VALIDATION REQUIREMENTS FOR PLANNING AND OTHER RELATED APPLICATIONS

This document is an updated version of guidance originally prepared in partnership with other North Yorkshire Planning Authorities and subsequently reviewed by Scarborough Borough Council.

Adopted June 2016
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1. **Introduction**

1.1 In 2008, the government introduced a mandatory standard national application form and associated information requirements for the validation of planning applications and other applications submitted under the Town and Country Planning Acts. The standard ‘1APP’ form is now available online via the Planning Portal and the iApply website. Other documents/information required to make an application valid can be split into two categories. Firstly, there are national requirements which apply across England. Secondly, there are local requirements which vary between different Local Planning Authorities. The Council will seek to take a proportionate approach when requesting this additional information on the local list. Where the Council decides that such documents are necessary to enable an application to be assessed properly, failure to provide such documents could result in an application not being validated or refused due to lack of information. This note covers both national and local validation requirements.

1.2 Government Guidance states that where local authorities wish to maintain their own distinct ‘local list’ (in addition to the ‘national list’) of information, this should be reviewed, every two years. This document was reviewed and adopted in June 2016, taking account of current national and local planning policy as applicable to Scarborough Borough. In setting out these requirements, we are seeking to minimise the number of applications which have to be returned as invalid due to insufficient information being provided or being wrongly completed.

1.3 The purpose of the validation arrangements is to:

- provide a guide to the information that may be required at the outset
- provide applicants with certainty as to the information required
- provide the Local Planning Authority with all the necessary information to determine the application and to draft the planning permission and all conditions
- minimise the need for further submission of additional information in order to allow Local Planning Authorities a reasonable opportunity to determine applications within the 8 and 13 week government target periods.

1.4 This revised document takes full account of the Government’s National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), in particular the NPPG entitled ‘Making an Application’. In drawing up the local list the key tests set out in this document and government regulations have been carefully considered. These are that the information requested for a particular application must be:

- reasonable having regard, in particular, to the nature and scale of the proposed development, and
- about a matter which it is reasonable to think will be a material consideration in the determination of the application.

1.5 The guidance may appear lengthy, but it is important to note that it is intended to cover all eventualities and in practice it will be applied proportionately. The information required on the national list, plus possibly a few items from the local list
will suffice to make most applications valid. Some of the requirements on the local list may also form part of another document such as a Planning Statement or a Design and Access Statement. The guidance seeks to indicate where this might be appropriate. If in any doubt, please contact the Borough Council’s Planning Services for further advice.

1.6 Section 2 of this document explains the approach to the submission and validation of applications. The information needed to validate an application will depend on number of factors including the type of application, the amount and form of development and site specific constraints. The Planning Service handles a range of application types, each with its own statutory requirements. Therefore, Section 3 lists in summarised form the main application types falling within planning legislation, indicating where more information can be found. Where “combination” applications are made, then reference should be made to both of the individual requirements. Section 4 sets out guidance on the national standards and Section 5 provides more detailed guidance on the local list of requirements. Appendix 1 provides in summarised form the planning policy justification for items on the local list of validation requirements, as recommended in Government guidance.
2. Protocol for Submission and Validation of Applications

Pre-Application Discussions

2.1 Applicants or their agents are encouraged to have pre-application discussions with a Planning Officer prior to the formal submission of an application to:

(a) confirm the scope of the information in the application
(b) address whether the proposal may need to be amended to comply with the Council’s policies in the Development Plan and other Officer advice, and
(c) seek a view on whether planning permission is likely to be granted.

This advice is given without prejudice to the final recommendation on the proposal, which will be made in the light of consultation responses and detailed consideration of the application. Please note that Scarborough Borough Council charges for pre-application advice. However, if the enquiry solely relates to the scope of information needed to make an application valid, and this does not involve a meeting, then this will not be subject of a charge. There is further information online on the Council’s Pre-Application Advice web page.

2.2 It may be necessary in relation to some supporting information to carry out pre-submission consultation with technical consultees, for example, the Environment Agency, Yorkshire Water, Natural England or North Yorkshire County Council as appropriate, prior to the formal registration of the application. It is expected that such consultation will be part of the pre-application process for all major applications. Separate charges may be sought by external consultees to cover their pre-application involvement.

2.3 All applicants, but particularly those bringing forward major development schemes, are encouraged to carry out pre-application public consultation with appropriate sections of the public (e.g. neighbours directly affected, Parish/Town Council or specific interest groups) in accordance with the Council’s Statement of Community Involvement. When considering whether to engage in pre-application consultation, applicants should be aware that seemingly minor proposals can sometimes be significant, or even controversial, for local people. Therefore, it is often advisable to take a precautionary approach and to engage with those that may be affected whenever possible.

Validation of Applications

2.4 The Council will not register or validate an application if it is incomplete, i.e. if all information listed in the appropriate validation criteria is not provided in a complete form. We will, however, always seek to take a proportionate view on information requirements and only seek further details where this is genuinely necessary for the application to be properly considered.

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1 “Major” developments comprise proposals for ten or more dwellings; an outline application for residential development on a site of more than 0.5 hectare; new building(s) of more than 1,000 sq. m. floorspace; or development on a site of more than 1 hectare.
2.5 Under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations the Council also has power in the course of dealing with an application to require an applicant to:

(a) supply any further information, and accept outline applications, plans and drawings necessary to enable them to determine the application; or

(b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.

2.6 If an application is subsequently found to be invalid following registration, the time period for determination may be suspended until such time as it becomes valid and the period for determination of the application reset. However, where information is found to be insufficient the Council is more likely to follow the course of action set out in paragraphs 2.8 - 2.11 below.

2.7 If you disagree with our reason(s) for not validating the application, you should first discuss it with the Planning Service. If the dispute cannot be resolved this way, the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the relevant procedures, which in certain circumstances can include the right of appeal.

Processing the Application

2.8 The opportunity to make significant changes to an application, after validation, is severely limited. Significant changes, i.e. revised plans which require re-consultation, may not be accepted, because the re-consultation may not be able to be carried out and a decision made inside the 8 or 13 week target. Applicants may, however, be able to make changes to plans to address issues raised by Officers and consultees, if time permits during the process of consideration. The submission of revised details should be accompanied by a schedule clearly setting out the proposed changes.

2.9 Fresh drawings or modifications that significantly alter the nature or description of the proposal will not normally be accepted after validation. If such a change is unavoidable, the Council will ask for a fresh application.

2.10 Where an application has been validated, but needs significant alteration to make it acceptable, or where pre-application advice to overcome problems has not been followed, the Council will consider the application as submitted and this may result in a recommendation of refusal. The applicant may, however, withdraw the application and submit a new application for a revised scheme before a decision is made. There is normally no fee for the first such resubmission.

2.11 Prior to a recommendation of refusal being made on an application, the agent/applicant will usually be informed and given the opportunity to withdraw the application if it is clear that there would be no other acceptable outcome. These applications can normally be resubmitted in revised form, with no fee.
Summary

2.12 The key elements of the Protocol for submission and validation of applications are:

- Compile a full application before formal submission.
- Consult the Local Planning Authority and key consultees before formal submission.
- “Front load” the application process by taking into account the views of other parties who will be involved in commenting on and considering the application.
- Significant alterations to applications cannot be made after registration/validation.
- The Council will make decisions in most cases within the relevant target of 8 or 13 weeks. Applicants/agents will be advised as soon as practicable if any application is to be recommended for refusal.
- Advance preparation of documents for Section 106 Planning Obligations will assist a prompt and favourable outcome (see paragraphs 5.30-5.32 for more information).
3. **Information Requirements for Applications by Main Application Type**

3.1 The Planning Service deals with a range of application types each with its own specific statutory requirements. This note does not seek to repeat the requirements set out in national legislation. Instead, it seeks to provide pointers as to the scope of information required and where more detailed guidance can be found. However, the scale and type of development, as well as site location and constraints are likely to be key factors when determining validation requirements for a specific application. Since these are likely to vary in each case guidance should normally be sought before submitting an application. The main application types are listed below with brief notes. For more detailed explanation of each type of permission, please refer to the ‘Consent type’ web page on the Planning Portal.

3.2 **Full Planning Application** – This can cover developments which vary to a great degree in terms of their scale and nature. The national requirements, where mandatory, (Section 4) will be required in nearly all cases. In preparing such an application, any of the documents in the local list may be relevant, but will depend on individual circumstances. It is also now the appropriate procedure to follow where permission is required for the demolition of buildings in Conservation Areas.

3.3 **Householder Planning Application** – This application type only relates to extension of existing houses and other domestic building works; hence, the submission of some of the items listed in Sections 4 and 5 (e.g. Transport Assessment, Section 106 obligation) would be unlikely. In many cases the national requirements (Section 4) are likely to suffice. The requirement for other supplementary documents needs to be judged on a case by case basis.

3.4 **Outline Planning Application** - The list of documents required will be determined in part by the matters for which approval is sought at the outline stage, while it would not normally include those items for which it is intended to seek approval at the subsequent reserved matters stage.

3.5 **Reserved Matters** – The documents required will relate to those matters not approved at the outline stage and/or identified by conditions on the outline planning permission.

3.6 **Application for Listed Building Consent** – In addition to the application forms, detailed scale drawings of both external and internal alterations are required. A Design and Access Statement (DAS) is a mandatory national requirement. A Heritage Statement is also required, although this may be combined with the DAS. Photographs (and on more significant proposals) street scene/perspective drawings may help provide context. For proposals involving demolition, conversion or significant alterations a structural survey is also likely to be required.

3.7 **Advertisement Consent** – The validation requirements for advertisements requiring ‘express consent’ are set in Article 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. In addition, submission of photographs or photomontages can help illustrate signage in its context.
3.8 **Removal/Variation of Conditions** – Such an application under Section 73 of the Town and Country Planning Act 1990 shall normally be accompanied by a supporting statement to explain why removal or variation of the condition is sought. Other documents may be required where they help provide justification for this case.

3.9 **Variation of or Release from Section 106 Planning Obligation** – This is an application under Section 106A of the Town and Country Planning Act 1990. There is not an application form on the Planning Portal. However, the Certificate of Ownership shall be submitted, together with a clear explanation of the changes sought and a supporting statement. If a reduction in affordable housing or financial contributions towards infrastructure is sought then a viability assessment will normally be required.

3.10 **Minor Material Amendments (MMA)** – This takes the form of application under Section 73 of the Town and Country Planning Act 1990 as a variation of the condition on the original permission, which lists approved plans. The application forms for variation of a condition should therefore be used. The amount of information which will be required for validation and to enable the Council make an informed decision will largely be restricted to those aspects of the scheme to which changes are proposed.

3.11 **Non-Material Amendments (NMA)** – This is an application under section 96A of the Town and Country Planning Act with more streamlined procedures than an NMA application. There is an application form specific to NMAs. Again, the amount of information required to make an informed decision will largely be restricted to those aspects of the scheme which are proposed to change. For further background on MMA and NMA applications, please see the NPPG, Flexible Options for Planning Permission.

3.12 **Approval of Conditions** – This is also often referred to as discharge of conditions; apart from submitting the forms and fee, the plans and documents required should be clear from the conditions on the planning permission, but if in doubt please contact Planning Services.

3.13 **Lawful Development Certificate (LDC)** – This may take 3 forms:

- Certificate for existing lawful development – this is a formal means of establishing that an existing development is lawful and therefore exempt from potential enforcement action.
- Certificate for proposed lawful development - this is a formal means of establishing that a proposal does not require planning permission.
- Certificate of Lawfulness of Proposed Works to a listed building.

In addition to forms and the fee (if required), scaled drawings showing development shall be submitted. In the case of an LDC for existing development, where the applicant is seeking to demonstrate that it has been in existence for a period of time, then suitable evidence will be required. For example, this may include a sworn affidavit from people with personal knowledge of the use or development. Further guidance can be found in the NPPG, Lawful Development Certificates.
3.14 **Consent under Tree Preservation Orders and Notification of Proposed Works to Trees in Conservation Areas** - The information required to make such applications valid can be found in paragraph 65 of the NPPG, Tree Preservation Orders and Trees in Conservation Areas.

3.15 **Application for Hedgerow Removal Notice** – This should be accompanied by location plan at a scale, evidence of when the hedgerow was planted and a biodiversity survey. Other useful information may include a more detailed scaled drawing showing sections of the hedge to be removed, an arboricultural assessment (if trees are to be removed) and a statement addressing the significance of the hedgerow, including evidence from the County Records Office and archaeological records.

3.16 **Hazardous Substances Consent** – This is required for the storage and use of certain hazardous substances. Once it has been established that consent is required the information needed to validate an application is set out in paragraph 41 of the NPPG, Hazardous Substances.

3.17 **Applications for Prior Approval** – This is a category of application types, for which it is necessary to notify the Council, but full planning permission is not required. They include the following:

- Prior approval for forestry and agricultural development
- Prior approval for demolition
- Prior approval for telecommunications development
- Prior approval for home extension
- Prior approval for solar photovoltaics equipment on non-domestic buildings
- Prior approval for temporary use/works for commercial film-making
- Prior approval for a collection facility within the curtilage of a shop
- Prior approval for change of use – again, this is a category of application types and at the time of preparing this guidance there were 10 in total. These are listed on the ‘Consent type’ web page on the Planning Portal.

3.18 The circumstances in which Prior Approval is the correct procedure are set out in the Town and Country Planning (General Permitted Development) Order 2015. Due to the complexity of this legislation it is recommended that before making such an application that a ‘permitted development’ enquiry is made to the Council or independent planning advice is sought. The regulations set out in each case the basic information which is likely to be required with each type of prior approval application. They also place limits on the issues which may be considered by the Council when determining such an application. Therefore, where supplementary information is required to validate the application it will be restricted to these matters.
4 National List of Validation Requirements

4.1 The requirements on the National List are consistent across the whole of England. The requirements on the Local List are equally important where submission is deemed necessary, but these are much more likely to be determined on a case by case basis. This guidance only summarises the main National Information Requirements; more information can be found in the government’s Planning Practice Guidance – Making an Application.

Standard Application Form

4.2 Since April 2008, all applications have had to be presented on the standard 1APP application form, which is available electronically. We would encourage you to submit your application electronically wherever possible via the Planning Portal or iApply, as these provide opportunities for improved efficiency and reduced costs. However, you can still submit a paper based application if you wish, in which case one original copy of documents will normally suffice. All forms must be signed and dated.

4.3 The application forms now include the Ownership and Agricultural Land Declaration. Applicants must complete this, which 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). All applications for planning permission except for approval of reserved matters must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an ‘owner’ is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. Where an applicant is not the owner, or sole owner of the land,

Application Fee

4.4 This is set by the government and required for most applications. The Planning Portal’s Online Fee Calculator can be used to work out the application fee. Further guidance, including exemptions can be found in the government’s Planning Practice Guidance – Fees for Planning Applications. Payments can be made by cheque, debit card, credit card (subject to a charge) or BACS (Bankers' Automated Clearing Services).

Location Plan

4.5 All applications must include copies of a location plan 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 identify two named roads and 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.
Plans and Drawings Identifying the Development

4.6 The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that an application shall be accompanied by ‘other plans, drawings and information necessary to describe the development which is the subject of the application’. Unless otherwise agreed or specified, the documents described in the paragraphs 4.7 to 4.14 below are considered essential to meet this requirement. Please note that plans will be displayed on the Council website and that A0 and A1 size drawings are difficult to view on screen. Wherever practical, applicants are encouraged to submit plans at A2 or A3 size, which may, for example, involve showing individual elevation or floor plans on different drawings.

Existing and Proposed Site/Block Plan

4.7 The site/block plan should be drawn at a scale of 1:100 or 1:200. On larger sites a masterplan may be submitted at a scale of 1:500 or similar. All such plans should accurately show:

a) The direction of North.

b) The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries.

and the following, unless these would NOT influence or be affected by the proposed development:

c) All the buildings, roads and footpaths on land adjoining the site including access arrangements.

d) All Public Rights of Way crossing or adjoining the site.

e) The position of all trees on the site, and those on adjacent land that could influence or be affected by the development.

f) The extent and type of any hard surfacing.

g) Boundary treatment including the type and height of walls or fencing where this is proposed.

h) The position of any river, pond or other water/coastal feature on or adjacent to the site.

i) Identification of any buildings or structures to be demolished.

j) The location of any bin storage facilities.

k) The location and layout of parking for vehicles, including disabled spaces and cycle parking, where appropriate.
**Existing and Proposed Elevations**

4.8 These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.

4.9 Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property. It will not be necessary for an applicant to provide detailed information on elevations of existing buildings on the site if these will not be altered by the development proposal.

**Existing and Proposed Floor Plans**

4.10 These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).

**Existing and Proposed Site Sections, Finished Floor and Site Levels**

4.11 These should be drawn at a scale of 1:50 or 1:100 and should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided.

4.12 Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings.

4.13 In the case of extensions to existing buildings, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of Design and Access Statements.

**Roof Plan**

5.14 This should be drawn at a scale of 1:50 or 1:100 and is used to show the roof design. Details such as the roofing material, vents and their location are typically specified on the roof plan.
Design and Access Statement

4.15 A Design and Access Statement (DAS) is a concise report accompanying certain applications for planning permission and listed building consent. It provides a framework for applicants to explain how the proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users. For further guidance on the type of applications, for which a DAS is required, and its contents please refer to the Planning Practice Guidance – Making an Application.

Environmental Statement

4.16 This is only likely to be required on large scale and complex applications, which potentially have a significant impact on the environment. The Town and Country Planning (Environmental Impact Assessment) Regulations (1999), as amended, set out the circumstances in which an Environmental Impact Assessment (EIA) is required. Environmental Statements are lengthy documents, but in effect they cover a range of assessments, thus avoiding the need for some other separate documents on the local list.

4.17 Where one is required, Schedule 4 to the Regulations sets out the information that should be included in an Environmental Statement. It may be helpful for a developer to request a ‘screening opinion’ (i.e. to determine whether EIA is required) from the Local Planning Authority before submitting a planning application. Where EIA is necessary, a ‘scoping letter’ shall also be sent to the Local Planning Authority in accordance with the 1999 Regulations in order to agree the methodology and broad content of the Environmental Statement. In cases where a full EIA is not required, the Local Planning Authority may still require environmental information to be provided on individual issues (e.g. transport, ecology etc.).
5 **Local List of Validation Requirements**

5.1 Whilst the items on the National List will commonly be required on most or many applications, those on the Local List will only be deemed necessary based on the particular circumstances relating to an application. As further explained in paragraph 5.29, we request that the application is accompanied by a schedule or list of submitted documents.

**Affordable Housing and/or Viability Statement**

5.2 Where Local Plan policies or Supplementary Planning Document (SPD) guidance requires the provision of affordable housing on site, or where starter housing is proposed, the Council may require information, including the number of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. Details of any Registered Providers of affordable housing acting as partners in the development should also be identified.

5.3 In the event that the applicant is seeking to make an exception to the established policies of the Local Plan or other SPD guidance on the provision of affordable housing or other infrastructure, this will need to be fully justified. Where this is based on a financial case a Viability Assessment shall be carried out by a suitably qualified person. Establishing the appropriate level of affordable housing having regard to both financial viability constraints and the expectations of the Council’s policies can be a complex and time consuming process, which cannot be accommodated within the normal timescale of a planning application. The applicant should therefore seek to agree the scope and methodology of the Viability Assessment with the Council, completing any discussions, as well as the finalised document prior to the submission of the planning application. The Homes and Communities Agency provides a Development Appraisal Tool which we would encourage applicants to use.

**Air Quality Assessment**

5.4 Within the areas for which the Council determines planning applications there are currently no Air Quality Management Areas (designated due to air quality objectives set out in Regulations being exceeded). Therefore, an assessment is only likely to be required on applications where there is clear potential for a significant increase in airborne pollutants. It should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. This may form part of an Environmental Impact Assessment where one is submitted. Further advice is available in the NPPG, Air Quality.

**Biodiversity Survey and Report**

5.5 Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts. Where proposals are being made for mitigation and/or compensation measures information
to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 or the Protection of Badgers Act 1992.

5.6 Applications for development that affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an Environmental Statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of mature trees, woodland, scrub, hedgerows or alterations to water courses and ponds may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. This list is by no means conclusive and specialist guidance should be sought. Further Government guidance is set out in Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM Circular 06/2005, DEFRA Circular 01/2005).

5.7 Surveys for bats, Great Crested Newts and other protected species can only take place during specific periods of the year. Applicants should undertake such surveys in advance of submitting a planning application to avoid delays in decision-making and the implementation of development.

**Daylight/Sunlight Assessment**

5.8 In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications may need to be accompanied by a daylight/sunlight assessment. Guidance should be sought from Planning Services prior to submitting an application as whether this will be required. Further guidance is provided in, for example, BRE Guidelines on Daylight Assessments. It should be noted that the grant of planning permission would not confer any immunity on those whose works infringe another’s property rights, and which might be subject to action under the Rights of Light Act 1959.

**Flood Risk Assessment and Sustainable Drainage Systems**

5.9 A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 where required under Flood Risk Standing Advice as issued by the Environment Agency (see its website for further information). A FRA will also be required for any development other than minor development in a designated Critical Drainage Area. These are shown on maps in the North East Yorkshire Strategic Flood Risk Assessment Update, which can be found on the Borough Council website as a background document to the Local Plan. They cover quite a significant part of settlements in the borough including most of Filey, Eastfield, Cayton, Burniston, Crossgates and the western part of Scarborough town.
5.10 The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. In Zones 2 and 3 the FRA should incorporate Sequential and Exception Tests, and demonstrate that additional flood resistance and resilience requirements have been met where these are necessary. The FRA and application plans should include the design of surface water management systems including Sustainable Drainage Systems (SuDss) and address the requirements for safe access to and from the development in areas at risk of flooding. More information on SuDss and the requirements for planning applications can be found in the North Yorkshire County Council SuDss Design Guidance.

5.11 The FRA should be prepared by an applicant in consultation with the Local Planning Authority with reference to their published local development documents and the Strategic Flood Risk Assessment. The amount of information required will vary according to circumstances; for example for more minor development, where the only constraint is its location in a Critical Drainage Area, the FRA can normally be limited to evidence that the development will not result in an net increase in surface water run-off. At the other extreme, the FRA should form part of an Environmental Statement when one is required. The NPPF and the NPPG, Flood Risk and Coastal Change provide advice in relation to the undertaking of flood risk assessments.

**Foul Sewerage Assessment**

5.12 All new buildings need separate connections to foul and storm water sewers. If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers.

5.13 Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in Building Regulations Approved Document Part H; and in BS6297.

5.14 If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. If connection to any of the above requires crossing land that is not in the applicant’s ownership, other than on a public highway, then notice may need to be served on the owners of that land.
Geotechnical Survey/Stability Report

5.15 This is likely to be the required where the development would affect or be affected by unstable land. This includes sites subject to effects of underground cavities, unstable slopes, ground compression, coastal erosion and the legacy of past mining activity. Where stability of land is likely to be a material consideration, contact should be made with the Council at the pre-application stage to agree the form and content of information required as part of a planning application.

Heritage Statement (including Historical, Archaeological Features and Scheduled Ancient Monuments)

5.16 Applications which are likely to affect a designated heritage asset (e.g. a Listed Building, a Conservation Area, a Registered Historic Park and Garden or a Scheduled Monument) or which might impact upon the setting of one of these assets will, in appropriate circumstances, be required to submit a Heritage Statement. There may be some overlap with the requirements of Design and Access Statements. Where this is the case, a single document encompassing all relevant matters may be acceptable; (the submission of the same document twice with different same titles is not appropriate).

5.17 A Heritage Statement should contain:

- A description of those elements which contribute to the significance of any heritage assets likely to be affected by the proposals.
- An assessment of the contribution which the setting makes to that significance.
- An assessment of the likely impact which the proposals will have upon those elements which contribute to the significance of those assets.

5.18 In certain circumstances, Heritage Statements may also be required for applications affecting other non-designated heritage assets such as non-scheduled archaeological sites and locally-important historic buildings. The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with either a Planning Officer or Conservation Officer before any application is made.

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

5.20 For applications involving the demolition of a building/structure in a Conservation Area, a written statement that includes a structural survey, an analysis of the character and appearance of the building/structure and justification for the proposed demolition and its impact on the special character of the area may be required.
5.21 Where an application site either includes or is likely to include archaeological remains, the Heritage Statement will be expected to include an appropriate desk-based assessment of the impact which the proposals might have upon these remains. In certain circumstances, where a desk-based assessment is insufficient to properly assess the likely impact, a field evaluation may be required instead. Certain parts of the Borough are defined as Areas of Archaeological Significance in local policies. Where an application is likely to affect any archaeological remains, applicants should first consult the historic environment team of North Yorkshire County Council. Further advice on can be found in the Historic Environment Advice Notes and Good Practice Advice Notes published by Historic England.

Land Contamination Assessment

5.22 Applications may need to be accompanied by a Land Contamination Assessment which should be carried out in accordance with established procedures, such as BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites. The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance. Further advice on undertaking a land contamination assessment can be found in the Yorkshire and Humber Pollution Advisory Council documents, ‘Development on Land Affected by Contamination’ (2016) and ‘Verification Requirements for Cover Systems to Remediate Contaminated Land’ (2013). Sufficient information should be provided in the submitted assessment to determine the existence or otherwise of contamination, its nature and the risks that it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable (e.g. housing with gardens, schools, nurseries or allotments), the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.

Landscape and Visual Impact Assessment (LVIA)

5.23 This is likely to be required for development, which in the view of the Council is likely to result in significant effects on the landscape and visual amenity, particularly in sensitive areas, such as the coastal zone, close to the National Park or where there may be significant cumulative visual impacts (e.g. wind farms). The LVIA should demonstrate the likely effects and explore the effectiveness of mitigation measures to avoid or minimise harm to the landscape or visual amenity. It should normally form part of an Environmental Statement, where one is required. An LVIA should include:

- Baseline description of site and landscape context
- Evaluation of landscape sensitivity and capacity to accommodate development
- Identification and assessment of effect on landscape character and quality with reference to the Scarborough Landscape Study
- Identification and assessment of visual impact
- Measures that would avoid or minimise adverse effects
- Where significant adverse effects are unavoidable, consideration of alternatives and why rejected;
- Methodology of LVIA with reference to best practice guidance.
Further information can be found in the Landscape Institute / IEMA (2013): Guidelines for Landscape and Visual Impact Assessment, 3rd edition.

**Landscape Plans**

5.24 Landscape proposals, where required, should form an integral part of the design concept in the Design and Access Statement. Indicative plans (and possibly) sections showing existing and proposed hard and soft landscape proposals should be submitted for most larger scale proposals, those having a significant visual impact or incorporating areas of public realm. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development (see also Tree Survey later). Applications may also be accompanied by landscape details and include proposals for long term maintenance and landscape management.

**Lighting Assessment**

5.25 Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or in a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, will in most cases need to be accompanied by details of the proposed external lighting and the hours when the lighting would be switched on. These details should include a layout plan with beam orientation and a schedule of the equipment in the design. Submission of an ‘isolux’ or similar drawings showing the luminance at specified heights above ground level may also be requested for particularly sensitive proposals or sites, such as sports floodlighting in rural or residential areas.

**Noise Assessment**

5.26 Application proposals that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise impact assessment prepared by a suitably qualified acoustician. Further guidance is provided in Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs) 2010.

**Photomontages, 3D Images and Photographs**

5.27 Photomontages or illustrative three-dimensional drawings provide useful background information and can help to show how large developments can be satisfactorily integrated with their surroundings. They may form part of the Design and Access Statement or the Heritage Statement. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a Conservation Area or a Listed Building.
Planning Statement

5.28 A Planning Statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national and local planning policies. This is particularly important where a proposal does not accord with these policies. Where, appropriate it may also incorporate the following:

- Sequential test for town centre uses, notably retail, leisure and office uses for proposals, which are outside the town centre and do not accord with Local Plan policies and/or paragraph 24 of the NPPF.
- Impact assessment for larger scale town centre use proposals, for which a sequential test is required. Paragraph 26 of the NPPF sets a minimum threshold of 2,500 sq.m for such uses, above which an impact assessment shall be submitted. This threshold may reduce following the adoption of the emerging Local Plan.
- Socio-economic assessment – this will be normally required on larger scale applications or where this forms a vital part of the case in support of a proposal to demonstrate the socio-economic impact, having regard to the policy in the NPPF. It may include details of any new jobs that might be created (or supported), any community benefits and reference to any regeneration strategies that might lie behind or be supported by the proposal. It may form part of an Environmental Impact Assessment, where one is required.
- Open space assessment - For development involving the loss of open space, sports and recreational facilities this will need to be justified having regard to the requirements of paragraph 74 of the NPPF. Where Sport England is involved as a consultee on developments affecting existing sports facilities, they will need information which helps them to assess the effects of the proposal. The type and level of detail required can be found on the Sport England website.
- Sustainability statement – This should set out measures which promote sustainable design and construction of buildings together with provision for on-site renewable energy generation, having regard to paragraphs 95-97 of the NPPF, if it has not been covered in a Design and Access Statement.

Schedule of Submitted Documents

5.29 A schedule or list of documents is submitted is requested with each application. This should provide a document title/description of each plan or document, together with any related reference number. It can be included in a covering letter or provided as a separate document. The schedule will provide clarity, also helping to speed up the validation process and issuing a decision, since the list can be used when drafting a condition listing approved documents. It therefore minimises delay in decision-making which paragraphs 14 and 15 of the NPPF, the government indicates as being fundamental to the operation of the planning system. If amendments are submitted during the course of an application, this should be accompanied by a revised schedule.
Section 106 Planning Obligations

5.30 These legal undertakings under Section 106 of the Town and Country Planning Act 1990 either take the form of a Planning Agreement between the applicant, the Council and possibly other parties, or alternatively, a Unilateral Undertaking made by the applicant alone. They are normally used to secure infrastructural improvements required in connection with the development, such as those relating to schools, highways, open space, affordable or starter housing. Whenever possible, conditions will be used in preference to planning obligations, but there are circumstances (such as where commuted payments towards infrastructure are required) where they are unavoidable. This principally applies to residential applications for 11 or more dwellings, and occasionally to other forms of development, most notably when off-site highway improvements are required. Where possible, applicants are requested to use Unilateral Undertakings rather than entering into Section 106 Planning Agreements to meet planning obligations associated with development proposals.

5.31 Whilst they form a vital part of the planning process, Section 106 obligations can cause delay to the approval of an application. Where they are required, the submission of a draft Unilateral Undertaking or Agreement can greatly speed up process of the determining the application. Further guidance and templates can be found on the Council website. The Borough Council’s Legal Services Section can assist in preparing the document, subject to a charge. In the absence of a draft Section 106 document, the minimum validation requirement is a written commitment providing proposed Heads of Terms of the obligation, including a clear indication of commuted sums to be paid in the case of full planning applications. The Council’s Supplementary Planning Documents (SPDs) relating to affordable housing, green spaces and education payments provide specific guidance on circumstances in which contributions towards infrastructure would normally be expected and this can be clarified by seeking pre-application advice. Consequently, it is a reasonable expectation that this information is provided, thus helping to reduce delay in the decision-making process. Where an exception to SPD policies, or other obligations sought by the Council is sought, the application shall be accompanied by a written statement seeking to justify this and this shall normally supported by a Viability Assessment (see paragraph 5.3 of this note).

5.32 Where Undertakings or Agreements are not completed in time to allow approval of a development within the target timescale of 8 or 13 weeks, and the delay lies with the applicant, planning permission may be refused on the grounds of failure to meet a necessary obligation. This is unless the applicant agrees to an extension of time for determining the application.

Statement of Community Involvement

5.33 Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Council’s adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals. This information can be included as part of a Design and Access Statement or Planning Statement.
Structural Survey

5.34 A structural survey will be required in support of an application if the proposal involves substantial demolition or where it is important to maintain the structural integrity of a building, for example, development which may affect the stability of buildings/structures identified as Heritage Assets (e.g. Listed Buildings or historic buildings in Conservation Areas). As such the survey will assist in the assessment of the potential impact of the proposal on their significance as Heritage Assets as required by Section 12 of the NPPF.

Telecommunications Development – Supplementary Information

5.35 Planning applications and applications for prior notification by telecommunications code operators for masts and antenna development should be accompanied by a range of supplementary information. This should include the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development. Applications shall also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio-frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on the information that may be required is set out in the Code of Best Practice on Mobile Phone Network Development in England (2013).

Transport Statement/Assessment

5.36 The NPPF advises that a Transport Statement (TS) or Transport Assessment (TA) should be submitted as part of any planning application where the proposed development generates significant amounts of vehicular movement. The coverage and detail of the TS/TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes a TS should simply outline the transport aspects of the application, while for major proposals, a TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts. Further guidance can be found in Guidance on Transport Assessment, (March 2007) published by the Department for Transport, including in Appendix B indicative thresholds for TAs and TSs depending on size and use. Further guidance can be found in the NPPG, Travel Plans, Transport Assessments and Statements in Decision-Taking, as well as the Borough Council’s Transport Assessments Supplementary Planning Document (2007) is also relevant.

Travel Plan

5.37 A travel plan should be submitted alongside planning applications which are likely to have significant transport implications, as advised by the NPPF. Further advice is available in the NPPG Travel Plans, Transport Assessments and Statements in Decision-Taking and the Borough Council’s Travel Plans Supplementary Planning Document (2007). If in doubt whether a Travel Plan is required with an application,
please liaise with Planning Services and/or the Highway Authority (normally North Yorkshire County Council).

**Tree Survey/Arboricultural Implications**

5.38 Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified arboriculturist. Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 ‘Trees in Relation to Construction – Recommendations’. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

**Utilities Plans/Assessment**

5.39 Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply. Whilst this is primarily a matter to agree with service providers, two planning issues may arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

5.40 Where requested by the Planning Service, the applicant should demonstrate:

(a) that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;

(b) that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;

(c) that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains; and,

(d) where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

**Ventilation/Extraction Statement**

5.41 Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for restaurants, drinking establishments and hot food takeaways. This information will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed. This information is
required to ensure compliance with Local Plan policies which seek to protect residential amenities due to noise or odour nuisance, as well as ensuring the appearance of external equipment is acceptable. Advice on suitable ventilation and extraction equipment can be obtained from the Council’s Environmental Health Service.
Appendix 1

Planning Policy Justification for Local List of Validation Requirements

National Planning Policy Guidance, Making an Application states that, ‘local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.’ The purpose of the table is to identify the key policy ‘drivers’ for each of the local validation requirements listed in Section 5 of this document.

It should be noted that the table should be read in conjunction with Section 5 of this Note and it does not necessarily cover all policies/guidance which may justify the requirement to submit a particular document in order to validate a planning application. For ease of reference it only seeks to identify the key policy drivers.

The penultimate column in the Table refers to policies in the Scarborough Borough Local Plan (1999). The statutory process of preparing a replacement Local Plan is well advanced and it is currently anticipated that a new Local Plan will be adopted in early 2017. When this occurs it is the intention that this Table (and where relevant this Note as a whole) will be modified to make reference to the new adopted policies.

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