

# Additional Information on South Derbyshire District Council Local Validation Requirements

The elements listed below set out the recommended scope of information required by the Council to validate an application (in addition to the requirements of the National List), including thresholds and criteria for the submission of particular types of application. The Council will continue to be able to request further information during the determination process and the application could still be deemed valid and then refused on the grounds of inadequate information, if the documentation submitted is subsequently found to be inadequate.

*Note:*

## **Major Applications**

*Include residential developments of 10 or more dwellings and office, retail and industrial developments involving 1000 square metres of floorspace, change of use of over 1,000 sqm or where site area is 1 hectare or over.*

## **Minor Applications**

*Include residential developments of less than 10 dwellings and office, retail and industrial developments up to 1000 square metres of floorspace or where site area is up to 1 hectare.*

## **Other Applications**

*Include householder developments, changes of use, listed buildings, works to trees, discharge of conditions, non-material amendments, prior notifications and applications to display advertisements.*

## **Biodiversity Net Gain (BNG)**

There is a national validation requirement from 12<sup>th</sup> February 2024 that all major developments are required to achieve a minimum 10% Biodiversity Net Gain, and from 2<sup>nd</sup> April 2024 the same is required for small sites (with exemptions, see <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> ). A Biodiversity Net Gain [metric](#) must be submitted and this should be in the form of both an Excel spreadsheet and in PDF form. A BNG metric is only valid if condition assessments are supplied with the excel spreadsheet and that metric does not contain any errors. Screenshots of the excel metric are not valid and a document outlining the process you have taken in regard to the completed metric helps aid its interpretation. Condition assessments surveys should take place at the appropriate time of year. A description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable), Should also be submitted. The requirements in respect of validation can be found here:

<https://www.gov.uk/guidance/biodiversity-net-gain#para11> Where you consider that the proposal is exempt you will need to make this clear within the submission. Should the exemption relate to the proposal being a self build a S106 Agreement will need to be completed and details of the provide details of Title to the land or Office Copy entries with contact details of a Solicitor dealing with the matter and a fee undertaking. This information will also be required if the applicant is relying on land outside the

application site to provide the mandatory net gain.

### **Biodiversity Survey / Protected Species Survey**

Policy BNE3 of the Local Plan Part 1 (2016) states that the local planning authority will support development which contributes to the protecting, enhancement and management of biodiversity and delivers biodiversity net gain. Applications should be supported by appropriate surveys to understand the likely impacts of the scheme and mitigation proposed/ Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures, information to support those proposals will be needed. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

### **Business case**

Policy E7 of the Local Plan Part 1 (2016) requires development proposals in rural areas to be supported by a sound business case which should include an overview of the intended purpose and operation of the development including evidence of need, initial and ongoing financial considerations and management and maintenance considerations.

### **Coal Mining Risk Assessment**

Where a development is located within a 'Development High Risk Area', Policy 21 of the Part 2 Local Plan (2019) requires that a Coal Mining Risk Assessment is submitted.

Further guidance on this and a list of exempted development can be found at: <https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

### **Critical Dimensions and a recognised metric scale**

All plans and drawings submitted are required to have critical dimensions and a recognised metric scale marked on them.

If plans are received without critical dimensions no further checks will be made until they are received. Critical dimensions include heights (including from ground level to eaves and to roof ridges and heights of any roof additions e.g. lanterns), width and length of all new buildings and extensions, and distances to site boundaries. These are necessary to ensure the plans are readable on our web site and to ensure that it is clear what you are applying for and what the Council is granting permission for.

## **Flood Risk Assessment**

A Flood Risk Assessment (FRA) will be required for planning applications for development proposals of 1 hectare or greater in Flood Zone 1, less than 1 hectare in Flood Zone 1 where development could be affected by sources of flooding other than rivers or in areas which have critical drainage problems and all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SuDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

The FRA should be prepared by an applicant in consultation with the Environment Agency.

Maps of flood zones are available using the government website:  
<https://flood-map-for-planning.service.gov.uk/>

The Flood Risk Assessment may need to consider a Sequential Test and Exception Test approach. Further advice on flood risk assessment can be found here:  
<https://www.gov.uk/planning-applications-assessing-flood-risk>

## **Heritage Statement (including Historical, Archaeological features and Scheduled Ancient Monuments)**

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. The following is a guide to the sort of information that may be required for different types of application:

For applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), and analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings will be required. A structural survey may be required in support of an application for listed building consent.

For applications either related to or impacting on the setting of heritage assets, a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building/structure, its setting and the setting of adjacent listed

buildings will be required.

For planning applications within a conservation area, an assessment of the impact of the development on the character and appearance of the area will be required.

### **Landscape**

A Landscape Character Assessment will be required for all major developments within, or affecting the setting of a local landscape character area, in accordance with policy BNE4 of the Local Plan Part 2 (2017).

The assessment should demonstrate that the development is consistent with the 'actions' for the area concerned and makes a positive contribution to its distinctiveness.

### **Land Contamination assessment**

'Major' applications proposing development on sites known to be contaminated, or which have been previously in use for industrial processes will need to be accompanied by a land contamination assessment.

On previously developed or other sites, surveys will need to be made to determine whether there are any issues of contamination arising from ground contamination and ground gas. Where contamination is identified, the proposed measures for remediation will need to be identified.

Investigations may require:

- Site Investigation
- Desk Top Study
- Detailed Invasive Investigation
- Remediation Strategy and Validation Report

The Council's Environmental Health officers may be able to offer guidance.

### **Noise impact assessment**

Application proposals that raise issues of disturbance or are considered to be a noise sensitive development in what are considered noise sensitive areas e.g. housing on major roads, should be supported by a noise impact assessment prepared by a suitably qualified acoustician.

The District Council's Environmental Health officers may also be able to offer further guidance.

### **Odour Risk Assessment**

For proposals that incorporate a commercial kitchen or sensitive development (e.g.

residential adjacent to an existing facility) an assessment of odour created or exposed to through such use and any proposed mitigation shall be undertaken in accordance with Control of Odour and Noise from Commercial Kitchen Exhaust Systems, EMAQ+, 2018 (or subsequent versions), Appendix 3.

### **Planning Statement**

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. Such statements would be beneficial for most applications, and are required for 'major' applications, although the content could be amalgamated with the Design & Access Statement.

For applications to remove or vary conditions, NMAs, certificates and prior notifications these statements are useful to set out the context, the relevant history, any changes proposed, evidence to substantiate claims and compliance with legislation.

### **Retail Impact Assessment of retail, leisure, office or food and drink development outside town centres**

Where an application proposes retail, leisure, office or food and drink development outside of town centres, Policy RTL1 of the Local Plan Part 1 requires an impact assessment if the development is over 1,000 sq.m. The NPPF provides some guidance on what should be included in such an assessment.

It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.

### **River Mease – Foul/Surface Water Mitigation Strategy**

A statement outlining the foul and surface water mitigation strategy in relation to the River Mease Special Area of Conservation (SAC). The strategy should demonstrate how the proposed development would achieve Nutrient Neutrality. Where the proposed development would create additional overnight stays (and therefore new foulwater emissions) within the catchment this would require calculation of a nutrient budget for the development (as per Natural England's Water Quality and Nutrient Neutrality Advice, 16 March 2022), using the latest River Mease Nutrient Calculator from Natural England. Where appropriate, bespoke mitigation measures must be put in place to achieve Nutrient Neutrality. For non-mains drainage solutions, information related to the siting and specification of the proposed tank, location to outfall including proximity to watercourses should be provided with specific reference to Annex F of the 16 March 2022 Natural England guidance. Proposals that would result in additional surface water runoff within the catchment may also need to be supported by a nutrient budget calculation. Where a soakaway is proposed the statement should include details of

the location and evidence of porosity/infiltration testing to confirm suitability of the ground.

### **Structural report**

A structural survey or report may be required in support of an application such as a proposed barn conversion or works to a listed building. The survey will need to be carried out by a qualified structural engineer and identify the condition of the building and any recommendations for remediation.

### **Transport Assessment**

The National Planning Policy Framework (paragraph 111) advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development has significant transport implications. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal e.g. how nearby junctions will cope with any additional traffic. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance may be obtained from the county council highways officers.

The National Planning Policy Framework also advises that a Travel Plan should be submitted alongside planning applications which are likely to generate significant amounts of movement. 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. The Travel Plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements for the plan e.g. a steering group and the development timetable.

### **Tree survey/Arboricultural implications**

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist.

The details should show the position, size, age, species, height and spread of the tree and an assessment of its condition and any appropriate remedial measures. Measures for protecting the tree during construction should also be detailed. Where remedial works are proposed.

## **Viability Appraisal**

An 'open book' appraisal of the economics of delivering the proposed development on the site concerned, using the latest available build costs as published by BCIS and property values relevant to the locale. Profit levels should be reflective of the level of risk associated with a site and the tenure mix proposed. The appraisal must be accompanied by an undertaking by the applicant to cover the Local Planning Authority's costs in engaging the district valuer.

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