

Guidance document

Validation Checklist

Local Validation Requirements

Published: 15 November 2024

Introduction

The Government sets out which documents must be provided with every planning application: [National Validation Requirements](#)

The local requirements, covered by this document, for Maidstone and Swale Borough Councils, will differ depending on the application type.

Electronic Submissions File Size/Types

When making electronic submissions, individual files should not be larger than 10MB.

Only the following file types can be submitted electronically for applications:

Plans: .pdf

Documents: .pdf

Photographs: .jpg, .jpeg, .tif, .tiff, .pdf

Plan submissions: Paper Size/Layout for Plans/Titles/Scale bars

When submitting plans our preferred size is **A1**. As much information as is reasonably possible should be contained on the one sheet. This format provides the greatest level of readability.

All drawings should be accurately titled, include drawings numbers, (where relevant a revision number identifying the change and date) and a scale and scale bars (to allow for measuring digitally).

Please **do not** say the following if the plans you have submitted are intended to be formally determined as part of your planning application:

Preliminary, Illustrative, Draft, For Information Only and Do Not Scale (unless "Do Not Scale" is followed by "for Planning Purposes Only").

Please do not submit plans or documents in booklet forms.

If illustrative material is provided, please indicate clearly on a schedule of drawings, those which form part of the application and those which are illustrative.

Correct Application Fee

All applications and associated consents will require the correct application fee to be paid.

As part of the validation process the fee will not be deemed received until it is in the authorities' bank account

Please note the Planning Portal does not automatically calculate fees for 'Hybrid' applications, so such applications should be accompanied by a fee calculation note.

[Planning Portal application fee calculator](#)

[PDF Fee schedule](#)

This document is split into two sections:

Part A: Local List **Required Information** for **all** applications.

Part B: Local List additional information - is recommended to be submitted at application stage. If not, it could be sought by the case officer where necessary before the determination of the application or may form a reason for refusal.

Please note: **Part A and Part B** requirements apply equally to Maidstone and Swale Borough Councils - **unless** the section is flagged for a specific local authority:

FOR MAIDSTONE ONLY or

FOR SWALE ONLY

Local List Part A – Required Information

Provision of local information requirements (The 'Local List') **Part A – Required for all applications:**

Requirement	Information
A1: Completed application form	<ul style="list-style-type: none">• Most planning applications will require a completed application form. <p>Information Required:</p> <p>The application form and associated certificates, and/or declarations of service must be fully signed and dated. Please include the name or initial followed by the surname.</p> <p>We require that the full name and address of the applicant (and agent if appropriate) to be provided when completing the application form.</p> <p><i>Rationale:</i></p> <p>To ensure robust and accurate information is contained within the completed application form.</p>

<p>A2: Scale Bar</p>	<ul style="list-style-type: none"> • All planning applications. <p>Information Required:</p> <p>Plans required to be submitted as a National Requirement or Part A must be produced to a recognised scale with a scale bar included.</p> <p>The weight given to any other plans submitted and wishing to be taken into consideration as part of the application may be less if they are not to scale and do not have a scale bar.</p> <p><i>Rationale:</i></p> <p>Plans need to be viewed digitally and the scale bar enables accurate measurements to be taken.</p>
<p>A3: Street Scene Elevations</p>	<ul style="list-style-type: none"> • New building(s) in built up areas where there is a “street scene”. <p>Information Required:</p> <p>Scaled elevations are required to show at least the relationship between the proposed building(s) and those either side in terms of respective heights, distances and materials etc.</p> <p><i>Rationale:</i></p> <p>There will be a need to fully understand how the proposed building(s) will relate to the established ‘street scene’ which is a line of buildings fronting a highway in close proximity to each other.</p>

A4: Heritage Statement

- **If the proposal will affect a conservation area, a listed building or scheduled monument.**

Information Required:

In all cases the level of detail provided should be proportionate to the importance of the heritage assets and the extent of the proposed development. It should be sufficient to adequately understand the potential impact of the proposal on the significance of the heritage assets and their settings. It will normally include reference to the statutory list description and the [Kent County Council Historic Environment Record](#) and details of the expertise and sources that have been consulted. The heritage statement as a minimum should include photographs and an impact assessment.

Rationale:

Applications affecting heritage assets, or their settings should be accompanied by an assessment of significance and impact in line with **Section 16 of the National Planning Policy Framework (2023) (NPPF) and the National Planning Practice Guidance**. The significance of the heritage assets and the extent of the impact of the proposals on the heritage assets and their settings should be assessed using appropriate expertise.

Heritage Assets are defined in the NPPF as ***"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).***

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	<p>Where an application site includes or has the potential to include heritage assets with archaeological interest, applicants should submit an appropriate desk-based Assessment. If a desk-based-research is insufficient to properly assess the interest, a field evaluation should also be submitted.</p> <p>Further information is available at http://planningguidance.planningportal.gov.uk and Historic England Advice</p> <p>Photos and photomontages provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.</p>
<p>A5: Site specific Flood Risk Assessment (FRA)</p>	<p>All development (including minor development and changes of use) proposed:</p> <ul style="list-style-type: none"> • In flood zones 2, 3 or 3b. • Within flood zone 1 with a site area of 1 hectare or more. • In areas with critical drainage problems. • Within flood zone 1 where the Local Planning Authority's (LPA) strategic flood risk assessment (SFRA) shows it will be at increased risk of flooding during its lifetime. <p>That increases the vulnerability classification and may be subject to sources of flooding other than rivers or sea.</p> <p>Cont'd</p>

Information Required:

- Site-specific Flood Risk Assessment.
- A Sequential Assessment (to allow the LPA to do a sequential test) should be provided for relevant development (as defined in the NPPF and NPPG on flooding in Flood Zones 2 and 3). and
- If required, an Exception Test.

Rationale:

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. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirement for safe access to and from the development in areas at risk of flooding. The FRA should be prepared by an applicant in consultation with the LPA with reference to their published local development documents and any Strategic Flood Risk Assessment.

The FRA should include a Sequential Assessment, where required as set out in Section 14 of the NPPF and the NPPG ([Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/617622/NPPG-2019-07-20-Flood-risk-and-coastal-change.pdf))

Cont'd

	<p>Section 14 of the National Planning Policy Framework 2023 and the National Planning Practice Guidance provides guidance for both local planning authorities and applicants in relation to the undertaking of FRAs and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere. Please also refer to National Planning Practice Guidance at http://planningguidance.planningportal.gov.uk</p>
<p>A6: Ecological/ Protected Species Survey</p>	<ul style="list-style-type: none"> • If the development is likely to affect statutorily protected species. • Is in a site of Special Scientific Interest (SSSI) and within a 200m buffer. • In a Special Protection Area (SPA). • In a Special Area of Conservation (SAC). <p><u>Information Required:</u></p> <ul style="list-style-type: none"> • Information should be provided on possible impacts on statutorily protected species. • Drawings 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 2017 or the Protection of Badgers Act 1992. • Assessments of impacts and proposals for long-term maintenance and management. <p>Cont'd</p>

- if a Preliminary Ecological Appraisal identifies the need for additional surveys, that these surveys are carried out and provided with the application.

Rationale:

Compliance with protected species legislation. Further information on development which may affect protected species can be found at:

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Government planning policies for biodiversity are set out in **Section 15 of the National Planning Policy Framework (2023) and National Planning Practice Guidance** or at [National Planning Policy Framework - Conserving and enhancing the natural environment the-natural-environment](#)

A7: Tree Survey/ Arboricultural Assessment

- **Tree/hedge removals or substantial pruning work** (beyond that normally undertaken for general maintenance) **has taken place or will be necessary to implement any aspect of the development and/or.**
- **The proposal has the potential to affect retained trees/hedges, including their roots and/or.**
- **Construction activity will be within 30m of the stem of any tree within woodland designated as Semi Natural or Replanted Ancient Woodland or likely to be categorised as a veteran tree.**

Note: Outline applications are expected to include an Arboricultural Method Statement (AMS) and tree protection details only in relation to matters being considered.

Cont'd

Information Required:

Information will be required in accordance with the current edition of British Standard, BS5837 and include all existing trees on the site. This information should be prepared by an arboriculturalist using the methodology set out in the Standard and should consider all aspects of the development, including any activity that would result in level changes or excavations. In most cases a Tree Constraints Plan and an Arboricultural Implications Assessment (AIA) must be provided as a minimum, or a statement setting out why these details are not required. Where the AIA identifies potential conflicts with trees an Arboricultural Method Statement (AMS) with tree protection details must also be provided. The level of detail required should be consistent with the tree stock present and the type and scale of development.

Rationale:

To enable the council to make informed decisions in relation to tree and hedge works in accordance with the Town and Country Planning Act 1990 (section 211) as amended, Town and Country Planning (Tree Preservation) (England) Regulations 2012, and Hedgerow Regulations 1997. The NPPF (December 2023, paragraph 180b) refers to the importance of the proper consideration of trees and woodland and their contribution to the natural and local environment within planning policy and decision making.

**A8: "Shadow"
Habitats
Regulations
Assessment**

- **All development which will result in a net increase in overnight population served by a wastewater system that falls within the catchment area of the river Stour (this includes developments proposing non-mains foul drainage.**

IMPORTANT NOTE: If your application falls outside the catchment area of the river Stour but would discharge into a Waste Water Treatment Works listed in the advice letter e.g. for Maidstone Applications - the Lenham Waste Water Treatment works, then there is a requirement to carry out a Shadow Habitats Regulations Assessment.

Information Required:

- A "Shadow" Habitats Regulations Assessment including Natural England's Nutrient Budget Calculator in Excel Format.
- The applicant will need to ensure that the mitigation measures are sufficient and effective and to allow the Local Planning Authority to adopt an Appropriate Assessment.

Rationale:

Paragraph 43 of the NPPF confirms that "the right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delays, applications should discuss what information is needed with the local planning authority and expert bodies as early as possible".

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	<p>If the development results “<i>in a net increase in population served by a wastewater system</i>” – see the Natural England advice letter (March 2022) on the Council website and falls within the catchment of the river Stour, then the applicant will be expected to show how they will achieve nutrient neutrality as part of their application.</p> <p>Regulation 63(2) of The Conservation of Habitats and Species Regulations 2017 confirms that “<i>a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required</i>”.</p> <p>Regulation 63(3) also confirms that “<i>the competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body...</i>”</p>
<p>A9: Affordable Housing Statement</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none"> • Applications for housing or mixed-use development of 10 or more dwellings or has a site area of 0.5 hectares or more. <p>Information Required:</p> <p>A typical Affordable Housing statement should include details of the following:</p> <ul style="list-style-type: none"> • The total number of all residential units. • The number of affordable units. <p>Cont’d</p>

- Numbers of bedrooms and property types across all tenures to demonstrate representative mix of unit types and sizes.
- Drawings showing the location of units.
- The different levels or types of affordability or tenure proposed for different units- this should be clearly and fully explained in line with policy expectation.
- Design standards (ideally - [Nationally Described Space Standards.gov.uk](https://www.gov.uk/nationally-described-space-standards) compliant) with full unit floor plans.
- Demonstration that the affordable units have car parking spaces in line with policy.
- The number and location of wheelchair accessible units (M4(3)).

Rationale:

An Affordable Housing Statement should clearly set out how the application meets the affordable housing policy and SPD the Affordable and Local Needs Housing Supplementary Planning Document This statement should contain details of the size, tenure, type and location of the affordable units. Full details of the Council's Affordable and Local Needs Housing (July 2020): [Maidstone Council Affordable and Local Needs Housing July 2020.pdf](#)

<p>A10: Stationing mobile unit or chattel</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none">• Applications that will require full details of design where the mobile unit or other “feature” is intended on a semi-permanent basis e.g. static caravan or other structure intended to be stationed on the land on a semi-permanent basis and which may include operational works. <p><u>Information Required:</u></p> <p>Design details of the caravan will be required to be submitted alongside details of layout and scale.</p> <p><i>Rationale:</i></p> <p>Where an application involves the change of use of land and it is proposed that a semi-permanent structure will be placed on the land, for instance a static caravan (this section would not apply to touring caravans as they are not intended for use on a semi-permanent basis), then the design details of the caravan will be required to be submitted alongside details of layout and scale. Given that the design of the caravans is established in case law as being a proper matter for consideration in such applications – see <u>Patricia Shave v Maidstone Borough Council 2020 EWHC 1895 (Admin)</u>, such details are required to enable an examination of their impacts.</p>
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<p>A11: Community Infrastructure Levy (CIL) Form 1</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none"> • Applications involving the construction of new buildings, extensions to existing buildings, or comprising a dwelling or dwellings (including conversions to residential). All applications for development that may potentially be CIL liable. <p>The Community Infrastructure Levy applies to development for 100sqm gross internal area of new floorspace and development involving the creation of a dwelling or dwellings.</p> <p><u>Information Required:</u></p> <p>Applicants must fully complete and submit the Additional CIL Information Requirements form, which is located at: CIL questions.pdf (planningportal.co.uk)</p> <p>Existing and Proposed plans covering all accessible floors, levels of buildings and communal areas with clearly marked dimensions and correct scale bar must be submitted.</p> <p>NOTE: Although not a validation requirement, it is also advisable to submit the 'CIL Assumption of Liability' Form 2' and any claims for Exemptions/Relief at this stage to avoid delays later in the process.</p> <p><i>Rationale:</i></p> <p>The Community Infrastructure Levy Regulations 2010 (as amended) allows for a charge on all new development to help fund infrastructure projects to support the development in the local area. CIL is a non-negotiable financial levy and is calculated on the Gross Internal Area of development.</p> <p>Cont'd</p>
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All approved development in Maidstone that results in the following may be CIL chargeable:

- New build residential floorspace of more than 100sqm.
- The creation of a new dwelling if less than 100sqm (including retirement and extra care homes).
- The conversion of a building to create a new residential dwelling (including through prior notification).
- The creation of more than 100sqm of new build floor space for retail development.

Maidstone has an adopted charging schedule which provides further details on the charging rates of the Community Infrastructure Levy in the borough and those developments that can be made exempt:

[Maidstone Community Infrastructure Levy - Charging Schedule](#)

Note: Residential development, including extensions over 100sqm, annexes, self-build homes, social and charitable housing will also be CIL liable. However, a relief or exemption for these may be applied for which a separate approval must be granted by the Council.

[Planning Portal - Community Infrastructure Levy](#)

A12: Waste minimisation and recycling assessment report

FOR MAIDSTONE ONLY

- **Residential development of 10 or more dwellings.**
- **Residential development on a site area of 0.5 ha or more (if the number of dwellings is unknown).**
- **Development of floorspace of 1,000sqm or more.**
- **Development on sites of 1 ha or more.**
- **Change of use of 1,000sqm or more.**
- **Larger Houses of Multiple Occupancy (HMO) over 6 persons.**

[Information Required:](#)

Proposals which meet the thresholds should therefore demonstrate with a proportionate report relevant to the scheme an assessment relating to waste minimisation and recycling.

Rationale:

Maidstone Borough Council has adopted The Kent Waste Disposal Strategy 2017-2035 and The Kent Mineral and Waste Local Plan 2013-2030. The ambition of the Kent Waste Disposal Strategy is to:

“deliver a high quality household waste disposal service, whilst remaining cost-effective for the people of Kent, with an emphasis on waste reduction, reuse, recycling and achieving zero landfill”.

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	<p>Policy DM1 of the adopted Local Plan and re-iterated in Policy LPRSP15 of the Local Plan Review require proposals to incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste.</p>
<p>A13: Biodiversity Net Gain (BNG) additional information new residential development must demonstrate delivery</p>	<ul style="list-style-type: none"> • Threshold to be in-line with the current up-to-date Government advice where a Biodiversity Gain Plan would be required or where exemption is being argued (excluding householder applications). <p><u>Information Required:</u></p> <p><i>Where a Biodiversity Gain Plan would be required:</i></p> <ul style="list-style-type: none"> • <u>Kent & Medway Biodiversity Gain Statement</u> • Draft Biodiversity Gain Plan. • Map showing baseline habitats on your development site. • Map showing habitats after BNG has been implemented on the development site. • <u>Statutory biodiversity metric tools and guides</u> <u>https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides</u> including condition assessments. with pre and post development values completed (in Excel format). <p><u>FOR MAIDSTONE ONLY:</u> Residential must demonstrate delivery of a minimum of 20% Biodiversity Net gain. All other development 10%.</p> <p><u>FOR SWALE ONLY:</u> Must demonstrate delivery of a minimum of 10% Biodiversity Net Gain.</p>

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- Statement of competency: for main metric this shall be produced by a suitably competent and qualified assessor (ideally a member of an appropriate recognised body).

- Small sites metric.

For proposals that include off-site or significant on-site BNG you should also provide your:

- Draft [Habitat Management and Monitoring Plan \(HMMP\)](#) template.
- Drawings of any off-site BNG proposals.

Where claiming an exemption:

- Dated photos of the site from each boundary looking inwards.
- If claiming exception under Self and Custom Build Development, completed proforma for scheme that are self-build or custom housing (see A.15 Proforma for self- build or custom housing).

Cont'd

Rationale:

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, [subject to some exceptions](#), every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a **10%** increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In addition, to the [minimum information requirements](#), it may be appropriate for local planning authorities to ask for further information in order to assist the consideration of biodiversity net gain as part of the determination of the planning application, where they believe this would be material to the consideration of the application. The amount of information on these matters will vary depending on the type and scale of development, type of planning application, the onsite habitat impacted, and the extent of any significant onsite enhancements.

Cont'd

FOR MAIDSTONE ONLY

The Maidstone Local Plan Review has taken the 10% requirement further for new residential development and require that such development deliver a minimum **20%** biodiversity net gain, having regard to Biodiversity Opportunity and/or Nature recovery Networks. Biodiversity Net Gain should be calculated in accordance with the latest Natural England biodiversity metric or equivalent.

A14: Site Levels and Sections (Scale 1:50 or 1:100)

- **If the proposal will lead to a change in the level of the land or the proposed development is on land of different levels.**

Information Required:

The site levels/section should show the existing and proposed levels of the site and where those levels differ from that of land and buildings immediately adjoining the site. These should include contour plans (at 0.25 intervals) and longitudinal plans.

Rationale:

To ensure that the development can be considered within the context of the topography of the site.

<p>A15: Proforma for self- build or custom housing</p>	<ul style="list-style-type: none"> • If the proposal is being applied for under the definition of section 1(A1) of the Self-build and Custom Housebuilding Act 2015. <p>Information Required:</p> <p><u>FOR MAINDSONE ONLY</u></p> <p>Complete proforma for scheme that are self-build or custom housing</p> <p><u>FOR SWALE ONLY</u></p> <p>Complete proforma for scheme that are self-build or custom housing</p> <p><i>Rationale:</i></p> <p>To help ensure that proposals being applied for as self-build or custom housing meets the necessary definitions, for future self/custom build monitoring.</p>
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Please Note: Information that may be necessary to identify potential impacts and required mitigation and which would thus enable the council to consider and determine your application efficiently. If such information is not submitted, the council may have no choice but to refuse the application due to a lack of supporting information.

Local List Part B - Additional Information

B1: Air Quality Assessment (AQA)

- **Proposals that are likely to generate high levels of air pollution, such as significant industrial developments.**
- **Significant proposals that are located in any Air Quality Management Area (AQMA).**
- **Proposals would result in a significant increase in traffic passing through any AQMA.**
- **Development that may result in the exceedance of air quality standards within currently undesignated areas.**

Information Required:

An Air Quality Assessment is required.

Rationale:

The grant of planning permission should not conflict with, or render unworkable, elements of a local authority's air quality action plan.

Cont'd

	<p>Local guidance is also available via:</p> <p><u>FOR MAIDSTONE ONLY</u></p> <p>Clean Air for Maidstone</p> <p><u>FOR SWALE ONLY</u></p> <p>Swale - Air Quality and Planning Technical Guidance Information statement/standard.</p> <p>Section 6.2 (Air Quality Standards) set out the 14 applications which do not require an Air Quality Statement.</p>
<p>B2: Initial contaminated land desktop study/ Contaminated Land Investigation</p>	<ul style="list-style-type: none"> • When previous uses on or adjoining the site could have given rise to contamination such as landfill sites, former industrial and commercial processes, petrol filling stations, institutional uses, storage of chemicals (including on farms). <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> • When an initial desktop and walkover study suggests that contaminants may be present. <p>Cont'd</p>

Information Required:

An initial desktop and walkover study is needed to assess if previous uses on or adjoining the site could have caused contamination.

A full Contaminated Land Investigation is needed when the initial desktop and walkover study suggests that contaminants may be present.

Rationale:

Applications may also need to be accompanied by a land contamination assessment, which should include an extended assessment of contamination in line with **Section 15 of the National Planning Policy Framework (2023)** and at:

<http://planningguidance.planningportal.gov.uk>

Sufficient information should be submitted to determine the existence or otherwise of contamination, its nature and risks posed and if these can be reduced to an acceptable level. Where contamination is known or suspected or the proposed end users would be particularly vulnerable, information should be submitted to determine whether the proposed development can proceed. Where remediation measures are proposed they should take account of the presence of any trees.

B3: Noise Impact Assessment	<ul style="list-style-type: none">• Proposals that generate high levels of noise such as noisy sports; commercial, industrial or manufacturing/warehousing developments using noisy machinery or vehicles, refrigeration plant and equipment or.• New housing or other noise sensitive uses adjacent to sources of noise, including roads, railways and noisy commercial uses. <p><u>Information Required:</u></p> <ul style="list-style-type: none">• Noise assessment prepared by a suitably qualified person. <p><i>Rationale:</i></p> <p>To reduce 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.</p> <p>Further guidance is provided in Section 15 of the National Planning Policy Framework (2023) at http://planningguidance.planningportal.gov.uk</p>
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**B4: Draft
Planning
Obligation/
S106
Agreement**

- **Where a Planning Obligation/S106 Agreement is likely to be required.**

Information Required:

FOR MAIDSTONE ONLY

- A template S106, for Maidstone Borough Council, can be found at : <https://maidstone.gov.uk/home/primary-services/planning-and-building/planning/section-106s> It is suggested to submit as a minimum draft heads of term.

FOR SWALE ONLY

- Draft Heads of Terms.

Rationale:

Planning obligations (or "Section 106 Agreements") are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or "developers") and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Where there are planning policies that give details of likely planning obligation requirements, a draft Section 106 Agreement should be submitted. Further advice is available at <https://www.gov.uk/guidance/planning-obligations>

B5: Renewable Energy Assessment

- **Applications for new development involving the erection or conversion of a building.**

FOR MAIDSTONE ONLY

Information Required:

Where appropriate for new development involving the erection or conversion of a building a Renewable Energy Assessment should:

- Demonstrate 10% on-site renewable or low carbon production.
- Assess the technical feasibility of renewable energy technologies.

(The assessment may wish to Calculate the carbon dioxide saving as a percentage of site predicted carbon dioxide emissions and the predicted carbon dioxide emissions per annum to show the 10% has been achieved).

Rationale:

To promote the use of energy efficiency measures, such as passive solar design, and/or renewable energy technologies, such as solar water heating, photovoltaics, wind power, biomass heating and ground source heating/cooling.

Cont'd

	<p>Policy LPRQD1: Sustainable design sets out that all development will be expected to incorporate 10% on-site renewable or low carbon production where appropriate.</p> <p><u>FOR SWALE ONLY</u></p> <p>Information Required:</p> <p>An Energy Assessment, setting how proposals will meet requirements of policy DM19 and Planning and Planning Policy - Guidance on Climate Change planning condition (swale.gov.uk)</p> <p><i>Rationale:</i></p> <p><i>To ensure development is compliant with policy DM19 of the adopted Local Plan and the Planning and Planning Policy - Guidance on Climate Change planning condition document.</i></p>
<p>B6: Retail and Town Centre Uses Impact Assessment</p>	<p><u>FOR MAIDSTONE ONLY</u></p> <ul style="list-style-type: none"> • Proposals over 2,500sqm within the Maidstone Urban Area. • Proposals over 400sqm outside the Maidstone Urban Area. <p><u>FOR SWALE ONLY</u></p> <ul style="list-style-type: none"> • Proposals over 500sqm outside of a town centre as defined on the Local Plan Proposals Map. <p>Cont'd</p>

Information Required:

Retail Impact Assessment, including sequential test.

Rationale:

FOR MAIDSTONE ONLY

Section 7 of the National Planning Policy Framework 2023 set out that Local Planning Authorities should ensure the vitality of town centres. For town centre use developments, which are retail, leisure and office uses, outside of town centres and not in accordance with up-to-date local plan Local Planning Authorities should require an impact assessment is carried out if the development is over a proportionate, locally set floorspace threshold or in the absence of such a threshold, 2,500sqm.

Maidstone Borough Council Local Plan Review Policy LPRCD1, provides locally set thresholds where an assessment is required for proposals over 2,500sqm within the Maidstone Urban Area and proposals over 400sqm outside the Maidstone Urban Area.

Further guidance is provided in Section 7 of the National Planning Policy Framework (2023) and at <http://planningguidance.planningportal.gov.uk>

FOR SWALE ONLY

In accordance with the NPPF the Council has set a local threshold of 500sqm.

- Further guidance is set out in Swale Borough Council's [Retail Impact Assessment for proposals over 500sqm](#)

Cont'd

B7: Structural Survey or Statement

- **Conversions of buildings in the countryside where applicant is relying on the building being structurally sound.**
- **Proposed works to a listed building that involve demolition or affect the structural integrity of the building (this includes works to remove, or reinforce elements of an existing listed building).**

Information Required:

The report should be prepared by a Chartered Structural Engineer with expertise in the type of work involved and should, amongst other things, justify the extent and nature of any proposed structural work and/or the need for demolition.

Rationale:

A structural survey will be required in support of an application if the proposal involves substantial demolition, reconstruction, or alteration of an existing building. It will also be required in order to demonstrate that certain types of building (for example traditional farm buildings, listed buildings etc) are structurally sound and capable of being developed without the need for substantial demolition and/or reconstruction.

**B8: Transport Assessment/
Draft Travel Plan**

- **Residential developments of 40 dwellings or more. or**
- **Developments (including non-residential) with a gross floor space of 2,500sqm or more.**
- **If the Transport Assessment recommends a draft travel plan as mitigation, one should also be submitted.**

Information Required:

Transport Assessment.

Rationale:

Section 9 of the National Planning Policy Framework 2023 advises that a Transport Assessment (TA) should be submitted as part of any planning application where the proposed development generates significant amounts of transport movement. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

Further guidance will be found in Guidance on Transport Assessment, (March 2007) published by the Department for Transport. Also refer to National Planning Practice Guidance or at <http://planningguidance.planningportal.gov.uk>

**B9: Transport Statement/
Draft Travel Plan**

- **Residential developments of 10-39 dwellings. or**
- **Development (including non-residential) with a gross floor space of 1,000sqm – 2,499sqm.**
- **Site has an area of 0.25 hectare or more and the development proposed will have limited transport issues arising.**
- **If the Transport Statement recommends a draft travel plan as mitigation, one should also be submitted.**

Information Required:

Transport statement.

Rationale:

Annex 2 in the Glossary section of the December 2023 NPPF advises that Transport Statements are a simplified version of a transport assessment and are used when it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

The NPPG in paragraph 4, <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements> advises that Transport Statements are a lighter-touch evaluation to be used where this would be more proportionate to the potential impact of the development (i.e. in the case of development with anticipated limited transport impacts).

B10: Ventilation and Extraction Details	<ul style="list-style-type: none">• All applications for hot-food takeaways, bars/pubs, restaurant uses or laundrettes.• Significant retail, business, industrial, leisure or other developments where substantial ventilation or extraction equipment is proposed. <p><u>Information Required:</u></p> <p>Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics.</p> <p><i>Rationale:</i></p> <p>To demonstrate that proposals would respect amenities of occupiers of neighbouring properties and uses to ensure that a proposal would not result in excessive noise, vibration or odour and that any methods of ventilation and extraction would not be visually harmful. In accordance with local and national policies.</p>
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<p>B11: Minerals Assessment</p>	<ul style="list-style-type: none"> • If the site is located within a Minerals Safeguarding Area unless it is an exempt development as detailed in 'Kent Minerals and Waste Local Plan 2013 – 2030 (KMWLP) Policy DM7(6)'. • Exempt development is householder applications, infill development of a minor nature in existing built-up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions. NB Minor development is as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015. <p>Kent County Council - Minerals & Waste Policy DM7(6)</p> <p><u>Information Required:</u></p> <p>Mineral Assessment.</p> <p><i>Rationale:</i></p> <p>To protect future resources by safeguarding mineral bearing land as detailed in The Kent Minerals and Waste Plan and the Kent Minerals and Waste Safeguarding Supplementary Planning Document (SPD) Supplementary Planning Document - Minerals and Waste Safeguarding (Kent.Gov.uk)</p> <p>As such, proposals should have due regard to the plan and where necessary produce a mineral assessment.</p>
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**B12: Public Art
Guidance**

**FOR
MAIDSTONE
ONLY**

- **Residential developments of net increase of 50 dwellings or more. or**
- **For commercial developments a net increase of 2,000sqm or more floor area.**

Information Required:

A public art plan should be submitted to the local planning authority for approval as part of the planning application and should include details of why and how artists have and will contribute to a specific development site; the costs of public art projects; the maintenance of public art projects; and the timescale and trigger points for the delivery of public art projects.

Rationale:

Maidstone Borough Council has produced a Public Art Guidance which is intended for applicants, agents and planning officers to assist with the commissioning of public art. This has a borough wide remit and is a material planning consideration in planning decisions.

Thresholds have been set to which public art will be expected on site and these can be found at: [Maidstone - Public Art Guidance](#)

**B13: Active
Transport
Statement**

**FOR
MAIDSTONE
ONLY**

- **Residential development of 10 or more dwellings.**
- **Residential development on a site area of 0.5 ha or more (if the number of dwellings is unknown).**
- **Non-residential development of floorspace of 1,000sqm or more.**
- **Non-residential development on sites of 1 ha or more.**
- **Change of use of 1,000sqm or more.**

Information Required:

The extent of information necessary should be proportionate to the proposal, further details on the Active Travel England Toolkit can be found at [Active Travel England: planning application assessment toolkit](#) This should be used to inform the extent of information submitted.

Rationale:

Re-iterating the NPPF's priority to promote sustainable transport choices, the Local Plan Review, encourages a shift towards sustainable travel through prioritising active travel by ensuring good provision and connectivity of walking and cycling routes.

Active Travel England is responsible for making walking, wheeling and cycling, the preferred choice for everyone to get around. their objective is for 50% of trips in England's towns and cities to be walked, wheeled or cycled by 2030. They are a statutory consultee on schemes for over 150 dwellings, creation of 7,500sqm of floorspace or above or sites with an area of more than 5 hectares.

**B14:
Statement of
Social Value**

**FOR
MAIDSTONE
ONLY**

- **20 or more residential units.**
- **Commercial floorspace of over 500sqm.**

It is in policy LPRSP11(B). Ringlestone and Parkwood referred to thresholds are 20 residential units and commercial floorspace of over 500sqm - in para 7.49.

Information Required:

Major proposals should provide a statement which addresses how the proposal may seek to improve social value, by means such as using local labour, providing apprenticeships/training etc.

Rationale:

Key Priorities in the Local Plan Review are the:

- 8.** Renewal of Maidstone urban area with particular focus on Maidstone the town centre and areas of social and environmental deprivation.
- 9.** Redressing the low wage economy by expanding the employment skills base to target employment opportunities.

Cont'd

	<p>Policy LPRSP2 sets out that proposals supporting development that improves the health, social, environmental and employment well-being of those living in identified areas of deprivation and Policy LPRSP11(B) sets out that applications will be accompanied by supporting statements which evidences how the scheme has provided employment opportunities for all the Borough’s residents.</p> <p>There may be particular circumstances whereby there is a need for an emphasis on those residents living in Ringlestone and Parkwood so as to make a specific contribution to inclusive growth.</p>
<p>B15: Viability appraisal</p>	<ul style="list-style-type: none"> • Where viability is being used as a justification to depart from planning policy. <p><u>Information Required:</u></p> <p>Viability assessment produced by a competent assessor. In most circumstances this will need to be independently assessed at the cost to the applicant.</p> <p><i>Rationale:</i></p> <p>Examples where a viability assessment would be required:</p> <ul style="list-style-type: none"> • When not providing affordable housing in-line with the NPPF, NPPG and Local Plan. • Change of use of community facilities where policy seeks retention. • Change of use of rural buildings to justify not providing commercial re-use. • Where employment policy restricts the change of use.

B16: Housing intensification planning statement

FOR MAIDSTONE ONLY

- **Larger houses of multiple occupancy (HMO) (over 6 occupants).**
- **Conversion of single dwelling to two or more flats.**

Information Required:

- Demonstrate proposal meets space and room size standards.
- Details of refuse storage.
- Details of cycle storage.
- Parking survey/assessment.
- Details of concentration of HMOs in area.

Rationale:

The Council has produced a housing intensification advice note dated May 2023, this can be found at [Development Management Housing Intensification Advice Note for Website 25.05.23.pdf](#). This sets out key considerations in the determination of applications which would result in the conversion of houses to two or more flats or Larger HMOs. These being highways/parking matters, amenity (neighbouring and future occupiers) and appearance.

B17: Design and Health Impact Assessment

FOR MAIDSTONE ONLY

- **Residential development of 10 or more dwellings.**
- **Residential development on a site area of 0.5 ha or more (if the number of dwellings is unknown).**
- **Development of floorspace of 1,000sqm or more.**
- **Development on sites of 1 ha or more.**
- **Change of use of 1,000sqm or more.**

Information Required:

Design and Health Impact Assessment statements should assess how people will have access to 'green' space, outside space, adequate light etc.

Rationale:

Chapter 8 of the NPPF promotes healthy and safe communities, decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings.

<p>B18: Drawings for off-site highways works</p>	<ul style="list-style-type: none"> • Where off-site highway works are proposed (details of which should also be included in the description of development). <p>Information Required:</p> <p>Stand-alone drawings clearly showing the off-site highways works proposed and their location.</p> <p>Rationale:</p> <p>To make it clear in applications where off-site highways works are proposed, to ensure descriptions are correct (as any off-site highway works proposed as part of proposals should be included the description) and to ensure adequate neighbour and consultee consultation.</p>
<p>B19: Biodiversity enhancement plan</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none"> • Any application where there is an increase in building footprint. <p>Information Required:</p> <p>Details of the enhancement of biodiversity through integrated methods into the design and appearance of the extension/building/structure by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors.</p> <p>Cont'd</p>

On a scaled drawing, details of the type and number of the proposed ecological enhancements, as well as their intended positions, including, where appropriate, the appropriate height above ground level. Bird boxes should face north or east and bat boxes should face south. Where planting is proposed, supply details of the number of plants of each species as well as the intended size on planting (e.g. pot size in litres).

Some helpful advice may be found at:

<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

<https://www.rspb.org.uk/birds-and-wildlife/helping-birds-and-wildlife>

<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

<https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>

<https://www.woodlandtrust.org.uk/blog/2019/09/how-to-build-a-bug-hotel/>

Rationale:

Current policy and guidance included in the Local Plan, Residential Extensions SPD and the National Planning Policy Framework (NPPF), strongly encourage ecological enhancements as part of any proposed development and details should be submitted prior to determination.

<p>B20: Plan demonstrating compliance with private open space standards</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none"> • All new dwellings created through subdivision, conversion or new build. <p>Information Required:</p> <p>An application should include scaled/dimensioned drawings which demonstrate that all flats/houses have adequate external amenity space, in accordance with relevant policy.</p> <p>Rationale:</p> <p>The NPPF promotes creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Maidstone Building for Life 12 provides information on public and private space, together with amenity space. Local Plan Review Policy LPRQD7 (Private amenity space standards) requires that all new dwellings created through subdivision, conversion or new build have adequate private amenity space with specific reference to the size and shape of gardens.</p>
<p>B21: Plans demonstrating meet internal space standards</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none"> • All new dwellings created through subdivision, conversion or new build. <p>Information Required:</p> <p>Applications should demonstrate that the internal space standards are met, this could be through annotated/scaled/dimensioned drawings or tables which show room size standards are met.</p> <p>Cont'd</p>

	<p>Rationale:</p> <p>The NPPF promotes creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Maidstone Building for Life 12 promotes standards of amenity. Local Plan Review Policy LPRQD6 (technical standards) requires that all new dwellings created through subdivision, conversion or new build meet the internal space standards set out.</p>
<p>B22: Information demonstrating accessible and adaptable dwellings M4(2)</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none"> • All new dwellings created through subdivision, conversion or new build. <p><u>Information Required:</u></p> <p>Applications should demonstrate that the standards are met, this could be through annotated/scaled/dimensioned drawings or tables which show that dwellings meet Part M4(2) of the Building Regulations.</p> <p>Rationale:</p> <p>The NPPF promotes creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Maidstone Building for Life 12 promotes standards of amenity. Local Plan Review Policy LPRQ&D6 (technical standards) requires that all new dwellings created through subdivision, conversion or new build meet Part M4(2) of the Building Regulations.</p>

<p>B23: Information demonstrating wheelchair accessible dwellings M 4(3)</p> <p><u>FOR MAIDSTONE ONLY</u></p>	<ul style="list-style-type: none"> • For the affordable housing units whereby at least 15% shall be built and fitted out to the M4(3): Category 3 – Wheelchair User Dwellings requirement. <p>Information Required:</p> <p>Applications should demonstrate that the standards are met, this could be through annotated/scaled/dimensioned drawings or tables which show that dwellings meet Part M4(3) of the Building Regulations.</p> <p><i>Rationale:</i></p> <p>The NPPF promotes creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Maidstone Building for Life 12 promotes standards of amenity. Local Plan Review Policy LPRQ&D6 (technical standards) requires that all new dwellings created through subdivision, conversion or new build meet Part M4(3) of the Building Regulations.</p>
<p>B24: Information demonstrating meeting higher levels of water efficiency</p>	<ul style="list-style-type: none"> • All new dwellings created through subdivision, conversion or new build. <p>Information Required:</p> <p>Applications should demonstrate that all new dwellings created through subdivision, conversion or new build will be built to ensure wholesome water consumption is not greater than 110 litres per person per day, which could be through confirmation in the Planning Statement.</p> <p>Cont'd</p>

	<p><u>FOR MAIDSTONE ONLY</u></p> <p><i>Rationale:</i></p> <p>The NPPF promotes creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Maidstone Building for Life 12 promotes standards of amenity. Local Plan Review Policy LPRQ&D6 (technical standards) requires that all new dwellings created through subdivision, conversion or new build have adequate internal space, are accessible and adaptable and provide a higher level of water efficiency.</p> <p><u>FOR SWALE ONLY</u></p> <p><i>Rationale:</i></p> <p>Local Plan Policy DM21 (water, flooding and drainage) requires that all new dwellings are built to ensure water consumption is not greater than 110 litres per person per day.</p>
<p>B25: Archaeological information</p>	<ul style="list-style-type: none"> • Proposals within areas of archaeological importance or heritage asset with archaeological interest. <p><u>Information Required:</u></p> <p>Desk-based Archaeological assessment and where necessary, a field evaluation.</p> <p>Cont'd</p>

	<p><i>Rationale:</i></p> <p>Identifying early in the application process any archaeological matters that may be raised, could negate the need to conditions.</p>
<p>B26: Coastal Erosion</p> <p><u>FOR SWALE ONLY</u></p>	<ul style="list-style-type: none"> • Proposals for development within Erosion Zones 1 and 2 (as defined on the Local Plan Proposals Map). <p><u>Information Required:</u></p> <p>Coastal Erosion Vulnerability Assessment.</p> <p><i>Rationale:</i></p> <p>Within erosion zones an assessment must identify that development will be safe throughout its planned lifetime and will not increase risk to life or property.</p>