



Agenda for Strategic Planning Committee Tuesday, 20th August, 2019, 10.00 am

Members of Strategic Planning Committee

Councillors: S Bond (Chairman), N Hookway (Vice-Chairman), M Allen, F Caygill, O Davey, S Hawkins, P Hayward, M Howe, F King, D Ledger, T McCollum, A Moulding, G Pratt, E Rylance and P Skinner

Venue: Council Chamber Blackdown House

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(or group number 01395 517546)

Friday, 9 August 2019

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1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 6)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 Community Infrastructure Levy: Draft Charging Schedule consultation document and revised instalment policy (Pages 7 - 14)

8 S106/Community Infrastructure Levy Developer Contributions Annual Report 2018/19 (Pages 15 - 25)

9 Membership of Greater Exeter Strategic Plan Members Joint Advisory Reference Forum (Pages 26 - 27)

- 10 Validation of planning and related applications - adoption of revised information required to be submitted with planning and associated applications (Local List) (Pages 28 - 87)

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber Blackdown House on 10 June 2019****Attendance list at end of document**

The meeting started at 10.01 am and ended at 10.53 am

1 Public speaking

The Chairman welcomed everyone present to the meeting and commended the previous Strategic Planning Committee for the work done under the Chairmanship of Paul Diviani and Vice Chairman Mike Allen.

There were no members of the public present.

2 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 26 March 2019 were confirmed as a true record with the following amendment to Cllr Ian Hall declaration of interest which should read Chairman of Cloakham Lawns Sports Centre.

Cllr Moulding sought an update on the progress of the independent study agreed at Strategic Planning Committee on 27 November 2018 to consider the specific housing needs within the community. The Service Lead, Planning Strategy and Development Management advised consultants had been commissioned for the study but it was decided to wait to run the panel meeting until post elections to allow works to progress to discuss initial findings. The Service Lead, Planning Strategy and Development Management would look to set up a panel meeting early summer.

Some members were keen to consider the independent study as an agenda item at the next Strategic Planning Committee. In response the Service Lead, Planning Strategy and Development Management advised it was intended to be an open invite to all members and not specifically for this committee although agreed the consultants works would come back to the Strategic Planning Committee.

3 Declarations of interest

Cllr Sam Hawkins – Minute 6 - Personal interest – Ward member for Cranbrook
Cllr Olly Davey – Minute 6 – Personal interest – Ward member for Exmouth
Cllr Fred Caygill – Minute 6 – Personal interest – Ward member for Exmouth

The Strategic Lead for Governance and Licensing and Monitoring Officer gave advice on declarations of interest and reminded members to be clear on what they were declaring and that it must be in relation to the agenda.

The Planning Barrister suggested seeking advice prior to the start of the committee if they had any concerns about interests, bias and predetermination.

4 Matters of urgency

There were no matters of urgency discussed.

5 **Confidential/exempt item(s)**

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

6 **Review of East Devon Area of Special Control of Advertisements (ASCA)**

The committee considered the Service Lead, Planning Strategy and Development Management's report on the review of the Area of Special Control of Advertisements (ASCA) which sought agreement to recommend that full council make changes to the areas included in the East Devon Area of Special Control of Advertisements.

The Service Lead, Planning Strategy and Development Management highlighted the need for a greater level of control of advertisements within the district and that there a need to review the ASCA on a regular basis to ensure that the appropriate areas were covered.

The report outlined the four responses received including proposed changes from Colyton Parish Council and Cranbrook Town Council.

Members raised the following points during discussion:

- Clarification was sought on how far the district council can control advertisements for businesses, in particular A-boards. In response the Service Lead, Planning Strategy and Development Management advised legislation determined that A-boards on footpaths do not need consent as they were not classed as a permanent fixture. The Service Lead, Planning Strategy and Development Management invited the member to email him with specific sites and locations of concern to follow up and advised, if appropriate, refer to the Highways Authority for investigation.
- Clarification was sought on advertisement prohibition that could affect future planning applications for car parks in Axminster. The Service Lead, Planning Strategy and Development Management confirmed it would not affect future planning applications.

RECOMMENDED:

1. That Full Council make amendments to the areas covered by the Area of Special Control of Advertisements as set out in this report be approved.

RESOLVED:

2. That the Service Lead, Planning Strategy and Development Management be authorised to make minor changes to the draft Modification Order (Appendix 2) prior to finalisation being approved.

7 **Planning Appeals Status Report**

The Committee considered and discussed the report presented by the Service Lead, Planning Strategy and Development Management outlining the current performance in respect of planning appeal decisions.

Members were pleased to note that the success rate on planning appeals had improved from last year. The Service Lead, Planning Strategy and Development Management reported that 72.2% of appeal decisions had been won this year compared to 64.3% last year. Members also noted that the figure was in excess of the national level of the Planning Inspectorate statistics which was a good reflection on the quality of decision making.

The Service Lead, Planning Strategy and Development Management highlighted that a high number of decisions that had been lost were on house extensions. The Planning Inspectorate felt the harm identified had been insufficient to justify refusal which suggested the level of harm had to be quite severe. The Service Lead, Planning Strategy and Development Management advised members to be aware of this in future decision making.

Discussions covered:

- Clarification was sought on what the approach should be taken with the Planning Inspectorate when different decisions had been made on properties that were in close proximity to each other. In response the Service Lead, Planning Strategy and Development Management advised to contact the Planning Inspectorate Complaints Team.
- A query was raised on the appeals process and whether the council had powers to request landowners to keep their land tidy. In response the Service Lead, Planning Strategy and Development Management advised that Enforcement Officers have the power to issue Section 215 Notices.
- Concerns were raised that the Planning Inspectorate should make the reasons for their decisions clear as they can be open to legal challenge and the cost of a legal challenge is expensive.
- Members thanked officers and members from the previous committee for all their hard work in improving the appeal statistics.
- Clarification was sought on supporting evidence to show that house extensions increased the housing stock. In response the Service Lead, Planning Strategy and Development Management advised he was not aware of any formal evidence but suggested anecdotally it was the government's thinking that multiple generations are now living the in same household.
- Concerns were raised that members need to understand Section 215 powers. In response the Service Lead, Planning Strategy and Development Management advised if members were in agreement he would provide a briefing paper on the powers of a Section 215 but highlighted it was not an area of concern. The Strategic Lead, Governance and Licensing and Monitoring Officer referred to government guidance of trying to negotiate breaches first and highlighted it is a settlement approach rather than a hard enforcement approach.
- Members welcomed the suggestion of a training session on planning enforcement and its protocols with an invite extended to Development Management Committee members and, if required, a briefing note to be brought to committee after the training session.

RESOLVED:

1. That the Council's success rate on planning appeals over the last year has improved from 64.3% in the 2017 – 2018 monitoring year to 72.2% over the last year be noted,

2. That the trends in appeal decisions identified in the report particularly the substantial harm that needs to be identified to successfully defend the refusal of household extensions be noted.

8 **East Devon Guide for the Listing of Local Heritage Assets**

The Committee considered the Service Lead, Strategic Planning and Development Management report summarising the comments on responses received on the public consultation and to seek approval to adopt the draft East Devon Guide for the Listing of Local Heritage Assets.

RESOLVED:

That the adoption of the draft East Devon Guide for the Listing of Local Heritage Assets, subject to amendments arising from the consultation as set out in the report be agreed.

Attendance List

Councillors present:

S Bond (Chairman)
N Hookway (Vice-Chairman)
F Caygill
O Davey
S Hawkins
P Hayward
M Howe
F King
D Ledger
T McCollum
A Moulding
P Skinner

Councillors also present (for some or all the meeting)

K Blakey
A Dent
G Jung

Officers in attendance:

Ed Freeman, Service Lead Strategic Planning and Development Management
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Shirley Shaw, Planning Barrister
Wendy Harris, Democratic Services Officer

Councillor apologies:

G Pratt

Chairman

Date:



Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 20 August 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Community Infrastructure Levy: Draft Charging Schedule consultation document, and revised instalment policy**

Purpose of report: To provide some context for the Community Infrastructure Levy (CIL), including the current adopted Charging Schedule, and highlight the key findings from recent viability evidence to inform its revision. The report identifies the main issues arising from public consultation on a Preliminary Draft Charging Schedule earlier this year, how responses have been taken into account, and subsequent changes being proposed. The Draft Charging Schedule consultation document is presented for approval by the Committee for a six week consultation period, and to Full Council for submission for Examination following this. Finally, the opportunity is also taken to update Members on Government changes to the CIL system.

Recommendation:

- 1. Note the consultation responses received on the Preliminary Draft Charging Schedule and endorse the council response**
- 2. Approve the Community Infrastructure Levy Draft Charging Schedule consultation document for public consultation over a period of six weeks**
- 3. Recommend the Community Infrastructure Levy Draft Charging Schedule to Full Council for submission to the Planning Inspectorate for Examination together with any consultation responses received during the consultation recommended at 2 above**
- 4. Approve the revised Instalment policy**

Reason for recommendation: To ensure Members are aware of the result of public consultation on the CIL Preliminary Draft Charging Schedule, and seek approval for public consultation on the Draft Charging Schedule and then submission to the Planning Inspectorate for Examination. A revised instalment policy is also presented for approval.

Officer: Keith Lane, Planning Policy Officer

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Financial implications: There are no other financial contributions to highlight at this stage. Please refer to the Finance Implications per the Report for the 20th February meeting.

Legal implications: The Community Infrastructure Levy (Amendment)(England) (No. 2) Regulations 2019 come into effect on the 1st September 2019 at which time the Council has a duty to comply, apply and take into consideration the new regulations as amended. Other than that there are no legal implications other than as set out in the Report.

Equalities impact: Low Impact

Risk: Low Risk

In setting rates, CIL Regulations require a balance between using CIL to fund infrastructure; and the potential effects on development viability. The rate in the Draft Charging Schedule reflects this, but is subject to consultation and examination by an independent examiner before it can be adopted. The CIL Regulations dictate how the publication of the draft charging schedule and associated documents should be made available, and this will be followed.

Links to background information:

- [Adopted CIL Charging Schedule](#)
- [Strategic Planning Committee 20 February 2019, minutes item 48](#)
- [CIL Review and Cranbrook DPD Viability Study](#) and [Annexes](#)
- [Preliminary Draft Charging Schedule consultation document](#) and [comments](#) received
- [CIL Charging Schedule Consultation Statement](#)
- [East Devon Infrastructure Delivery Plan Review](#)
- [Cranbrook Infrastructure Delivery Plan](#)
- [Community Infrastructure Levy Planning Practice Guidance](#)

Link to Council Plan:

[Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council](#)

Report in full

1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) can be imposed on new development, and is a tool to help deliver infrastructure to support development. CIL is payable on development that creates net additional floor space, expressed as pounds per square metre. However, some development is exempt from paying CIL, for example if less than 100 square metres in size (apart from new dwellings), dwellings built by self/custom builders, affordable housing, and charitable development. The rate of CIL is set in a “charging schedule”.
- 1.2 The council adopted its current Charging Schedule in April 2016, and began charging CIL a few months later on 1 September 2016. The current Charging Schedule contains a charge for residential development. Retail development outside town centres and Cranbrook is also subject to CIL. All other non-residential uses do not pay CIL.
- 1.3 In accordance with CIL regulations, these figures are index-linked on 1 January each year, meaning the rates for development permitted this year are now higher than when adopted in 2016 (figure 1 below shows how the current indexed CIL rate compares to the proposed new rate).
- 1.4 On adoption of the current Charging Schedule, the council made clear that an early review would be required. A key reason for reviewing and then revising the Charging Schedule is to reflect the emerging Cranbrook Plan. This will ensure a consistent approach to infrastructure delivery at the town (i.e. section 106 rather than CIL), and align the future growth of Cranbrook with a revised CIL charging zone – for example, if the current Charging Schedule continued to apply, “Grange” expansion area will be paying more CIL than the others, which clearly would not be justified.
- 1.5 The Charging Schedule is also being revised to take account of amended legislation, updated national policy and guidance on viability issues, latest information on development costs and values in East Devon, and any lessons learnt from applying the current Charging Schedule. The first stage of consultation in preparing a revised Charging Schedule (on a ‘Preliminary Draft’) took place over February to March 2019.

- 1.6 When setting a CIL rate, a balance must be struck between the desirability of using CIL to fund infrastructure to support development, and the potential effects of CIL on development viability. The infrastructure requirements to support development are contained in the East Devon Infrastructure Delivery Plan (IDP) review (November 2017) and Cranbrook Infrastructure Delivery Plan (February 2019). The East Devon IDP identified a total infrastructure cost of some £350m to deliver the Local Plan and emerging Cranbrook Plan, with a funding gap of £270.9m.
- 1.7 To date,¹ the council has received CIL receipts of £2.1m to spend on infrastructure, and is due to receive at least £1.4m from development already commenced. Assuming the new CIL Charging Schedule is adopted in April 2020, 'net' CIL receipts from it are anticipated to be around £23.6m.² This means that total estimated CIL funds (from current and proposed future CIL rates) of £27.1m falls some way short of the infrastructure cost of delivering the Local Plan and emerging Cranbrook Plan. Therefore, a range of other funding sources will be required (including s.106) to deliver necessary infrastructure, alongside a degree of prioritisation.³

2. CIL Review and Cranbrook DPD Viability Study

- 2.1 As noted at Strategic Planning Committee on 20 February 2019, viability evidence is set out in the "CIL Review and Cranbrook DPD Viability Study", prepared by consultants Three Dragons with Ward Williams Associates, January 2019. This study considers updated viability policy and guidance, development costs and values in East Devon, and then makes an assessment of the viability of typical sites envisaged to come forward, considering Local Plan policy requirements and other costs.
- 2.2 In general, the viability study recommends an increase in residential CIL rates compared to the current Charging Schedule (as index-linked), although rates are still within the appropriate viability headroom – as a guide, the study applies a 50% buffer compared to the maximum theoretical rate. The exception is Cranbrook, which is not able to support any CIL (both residential and non-residential) due to the level of section 106 planning obligations and other costs associated with that development.
- 2.3 Outside Cranbrook, the study recommends a higher rate for residential development at Sidmouth and Budleigh Salterton (£200 per square metre), compared to elsewhere (£150 per square metre). This reduces to £100 per square metre for strategic allocated sites, due to additional costs from planning obligations – if the council is concerned about risk to delivery on strategic allocated sites, the study includes an option for low or zero CIL, which would allow for more on-site infrastructure and other planning obligations.
- 2.4 The study recommends that CIL is not charged on rural exception sites, to reduce the level of market housing that may be required to subsidise the provision of affordable housing. CIL is also not viable for sheltered housing, extra care housing and care homes.
- 2.5 For non-residential development, retail development outside town centres would be viable with CIL, but around half the current rate due to a weaker retail sector than previously. All other non-residential development is not able to support a CIL charge.

3. Preliminary Draft Charging Schedule consultation responses

¹ As at 4 July 2019.

² Assuming an average new dwelling size of 108 square metres. This is described as "net" as it is the figure available to the district council to spend on infrastructure, and therefore excludes the following: affordable housing; custom and self-build housing relief (average £547,356 per year based upon experience so far), administration (5% of total); the portion of CIL that is passed on the parish councils from development in their area (15% without a neighbourhood plan, 25% with a made neighbourhood plan).

³ For example, the council has agreed that 8.6% of CIL receipts will be top-sliced for habitats mitigation – see Strategic Planning Committee, 29 March 2017, minutes (item 44): <https://democracy.eastdevon.gov.uk/Data/Strategic%20Planning%20Committee/20170329/Minutes/290317-Strategic-Planning-Committee-minutes.pdf>

- 3.1 Following approval at Strategic Planning Committee on 20 February, the Preliminary Draft Charging Schedule was published for consultation from 21 February until 22 March 2019. A total of 15 consultation responses were received, raising a range of issues which are set out in full in the Consultation Statement. The following text provides a summary of the responses.
- 3.2 There was some general support for the Preliminary Draft Charging Schedule, including rural exception sites, extra care housing, holiday accommodation and hotels not paying CIL. Conversely, there was objection to private care homes being exempt from CIL. The proposed intention to hold parallel and linked examinations into the CIL Charging Schedule and the Cranbrook Plan was welcomed.
- 3.3 A mixture of responses were submitted in relation to Cranbrook. Some supported a nil rate at the town to allow more timely provision of infrastructure through s.106 rather than CIL; whilst others felt that the difference between development costs and sales values suggested that a CIL contribution would be viable. Concern was raised that the level of planning obligations for Cranbrook will mean that some infrastructure would be unaffordable, and external funding will be required to deliver. It was proposed that the extent of the Cranbrook £0 charging zone should be defined by the expansion area boundaries, rather than built-up area boundaries, to reflect economic reality on the ground.
- 3.4 It was suggested that all strategic allocations should be zero rated, so that s.106 agreements can be used to deliver infrastructure, particularly education, which is directly related to the site. Viability concerns were raised if a combination of CIL and s.106 could be applied to a strategic site on the edge of Exeter. It was specifically suggested that the Axminster charging zone should be amended to reflect the wider development area in the masterplan endorsed by the council, rather than the (smaller) Local Plan allocation.
- 3.5 Some concerns were raised with the Viability Study, including it is too optimistic, does not include or has unrealistic assumptions and costs, and is not sufficiently robust, requiring significant further analysis.
- 3.6 A single comment on the draft instalment policy considered it was generally sound but there should be scope for negotiated agreement of an alternative payment plan if sensible.
- 3.7 Other comments welcomed the top priority given to habitat mitigation, and highlighted that, in the future, further consideration will need to be given to the charging zones and relevant CIL rates in the context of potential GESP allocations. It was suggested that progress on the Charging Schedule should be delayed either until amended CIL Regulations are published by the Government, or contingency measures are articulated.

4. Consideration of responses and proposed Draft Charging Schedule consultation document

- 4.1 The accompanying Consultation Statement details the comments received and an officer response to each comment, which has been verified by the consultants (Three Dragons) who prepared the Viability Study.
- 4.2 Overall, no changes are proposed to the rates of CIL following consultation on the Preliminary Draft Charging Schedule. It is considered that the Viability Study provides sufficient evidence to inform the rates, using an appropriate methodology, costs and values for a strategic viability study. Concerns regarding the level of planning obligations at Cranbrook will be considered through the Cranbrook Plan – it is obviously not possible to ‘improve’ viability by setting the CIL rate lower than £0. It is conceivable that external funding may become available in the future to assist with infrastructure delivery at the town (as occurred with the permitted scheme), and the council will explore this as potential funding options arise.
- 4.3 The option for lower or zero CIL at other strategic allocated sites has been considered. However, most of the large strategic allocated sites in the Local Plan already benefit from planning permission, with the remainder subject to planning applications. Therefore,

retaining a CIL charge is consistent with their passage through the planning process thus far, and provides certainty for the developers regarding the costs associated with bringing their sites forward.

- 4.4 Two changes to the maps showing the charging zones have been made in light of the consultation responses highlighted above:
- The Cranbrook charging zone, showing the area to which zero CIL applies, has been amended to reflect the “Cranbrook Plan area” rather than the built-up area boundary, to provide greater flexibility in progressing and delivering the Cranbrook Plan and in recognition of economic viability
 - The Axminster strategic site charging zone has been changed to reflect the area covered by the Masterplan rather than the Local Plan allocation, to recognise that the council has endorsed a masterplan advocating a larger area for development
- 4.5 Finally, the definition of “retail” has been slightly amended to provide greater clarity by explaining that it applies to all uses that fall within Classes A1, A2, A3, A4, A5, and related sui generis uses.
- 4.6 In general, the proposed residential rates in the Draft Charging Schedule are higher than the current adopted Charging Schedule (as index-linked), whilst the retail rate has halved, as shown in figure 1 below.

Figure 1: Current CIL rates compared to proposed revised rates⁴

Type and location of development	Current indexed CIL rate (per square metre)	Proposed new CIL rate (per square metre)
All development in Cranbrook	£80.09	£0
General residential development in Sidmouth and Budleigh Salterton	£147.23	£200
General residential development in the rest of East Devon	£94.23 (urban area) or £147.23 (rural area)	£150
Sheltered housing, extra care housing and care homes	£0-£147.23	£0
Rural Exception Sites	£147.23	£0
Strategic sites ⁵	£94.23	£100
Retail (out of centre) ⁶	£176.67	£84
All other non-residential uses	£0	£0

- 4.7 A comparison of the current rates and proposed rates at the Local Plan strategic allocated sites is given in figure 2 below. The proposed rates at these sites are slightly higher than current rates (although the gap is likely to be even smaller given that current rates will

⁴ Note that the comparison between the current and recommended rates is to inform the councils’ decision and that the use categories for the current CIL rate and proposed rate may not always be exactly the same – for example the current charging schedule refers to “residential” which the council has been implementing as a C3 use, which may or may not be directly comparable with the recommendations for sheltered/extra care which may be C2 or C3.

⁵ Rate applies to residential development on strategic sites, as shown on the charging zone maps.

⁶ Retail is defined as all uses that fall within Classes A1, A2, A3, A4 and A5 of the Town and Country Planning (Use Classes) Order 1987 as amended, or any other order altering, amending or varying that Order, and related sui generis uses. The retail rate applies to qualifying floor space outside of Town Centre Shopping Areas as defined in the East Devon Local Plan 2013 to 2031, as shown on the charging zone maps.

increase from 1 January 2020 through indexation). The exception is Cranbrook, where the rate that would be applied within that plan area is reduced to zero.

Figure 2: Local Plan strategic allocated sites – comparison of current CIL rates with proposed revised rates

Strategic allocated site	Current indexed CIL rate (per sq m)	Proposed new CIL rate (per sq m)
Axminster urban extension	£94.23	£100
Cranbrook expansion areas	£80.09	£0
Cranbrook expansion areas within Grange area, Southbrook House, Bluehayes House, South Whimble Farm, other small sites adjacent to B3170 ⁷	£147.23	£0
East of Exeter sites (Pinhoe, North of Blackhorse, Mosshayne)	£94.23	£100
Goodmores Farm, Exmouth	£94.23	£100
Ottery Moor Lane, Honiton	£94.23	£100
Winslade Park, Clyst St Mary	£147.23	£100

- 4.8 For comparison purposes, these proposed changes in the CIL rates will generate an estimated ‘gross’⁸ total of around £37.2m, compared to a slightly higher total of £40.3m if the rates were not revised. This lower figure is due to zero CIL from Cranbrook, but off-set to some degree by higher general rates elsewhere, and the re-submission of Mosshayne under CIL. It is important to note that although Cranbrook will not be paying CIL, it will still make a significant contribution to infrastructure delivery through s.106.
- 4.9 There is a risk that generally increasing the CIL rates (as proposed) impacts on our ability to provide policy compliant levels of affordable housing. Whilst the Three Dragons viability work is based on providing the proposed CIL rates and policy compliant affordable housing levels and also includes a not insignificant margin (50% buffer compared to the maximum ‘theoretical’ rate); experience with the existing charging schedule has shown that site specific abnormal costs can often mean that policy compliant affordable housing levels are not viable.
- 4.10 A review of a selection of planning applications approved or awaiting a decision in recent years shows that most sites are achieving a level of affordable housing that achieves the Local Plan targets, but there have been viability issues at some sites resulting in a reduced level of affordable housing. Overall, the Local Plan policy target from sites granted planning permission or awaiting a decision is 1,095 affordable dwellings, but the total number of affordable homes approved is 895, some 200 below the target.
- 4.11 The definition of affordable housing within the revised NPPF is broader than previously, and puts greater emphasis on affordable products to buy which are more viable for developers to provide. This may improve the position. It is inherently difficult to model abnormal costs however it is considered that Three Dragons work should have sufficient leeway built into it to allow for this. In any event, the proposed CIL rates will be subject to

⁷ These areas are outside the expansion areas shown on the current Charging Schedule, and are therefore currently within the higher “rural” CIL rate. The emerging Cranbrook DPD now includes this land, so they are part of the proposed zero rated area.

⁸ Described as “gross” as it does not exclude custom and self-build housing, administration (5% of total), or the neighbourhood portion.

consultation through the Draft Charging Schedule, and then examination by an independent examiner before they can be adopted.

5. Draft Charging Schedule – Next steps

- 5.1 Following resolution of this Committee, the Draft Charging Schedule consultation document will be published for a period of public consultation. CIL Regulations require at least four weeks to seek representations – it is recommended that six weeks is allowed given the holiday season (therefore, the consultation is envisaged to run from 21 August until 2 October). At the end of the consultation period, officers will prepare a summary of the main issues raised by the representations. This will be submitted alongside the Draft Charging Schedule, consultation responses and other documents set out in the Regulations, for examination by an examiner.
- 5.2 It should be noted that, unlike a Local Plan, the examination is not required to be carried out by an Inspector at the Planning Inspectorate on behalf of the Secretary of State. Instead, legislation requires an examiner who is independent of the council and has appropriate qualifications and experience. Given the Cranbrook Plan will be undergoing examination at the same time, and the relationship between the two documents (including a common viability study), it is logical to use the Planning Inspectorate who will hopefully be able to appoint the same Inspector as the Cranbrook Plan.
- 5.3 Following examination and upon receipt of a satisfactory report from the examiner, the council can then progress to adopting the Charging Schedule and then bring it into effect.

6. Revised Instalment policy

- 6.1 CIL Regulations allow payment of the levy by instalments, defined from when development has commenced. Where no instalment policy is in place, the full amount of CIL is due 60 days after development has commenced. The council’s current instalment policy (known as “phased payment policy”) requires payment in five instalments, with three instalments of 10% over the first year, 30% within 540 days, and the remaining 40% within 720 days. As there are no thresholds for the CIL liability, it means that developments with a relatively small amount of CIL to pay (e.g. for a single dwelling) are subject to the same proportions as those with a large liability (e.g. several hundred dwellings).
- 6.2 The Preliminary Draft Charging Schedule consultation document included a draft instalment policy which introduced thresholds for development, depending upon the amount of CIL to be paid (the “liability”). This would better reflect economic viability, given that small sites are generally completed (and therefore generate value) more quickly than larger sites. It would also reduce administration (for the council and applicants), and mean that the council receives CIL from the smaller schemes more quickly. Following consultation, the policy has been simplified by reducing the number of thresholds for CIL liability, shown in figure 3 below.

Figure 3: Revised Instalment policy

Total CIL liability	Number of instalments	Amount payable	Payment period (due from commencement)
Up to £75,000	2	50% 50%	90 days 180 days
Between £75,001 and £300,000	3	25% 25% 50%	90 days 180 days 360 days
Over £300,000	3	25% 25%	180 days 360 days

Total CIL liability	Number of instalments	Amount payable	Payment period (due from commencement)
		50%	540 days

6.3 The instalment policy does not require an independent examination, but we must give at least 28 days' notice before the new policy takes effect. Therefore, following resolution of this Committee, the council will publish the revised instalment policy on its website, and state that it comes into force at least 28 days following this (intended to be Monday 23 September).

6.4 To aid the viability and delivery of development and to provide clarity, the revised instalment periods (in figure 3) shall only apply to CIL liable developments where a liability notice has been issued on or after the date the revised instalment policy comes into force. Up to this date the current instalment periods as set out in paragraph 6.1 above shall apply.

7. Government changes to the CIL system

7.1 Along with other authorities, the council has been making representations to Government for some time regarding aspects of the CIL system. A key concern was the s.106 "pooling" restriction which meant that, from April 2010, no more than five s.106 agreements could be agreed for the same infrastructure project or type of infrastructure.

7.2 Following consultation earlier this year, the Government has made some amendments to the CIL Regulations, which come into force on 1 September 2019. The new regulations introduce some key changes to the preparation and implementation of CIL charging schedules, and the system of s.106 planning obligations, including:

- Only one period of public consultation required when preparing charging schedules, rather than two
- Removal of the section 106 pooling restriction
- A requirement for the council to publish an annual rate summary every December showing the CIL rate, as adjusted for inflation, for the following calendar year
- Replacement of "Regulation 123 lists" of infrastructure that the council intends to fund, or may fund, through the levy, with an annual infrastructure funding statement (see following bullet point)
- A requirement for the council to publish an annual infrastructure funding statement setting out how CIL and planning obligations is collected, how much is spent and what it is spent on; along with a list of infrastructure projects or types of infrastructure which will be, or may be, wholly or partly funded by CIL. This statement should be published by 31 December each year, starting from 2020
- Limiting the penalty for failing to submit a commencement notice for developments that are exempt from paying CIL (such as residential extensions and self-build housing), to whichever is the lower of 20% of the full chargeable amount, or £2,500 (rather than the full chargeable amount)
- Allowing fees to be sought by council's to monitor s.106 agreements

7.3 The Government considers that these amendments should make CIL and section 106 planning obligations more effective, fairer and more transparent to local communities and developers. The removal of the s.106 pooling restriction in particular is to be welcomed to facilitate delivery of the infrastructure necessary to support development.



Report to: Strategic Planning Committee
Date of Meeting: 20th August 2019
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 10

Subject: **S106/Community Infrastructure Levy Developer Contributions Annual Report 2018/19**

Purpose of report: This report focuses on the financial contributions paid to East Devon District Council, the sums paid, where these have been spent and the balance of unspent monies at the end of the last financial year. It also reminds Members of the way that we collect financial contributions through CIL (Community Infrastructure Levy).

Recommendation: **That Members:**

- 1. Note the contents of this report.**
- 2. Agree that sums secured for Habitat Mitigation non-infrastructure be increased to those detailed in table 4 in the report to reflect the rebasing of the Habitat Mitigation Strategy.**
- 3. Agree that the amount top-sliced from CIL receipts for Habitat Mitigation be 8.6% on net CIL receipts (11.7% of total CIL receipts) to reflect the rebasing report.**

Reason for recommendation: To inform Strategic Planning Committee on the progress made on planning obligation matters between April 2017 and March 2018.

Officer: Sulina Tallack – Planning Obligation Officer - Ext: 1549 - stallack@eastdevon.gov.uk

Financial implications: All financial information is contained within the body of the report.

Legal implications: Planning obligations are governed by section 106 of the Town and Country Planning Act 1990, as amended. The Community Infrastructure Levy is governed by the Planning Act 2008, as amended and the Community Infrastructure Levy Regulations 2010 as amended. The revised CIL Regulations come into effect in September 2019 and therefore do not form part of this report to Committee. This report ensures the Council as Local Planning Authority is transparent in how it collects and proposes to spend such funds. There are no legal implications other than as set out in the report

Equalities impact: Low Impact

Risk: Medium Risk

The risk associated with not monitoring planning obligations relating to planning applications is that the Council could be criticised for not operating a transparent and comprehensive framework for monitoring such financial and non-financial obligations.

Without adequate co-ordination Commuted Sums could be spent on inappropriate schemes and not on priorities identified within the Council's various plans and strategies. Without an adequate and co-ordinated system for monitoring Section 106 Agreements and any subsequent Commuted Sums it is possible that should deadlines expire, secured sums would have to be returned (plus interest) to the developers and required community facilities /affordable housing would not be provided.

If CIL is not effectively monitored the Council could fail to identify receipts that would contribute towards the infrastructure identified within our Regulation 123 list. Ineffective collection and enforcement would delay timely delivery. We are required by Regulation 62 of the CIL Regulations to report on the CIL receipts and expenditure for a reported year, which for the avoidance of doubt is the financial year from April 2018 to March 2019.

Links to background information:

- [Council Report April 2016 – Introduction of CIL](#)
- [S106/Community Infrastructure Levy Developer Contributions Annual Report 2016/17](#)
- [HREC Rebasing the South East Devon European Site Mitigation Strategy July 2017](#)

Link to Council Plan: [Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; and Continuously improving to be an outstanding council.](#)

1 Background

- 1.1 This report relates to the management and allocation of resources accrued through planning obligations and is the latest in a series of annual reports on the spend of monies collected through Section 106 agreements. This latest report will also advise on the monies collected from the Community Infrastructure Levy (CIL) which has been collected in the 17/18 financial year and S111 receipts which were introduced in May 2017.
- 1.2 Planning Obligations, commonly known as Section 106 Agreements, were introduced following the Town and Country Planning Act 1990. Section 106 Agreements are legal agreements and are negotiated between a local authority and developers, and are intended to enable infrastructure contributions to be made in order to make a development proposal acceptable. An Agreement must be fairly and reasonably related in scale to the proposed development and be directly related to the development, and should only be used where planning conditions attached to a planning permission would not provide an alternative approach.
- 1.3 Since the adoption of CIL most Section 106 Agreements relate to the delivery of infrastructure on the development site itself and are requirements placed directly on the applicant or land owner. CIL being paid to contribute to the cost of strategic infrastructure projects. However there remain a number of extant agreements that pre-date the adoption of CIL that make provision for the developer to pay a financial sum (a commuted sum) for a project to be implemented directly by the Council. This is because prior to the

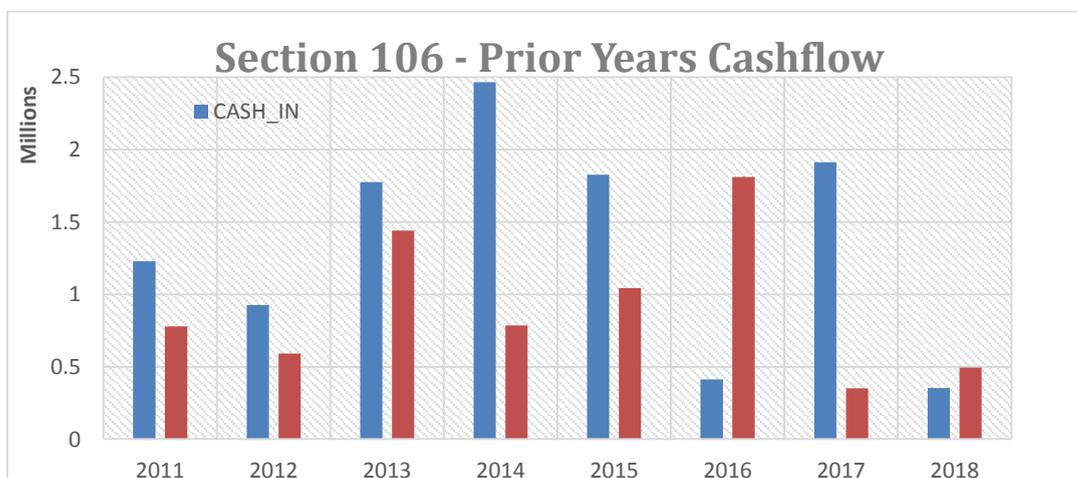
implementation of CIL Section 106 agreements were used to secure all infrastructure associated with a development. The Council still has a number of projects being delivered under consents granted prior to the adoption of CIL and therefore we are still collecting and spending monies under old Section 106 agreements.

- 1.4 CIL (Community Infrastructure Levy) is often confused with Section 106, or mistakenly taken to be the same thing. Community Infrastructure Levy is a tariff based system designed to cover the costs of all strategic infrastructure needs which are listed on the Regulation 123 list published by the Council. In order to calculate a Community Infrastructure Levy tariff, a council will consider the total costs of delivering strategic infrastructure (such as schools, transport and flood defences) against the total scope of development expected in an area and the ability of developments to contribute to the costs of the required infrastructure.
- 1.5 The Council has been charging CIL since September 2016 and has this year revisited its process to determine CIL spend through the CIL Members Working Party.

2 The spending of s106 contributions

- 2.1 Councils are restricted to spending s106 contributions on a defined purpose within each agreement or undertaking. Under the regulations we can no longer pool more than five obligations together to pay for a single infrastructure project or type of infrastructure and we cannot require contributions from small scale developments. These restrictions have forced us and other Council's to adopt CIL as often large pieces of infrastructure can only be funded through contributions from a large number of developments and this can only now be achieved through CIL. The government has consulted on proposals to remove the pooling restrictions on large strategic developments but the relevant legislation has not been brought forward.
- 2.2 The following graphs illustrate the cash flow of Section 106 monies over the years 2011 – 2018.

Graph 1: S106 transactions for the last eight financial years



There have been accruals of £353,156.16 in the reporting year.

Graph 2: S106 monies spent on projects in 2018/19

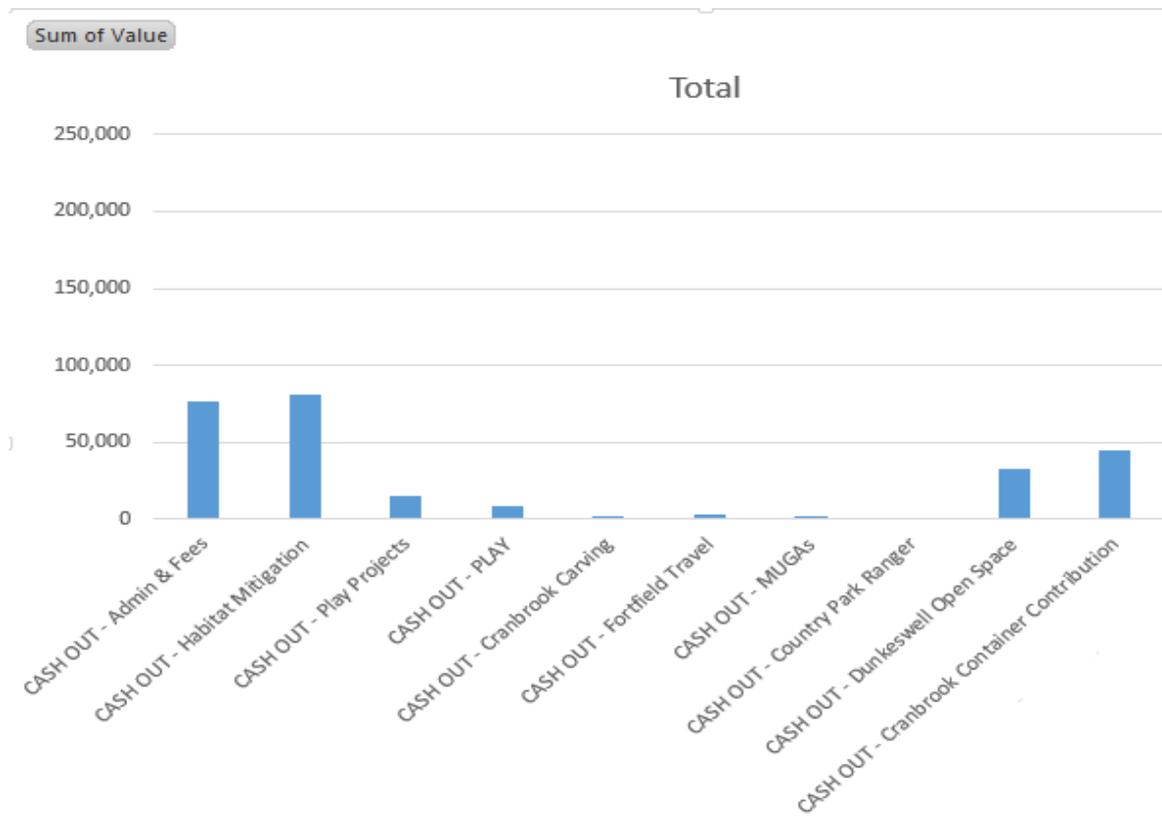


Table 1: Within the year there was an actual spend of just under £268,000 on the following items:

Project	Amount (£)
Admin, Maintenance (linked to delivered projects)	76171
Habitat Mitigation	80822
Play Projects	15530
Play	8590
Carving Communities	2204
Fortfield Travel Contribution	3000
Multi-Use Games Areas	2610
Cranbrook Country Park Ranger	1500
Dunkeswell Land Purchase	32311
Cranbrook Waste and Recycling Containers	45000
Grand Total	267738

- 2.4 As an example Dunkeswell Parish Council purchased an agricultural field in order to secure long term sporting provision within the parish. The S106 receipts were match funded with parish receipts and the land was purchased at agricultural values.
- 2.5 At year end 2018/19 a total of £4.852m was held in the s106 account (note that a proportion of this is based upon invoices raised and outstanding at year end).

3 Introduction of CIL – Progress Report

- 3.1 The way that we have traditionally delivered the infrastructure necessary to ensure that development is sustainable has been through s106 obligations. The policy restrictions have meant that this is less achievable and encouraged a move towards the introduction of CIL. As a LPA we went live with Community Infrastructure Levy (CIL) on 1 September 2016. The new CIL has not fully replaced s106 obligations but is an alternative to the way in which we have historically secured obligations. S106 is still the preferred method for securing all on-site infrastructure not identified on our regulation 123 list.
- 3.2 The following table shows a summary of CIL potential income, monies due and collected during the 17/18 financial year. This is broken down by the main areas of spend of CIL admin costs. The neighbourhood proportion going to town and parish councils and the remainder left for spend on reg 123 projects.

Table 2 CIL overview of financial year 18/19

Allocation	Potential	Due	Collected
Warning: The following application do not have a PERMITTED DEVELOPMENT date: 3963;			
CIL Admin	65,513.91	5,586.52	66,756.20
Neighbourhood CIL	231,721.49	15,671.61	200,274.97
CIL 123 List	1,013,042.90	90,472.25	1,068,092.90
TOTALS	1,310,278.30	111,730.38	1,335,124.07

- 3.3 The CIL Regulations allow the Council to retain up to 5% of the CIL receipts in the first three years to fund set up and ongoing costs, and 5% annually for ongoing costs thereafter. This pays for ICT systems required, additional Officer costs, training etc.
- 3.4 The Localism Act identified that a “meaningful proportion” of CIL funds would need to be transferred to town and parish councils for use on local priorities.

The CIL Regulations were amended in 2013 to identify exactly how much that “meaningful proportion” must amount to. The exact percentage varies depending on whether a town or parish council has an adopted Neighbourhood Plan or not and whether an area is parished or not. After the first 2 and a half years in excess of £200,000 was paid out to East Devon parishes as broken down in Table 3.

Table 3: Neighbourhood Proportion Payments

Parish	2016/17 Oct - Mar	2017 Apr - Sep	2017/18 Oct - Mar	2018 Apr - Sep	2018/19 Oct - Mar
Axminster	0	111.62 *overpayment to be rectified 18/19 financial year due to parish plotting error	0	0	57.2 (amount shows rebalancing from previous overpayment)
Aylesbeare	0	0	0	0	269.09
Beer	0	0	296.26	148.12	444.38
Bishops Clyst	0	0	0	7442.20	0
Broadhembury	0	0	0	0	212.51
Budleigh Salterton	0	0	2653.11	102.78	3888.33
Chardstock	303.75	0	464.87	1300.50	1305
Clyst St George	0	1191.67	0	0	0
Colyton	0	0	0	0	3527.33
Dalwood	0	0	0	0	11.96
East Budleigh	0	0	0	0	1055.11
Exmouth	0	9789.59	42203.47	61239.31	67120.33
Gittisham	0	0	0	2100.93	2100.93
Hawkchurch	0	0	0	0	70.9
Honiton	0	0	0	190.66	1461.28
Lympstone	0	0	0	1825.90	0
Newton Popleford	625.50	432.85	303.75	589.49	1215
Offwell	0	742.81	345.58	345.58	826.34
Ottery St Mary - West Hill	0 0	0 299.68	595.83 299.68	0 665.13	4192.75 2372.89
Payhembury	0	0	0	0	115.2
Rockbeare	0	0	0	0	1349.81
Seaton	0	35.59	0	444.71	13316.49
Sidmouth	0	182.72	353.64	353.74	4370.47
Southleigh	0	0	0	0	109.24
Stockland	0	0	0	0	47.10
Uplyme	0	0	244.79	1469.34	244.79
Woodbury	0	0	0	10629.66	3328.09

- 3.5 Taking account of the above, across the district as a whole this leaves around 76% of the Total CIL Income available for the Council to use towards required and identified infrastructure.
- 3.6 In 2016 the CIL forecasts predicted that the Total CIL income for the Local Plan period were likely to be in the region of £40.6M. The net income (having accounted for administration and meaningful proportion elements) available to spend on infrastructure projects was projected to be £30.8M, this assumed 10% of liable windfall dwellings being self-builds and therefore entitled to CIL relief. However the infrastructure requirements at that time exceeded £250M.
- 3.7 New CIL rates have been proposed as a part of the DRAFT Charging Schedule and the revised estimated £37,162,184.40 (note this is in part due to Cranbrook being removed from the CIL charging zone). Once reliefs, neighbourhood proportion and administration have been removed there is a projected net income of £27.1M.
- 3.8 Note that this includes our contribution towards the capital element of Habitat Mitigation.
- 3.9 Although there was a call for CIL projects in the 2017/18 financial year there were no projects allocated funding from the CIL 123 budget. This formed a separate report to this Committee. With regard to the future spend of CIL Members agreed at their meeting of the 24th July 2018 to:
1. Defer the bidding process for spending CIL until 2019 at the earliest;
 2. To focus CIL spending on infrastructure projects identified in the Infrastructure Delivery Plan (IDP) that are:
 - a. Known to be required to deliver development, and;
 - b. Identified as meeting the highest priority status;
 3. The CIL Member Working Party to meet again in September to consider the key infrastructure projects from the IDP to be prioritised.
 4. That no further CIL spend is undertaken until the identified projects have been delivered.

Officers are currently liaising with infrastructure providers to identify the highest priority projects. A meeting of the CIL Member Working Party has now taken place and the panel have indicated a preferred project. They are seeking further information from the project proposer before making their formal recommendation. This is likely to be at the October Strategic Planning Committee meeting. To date there has been a total spend of £87,000 from the

CIL admin budget on staff and other admin costs. In addition money has been from the Neighbourhood CIL budget to the parishes in the amounts listed above. There have been no payments in kind and no receipts recovered from Town/Parish Councils. Of the £1.765m collected from the launch of CIL until the end of the 18/19 financial year, £1.411m has been retained.

- 3.8 CIL income will be inconsistent over the plan period with higher levels of income expected when large scale housing developments commence. It will take many years for the CIL pot to grow to an extent that large scale projects can be afforded and when making funding decisions for smaller projects thought also needs to be given to how larger scale projects may be funded in the future.

4 Habitat Regulations Assessment Mitigation

- 4.1 The Exe Estuary, Pebblebed Heaths and Dawlish Warren are European Wildlife Sites that have strong legal protection and the Council must not grant planning permission, unless any harmful effects will be fully mitigated.
- 4.2 The Conservation of Habitats and Species Regulations 2017 sets out how we must deal with planning applications that have potential to impact on European wildlife sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites). This impact may be direct or indirect:
- eg. distant development may cause significant impact on the key species when they are away from the designated site
 - eg. a single development may have a small effect but a combined overall large effect
 - The legislation says that we MUST NOT grant consent for a development that would, either alone or in combination with other developments, have a likely significant effect on a European wildlife site, unless full mitigation is provided.
- 4.3 Any housing or tourist accommodation developments within 10km of the Exe Estuary/Pebblebed Heaths/Dawlish Warren must provide appropriate mitigation. We have worked with Exeter City Council, Teignbridge District Council, Natural England and others, and determined that housing and tourist accommodation developments will have an impact (called a Likely Significant Effect) on the Exe Estuary SPA and Dawlish Warren SAC through impacts from recreational use. The impacts are highest from developments within 10km of the SPA/SAC.
- 4.4 Teignbridge, East Devon District Council and Exeter City Council have joined together to form the [South East Devon Habitat Regulations Executive Committee](#) that works across the three authority areas to protect the Exe Estuary, Dawlish Warren and the East Devon Pebblebed Heaths for future generations to enjoy. This Committee is working with partners including Natural England, Clinton Devon Estates, National Trust, RSPB, Exe Estuary

Management Partnership and Devon Wildlife Trust to off-set the effects of new developments and population growth on these protected conservation sites.

4.5 Funding will come from developer contributions on new residential housing or tourism accommodation within a 10km "zone of influence" from the protected sites. At this point in time we collect contributions through a combination of CIL, S106 (UU and S106 agreements) and S111. We collect Capital Habitat Mitigations via top-slicing CIL receipts and they are identified on EDDC Regulation 123 list. Non-infrastructure Habitat Mitigation contributions are secured by either;

- A S111 agreement and payment (a standardised letter linking an upfront payment to a submitted application).
- A S106 Agreement (normally has several types of planning mitigation secured).
- A Unilateral Undertaking (a simplified type of S106 agreement normally payable linked to occupation)

4.6 A report to the SEDHREC set out that initial assumptions on the amount of houses making a full financial contribution to the delivery of the Strategy were incorrect. It stated that "to meet our legal obligations it is imperative that new per dwelling contributions based on re-validation of income, cost and expenditure are implemented by each of the partner authorities". As such the amount top-sliced and the non-infrastructure element secured is now out of date.

4.7 It has unfortunately taken some time for the non-infrastructure contributions to be recalculated in light of the rebasing of the strategy, however the total amount required to mitigate the impacts of development have always been correct. It is the proportion that has been infrastructure funding vs the infrastructure amount that has been incorrect. It is now proposed to correct this imbalance through the introduction of the rebased non-infrastructure amounts.

4.8 The total infrastructure amount for East Devon is £3,570,916. This is made up of the following:

- SANGS - £2,312,212
- Exe Estuary - £ 666,846
- Pebblebeds - £ 591,858

To date £390,364.56 of Capital receipts to fund Habitat Mitigation infrastructure have been secured through the S106 route. The outstanding total of £3,180,551.44 must be secured via CIL.

4.9 This equates to 11.7% of all CIL net income (8.6% of all CIL receipts).

4.10 The revised per dwelling non-infrastructure contribution required is as the table below:

Table 4:

	EXE	PBH	BOTH
Total required from future EDDC dwellings	£164	£190	£354

4.11 It should be noted that the habitats mitigation strategy will need to be rebased on a regular basis to ensure that the amounts charged are accurate and can deliver the strategy and so the CIL proportion for habitats mitigation and the non-infrastructure element will be kept under review and Members will be updated annually through these monitoring reports.

5 S106 and CIL Monitoring

5.1 EDDC has an Officer dedicated to the negotiation, monitoring and delivery of planning obligations. This long standing post has been supported by the role of Planning Obligation Support Officer who has aided the introduction and administration of CIL and is funded by the admin element of the CIL receipts.

5.2 To aid the work of the posts we have introduced CIL/S106 Administrator product called EXACOM. It is designed to take the sting out of administration, and enables an administrator to capture information, calculate charges, levies, surcharges etc., generate notices and manage finance. We now have all live S106 agreements and CIL activity on the system. We look to take the system public facing in the near future. This will allow Parish Councils, developers to see what is going on with particular projects, agreements etc. The past year has been spent ensuring that all spend activity is on the system and that no pooling in terms of spend has taken place.

5.3 The figures within this report are held within the councils' databases and are proactively monitored to aid delivery of infrastructure by ensuring all obligations are met and any associated spend is in accordance with the specified infrastructure need. S106 breaches are referred to our legal department for enforcement action to be taken.

5.4 Community Infrastructure Levy Regulations 2010 contain enforcement provisions, aimed at ensuring that the collection process runs smoothly, by giving collecting authorities the power to issue a range of surcharges, stop notices, and if necessary to recover funds by appropriate legal action.

Collection and enforcement arrangements are supported by the right to appeal certain decisions.

- 5.5 In the majority of cases the developers follow the correct process, however, where a developer has failed to submit a Commencement Notice prior to development commencing, the CIL Regulations provide that the liable person(s) will no longer be able to benefit from the Instalment Policy and the development will cease to be eligible for social housing relief or exemptions for self-build housing or annexes. In addition the Council may issue a surcharge of 20% of the liable amount or £2,500 whichever the lower amount.
- 5.6 Where there are problems in collecting the levy, the CIL Regulations have made provision in that the collecting authorities are able to penalise late payment and discourage future non-compliance.
- 5.7 The regulations provide for a range of proportionate enforcement measures, such as surcharges on late payments (as set out in [regulations 80 to 86](#)). In most cases, these measures should be sufficient.
- 5.8 In cases of persistent non-compliance, collecting authorities may take more direct action to recover the amount due. For example, a collecting authority may issue a Community Infrastructure Levy Stop Notice (under [regulations 89 to 94](#)), which prohibits development from continuing until payment is made and the stop notice is withdrawn.
- 5.9 The collecting authority may, after issuing a reminder notice to the party liable for the levy, apply to a magistrates' court to make a liability order allowing it to seize and sell assets of the liable party. A party may also apply for a charging order if there is at least £2,000 owing. The court can issue an order imposing a charge on a relevant interest to secure the amount due.
- 5.10 In the very small number of cases where a collecting authority can demonstrate that recovery measures have been unsuccessful, they may apply to a magistrates court to send the liable party to prison for up to 3 months (under [regulations 100 and 101](#)).



Report to: **Strategic Planning Committee**

Date of Meeting: 20 August 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Membership of Greater Exeter Strategic Plan Members Joint Advisory Reference Forum**

Purpose of report: At the Strategic Planning Committee meeting on 17th January 2017 Members resolved to recommend to Council to establish a joint informal advisory reference forum to consist of 5 Members of each of the partner authorities involved in the production of the Greater Exeter Strategic Plan (GESP). The purpose of the group is to make comments on draft plan proposals before they are formally considered by each council. Council, on 22nd February 2017, agreed the recommendation and elected Members to the forum on the basis of the political balance of the Council. The forum has met several times since it was established and been advised of progress with the production of the plan and engaged in discussion about issues to be addressed through the plan.

It is now proposed that the membership of the forum be increased to 10 Members per partner authority to enable wider engagement with the membership of the Councils on the emerging proposals coming out of the work on GESP.

Recommendation: **That the Committee recommend that Council agrees to increasing the membership of the Greater Exeter Strategic Plan Members Joint Reference Forum to 10 Members from each authority on the basis of each authority's political balance and appoints an additional 5 Members to sit on the forum.**

Reason for recommendation: To enable wider engagement with the Council on the production of the Greater Exeter Strategic Plan.

Officer: Ed Freeman – Service Lead – Planning Strategy and Development Management (e-mail: efreeman@eastdevon.gov.uk; Tel: 01395 517519)

Financial implications: There are no Financial Implications contained within the report.

Legal implications: It is within the remit of the Council and other authorities to agree to increase the size of the reference forum. It is a decision for Council as to whether to agree to the change and to appoint Councillors to it should that be the decision. There are no other legal implications arising.

Equalities impact: Low Impact

Climate change: Low Impact

Comments:

Risk: Low Risk

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Links to background information: None

Link to Council Plan: [Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council](#)



Report to: **Strategic Planning Committee**

Date: 20 August 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Validation of planning and related applications – adoption of revised information required to be submitted with planning and associated applications (Local Requirements List)**

Purpose of report: The report is to seek agreement to adopt the revised requirements and guidance for the validation of planning and related applications

Recommendation: **That the revised information and requirements in the document ‘Information Required with Planning and Associated Applications’ be adopted and published immediately for Development Management purposes.**

Reason for recommendation: To ensure that all planning and related applications provide sufficient information for officers and Members to make fully informed decisions taking into account all relevant material considerations, and to ensure that all submission adhere to a reasonable standard so that all interested parties can adequately assess the proposal and make informed comments.

Officer: Chris Rose – Development Manager – Planning Tel; 01395 517419 email chris.rose@eastdevon.gov.uk

Financial implications: No specific financial implications other than those mentioned in the body of the report.

Legal implications: Section 62(3) of the Town and Country Planning Act 1990 (as amended) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 requires the Council to maintain an up to date local list of validation requirements for planning applications. There are no other legal implications other than set out in the report.

Equalities impact: Low Impact

Risk Low Risk

Links to background information: <http://planningguidance.communities.gov.uk/blog/guidance/making-an-application/validation-requirements/local-information-requirements/>

1.0 Background

1.1 Planning legislation outlines information that is required to be submitted with all planning and related applications across the Country. This is known as the National Validation Requirements and includes such things as the correct application forms, correct fee and a site location plan identifying the location of the site. The National Planning Policy Framework 2019 at paragraph 44 states the following:

‘Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.’

1.2 The National Planning Practice Guidance (NPPG) states that the local authority ‘requirements should be specified on a formally adopted ‘local requirements list’ which has been published on its website less than 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.’ East Devon District Councils current local validation requirements are set out on the website.

1.3 At the Strategic Planning Committee meeting in March 2017 members agreed the last version of the local validation checklist that come into force on the 1st May 2017. The Validation Document runs alongside the national validation requirements for planning and related applications in determining the information that should be submitted to support applications.

1.4 This report is as a result of the need to review the validation checklist at every two years.

2.0 Review of the Validation Checklist

2.1 An extensive review of the document format was carried out in a previous version of the document in 2016 to address the following:

- To provide a single document/point of reference for applicants and agents;
- To expand on what each document should address and contain so that applicants and agents can be sure of the expected quality and contents of supporting documents;
- To provide clearer guidance on the quality and type of plans required with applications;
- To break down the requirements between the different types of application so that, in particular, it is clear that certain requirements only relate to major applications;
- To include additional requirements as a result of the upcoming introduction of the Community Infrastructure Levy;
- To provide guidance on plans given the move to electronic submissions and the need for those consulted on applications to view plans electronically.

2.2 In light of the above a comprehensive single document was produced providing applicants and agents with guidance on when certain supporting documents will be required and what such documents should contain. This was/is in line with a number of other local authorities.

2.3 The report was last modified in 2017 following the introduction of the need to collect financial contributions from residential development toward non-infrastructure mitigation under the Habitat Regulations. As there have not been any substantial changes to

validation requirements over the last two years, the current review has been more light-touch.

- 2.4 It has been subject to consultation with the Planning Agents Forum, staff and via consultation on the Councils website asking for suggested changes and improvements.
- 2.5 The main comments received can be summarised as follows:
- It would be helpful to update the Validation Checklist to detail when a CIL Additional Information Form is required as this has changed over time;
 - That the details of when a Flood Risk Assessment is required be updated to reflect current requirements;
 - To ensure that reports are correctly titled when dealing with more than one topic (e.g. a joint D&A and Flood Risk Assessment);
 - To make reference to the Affordable Housing SPD;
- 2.6 As a result of the consultation all of the above changes have been made to the document to reflect the above comments. The document can be found at Appendix 1.
- 2.7 Concerns were raised by Members as part of the consideration of the document in 2016 that the requirements could be onerous in certain circumstances. As a result of this the document was amended to clarify at the end of each section explaining the document requirements that all requests for information will be proportionate to the nature and scale of the proposals. This wording was retained in the 2017 version and is again proposed to be retained in the latest version.
- 3.0 Conclusions**
- 3.1 This review of the local validation requirements has not identified the need for any detailed or major changes but requires consultation and review every two years. This is one of those two-yearly reviews.
- 3.2 The document has been out to consultation with a number of helpful suggested amendments received. All of the suggestions have been incorporated into the final document.
- 3.3 Should members be minded to approve this report with or without modifications, the local validation document will be immediately adopted and published on the website for Development Management purposes.

**East Devon District Council
Development Management**

**INFORMATION REQUIRED WITH PLANNING
AND ASSOCIATED APPLICATIONS**

**National and Local Validation Requirements
(Local List)**

Advice for Applicants and Agents

August 2019

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1.0 **Background**

- 1.1 National and local validation requirements set out what information and supporting documents must be submitted with an application before the local planning authority can start formally considering the application. The requirements are in place to:
- Provide applicants with certainty on the information required and likely cost of an application
 - Set out the scope of information required at the outset to ensure that the authority have all the necessary information to determine the application and draft any conditions
 - Minimise the need for the submission of further information during the application that can lead to unnecessary delays and re-consultation of an application
 - Ensure that the necessary information is submitted with the application to allow interested parties to consider and comment on the proposals.
- 1.2 Some information required with applications is mandatory (i.e. it is required by legislation and known as national validation requirements) whilst other information can be required by the local authority (i.e. known as local validation requirements).
- 1.3 The need for local authorities to publish (and republish) a list of local validation requirements is contained within Article 11 (3)(c) of the Town and Country Planning (Development Management Procedure) (England)(Order) 2015.
- 1.4 The National Planning Policy Framework (paragraph 44) states that “Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”
- 1.5 This document has been the subject of review and consultation with the local community, applicants and agents before being agreed by Members and formally adopted for use by East Devon District Council from the 20 August 2019. In accordance with the Town and Country Planning Act 1990 (as amended), and the

guidance within the National Planning Policy Framework, this document will be reviewed at least every 2 years.

2 **National Requirements**

- 2.1 As a minimum, to make your application valid and to allow the local planning authority to process your application, it must include the following plans and documents in addition to any relevant items on Local Requirements list (see section 3 below):

The relevant application form

- 2.2 There are different application forms depending upon the type of application and development proposed. Please ensure that you complete and submit the relevant form and read the associated notes accompanying each form. Applicants must answer all the questions. Please note that applications for extensions or alterations to flats should be submitted on the Full not Householder application forms.

Ownership Certificates

- 2.3 Under section 65(5) of the town and Country Planning Act 1990, read in association with the Development Management Procedure Order 2015, the local planning authority cannot consider an application for planning permission unless the relevant certificates concerning the ownership of the application site have been completed.
- 2.4 All applications for planning permission must therefore include the appropriate certificate of ownership and incorporate the Agricultural Holdings declaration. One ownership certificate A, B, C or D (which are included near the end of the application forms) must be completed stating the ownership of the property with any necessary notices and adverts served in relation to certificates B, C, or D. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than seven years. Ownership certificates must also be completed for applications for listed building consent.
- 2.5 Please note that if your extension or guttering or foundations overhang, cross or tie-in into a neighbouring boundary or building, ownership Certificate A should not be completed and Notice should be served on the owner with the relevant alternative Certificate completed.

Correct Fee

- 2.6 The majority of planning applications incur a fee that is set nationally by Central Government. The fee depends upon the scale of the development, site area or application type and is based upon gross external areas.

- 2.7 A schedule of the current fees is available on the Planning Portal's website along with an on-line fee calculator based on the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) Regulations 2012 (as amended). It is for the local planning authority to calculate the actual fee payable during the validation process.

Location Plan

- 2.8 The Town and County Planning (Development Management Procedure) (England) Order 2010 (DMPO) requires applicants to submit "a plan which identifies the land to which the application relates". This is considered to comprise a location plan and a site plan.
- 2.9 All applications must include copies of a location plan based on an up-to-date Ordnance Survey Plan (please detail the license number on the plan) which is centered around the application site showing clear reference points such as road/street names and/or neighbouring properties. The plan must have an up-to-date copyright and at a standard metric scale of 1:1250 with the scale clearly stated and should be at least A4 size in scale. In rural areas where there are no immediate reference points, a 1:2500 scale plan will be accepted. The development site must be edged clearly with a red line and should include all land necessary to carry out the proposed development – for example access to the public highway, visibility splays, areas around buildings and car parks. Where a site is detached from the public highway, the red line must include the means of access outlined in red and connecting to the site to the public highway.
- 2.10 A blue line must be drawn around any other land owned by the applicant on the plan that is close to or adjoining the application site.
- 2.11 Plans should show the direction of North and clearly identify sufficient roads and or buildings to ensure that the exact location of the application site is clear.

Site Plan

- 2.12 A site plan is required to show a detailed layout of the whole site and the relationship of the proposed works within the boundary of the site, nearby roads and neighbouring buildings and land. Most applications will require an existing and proposed site plan. This should be an ordnance survey-based map at a standard metric scale of 1:500 or 1:200.
- 2.13 The plan should be up to date and accurately show the following:
- The scale of the plan along with a scale bar;
 - The direction of North;

- The proposed development in relation to the site boundaries and other existing buildings on the site;
- All buildings, roads and footpaths on land adjoining the site including access arrangements;
- Vehicular and pedestrian access arrangement to and within the site;
- The species, position and spread of all trees on the site and those on adjacent land that overhang the site;
- The extent and type of any hard surfacing such as car parking spaces;
- Boundary treatment including wall/fence heights and landscaping;
- Any buildings to be demolished;
- Any refuse storage areas;
- Natural features including hedgerows, banks, ponds, watercourses etc.

Design and Access Statement (where required)

2.14 Design and Access Statements are required for the following:

- Planning Permission for major development
- Planning Permission for development in a conservation area or world heritage site consisting of the provision of one or more dwelling houses or the provision of a building(s) where the floor space created is 100 square metres or more
- Applications for Listed Building Consent.

2.15 The DMPO states that Design and Access Statements must:

- explain the design principles and concepts that have been applied to the development;
- demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- 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
- explain how any specific issues which might affect access to the development have been addressed.

For listed building consents and applications affecting a heritage asset

2.16 For listed building consent, the Design and Access Statement should provide a brief explanation of how the design has taken into account the historic and special architectural importance of the building, the particular physical features that justify

its designation as a listed building and the building's setting. In addition, it should detail any specific issues that arise because the building is listed and if it is not possible to provide inclusive design, this needs to be expanded upon in the statement

- 2.17 For listed building consent and proposals affecting a heritage asset, a Statement of Significance explaining what is important about the building and how the proposals impact on these features is required. The Statement of Significance should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 2.19 These statements will form part of the justification for the proposal and should demonstrate that consideration has been given to the protection of the heritage asset and/or its setting. The purpose of the Statement of Significance is to identify the important characteristics/significance of the existing heritage asset and to explain how the proposals would affect these and justify why this is necessary or desirable. If appropriate the Statement can be incorporated as part of a Design and Access Statement as long as it is clearly identified within the overall document. A complete Statement must include:
- Statement of significance of the heritage asset
 - Details of the proposal
 - Analysis of the impact of the proposal on the significance (including a statement of need & statement of impact)
- 2.20 The term 'Heritage Assets' includes 'Designated Assets' such as Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Parks, Gardens and Battlefields, as well as 'Non-designated Heritage Assets' for example, sites and buildings of historic interest as determined by the Local Authority. In East Devon, such non-designated assets would include buildings on the Local List, and other non-listed houses, public houses, barns, and other farm buildings, amongst others.
- 2.21 The Assessment of Significance will need to contain a description of the significance of the heritage assets affected by the proposal, and the contribution of their setting to that significance.
- 2.21 Please also refer to section 4 of this report for additional local validation requirements for listed building consent applications.

3. LOCAL REQUIREMENTS

- 3.1 In addition to the National Requirements outlined above, East Devon District Council has produced the following list of specific documents that are required to accompany applications. The Local Requirements comprise plans and documents as detailed below. At the end of this document is guidance on how plans should be prepared and presented.

Plans

Existing and Proposed Elevations

- 3.2 These drawings should accurately show what a building/structure looks like from the outside. Applications will usually require both existing and proposed elevations. The elevations must:

- Be to a scale of 1:100 or 1:50;
- Be clearly annotated 'existing' and 'proposed' with buildings to be demolished clearly identified;
- Show every elevation, front sides and rear clearly stating the direction in which each elevation faces, for example front (north);
- Show the whole of the existing building(s) to be altered/extended so that the relationship of the new building/extension can be seen in full;
- Show the property boundary and part of adjoining properties and the position of their openings;
- Indicate the type and colour of finishing materials to be used for the walls, roof, windows, doors etc). If the materials are to match the existing then please state this on the plans.
- Be accompanied by a scale bar at the appropriate scale.
- Simple line drawings will not be accepted.
- If new doors, opening, windows, shop-fronts, paneling, fireplaces, plaster moldings or other decorate details are proposed to listed buildings, these should be detailed on a scaled plan of not less than 1:20 scale.

Existing and Proposed Floor Plans

- 3.3 These drawings should accurately show the layout of the building. Applications will usually require both existing and proposed floor plans. These floor plans must:

- Be to a scale of 1:100 or 1:50;
- Be clearly annotated 'existing' and 'proposed';
- Show all floor levels including any basement or rooms in a roof being constructed, altered, extended or demolished;
- Clearly state the use of each room including position, thickness and size of window and doors openings, walls, partitions and chimneys.
- Clearly indicate each floor (e.g. ground floor, first floor).

- Show the direction of north.
- Be accompanied by a scale bar at the appropriate scale.
- Identify anything to be demolished.
- Clearly show and annotate any encroachment (e.g. foundations) onto any adjoining property if the building is near a boundary.
- Simple line drawings will not be accepted.

Existing and Proposed Site Sections, Finished Floor and Site Levels

3.4 These drawings should detail ground levels and cross sections and should accompany all applications on sloping or uneven land, sites adjoining land at a different level, or where changes to the ground level are proposed as part of the application. Applications will usually require existing and proposed site sections, finished floor and site levels. The information should demonstrate how proposed buildings and/or changes in levels relate to neighbouring buildings and land.

3.5 The Site Levels Plan(s) must:

- Clearly show existing and proposed levels on the site and where this differs from the adjoining land clearly show the differences;
- Be plotted on a plan using spot ground levels against a fixed and identifiable datum level, usually “Above Ordnance Datum” – AOD;
- Clearly show the finished floor levels of all buildings and location and extent of any trees and their root protection area.

3.6 The Site Sections (Cross Sections) must:

- Clearly show finished floor and ridge levels of buildings;
- Identify existing and proposed ground levels shown cut and fill where proposed;
- Show sections through the land at 1:200 or 1:500 scale;
- Show sections through the building (for example where raised decks or patios are proposed) at 1:50 or 1:100 scale;
- Show relationships to existing and proposed buildings and trees within and adjacent to the site;
- Be accompanied by a plan showing the points through which the sections are taken with the direction of North clearly indicated.

Existing and Proposed Roof Plans

3.7 Roof plans should show the full span of the roof detailing its design as seen from above and must be provided for application involving new roof, or alterations/extension to existing roofs. Applications will usually require existing and proposed roof plans. The plans must:

- Be to a scale of 1:50 or 1:100;
- Show the position of all ridges and valleys;

Street Scenes

3.8 These plans and drawings show how a building(s) will look sitting alongside each other once constructed/extended. These will be required for works visible from a road for new buildings or large extensions and for new internal streets within new development. The plans must:

- Be to a scale of 1:100 or 1:200;
- Clearly show the height and outline of neighbouring dwellings/buildings and the position and size of any openings;
- Clearly show any differences in levels;
- Include written dimensions of key distances;
- State the direction in which the street faces accompanied by a plan showing where the street scenes are taken from.

Landscape Plans and Details

3.9 This plan should show existing and proposed landscaping including existing and proposed tree planting and hard landscaping such as patios and paths. Usually an existing and proposed plan is required. The plans must show:

- The position and canopy spread of any existing trees including details of how these will be protected during construction;
- Details of any trees to be felled or cut back;
- Details of any existing landscaping including hardsurfacing;
- Details of all new hard and soft landscaping including size, species, and density of planting;
- The position and extent of any natural or made feature such as banks/terracing, ditches, ponds or watercourses.
- The landscaping plan shall include details of new tree planting to include planting pit design, new tree specifications (including species, size and nursery production system), planting methodology, irrigation and maintenance programmes in accordance with the most up-to-date version of British Standard 8545.

Reports and Supporting Documentation

- 3.10 The following section details the supporting documentation and reports potentially required for various applications, listing the types of applications each report could be required for and providing a description of the document and what it should include. It also includes reference to the main relevant policies in the Adopted Local Plan. Requests for information will be proportionate and reasonable having regard, in particular, to the nature and scale of the proposed development and will be in relation to a matter that will be a material consideration in the determination of the application. Documents including more than one topic within a single report should be clearly titled to show it comprises two topics e.g. 'Design and Access Statement and Flood Risk Assessment'.
- 3.11 If you require confirmation of the documents required for a planning application, we are happy to provide this as part of a pre-application service.
- 3.12 Screening and Scoping Opinions can be submitted to determine if applications require an Environmental Impact Assessment. Where an EIA have been required for an outline application a subsequent EIA may be required for the related Reserve Matters application and where developments are phased, updates to the Environmental Statements may be required.
- 3.13 The following definition of applications is used:

Other Applications

- Changes of use, householder development (development within the curtilage of a residential property), adverts, listed building consents, lawful development certificates, agricultural notifications, telecommunications, etc.

Minor Applications

- less than 10 dwellings or the site area for residential development is less than 0.5 hectares;
- less than 1,000 sqm, or the site area is less than 1 hectare.

Major Applications

- 10 to 199 residential units;
- 1,000sqm to 9,999sqm of floorspace;
- Sites in excess of 1 hectare and less than 2 hectares.

Large Scale Major Applications

- 200 or more dwellings or the site area for residential development is 4 hectares or more;
- 10,000 sqm or more, or the site is 2 hectares or more.

Air Quality Statement

Required for the following types of application/development:

- Large Scale Major planning applications;
- Retails proposals in excess of 2,500sqm;
- Large scale poultry units.

Description

A report by a suitably qualified person indicating the change in air quality resulting from the proposed development and/or assessment of impacts on receptors introduced into an area of existing poor quality, outlining appropriate mitigation measures as necessary. The report should include the following:

- The existing air quality (the baseline);
- A prediction of future air quality without the development (future baseline);
- The impact during construction (construction phase);
- A prediction of future air quality with the development (operational phase); in conjunction with other surrounding uses and consents;
- Measures to mitigate and manage any impact.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy EN14 – Control of Pollution of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Archaeology Assessment

Required for the following types of application/development:

- Applications where there is potential for archaeological implications;
- Where a proposal is likely to affect a Scheduled Monument; or
- As advised by the County Archaeologist.

You are advised to speak with the County Archaeologist to ascertain any requirements for a particular site.

Description

A report by a suitably qualified person identifying any constraints, impacts and mitigation to archaeological heritage assets including Scheduled Monuments. The report should include the following:

- A desk-based assessment of all known records for an area to gauge the archaeological potential of a site;
- Details of how any archaeological potential will be protected from development;
- Reports of any necessary geophysical survey or field excavation detailing and recording any features and deposits;
- Clarification of any work required on site pre-or post planning.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy EN6 – Nationally and Locally Important Archaeological Sites and Policy EN7 – Proposals Affecting Sites which may potentially be of Archaeological Importance of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Affordable Housing Statement

Required for the following types of application/development:

- Major planning applications for residential or mixed-use development of 10 or more dwellings;
- Residential development on rural exception sites;
- Development of existing affordable housing sites.

Description

This statement (which could form part of a Design and Access Statement or Heads of Terms) should detail the affordable housing implications and provision as part of the application. The statement should include the following:

- The number of residential units existing and proposed;
- The mix of units, with numbers of habitable rooms and bedrooms plus the floorspace of habitable areas of residential units;
- A plan or clear description of the location of the affordable units;
- If different levels or types of affordability or tenure are proposed, this should be clearly and fully explained.

For applications applying under Strategy 35 as an 'Exception Site', the document should include housing need evidence to support the affordable housing proposed.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 34 - District Wide Affordable Housing Provision Targets and Strategy 35 – Exception Mixed market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries of the Adopted East Devon Local Plan 2013-2031 and the Affordable Housing SPD.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Biodiversity Survey and Report

Required for the following types of application/development:

- Where there is a reasonable likelihood that any important biodiversity or geological conservation feature may be present or nearby and where they are likely to be affected by the proposal.
- In or adjacent to a Site of Special Scientific Interest (SSSI).
- In or adjacent to a Site of Nature Conservation Interest (SNCI).
- In or adjacent to a National Nature Reserve (NNR).
- In or adjacent to a Local Nature Reserve (LNR).
- In or adjacent to a Wildlife Network Site (WNS).
- In or adjacent to a Special Area of Conservation (SAC)
- Proposals involving site clearance, removal of trees, removal of hedgerows, demolition of older buildings or roof spaces.

Where a Phase 1 Ecological Survey (or similar Ecological Report) identifies the need for further surveys before commencement of development, these further surveys will be required for validation purposes.

Description

A report by a suitably qualified ecological consultant carried out at an appropriate time of year and within a year of the date of the application. Information should be provided on existing nature conservation interest of the site and adjacent land and the possible impacts on the habitats and species present, in order to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures, information to support these proposals will be needed.

Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows, rough grassland or alterations to watercourses may affect protected or notable species and you will need to provide information on use of the site by such species, any potential impacts on them and any mitigation proposals for such impacts.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 47 – Nature Conservation and Geology of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

**Community Infrastructure Levy –
Additional Information Requirement Form**

Required for:

- Full applications for chargeable/CIL liable uses (residential and retail);
- Householder applications over 100sqm of new build floorspace;
- Reserved Matters applications following outline permission for chargeable/CIL liable uses (residential and retail);
- Conversions of buildings to residential or retail use;
- Applications for lawful development certificates;
- Application for a variation of condition if additional chargeable floorspace is proposed;
- Changes of use of to residential and/or retail;
- New build annexes;
- Any other development that is CIL liable.

Description

The relevant additional information form(s) must be completed in full and be signed and dated.

Reason: To comply with the requirements of the Community Infrastructure Levy.

Daylight/Sunlight Assessment

Required for the following types of application/development:

- Applications where there is potential to result in a significant loss of daylight or sunlight to adjoining properties including associated gardens and amenity space.

Description

A report by a suitably qualified person assessing the impact from the development upon adjacent properties in terms of loss of daylight or sunlight including mitigation/design measures to address any impacts.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Economic Impact Assessment

Required for the following types of application/development:

- All major planning applications involving the loss of land or buildings last used for employment, retail and/or community purposes.

Description

A statement setting out the following:

- The details of existing floorspace to be lost for each use.
- Evidence that the site has been adequately marketed.
- Evidence of why the site is no longer capable of offering accommodation for employment uses.
- Evidence of why the use of the site for employment purposes raises unacceptable environmental or traffic problems.
- A statement explaining why an alternative mix of uses offer greater potential benefits to the community, and explaining why the site is not required to meet economic development or local employment needs.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 32 – Resisting Loss of Employment, Retail and Community Sites and Buildings of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Flood Risk Assessment (FRA)

Required for the following types of application/development:

- All development of 1 hectare or more in Flood Zone 1;
- Development in a critical drainage areas;
- less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs);
- All development in Flood Zones 2 and 3 including minor development and changes of use.

Description

A report by a suitably qualified person addressing the issue of flood risk to property and people. The report should include the following:

- Identify and assess the risks of all forms of flooding to and from the development;
- Demonstrate how the flood risks will be managed taking into account climate change;
- If necessary the report should be accompanied by a Sequential and Exception Test as set out in the NPPF;
- The report should identify opportunities to reduce the probability and consequences of flooding;
- The FRA should utilise and detail Sustainable Drainage Systems (SuDS);
- The FRA should address the requirement for safe access to and from the development in areas at risk of flooding.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy EN21 – River and Coastal Flooding and Policy EN22 – Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Foul Sewerage and Utilities Assessment

Required for the following types of application/development:

- All large scale major development.

Description

A report detailing the existing foul sewage system and explaining how the proposal will connect to it. In addition, the report should indicate how the development will connect to existing and proposed utility services. The report should include the following:

- Identify the existing foul sewage connections and utility infrastructure (including electricity, gas, telecommunications and water supplies).
- Detail how a proposal will deal with its foul sewage if a mains connection is not available.
- Provide evidence that a connection to the relevant services is available;
- Demonstrate that the proposal will not result in undue stress of the delivery of services;
- Demonstrate that the proposals incorporate adequate space for any services and structures such as substations;
- Demonstrate that service routes have been planned to avoid damage to trees and archaeological remains.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 (Design and Local Distinctiveness) and Policy EN19 – Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems River and Coastal Flooding of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Foul Drainage Assessment

Required for the following types of application/development:

- Cases where it is not possible to connect to existing foul drainage facilities and within sensitive areas such as source protection zones.

Description

Completion of the necessary form (FDA1) to justify why non mains drainage is being proposed.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 (Design and Local Distinctiveness) and Policy EN19 – Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems River and Coastal Flooding of the Adopted East Devon Local Plan 2013-2031.

Green Infrastructure Plan

Required for the following types of development:

- all major full applications where strategic landscaping forms part of the proposal or is required to mitigate the impacts of development including Major Housing and Employment development and Solar Farms;
- all major outline applications where Landscaping is being discharged.

Description:

This plan should show existing and proposed green infrastructure including the following where necessary:

- Open Space on the site;
 - Connections to surrounding land;
 - Explain how it relates to the FRA and how it incorporates SuDS features;
 - Site topography and levels;
 - Soil testing results;
 - Cross-sections of any proposed banks including materials;
 - The position and canopy spread of any existing trees including root protection areas and details of how these will be protected during construction;
 - Details of any trees to be felled or cut back;
 - Details of any existing planting including hardstandings;
 - Details of all new hard and soft landscaping including, number, size, species and density of planting;
 - Tree planting pits;
 - Existing and proposed boundary treatment.
1. For: Outline applications where landscaping is reserved the application should be accompanied by a Green Infrastructure framework detailing the green infrastructure principles to be used including key areas of open space, links and routes, SuDS, planting areas, how this responds to the existing site conditions (e.g. soil conditions, existing planting, views, landscape character, etc.) and how this integrates within the proposal and Masterplan and Layout for the site. Further advice can be found in the green infrastructure framework guidance document.
 2. For: Minor applications we will require a Green Infrastructure Plan showing the existing and proposed boundary treatment(s) and boundary planting types as seen

from the public realm or as experienced by neighbouring properties detailing how this relates to the development and any adjoining uses and green infrastructure.

Relevant Policy and reason for document:

To allow consideration of proposals against Policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements), D3 (Trees and Development Sites), EN5 (Wildlife Habitats and Features), EN22 (Surface Run-Off Implications of New Development), RC2 (New Open Space, Sports and Facilities and Parks) and TC4 (Footpaths, Bridleways and Cycleways) of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Heads of Terms

Required for the following types of application/development:

- All major development.

Description

A report or list detailing any planning obligations (for example affordable housing, on-site play space and Accessible and Adaptable Homes provision) being offered as part of the development to mitigate its impact. If the proposal is not offering the full policy compliant planning obligations, the application will need to be supported by a viability appraisal demonstrating why the proposal cannot meet the policy compliant obligations.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 34 – District Wide Affordable Housing Provision Targets, Strategy 35 – Exception Mixed market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries, Strategy 36 Accessible and Adaptable Homes and Care-Extra Care Homes, Strategy 43 – Open Space, Strategy 47 – Nature Conservation and Geology, and Strategy 50 – Infrastructure Delivery of the Adopted East Devon Local Plan 2013-2031.

Health Impact Statement

Required for the following types of application/development:

- Residential development over 100 units and all other large scale major development.

Description

A report detailing the positive, negative and neutral health impacts from the development covering the following topic areas and how these have been addressed by the development:

- Community Inclusion – including how the proposal will impact on the interaction between different members of the community, particularly vulnerable and hard to reach groups;
- Healthy Neighbourhoods – including how the proposal may affect access to amenities such as open space, employment and services;
- Active Lifestyles – including how the proposal may provide open and natural spaces for exercise such as sport and how it will promote active play and travel;
- Protecting the Environment – including how the proposal, including its construction, could impact upon the environment through matters such as waste production, noise and air pollution and how existing noise sources may impact upon the proposal;
- Safety and wellbeing – including the effect on road safety, congestion, participation in active travel and discouraging crime and anti-social behavior;
- New and Converted Housing Provision – including how the proposal may effect affordability, safety and accessibility, energy efficiency and the standard of accommodation.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 3 – Sustainable Development, Strategy 4 – Balanced Communities, Strategy 5 – Environment, and Policy D1 (Design and Local Distinctiveness).

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Heritage Statement

Required for the following types of application/development:

- Applications for planning permission affecting a nationally or locally listed building, heritage asset or its curtilage;
- Applications for Listed Buildings;
- Planning applications affecting a Conservation Area or its setting.

See also the Additional Validation Requirements for Listed Buildings at Section 4 of this Document.

Description

The scope and detail should vary depending upon the particular circumstances of the application.

For works to a listed building the document should include a written schedule of works to the heritage asset, a Statement of Significance (if not in a separate format), an assessment of any impact adjacent listed buildings. A Structural Survey may be required for any extensive alterations.

For applications in a Conservation Area, a written statement that includes an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area.

For works either related to, or impacting on, the setting of heritage assets, a written statement that includes an assessment of the impact from the proposal on the heritage assets and how this has been addressed by the application.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 (Design and Local Distinctiveness), Policy EN9 – Development Affecting a Designated Heritage Asset, and Policy EN10 – Conservation Areas of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Land Contamination Assessment

Required for the following types of application/development:

- All applications where contamination is known or suspected or the development site is in the vicinity of such land, and ground works are proposed.

Description

A report by a suitably qualified person determining the existence of contaminated land, its nature and the risks it may pose to the proposed development and whether remedial measures are feasible to satisfactorily reduce the contamination to an acceptable level.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy EN16 – Contaminated Land of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Landscape and Visual Impact Assessment

Required for the following types of application/development:

- All Major applications in the AONB outside of a Built-up Area Boundary or within the Coastal Preservation Area or Green Wedge;
- Major development affecting the setting of a heritage asset;
- Major Solar farm applications;
- Very large scale industrial units;
- other proposals with a significant visual impact,

Description

A Landscape and Visual Impact Assessment should be carried out by a suitably qualified landscape professional. It should include:

- A baseline assessment which describes the existing condition of the landscape and clearly defines the following:
 - ❖ landscape receptors, which are defined as landscape elements/features/characteristics likely to be affected by the proposed development, and
 - ❖ visual receptors, which are defined as groups of people likely to experience a visual change in the landscape due to the proposed development, this can be walkers, car users, residents, etc... Their selection should be based on a theoretical zone of visual influence which should be provide on a map and further refined by a site visit.

The baseline assessment will have to conclude with an assessment of each receptor's sensitivity.

- A description of the proposed development
- A Landscape effects assessment which defines the likely changes to the landscape as a resource due to the proposed development, and
- A Visual effects assessment detailing how the various visual receptors will perceive and notice the changes in the landscape due to the proposed development.
- Proposed mitigation measure
- Assessment of significance/extent of the defined landscape and visual effects on their respective receptors.

The document should be prepared in accordance with the Landscape Institutes latest Guidelines for LVIA's and take account of the local landscape character assessments.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 7 – Development in the Countryside, Strategy 46 – Landscape Conservation and Enhancement of AONB's, Policy D1 - Design and Local Distinctiveness and Policy D2 – landscape Requirements of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Lighting Report

Required for the following types of application/development:

- All applications including/for floodlighting, or a significant amount of external lighting.

Description

A report by a suitably qualified person providing details of the external lighting when switched on. These details shall include a layout plan with beam orientation and a schedule and detail of the equipment and its design plus expected levels of luminance and glare.

Details shall include a Light Contour diagram based on a layout of the site in context showing projected lux levels from the proposal within and surrounding the site designed to protect the dark sky.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 - Design and Local Distinctiveness, and Policy EN14 – Control of Pollution of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Marketing Strategy Statement

Required for the following types of application/development:

- All applications proposing the loss of commercial (including employment and retail uses) or community facilities.

Description

The statement should include details of the Marketing Strategy carried out prior to the submission of the application. The statement should include details of how, where and for how long the property/land has been marketed, the number and type of enquiries received including feedback and reasons for refusing offers and the price marketed at.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 32 – Resisting Loss of Employment, Retail and Community Sites and Buildings and Policy RC6 – Local Community Facilities of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Noise Assessment

Required for the following types of application/development:

- For uses that involve activities that may generate significant levels of noise;
- For noise sensitive development adjacent to major road/transport infrastructure and other significant sources of noise

Description

Noise reports should be prepared by a suitably qualified person and should outline the existing noise environment, potential noise sources from the development, or the noise sources likely to affect the development, together with any mitigation measures.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 - Design and Local Distinctiveness, and Policy EN14 – Control of Pollution of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Open Space Assessment

Required for the following types of application/development:

- All major applications that generate a need for open space;
- Applications that propose the loss or relocation of existing open space.

Description

A report detailing the open space required as part of the development detailing how this is to be provided and managed as part of the development.

For applications proposing the loss or relocation of existing open space, the report should detail the justification for the loss/relocation and in the case of the loss of open space provide evidence that the open space is surplus to local requirements.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 43 – Open Space Standards and Policy RC1 – retention of Land for Sport and Recreation of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Planning Statement

Required for the following types of application/development:

- All major planning applications.

Description

A report detailing the planning merits of the proposal and providing an assessment of the proposal against local and national planning policy and other material considerations

Relevant Policy and reason for document:

To allow consideration of the proposals against all relevant local and national planning policies and other material considerations.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Rural Working Dwelling Justification

Required for the following types of application/development:

- All applications for all permanent and temporary rural worker dwellings (including conversions) outside of a defined Built-up Area Boundary.

Description

This justification statement should take the form of an agricultural appraisal and establish the functional requirements for the accommodation.

In the case of new permanent accommodation, at least 3 years audited accounts should be submitted with the application. These should be in a separate document marked 'confidential' and will be used in assessing whether the enterprise is economically viable.

In the case of a newly created agricultural unit and the application is for a temporary building for a period of 3 years, the justification statement will need to include evidence that the proposed enterprise has been planned on a sound financial basis. This should include a business plan with financial projections.

Relevant Policy and reason for document:

To allow consideration of proposals against Policies H4 – Dwellings for Persons Employed in Rural Business and Policy H5 – Occupancy Conditions on Rural Workers Dwellings of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Structural Survey

Required for the following types of application/development:

- Barn conversions;
- Significant demolition and/or re-building of listed buildings.

Description

A detailed structural engineers report setting out the existing structural state of the building, full details of proposed remedial works and in the case of any re-building or re-roofing and elevation drawing of no less than 1:100 clearly indicating the extent of the rebuilding/re-roofing.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 - Design and Local Distinctiveness, and Policy D8 – Re-use of Rural Buildings Outside of Settlements of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Site Waste Management Plan

Required for the following types of application/development:

- All large scale major planning applications.

Description

A report detailing how waste at the construction stage, and waste produced as a result of the proposal, will be dealt with.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 - Design and Local Distinctiveness, and Policy EN14 – Control of Pollution of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Statement of Community Involvement

Required for the following types of application/development:

- All major planning applications.

Description

A report detailing any pre-application public consultation carried out on the proposal including details of how the responses to the consultation have informed the proposal. If it has not been possible to amend the proposal as a result of all the consultation responses, the report should detail the reasons why it has not been possible.

Relevant Policy and reason for document:

To allow consideration of proposals against, and in accordance with, the East Devon District Council Statement of Community Involvement.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Sustainability Statement

Required for the following types of application/development:

- All major applications.

Description

A report detailing the sustainability credentials and environmental benefits and impacts from the proposal of the proposal including details of how the proposal and its design addresses the requirements of Strategy 38 – Sustainable Design and Construction and Strategy 40 – Decentralised Energy Networks of the Adopted East Devon Local Plan 2013-2031.

The report can alternatively form part of the Design and Access Statement.

Relevant Policy and reason for document:

To allow consideration of proposals against, and in accordance with, Strategies 38 – Sustainable Design and Construction and Strategy 40 – Decentralised Energy Networks and Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Sustainable Drainage Strategy (SuDS)

Required for the following types of development:

- Residential development of 10 or more units and other development of 1000sqm or more floorspace;
- Development within Critical Drainage Areas.

The sustainable drainage strategy should address the issue of surface water run-off onto and off the site. It can be combined with the FRA and it should form an intrinsic part of the Green Infrastructure Plan/Framework if one is required for the site.

Description

For Outline Planning Applications:

- Description of the **type of development**;
- **Location plan** at an appropriate scale with a grid reference, showing geographical features, street names, watercourses or other water bodies in the vicinity;
- **Site plan** showing the red line boundary and any land under the applicants' control;
- **Site survey** showing the existing topography;
- Assessment of **all existing flood risks** to the site, including from sewer networks, groundwater, overland surface water flows, reservoirs, ponds, canals, and other watercourses;
- **Non-technical summary** of the proposed surface water drainage management system;
- Calculations of the **current surface water runoff** from the site;
- Calculations of the **proposed surface water runoff** from the site;
- Calculations of the **surface water attenuation storage volume** required for the 1 in 100 (+40% allowance for climate change) year rainfall event;
- Evidence that the site has an **agreed point of discharge**;
- Evidence that the **drainage hierarchy** has been followed, providing robust explanations as to the viability or otherwise of draining surface water to:
 1. Infiltration or soakaway;
 2. A watercourse or highway ditch (with written permission);
 3. A surface water sewer or highway drain (with written permission);
 4. A combined sewer (with written permission).
- Explanations of **flood risk mitigation measures** for the entire site;

- Explanation of the **likely surface water drainage management system** for the site;
- Plans of the **proposed site layout**, demonstrating that the proposed surface water drainage management system is practical and sustainable;
- Plans showing viable **surface water attenuation storage locations** within the site;
- Detailed **operation and maintenance plan and timetable** for the proposed surface water drainage management system over the entire lifetime of the development;
- Details of the proposed **community signage and engagement activities** relevant to the proposed surface water drainage management system.

For Other Applications:

- Description of the **type of development**;
- **Location plan** at an appropriate scale with a grid reference, showing geographical features, street names, watercourses or other water bodies in the vicinity;
- **Site plan** showing the red line boundary and any land under the applicants' control;
- **Site survey** showing the existing topography;
- Assessment of **all existing flood risks** to the site, including from sewer networks, groundwater, overland surface water flows, reservoirs, ponds, canals, and other watercourses;
- **Non-technical summary** of the proposed surface water drainage management system;
- Calculations of the **current surface water runoff** from the site;
- Calculations of the **proposed surface water runoff** from the site;
- Calculations of the **surface water attenuation storage volume** required for the 1 in 100 (+40% allowance for climate change) year rainfall event;
- Evidence that the site has an **agreed point of discharge**;
- Evidence that the **drainage hierarchy** has been followed, providing robust explanations as to the viability or otherwise of draining surface water to:
 1. Infiltration or soakaway;
 2. A watercourse or highway ditch (with written permission);
 3. A surface water sewer or highway drain (with written permission);
 4. A combined sewer (with written permission).
- Explanations of **flood risk mitigation measures** for the entire site;

- Explanation of the **likely surface water drainage management system** for the site;
- Plans of the **proposed site layout**, demonstrating that the proposed surface water drainage management system is practical and sustainable;
- Plans showing viable **surface water attenuation storage locations** within the site;
- Detailed **operation and maintenance plan and timetable** for the proposed surface water drainage management system over the entire lifetime of the development;
- Details of the proposed **community signage and engagement activities** relevant to the proposed surface water drainage management system.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 - Design and Local Distinctiveness, and Policy EN22 – Surface Water Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Retail Impact Assessment

Required for the following types of application/development:

- Proposals for main town centre uses that are in excess of 500sqm and are not in an existing town centre area as defined by the Adopted Local Plan.

Description

A report by a suitably qualified person providing an assessment of the impact of retail and other town centre development on matters including the vitality and viability of the town centre. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

The assessment should include the need for development, whether it is of an appropriate scale, that there are no sites close to a centre for the development, that there are no unacceptable impacts on existing centres and if locations are accessible.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy E11 – Large Stores and Retail Related Uses in Area Centres of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Transport Statement/Assessment

Required for the following types of application/development:

- All major development where there are likely to be significant transport implications.

Description

A report by a suitably qualified person detailing all existing and proposed commercial and residential vehicular and pedestrian movements to and from the site. Loading areas and arrangements for maneuvering, servicing and parking of vehicles should be clearly identified. It should describe and analyse existing transport conditions, how the development would affect those conditions and any measures proposed to overcome any problems.

For smaller schemes, a Transport Statement should outline the transport aspects of the application whilst 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.

The TA 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.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy TC2 – Accessibility of New Development, Policy TC4 – Footpaths, bridleways and Cycleways, Policy TC7 – Adequacy of Road Network and Site Access and Policy TC9 – Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Travel Plan

Required for the following types of application/development:

- All large scale major planning applications.

Description

A draft travel plan should be prepared by a suitably qualified person outlining the way in which the transport implications of the new development will be managed in order to ensure the minimum environmental and social impact. The draft plan should state how new occupiers or customers/users of the development will use alternative means of travel which do not involve the private motor vehicle. The draft travel plan should include details of targets and arrangements for monitoring.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 5B – Sustainable Transport of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Tree Survey/Arboricultural Impact Assessment & Method Statements

Required for the following types of application/development:

- **Householder applications** - Where there are trees within falling distance of the proposed development and/or where trees or hedges will need to be removed or pruned in order to carry out the development, a Tree Survey and AIA information in accordance with BS 5837:2012 or any superseding standard will be required.
Where appropriate the details can be annotated on existing and proposed site plans or take the form of a single A3 plan at an appropriate scale (no smaller than 1:200) with the finding of the survey included in the plan text.
- **Full, Outline or Reserve Matters Minor applications** - For development proposals on sites with trees and/or hedges, or where trees are in close proximity to the site boundary, a Tree Survey and AIA in accordance with BS 5837:2012 or any superseding standard will be required. Depending on the number of trees and scale of development details could be annotated on existing and proposed site plans, or take the form of a single plan at an appropriate scale (no smaller than 1:200) with the finding of the survey included. For more complex schemes or those with more trees a standalone Arboricultural report may be more appropriate.
- **Major Full, Outline or Reserve Matters applications** - For development proposals on sites with trees and/or hedges, or where trees are in close proximity to the site boundary, a Tree Survey and AIA in accordance with BS 5837:2012 or any superseding standard will be required. Depending on the number of trees and scale of development details could be annotated on existing and proposed site plans, or take the form of a single plan at an appropriate scale (no smaller than 1:200) with the finding of the survey included.

Tree Protection Plan (TPP) & Arboricultural Method Statement (AMS)

- **Householder Applications** - Where trees or hedges will be retained and could be damaged by carrying out the proposed development, there will be a requirement to produce a TPP and AMS in accordance with BS 5837:2012 or any superseding standard. This may take the form of a single A3 plan at an appropriate scale (no smaller than 1:200) showing the location and specification of the tree protection measures. This plan may also contain the AMS details and site monitoring log.
- **Full, Outline or Reserve Matters Minor applications** - Where trees or hedges will be retained and could be damaged by carrying out the proposed development, a TPP and AMS will be required. The plan and

should be carried out in accordance with BS 5837:2012 or any superseding standard. This may take the form of a single plan at an appropriate scale (no smaller than 1:200) showing the location and specification of the tree protection measures. This plan may also contain the AMS details and site monitoring log.

- **Major Full, Outline or Reserve Matters applications** - Where trees or hedges will be retained and could be damaged by carrying out the proposed development, there will be a requirement to produce a TPP and AMS in accordance with BS 5837:2012 or any superseding standard. This is likely to take the form of a standalone document incorporating TPP, AMS and Site Monitoring Log.

Description

A report by a suitably qualified arboriculturist assessing the impact from the development upon the trees during construction and post-development including any mitigation proposals. The report should include identification of the species, spread, roots and position of the trees and be accompanied by an accurate scaled site plan showing the details.

The statement should use the most relevant British Standard on 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

The report should be accompanied by a plan detailing any trees to be felled, details of new tree planting as well as details of how retained trees will be protected during construction. If works are proposed within the Root Protection Areas, an Arboricultural Method Statement should be submitted

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 - Design and Local Distinctiveness, Policy D2 – Landscape Requirements and Policy D3 – Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

Undertakings

Unilateral Undertaking

Required for the following types of application/development (please note there are two options if mitigation is required for habitats impact only):

- All new residential development (including conversions) that generate the need for financial contributions towards habitat mitigation (or alternatively a Section 111 Form – see below), open space and/or affordable housing.

Description

- A completed, original and signed Unilateral Undertaking submitted along with the Legal Fee of £50 (made payable to East Devon District Council) to check the contents of the agreement. If there is a mortgage against the property, the mortgage company will also need to sign the agreement along with any owners of the property/land to which the application relates.

If you feel that the proposal would not be viable with the inclusion of the affordable housing contribution, please provide a Heads of Terms along with a viability appraisal demonstrating why the proposal would not be viable with an affordable housing contribution.

Section 111 Form

Required for the following types of application/development:

All new residential development (including conversions) that generate the need for financial contributions towards habitat mitigation (or alternatively a Unilateral Undertaking – see above).

Description

- A completed, original and signed S.111 Form along with the relevant payment.

Relevant Policy and reason for document:

To allow consideration of proposals against Strategy 43 – Open Space Standards, Strategy 47 – Nature Conservation and Geology, Strategy 50 – Infrastructure Delivery of the Adopted East Devon Local Plan 2013-2031 and to mitigate any impacts under the Habitats Directive.

Ventilation and Extraction Statement

Required for the following types of application/development:

- All applications proposing a use within Classes A3 (restaurants and cafés), A4 (drinking establishments), A5 (hot food takeaways), any retail, business, industrial, leisure or other development which requires the provision of ventilation or extraction equipment, or any proposal which includes the installation of air conditioning units.

Description

A report by a suitably qualified person detailing the position and design of any ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics and mitigation.

Relevant Policy and reason for document:

To allow consideration of proposals against Policy D1 - Design and Local Distinctiveness) and Policy EN14 – Control of Pollution of the Adopted East Devon Local Plan 2013-2031.

Requests for this information will be proportionate to the nature and scale of the development proposals and will only be requested where the Local Planning Authority consider it relevant, necessary and material to the application in question.

4. Additional local validation guidance for Listed Buildings consents

4.1 The further information detailed should be included with listed building applications that comprise the following works:

Thatching

- Justification for change of materials or ridge details
- Identification of roof slopes either by roof plan or photographs
- Photographs showing any particular defects/problems
- Details of thatcher
- Details/ method statement of thatching

Re-roofing (slate/tiles)

- Justification for the works
- Schedule of works including method of fixing, roof ventilation and insulation
- Identification of roof slopes either by roof plan or photographs
- Photographs showing any particular defects/problems

Re-placement windows

- Justification for the works to explain why the window(s) are beyond repair to include comparative quotes for repair and replacement
- Identification of the individual windows in elevation either by drawings or photographs
- Schedule of windows to specify repairs or replacement
- Photographs showing any particular defects/problems
- Details/Elevations and Sections through casements, frames and glazing bars at 1:2/1:5 scale for any replacement windows, including methods of opening and finishes

Please note that double glazed units are unlikely to be acceptable. In addition, that unless the installer is FENSA registered, this work will require a Building Regulations application, but the standards will be relaxed appropriately

Render

- Justification for the works
- Schedule of works including specification for the mix (proportions of lime/sand and additives), method of application and finishes
- Identification of areas/extent of render to be shown (elevations)
- Photographs showing any particular defects/problems

Shopfronts

- Justification for the works to explain why the shopfront is beyond repair to include comparative quotes for its replacement
- Drawings or photographs in elevation to show the shopfront
- Schedule of works to specify areas of repair or replacement
- Photographs showing any particular defects/problems
- Details/ Sections through shopfront including display areas, doorway, frames, fascia and cornice, and glazing bars at 1:2/1:5 scale including any methods of opening and finishes
- Details of any new signage including materials, finishes and any form of illumination

Internal alterations

- Justification for the works
- Plans showing existing layout (including location of room/s in relation to rest of property)
- Plans showing proposed layout (including location of room/s in relation to rest of property)
- Photographs showing any details/features to be removed, altered or investigated
- Cross Sections where appropriate
- Details of new joinery for example, doors, architraves, skirtings, picture rails, staircases, balustrades etc
- Schedule of repairs where appropriate for example plaster repairs, repairs to decorative features, flooring etc

New Flues/ Vents/ Mechanical Ventilation/Extractors/ Chimneys

- Justification for the works to illustrate that all other options have been explored for the installation of new heating systems/ flues i.e. using existing chimneys. Equally details of all new vents and extractors or alterations to the existing chimney stack.
- Plans / elevations or photographs as existing
- Plans / elevations or photomontage as proposed to show exact location of flue/vents/extractors/chimneys
- Details of the new flue/vents/extractors/chimney including dimensions and drawings where appropriate

Demolition of the whole or part of a listed building where demolition is sought for structural reasons

- A Structural Survey by a suitable qualified person accurately detailing the physical condition of the building and extent of demolition, re-building and repair required as part of any works.
- Drawings including sections identifying the building fabric to be demolished, rebuilt or repaired.

5. **Presentation of plans and drawings**

5.1 The following is expected of all plans and drawings to enable an application to be considered valid:

- All plans and drawings must be accurate using a conventional metric scale such as 1:100 or 1:50. Scales such as 1:75 will not be accepted. If more than 1 scale is used on a page please clearly indicate the scale of each individual drawing.
- Every plan (including copies) based upon Ordnance Survey maps (please provide the License number on the plan) must have the appropriate Ordnance Survey copyright notice that is no more than a year old.
- All existing and proposed Layout plans must show the direction of North.
- All plans and drawings must include a scale bar(s) at the appropriate scale(s).
- Plans/drawings must not contain disclaimers such as “Do Not Scale” or “Not To Scale” (perspectives excluded).
- All annotations should be at a size that is clear and easy to read.
- Fully annotate existing and proposed boundary treatment.

5.2 The following is considered good practice although applications will not be assessed against them for validation purposes:

- Plans and drawings on A3 size paper should be used where ever possible as they are easier to handle and to view electronically.
- Include key measured dimensions.
- Group existing and proposed drawings side by side using the same scale for both.
- All plans and drawings should be identified on a plan schedule with the schedule updated if amended plans are submitted.
- The Site Location Plan should ideally be on a separate sheet to aid consultation.
- Each plan/drawing should have a title box stating the address of the proposal, title of the drawing, scale of the drawing(s) and drawing number with any revision.
- ‘As Existing’ and ‘As Proposed’ plans should be drawn at the same scale.

- Amended drawings should clearly indicate, either by highlighting or above the title box, the amendments and the date those amendments were made.
- Amended drawings should be drawn at the same scale (unless otherwise asked for) as the original drawings.