
Report to: Executive Head of Place

Report of: Jacky Clark (Business Support Manager)

Date: 24/11/2022

Subject: Review of Local List of Information Requirements for Applications

Purpose of report: Report details the proposed changes to the current list of local information requirements following the public consultation exercise carried out between 20th September and 1st November 2022.

Recommendations:

1. That the revised list of local information requirements for planning applications is formally agreed under delegated powers

That the revised list is published on and comes into effect from 12th December 2022

1.0 Introduction

- 1.1 Local planning authorities (LPAs) are required to publish a list of their information requirements for applications which should be proportionate to the nature and scale of the development proposals **and reviewed on a frequent basis.**

The Development Management Procedure Order 2015 which came into force on 15th April 2015 specifically requires that any local information requirements which the LPA intends to rely on for validation purposes must have been published or republished within the 2-year period before the date of the application.

2.0 The Review

- 2.1 The existing local list was reviewed under consultation with colleagues within the Development Management and Planning Policy Teams.

Recommendations were made to change:

- Flood Risk
Revised text to clarify and explain the requirement and includes updated considerations for climate change and future flood risk.

- Nutrient Neutrality and Recreational Disturbance Mitigation
Formerly known as EU Checklist, the revised text clarifies the requirements for new residential dwellings and overnight accommodation.
 - Emsworth Neighbourhood Plan
The Emsworth Neighbourhood Plan is now adopted and part of the development plan. Relevant policies have been updated including Parking, Housing mix and the requirement for a Design Checklist to form part of a submitted Design and Access Statement for Emsworth applications (when a D&A is required nationally)
 - CIL
Clarifies the requirement for Annexes.
 - Parking
Clarifies the requirement for a parking plan for applications increasing bedroom numbers or losing existing parking space(s).
 - Plans
Clarifies the requirement for all plans to show a scale bar and page size.
- 2.2 A formal consultation process started on 20th September and ran for 6 weeks. Notification of the consultation on the Draft Local Requirements List was sent by email to all planning agents who had submitted applications to HBC within a 12-month period and publicised on Havant Borough Council's Local Requirements List web page. A reminder to respond to the consultation was made to agents attending a Planning Agents' Meeting on 28th October 2022.
- 2.3 Two responses were received and are summarised by category:
- Flood Risk
 - Request for updated flood maps availability and better signposting of how to find the information.
 - Concerns around the slow turnaround of pre-application advice where drainage strategy forms part of the proposal.
 - Concern that HBC are utilising this policy prior to and during the consultation period; unreasonable when agents have no access to future flood risk maps.
 - Nutrient Neutrality and Recreational Disturbance Mitigation
 - Concerns around problems using with the calculator
 - Emsworth Neighbourhood Plan
 - Request to show the ENP on the Interactive Policies Map so sites were more easily identifiable.

- CIL
 - No comment
- Parking
 - Clarification whether this was required in addition to a block plan
- Plans
 - Agreement except for CGI, photomontages or artists sketches

2.4 Consideration of the comments:

- Flood Risk
 - *Request for updated flood maps availability and better signposting of how to find the information.*
The PfSH Strategic Flood Risk Assessment is currently being updated and will be published once complete. New mapping will include surface water risk. In the meantime, the 'flood risk information for applicants' guidance document, linked at the end the flood risk section of the local list sets out where to access flood risk mapping.
 - *Concerns around the slow turnaround of pre-application advice where drainage strategy forms part of the proposal.*
We acknowledge that this can be frustrating. We have little influence over timescales when obtaining advice from an external consultee.
 - *Concern that HBC are utilising this policy prior to and during the consultation period; unreasonable when agents have no access to future flood risk maps.*
A change to the wording of the Local Requirements List is under consultation rather than the policy itself.
This is not a new policy. The approach to flood risk is in line with the National Planning Policy Framework and Planning Policy Guidance.
HBC has updated information available on the website including
 - Sequential test guide
 - Flood risk information for applications (including SFRA)
- Nutrient Neutrality and Recreational Disturbance Mitigation
 - *Concerns around problems using with the calculator*
The nutrient budget calculator, as such it belongs to Natural England as an external body; we are unable to address any problems with this calculator.
- Emsworth Neighbourhood Plan
 - *Request to show the ENP on the Interactive Policies Map so sites were more easily identifiable.*

The Emsworth Plan area is the same as the Emsworth ward boundary. Ward boundaries are already shown on the interactive mapping but the Emsworth Neighbourhood Plan is now also specifically highlighted on the Council's interactive planning policy mapping.

- CIL
 - No comment
- Parking
 - *Clarification whether this was required in addition to a block plan*
Confirmation that this can be shown on a block plan or can be provided in addition to a block plan.
- Plans
 - *Agreement except for CGI, photomontages or artists sketches*
Confirmed.

2.5 Conclusion

Recommendation that the updated Local Requirements List be adopted with effect from 12th December 2022 alongside implementation of measures outlined in point 2.4.

3.0 **Implications**

3.1 Financial

There are no additional financial costs associated with the review or the publication.

3.2 HR

There are no HR implications.

3.3 Legal

The review and publication of the revised list of local requirements enables the Council to fulfil its requirements under the Development Management Procedure Order 2015.

3.4 Customer access

Self service via the web, through access to online documentation has been built into the documentation that will be published on the Planning web pages.

3.5 Risks

The current Local Requirements List (adopted on 12th October 2020) is out of date and consequently the Council cannot oblige applicants to provide local requirements in addition to national requirements.

4.0 **Recommendations**

- That the revised list of local information requirements for planning applications is formally agreed under delegated powers
- That the revised list is published on and comes into effect from 12th December 2022.

Attachments

Appendix A – Draft Local Requirements List to be approved

Jacky Clark
Business Support Manager

Appendix A – Draft Local Requirements List to be approved

See separate document - Draft Local Requirements List Nov 22

Local Information Requirements Havant Borough Council – Draft Version Nov 2022

Submitting a Planning Application

Electronic submission through Planning Portal is recommended (subject to an administration fee).

Requirement for MAJOR APPLICATIONS only

Where a MAJOR application is submitted electronically, **ONE** hard copy of each plan is required to be provided to Havant Borough Council Planning Services team. (Definition: 10 or more dwellings; residential sites of 0.5ha or more; and other buildings with a floor space of 1000 sqm or on sites of 1ha or more)

Paper submission

All applications submitted in paper format should provide ONE hard copy of each document or plan. We do not require multiple hard copies.

Supporting documents may be submitted by email to planning.development@havant.gov.uk, or through electronic transfer (eg Dropbox or WeTransfer).

Methods of Payment

- By Planning Portal electronic payment at time of submission
- By telephone call to Customer Services on 02392 446015 or 446019 (ask for Planning)
- By cheque to Havant Borough Council

If you require an invoice for payment, please email us at planning.development@havant.gov.uk.

Part One - National Requirements *as specified by the Development*

Management Procedure Order 2015

A completed application form

The application form must include the following:

- **Ownership Certificate** (A, B, C or D as applicable – only **ONE** can be completed)

All applications for planning permission must include the appropriate certificate (A, B, C, or D) of ownership stating the ownership of the property (for this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the un-expired term of which is not less than 7 years).

A = If you are the sole owner

B = If any part of the application goes outside land in your sole ownership

C = If you do not know the names of all of the owners

D = If you do not know the names of any of the owners

In the event that you need to serve notice on an 'owner' of the site:

- Non-Householder applications - please use Notice under Article 13 of Application for Planning Permission
- Householder applications - please use the Notice under Article 13 for Planning Permission for Householder Development

Copies of the Notices can be found under Schedule 2 of the [Development Management Procedure Order 2015](#) or on the Planning Portal pages [Where can I access the household application notice and notices 1 and 2 on the Portal? - Planning Portal](#)

Supporting Documents and Plans

All plans must have a scale bar and show the original paper size.

Any plan based on Ordnance Survey information must meet OS copyright standards by displaying an OS licence number and a purchase/download date within the last 12 months.

A plan which identifies the land, to an identified scale (1:1250 or 1:2500) and showing a north point.

- Plans should, wherever possible, show at least two named roads and the surrounding buildings
- The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, landscaping, car and cycle parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site

- if the plan is based on or appears to be based on Ordnance Survey data, the relevant licence number or download details must be clearly shown.

Other plans or drawings necessary to describe the subject of the application.

- **Block plan** (scale 1:500 or 1:200) – to show the footprint of the proposal and detailing any changes to the existing boundary treatment. A block plan need not be provided where the information is only a duplication of that clearly visible and identifiable on the location plan. Written dimensions to boundaries may be included to assist with the understanding of the development and its relationship to neighbouring properties.
- **Existing and proposed elevations** (scale 1:100 or 1:50) – as necessary to clearly show the proposed works in relation to what is already there. Where a proposed elevation adjoins another building, or is in close proximity to it, the drawings should show the relationship between the two buildings
- **Existing and proposed floor plans** (scale 1:100 or 1:50) – as necessary to clearly show the proposed works in relation to what is already there. Where applicable, these should highlight any existing walls or buildings that are to be demolished
- **Existing and proposed site sections, finished floor and site levels** (scale 1:100 – 1:50) – where the proposal involves a change in ground level or sloping sites. Section drawings may also be requested in other cases. The drawings may take the form of contours, spot levels, or cross/long sections.
- **Roof plans** (drawn to an identifiable scale – can be shown on block plan) – where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there.

Design and Access Statement (where necessary)

A Design and Access Statement must accompany applications for both outline and full planning permission for

- Major development: 10 or more dwellings or creation in excess of 1000 sqm of non-residential floor space
- The provision of one or more dwellings or creation in excess of 100 sqm of non-residential floor space in a Conservation Area.

A Design and Access Statement shall include

- a) The design principles and concepts that have been applied to the development
- b) How issues relating to access have been dealt with.

And shall

- a) Explain the design principles and concepts that have been applied to the development
- b) Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account
- c) Explain the policy adopted as to access, and how policies relating to access in relevant
- d) State what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and

- e) Explain how any specific issues what might affect access to the development have been addressed.
- f) For proposals in Emsworth only – demonstrate how the Design Checklist in the Emsworth Neighbourhood Plan has influenced the proposal.

Policy driver/further guidance:

- *Emsworth Neighbourhood Plan D1 and Design Checklist*

Fee

See [fee schedule](#) (links to Planning Portal Fee Schedule)

Environment Impact Assessment (where necessary)

Environmental Impact Assessment (EIA) is needed for certain types of development; these are usually but not always major developments. Information can be found in [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#) (as amended).

You can seek a formal opinion (*a screening opinion*) from the Local Planning Authority as to whether an EIA is needed before you submit your planning application. If EIA is needed you can also ask the Authority to advise upon what the EIA should contain (*a scoping opinion*). If you decide not to ask for either a screening or scoping opinion before you submit your planning application, the Authority will carry out screening and scoping when we receive your application but please be aware that this may lead to delays if an EIA is found to be needed.

If you have any questions about EIA, please contact us.

Part Two - Local Requirements *as identified by Havant Borough Council*

The NPPF requires that local planning authorities should only request information that is relevant, necessary and material to the application. If you have good reason to believe that you do not need to provide a particular requirement, you may request that the need for the requirement is waived.

See Appendix 1 for links to primary sources of information including to those development plan documents which form the development plan for the Borough. These are:

- The Havant Borough Local Plan (Core Strategy)
- The Havant Borough Local Plan (Allocations Plan)
- The Emsworth Neighbourhood Plan; and
- The Hampshire Minerals and Waste Plan.

Affordable Housing Statement (See also **Viability**)

Policy CS9 of the Local Plan (Core Strategy) advises that:

- i. Developments of 15 dwellings or more need to provide 30-40% affordable housing on site
- ii. Developments between 5 and 14 dwellings need to provide 30-40% affordable housing on site or a suitable contribution in lieu of this.

Unless in either case, a lesser requirement has been transparently justified on viability grounds.

In the case that affordable housing is provided on site, please provide a statement which contains the following information:

- the numbers of residential units
- plans showing the location and mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units
- If different levels or types of affordability or tenure are proposed for different units, this should be clearly and fully explained
- The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.

Please note that an Affordable Housing Statement does not represent a claim for Social Housing Relief in respect of CIL. A separate relief form must be submitted in accordance with Regulation 51 of the CIL Regulations 2010 (as amended).

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS9*
- *NPPF*
- *Housing SPD July 2011*

Housing Mix Statement

Policy L2 of the Emsworth Neighbourhood Plan requires new developments of 10 or more dwellings in Emsworth to demonstrate how the proposed mix of house types and tenures respond to the needs of Emsworth.

For developments of 10 or more dwellings in Emsworth ward, a Housing Mix Statement will be required which:

- Sets out clearly the mix of units across both the private and affordable sections of the development
- Sets out how the development has been informed by the advice on need of different sections of the community included as supporting text in Policy L2

Policy driver/further guidance:

Emsworth Neighbourhood Plan Policy L2

NPPF

Housing SPD July 2011

Air Quality Assessment

Part IV of the Environment Act 1995 requires local authorities in the UK to review air quality in their area and designate air quality management areas, if improvements are necessary. There are a range of different limits, depending on the pollutant. The majority of local sources of pollution are from motor vehicles.

An Air Quality Assessment will be required for:

- Development in excess of 100 dwellings or 10,000m² new floor space
- Development falling within Use Class B2 with floor space of 1000m² or more
- Development where more than 300 new parking spaces are proposed.
- Major development within/or adjacent to an Air Quality Management Area(AQMA).
[Please note: currently no AQMA within the borough but an area is being monitored with a view to being declared in the future].

Further information

Air quality assessments should be proportionate to the risk posed by the development. They should assess the predicted concentration of pollutants of concern at appropriate dates & sensitive locations, the predicted change in air quality, and the spatial impact of the change. Sensitive locations may include elements of the proposed development, existing buildings & land uses within the vicinity of the proposed development, or within the wider area.

If significant impacts or significantly increased exposures are shown to be likely, measures to prevent or minimise impact should be proposed, and may be required as a condition of any consent granted.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations)DM10*
- *NPPF*
- *The Air Quality Standards Regulations 2010*

Biodiversity/ Ecological Assessment

Where a proposed development has the potential to affect biodiversity and wildlife interests, information should be provided on existing biodiversity features, including possible impacts on them. Information should be presented on how the application addresses any identified impacts in line with the 'avoid, mitigate, compensate' approach

(see British Standard 42020 - Biodiversity: Code of practice for planning and development)

Information should be based on a data search from the Hampshire Biodiversity Information Centre (Hampshire's ecological local records centre), supplemented as appropriate, rather than just the NBN Atlas. The Biodiversity Checklist should be completed to help you work out if your proposal is likely to affect biodiversity and provide further guidance.

Applications should thoroughly assess the impact of proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List and, where applicable, applications should assess the impact on statutory designated wildlife sites (Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites).

It is also important to note that the identification of such features is often seasonal in nature, with many species hibernating in winter and many habitats being harder to survey. Applicants are therefore strongly advised to consider biodiversity as early as possible in their project to ensure that they give adequate time to properly engage with this issue, given the seasonal constraints.

Applicants should note that there is no provision (except in exceptional circumstances) for conditioning ecological survey works: all ecological information must be submitted with the application.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS9*
- *NPPF*
- *Hampshire Biodiversity Information Centre*
- *Biodiversity Checklist – Householder and Full applications*
- *Natural England – Services and information*
- *Natural England – Get environmental advice on your planning proposals*
- *Natural England – SSSI information (map)*
- *BS 42020 - Biodiversity: Code of practice for planning and development*

[Please note: the link provided for BS 42020 will not take you directly to the document but to the British Standards website where the document can be purchased]

Community Infrastructure Levy (CIL) (see also Planning Obligations)

Completion of BOTH the [Additional Information Form](#) and [Assumption of Liability Form](#) is required for

- New residential development (extensions) over 100 sqm
- The creation of 1 or more dwellings **including annexes** (even if it is less than 100 sqm)
- Development in excess of 100 sqm of new/additional out of town retail floor space

[Assumption of Liability can be [withdrawn](#) using the relevant form at any stage up to commencement of the development (should it be approved) or [transferred](#) using the relevant form up to the day before date when final payment is due]

If you intend to apply for [Self-Build Exemption](#) (new dwelling and extensions over 100 sqm), it is recommended that you submit the relevant Self Build Exemption Claim Form Part 1 (available from the [Planning Portal](#)) at an early stage in the determination process - it is not a validation requirement.

If you intend to apply for Charitable Relief or Social Housing Relief for larger developments, you will need to complete the relevant form from the Planning Portal. Please be aware that you will need to submit supporting documents for this relief. These forms must be submitted before any approved CIL liable development commences.

Policy driver/further guidance:

- [NPPF](#)
- [HBC CIL information](#)
- [HBC Developer Contributions Guide](#)
- [CIL Regulations 2010](#)
- [CIL Regulations \(Amendment\) 2019](#)

Drainage (Surface Water and SuDS) and Foul Sewage Assessment

This requirement applies to all major applications.

Surface Water and SuDS

Please provide information which covers:

- Existing flood risk
- SuDS design – information on potential discharge points and locations including the sensitivity of those location
- Existing drainage
- Ground conditions and infiltration (detail may not be required for Outline Applications)
 - Contamination that may affect the use of infiltration devices
 - Ground investigation
 - Groundwater levels
 - Infiltration tests
- Runoff calculations
- Attenuation – information on how surface water flows and volumes will be contained on site
- Exceedance flows and runoff in excess of design criteria – information on what happens if the proposals exceed the design event, including flow routes, depths and velocities.
- General maintenance regimes – information on surface water management and who is going to be undertaking it including evidence that those maintaining the drainage system are in discussion with the developer, this requirement to include agreed management of any off-site drainage system receiving flows from the development, where this maintenance is a critical element of the operation of the on-site SuDS.

Foul Sewage

A Foul Sewage Assessment will be required if the proposed development results in any changes or replacement to an existing system, or the creation of a new system. All new buildings need separate connections to foul and storm water sewers. A capacity assessment may be required which can be ordered from the Sewerage Undertaker (Southern Water).

If an application proposes to connect a development to the existing drainage system, then details of the existing system should be shown on the application drawing(s). It should be noted that surface water is not permitted to be connected to the public foul sewers. Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a more detailed foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory.

Guidance on what should be included in a non-mains drainage assessment is given in [Circular 03/99](#) and [Building Regulations Approved Document Part H](#) and in BS6297. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land.

All sewerage systems should be designed to a standard that would allow for future adoption by the Water and Sewerage Undertaker even if such adoption is not proposed at the time of planning permission being sought.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS15*
- *NPPF*
- *LLFA Guidance*
- *Surface Water and Sustainable Drainage – Guidance document*
- *DETR Circular 03-99*
- *Building Regulations Document H – Drainage and Waste Disposal*
- *National Planning Guidance on Flood Risk (SuDS section)*

Flood Risk

National Planning Guidance on flood risk can be found at www.gov.uk/guidance/flood-risk-and-coastal-change. Sites at risk of flooding are required to submit additional documentation to demonstrate how the risk has been avoided or mitigated.

Check whether your site is at risk

A high-level check of the risk from rivers and the sea (flood zones) and from surface water (areas at risk) can be made via a national online tool: www.gov.uk/check-long-term-flood-risk. Please note that this mapping shows present day risk only. If the site is in an area close to present day risk, the site may be at risk in the future once climate change is taken into account. Please see the further guidance section for further sources of information.

Sequential and Exception Tests

Applicants for development in areas at risk of flooding are required to demonstrate that there are no reasonably available sites with a lower probability of flooding that would be appropriate to accommodate the development proposed.

The Sequential Test is required for all major and non-major development on sites at risk of flooding. This applies to the present day flood risk AND areas at risk in the future, as identified by a Strategic Flood Risk Assessment or other information.

The Sequential Test is not required where:

- The proposal is for development specifically excluded from the sequential test by national policy
 - householder development: for example, sheds, garages, games rooms etc within the curtilage of the existing dwelling, in addition to physical extensions to an existing dwelling. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g., subdivision of houses into flats or residential annexes.
 - small non-residential extensions: industrial/commercial/leisure etc extensions with a footprint of less than 250 square meters.
 - Changes of use. This includes changes of use to residential, unless the proposal is for a caravan, camping chalet, mobile home, or park home site.

or

- The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test)

In this context, 'the site' is considered to be the application red line, not just the proposed built form.

Flood Risk Assessment

In accordance with Local Plan (Core Strategy) policy CS15 and national policy, a site-specific Flood Risk Assessment (FRA) will be required for

- all proposals for new development located in Flood Zones 2 and 3 (now or in the future taking into account climate change)
- development proposals in Flood Zone 1 as listed below:
 - sites of 1 hectare or more;
 - any development in an area at risk of surface water flooding (land which has been identified by the Environment Agency as having critical drainage problems – see ‘check whether your site is at risk’ above);
 - land identified in a strategic flood risk assessment as being at increased flood risk in future; or
 - land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use

Flood Risk Statement

In areas at lowest flood risk from rivers and the sea (Flood Zone 1) surface water can still be a risk on site or on surrounding land. Therefore, a Flood Risk Statement is required for all new buildings and engineering works in Flood Zone 1. It is not required for extensions to houses and changes of use where no building or engineering works are proposed.

A Flood Risk Statement should describe in outline terms the existing and proposed surface water drainage system associated with a proposal and should include consideration of Sustainable Drainage Systems (SuDS) techniques where these are practical. The Statement should be proportionate in scale and detail to the size of the development proposed (i.e., is not intended to be a full FRA). It should demonstrate that development will not increase, and wherever possible, will reduce run-off rates and volumes.

Policy drivers/further guidance:

- *Local Plan (Core Strategy/Allocations) CS15; DM25*
- *NPPF*
- *National Planning Guidance on Flood Risk*
- *Havant Borough Council Flood Risk Information for Applicants*
- *Havant Borough Council Sequential Test Guidance*

Heritage Statement

A Heritage Statement is required for all applications affecting heritage assets: i.e., listed buildings; unlisted buildings in Conservation Areas or locally listed buildings, including applications affecting the setting for any of the above. The impact and implications of development on heritage assets, such as historic buildings, archaeology, designed and historic landscapes, should all be set out and discussed in the Heritage Statement, in so far as they affect the planning application.

The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application.

If applicants still require further information, they are advised to discuss proposals with either a planning officer or a conservation officer before any application is made.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS11*
- *Emsworth Neighbourhood Plan H1*
- *NPPF*
- *HBC Heritage Guidance*
- *Hampshire County Council Archaeological Advice*

Land Contamination Assessment

Part 2A of the Environmental Protection Act 1990, provides a risk-based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment.

A Land Contamination Assessment will be required for:

- Any new development of dwellings, greater than 10 units
- Any site where contamination is known to exist
- Excluding householder application, any site situated within 250 metres of existing or former landfill site listed by the Environment Agency (see 'Further Guidance').

Further information

Applications should be supported by such information as is necessary to allow a screening assessment of the risks from ground contamination to the completed development, to sensitive adjacent land uses or ecosystems, and to controlled waters, where:

- Development is proposed on land that has been previously developed, whether or not previous structures have been demolished, or
- Proposals include a sensitive land use such as residential units, private residential gardens, public open space, play space or allotment gardens

The minimum information that should be provided by an applicant under these circumstances is an environmental desk study and site 'walkover' survey report.

Based upon the screening assessment (desk study & site walkover), additional investigation may be required following the granting of consent in order to determine the existence or otherwise of contamination, its nature and scale, and appropriately estimate the risks it may pose to human health, buildings, controlled waters & the wider environment. All intrusive investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 [2011] Code of Practice for the Investigation of Potentially Contaminated Sites).

If unacceptable levels of contamination are found to be present, a scheme of risk mitigation or soil remediation will be required to be undertaken & validated.

Please note: Submission of environmental searches does not constitute a desktop study. Such reports provide insufficient information to be able to ascertain the presence or absence of contamination.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) DM10*
- *NPPF*
- *Environment agency search for current landfill sites*
- *Environment agency search for historical landfill sites*
- *BS10175 [2011] Code of Practice for the Investigation of Potentially Contaminated Sites*

[Please note: the link provided will not take you directly to the document but to the British Standards website where the document can be purchased]

Landscaping (see also Tree Survey/Arboricultural Impact Assessment)

Applications should be accompanied by both hard and soft landscaping details and include proposals for long term maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow on from the design concept in the Design and Access Statement (if required). Existing trees and other vegetation should, where practicable, be retained in new developments and sympathetically incorporated into any landscape design submitted. Retained trees and vegetation should be protected during the construction of the development.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS11; CS13; CS16; DM8*
- *NPPF*
- *Havant Borough Townscape, Landscape and Seascape Character Assessment*

Lighting Assessment

Light nuisance can have a detrimental impact on the quality of the local environment. Under section 79 of the Environmental Protection Act 1990, local authorities have a duty to take reasonably practicable steps to investigate complaints of statutory nuisance, being prejudicial to health or a nuisance.

A Lighting Assessment will be required to accompany all applications for

- Street lighting on housing developments
- Developments which include external lighting for business parks and commercial premises including nursing homes, sports pitches, car parks, garage forecourts.
- Advertisements with fixed illuminated noticeboards or neon lighting to be displayed through the night (24 hours) within a residential area

Further information

Schemes should be prepared by a recognised independent consultant and submitted alongside applications to enable the effects of such lighting to be fully considered. The reports need to provide the information in relation to sky glow (%) and Source Intensity, measurements in Lux.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS16; DM10*
- *The Institution of Lighting Engineers, Guidance for the reduction of light pollution*

Marketing Statement

A marketing statement is normally required for the following developments:

- Loss or change of use of a community facility or shop to a non-community use in line with Local Plan (Core Strategy) policy DM2
- Loss or change of use of any existing premises or land currently or last used for employment (B uses as defined by the Use Class Order) to non-B use class, in line with Local Plan (Core Strategy) policies CS2 and DM3.
- Loss or change of use of land or premises currently used for tourism purposes to non-tourism uses in line with Local Plan (Core Strategy) policies CS5 and DM3

The marketing statement would normally be:

- Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council
- Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time
- An enquiry log how it was followed up and why it was unsuccessful
- A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements, spread across a six-month period)
- Evidence of marketing via the internet.

Length of marketing period required for different land uses:

- Major* employment site (B use class): 18 months
- Minor** employment site (B use class): 12 months
- Major* tourism site: 18 months
- Minor** tourism site: 12 months
- Community facilities: 12 months
- Shops in primary and secondary frontages in town and district centres: 12 months
- Shops in local centres and local shops meeting everyday shopping needs outside identified centres: 6 months.

*Major site defined as over 1 hectare in area or containing over 1,000 m2 of commercial floorspace

**Minor site defined as less than 1 hectare in area or containing less than 1,000 m2 of commercial floorspace

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS2; CS5; DM2; DM3*

Noise Impact Assessment

Noise nuisance can have a detrimental impact on the quality of the local environment. Under section 79 of the Environmental Protection Act 1990, local authorities have a duty to

take reasonably practicable steps to investigate complaints of statutory nuisance, and being prejudicial to health or a nuisance.

A Noise Impact Assessment will be required for developments that are considered to be noise sensitive and/or are close to existing sources of noise or vibration, e.g. major roads, national railway lines and industrial developments, wind turbines.

Proposals that raise issues of disturbance or are considered a noise sensitive development should be supported by a Noise Impact Assessment prepared by a suitably qualified acoustician. Further guidance is provided in the NPPF and Noise Policy Statement for England (March 2010) and by British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound'.

The Havant Borough Council Environmental Health team can advise you prior to your application if you are unsure whether your application requires a noise assessment.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS16; DM10*
- *NPPF*
- *Noise Policy Statement for England*
- *BS4142 Methods for rating and assessing industrial and commercial sound*
[Please note: this link will not take you directly to the document but to the British Standards website where the document can be purchased]

Nutrient Neutrality and Recreational Disturbance Mitigation

This applies to the following types of development:

- Any residential development proposing a net increase of one dwelling or more
- Any development which would result in an increase in overnight accommodation

Relevant planning applications must submit:

- 1 A European Sites Avoidance and Mitigation Checklist
- 2 A nutrient budget which must be completed using the up-to-date Natural England calculator
- 3 An occupancy calculator to be completed using the up-to-date Havant Borough Council occupancy calculator (unless it is an outline application and the quantum and mix of development are not known).

The Checklist (requirement 1) must:

- Identify the site
- Identify whether and how recreational disturbance as a result of the proposed development will be addressed
- Identify whether and how water quality impacts as a result of the proposed development will be addressed

The tools and template required to complete 1-3 above are all available through the Council's website at www.havant.gov.uk/nitrogen.

Recreational Impact - Policy driver/further guidance:

- Local Plan (Core Strategy/Allocations CS11, DM24)
- NPPF
- *European Site Avoidance and Mitigation Checklist*
- *The Conservation of Habitats and Species Regulations 2017 (as amended)*
-

Water Quality - Policy driver/further guidance:

- Local Plan (Core Strategy/Allocations CS11)
- NPPF
- *Position Statement and Mitigation on Nutrient Neutral Development*
- *Natural England's latest guidance on achieving nutrient neutrality for new housing development*
- *European Site Avoidance and Mitigation Checklist*
- *The Conservation of Habitats and Species Regulations 2017 (as amended)*

Parking Provision

Where development requires an increase in car and/or cycle parking provision when assessed against the provisions of the Council's Parking SPD, applications are required to provide a parking plan showing details of existing and proposed parking provision. Standards apply to:

- One or more new residential units
- Creation of non-residential floorspace
- Residential extensions involving either in an increase in bedrooms or the removal of existing parking spaces

Should a developer/applicant be seeking to use on-street capacity then they should firstly be aware of potential concerns relating to the character and amenity of the road. If on-street parking is already an established part of the character, surveys should be undertaken and submitted with the planning application to identify the current level and capacity of on-street parking in the vicinity of the site.

Further details in relation to the requirements of parking surveys can be viewed in the Council's Parking SPD.

Where proposed car and cycle parking is significant (for example; major proposals or proposals providing staff or customer parking), a parking strategy statement should be provided.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) DM13; DM14*
- *Emsworth Neighbourhood Plan M1*
- *HBC Residential Parking and Cycle Provision SPD – July 2016*

Planning Obligations (see also **Community Infrastructure Levy** and **Viability**)

All major residential planning applications (10 or more dwellings) must be accompanied by an Obligations Statement setting out the appropriate Heads of Terms for the required S106 Agreement.

All applications that are likely to require site specific contributions or the provision of affordable housing should be accompanied by an Obligations Statement.

Further Information

In addition to CIL, it may be appropriate for the Council to seek on site provision and/or financial contributions to ensure the delivery of site specific infrastructure, required to make a development acceptable. This could include highway works directly linked to the development or affordable housing provision (CIL contributions are not taken towards the provision of affordable housing) and recreational disturbance to Special Protection Areas (SPAs) contributions for residential development. This will be in the form of a Section 106 Agreement (S106).

Alternatively, the applicant can submit a S106 unilateral undertaking with the application.

Planning obligations (or “Section 106 Agreements”) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms. Where Development Plan Documents contain policies that give details of likely planning obligation requirements, a local planning authority may require a statement of the proposed Heads of Terms to be submitted with the application. Further advice on planning obligations is available in Part 11 of the [CIL Regulations 2010](#) (as amended).

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS19; CS21; DM11; DM24*
- *NPPF*
- [CIL Regulations 2010](#)
- [Planning Practice Guidance CIL](#)
- [Havant Borough Council Developer Contributions Guide](#)

Playing Fields, Sporting Facilities and Open Space Assessments

Justification will be required for any development that involves the loss of playing fields and sporting facilities. It must be demonstrated that there is a surplus of provision according to the local standards set out in the Councils Open Spaces and Play Pitch documents or any subsequent review of these documents. Where there is no surplus of provision, details must be provided of replacement facilities proposed. It should include details of what facilities exist/or last existed and when any facilities were last used; by whom they were used; and what formal sports provision is proposed, including any replacement facilities that may be required.

For applications specifically involving playing fields, the following information is also required:

- The size of the playing field and how much of the playing field is affected by the proposal (in hectares or square metres).
- An existing site plan clearly showing the layout of any pitches including safety margins at a minimum 1:1250 scale.
- A proposed site plan showing how any proposed new buildings and other works are likely to impact on the existing pitch layout. Any realignment of pitches should also be shown.
- Any information of alternative sport and recreational provision.

For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning consent is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS1; DM1*
- *Emsworth Neighbourhood Plan C4; C5*
- *NPPF [Sport England – Spatial planning for Sport Development](#)*

Sustainability Statement

Policy CS14 of the Local Plan (Core Strategy) - Efficient Use of Resources - advises that on completion, unless proven to be financially or technically unviable non-residential* over 500 square metres, should meet the 'very good' standard of the Building Research Establishment's Environmental Assessment Method (BREEAM).

The applicant will be required to provide a pre-assessment estimator which shows how the development will meet BREEAM Very Good together with a sustainability statement setting out the development's approach to sustainable design. To do this, it will be necessary to use a licensed BREEAM assessor (see below). This sustainability statement could be included within the Design and Access Statement.

Should the applicant be suggesting that it would be financially or technically unviable to meet the 'very good' standard, this will need to be accompanied by evidence as to why this is the case. In the case of technical feasibility, this should be an expanded pre-assessment estimator or design stage assessment showing which credits the development is able to pursue and which it is not and the justification for this. In the case of financial viability, please refer to the requirement for a viability study.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS14, CS16*
- *Emsworth Neighbourhood Plan D6*
- *NPPF*
- *[BREEAM Technical Standards](#)*
- *[Greenbook Live \(directory of licensed BREEAM assessors\)](#)*

** whether a development would be classified as residential or non-residential would generally depend on the nature of the heating system which will be used and the subsequent means of assessment under Part L of the Building Regulations. Schemes which will be assessed under the Standard Assessment Procedure (SAP) would usually be considered residential. Schemes which will be assessed under the Simplified Building Energy Model (SBEM) would generally be considered non-residential.*

Town Centre Uses/Sequential Assessment

All applications for main town centre uses that are not in an existing centre as defined by Local Plan (Core Strategy) policy CS4 and Local Plan (Allocations) policy AL3 will require a sequential assessment in line with paragraph 24 of the NPPF.

All applications for retail, leisure and office development of more than 2,500 square metres that are not in an existing centre as defined by Local Plan (Core Strategy) policy CS4 and Local Plan (Allocations) policy AL3 will require an impact assessment in line with paragraph 26 of the NPPF. There is no locally set threshold in the Local Plan.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS4; AL3*

Transport Assessment

A Transport Assessment is required where the proposal is a major development or would lead to significant transport implications.

The NPPF advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development generates significant amounts of movements. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the 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.

Where a new access is proposed, plans detailing the general arrangement should be provided to clearly identify the level of visibility provided in accordance with the relevant standards appropriate to the design/recorded speed of traffic. Where appropriate, consideration of alternative access options should be included, and an independent Road Safety Audit may be required.

Where new streets are to be provided, the internal street layout should be accompanied by a Stage 1 or Stage 2 Road Safety Audit. Wherever possible Hampshire County Council encourages new streets to be adopted by the County Council as publicly maintainable highway. The early identification of any safety concerns that can delay or prevent adoption at the planning stage can aid in overcoming such issues. (Hampshire County Council has previously experienced situations whereby developments remain unadopted as the permitted layout did not meet adoptable standard).

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS20; DM11; DM12*
- *Travel Plans, Transport Assessments and Statements*
- *Hampshire County Council – Information for Developers*
- *Hampshire County Council Transport Contributions Policy*
- *Standards for Highways*

Travel Plan

A Travel Plan is required for

- Any residential development over 100 dwellings
- food and non-food retail
- cinema and conference facilities
- other leisure (D2) uses (excluding stadium) from and above 1000 sqm gross floor space
- B1 (including office, higher and further education establishments from and above 2500 sqm gross floor space
- stadia of 1500+ seats
- other service developments such as hospitals,
- smaller traffic attracting developments in rural areas

A travel plan should be submitted alongside planning applications which are likely to generate significant amounts of movement as stated in the NPPF paragraph 36.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) DM11; DM12*
- *NPPF*
- *Travel Plans, Transport Assessments and Statements*
- *Hampshire County Council – Information for Developers*

Tree Survey/ Arboricultural Implications (see also Landscaping)

An Arboricultural Implications Appraisal (AIA) is required for any development (including construction of access drive, patios, and the laying of drains/services) where trees are located on site, or there are off site trees in close proximity to the proposed project.

An Arboricultural Method Statement (AMS) must be provided (including a Tree Protection Plan) where there is potential for impact on a tree in relation to the proposed development.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837-2012 'Trees in relation to design, demolition and construction – Recommendations'.

The AIA should demonstrate how the identified tree constraints have informed the design of the development. It should also identify all possible conflicts between the proposed development and existing trees on site. At this stage, it is essential to consider the direct impacts of the development proposed and any related activity, including the laying of

drains and services, site construction access, contractor's vehicle parking, storage of materials, and changes in ground levels.

The method statement sets out information regarding the measures needed to protect the trees shown to be retained and schedules of any necessary tree work. It should also detail how the possible conflicts identified in the AIA are to be addressed and include a tree protection plan setting out the measures for protecting the trees during the whole development process (e.g. protective barriers/fences, ground protection measures).

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) DM8*
- *NPPF*
- *BS5837-2012 Trees in relation to design, demolition and construction – Recommendations* [Please note: this link will not take you directly to the document but to the British Standards website where the document can be purchased]

Utilities Assessment

A Utilities Assessment is required for all major applications.

An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and/or surface water drainage and disposal.

Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains. The applicant should demonstrate:

- a. That, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community
- b. that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures
- c. that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains
- d. where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS19*
- *NPPF*

Ventilation/Extraction details

Odour and noise nuisance can have a detrimental impact on the quality of the local environment. Under section 79 of the Environmental Protection Act 1990, local authorities have a duty to take reasonably practicable steps to investigate complaints of statutory

nuisance, including “any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance.

Ventilation/extraction details will be required to accompany all applications for the use of premises for purposes within the following Use Classes:

- A3 (i.e. Restaurants and cafes – use for the sale of food and drink for consumption on the premises)
- A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment)
- A5 (i.e. Hot food takeaways – use for the sale of hot food for consumption off the premises)
- B2 (general industrial)

Or required for

- significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed (excluding odour abatement techniques unless specifically required).

Further information

Details of the position and design of ventilation and extract must be submitted. Noise assessment shall be based on BS 4142 - 2014; and cover the time period when the extract or ventilation system will be operational.

Guidance previously given in DEFRA's [Annex B of Control of Odour and Noise in Commercial Kitchen Exhaust Systems](#), has been withdrawn. We recommend using the principals laid down in Annex B until new guidance has been issued.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) DM10*
- *Annex B of Control of Odour and Noise in Commercial Kitchen Exhaust Systems*
- *BS4142:2014 Methods for rating and assessing industrial and commercial sound*
[Please note: this link will not take you directly to the document but to the British Standards website where the document can be purchased]

Viability Statement

Where applicants intend to make submissions regarding the viability of developments a Viability Statement must be submitted with the application at the outset.

The Statement should set out development costs and values and any key assumptions made in assessing the profitability of the proposed development. It is likely that the Council will undertake a peer review of the Statement and will require payment for the review to be met by the applicant. Applicants are **strongly recommended** to use the Council's [Pre-application Advice and Guidance Service](#) in order to establish the likely costs of any community/infrastructure contributions which are required in order to allow the development to proceed, at an early stage. Applicants are reminded that [CIL](#) payments are non-negotiable and apply with very few exceptions.

In the event that a Viability Statement is not submitted at the validation stage and becomes an issue later in the planning application, the application will be invalidated until the information has been provided.

Policy driver/further guidance:

- *Local Plan (Core Strategy/Allocations) CS19; CS21; DM11; DM24*
- *NPPF*

Appendix 1

National Requirement Links:

National Planning Policy Framework (July 2021)

[National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk)

Development Management Procedure Order 2015

http://www.legislation.gov.uk/ukxi/2015/595/pdfs/ukxi_20150595_en.pdf

Town and Country Planning – Fees (February 2022)

http://www.planningportal.gov.uk/uploads/english_application_fees.pdf

Town and Country Planning (Environmental Impact Assessment Regulations) 2011

http://www.legislation.gov.uk/ukxi/2011/1824/pdfs/ukxi_20111824_en.pdf

Planning Practice Guidance (Planning Portal)

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Requirement Links:

Havant Borough Council Local Plan (Core Strategy) March 2011

<https://www.havant.gov.uk/planning-and-environment/planning-policy/local-plan-core-strategy>

Havant Borough Council Local Plan (Allocations) July 2014

<https://www.havant.gov.uk/planning-and-environment/planning-policy/local-plan-allocations>

Emsworth Neighbourhood Plan (22 September 2021)

<https://www.havant.gov.uk/emsworth-neighbourhood-planning>

Hampshire Minerals and Waste Plan (2013)

<https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

Havant Borough Council Pre-Application and Guidance Service

<http://www.havant.gov.uk/pre-application-advice-service>

Havant Borough Council – Nutrient Neutrality

<https://www.havant.gov.uk/nitrogen>

Supplementary Planning Documents (SPDs)

SPDs provide additional guidance to the policies in the Local Plan.

<https://www.havant.gov.uk/planning-policy/supplementary-planning-documents>

- Borough Design Guide SPD (Adopted December 2011)
- Housing SPD (Adopted July 2011)
- Parking Supplementary Planning Document (SPD) (Adopted July 2016)

- Joint Supplementary Planning Document - Chichester Harbour Area of Outstanding Natural Beauty

Documents below are not formal SPDs but provide useful guidance and information for applicants and other interested parties:

- Position Statement and Mitigation Plan for Nutrient Neutral Development
- Developer Contributions Guide
- Conservation Area Appraisals
- Flood Risk Sequential Test & Exception Test (pdf 298 kb)