled in accordance with Para.128 of the NPPF.

Horse Racing Industry Impact Assessment

Required for all applications where development relates to or is likely to affect the horse racing industry, including land adjacent to training yards and stud land. This includes sites within Newmarket and the surrounding area. It is advised to refer to section 9 of the Joint Development Management Policies Document.

Illustrative Layout

This is not an essential requirement but can be helpful when submitted with those applications at outline stage. It should consist of an indicative layout for a proposal including any envisioned parking areas and areas of open space or landscaping. It may be appropriate to submit multiple indicative layouts in the interest of showing how the development could be accommodated within the site.
Joinery, Window and Door Details

Required for all applications which include the replacement of existing, or the provision of new, windows, doors and surrounds, conservatories or shopfronts, within or to heritage assets.

Elevational showing proposed doors and their surroundings should be at a scale of 1:10
Details of glazing bars, sills, heads, methods of opening and glazing should be at a scale of 1:2 for horizontal and vertical cross-sections.

For windows, drawings must include details of the glazing bars, sills, heads, method of opening and glazing
For conservatories, drawings must include a continuous horizontal cross-section through windows and doors, and details of the glazing bars, sills, heads, cornice and methods of glazing and opening.
For shopfronts, the drawings must include details of the glazing bars, sills, heads, fascia, pilasters, stall risers, cornice, method of glazing, shopfront lettering and colour scheme.

Land Contamination Assessment

Required for all applications resulting in a sensitive end use (e.g. new dwellings, schools, playgrounds, playing fields, nurseries, hospitals, allotments etc.) and all applications that involve development on land that is likely to be contaminated as a result of previous or historic uses. For applications of one or two dwellings an Environmental Search Report and West Suffolk Land Contamination Questionnaire are required. Where the proposal is for more than two dwellings or the conversion of an agricultural barn then a Phase 1 Land Contamination Report is required.

An assessment should include a detailed search of all available and current records and maps to identify potential on-site and off-site sources, pathways and receptor of contamination (such reports are readily available from a number of companies on the internet). Where the initial assessment or desktop study identifies potential land contamination that may be a risk to human health, groundwaters or the wider environment, an extended assessment of contamination may be required, involving an intrusive site investigation and possible remediation of the land.

A Land Contamination Assessment is valid for up to two years.

West Suffolk Contaminated Land Questionnaire
Further information may be found here
Landscape and Visual Impact Assessment

Any proposal that, due to its scale or location, is likely to have a significant visual impact will require a Landscape and Visual Impact Assessment. This may form part of an Environmental Statement where a proposal would fall within the guidelines of an Environmental Impact Assessment (EIA) development.

A Landscape and Visual Impact assessment should include:
- A description of the site and the landscape context
- Evaluation of the landscape sensitivity and the capacity to incorporate the development
- Identification and assessment of effect on landscape character and quality
- Identification and assessment of visual impact
- Measures that would avoid or minimise adverse effects
- Where significant adverse effects are unavoidable, consideration of alternatives and why they have been rejected
- Methodology of LVIA with reference to best practice guidance

Landscaping Details

Required for all applications for development where landscaping is to be undertaken.

Details should include:
- Proposed planting of trees and shrubs
- Any existing trees and vegetation to be retained
- Surface materials for hard landscaping
- Any excavation or changes in ground levels
- The timescale for implementation
- Proposals for long-term maintenance and landscape management

Lighting Assessment

Required for all applications for development that proposes external illumination e.g. floodlighting and all applications for development that are likely to result in a material increase in levels of light pollution.

An assessment should include details of any existing and proposed external lighting and the hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and schedule of the equipment in the design.
Location Plan

Location Plan: This must be an up-to-date Ordnance Survey based location plan at an appropriate scale, usually 1:1250 or 1:2500. In the case of large sites other scales may be appropriate.

The plan must show:
- at least 2 named roads and all surrounding buildings or land (unless this would require a plan greater than a scale of 1:2500);
- the application site (the whole planning unit);
- a north point;
- the scale clearly identified

The application site boundary must 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 the building.

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

Ordnance Survey map extracts can be created online using the Planning Portal Plan Creator. For further details of what to submit please refer to the Planning Portal's Best Practice Guide.

The plan used should:
- Not be a Land Registry document
- Show OS Crown copyright as an acknowledgement
- Not to be copied from existing OS mapping, if using hand drawn maps such as standard streets
- Show the correct licence number if you wish to print or copy maps for applications
Marketing Assessment

Required for those applications that involve:

- The loss or Change of Use of a Public House
- Any application that involves or consists of the loss of a designated or non-designated heritage asset, on the grounds of redundancy
- Any application that involves the loss of a retail unit or an area of employment that is sited within a General Employment Area or along a Primary Shopping Frontage
- Conversion to residential use within any area safeguarded land as allocated within the development plan

A marketing assessment should include:

- Details of the company/person who carried out the marketing exercise
- The asking price
- Details of how the site was marketed, including copies of sale literature, website details and photos of signboards
- The terms of the sale and/or lease (i.e. any ties on the freehold and leasehold options or restrictive covenants)
- Copies of all details of approaches and offers with full reasons as to why any offer has not been accepted
- Timing of the marketing exercise and how long the site was marketed (this must take place for a minimum of 12 months)
- The condition of the site/property
- The extent of any land offered with the building
- Details of any community consultation exercises (particular for those applications involve the loss or Change of Use of a Public House)

Noise Impact Assessment or Acoustic Report

Required for all new development which may involve a noise generating activity to surrounding areas, particularly where proposed close to existing sites that may be particularly harmed by such development (such as air bases, industrial estates, trunk roads etc.) and for any development for sensitive use situated close to an existing noise generating activity.

Open Space Assessment

Required for all applications for:

- New residential development of five or more dwellings which is likely to generate demand for access to and use of open space and recreation facilities and;
- Development on open space in Forest Heath and St Edmundsbury, whether it is in public or private ownership

Where new residential development is proposed, the assessment should provide details of the open space to be provided in relation to the number and type of dwellings proposed with reference to the Council's Supplementary Planning Document on Open Space, Sport and Recreation Facilities (FHDC - October 2011; SEBC - December 2012)

Where Development is proposed on open space, the assessment should demonstrate that the land or buildings are no longer required for that purpose, are not economically viable and there is no local demand for the land or buildings in their current use.
Parking Layout Plan

Required for all development where there is an increase in number of dwellings or bedrooms or for new commercial units proposing parking areas. It should clearly indicate the proposed parking spaces. For more guidance it is advised to consult the Suffolk Guidance for Parking. For smaller developments this may be included in the block plan.

Planning Statement

Required for all applications where the context and justification for a proposed development needs to be demonstrated, and in particular all applications for major development and change of use. All applications for advertisement consent will be required to demonstrate how amenity and public safety have been addressed.

A planning statement should identify the context and need for a proposed development and include an assessment of how the development accords with relevant national and local planning policies. It may also include details of consultations with the Local Planning Authority and wider community and statutory consultees that have been undertaken prior to submission of an application (A Statement of Community Involvement can be incorporated into the Planning Statement where appropriate).

Refuse Storage Plan

All applications for new residential development should provide details of bin storage and collections points where appropriate.

Retail/Leisure Impact Assessment

Required for developments for the creation of retail floor space greater than 1000 square metres outside Bury St Edmunds, Haverhill and Newmarket town centres and that exceed 300 square metres outside other defined centres, which are not in accordance with the currently adopted development plan. Proposals for leisure and office developments outside of town centres will require a Leisure Impact assessment if the floor space created is greater than 2500 square metres and the proposal is not in accordance with an up to date local plan.

A sequential test should consider whether there are any sequentially preferable sites that exist and should assess such sites in terms of availability, suitability and viability. Further advice can be found in ‘National Planning Practice Guidance’.

An assessment should include:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
Relevant Plans

Other plans and drawings or information necessary to describe the subject of the application (3 copies to be supplied unless the application is submitted electronically) including:

- Existing and proposed Block plans of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries and neighbouring properties and clearly outlining the parking and manoeuvring areas
- Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100). Drawings must show a complete building, partial drawings are not acceptable
- Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100). Drawings must show a complete building, partial drawings are not acceptable
- Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)
- Roof plans (e.g. at a scale of 1:50 or 1:100) - required only for complex roof structures. The roof plan should show the shape of the roof at an appropriate scale

Schedule of Works

Required for all applications for works to Listed Buildings and Listed Parks and Gardens and should consist of a detailed description of the proposed works in relation to the Listed Building and the order they are to be undertaken.

Sequential Test

A sequential test will need to be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan (in accordance with Para. 24 of the NPPF)

A sequential test should consider whether there are any sequentially preferable sites that exist and should assess such sites in terms of availability, suitability and viability. Further advice can be found in the links below:

NPPG Planning for Town Centre: Practice Guidance on need, impact and the sequential test approach

Statement of Community Involvement

Major applications may need to be accompanied by a Statement of Community involvement demonstrating that a community involvement exercise has been undertaken and that the views of the local community have been taken into account in the formulation of the development proposal.
Structural Survey

Required for applications involving the conversion of, demolition of, or extension/alteration to, a listed building or building of local historic importance; conversion of a former agricultural building to a new use (except where the conversion now falls within the new Prior Approval procedures and a planning application is not required); or demolition (including any part demolition) of an agricultural building.

Sustainable Drainage Strategy

Sustainable Drainage Systems (SuDs) are required for all applications for major development (i.e. development of more than 10 dwellings (or 0.5 hectares for residential development where the number of dwellings is unknown) for the creation of more than a 1000 square metres of floor space and where the site is greater than 1 hectare).

SuDs measures must normally be shown on all relevant plans submitted, in order to demonstrate how SuDs integrate with planned public open spaces, landscaping, roads, trees and buildings. Plans should identify multifunctional SuDs e.g. those which enhance biodiversity or improve water quality. Details need to include any soakage test results & calculations, drainage, design layout & calculations (including summary on SCC SW Drainage Proforma), proposals for protection of SuDs and watercourses during construction, details of adoption & maintenance. More information may be found at the below links.

Proforma to be completed with all applications
Local Surface Water Drainage (SuDs) Guidance, Standards and Information

Suffolk County Council Flood Protocols May 2015
Transport Statement or Assessment

Required for all development that are likely to generate significant amounts of pedestrian and vehicular movement.

It should include all existing and proposed commercial and residential vehicular and pedestrian movements to and from the site. Loading areas and arrangement for manoeuvring, servicing and parking of vehicles should also be clearly identified. It should describe and analyse existing transport conditions, how the development would affect those conditions and any measures proposed to overcome any problems.

For larger scale development proposals, the assessment should illustrate accessibility to the site by all modes of transport, and the likely split of journeys to and from the site across such forms of transport.

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.

For minor developments which will have some traffic implications but not significant enough to warrant a full transport assessment, a transport statement must be included but may form part of a Design and Access Statement (under Access) or Planning Statement etc. It must briefly set out the traffic implications of the development and how the design and layout of the proposal responds to this.

Indicative thresholds can be found in Appendix B of the Department for Transport (DfT) guidance.

Further Guidance can be found in the links below:
- Manual for Streets
- Transport evidence bases in plan making and decision taking

Travel Plan

Required for all applications where the proposed development is likely to generate significant traffic movements and have significant transport implications.

A travel plan should provide a long-term strategy for the delivery of sustainable transport objectives.

Guidance may be found at the following links:
- NPPG
- Suffolk County Council

Tree Survey

Required where trees are:
- On or adjacent to the proposed development,
- Within a Conservation Area,
- Protected by a Tree Preservation Order

Surveys should specify the species of tree, any works proposed to be undertaken and any protection measures to be in place. Any Survey report submitted must not be more than 2 years old.
Ventilation Statement

All applications for the use of premises within Use Classes A3, A4 and A5 and all applications for significant retail, commercial, industrial, leisure of other similar developments where ventilation or extraction equipment is proposed to be installed will be required to submit a Ventilation/Extraction statement.

The statement should be accompanied by drawings and should include details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics.

Viability Assessment

Where the application cites viability as a factor in the heads of terms this information is required, particularly for applications involving less affordable housing than normally required.

A full un-redacted viability assessment should be provided at the time of submission. In order to fully assess whether the case made by an applicant for not meeting the policy requirements is reasonable and justifiable the Local Planning Authority will require the applicant to submit a residual evaluation with all the following information:

- Existing Use Value supported by an independent valuation;
- Land Acquisition price and the basis for its purchase;
- Salient terms of acquisition (e.g. subject to planning, soils, ground conditions survey, etc.);
- Purchase process (e.g. private treaty, open market bid, auction, etc.);
- Purchase costs including legal and agents fees;
- Estimated sales values with independent supporting evidence including schedule of unit sizes;
- Estimated construction costs supported by Tender costs or QS schedule to include a specified contingency, contract related fees and itemised/defined 'abnormal';
- Itemised preliminary costs;
- Professional fees presented under each respective heading;
- S106/CIL costs as advised by the LPA;
- Financing rate and evidence of financing terms/details (e.g. debt/equity ratio, etc.);
- Estimated profit together with contextual information appropriate to the developers target returns;
- Value/Cost of the affordable housing provision, where relevant, together with tenure assumption and calculation of any commuted sum.

Valuation using standard viability models such as Homes and Community Agency, Royal Institute of Chartered Surveys, Three Dragons, etc. will be acceptable providing they provide all the above information and are supported by an appropriate cash flow analysis.

This information should be provided to the Local Planning Authority in its entirety. Applicants should be aware that the assessment will be made available in the same manner as other documents that form part of the submission.
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