

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- **1st October 2010**

Agenda Item No:-

Public	Operational	Delegated: No
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Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No

Title:- **Proposed Changes To The National And Local Lists That Identify The Information Required To Accompany Planning Applications.**

Report of:- **Assistant Director (Economic Development)**

Report reference:- **ED.30/10**

Summary:-

This Report highlights proposed changes to the national and local lists, which identify the supporting information that is required to accompany the various different types of planning applications.

Recommendation:-

That Members note the contents of the report.

Assistant Director (Economic Development)

Contact Officer: Sam Greig

Ext: 7176

**To the Chairman and Members of the
Development Control Committee**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1.0 Background

- 1.1 Members may be aware that since April 2008 there has been a standardised national planning application form known as “1APP”. In total there were originally 26 different types of application forms catering for a range of application types [this has since been increased to 28]. At the same time as introducing 1APP, the Government also instructed local authorities to produce a list of documents that applicants are required to provide alongside the new application forms. These became known as the “national” and “local requirements”. Some longstanding Members may recall that in December 2007 the Development Control Committee was informed of the prospective content of these lists.

2.0 Proposed Changes To The National And Local Lists.

- 2.1 In March of this year the Government announced forthcoming changes to the national lists. For example, from 6 April 2010, the range of development that is exempt from the requirement for a design and access statement has been expanded. The Government also announced that Local Authorities should specify the driver for each item on their existing local list of information requirements. These drivers should be statutory requirements, national, the [then] regional or local plan policies or published guidance that explains how adopted policy should be implemented.
- 2.2 It is, thus, now necessary for the Council to amend its national and local lists to take account of the above changes. In so doing, it is proposed to make modifications to improve the layout of the existing lists to make them more user-friendly. A copy of the recommended national and local lists that would accompany a “Full” planning application has been appended to this report. The list required to accompany the various other planning applications forms would derive from the appended documents.
- 2.3 The Government has advised that where changes to the Council’s existing lists are proposed it is necessary to consult the local community, including applicants and agents. It is recommended that the consultation period should last no less than eight weeks and that any modification to the lists should be completed by the end of

December 2010. To adhere to these timeframes Officers have begun the consultation period in respect of the prospective changes. A further Report will be presented at the Development Control Committee meeting in December to inform Members of any consultation responses received and, where appropriate, any recommended modifications to the layout and content of the lists.

3.0 Recommendation

- 3.1 That Members note the contents of the report.

NATIONAL AND LOCAL CHECKLIST GUIDANCE FOR APPLICATIONS FOR FULL PLANNING PERMISSION

All applications must be accompanied by 1 original + 3 copies unless submitted electronically = 4 in total

All submitted plans must incorporate a drawing number and title (revised plans submitted must include suffixes)

A National Requirements

1. Application Form

When Required? In all cases.

What is Required? The completed application form signed and dated including a clear and concise description of the proposed development. One certificate of ownership and one agricultural holding certificate must be signed and dated. A signature is not required on electronic submissions.

Certificates

Certificate A

If you are the sole owner of all the land relating to the application sign and date Certificate A. (If the foundations of the proposal encroach onto and/or the gutters overhang your neighbours land this Certificate should not be used and Certificate B should be completed instead).

Certificate B

Complete when the applicant does not own the entire site and the owner of the part of the site is known.

Certificate C and D

Complete when not all or any of the owners of the site are known.

Agricultural Holdings Certificate

Certificate A

If none of the land to which the application relates is, or is part of, an agricultural building then you sign Certificate A.

Certificate B

If the land is part of an agricultural holding then sign Certificate B.

2. Site Location Plan

When Required? In all cases.

What is Required? This is to enable us to identify the property and fulfil our legal obligation to notify neighbouring properties of the development. The site location plan (ordnance survey based) typically at a scale of 1:1250 or 1:2500 but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. Plans should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear. The application site must be edged clearly with a red line (the red line should include all land necessary to carry out the proposed development, for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line must be drawn around any other land owned by the applicant. We will accept any location plans downloaded from Planning Portal www.planningportal.gov.uk as long as it meets the above criteria and plans can also be obtained from Carlisle Library.

3. Block Plan

When Required? In all cases.

What is Required? The block plan must be drawn at an identified standard metric scale (preferably at 1:200 or 1:500) and must accurately show:

- The direction of North
- The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries

The following must also be provided, unless these would NOT influence or be affected by the proposed development:

- All the buildings, roads and footpaths on land adjoining the site including access arrangements
- The position of all trees on the site, and those on adjacent land
- The extent and type of any hard surfacing
- Boundary treatment including walls or fencing where proposed
- The number of existing and proposed car parking spaces
- All public rights of way crossing or adjoining the site

4. Existing and Proposed Elevations

When Required? For all elevations to be visually altered.

What is Required? These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials together with the style, materials and finish of windows and doors.

5. Existing and Proposed Floor Plans

When Required? For each floor if the proposed development directly links to that floor, and for roof extensions a plan of the existing floor below will be required.

What is Required? These should be drawn at a scale of 1:50 or 1:100, and show clearly the proposed works in relation to what is already there. All rooms must be clearly annotated for both existing and proposed floor plans.

6. Existing and Proposed Site Levels and Section Drawings

When Required? In all cases where a proposal involves a change in ground level(s).

What is Required? Plans drawn at a scale of 1:50 or 1:100 showing a cross section(s) through the proposed building(s). On sloping sites, full information is required concerning alterations to levels, the way in which a proposal sits within the site and, in particular, the relative levels between existing and proposed buildings. The drawings may take the form of contours, spot levels, or be cross or long sections as appropriate.

7. Design and Access Statement

When Required? See Design and Access Statement (Table 1).

What is Required? See Design and Access Statement Guidance Notes.

B Local Requirements

8. Supporting Planning Statement

When Required? All major new development.

What is Required? A Planning Statement containing information to demonstrate that the development proposals either satisfy national, regional and local planning policies and/or that there are material planning considerations which should be taken into account by the Council in reaching a decision.

Why is it Required? To demonstrate compliance with national, regional and local planning policies.

9. Transport Statement/Assessment

When Required? See criteria and thresholds in Table 4.

What is Required? See Table 4.

Why is it Required? In compliance with Policy DP1 of the Carlisle District Local Plan 2001-2016.

10. Retail Assessment

When Required? As defined by Planning Policy Statement 4: “Planning For Sustainable Economic Growth”.

What is Required? As detailed within Planning Policy Statement 4: “Planning For Sustainable Economic Growth”.

Why is it Required? In compliance with Planning Policy Statement 4: “Planning For Sustainable Economic Growth” and Policies EC4 and EC5 of the Carlisle District Local Plan.

11. Environmental Impact Assessment

When Required? As defined by The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No. 293).

What is Required? As detailed within The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No. 293). The developer is required to prepare an Environmental Statement (required for Schedule 1 projects and for some Schedule 2 projects) to enable Carlisle City Council to give proper consideration to the likely environmental effects of a proposed development. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the developer to describe the likely

significant effects of a development on the environment and to set out the proposed mitigation measures.

Why is it Required? In compliance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

12. Flood Risk Assessment

When Required? Proposals of 1ha or greater in Flood Zone 1, all proposals for new development in Flood Zones 2, 3 and other areas of known localised flooding.

What is Required? A Flood Risk Assessment in accordance with Annex E of Planning Policy Statement 25.

Why it is Required? In compliance with Planning Policy Statement 25 “Development and Flood Risk” and Policies LE26, LE27 and LE28 of the Carlisle District Local Plan 2001-2016.

13. Assessment for the Treatment of Foul Sewage

When Required? In the event that either an existing or proposed non-mains system is to be used.

What is Required? In the event that a non-mains system is proposed a drainage specialist or surveyor with appropriate indemnity insurance should carry out an assessment (with reference to Circular 3/99). The submission of the assessment of the non-mains system is required in all cases prior to the validation of the application. Further advice can be obtained from the Council’s Building Control Section.

Why it is Required? In compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

14. Renewable Energy Statement

When Required? All major new development.

What is Required? The statement should show the predicted energy demands of the proposed development and the degree to which the development meets current energy efficient standards.

Why is it Required? In compliance with Policy CP9 of the Carlisle District Local Plan 2001-2016.

15. Housing Need Statement

When Required? Where Local Plan policies require the provision of affordable housing.

What is Required? A statement relating to both the affordable housing and any market housing e.g. the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. For further advice, contact the Carlisle Council's Housing Section.

Why is it Required? In compliance with Policies H5 of the Carlisle District Local Plan 2001-2016.

16. Nature Conservation and Ecological Assessment

When Required? Applications for development in the countryside that will affect sensitive areas.

What is Required? Applications must be accompanied by an ecological assessment and include proposals for long-term maintenance and management. This information might be incorporated into an Environmental Statement, if one is necessary. Plans should show any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, Conservation (Natural Habitats etc) Regulations 1994 or Protection of Badgers Act 1992. In the event that there are Bats or Owls present or potential for them to be present on the site, a detailed investigation and assessment is required. Details of the extent of the investigation can be obtained from English Nature.

Why it is Required? In compliance with Policies CP2 and CP5 of Carlisle District Local Plan 2001-2016.

17. Protected Species

When Required? See criteria and thresholds in Table 2.

What is Required? A survey and assessment by a person holding a relevant certification.

Why it is Required? In compliance with The Conservation (Natural Habitats, etc) Regulations 1994 and Policy CP2 of the Carlisle District Local Plan 2001-2016.

18. Arboricultural Survey/Assessment

When Required? If there are trees or hedges on the proposed development site and/or on land adjacent to the development site that could influence the development or might be important as part of the local landscape character.

What is Required? An Arboricultural Method Statement and a Tree Protection Plan in accordance with BS5837:2005 must be submitted for the ground based works within the root protection area of a significant tree, together with an Impact Assessment of the proposals. The Root Protection Area and Construction Exclusion Zone must be plotted on a plan and submitted along with the details of the barriers proposed in accordance with BS5837:2005.

Why it is Required? In compliance with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

19. Landscaping Plan

When Required? All major new development.

What is Required? An indicative landscaping plan to show how and where landscaping will be accommodated within the development proposal.

Why is it Required? In compliance with Policy CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

20. Contaminated Land Statement

When Required? Any proposals on brownfield land or involving the provision of residential units.

What is Required? See Contamination Guidance Note in Table 3.

Why is it Required? In compliance with Policies LE29, LE30 and LE31 of the Carlisle District Local Plan 2001-2016.

21. Noise Impact Assessment

When Required? Application proposals that raise issues of disturbance or are considered to be a noise sensitive development.

What is Required? A Noise Impact Assessment prepared by a suitably qualified acoustician. Advice on preparing the assessment can be obtained from the Council's Environmental Health Department.

Why it is Required? In compliance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

22. Air Quality Assessment

When Required? Where the development is proposed inside, or adjacent to an air quality management area (AQMA), or where the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of a local authority's air quality action plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area.

What is Required? Any report should be detailed enough to enable the planning authority to determine, with a reasonable degree of certainty, the significance of any air quality impacts, and thereby the priority to be given to air quality concerns when deciding an application. The scope of an air quality assessment will depend on the nature of the proposed development and the likely impact.

Why is it Required? In compliance with Planning Policy Statement 23: "Planning and Pollution Control" and Policy CP13 of the Carlisle District Local Plan 2001-2016.

23. Statement of Architectural, Historic or Archaeological Interest

When Required? The conversion of buildings to provide residential accommodation in locations where permission for new build residential development would not be granted.

What is Required? A statement of structure's architectural, historic or archaeological significance and contribution to the local environment.

Why is it Required? In compliance with Policy H8 of the Carlisle District Local Plan 2001-2016.

24. Structural Survey/Method Statement

When Required? Proposals involving the demolition or conversion of structures of historical architectural or archaeological significance.

What is Required? A survey of the structural stability of the building carried out by a qualified structural engineer or other qualified person, together with a statement identifying the means of safeguarding the stability of the building during development.

Why it is Required? In compliance with Policies H8, LE12, LE13, LE14, LE15, LE16, LE17 and LE18 of the Carlisle District Local Plan 2001-2016.

25. Marketing and Viability Statements

When Required? Proposals for the re-development of buildings for uses not in general accordance with the objectives and policies of the Development Plan.

What is Required? Detailed statements providing results of a marketing exercise undertaken throughout a minimum period of 6 months prior to submission of application and viability of potential alternative economic or community purposes.

Why it is Required? In compliance with Policy H8 of Carlisle District Local Plan 2001-2016.

26. Archaeological Evaluation and Impact Statement

When Required? If an application affects a site of historical or archaeological importance.

What is Required? An assessment of existing information about the site and submit the results as part of the application in accordance with advice in Planning Policy Statement Note 5, paragraphs 3.16 to 3.19. Supporting information may include plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, and historic battlefields. For advice regarding the extent and content of the investigation/report please contact the County Archaeologist.

Why it is Required? In compliance with Policies H8, LE5, LE6, LE7, LE8, LE9, LE10 and LE11 of the Carlisle District Local Plan 2001-2016.

27. Agricultural Appraisal

When Required? Any proposal for a temporary or permanent agricultural or forestry worker's residential unit.

What is Required? A statement demonstrating compliance with Annex A of Planning Policy Statement 7 "Sustainable Development In Rural Areas".

Why is it Required? In compliance with PPS7 and Policy H7 of the Carlisle District Local Plan 2001-2016.

28. Public Right of Way Statement

When Required? Any proposal involving the diversion or closure of a public right of way.

What is Required? Statement to indicate what measures are proposed to protect the interests of users of any public right of way which crosses or is near to the site, both while the development is taking place and in the longer term.

Why it is Required? In compliance with Policy LC8 of the Carlisle District Local Plan 2001-2016.

29. ICNIRP Conformity Statement

When Required? All telecommunications proposals.

What is Required? Statement provided by telecommunications provider to confirm that their proposed development would conform to current public safety standards for radiation.

Why is it Required? In compliance with Planning Policy Guidance Note 8: "Telecommunications".

30. Mining Risk Assessment

When Required? Development relating to areas of potential risk from past mining.

What is Required? A Mining Risk Assessment prepared by a suitably qualified and competent person.

Why is it Required? In compliance with Planning Policy Guidance Note 14: "Development On Unstable Land".

Table 1

Design & Access Statements - When They Are Required

CATEGORY	D&A REQUIRED?
All types of Residential Development	YES
Non-Residential Development that is less than 100 square metres & NOT in a designated area	NO
Non-Residential Development that is less than 100 square metres & IN a designated area	YES
Non-Residential Development that is over 100 square metres NOT in a designated area	YES
Non-Residential Development that is over 100 square metres IN a designated area	YES
Erection of replacement wall, gate or fence as long as no higher than existing IN a designated area	YES
Erection of new wall, gate or fence as long as no higher than 2 metres IN a designated area	YES
Erection of replacement or new wall, gate or fence that is higher than existing or more than 2 metres in height IN a designated area	YES
Erection of replacement or new wall, gate or fence that is not higher than existing or less than 2 metres in height & NOT in a designated area	NO
Erection of wall, gate or fence that is higher than 2 metres and NOT in a designated area	YES
Operational Development IN a designated area	YES
Operational Development that is less than 100 cubic metres or no higher than 15 metres or its former height & is NOT in a designated area	NO
Operational Development that is more than 100 cubic metres or higher than 15 metres or its former height & is NOT in a designated area	YES

DESIGNATED AREAS are:

National Parks

Areas of Outstanding Natural Beauty (AONB)

World Heritage Sites

Conservation Areas

The Broads

Sites of Special Scientific Interest (SSSI)

APPENDIX B

Indicative thresholds for transport assessments

These thresholds are for guidance purposes and should not be read as absolutes. Local authorities may interpret them in light of their own circumstances. There are several qualitative factors that need to be taken into account and that are not captured by this document. There will also be site-specific issues that assessments will need to cover.

In some circumstances, a TA may be appropriate for a smaller development than suggested by the thresholds. In others, a TS may be appropriate for a larger development than suggested by the thresholds. Early pre-application discussions between a developer and the relevant authorities are strongly recommended. In these, it is important for highway authorities to combine the appropriate quantitative and qualitative thresholds in deciding the level of assessment that may be required.

Thresholds based on size or scale of land use						
	Land use	Use/description of development	Size	No assessment	TS	TA/TP
1	Food retail (A1)	Retail sale of food goods to the public – food superstores, supermarkets, convenience food stores.	GFA	<250 sq. m	>250 <800 sq. m	>800 sq. m
2	Non-food retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	GFA	<800 sq. m	>800 <1500 sq. m	>1500 sq. m
3	A2 Financial and professional services	Financial services – banks, building societies and bureaux de change, professional services (other than health or medical services) – estate agents and employment agencies, other services – betting shops, principally where services are provided to visiting members of the public.	GFA	<1000 sq. m	>1000 <2500 sq. m	>2500 sq. m
4	A3 Restaurants and cafés	Restaurants and cafés – use for the sale of food for consumption on the premises, excludes internet cafés (now A1).	GFA	<300 sq. m	>300 <2500 sq. m	>2500 sq. m
5	A4 Drinking establishments	Use as a public house, wine-bar or other drinking establishment.	GFA	<300 sq. m	>300 <600 sq. m	>600 sq. m
6	A5 Hot food takeaway	Use for the sale of hot food for consumption on or off the premises.	GFA	<250 sq. m	>250 <500 sq. m	>500 sq. m
7	B1 Business	(a) Offices other than in use within Class A2 (financial and professional services) (b) research and development – laboratories, studios (c) light industry	GFA	<1500 sq. m	>1500 <2500sq. m	>2,500 sq. m

Thresholds based on size or scale of land use (continued)						
	Land use	Use/description of development	Size	No assessment	TS	TA/TP
8	B2 General industrial	General industry (other than classified as in B1), The former 'special industrial' use classes, B3 – B7, are now all encompassed in the B2 use class.	GFA	<2500 sq. m	>2500 <4000 sq. m	>4000 sq. m
9	B8 Storage or distribution	Storage or distribution centres – wholesale warehouses, distribution centres and repositories.	GFA	<3000 sq. m	>3000 <5000 sq. m	>5000 sq. m
10	C1 Hotels	Hotels, boarding houses and guest houses, development falls within this class if 'no significant element of care is provided'.	Bedroom	<75 bedrooms	>75 <100 bedrooms	>100 bedrooms
11	C2 Residential institutions - hospitals, nursing homes	Used for the provision of residential accommodation and care to people in need of care.	Beds	<30 beds	>30 <50 beds	>50 beds
12	C2 Residential institutions – residential education	Boarding schools and training centres.	Student	<50 students	>50 <150 students	>150 students
13	C2 Residential institutions – institutional hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	Resident	<250 residents	>250 <400 residents	>400 residents
14	C3 Dwelling houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	Dwelling unit	<50 units	>50 <80 units	>80 units
15	D1 Non-residential Institutions	Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant's or doctor's house), museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	<500 sq. m	>500 <1000 sq. m	>1000 sq. m
16	D2 Assembly and leisure	Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.	GFA	<500 sq. m	>500 <1500 sq. m	>1500 sq. m
17	Others	For example: stadium, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, taxi businesses, car/vehicle hire businesses and the selling and displaying of motor vehicles, nightclubs, theatres, hostels, builders' yards, garden centres, POs, travel and ticket agencies, hairdressers, funeral directors, hire shops, dry cleaners.	TBD	Discuss with appropriate highway authority	Discuss with appropriate highway authority	Discuss with appropriate highway authority

Thresholds based on other considerations				
	Other considerations	TS	TA	TA/TP
1	Any development that is not in conformity with the adopted development plan.			✓
2	Any development generating 30 or more two-way vehicle movements in any hour.		✓	
3	Any development generating 100 or more two-way vehicle movements per day.		✓	
4	Any development proposing 100 or more parking spaces.		✓	
5	Any development that is likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people.			✓
6	Any development generating significant freight or HGV movements per day, or significant abnormal loads per year.		✓	
7	Any development proposed in a location where the local transport infrastructure is inadequate. – for example, substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions.		✓	
8	Any development proposed in a location within or adjacent to an Air Quality Management Area (AQMA).		✓	

Table 3

Local Requirement for Protected Species: Criteria & Indicative Thresholds (Trigger List) for when a Survey & Assessment is Required (From ALGE Pilot draft guidance June 2007) – Adapted for Cumbria

[illegible]

<ul style="list-style-type: none"> Trees with a girth greater than 1m at chest height 	●		●										
Proposals affecting gravel pits or quarries & natural cliff faces & rock outcrops with crevices, caves or swallets	●		●							●			
Major proposals within 500*m of a Pond or Minor proposals within 100*m of Pond (Note: A major proposal is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 100m2 floor area or more than 1 hectare)				●									
Proposals affecting or within 200*m of rivers, streams, canals, lakes or other aquatic habitats	●		●		●			●				●	●
Proposals affecting 'derelict' land (brownfield sites), allotments & railway land			●	●					●	●	●		
Proposed development affecting any buildings, structures, feature or locations where <u>protected species are known to be present</u> **	●	●	●	●	●	●	●	●	●	●	●	●	●
Other potential													

Bats

Barn Owls

Breeding Birds

Gt. Crested Newts

Otters

Dormouse

Red Squirrel

Water Vole

Badger

Reptiles

Amphibians

Plants

*Distances may be amended to suit local circumstance on the advice of the Local Natural England team and/or Local Biodiversity Partnership

**Confirmed as present because known to the owner or occupier, by either a data search (for instance via the local environmental records centre) or as notified to the developer by the local planning authority, and/or Natural England, the Environment Agency or other nature conservation organisation.

Exceptions for When a Full Species Survey and Assessment may not be Required

- a. Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.
- b. If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- c. If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however (i) demonstrate that there will be no significant affect on any protected species present and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above e.g. those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply.

Key Publications

- British Standards Institute, BS10175:2001 Investigation of potentially contaminated sites - Code of Practice, ISBN 0 580 33090 7
- Defra, 2006, Industrial Activities Which Have Used Materials Containing Radioactivity. Available from <http://www.defra.gov.uk>
- DoE, 1995, Industry Profiles 1 - 47 (Various titles). Available from <http://www.environment-agency.gov.uk>
- DoE, 1995, Prioritisation & Categorisation Procedure for Sites which may be Contaminated, CLR 6
- DoE, 1994, Guidance on Preliminary Site Inspection of Contaminated Land, CLR2 (2 volumes) Copies of DoE publications may be purchased from - Publications Sales Unit, Block 3, Spur 7 Government Buildings, Lime Grove, Ruislip, HA4 8
- Environment Agency/NHBC, 2000, Guidance for the Safe Development of Housing on Land affected by Contamination, R&D Publication 66 ISBN 0 11 310177 5. Available for purchase from The Stationery Office
- Environment Agency/ DEFRA, 2004, Model Procedures for the Management of Land Contamination, CLR 11, ISBN 1844322955. Available online at <http://www.environment-agency.gov.uk>
- Environment Agency/DEFRA, 2002, Priority Contaminants for the Assessment of Land, CLR 8, ISBN 1 857 05733 3. Available online at <http://www.environment-agency.gov.uk>
- Office of the Deputy Prime Minister, 2004, Planning Policy Statement 23, Annex 2, Development on Land Affected by Contamination, ISBN 0 11 753927 9. Available online at <http://www.odpm.gov.uk>

Useful Contacts

Allerdale: Environmental Health Unit, Tel: 01900 702580, Email: environmental.health@allerdale.gov.uk

Barrow: Environmental Health, Tel: 01229 876366, Email: envhealth@barrowbc.gov.uk

Carlisle: Environmental Quality, Tel: 01228 817329, Email: eps@carlisle.gov.uk

Copeland: Thomas Greer, Tel: 01946 598336, Email: thomasgreer@copelandbc.gov.uk

Eden: Cathy Reynolds, Environmental Protection, Tel: 01768 212333, Email: pollution@eden.gov.uk

South Lakeland: Environmental Protection, Tel: 0845 050 4434, Email: deh@southlakeland.gov.uk

Table 4



An Essential Guide for Developers



Local Authorities within Cumbria are receiving an increasing number of planning applications for developments on or adjacent to previously used land, often referred to as 'brownfield' sites. These sites have generally been affected by the presence of contamination due to past industrial or waste disposal processes.

Government guidance (Planning Policy Statement 23) advises that potential contamination is a material planning consideration. This means that where contamination is known or suspected the developer should provide sufficient information to enable the Local Authority to determine whether the proposed development can proceed.

The onus is on the developer to disclose all relevant information when submitting planning applications or complying with planning conditions.

Assessing the Risks

The investigation and risk assessment of contaminated land is divided into three stages:

Stage One – Desk Study, Site Walkover and Preliminary Risk Assessment

Stage Two – Intrusive Site Investigation and Detailed Risk Assessment

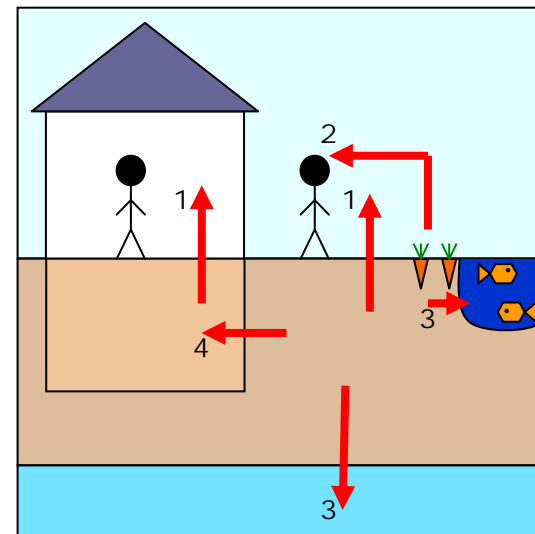
Stage Three – Remediation Strategy, Risk Management, Validation Report and Monitoring

Not all sites will require all three stages to be carried out. It is therefore imperative that the developer consults the Local Authority Development Control and Environmental Health at each stage.

This leaflet provides advice on the Stage One Assessment

Checklist: Stage One	✓
1.1 Aims and objectives of study	
1.2 Credentials of person or organisation undertaking the study	
1.3 Site location and current layout plans including NGR and service plans	
1.4 Appraisal of site and vicinity of development and land-use history: <ul style="list-style-type: none"> Review historical maps, trade directories, deeds and planning records 	
1.5 Walkover survey to include: <ul style="list-style-type: none"> Observations of actual site layout Condition of soil and vegetation Condition of structures Location and use of buildings Description of surface material e.g. concrete, tarmac, gravel Identification of likely areas of contamination Photographs of the site Consideration of design of future intrusive investigations Proximity to surface water, including culverts, surface waters and drains 	
1.6 Assessment of environmental setting, to include: <ul style="list-style-type: none"> Geology, hydrogeology and hydrology Information on coal workings and other mining or quarrying activity (if appropriate) Information from Environment Agency e.g. licensed abstractions, pollution incidents, water quality classification, landfill sites within 250m Information from Local Authority on former landfill sites, private water supplies, historic land-uses, pollution incidents etc within 250m Information on any ecological and archaeological features 	
1.7 Provide details of any previous site contamination studies (desk based or intrusive), remediation works and civil engineering assessments	
1.8 Preliminary (qualitative) assessment of risks, to include: <ul style="list-style-type: none"> An appraisal of potential contaminant sources, pathways and receptors (pollutant linkages) An initial 'conceptual site model' Health and safety issues 	
1.9 Recommendations for intrusive contamination investigation, if necessary, detailing rationale behind proposed design of investigation	

Example of a Conceptual Model



See below factors to include in model (this is not an exhaustive list).

- 1 Ingestion/inhalation of dust and vapours
- 2 Ingestion of food
- 3 Migration of contamination to surface water/groundwater
- 4 Migration of contamination to buildings

Things to Remember

- Early consultation with LA and EA will ensure that any site investigation takes into account the requirements of all interested parties.
- All plans must be appropriately scaled, to show site details and location, include a North point and clearly show the site boundary.
- Fulfilling the requirements within this leaflet will enable planning officers to make informed decisions on proposed developments.
- Reports should be prepared by appropriately qualified professionals
- Three copies of the report should be delivered to the Planning Department who will pass information on to the relevant consultees.
- The size and complexity of the site must be reflected in the level of investigation and subsequent report.
- Reports must include details of site ownership.
- Failure to submit the correct information may result in refusal or delays in your application.