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# **Consultation Draft Planning Validation Checklist Guidance**

# National and Local Checklist for Planning Validation – February 2023

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# National and Local Validation Checklist for Planning Validation – February 2023

## Introduction

In order to deliver a speedier and more efficient planning service, the Government issued guidance notes on the validation process in March 2005, since then this guidance has been updated and is currently contained within the National Planning Practice Guidance (NPPG). The following requirements are based on that guidance and seek to provide greater certainty as to the nature and extent of the information required in order to validate and determine planning applications.

This document is for use by applicants and agents when submitting planning and other related applications.

**Part 1** sets out the mandatory national information requirements that are required in order to validate an application.

**Part 2** sets out additional information (the “Local List”) that Copeland require in order to validate an application.

Appendix A contains Window pro-forma to be completed and submitted with replacement windows in heritage assets.

Appendix B contains Door pro-forma to be completed and submitted with replacement doors in the heritage assets.

Appendix C contains guidance on information requirements for heritage statements.

Appendix D contains pro-form to be completed and submitted with application for past contamination uses.

Appendix E contains guidance on information requirements for protected species.

Appendix F contains guidance on information requirements for Tree Surveys.

Appendix G contains guidance on flood risk assessments.

Appendix H contains SuDs proforma to be completed and submitted with major applications.

Appendix I contains a form to be completed and submitted with regards to Foul Drainage.

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## The Validation Process

When a valid application is received an acknowledgement letter will be sent to the applicant or agent (if applicable). This will normally be sent by email, where an email address is given, or by 2nd Class post otherwise. We aim to do this within 5 days of receiving an application.

If an application is incomplete or incorrect, we will let you know within 5 days what information is needed to validate the application. The application will be returned after 28 days if the additional information or alterations are not received. If a fee has been submitted, it will be refunded. We will communicate by email, where an email address is given, or by 2nd Class post otherwise.

The Council welcomes pre-application discussions, particularly for more complicated applications, to help ensure that the right information is submitted. There is a fee applicable for pre-application discussions. More information about our pre-application service can be found at the following link:

[Pre-application advice | Copeland Borough Council](#)

## Submission of Applications

A single copy of the application form, plans and supporting documents are required unless submitted electronically, together with the appropriate fee. The fastest and most efficient way to submit a planning application is via the PlanningPortal - [Planning Portal](#)

All submitted plans must incorporate a drawing number and title (revised plans submitted must include suffixes and specify the nature of the revision).

Each drawing for electronic submissions must show the scale and print size (for example 1:50 @ A3). Unnecessary colour should not be used to minimise the file size and conserve download speed. Colour on site location plans (red and blue) is however essential.

Applicants are encouraged to apply electronically via the planning portal. A typed signature of the applicant or agent's name is acceptable. Electronic copies may also be submitted in other formats e.g., CD, email and USB storage device or file transfer service.

Alternatively, applications can be submitted in hard copy. Completed forms must be signed and dated.

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## Part 1 – Mandatory National Requirements

### 1. Application Fee

Payment of the full fee on submission of the application.

Payment can be made via the website or telephone. We accept card payments (not American Express) or BACS transfer. We cannot accept cash or cheques.

Please refer to the below fee schedule for more information:

[Planning fees | Copeland Borough Council](#)

If confirmation of a fee is required, please contact the Technical Team at:

[development.control@copeland.gov.uk](mailto:development.control@copeland.gov.uk)

### 2. Certificate of Ownership

A certificate must be completed; this provides certain details about the ownership of the application site and confirms that an appropriate notice has been served on any other owners (and agricultural tenants). The forms of notice are in the amended Schedule 2 to the Town and Country Planning (Development Management Procedure (England) (Order) 2015.

An application is not valid and therefore cannot be determined unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000.

- Certificate A – Sole Ownership and no agricultural tenants. This should only be completed if the applicant is the sole owner of the land to which the application relates (including access) and there are no agricultural tenants.
- Certificate B – Where owners other than the applicant are known or the applicant is not the owner, but the latter is known. This may include occasions when part of the foundations etc. encroaches on a neighbour's land. Leaseholders with 7 or more years' unexpired lease should be included as owners.
- Certificate C – Where not all owners are known i.e., this should be completed if the applicant does not know the name and address of all



the owners and/or agricultural tenants. This may be applicable if the access to the site is via a shared access.

- Certificate D – This should be completed if the applicant does not know the names of any of the owners and/or agricultural tenants.

An 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. In the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land is also an owner.

An 'agricultural tenant' is a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates.

In accordance with Certificate C or D, an advertisement must be published in a local newspaper after the prescribed date. The prescribed date is the day 21 days before the date of the application.

### **3. Site Location Plan**

A location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500 but, wherever possible, the plan should be scaled to fit onto A4 or A3 size paper. A location plan should show the direction north and identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development e.g., land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

Additional plans and drawings may be necessary to describe the proposed development. These are outlined in 'Local Validation Requirement 5: Drawings and Plans'.

### **4. Design and Access Statement**

A Design and Access Statement is a concise report required to accompany:

- All major developments.

- Applications for development in a designated area (World Heritage Site or a Conservation Area) as outlined in the amended Development Management Procedure Order 2015 where the proposed development consists of one or more dwellings; or a building or buildings with a floor space of 100 square metres or more.
- Applications for listed building consent.

The level of detail in a Design and Access Statement should be proportionate to the complexity of the application.

Applications for a material change of use, engineering or mining operation, or applications to amend a condition attached to a planning application do not need to be accompanied by a Design and Access Statement.

A Design and Access Statement must:

- a) Explain the design principles and concepts that have been applied to the proposed development; and
- b) Demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account.

A development's context refers to the particular characteristics of the application site and its wider setting. These will be specific to the circumstances of an individual application and a Design and Access Statement should be tailored accordingly.

Design and Access Statements must also explain the applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.

Design and Access Statements accompanying applications for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:

- a) The special architectural or historic importance of the building;
- b) The particular physical features of the building that justify its designation as a listed building; and
- c) The building's setting.

It is acceptable to simply refer to an accompanying Heritage Statement for these matters.

Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant's approach to access, including what alternative means of access have been considered and how relevant Local Plan policies have been taken into account. Statements must also explain how the applicant's approach to access takes account of matters (a)-(c) above.

Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed.

## **5. Environmental Impact Assessment**

As detailed within The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the applicant is required to prepare an Environmental Statement (required for Schedule 1 projects and for some Schedule 2 projects) to enable Copeland Borough Council to give proper consideration to the likely environmental effects of a proposed development. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the developer to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures.

Please refer to the below link for more information:

<https://www.legislation.gov.uk/uksi/2017/571/made>

## **6. Outline Planning Applications**

Information about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission.

Under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved.

## **7. Site Notice**

A site notice is required for all demolition prior approval applications.

In accordance with Schedule 2, Part 11 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is the responsibility of the applicant to post a site notice which must be left in place for at least 21 days during the period of 28 days from the date on which the prior approval application is submitted to the Council.

Confirmation of the date on which the site notice is to be posted on site (and the location of the site notice) is required, along with a copy of the notice.

## Part 2 – Local Requirements

### Introduction

In addition to the National Validation requirements the following criteria outline the details for Copeland`s local list for validation purposes.

Each requirement includes its purpose, trigger and requirements, plus relevant current planning policy context.

A hard copy of any of the required local documents must be submitted unless an application is submitted electronically where we will only require the electronic copy. Electronic copies are encouraged.

Where supporting documents exceed 100 pages in length a summary highlighting the key points should be provided. This should not exceed 20 pages.

**Applicants must note that the absence of a document being required to validate an application does not mean that it will not be required by the Authority prior to determination of the application.**

**Such a requirement may be informed by a response from a statutory consultee. It is therefore advised that applicants engage with the Authority and consultees at a pre-application stage to establish what documents will be necessary for a positive determination of the application. The lack of submission of such documents could result in the refusal of the application.**

**Assessments are regularly required for the following (not an exhaustive list):**

- Contamination
- Noise
- Odour
- Archaeology
- Development in Proximity to a Railway

### 8. Planning Statement

**Reason for requirement?**

To demonstrate compliance with national and local planning policies.

**When is it required?**

All major new developments.

### **What is required?**

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

## **9. Drawings and Plans**

### **Reason for requirement?**

Article 7(1)(c)(ii) of the amended Town and Country Planning (Development Management Procedure (England) (Order) 2015 requires that plans, drawings and information are submitted which are necessary to describe the development which is the subject of the application.

For most applications, clarity is not only necessary but beneficial to the applicant to know what is expected to validate an application.

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

- Block Plan – should be included within all development proposals for new buildings, extensions and changes of use involving external extensions or the provision of facilities e.g., parking within the curtilage, bin storage on commercial.
- Existing and Proposed Elevations – required for any new building or external alterations.
- Floor Plans – required for any new buildings, extensions or changes of use which involve external alterations.
- Site Sections OR Existing and Proposed Datum Levels (Above Ordnance Datum (AOD)) – required for a proposed change in site levels, including when a detached building is proposed.
- Window/Door Sections or Details - required for Listed Building Applications and developments mentioned in Appendices C and D (see below).

### **What is required?**

Plans should be labelled with a drawing number, title and scale.

#### **Block Plan**

This should be drawn to a scale of 1:500 or 1:200 and should accurately show:

- The direction of North.
- The existing building and the proposed development in relation to the site boundaries and other existing buildings on the site.
- All the buildings, roads, parking and footpaths on the site and on land adjoining the site, including access arrangements including visibility splays;
- Any existing water courses where surface water drainage will be connecting.
- The species, position, crown spread and root protection area of all trees within the application site, including those covered by a Tree Preservation Order or within a Conservation Area.

### Elevations

These should be drawn to a scale of 1:50 or 1:100 and show:

- Existing or proposed works in relation to what is already there.
- All sides of the development must be shown, and these should indicate, the proposed building materials and the style, materials and finish of windows and doors where appropriate.
- Blank elevations must also be included if only to show that this is in fact the case.
- Where an elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings and detail the position of the doors and windows on each property.

### Floor Plans

These should be drawn to a scale of 1:50 or 1:100 and show:

- Existing or proposed works in relation to what is already there;
- Extent of any demolition/rebuild works proposed.

### Sections

These should be drawn to a scale of 1:50 or 1:100 (1:500 for major development sites) and show:

- Cross section(s) through the proposed building(s).

- Confirmation when proposed developments will/ will not alter existing site levels.

### Site Sections OR Existing and Proposed Datum Levels

These should be drawn to a scale of 1:50 or 1:100 and show:

- Change in ground levels, illustrative drawings showing both existing levels including an identified fixed datum point and proposed finished levels in relation to existing and proposed buildings.

### Window/Door Sections or Details

Completion of Form in Appendices A (window details) and B (door details).

## **10. Heritage Statement**

### **Reason for requirement?**

The historic environment including all heritage assets and their setting need to be conserved and enhanced in a manner appropriate to their intrinsic historic value and significance, their importance to local character, distinctiveness and sense of place and for their social, cultural, economic and/or environmental benefits and values. This is explained in Policy ENV4 of the Copeland Local Plan 2013-2028 and the National Planning Policy Framework.

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

For applications that propose works to listed buildings, developments in the curtilage of or directly adjoining the curtilage of listed buildings, developments in the setting of, or adjacent to, a listed building, developments in conservation areas, developments in the setting of, or adjacent to, a conservation area, within Registered Parks and Gardens or on or adjoining Scheduled Ancient Monuments.

### **What is required?**

Paragraph 194 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, for validation, the Statement should:



- a) Cite the relevant historic environment record.
- b) Identify all heritage features affected by the proposed development.
- c) Detail the feature with regards to its age, design and quality.
- d) Identify the value of the historical significance of the feature.
- e) Detail the proposed works and how they will impact each particular feature.
- f) Evaluate the impact upon the heritage asset.
- g) Justify the proposed works, or detail mitigation measures to limit the harm caused by the proposed development.

Please see Appendix C for further details.

## **Policy References**

### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development principles

Policy ENV4 – Heritage Assets

Policy DM27 – Built Heritage and Archaeology

### National

National Planning Policy Framework:

- Chapter 16

## **11. Agricultural/Rural/Forestry Appraisal**

### **Reason for requirement?**

To assess the need for an agricultural, rural or forestry worker's dwelling.

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

Any proposal for a permanent or temporary agricultural, rural or forestry worker's dwelling.

### **What is required?**

An appraisal together with appropriate evidence by a competent person which demonstrates an essential employment need.

The appraisal should be confined to a factual statement of the agricultural, rural or forestry considerations involved and an evaluation of the need for the

dwelling based on the criteria in Policy SS3 of the Copeland Local Plan 2013-2028.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST2 - Spatial Development Strategy

Policy SS3 – Housing Needs, Mix and Affordability

#### National

National Planning Policy Framework:

- Chapter 5 Paragraph 80

## **12. Structural Survey and Assessment**

### **Reason for requirement?**

Rural buildings beyond settlement limits require additional criteria in their assessment to accord with Policy DM15A of the Copeland Local Plan 2013-2028.

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

For conversion of traditional buildings beyond settlement limits as defined in the Copeland Local Plan 2013-2028 Policy ST2 - Spatial Development Strategy

### **What is required?**

Evidence that the converted building is structurally sound and capable of conversion. This evidence will be in the form of a Structural Survey by a suitably qualified structural engineer.

### **Contamination Form (as per Appendix D)**

#### **Reason for requirement?**

The varied activities and uses of farms or commercial uses over the years can in some cases lead to land contamination issues, which need to be resolved prior to a change to residential occupation.

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

For conversion of agricultural/commercial/unused buildings to residential.

### **What is required?**

Completion of Appendix D past contaminations issues.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy DM15A – Conversion of Rural Buildings to Residential Use

## **13. Archaeology Assessment and/or Historic Building Record**

### **Reason for requirement?**

To assess the archaeological value of any individual site to determine the impact the proposed development will have on the archaeological value of the site and demonstrate appropriate mitigation to safeguard aspects of archaeological significance.

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

- Archaeological Assessment – Proposals directly affecting Scheduled Ancient Monuments or within close proximity to the World Heritage Site i.e., within its visual impact/buffer zone).
- A Historic Building Record – When the loss of a designated heritage asset is proposed or substantial change e.g., the demolition or conversion of a listed building.

### **What is required?**

#### Archaeological Assessment

In accordance with the National Planning Policy Framework, the assessment will need to explain how the proposed development would be affected by the significance of the archaeological remains.

Further details on the extent and content can be obtained from the County Archaeologist. The County Archaeologist will provide a specification for the assessment for the applicant which sets out what is required. This is likely to be in the form of a desk-based assessment but could include intrusive

investigations depending on the significance of the asset under consideration. The assessment must be produced by an experienced professional archaeologist. An archaeological desk-based assessment is an assessment of the known or potential archaeological resource within and around the development site. It consists of a collation of existing written, graphic, photographic and electronic information in order to identify the likely character, extent, quality and worth of the known or potential archaeological resource within the development site. The Local Planning Authority will use the assessment to appraise the likelihood that archaeological features survive within the site and to determine if further archaeological fieldwork is required.

An Archaeological evaluation report may include field walking, earthwork survey, geophysical survey and/or trial trenching. The County Archaeologist will provide a specification for the evaluation for the applicant which sets out what is required. The evaluation must be undertaken by an experienced suitably qualified archaeologist. Archaeological field evaluation is a limited programme of fieldwork which determines the presence or absence of archaeological features, structures, deposits, artefacts or ecofacts within the development site. It can take the form of field walking, geophysical survey and trial trenching. Where remains are present the field evaluation defines their character, extent, quality and preservation and enables an assessment of their worth.

#### Historic Building Record

The County Archaeologist will provide a specification for the building assessment and recording for the applicant which sets out what is required.

The assessment and recording must be undertaken by an experienced, professional archaeologist or buildings historian. This is a programme of work to establish the character, history, dating, form and archaeological development of a specified building, structure or complex and its setting.

The purpose of the recording is not only to provide an archive record of the building as it is, but also to advise the proposed scheme by identifying those parts of the building which are most significant and should be retained in the conversion process. It will be used to formulate a strategy for the conservation, alteration, demolition, repair or management of a building and to seek a better

understanding, compile a lasting record, analyse the findings and then disseminate the results.

## **Policy References**

### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development principles

Policy ENV4 – Heritage Assets

Policy DM27 – Built Heritage and Archaeology

### National

National Planning Policy Framework:

- Chapter 16 Paragraph 189 – 208

## **15. Coal Mining Risk Assessment**

### **Reason for requirement?**

There is a legacy of past coal mining activity in the region. In order to ensure coal mining related land stability issues are assessed in planning applications, a Coal Mining Risk Assessment will be required.

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

This is required for development which will involve excavation in the defined Development High Risk Areas as identified by the Coal Authority and held by the Local Planning Authority.

There are some exemptions which are included in the below Coal Authority Exemptions List:

<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

### **What is required?**

The Coal Mining Risk Assessment should be prepared by a competent, qualified person and should address the following issues:

- a) A summary of the mining information relevant to the application site (including past/present/future underground mining, shallow coal

- working, mine entries (shafts or adits), mine gas within an area which has a licence to extract coal, geological features, any recorded surface hazards, or within a former or present surface mining (old open cast);
- b) Identify what risks these coal mining features, including cumulative effects, pose to the proposed development;
  - c) Identify how coal mining issues have influenced the proposed development and whether any other investigations, remedial works and/or mitigation measures are required to manage those risks and whether any changes have been incorporated into the development.

Any development that involves intrusive activities which intersect, disturb or enter coal seams, coal mine workings or mine entries will require the prior written permission of the Permitting and Licensing Team at the Coal Authority.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy DM11 – Sustainable Development Standards

#### National

National Planning Policy Framework:

- Chapter 15 Paragraph 183 – 184

## **16. Nature Conservation & Ecological Assessment/Habitat**

### **Survey/Protected Species Assessments**

#### **Reason for requirement?**

European Directives and Global Conventions (agreements) relating to the protection of particular habitats and wildlife species have been transposed into UK law through The Conservation of Habitats and Species Regulations 2017 ('The Habitat Regulations') and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (The 'Offshore' Regulations). There are also national laws and guidance relating to the protection and conservation of wildlife, habitats and individual species such as the Wildlife and Countryside Act 1981.

The Council has a duty under the above legislation and the Natural Environment and Rural Communities Act 2006 to consider the conservation of biodiversity when determining a planning application, including the safeguarding of protected species and the additional safeguarding of designated sites, habitats and geological features. The hierarchy for the assessment of this matter is, firstly, to avoid an impact on ecology, failing that to mitigate and, as a last resort, compensate for loss. The Environment Act also became law on 9 November 2021 with a two-year transitional period. From November 2023, developments will be required to demonstrate a 10% increase in biodiversity on or near the development site.

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

**Nature Conservation & Ecological Assessment:** An ecological assessment will be required for all major development.

**Phase 1 Habitat Survey (also known as a Preliminary Ecological Assessment)/ Protected Species Assessment:** For all other development/proposal types where the site includes a pond, field hedgerow (including boundaries), trees of 1m girth at chest height or semi-improved or unimproved grassland, development affecting a building as described in Appendix E or the site is designated or directly adjoins a designated site (designated at a local or national level for its ecological sensitivity).

Also, for conversion of traditional buildings and other developments described in Appendix E.

A Habitats Regulations Assessment may be required for developments with connectivity to European designated sites.

Exemptions:

- a) Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.
- b) Householder Planning applications

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

### **What is required?**

**Nature Conservation & Ecological Assessment:** Applications must be accompanied by an ecological assessment and include proposals for long-term maintenance and management of protected species and habitats. This information might be incorporated into an Environmental Statement if one is necessary. Plans should show any significant wildlife habitats or features and the location of habitats of any species protected under the Habitat Regulations 2017, Wildlife and Countryside Act 1981, Conservation (Natural Habitats etc.) Regulations 1994 or Protection of Badgers Act 1992. In the event that there are Bats or Owls present or potential for them to be present on the site (especially conversion schemes), a detailed investigation and assessment is required at the appropriate time of year. Details of the extent of the investigation can be obtained from Natural England.

**Habitat Survey (also known as preliminary ecological survey):** A survey and assessment by a person holding a relevant certification. This should solely be undertaken during the relevant time of year (see appendix E).

**NB:** Please note that Ecological Surveys including Bats Surveys are only relevant for 2 years. After this time either a new survey will need to be undertaken by a qualified person or an addendum provided.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy ENV3 – Biodiversity and Geodiversity

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

#### National

National Planning Policy Framework:

- Chapter 15 Paragraph 174 and 179-182

## **17. Tree and Hedgerow Survey**

### **Reason for requirement?**

To assess the merits of existing trees protected by a Tree Preservation Order or within a Conservation Area as part of any development scheme (which may include tree canopies of adjacent sites which overhang the site boundary).



To assess the importance of any hedgerow over 20m to be removed as part of the development.

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

A tree survey should accompany all applications where trees protected by a Tree Preservation Order or within a Conservation Area may be affected by the proposed development. This includes trees on adjacent land or highways which are within 15m of the boundary of the site.

NB. A tree or hedgerow survey may also be required when trees or hedgerows are either present on the proposal site or are adjacent to it and are likely to influence or be affected by the development.

A hedgerow assessment is required for major applications where hedgerow/s may be removed or felled by the development.

A hedgerow assessment is also required on all applications if 20 meters or more of hedgerow is proposed to be removed as part of the development.

### **What is required?**

#### Tree Survey

- Tree and Hedgerow Survey
- Arboricultural Impact Assessment
- Tree Plan showing Root Protection Areas
- Tree Protection Plan
- Tree Schedule

Please see Appendix F for full details.

#### Hedgerow Assessment

The hedgerows should be assessed against the criteria contained within the Hedgerow Regulations 1997 to determine whether any of them can be classified as “important” for any of the criteria detailed within paragraphs 1, 4, 5, 7 and 8 of Schedule 1 of the Regulations.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy DM28 – Protection of Trees

## National

National Planning Policy Framework:

- Chapter 15 Paragraphs 174 and 180

## **18. Landscaping Scheme**

### **Reason for requirement?**

Where landscaping is considered to be of material importance to the determination of the proposed development, the Council will require a detailed Landscaping Scheme.

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

Required for all applications (except for changes of use, or for outline applications where layout is not applied for) where existing or proposed landscaping would contribute to the acceptability of the proposed scheme.

### **What is required?**

The Council will require a detailed scheme, which should include a scaled plan showing hard and soft landscaping details, including details of levels, paving treatment and materials, plant species, position, number and/or densities per square metre with the area given, and the size and specification of the plant material. The details should also include proposals for long-term maintenance and landscape management. Details of phasing may be required, particularly for larger sites.

Policy DM25 from the Copeland Local Plan 2013-2028 requires all developments to consider the existing green infrastructure network in the design process, incorporating existing assets on-site and securing opportunities to strengthen and connect with the wider green infrastructure network.

Proposals for all major developments will be required to demonstrate how they:

- a) strengthen the Network through the creation of new and enhancement of existing green infrastructure assets within the site; and
- b) incorporate a layout that provides pedestrian and/or wildlife linkages to the existing Network in circumstances where the development site lies adjacent, and connectivity is feasible.

## **Policy References**

### Development Plan

Copeland Local Plan 2013-2028:

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM28 – Protection of Trees

### National

National Planning Policy Framework:

- Chapter 15 174 – 178

National Planning Practice Guidance:

<https://www.gov.uk/guidance/natural-environment>

## **19. Flood Risk Assessment**

### **Reason for requirement?**

To assess the potential impact of a development on the local water environment and any increased flood risk to and from the development site.

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

- a) Development proposals in high-risk flood zone (Flood Zone 3a and 3b).
- b) Development proposals in medium risk flood zone (Flood Zone 2)
- c) Any development of 1ha or above in low flood risk zone (Flood Zone 1).
- d) Any operational development which includes culverting or control of flow of any river or stream.

### **What is required?**

Identification and assessment of the risks of all forms of flooding to and resulting from the development, taking into account climate change.

Demonstration of how the risk of flooding will be managed. Demonstration that the development complies with the policies contained in the National Planning Guidance. Inclusion of an Emergency Planning Statement detailing flood warning and evacuation measures where applicable. For developments

within Flood Zones 2 and 3 where applicable a Sequential and exception test should accompany the planning application.

For minor developments a basic Flood Risk Assessment FRA Screening Study is acceptable; see appendix G for full information.

## **Policy References**

### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy DM11 – Sustainable Development Standards

Policy DM24 – Development Proposals and Flood Risk

### National

National Planning Policy Framework:

- Chapter 14 Paragraphs 159-169

National Planning Practice Guidance:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

## **20. Surface Water Drainage Assessment**

### **Reason for requirement?**

To ensure a satisfactory standard of surface water drainage for the development in accordance with policies ENV1 and DM24 of the Copeland Local Plan 2013-2028 in compliance with the surface water drainage hierarchy outlined in the policy and the Planning Practice Guidance.

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

Where the application form has indicated that surface water drainage is proposed to a watercourse or sewer.

### **What is required?**

A statement of evidence that infiltration or water reuse is not practicably appropriate, and that the drainage proposed accords with the principles detailed in policy ENV1 of the Copeland Local Plan 2013-2028 and follows the hierarchy of drainage as detailed in the National Planning Practice Guidance

(infiltration or water reuse; drainage to a watercourse and then drainage to a sewer as a last resort).

Evidence that local ground conditions render soakaways impractical (evidence normally being a test in accordance with BRE 365).

## **Policy References**

### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy DM11 – Sustainable Development Standards

Policy DM24 – Development Proposals and Flood Risk

## **21. Sustainable Drainage Assessment and Strategy**

### **Reason for requirement?**

To ensure a satisfactory standard of surface water drainage for the development in accordance with Policies ENV1 and DM11 of the Copeland Local Plan 2013-2028 in compliance with the surface water drainage hierarchy outlined in the policy and the Planning Practice Guidance.

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

- a) Major developments (except a change of use where no increase in permeable area is proposed);
- b) Residential development of 5 or more properties (except a change of use where no increase in permeable area is proposed);
- c) Development on land of 0.5ha or more in critical drainage areas as defined by the Environment Agency;
- d) Developments in flood risk zones 3a and 3b as defined by the Environment Agency.

### **What is required?**

A reasoned strategy to demonstrate that the development will have betterment compared with the existing site in terms of surface water drainage and accord with the hierarchy for surface water drainage cited in policies ENV1 and DM11 of the Copeland Local Plan 2013-2028 (infiltration or water reuse; drainage to a watercourse and then drainage to a sewer as a last resort), taking

into account 1 in 100-year rainfall events and climate change. The strategy should specifically identify:

- a) Current Drainage system, capacity and discharge rate;
- b) Infiltration Tests carried out to BRE 365;
- c) New surface water system, capacity, storage and discharge rate;
- d) Identify proposed outfalls for surface water;
- e) Existing drainage arrangements showing existing operational surface water connections on previously developed sites;
- f) Details of adoption;
- g) Maintenance and management information for un-adopted sections;
- h) Topographical changes to the landscape - Other mitigation measures e.g., Finished Floor Levels;
- i) Demonstrate compliance with the requirements of any applicable SuDS guidance;
- j) If the proposal is part of a number of phases, the strategy should demonstrate access to/from interconnecting phases.

The pro-forma in Appendix H of this List should be used to complete the Strategy and submitted with your application for Major developments, or site of 0.5 hectares in a Critical Drainage Area, regardless of you type of application.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy DM11 – Sustainable Development Standards

Policy DM24 – Development Proposals and Flood Risk

#### National

National Planning Policy Framework:

- Chapter 14 Paragraphs 159-169

National Planning Practice Guidance:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

## 22. Foul Drainage Statement

### Reason for requirement?

To ensure that foul drainage is to mains sewers where practicable.

### When is it required?

Where the application form has indicated that foul drainage is not proposed to connect to a mains sewer.

### What is required?

An assessment to demonstrate why a connection to the public sewer is not possible. The Environment Agency has produced a foul drainage assessment form that applicants should submit with planning applications where they propose the use of non-mains drainage systems. The form is included in Appendix I of this Validation List.

### Policy References

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy DM11 – Sustainable Development Standards

Policy DM24 – Development Proposals and Flood Risk

## 23. Transport Assessment/Statement

### Reason for requirement?

It is important that applicants seek pre-application advice from the Local Planning Authority for definitive advice on the scope of the following documents in order to avoid abortive work. Transport Assessments and Statements are ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development.

### When is it required?

Appendix 3 of the Cumbria Development Design Guide specifies the thresholds for Transport Statements and Transport Assessments:

<https://www.cumbria.gov.uk/planning-environment/flooding/cumbriadevelopmentdesignguide.asp>

### **What is required?**

Transport Statement: Should cover matters such as trip generation resulting from the development, improvements to site accessibility, car parking provision and internal vehicular circulation, traffic impacts of servicing requirements and the net level of change over any current development within the site.

Transport Assessment: Should quantify and assess the impact of the proposals on traffic movement and highway safety, quantify and assess how the development could be accessed by alternative transport modes and how such alternative modes would be promoted. Details should be included of any proposals for access or transport improvements. Please be aware that TAs need to be accompanied by a Travel Plan.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy T1 – Improving Accessibility and Transport

Policy DM22- Accessible Developments

#### National

National Planning Policy Framework:

- Chapter 9 Paragraph 113

National Planning Policy Guidance:

<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

## **24. Landscape and Visual Assessment (LVA)/Landscape and Visual Impact Assessment (LVIA)**

### **Reason for requirement?**



To assess the impact of any individual development on the character, setting and visual amenity of the surrounding landscape and any sensitive receptors within it.

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

For all major residential, commercial and industrial proposals (10 or more dwellings/floor space 1000m<sup>2</sup> and above, site area 0.5 ha or above).

### **What is required?**

#### Major Developments

The extent of the assessment required should be agreed with the Council.

#### LVA

The assessment should include visual representations of the site before and after the proposed development such as photomontages and artist's impressions.

#### LVIA

Sensitive sites either within designated landscapes or visually prominent on the edge of settlements, requires the submission of a Landscape and Visual Impact.

Assessment by a qualified landscape architect. The submission should include a list of viewpoints to assess the proposal which should be agreed with the Development Management Team prior to submission of the application.

#### Turbine Developments

As a minimum, a statement of assessed landscape impact referring to the relevant defined characteristics contained within the Cumbria Landscape Character Assessment Toolkit including photographs of the impacted landscape with accompanying text.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

## National

National Planning Policy Framework:

- Chapter 15 Paragraphs 174 – 178

## **25. Affordable Housing Statement**

### **Reason for requirement?**

To assess the provision of local affordable housing provision as part of any residential development scheme in the context of Council planning policies.

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

- All housing development of more than 10 dwellings.
- The site has an area of 0.5 hectares.

### **What is required?**

Where a local affordable housing need has been identified by the Council, an affordable housing statement is required relating to the provision of affordable housing including:

- The total number of residential units proposed including the number type of tenure and the size of the property for affordable housing.
- Plan or schedule showing the location of units (to be dispersed in clusters across the development) excluding outline applications unless layout is not reserved for subsequent approval.
- Background and justification for the proposed approach detailed in the statement to demonstrate accordance with policy

If no affordable housing is to be provided or a lesser amount than the thresholds indicated by Policy than a financial viability Statement should be provided.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy SS3 – Housing Needs, Mix and Affordability

#### National

National Planning Policy Framework:

- Chapter 5 Paragraphs 63-65

National Planning Practice Guidance:

<https://www.gov.uk/guidance/first-homes>

## 26. Custom and Self-Build Housing Design Code

### Reason for requirement?

To ensure high quality design is achieved by considering custom and self-build proposals against policy SS3 of the Copeland Local Plan 2013-2028.

### When is it required?

For proposals of five or more plots.

### What is required?

A design code is a set of written and illustrated rules that establish the design parameters of a particular development.

Design codes could include amongst other things, building form and orientation, density, building lines, landscaping, parking and infrastructure. Design codes help to clarify and guide what form of development is acceptable on site, give greater certainty to all parties and ensure the development works as a cohesive whole.

The Council will work in partnership with developers and landowners to agree the content of the code on a site-by-site basis.

### Policy References

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy SS3 – Housing Needs, Mix and Affordability

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

#### National

National Planning Practice Guidance:

## 27. Housing Standards Statement

### **Reason for requirement?**

Requirements M4(2) and M4(3) are ‘optional requirements’ as defined in the Building Regulations. An optional requirement only applies where a condition that one or more dwellings should meet the relevant optional requirement is imposed on new development as part of the process of granting planning permission.

The implementation of the requirements of M4(2) is particularly important in Copeland due to its ageing population. Policies DM11 and DM 12 of the Copeland Local Plan 2013-2028 sets out guidance for the optional requirements.

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

Applications for reserved matters or full planning permission.

For developments of 10 units or more, 20% of the dwellings must be designed and constructed to meet the requirements set out in optional Building Requirement M4(2).

All residential developments over 30 units, must ensure that 5% of the total units (across both market and affordable dwellings) should be designed and constructed to meet optional Building Requirement M4(3) ensuring that the dwellings are wheelchair adaptable.

### **What is required?**

Either a Housing Standards Statement, or a chapter within the Design and Access Statement, should provide an explanation of how the development has been designed to ensure that homes are accessible and adaptable in accordance with Policies DM12 and DM22 of the Copeland Local Plan 2013-2028.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM12 – Standards for New Residential Developments

## National

Approved Document M:

<https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

## **28. Marketing Statement**

### **Reason for requirement?**

When the loss of a community use is proposed, to demonstrate that there is no known demand for the continued community use and evidence has been submitted of genuine efforts having been made to and sell the enterprise as a going concern or to sell or let the property as premises for its current use.

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

Proposals for enabling development, loss of a community facility/service, loss of commercial units within town centres, redevelopment or de-allocation of employment sites, development not complying with the Council's affordable housing provision, removal of occupancy condition on a dwelling in the open countryside or developments that are not in general accordance with the objectives and policies of the development Plan.

### **What is required?**

Detailed statements demonstrating that the property/land has been advertised for sale or lease on the open market for uses appropriate to the use in the Local Plan by a suitably qualified professional person including:

- Detail of the valuation.
- The length of time it has been advertised (minimum continuous period of 6 months).
- Where and how it has been promoted/marketed, press adverts, estate agents, websites (including specialist agents e.g., public houses) and type tenure sale/rent.

- Details of any offers (including enquiries to take over property as a going concern).
- Evidence of viability.

## **Policy References**

### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy SS4 – Community and Cultural Facilities and Services

Policy DM21 – Protecting Community Facilities

### National

National Planning Policy Framework:

- Chapter 8 Paragraph 93

## **29. Sequential Approach and Retail Impact Assessment/Town Centre Impact Assessment**

### **Reason for requirement?**

Policy ER7 of the Copeland Local Plan 2013-2028 reflects the policy contained within the NPPF in seeking to protect the vitality and viability of the defined town centres.

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

Sequential Approach: A sequential test will be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Impact Assessment: Planning applications for retail, or leisure developments exceeding 2,500 sq. metres of gross floorspace. not in an existing defined centre.

### **What is required?**

#### Sequential Approach

Statements should demonstrate evidence on the potential use of preferable alternative available town centre sites prior to any alternative available edge of town centre site or any out-of-town centre location.

The checklist below sets out the considerations that should be included:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

In line with paragraph 87 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.

#### Retail/Town Centre Impact

The Assessment should be approached as follows:

- Establish the state of existing centres and the nature of current shopping patterns (base year).
- Determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur.
- Examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure).

- Assess the proposal's turnover and trade draw (drawing on information from comparable schemes, the operator's benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw).
- Consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact).
- Set out the likely impact of the proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues.

Any conclusions should be proportionate, for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences for the vitality and viability of existing town centres.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy ER7 – Principal; Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER8 – Whitehaven Town Centre

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

#### National

National Planning Policy Framework:

- Chapter 7 Paragraphs 86 to 91

National Planning Practice Guidance:

<https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres>

## **30. Open Space/Sport/ Play/Leisure Assessment**

**Reason for requirement?**



A key priority of the Council is to promote healthy lifestyles through improved access to sports, leisure and open space, which also have positive economic and environmental benefits.

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

Applications relating to the creation of or loss of open space (for example public open space, amenity open space and playing fields).

### **What is required?**

Applications involving loss of open space should include evidence that:

- a) the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and leisure provision, the needs for which clearly outweigh the loss.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Policy DM12 – Standards for New Residential Developments

#### National

National Planning Policy Framework:

- Chapter 8 Paragraph 99
- Chapter 15 Paragraph 187

Sports England:

- Planning for Sport Guidance
- Playing Fields Policy and Guidance
- Assessing Needs and Opportunities Guidance

[https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=planning\\_for\\_sport\\_guidance](https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=planning_for_sport_guidance)

## 31. Nutrient Neutrality

### Reason for requirement?

On 16 March 2022, Copeland Borough Council received a letter from Natural England concerning nutrient pollution in the protected habitats of the River Derwent & Bassenthwaite Lake Special Area of Conservation (SAC) and the River Eden Special Area of Conservation (SAC). The letter advised that within identified catchment areas of these protected habitats certain types of new development have the potential to cause adverse impacts through nutrient pollution.

The Conservation of Species and Habitats Regulations 2017 require local planning authorities to ensure that new development does not cause adverse impacts to protected habitats prior to granting planning permission. As a result, when determining planning applications, the Council must now ensure that relevant developments within the identified catchment areas do not increase nutrient levels, and such development can only proceed if it can be demonstrated to be 'nutrient neutral'. Information on how this is to be calculated has been supplied to the Council by Natural England. All of the advice received from Natural England is available below.

### When is it required?

The following types of developments that fall within the catchment areas of the River Derwent & Bassenthwaite Lake SAC.

- All types of overnight accommodation including new homes, self-catering and serviced tourist accommodation such as hotels, guest houses, bed and breakfasts, self-catering holiday units, static caravan sites, campsites served by on-site toilet or washing facilities.
- New tourism development likely to increase the number of day visitors to premises.
- Agricultural development that will result in an increase in stock numbers.

In Copeland parts of the parishes of Lamplugh, Arlecdon, Rowrah and Distington fall within the identified catchments.

These maps can be found at [River Derwent and Bassenthwaite Lake catchment map | Copeland Borough Council](#). Information will still be required for

developments that are located outside of the catchment area but where the proposed drainage will fall within one of the areas within the identified catchment area.

The requirement to demonstrate nutrient neutrality applies to all types of planning application relating to these types of development, including reserved matters, prior approval and certificates of lawful development for a proposed use or development. S73 applications to vary permission are also affected in some circumstances.

### **What is required?**

Nutrient neutrality information must include:

#### Option 1

- Completed Natural England nutrient neutrality budget calculator for the relevant catchment; and
- Nutrient neutrality mitigation strategy; and
- Shadow Habitats Regulations Assessment.

Please note that the nutrient budget calculator is unsuitable for agricultural developments, and a bespoke assessment will be needed.

#### Option 2

- Evidence that all proposed thresholds for small discharges to ground as set out in Natural England Nutrient Neutrality Advice are met.

Exceptions to the nutrient neutrality validation requirement:

1. Development falling within Use Class B2 or B8 (general industrial or uses).
2. Development falling within Use Class E (Commercial, Business and Service).
3. Development falling within Use Class F1(a), (d), (e), or (f).
4. Development falling within Use Class F2(a), (b) or (c).
5. Development changing between one type of tourism accommodation to another without increasing occupancy (e.g., guesthouse to holiday let).
6. Householder development.

Notwithstanding that nutrient neutrality information may not be required to validate some types of application, nutrient neutrality information may still be required during the application process, and planning permission refused in the absence of nutrient neutrality information for developments of the types listed above following a case-by-case assessment.

A Shadow Habitats Regulations Assessment is an assessment of the impacts of a proposed development in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017, prepared by a third party, which the Authority may choose to adopt as part of its assessment of an application if it is in agreement with its conclusions.

### **Policy References**

#### Development Plan

Copeland Local Plan 2013-2028:

Policy ST1 – Strategic Development Principles

Further information:

[Nutrient Neutrality | Copeland Borough Council](#)

#### National

National Planning Policy Framework:

- Chapter 15 Paragraphs 179-182

National Planning Practice Guidance:

Guidance on the use of Habitats Regulations Assessment -

<https://www.gov.uk/guidance/appropriate-assessment>