

## **Section 1 – National List**

### **Application Form/Ownership Certificate**

#### **Form**

##### **What Information is required?**

##### **Application form**

- 1 copy

##### **Types of application and criteria**

##### **All applications**

The simplest way to submit an application is online via the [Planning Portal](#). Registration is easy and you can complete your application form, upload supporting documents and pay fees online.

Declaration **must** be signed and dated.

Provide **full** contact details of the applicant and/or agent (where appropriate).

##### **Guidance and links to further information**

Use the [Planning Portal](#) to submit your application online.

If you need a paper form you can [download](#) as required. The Planning Portal has a step by step guide to help you pick the right form.

All sections and questions **must** be answered.

## **Certificate<sup>1</sup>**

### **Information required**

If Certificate B or C applies please use the [owner notification form](#)

1 copy

### **Types of application and criteria**

All applications

Except for:

1. Applications for Lawful Development Certificates (existing or proposed)
2. Reserved matters applications
3. Advertisements
4. Tree works
5. Prior notifications

### **Guidance and links to further information**

Complete:

Certificate A if the applicant is the sole owner of the site or you have a leasehold<sup>2</sup> interest which has at least 7 years to run and the site is not part of an agricultural holding<sup>3</sup>.

---

<sup>1</sup> Note: By law you must notify all people who have an interest in the site. This is necessary even when only a small part of your building such as guttering or foundations goes over the boundary of the application land.

<sup>2</sup> Long leaseholders (with more than 7 years remaining) are treated as owners and should complete Certificate A.

<sup>3</sup> Agricultural holding has the meaning derived from the definition of agricultural tenant in section 65(8) of the Town and Country Planning Act 1990

Certificate B if the applicant is not the owner of the site (or only owns part) and the applicant knows who owns the site (or the other parts) or there is an agricultural tenant on any part of the land/building.

Certificate C if there is more than one owner and the applicant knows some but not all of the owners of the site.

Certificate D if the applicant does not know any owners of the site.

For C and D all reasonable steps must be taken to find the landowner. This must include advertising in a local newspaper and providing a copy of the advert

Certificate B if the applicant is not the owner of the site (or only owns part) and the applicant knows who owns the site (or the other parts) or there is an agricultural tenant on any part of the land/building.

Certificate C if there is more than one owner and the applicant knows some but not all of the owners of the site.

Certificate D if the applicant does not know any owners of the site.

For C and D all reasonable steps must be taken to find the landowner. This must include advertising in a local newspaper and providing a copy of the advert

## **Fee**

### **Types of application and criteria**

All applications

Except for:

1. Conservation Area applications for demolition works.
2. Deletion/variation of a Legal Agreement (S106).
3. Hedgerow removal notices.
4. Listed building applications.
5. Overhead lines.
6. S211 notification of tree works in Conservation Areas.
7. Stop up or divert a public right of way.
8. Works to trees protected by a Tree Preservation Order.

### **Paying for your application**

Payment (other than those submitted via the Planning Portal) can be made [online](#) or by calling 01283 508606 and asking for the Planning Support team.

If paying through the website make note of the receipt number and submit this with your application. Failure to do this could result in a delay in validating your application.

### **Guidance and links to further information**

For other circumstances where fee exemptions or concessions apply please refer to [planning practice guidance](#).

You can use the [Planning Portal fee calculator](#) to work out how much you will need to pay.

## Location Plan

### **Types of application and criteria**

All applications

Except for:

1. Applications to vary or delete planning conditions.

### **Guidance and further information**

Based on an up to date Ordnance Survey map, drawn to an appropriate metric scale for example, 1:1250, 1:2500. Direction north is required for all applications.\*

Site boundaries must (except for advertisement applications) be edged clearly with a red line and include all land necessary to carry out the development, for example, all land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings etc.

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

A4 size should be used wherever possible and show at least 2 named roads and surrounding buildings and be site centred. Properties should be named or numbered to ensure the exact location is clear.

- You can purchase original location plans from the [Planning Portal](#)
- Ordnance Survey plans can also be obtained from the [council on payment of a fee](#)

\*Please note we will not be able to accept plans which are in breach of copyright (If you haven't got an authorised copyright licence, the license number should be included on the plan) .

## **Block / Site Plan**

### **Types of application and criteria**

All applications

Except:

- a. Applications to vary or delete planning conditions.

### **What is a site / block plan?**

This is a plan that shows the existing and proposed layout of the application site including any buildings or proposed structures

1. Draw to an appropriate metric scale for example, 1:100,1:200 or 1:500.
2. Show the direction of North..
3. Must show clearly the proposed works in relation to what is already there (where relevant). Preferably by the use of colour or cross hatching, differentiating them from the existing building (s)
4. Show all public rights of way crossing the site or adjoining the site.
5. Show all buildings, roads and footpaths (including bridleways and restricted byways) on land adjoining the site including access arrangements (unless these would not be affected by the proposed development).
6. Show the site boundaries, type and height of boundary treatment (for example, walls, fences hedges).
7. Show existing and proposed buildings and trees, which are to be retained or removed. Show the position of any immediately adjacent buildings/ structures or trees outside the site.
8. Show access roads, turning areas and car parking bays where relevant giving dimensions.
9. Show drainage runs.

## **Existing Floor Plans**

### **Types of application and criteria**

All applications proposing new or amended floor space and/or proposals to alter existing buildings.

Except:

1. Prior notification application.
2. Works to trees.
3. Applications to vary or delete planning conditions.

### **Further Guidance**

1. Draw to an appropriate metric scale for example, 1:50 or 1:100.
2. Must show the proposed openings to accord with the elevations. This should include the width of glazing bars and other details where relevant, line drawings are not acceptable.
3. Drawings should show details of existing buildings where relevant, in relation to proposed buildings as well as any differences in topography in relation to the existing buildings.
4. Where existing buildings or walls are to be demolished these should be clearly shown.
5. For change of use applications (where internal alterations are proposed) - must show existing and proposed layout of rooms.

## **Existing elevations**

### **Types of application and criteria**

All applications proposing new buildings or alterations to the exterior of existing buildings.

Including changes of use where external alterations are proposed.

Except:

- a. Applications to vary or delete planning conditions.

### **Guidance and links to further information**

1. Drawn to an appropriate metric scale for example, 1:50 or 1:100. In the same form, scale and orientation.
2. Must show the proposed openings to accord with the floor plans. This should include the width of glazing bars and other details where relevant, line drawings are not acceptable.
3. Show clearly the proposed works in relation to what is already there and the height of buildings above ground level.
4. Any blank elevations must be included; if only to show that this is in fact the case.
5. Existing and proposed site sections and finished floor and site levels e.g. at a scale of 1:50 or 1:100.



## **Proposed Floor Plans**

### **Types of application and criteria**

All applications proposing new or amended floor space and/or proposals to alter existing buildings.

Except:

- a. Prior notification application.
- b. Works to trees.
- c. Applications to vary or delete planning conditions.

### **Guidance and links to further information**

1. Drawn to an appropriate metric scale for example, 1:50 or 1:100.
2. Must show the proposed openings to accord with the elevations. This should include the width of glazing bars and other details where relevant, line drawings are not acceptable. Drawings should show details of existing buildings where relevant, in relation to proposed buildings.
3. Where existing buildings or walls are to be demolished these should be clearly shown.
4. For change of use applications (where internal alterations are proposed) - must show existing and proposed layout of rooms.
5. Where handed house types are provided these will be required for all house types.

## **Proposed Elevations**

### **Types of application and criteria**

All applications proposing new buildings or alterations to the exterior of existing buildings.

Including changes of use where external alterations are proposed.

Except:

- a. Works to trees.
- b. Applications to vary or delete planning conditions.

### **Guidance and links to further information**

1. Drawn to an appropriate metric scale for example, 1:50 or 1:100, in the same form, scale and orientation.
2. Show clearly the proposed works in relation to what is already there and the height of buildings above ground level. All elevations should clearly indicate the existing and proposed building materials and the style, materials and finish of windows and doors.
3. Any blank elevations must be included; if only to show that this is in fact the case.
4. Roof plans at a scale of 1:50 or 1:100.
5. Where handed house types are provided these will be required for all house types.
6. Must show the proposed openings to accord with the floor plans. This should include the width of glazing bars and other details where relevant, line drawings are not acceptable.
7. Where any proposed elevation joins another building or is in close proximity, the drawings should clearly show the relationship between buildings, and detail the positions of the openings on each property.

## **Site Sections and Finished Floor Levels**

### **Types of application and criteria**

All applications involving new buildings.

### **Guidance and links to further information**

This is a plan addressing the following:

- Draw to an appropriate metric scale for example, 1:100, 1:200 or 1:500
- Show 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.

## **Roof Plans**

### **Types of application and criteria**

All applications involving new buildings or alterations to an existing roof.

### **Guidance and links to further information**

This is a plan addressing the following:

- This should be drawn at a scale of 1:50 or 1:100 and is used to show the shape of the roof. Details such as the roof lights, chimneys, vents, flues and their location are typically specified on the roof plan.

## **Design and Access Statement**

A design and access statement is required with the following types of application only:

1. Major development.
2. One or more dwelling houses within a Conservation Area.
3. New building(s) within a Conservation Area where the floor space created is >100m<sup>2</sup>.
4. Development where the floor space created is 100m<sup>2</sup> or more.
5. Listed building consent applications.

### **Exemptions**

A design and access statement is not required for planning applications involving:

1. Permission to develop land without compliance with conditions previously attached, made pursuant to section 73 of the Act.
2. Engineering or mining operations.
3. A material change in the use of land or buildings - please note that for an application to convert a Building to residential use a Design and Access Statement will only be required where the building is in a conservation area or a listed building.

### **Guidance and links to further information**

The design and access statement shall:

1. Explain the design principles and concepts that have been applied to the development.
2. Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account.
3. Explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account.
4. State what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcomes of any such consultation.
5. Explain how any specific issues which might affect access to the development have been addressed.

28<sup>th</sup> January 2020

## **Section 2: Local Validation**

### **Heritage Statement/Assessment of Significance**

#### **When is it required?**

A Heritage Statement will be required for all development within or adjacent to a designated conservation area or other heritage asset that has the potential to have an affect, including their setting. Heritage assets may be architectural, archaeological, historic or artistic. They include Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks & Gardens and World Heritage Sites. Other local heritage assets may be identified through the pre-application process, or from reviewing the Historic Environment Record (held by Staffordshire County Council).

NPPF Paragraph 189 states that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site includes or has the potential to include heritage assets with archaeological interest, developers will be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

#### **What is this?**

This statement must identify the relevant heritage assets and describe how the development will affect the significance of any heritage assets.

Please refer to the [Heritage Statement/Assessment of Significance Pro-forma](#) and [Heritage Statement/Assessment of Significance Guidance Notes](#)

#### **Why is this required?**

NPPF Section 16 sets out the reasons for conserving the historic environment. Paragraph 189 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting.

## Guidance and links to further information

For applications for listed building consent, the statement has to explain:

- the design principles and concepts that have been applied to the works
- how the design principles and concepts that have been applied to the works take account of
  - (i) the special architectural or historic importance of the building;
  - (ii) the particular physical features of the building that justify its designation as a listed building; and
  - (iii) the building's setting
  
- how in respect of applications, which do not relate solely to the interior of a listed building, issues relating to access to the building have been dealt with. Specifically
  - (i) explaining the policy that has been adopted as to access, 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
  - (ii) explaining how that access policy takes account of the special architectural or historic importance of the building, the particular physical features of the building that justify its designation as a listed building; and the building's setting
  - (iii) stating what, if any, consultation has been undertaken on issues relating to access and what account has been taken of the outcome of any such consultation
  - (iv) explaining how any specific issues which might affect access to the building have been addressed

Please refer to the [Heritage Statement/Assessment of Significance Pro-forma](#) and [Heritage Statement/Assessment of Significance Guidance Notes](#)

Descriptions of Listed Buildings can be seen using [Historic England Map](#).

[Historic England Scheduled Monuments](#)

[Access to Historic Englands pre application advice service](#)

For applications for development within or adjacent to a designated conservation area or other heritage asset the statement should *describe* the significance of the heritage assets affected, including any contribution made by their setting. The statement should then summarise the key characteristics of the development and its impact on the character and appearance of the area.

The statement should evaluate the development in terms of the following:-

- Assessment of significance of the heritage asset
- How the proposal contributes positively to the special interest, character and appearance of the conservation area.
- Loss or alteration of property or feature e.g. wall, which makes a positive contribution to the special interest, character and appearance of the area.
- Impact of any proposed new buildings on the special interest, character and appearance of the area.
- Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the area.
- Justification for the proposed use and impact on the special interest, character and appearance of the area in terms of anticipated levels of traffic, parking and other activity that would result.

Applications for **development affecting a statutorily listed building or its setting** should include a statement summarising the key characteristics of the development and its impact on the character and appearance, or setting of the building. Such an assessment should include appropriate photographs and **schedule of works** for new or restored features of architectural and historic importance.

The statement should evaluate the development in terms of the following:-

- Statement of significance of the historic building and its setting.
- The current status of the building and the contribution it makes towards the character of the surrounding area with reference to the current listing description.
- The impact of the proposal on the special architectural or historic interest of the building and/or its setting – such as proposed alterations, extensions or demolition.
- Justification for any proposed change of use, and impact of the proposed use and any physical alterations required to adapt the building for the new use.
- Justification for demolition of all or part of a building including a marketing report where demolition is proposed on economic grounds, and a structural report when proposed on the basis that the building is structurally unsound.
- Justification for “enabling development” required to fund the conservation, repair, restoration or adaptation of a building (where relevant).
- Mitigation for loss of all or part of a building such as preservation by record or relocation elsewhere.

Applications for **development affecting a non-designated heritage asset** should include a statement summarising the key characteristics of the development and its impact on the character and appearance or setting of the heritage asset. This may form part of the Design and Access Statement.



## **Further Advice**

Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area and its setting:

[Conservation Area Documents](#)

[Historic England Search the List](#)

[Staffordshire County Council Extensive Urban Surveys \(email: \[her@staffordshire.gov.uk\]\(mailto:her@staffordshire.gov.uk\)\)](#)

[Staffordshire County Council Historic Environment Record \(email: \[her@staffordshire.gov.uk\]\(mailto:her@staffordshire.gov.uk\)\)](#)

[Historic England](#)

[Staffordshire County Council Historic Environment Assessments](#)

[The Hedgerow Regulations 1997: A Guide to the Law and Good Practice.](#)

[National Planning Practice Guidance](#)

For strategic developments, applicants are advised to seek specialist expertise and to discuss their proposals with Staffordshire County Council's Historic Environment section on 01785 277281 at an early stage in the design process.

## EIA

### **When is it required?**

Major developments which are of more than local importance;

Developments which are proposed for particularly environmentally sensitive or vulnerable locations:

Developments with unusually complex and potentially hazardous environmental effects.

### **Where an EIA is mandatory**

[Schedule 1 of the Regulations](#) shows the types of developments in Annex 1 to the Directive.

Schedule 1 development requires an Environment Statement in every case as it relates to significant developments, for example crude oil refineries; aerodromes, waste disposal installations; gas pipelines and intensive livestock installations.

An EIA must be undertaken for development proposals that fall within the types listed in [Schedule 2 of the Regulations](#) which shows the types of developments in Annex 2 to the Directive. Applicants are advised to seek a scoping opinion from the council before starting work on the EIA. An Environmental Statement should be submitted alongside the planning application.

Schedule 2 development includes fish farms; large pig and poultry units, mineral extraction; energy producing installations such as wind farms and hydroelectric installations; metal processing; chemical, food, textile, rubber and paper industries; infrastructure projects; tourist development and waste disposal.

### **Where an EIA may be required**

Where an applicant is uncertain whether a development proposal requires an EIA (development of the types listed in [Schedule 2 of the Regulations](#)), you should seek a Screening Opinion from the council before submitting the planning application. If it is agreed that an EIA is required you should then seek a scoping opinion and submit the Environmental Statement alongside the planning application.

## What is this?

Submission requirements for screening and scoping opinions:

- a. a brief description of the nature and purpose of the proposal and its possible environmental effects, giving a broad indication of their likely scale
- b. a plan indicating the proposed location of the development which should
  - be based on an up to date map
  - be drawn to an appropriate metric scale for example, 1:1250, 1:2500
  - use A4 or A3 paper where possible
  - show at least two named roads and surrounding buildings
  - clearly show the edges of the site boundaries with a red line. (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)
  - show the direction of north

Where an Environmental Statement is required, it should include all the information set out in [Annex C of Circular 02/99: Environmental Impact Assessment](#).

[Establishing whether a development requires an EIA](#) is a simple flowchart to guide you through part of the process.

A **screening opinion** is the process of determining whether an **environmental impact assessment** is required as part of a planning application.

A **scoping opinion** only considers what information should be included in an **EIA**.

## Why is this required?

[Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#)

## Air Quality Assessment

### What is this?

An assessment including the following:

- a description of baseline conditions and how these could change;
- relevant air quality concerns;
- the assessment methods to be adopted and any requirements around verification of modelling air quality;
- sensitive locations;
- the basis for assessing impact and determining the significance of an impact;
- construction phase impact; and/or
- acceptable mitigation measures.

### When is it required?

Applications that are likely to give rise to emissions to air of pollutants for which there is a national air quality objective, or for which there may otherwise be a significant impact upon local air quality meeting the criteria set out in the adjacent guidance column.

Applications likely to be affected by poor air quality (e.g. new residential development in area of existing poor air quality i.e. Air Quality Management Area)

**NB1** Air quality can be a concern if it is likely to adversely impact on an area, particularly if in a known area of poor air quality. Concerns can also arise where a development is likely to hamper the implementation of an Air Quality Action Plan and in particular lead to a breach of European Union legislation.

**NB2** A separate Air Quality Assessment may not be required where it will be submitted as part of a formal EIA for a major development.

Planning proposals with potential effects upon air quality within 10km of European designated sites (and 5 km of UK designated sites such as sites of Special Scientific Interest or SSSI) should be accompanied by an air quality screening assessment. Intensive livestock units (poultry and pigs) provide an example of a relevant development type.

## Why is this required?

Action to manage and improve air quality is largely driven by EU legislation. The [2008 Ambient Air Quality Directive](#) sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and nitrogen dioxide (NO<sub>2</sub>). As well as having direct effects, these pollutants can combine in the atmosphere to form ozone, a harmful air pollutant (and potent greenhouse gas) which can be transported great distances by weather systems.

Defra carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with [EU Limit Values](#). It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit.

## Further Advice

Details of Air Quality Management Areas within East Staffordshire can be emailed to you on request: [pollution.team@eaststaffsbc.gov.uk](mailto:pollution.team@eaststaffsbc.gov.uk)

Natural England's 'SSSI Impact Risk Zones' dataset is an additional way for the Council to screen whether proposals have potential air quality effects on SSSI

Applicants are advised to seek specialist expertise and to discuss their proposals with East Staffordshire Pollution Control Team on 01283 508524 at an early stage in the design process.

Environment Agency 03708 506 506 [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Natural England 0845 600 3078 [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

The London Council's Control of Dust and Emissions from Construction and Demolition: Best Practice (2006)

IAQM Guidance on the Assessment of Impacts of Construction on Air Quality and Determination of their Significance (2012)

APIS provides specific air pollution advice based on habitats, ecosystems and species. <http://www.apis.ac.uk/>

## [National Planning Practice Guidance](#)

An Air Quality Assessment must accompany all planning applications which include:

- Proposals that will give rise to a significant change in either traffic volumes, typically a change in annual average daily traffic or peak traffic flows of greater than  $\pm 5\%$  or  $\pm 10\%$  depending on local circumstances. The new guidance recommends that an Air Quality assessment should be required if there is a change of  $\pm 5\%$  within or close to an Air Quality Management Area, outside it is  $\pm 10\%$ . For roads with an annual average daily traffic flow of 10,000+ and vehicle speeds change by  $\pm 10\text{kph}$  then an Air Quality assessment would also be required.
- Proposals that significantly alter traffic composition (i.e. an increase in the number of HGVs of 200 movements or more per day).
- Proposals that include significant new car parking, which is taken to be 100 spaces outside of an Air Quality Management Area and just 50 within one. Previously there was a blanket approach of 300 spaces. This should also include proposals for new coach or lorry parks.
- Proposals that include biomass boilers or biomass-fuelled CHP plant, regardless of whether they are in an Air Quality Management Area or not.
- The new guidance also recommends that consideration should be given to the impacts of centralised boilers or CHP plant burning other fuels (e.g. gas or oil) within or close to an Air Quality Management Area.
- Air Quality assessments are also required for large, long term construction sites that would generate large HGV flows (>200 movements per day) over a period of a year or more.
- Introduction of new exposure close to existing sources of air pollutants, including road traffic, industrial operations, agricultural operations etc

## Archaeological Asset or Scheduled Ancient Monument Assessment

### When is it required?

Borough wide on or within the setting of relevant heritage assets.

All development which might potentially affect sites of archaeological importance or areas recorded on the Historic Environment Record.

### What is this?

Applications for development which may potentially affect archaeological remains should as a minimum include a **Desk Based Assessment** summarising the following:

- Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance
- The historic development of the site and surrounding area
- The nature and extent of the above and below ground remains known/ likely to be present
- The impact that the proposed development is likely to have on surviving assets
- Recommendations for further archaeological work/archaeological mitigation.

### Why is this required?

National Planning Policy Framework (Particularly Paragraph 189)

Ancient Monuments and Archaeological Areas Act 1979

### Further Advice

To establish if the site falls within or near a heritage asset of archaeological interest please follow this link to the [Council's Online Mapping Service](#)

[Heritage Gateway](#)

Applicants should check whether a development proposal may affect archaeological remains/assets, by consulting the Staffordshire County Historic Environment Team on 01785 277281, email: [her@staffordshire.gov.uk](mailto:her@staffordshire.gov.uk)

### [DCLG Historic Environment Planning Practice Guidance](#)

See the Chartered [Institute of Archaeologists](#) (2014) standards and guidance about archaeological assessments and evaluation.

### [Historic England](#)

Scheduled Monument descriptions can be found on the [National Heritage List for England website](#).

### [Staffordshire County Council Historic Environment Record](#)

The requirement for a full **Historic Environment Desk-Based Assessment** (DBA) should be discussed at an early stage with ESBC planners and the Staffordshire County Council Historic Environment Team ([her@staffordshire.gov.uk](mailto:her@staffordshire.gov.uk)). The DBA should be undertaken by an appropriately experienced organisation and should follow the guidance laid out in the Institute for Archaeologists (If A) standard and guidance for '*Historic Environment Desk-Based Assessments*' (2012).

Staffordshire County Council also offer a pre-application advice service, more details can be found [here](#).



## Ecological and biodiversity survey

### When is it required?

- Proposed development which includes the modification conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:
  - all agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone
  - construction and/or with exposed wooden beams greater than 20cm thick;
  - all buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;
  - pre-1960 detached buildings and structures within 200m of woodland and/or water;
  - pre-1914 buildings within 400m of woodland and/or water
  - pre-1914 buildings with gable ends or slate roofs, regardless of location;
  - all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts, structures and caves;
  - all bridge structures, aqueducts and viaducts (especially over water and wet ground).
- Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.
- Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies
- Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices, caves or swallets.
- Major proposals within 500m of a pond or Minor proposals within 250m of pond
- Proposals affecting or within 30m of rivers, streams, canals, lakes, or other aquatic habitats.
- Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.
- Proposals affecting previously undeveloped (Greenfield) land with the exception of domestic gardens and in some cases intensively farmed arable land
- Proposed development affecting any buildings, structures, feature or locations where protected or priority species or habitats are known to be present
- Proposed development on, adjacent to or otherwise affecting internationally, nationally or locally designated biodiversity or geodiversity sites
- Proposals affecting quarries, pits, cliffs, river sections, outcrops, mines, caves, tunnels, cuttings, and mine dumps.
- On the request of Natural England, Environment Agency, Staffordshire Wildlife Trust or Staffordshire County Council.

### What is this?

Ecological survey reports should include:

- a description of the proposal;

- a preliminary ecological appraisal (PEA) (including desk study and field survey as necessary) of the development site and any other areas likely to be affected by the proposals;
- evaluation of features (including geological and geomorphological features) and assessment of the likely impacts of the proposal;
- discussion of mitigation, compensation and enhancement measures – the mitigation strategy should be proportionate to the perceived impacts and should include clear, site-specific prescriptions rather than vague, general or indicative possibilities and should be feasible and deliverable.
- Surveys should be completed at an appropriate time of the year by suitably qualified and experienced ecological consultants and should comply with published guidance and best practice.

**Where Preliminary Ecological Appraisals conclude the need for further assessments these are to be carried out and submitted prior to validation. Surveys must be carried out at the appropriate time of the year. Production of further studies cannot be conditioned.**

**Due to confidentiality of the information, Badger Reports should be submitted separately to other ecological surveys.**

Where proposals are likely to result in the loss or damage to SBIs or BASs clear justification should be based on comprehensive, relevant and up to-date data with reference to the national, regional or local contexts of the site and must accompany all planning applications.

If an SBI or BAS is damaged or destroyed, compensatory provision of equivalent value will be required.

Ecological surveys should consider the impact of the proposals on meeting the Water Framework Directive objectives particularly where development proposals have a watercourse flowing through the site, either in an open or culverted channel. The assessment should consider the current ecological status of the water body (as defined by the Humber River Basin Management Plan) and identify measures that could be taken to improve its current status and bring it towards its required status. It should ensure that the development proposals do not pose an obstacle to the meeting of its targets.

### **Why is this required?**

National Planning Policy Framework (chapter 15)

Wildlife and Countryside Act 1981(as amended).

Protection of Badgers Act 1992.

Circular 6/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

Natural and Environment and Rural Communities Act 2006

The Conservation of Habitats and Species Regulations 2017 as amended by The Conservation of Habitats and Species (Amendment) (Eu Exit) Regulations 2019

## [EU Water Framework Directive](#)

## [Humber River Basin Management Plan](#)

### **Further advice**

Any development which might affect designated nature conservation sites e.g. Sites of Special Scientific Interest (SSSIs), Special Area of Conservation (SACs), Regionally Important Geological Sites (RIGs), Local Nature Reserves (LNRs), Sites of Biological Importance (SBIs), Biodiversity Alert Sites (BAS) and/or impact on protected species and other important wildlife interests (e.g. the conversion of redundant buildings).

All planning applications with the potential to destroy, damage or adversely affect any site, habitat or earth heritage feature should be supported by an impact assessment to a nationally recognised standard.

All planning applications on sites where protected or important species have been recorded, reported or can reasonably be expected to be present should be supported by survey work to properly demonstrate presence or absence.

A protected species is one which received legal protection through UK or European legislation, including:

- [The Conservation of Habitats and Species \(Amendment\) Regulations 2017](#) as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- [The Wildlife and Countryside Act 1981 \(as amended\)](#)
- [The Protection of Badgers Act 1992](#)

Important habitats and species are defined as:

- Habitats or species which are the subject of national or local [Biodiversity Action Plans](#)
- Habitats or species listed by the Government as habitats or species of principal importance for the conservation of biodiversity in England (section 41, Natural Environment and Rural Communities Act 2006)

If a development is likely to impact on an internationally or nationally designated site, applicants are also advised to seek advice from [Natural England](#) about the scope of the assessment (0300 060 0723).

Further guidance on survey standards, evaluation and impact assessment, and mitigation standards can be obtained using [NATURAL ENGLAND GUIDANCE](#).

Natural England offers pre-application advice on certain developments. To further understand this service please follow this link [Natural England Discretionary Advice Service](#). Natural England also provides [Standing Advice](#) in respect of protected species and mitigation. Guidance specific to Staffordshire can be found in [Staffordshire Requirements for Biodiversity and Geological Conservation](#) and [Staffordshire Ecological Records](#) and should be used to inform application submissions:

[Staffordshire Wildlife Trust \(01889 880100\)](#)

For strategic major developments, applicants are advised to seek specialist expertise and to discuss their proposals with Staffordshire County Council's Ecologist on 01785 277254 at an early stage in the design process.

The data search page of Staffordshire Ecological Record, is a good source of ecological and geological data for the county:

[http://www.staffs-ecology.org.uk/html2015/index.php?title=Commercial\\_Enquiries](http://www.staffs-ecology.org.uk/html2015/index.php?title=Commercial_Enquiries)

They also provide a pre-application biodiversity advice service- more details can be found here <https://www.staffordshire.gov.uk/environment/Environment-and-countryside/biodiversity/Overview.aspx> and to order select 'biodiversity in section 3: <https://apps2.staffordshire.gov.uk/WEB/OnlineOrder/default.aspx?FormID=16>

[Guidelines for Preliminary Ecological Appraisal](#)

[CIEEM guidance on ecological impact assessment](#)

[CIEEM find a consultant](#)

[CIEEM guidance on report writing:](#)

Survey data will only be acceptable if the survey is carried out at the appropriate time of year. For precise guidance in respect of particular species please follow this link: [Timing of Surveys](#)

[National Planning Practice Guidance](#)

## **Cannock Chase Special Area of Conservation Statement or Unilateral Undertaking**

### **When is it required?**

For all proposals within 8km of the Cannock Chase SAC which involve the creation of a dwelling. This includes new build dwellings, conversion of buildings into dwellings, prior approval applications for the creation of dwellings and agricultural workers dwellings.

### **What is this?**

A statement of willingness committing the applicant to pay a financial contribution towards mitigation for the Cannock Chase Special Area of Conservation confirming that the Cannock Chase SAC will not be affected by the proposed development. The applicant will need to sign a unilateral undertaking and pay the LPAs costs in signing the document prior to the decision notice being issued.

### **Why is this required?**

The Council has sufficient evidence to demonstrate that an increase in 1 net dwelling or more within the 8km zone of the Cannock Chase SAC will have an adverse, in combination effect on the integrity of the Cannock Chase SAC in the absence of mitigation. Where developments will result in a net increase of residential dwellings within the 8km zone of influence mitigation in the form of a financial contribution is required. The Cannock Chase SAC Partnership has agreed a series of mitigation and avoidance measures with Natural England. These are referred to as Strategic Access Management and Monitoring Measures (SAMMM).

### Further Guidance

- [Link to the a map showing the 8km zone](#)
- [Link to guidance](#)
- [Link to Natural England FAQ](#)

## **Flood Risk Assessment**

### **When is it required?**

- Development within Flood Zones 1 where site is 1 hectare or more in size.
- All new development (including minor developments and changes of use) in Flood Zones 2 and 3.
- All new development In Flood Zone 1 where there are critical drainage problems as notified to the Local Planning Authority by the Environment Agency.
- New development and changes of use to more vulnerable use in terms of flood risk.

### **What is this?**

A Flood Risk Assessment (FRA) examines the extent to which a development within a Flood Zone is at risk from all sources of flooding, and demonstrates how flood risk will be managed, taking climate change into account. FRAs also consider opportunities at reducing the probability of flooding, the design of sustainable drainage systems and the provisions for safe access to and from areas at risk of flooding.

### **Why is this required?**

NPPF Paragraphs 155 – 165 discusses planning and flood risk. Paragraph 160 explicitly refers to strategic or site specific FRAs and is further supported by paragraph 163 and footnote 50.. The Environment Agency's Flood Map for planning is available [here](#) and further guidance on FRA's and what they should assess and include can be found [here](#). There is also a useful checklist with the Planning Practice Guidance which provides more detail on FRAs - [Flood risk assessment checklist](#). Table 1 of the Planning Practice Guidance goes into further details regarding Flood Zones,

Likewise the Lead Local Flood Authority (Staffordshire County Council can advise on suitable drainage solutions.

### **Further Guidance and Advice**

A Flood Risk Assessment (FRA) must demonstrate:

- whether any proposed development is likely to be affected by current or future flooding from any source including all watercourses, ditches, culverts, surface water, sewers, groundwater and where appropriate artificial sources such as canals and reservoirs;
- that the development is safe and where possible reduces flood risk overall;
- whether it will increase flood risk elsewhere; and
- the measures proposed to deal with these effects and risks.

- designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.
- Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than minor development and changes of use.
- Householder and extensions and minor applications up to 250m2

For householder and minor extensions in Flood zones 2 and 3, please see the minor extensions standing advice section on the link below:-

[Environment Agency - Householder and Minor Extensions](#)

The Sequential Test should ascertain whether there is any other land available for such a development which lies at a lower risk of flooding. This should be undertaken in conjunction with the Local Planning Authority and be based upon information presented within the Council's Strategic Flood Risk Assessment. This work should be carried out as soon as possible in the development process, ideally prior to the commissioning of a detailed FRA in order to ascertain whether the principle of development in this location is acceptable.

The Exception Test, as set out in [paragraph 160 of the Framework](#), is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. Essentially, the 2 parts to the test require proposed development to show that it will provide wider [sustainability benefits to the community that outweigh flood risk](#), and that it will be [safe for its lifetime](#), without increasing flood risk elsewhere and where possible reduce flood risk overall.

For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the site-specific Sequential Test.

For further advice on when Flood Risk Assessments will be required and the details required in specific circumstances please have regard to the [Environment Agency's Standing Advice](#) and the Lead Local Flood Authority guidance for local flood risk issues.

Developers should contact the Environment Agency for pre-application advice when development within the floodplain or within 8m of a Main River. The Environmental Agency can support your application by provision of advice regarding issues to be considered for each site, and information that may be available for use within your FRA. More detailed review or reports and plans may be subject to a fee. Contact [swmplanning@environment-agency.gov.uk](mailto:swmplanning@environment-agency.gov.uk) for further information.

If you are unsure whether your site is likely to be affected by flooding, please click the link below:-

[Environment Agency - Flood maps](#)

The National Planning Policy Framework and accompanying [Planning Practice Guidance](#) provide comprehensive guidance for applicants in relation to the undertaking of flood risk assessments and the responsibilities for controlling development.

[National Planning Practice Guidance](#)

## [Environment Agency Climate Change Guidance](#) Kitchen Extraction (Flue Equipment/ Chimney)

### **When is it required?**

Applications for:

Restaurants, cafes and takeaways - A3/A4/A5 uses

Any other development to include a commercial kitchen

### **What is this?**

Details of the ventilation and fume extraction systems both on plan and elevations and manufacturers specifications **must** be submitted. Sometimes a noise impact assessment and/or odour assessment may be required. It may also be appropriate to show details of the extent of the kitchen area and indicative seating layout.

There is to be suitable and sufficient means of natural or mechanical ventilation. Mechanical airflow from a contaminated area to a clean area is to be avoided. Ventilation systems are to be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible.

The location of extraction outlets and fans should be suitably located so as not to result in adverse impacts from noise, vibration or odour.

### **Why is this required?**

National Planning Policy Framework (Section 15)

Noise Policy Statement for England, March 2010.

East Staffordshire Local Plan Policy SP24

East Staffordshire Design Guide

### **Further Advice**

Further information to support the application:

Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with East Staffordshire Borough Council's Environmental Health Team on 01283 508578 at an early stage.



The Food Safety and Hygiene (England) Regulations 2013  
Environmental Protection Act 1990

Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018 (EMAQ)

## **Housing Needs Survey**

### **When is it required?**

All applications for new build dwellings outside settlement boundaries excluding agricultural workers dwellings, replacement dwellings or rural conversions or Class Q developments.

### **What is this?**

A survey assessing the need in one or more civil parish council area. The survey must involve an appropriately designed questionnaire being delivered to all dwellings in the survey area. The submitted document should include all evidence including returned questionnaires and assessment. Where appropriate, the returned questionnaires will be treated as confidential. A housing needs survey should be no earlier than 3 years before the date of the planning application. For reserved matters applications where the outline was approved prior to October 2015, survey results must be provided with the reserved matters application.

### **Why is this required?**

Unless supported by a 'Made' Neighbourhood Plan all applications for new build housing outside settlement boundaries must be supported by a Housing Needs Survey to demonstrate that there is an outstanding housing need that is not being met through the strategy identified in the Local Plan, or by housing developments granted planning permission.

· National Planning Policy Framework (section 6)

East Staffordshire Local Plan policies SP1, SP4, SP16, SP17 and SP18

### **Further advice**

[Housing Choice SPD \(Chapter 9 contains information on housing needs surveys\)](#)

[Policies Maps \(showing settlement boundaries\)](#)

['Made' Neighbourhood Plans](#)

## Land Contamination Assessment (Desk Study)

### **When is it required?**

All applications where land contamination can reasonably be expected to be found.

Land contamination is usually associated with brownfield sites, where past industrial activities might have negatively impacted land quality, but it cannot be ruled out in other locations including in the countryside (e.g. by inappropriate spreading of materials such as sewage sludge).

Some areas may be affected by the natural or background occurrence of potentially hazardous substances, such as radon, methane or elevated concentrations of metallic elements.

As precaution, the possibility of contamination should always be assumed when considering developing sites on or near former industrial land or where the proposed end use are particularly sensitive to contamination such as housing, schools or children's play areas.

Failure to adequately address land contamination could cause harm to human health, property and the wider environment. It could also:

- Limit or prevent subsequent development.
- Result in difficulties with the conveyancing process.
- Result in future liabilities for remediation under the Environmental Protection Act 1990 Part 2A.

The responsibility for securing a safe development rests with the developer and/or landowner.

### **What is this?**

This includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study, site reconnaissance and conceptual site model.

This should also include what further measures are required to ensure the site is suitable for its new use.

## **Why is this required?**

National Planning Policy Framework (Particularly Section 15 and paragraphs 178 and 179)

The NPPF requires that adequate site investigation information, prepared by a competent person, is presented.

## **Further Advice**

When dealing with land affected by contamination applicants should follow the risk management framework provided at:

[Land contamination: risk assessment](#)

[Or in Land contamination: risk management \(LCRM\)](#)

And the Environment Agency '[Land Contamination: technical guidance](#)'

The Environment Agency are responsible for risks posed to groundwater.

The Local Authority are responsible for risks posed to human health.

Applicants are advised to seek specialist expertise.

To discuss the proposals with East Staffordshire Borough Council's Environmental Health Team, please contact on 01283 508578 or by email at [ehsupport@eaststaffsbc.gov.uk](mailto:ehsupport@eaststaffsbc.gov.uk).

[Environment Agency Documents Relevant to contamination](#)

[National Planning Practice Guidance](#)

[Environmental Health Contaminated Land](#)

[The Developers Guide to Land Contamination in Staffordshire December 2015](#)

[Environmental Protection Act 1990 Part 2A](#)

## **Noise and Vibration Assessments and Appraisals**

### **When is it required?**

Proposals which raise issues of disturbance

- a. Industrial or commercial uses near to residential property, including where external plant (such as air conditioning condensers) are proposed.
- b. New residential property near to transportation noise sources.
- c. New residential property near to existing industrial or commercial premises where industrial noise is the dominant source.
- d. New entertainment premises near to residential property and new residential property near to places of entertainment.
- e. Applications for A3/A4/A5 uses where a flue is proposed (see section above).
- f. All applications for wind turbines.

### **What is this?**

The Noise Impact Assessment should outline the potential sources of noise generation, and how these may have a negative effect on local amenity. The assessment should also outline how the developer intends to overcome these issues.

How the developer intends to overcome the issues should not be limited to façade treatments only. The developer will need to demonstrate how the choice of equipment as well as site layout and design has been considered to prevent issues. Sound insulation details normally relate to the type of glazing to be installed, but can include walls, floors or ceilings and may need to include details of any proposed ventilation where the glazing may need to be closed to safeguard the internal acoustics environment. The use of trickle vents in these circumstances will not normally be acceptable.

If the only element of an application requiring noise impact information is an extraction system or condenser unit then as long as the manufacturer's details include the 'sound power level' this may suffice initially, however a full noise assessment could still be required once the application has been reviewed.

If a full noise impact assessment is required and cannot be carried out at the site then it should be carried out at a similar site elsewhere

## **Why is this required?**

Noise Policy Statement for England, March 2010.

National Planning Policy Framework (particularly Paragraph 180)

Calculation of Road Traffic Noise, 1988.

Calculation of Railway Noise, 1995.

World Health Organisation Guidelines for Community Noise.

World Health Organisation Night Noise Guidelines for Europe.

National Noise Actions Plans.

Environmental Protection Act 1990.

Clean Neighbourhoods Act 2005.

Licensing Act 2003.

Noise Act 1996.

## **Further Advice**

Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with East Staffordshire Borough Council's Environmental Health Team on 01283 508578 or by email at [ehsupport@eaststaffsbc.gov.uk](mailto:ehsupport@eaststaffsbc.gov.uk) at an early stage in the design and planning process to establish whether a Noise and Vibration Appraisal is required to be submitted alongside the planning application.

Guidance, procedures, recommendations and information to assist in the completion of a suitable noise and/or vibration survey and assessment may be found in the policies and guidance set out below.

[World Health Organisation Guidelines for Community Noise.](#)

[World Health Organisation Night Noise Guidelines for Europe.](#)

[Explanatory Note to Noise Policy Statement for England](#)

British Standards BS4142, BS8233, BS7445.

[Dft Circular 02/2013](#) – see Paragraphs 45 to 48 and Annex A:A1

[National Planning Practice Guidance](#)

[ProPG: Planning & Noise – New Residential Developments](#)

[IOA Good Practice Guide on Wind Turbine Noise – May 2013 and associated Supplementary Guidance Note](#)

[Overarching National Policy Statement for Energy \(EN-1\)](#)

[National Policy Statement for Renewable Energy Infrastructure \(EN-1 Section 5.11 and EN-3 paragraph 2.7.52 to 2.7.62 and footnotes 32 to 34\).](#)

## **Lighting Assessment**

### **When is it required?**

All applications specifically for external lighting

### **What is this?**

Details of the lighting scheme including an assessment that will cover matters such as light spillage, including from outside the site boundary if appropriate, hours of illumination, light levels, column heights, specification and colour of fittings and fixings; and means of shielding from the highway and neighbouring properties.

### **Why is this required?**

National Planning Policy Framework (Paragraph 180)

East Staffordshire Local Plan Policies SP24 and DP10



## **Statement of Agricultural Need**

### **When is it required?**

All new agricultural development requiring planning permission

### **What is this?**

An application should be accompanied by a statement demonstrating the need for the development. The statement should include the following information:-

- Size of agricultural holding;
- Details of any additional rented land (including duration/details of the rental agreement);
- Details of other buildings used as part of the holding, 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);
- Precise details of the proposed use of the development, including details of the floor area of buildings;
- Details of the number of animals kept at the site (where relevant);
- Details of those employed on the holding, and whether this is on a full or part time basis and their only source of income.

[Statement of Agricultural Need Standard Form available to download](#)

### **Why is this required?**

NPPF

Local Plan policies SP8

## **Structural Survey**

### **When is it required?**

Applications where conversion of buildings is proposed (on a case by case basis).

Applications where the demolition of a listed building or structure is proposed.

Applications where felling of a protected tree is proposed due to impact on adjoining buildings or structures.

### **What is this?**

The survey should be carried out by a qualified structural surveyor and include full details of the structural integrity of all elements of the building to be converted and outline any repairs or demolition works necessary to facilitate the conversion.

Surveys supporting proposals to fell a protected tree should provide evidence of how the tree has affected the nearby structure and what remedial action has been considered in concluding that the tree should be removed.

### **Why is this required?**

National Planning Policy Framework

Supplementary Planning Document – Re-use of Redundant Buildings 2010

TPO Regulations and Best Practice Guide

BS 5837: Trees in relation to construction

### **Further Advice**

Further details can be found in the Supplementary Planning Document – Re-use of Redundant Buildings - click the following link:-

[Link to Rural Buildings SPD](#)

## **Tree Survey/Assessment and Method Statement**

### **When is it required?**

All applications relating to works to protected trees

All applications where development will affect existing trees on and within the vicinity of the site

### **What is this?**

A detailed description of the proposed works e.g. crown thinning, reduction, lifting, and felling, and the reasons for it. Where pruning works are proposed precise detail of the extent of work should be submitted e.g. 30% crown thinning or raise crown by 1 metre. Vague terms such as lopping/pruning are not acceptable.

Where felling is proposed the assessment must identify the physical condition of the tree and any other supporting information justifying the removal of the tree e.g. structural survey where damage to a building or structure is alleged, and written arboricultural advice relating to the health or safety of the tree(s).

Digital photographs of the existing tree(s) should be provided which should be annotated to show the proposed works.

A Tree survey and plan as specified in BS.5837:2012

Information on:

1. Which trees are to be retained (including any necessary works to accommodate the development e.g. crown reduction, need for raft foundations) and which are to be removed;
2. Means of protecting retained trees during construction works.
3. Assessment of trees' suitability to provide habitat for protected species

The Method Statement should provide details of the protection of trees within a development site during construction.

The information at 1 and 2 should be prepared by a suitably qualified and experienced Arboriculturalist.

The information at 3 should be prepared by a suitably qualified and experienced ecologist or by reference to the following document in respect of bats: [Bat Surveys Good Practice Guidelines](#).

## **Why is this required?**

The Town and Country Planning Act 1990 (as amended)

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

### **[National Planning Practice Guidance](#)**

National Planning Policy Framework (Particularly Section 15)

The Town and Country Planning (Tree Preservation) (England) Regulations 2012

National Planning Policy Framework (particularly Section 11) and Local Plan Policy DP8

## **Further Advice**

Anyone carrying out work to a tree should ensure they do not contravene laws protecting wildlife.

[BS 5837: Trees in relation to construction](#)

[Natural England Standing Advice on Protected Species](#)

## **Town Centre Uses**

### **Retail Impact Assessment**

#### **When is it required?**

An Assessment addressing the impacts in Paragraph 89 of the NPPF is required for all planning applications for retail and leisure developments over the following thresholds:

- Burton – 1,500 sq.m gross of more of convenience retail floorspace, or 750 sq.m gross or more of comparison retail floorspace
- Uttoxeter – 750 sq.m or more of convenience retail floorspace, or 500 sq.m gross of more of comparison retail floorspace

An impact assessment will also be required for applications in an existing centre, not in accordance with the development plan which would substantially increase the attraction of a centre to the detriment of other centres

#### **What is this?**

Impact Assessments should assess, in summary, the following:-

1. The impact on existing investment within centres;
2. The impact on the vitality and viability of town centres;
3. The impact on allocated sites outside town centres;
4. The impact of the proposal in-centre trade/turnover and trade in the wider area;
5. Current and future consumer expenditure capacity in the catchment area;
6. Whether the proposal is of an appropriate scale and what effects it may have on locally important impacts.

#### **Why is this required?**

National Planning Policy Framework (Paragraphs 86 - 90)

East Staffordshire Local Plan policy SP21 Managing Town and Local Centres

A sequential assessment (Paragraph 86 of the NPPF) is required for main town centre uses<sup>4</sup> that are not in an existing centre and are not in accordance with an up to-date development plan.

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

## **Sequential Test**

### **When is it required?**

When applications are proposed main town centre uses outside of town centres

### **What is this?**

A Sequential Assessment should look at whether there are any sequentially preferable sites that exist and demonstrate why such sites are not practical in terms of their availability, suitability and viability.

### **Why is this required?**

National Planning Policy Framework (Paragraphs 86 - 90)

East Staffordshire Local Plan policy SP21 Managing Town and Local Centres

A sequential assessment (Paragraph 86 of the NPPF) is required for main town centre uses<sup>5</sup> that are not in an existing centre and are not in accordance with an up to-date development plan.

### **Further Advice**

#### **[National Planning Practice Guidance](#)**

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

## **Loss of Retail and Community Facilities – Marketing Evidence**

### **When is it required?**

For those applications involving either of the following:

- The loss of A1 units in town centres
- The loss of a unit used for community use regardless of location

### **What is this?**

A statement how the unit has been marketed over a 6 month period and results of that marketing and details of the viability of the current use.

### **Why is this required?**

National Planning Policy Framework (Paragraphs 86 - 90)

East Staffordshire Local Plan policy SP21 Managing Town and Local Centres

### **Further Advice**

[National Planning Practice Guidance](#)



## **Sustainable Drainage (SuDS) Details**

### **What are SuDS?**

SuDS are an approach to managing surface water (rainfall runoff) which mimic the natural processes of attenuation, infiltration and evapotranspiration. SuDS comprise a sequence of management practices, control structures and strategies which are designed to drain surface water efficiently and sustainably, whilst also minimising pollution and managing the impact on the water quality of local water bodies.

Section 10 of the National Planning Policy Framework (the NPPF) sets out the expectation that Local Planning Authorities (LPAs), as part of their function of determining planning applications, should avoid flood risk to people and property and should manage any residual risk. The expectation is clear that SuDS must be provided in new developments and that approval for all SuDS for major developments must be granted through the planning system.

### **When are SuDS Details required?**

They are required for all major applications involving the construction of new dwellings, commercial or industrial properties, or where the permeable area of a major development will be significantly decreased.

For outline 'major development' planning applications, the LLFA will expect as a minimum that the application is accompanied by a conceptual SuDS scheme which shows the general layout and scale.

If certain matters that affect surface water drainage are not reserved at outline stage, full details for the SuDS scheme may be requested earlier. For example, approval for the layout and scale of the SuDS scheme may be requested earlier.

For Full or Reserved Matters 'major development' planning applications, the LLFA will expect the application to be accompanied by more comprehensive information to demonstrate that the detailed configuration and performance of the SuDS accords with the relevant Local and National Standards.

### **What details are required?**

Sufficient details of the SuDS proposals should be submitted with the planning application to the Local Planning Authority. Once the planning application has been received, the Local Planning Authority will consult the LLFA as required.

Staffordshire County Council as the Lead Local Flood Authority is now a Statutory Consultee on sustainable drainage.

Staffordshire County Council Flood Risk Management website includes a [SuDS Handbook](#) which offers further guidance on SuDS requirements and the information required to be submitted as part of a Drainage Strategy, at all stages of the application process.

Appendix A of the SuDS handbook contains a Surface Water Drainage Proforma, a checklist detailing the surface water drainage information required at various stages of the application.

**The LLFA strongly recommends the developer to complete the proforma and submit as part of their application to facilitate a more efficient review and potentially sooner recommendation.**

For major developments over 1 hectare, the developer should submit a Flood Risk Assessment and Drainage Strategy.

For major developments for residential use under 1 hectare, the developer should submit a Drainage Strategy and may be expected to submit a Flood Risk Assessment if the site may be affected from other sources of flooding. Further details regarding whether a FRA should be submitted can be found at the following address:

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-you-need-an-assessment>

The size and scale of the scheme would determine the information required for an application however as a minimum, the detail should include the following:

- All details of surface water connections across the site including final outfall details whether to public sewer or to any other surface water body.
- SuDS water quality management train features across the site.
- Discharge rates and attenuation volumes.
- Maintenance Arrangements.

For major developments, applicants are advised to consider the advice produced by [Staffordshire County Council](#) (the Lead Local Flood Authority) at an early stage in the design process.

Further information can be found at the following links:

[SuDS Handbook](#)

[DEFRA Non-Statutory Technical Standards for sustainable Drainage Systems](#)

[National Planning Policy Framework](#)

[EU Water Framework Directive](#)

[Humber River Basin Management Plan](#)

[East Staffordshire Local Plan policy SP27](#)

[Flood and Water Management Act \(2010\)](#)

[Sustainable Drainage Systems: Written Ministerial Statement, 18<sup>th</sup> December 2014](#)

## Landscaping Schemes/Landscape and Visual Impact Assessment

### **When is it required?**

- Major applications: 10+ houses and creation of 1,000m<sup>2</sup> floor area which include any external space.

In addition, for those schemes within the national forest area the items listed below are also required. **What is this?**

Development proposals will be required to be supported by a landscape strategy which should indicate:

- Extent and type of existing and proposed planting areas (including details of National Forest planting where appropriate);
- Extent and type of hard-surfacing;
- Location and type of boundary treatment;
- Earthworks and ground level changes;
- Measures for ongoing protection and maintenance of landscaping;
- Integration with proposals for ecological enhancement.

### **Why is this required?**

National Planning Policy Framework (particularly Section 12)

East Staffordshire Local Plan Policies SP1, SP7, SP23, SP24, SP25, SP26, DP1, DP3 East Staffordshire Design Guide

Staffordshire County Council Landscape Character Assessment

For strategic major developments, applicants are advised to seek specialist expertise at an early stage in the design process.

Where National Forest planting cannot be provided entirely on the site a financial contribution through a planning obligation will be expected.

[National Forest Guide for Developers and Planners](#)

### **Housing**

Sites over 0.5 ha: 20% of National Forest planting on site

Sites over 10ha and Sustainable Urban Extensions: 30% of the development area to be woodland planting and landscaping

### **Industrial**

Sites over 1 ha: 20% of National Forest planting on site

Sites over 10ha and Sustainable Urban Extensions: 30% of the development area to be woodland planting and landscaping

### **Further Advice**

[East Staffordshire Design Guide](#)

[East Staffordshire Tree Planting Guidance](#)

[Historic England Landscape Advice](#)

[National Landscape Character Areas](#)

[Staffordshire County Council Landscape Character Assessment](#)

### **Landscaping and Visual Impact Assessment**

- A Landscaping and Visual Impact Assessment may be required on relatively flat landscape areas to provide long range impact of the development. Consideration should include views from receptors and effects on night skies.

## **Open Space Assessment**

### **When is it required?**

All applications for 10 or more dwellings or for proposals affecting an existing area of public open space

### **What is this?**

Developments are required to provide open space, or make a contribution to open space in the area (as governed by the adopted Supplementary Planning Document on Open Space).

Where open space facilities are proposed to be provided on-site or in-kind they must be defined in the application and the following details provided in a statement to accompany the planning application:

- How the facility will be initially installed and subsequently maintained to the submitted specification for at least 10 years;
- A maintenance specification for the works;
- How it will meet all other requirements within the Open Space SPD.

Where a development proposal will result in the loss of existing open space an assessment demonstrating that the existing open space provision is surplus to requirements should be submitted.

### **Why is this required?**

National Planning Policy Framework (particularly Paragraphs 96 – 101)

Supplementary Planning Document Open Space

East Staffordshire Local Plan Policy SP32

### **Further Advice and Guidance**

Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, a financial contribution through a Planning Obligation will be expected.

[Link to Open Space SPD](#)

[National Planning Practice Guidance](#)

[Sport England Guidance](#)

## **Planning and Sustainability Statement**

### **When is it required?**

All major applications, and major change of use applications

### **What is this?**

The statement should identify the context and need for a proposed development and should include an assessment of how the proposed development accords with relevant national and local planning policies. For example, it should show how the development complies with and supports the following:

- Key requirements of national policy guidance;
- General principles/fundamental aims of the Development Plan.
- Policies set out in 'Made' Neighbourhood Plans<sup>6</sup>
- M4(2) building regulations
- Affordable Housing requirements
- Health Impact Assessment detailing how healthy lifestyles and social interaction will be achieved once the scheme is completed. This should include consideration of Healthy Housing, Active travel, Healthy environment and Vibrant Neighbourhoods
- Whether the applicant has carried out any pre-application consultation and outcome of such consultation
- Utilities

It should also include details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission, alternatively, a separate statement of community involvement may be appropriate. Statement should set out how the applicant has complied with the requirements for pre-application consultation set out in the Local Planning Authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

### **Why is this required?**

National Planning Policy Framework

---

<sup>6</sup> At March 2019 there were 15 'Made Neighbourhood Plans': Anslow, Horninglow and Eton, Branston, Outwoods, Yoxall, Tatenhill & Rangemore, Stretton, Anglesey, Newborough, Stapenhill, Shobnall, Marchington, Denstone, Winshill and Uttoxeter

East Staffordshire Borough Council Statement of Community Involvement 2013

East Staffordshire Local Plan

Made Neighbourhood Plans

Building Regulations (2010) Part M Guidance Note



## Transport Assessments Statements and Travel Plans

### **When is it required?**

All developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.

The Local Planning Authority will make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (ie significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).

### **What is this?**

Transport Assessments and Statements are ways of assessing the potential transport impacts of developments and they may propose mitigation measures to promote sustainable development.

Transport Assessments are thorough assessments of the transport implications of development, and Transport Statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (ie in the case of developments with anticipated limited transport impacts).

A travel plan should outline the way in which the transport implications of the development are going to be managed in order to ensure the minimum environmental, social and economic impacts.

Where the transport impacts of development are not significant, it may be that no Transport Assessment or Statement is required. The Local Planning Authority, County Highways Authority and Developer should agree what evaluation is needed in each instance.

Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be "severe". In general, assessments should be based on normal traffic flow and usage conditions (eg non-school holiday periods, typical weather conditions) but it may be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours).

## **Why is this required?**

National Planning Policy Framework (Paragraph 111)

Manual for Streets.

East Staffordshire Local Plan Policy SP1, SP35

Circular 02/2007: Planning and the Strategic Road Network.

Dft Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development

## **Further Advice**

Guidance on the contents and thresholds for Transport Assessments and Traffic Statements are available in Appendix B of the [DFT guidance](#):

Applicants are advised to seek specialist expertise and to discuss their proposals with Staffordshire County Council's Highway Authority on 01785 276640 at an early stage in the design process.

If any proposals have an impact on the strategic road network you should engage with the Highways England at an early stage (0121 678 8284).

Guidance on Transport Assessments and Traffic Statements is available in the links below:-

[Guidelines for Transport Assessments and Travel Plans](#)

[Dft Circular 02/2013](#) – See Paragraphs 21 to 27 and 31 to 36.

[National Planning Practice Guidance](#)

## **Advertisement applications**

1. Existing and proposed elevations to a scale of 1:50 or 1:100.
2. A drawing to a scale of 1:50 or 1:100 showing the advertisement size, siting, materials and colours to be used.
3. Height above ground of the advert.
4. Extent of projection and details of method and colours of illumination (if applicable).

## **Prior Approval Applications**

### **What is prior approval?**

Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.

### **What types of development require prior approval?**

Prior approval is required for some change of use [permitted development rights](#). Certain other types of permitted development including the erection of new agricultural buildings, demolition and the installation of telecommunications equipment also require prior approval. The matters which must be considered by the local planning authority in each type of development are set out in the relevant Parts of Schedule 2 to the General Permitted Development Order.

### **Is a prior approval application like a planning application?**

The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion on what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.

### **What kind of information will the developer have to supply in connection with a prior approval application?**

This will vary on the particular circumstances of the case, and developers may wish to discuss this with the local planning authority before submitting their application. Local planning authorities may wish to consider issuing guidance, taking into account local circumstances and advice provided by the relevant statutory consultees. For example, this could set out whether a [flood risk assessment](#) is likely to be [required](#).

## **Non Material Amendments**

Government guidance on 'non-material amendments' does not define what changes may be treated as 'non-material'. It is the responsibility of each local planning authority to determine the definition on 'non-material'.

A judgement on "materiality" in any particular case, is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.

There cannot be a set of prescriptive rules to what is or is not "material", as each case is different and considered on its individual merit. This is a matter for the local planning authority to decide. The following protocol has been devised to clarify the process for determination as well as setting out the procedure involved.

Section 96A of the Town and Country Planning Act 1990 states that "in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted."

As a general guide, the Borough Council will normally consider the following proposed works as 'non-material amendments':

- The resulting scheme is reduced in size in any dimension, and this does not compromise the overall design and appearance, particularly in conservation areas.
- There is a reduction in the number and size or location of any openings, and this does not compromise the overall design and appearance, particularly in conservation areas.
- There is no material impact on any neighbours or other statutory and non-statutory bodies, and the resulting scheme remains within the description of development on the decision notice, the fee paid and is within the adopted policies of the council.

Where any of the following examples apply, the Borough Council will not normally consider proposed works as 'non-material amendments':

- The resulting scheme would alter the nature or description of the development.
- The resulting scheme is increased in size (by volume and/or height) to the extent where this would have a material impact on the design, external appearance and/or local amenity.

- There is an increase in the number of any openings, or a noticeable increase in size and/or location of openings (doors and windows), which would affect the external appearance of the proposal or result in loss of privacy or amenity to neighbours.
- The resulting scheme would have a poorer design by reason of loss of detail or lower quality materials that would impact on visual amenity.
- The amendment would result in the scheme becoming contrary to the adopted policies of the council.
- The resulting scheme would conflict with any existing planning conditions.

If you are unsure whether your amendments fall under the non-material criteria please contact the Planner who dealt with the original application for guidance.