Warwick District Council
Local Validation List

Adopted May 2018

Reviewed May 2026

Contents

1. Introduction ……p.4

2. National Validation Requirements…….. p.5

- Application Form
- Fee
- Design & Access Statement
- Plans

3. Local Validation Requirements…….. p.6

1. Affordable Housing Statement
2. Agricultural Land Quality Assessment
3. Air Quality Mitigation Statement
4. Archaeological Assessment
5. Biodiversity Net Gain
6. Preliminary Ecological Appraisal / Preliminary Roost Assessment/ Biodiversity & Geodiversity Statement/
7. BREEAM Statement
8. Community Infrastructure Levy Form 1: Additional Information Requirements
9. Contaminated Land Survey
10. Design Statement
11. Energy Statement
12. Environmental Impact Assessment
13. Flood Risk Assessment
14. Foul Sewerage/ Utilities Statement
15. Heritage Statement
16. Housing Mix Statement
17. Housing/ Local Needs Survey
18. Impact Assessment/ Sequential Testing
19. Lighting/ Light Pollution Assessment
20. Marketing Information
21. Noise/ Vibration Impact Assessment
22. Open Space Statement
23. Parking Survey/ Unilateral Undertaking/ Unallocated Parking Provision Plan
24. Plans
25. Rural Workers Assessment
26. Transport Assessment/ Travel Plan
27. Tree Survey
28. Ventilation/ Extraction Details
29. Viability Assessment
30. Visitor Accommodation Assessment

4. Recommended Additional Documents…… p.29

- Refuse storage/ collection point
- Connectivity Statement
- Drainage Details (foul & surface)
- Green Belt Statement
- Landscape Details (hard & soft)
- Large Scale Details
- Sample Materials
- Structural Survey

- SUDS/ Water Efficiency Statement

5. Additional Guidance and Advice on Documents… ……p.34

6. Template Unilateral Undertaking…….…… p.36

1. Introduction

- What is the Local Validation List?

The Local Validation List sets out the information that Warwick District Council will require to be able to register, assess and determine planning applications. The amount of information required will vary depending on the type, scale and location of the proposed development including any site-specific constraints. Not all the local information requirements will apply to every planning application. The District Council will only ask for what is required to determine the planning application.

The Growth and Infrastructure Act (2013) requires that local information requirements must be:

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

This reflects the Town and Country Planning (Development Management Procedure) Order 2015 and Paragraph 193 of the National Planning Policy Framework (2012).

Each local information requirement is considered to meet the above statutory tests.

- Validation Requirements

The information required to make a valid application consists of mandatory national information and local information requirements. Warwick District Council will not be able to process an application unless all the appropriate information listed has been provided.

In relation to the local requirements, criteria are included, wherever possible, to indicate when local requirements will be triggered. Much, however, is dependent on the location of development, its size, scale and nature/character and/or its impact on local amenities and the environment and the requirements are not prescriptive in every case. Links to other sources of information and guidance are provided to assist in determining when additional information is required.

Clearly there are some circumstances where applicants will need to discuss the local requirements with the District Council before submitting an application. Applicants are strongly encouraged to do this because failure to provide the information specified under the national and local requirements will make a planning application invalid and will delay the processing of the application until the information is supplied.

Where an application is considered to be invalid, the District Council will write to explain what information is required and indicate a time period within which this must be provided. Where an application is initially considered to be valid, but it is later discovered to be invalid, it will be put on hold until such time as the required information is submitted. On receipt of the information the determination period for the application will be restarted.

Once a planning application is submitted and all the necessary information has been provided, the application will be validated, and the public will be consulted for 21 days. If documents submitted are revised during or after the consultation period; it is likely that there will be a need to re-consult.

This document has been prepared by the District Council to help applicants understand the type and extent of information required to be submitted with planning applications to ensure that they can be made valid, together with any additional information that will likely to be needed for the determination of application.

2. National Validation Requirements:

Application Form:

There are various different application forms for different types of development which can be found here. The application form also includes Ownership Certificates and Agricultural Land Declarations which must be completed. More information about certificates and the application form can be found here and in Section 4.

Fees:

The fees required for various applications, and any exceptions which may be applicable, are set out here. A fee calculator is available here. You can pay your fee in the following ways: Through the Planning Portal when submitting an application; BACS; and Online here.

Design and Access Statement:

A Design and Access Statement is required in the following circumstances:

- Development defined as 'major development'[1]
- Applications for Listed Building Consent
- Development in a designated area[2] consisting of:
    - The provision of one or more dwellings
    - The provision of buildings where the floorspace created is 100sq m or more

More information on how to write a Design and Access statement can be found here.

Design and Access Statements submitted with applications for listed building consent should explain the design principles and concepts that have been applied to the works and how those design principles and concepts take account of the special architectural or historic importance of the building, the particular physical features of the building that justify its designation as a listed building and the building's setting. Where external alterations are proposed, it should also explain how issues relating to access to the building have been dealt with. These requirements are found in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Plans:

1. Site Location Plan. Must be based on an up-to-date OS map (please ensure you have permission to use the map). A scale of 1:1250 should be used and the map should show the site and at least two named roads. You can purchase a site location plan here. The development site should be edged in red with any other land close to or adjoining the site within the same ownership edged in blue. The red line should include all land necessary to carry out the development (e.g. access to the site up to the adopted highway, landscaping, car parking and open areas).

2. Site/Block Plan. Showing the existing and proposed site at a scale of 1:200 or 1:500.

[1] For a definition of Major Development, please refer to Section 4.
[2] A designated area means a Conservation Area or property appearing on the World Heritage List.

3. Local Validation Requirements:

The documents listed below will be required to validate an application. The level of detail varies depending on the scale and type of development.

In order for the Council to determine your application as quickly as possible, you will need to provide the appropriate information as part of the application submission. Failure to supply any of the below will result in the application being invalidated and will delay the assessment process.

The list below sets out what will be required and when it will be required:

What Document? (Reason required)	When/What Needed?
1. Affordable Housing Statement **Policy H2: Affordable Housing**	**Residential development on sites of 11 or more dwellings or where the combined gross floor space is more than 1,000sq.m will not be permitted unless provision is made for 40% affordable housing** A statement should be submitted showing the following principles: - a) The sizes, types and tenures of the proposed affordable housing and evidence that this meets with local need b) Information regarding how the affordable housing will be provided to those who have been identified as genuinely being in housing need c) Evidence that the affordable housing meets with the definition in terms of tenure, eligibility and provider d) Information about timescales and deliverability More information can be found here and here.
2. Agricultural Land Quality Assessment **NPPF**	**All major applications on greenfield land** Straightforward assessments can be provided by using, for example, the MAGIC database, available here.

What Document? (Reason required)	When/What Needed?
Policy EC2: Agricultural Diversification **Policy CC2: Planning for Renewable Energy and Low Carbon Generation**	
3. Air Quality Mitigation Statement **Policy TR1: Access and Choice** **Policy TR2: Traffic Generation** **Air Quality & Planning Supplementary Planning Document**	**Every application which increases vehicle movements (excluding householder applications)** The Council has adopted Air Quality & Planning as a Supplementary Planning Document (SPD). The SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The SPD identifies the circumstances where detailed assessments and/ or low emission strategies will be required as part of planning applications. It also provides guidance on measures that can be implemented to mitigate the potentially harmful impacts of new development on air quality in the district, with a focus on incorporation of mitigation at design stage.
4. Archaeological Assessment **Policy HE4: Archaeology**	**All applications where the proposed development:** • **lies within, or adjacent to, a Scheduled Monument;** • **is associated with a Listed Building;** • **is located within an area included in the Register of Parks and Gardens of special historic interest in England or The English Heritage Register of Historic Battlefields, or** • **the proposed development site is larger than 0.2ha in area.**

What Document? (Reason required)	When/What Needed?
	Provide a letter from the Warwickshire County Council Archaeological Information and Advice team[3] confirming that a pre- determination archaeological assessment is not necessary, or Provide a desk-based Archaeological Assessment and, if necessary, a field evaluation. This assessment and/or field evaluation must be carried out by a Qualified Archaeologist who is a registered member of the Chartered Institute for Archaeologists (CIFA) The scope of the assessment, which may include archaeological evaluative fieldwork, should be agreed with the Warwickshire County Council Archaeological Information and Advice team in advance. Note: The Historic Environment Record held by Warwickshire County Council must be accessed to inform the Assessment. This must be the most up to date record held by Warwickshire County Council and not the free access on-line version (Assessments must quote the unique HER ref. number). For more information or for the Historic Environment Record please see here. Information on the locations of Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, and Battlefields is available from the National Heritage List for England which can be accessed at www.historicengland.org.uk/listing/the-list/
5. Biodiversity Net Gain **Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)**	This is now applicable to all applications for planning permission for "major development" (submitted from 12/02/24) and "small site development" (submitted from 02/04/24) made under the Town and Country Planning Act 1990, subject to the confirmed exemptions. Major development includes residential developments with 10 or more dwellings, or where the site area is greater than 0.5 hectares. Small site development includes residential development where the number of dwellings is between one and nine, or if unknown the site area is less than 0.5 hectares and commercial development where floor space created is less than 1,000 square metres or the total site area is less than one hectare. Not applicable to householder planning applications.

[3] Contact planningarchaeologist@warwickshire.gov.uk . Archaeological Information and Advice, Warwickshire County Council, PO Box 43, Shire Hall, Warwick, CV34 4SX.

What Document? (Reason required)	When/What Needed?
NPPG	Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. 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. Planning practice guidance on biodiversity net gain can be found on the Government's webpage: Biodiversity net gain - GOV.UK (www.gov.uk) Where applicants consider that the development would not be subject to the biodiversity gain condition, Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides that the applicant must provide a statement as part of the planning application setting out the reasons why they believe this is the case. The planning application form, prescribed by the Secretary of State, provides for these reasons to be set out. An applicant would be expected in this statement to set out what exemption(s) or transitional provision(s) apply to the development. In some cases, the exemption or transitional provision will be evident as they relate to the type of permission. For example, the planning application form for household development already includes a pre-populated statement. In other cases, evidence may need to be provided, especially for the de minimis exemption. Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015: • confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition. • the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate); • where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.

What Document? (Reason required)	When/What Needed?
	• the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value. • a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have: • a statement to the effect that these activities have been carried out. • the date immediately before these activities were carried out. • the pre-development biodiversity value of the onsite habitat on this date. • the completed metric calculation tool showing the calculations, and • any available supporting evidence of this. • a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and • plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable). • Further information on Biodiversity Matrix Calculations can be found on: https://www.warwickshire.gov.uk/biodiversityoffsetting • Further information about the Warwickshire Offsetting Scheme can be found here: Biodiversity offsetting activities – Warwickshire County Council
6. Preliminary Ecological Appraisal/ Preliminary Roost Assessment/ Biodiversity and	**All applications which are likely to affect a protected or nationally, regionally or locally important species and / or protected or nationally, regionally or locally important habitats or geological features.** Minor and Major applications will require a Preliminary Ecological Appraisal and any predetermination surveys generated from this initial appraisal. Those that have ecological land-take will also need to undertake a Biodiversity Impact Assessment to demonstrate biodiversity net gain and show how the proposal will integrate into any wider

What Document? (Reason required)	When/What Needed?
Geodiversity Statement Policy NE2: Protecting Designated Biodiversity and Geodiversity Assets Policy NE3: Biodiversity	green infrastructure network. A **Preliminary Roost Assessment (PRA)** carried out by an appropriately licensed surveyor will be required for proposals which include the following works: • Demolition - Full or partial removal of a building within the red line boundary of a planning application. • Any works which include the destruction, modification of, or intrusion into, a non-inhabited loft void; this includes any remaining sealed loft void within a loft space which has already been partially converted. • Garden or woodland habitat with any substantial mature trees that may be directly impacted by proposed development. The PRA should include the following information: • A **Desk Study** to include an assessment of the local area, its suitability for bat habitat and preferably any local bat records. • **Fieldwork** to include an **external and internal** inspection of a building. • A report to include a description of the building, its **condition** and any **potential roost features** (PRF's) and their locations. • Accompanying **photographs** where possible. • Recommendation for **further surveys** and any ways to **avoid harm**, provide **mitigation** measures and to provide enhancement opportunities for bats. Please note: Depending upon the outcome of any Preliminary Assessment, further types of follow-on bat survey may be necessary prior to validation. NOTE: Full consideration should be made by applicants and their consultant ecologists of the BCT Guidelines for professional ecologists (2023) and any future revised editions. It is recommended that pre-application advice is sought from Warwickshire County Council Ecological Services at an early stage to determine if a bat and/or other protected species surveys are required. A Natural England License may be required for a development that impacts on a European Protected Species. **All ecological reports will need to meet the BS** 42020:2013: Biodiversity. Code of practice for planning and development **and** CIEEM Technical Guidance Series

What Document? (Reason required)	When/What Needed?
	National Guidance: Planning Practice Guidance – Natural Environment Biodiversity and geological conservation: circular 06/2005:Biodiversity and Geological conservation – statutory obligations and the their impact within the planning system British Standards 42020:2013: Biodiversity. Code of practice for planning and development Local Guidance: WCC Planning and Ecology WCC Biodiversity Offsetting WCC Green Infrastructure Strategy For further information contact: WCC Ecological Services 01926 418060
7. BREEAM Statement **Policy CC1: Climate Change** **Policy CC3: Buildings Standards and other Sustainability Requirements**	**All non-residential development over 1,000sq m** A BREEAM Pre-Assessment by an accredited BREEAM Assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) More information about what is required can be found here

What Document? (Reason required)	When/What Needed?
8. Community Infrastructure Levy Form 1: Additional Information Requirements **Policy DM1: Infrastructure Contributions** **The Community Infrastructure Levy Regulations 2010 (as amended)** **NPPG**	**All applications which: -** **i. Create new dwellings.** **ii. Propose either new retail floorspace or student housing which exceeds 100 sq. m. in floorspace; or** **iii. Propose residential extensions which exceed 100 sq. m. in floor space** The CIL Additional Information Requirements Form and more information regarding CIL can be found here. National guidance on CIL can be found here.
9. Contaminated Land Survey **Policy NE5: Protection of Natural Resources** **NPPG**	**All applications on land which is likely to be contaminated or applications likely to be affected by contaminated land** A survey showing the sources of contamination and any remediation/mitigation that is to be undertaken. Please see here for more national guidance. For further information and advice please see here.
10. Design Statement	

What Document? (Reason required)	When/What Needed?
Policy BE1: Layout and Design **Policy BE2: Developing Significant Housing Sites** **NPPF**	**All major residential development of 200 units or more or all other applications creating more than 10,000 sq. m. of floorspace** The Design Statement shall include the following matters (where appropriate): - Hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas) - Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space); - Building types - Building heights - The means to accommodate the parking of vehicles and cycles - Sustainable Urban Drainage features - Key spaces, open spaces and green features - Architectural language and detailing - Design principles for street tree planting and other structural planting landscaping areas - Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management - Design principles on waste disposal and recycling - Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures - Design principles for street lighting and any other lighting to public space (including parking areas)
11. Energy Statement **Warwick Net Zero Carbon Development Plan Document (DPD)**	**All development** • Energy Statement to comply with DPD Policy NZC4 by demonstrating a consideration to sustainable construction and design in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. All development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the adaptation measures a – d set out in Policy CC1. Applicants will be

What Document? (Reason required)	When/What Needed?
Policies: **NZC1 – Achieving Net Zero Carbon Development** **NZC2(A) – Making Buildings Energy Efficient** **NZC2(B) - Zero or Low Carbon Energy Sources and Zero Carbon Ready Technology** **NZC2(C) – Carbon Offsetting** **NZC3 – Embodied Carbon** **NZC4 – Existing Buildings** **Local Plan Policy CC1**	required to set out how the requirements of the policy have been complied with including justification for why the measures have not been incorporated. • In addition, all development should consider alternatives to conventional fossil fuel boilers. This should be explored through a Low/Zero Carbon assessment of low carbon energy supply options within the Energy Statement. An Energy Statement pro-forma for DPD Policy NZC4 can be found on the webpage at the bottom of this page. **a) All new residential developments of 1 dwelling or more (C3 or C4 use)** **b) All new non-residential buildings, hotels (C1 use class) or residential institutions (C2 use class) of 1,000sqm or more floorspace.** • Energy Statement demonstrating compliance with DPD Policies NZC1; NZC2(A); NZC2(B); NZC2(C) & NZC4 **New Major Development** • Energy Statement demonstrating compliance with Policy NZC3 (in addition to compliance with DPD Policies NZC1; NZC2(A); NZC2(B); NZC2(C) & NZC4) **Development of 50 or more new dwellings and/or 5,000sqm or more of new non-residential floorspace** • Energy Statement demonstrating compliance with DPD Policy NZC3 accompanied by a whole-life assessment of the materials used (in addition to compliance with DPD Policies NZC1; NZC2(A); NZC2(B); NZC2(C) & NZC4) A copy of the Council's Net Zero Carbon Development Plan Document (DPD) can be found on the Council's website here: Warwick Net Zero Carbon DPD Examination - Net zero carbon development plan document - Warwick District Council (warwickdc.gov.uk)

What Document? (Reason required)	When/What Needed?
12. Environmental Impact Assessment (EIA) The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	**All development in Schedule 1 of the Regulations or positively screened development in Schedule 2 of the Regulations** Please see national guidance for more detail here.
13. Flood Risk Assessment (including sequential and exemption test where applicable) **Policy FW1: Reducing Flood Risk** **NPPF** **NPPG**	**Land in Flood Zones 2 or 3, including minor development and changes of use. Development of more than 1 hectare (ha) of development in Flood Zone 1. Development on land less than 1 ha of in Flood Zone 1, including a change of use to a more vulnerable class (e.g. from commercial to residential), where the occupation could be affected by sources of flooding other than rivers (e.g. surface water drains, canals, reservoirs). An area within Flood Zone 1 which has critical drainage problems as notified by the Environment Agency. Land within 'Flood Zones plus Climate Change', showing it is at increased risk of flooding from rivers in the future.** To find out if your site is in a Flood Zone, please see here. Please find more information about what is required here. Please note that this also contains information about when to use standing advice for householder developments.

What Document? (Reason required)	When/What Needed?
14. Foul Sewerage/Utilities Statement **Policy FW2: Sustainable Urban Drainage**	**Applications for developments relying on anything other than connection to a public sewage treatment plant** Should be supported by sufficient information to understand the potential implications for the water environment and public health. Planning Practice Guidance gives advice here: https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality The Environment Agency webpage 'Septic tanks and treatment plants: permits and exemptions' provides much useful information, click here.
15. Heritage Statement **NPPF** **Policy HE1: Designated Heritage Assets and their Setting** **Policy HE2: Conservation Areas** **Policy HE3: Locally Listed Historic Assets**	**All development affecting a designated heritage asset, e.g. a Conservation Area, Listed Building, Locally Listed Building or Scheduled Ancient Monument** • A description of the asset and its significance - If, for example, your building is listed you should as a minimum consult the Historic England listing entry and the local historic environment record • An assessment of the impact - Outline how your proposed works affect heritage significance, including any impact on architectural and historic merit or setting. Common examples may include damage to historic fabric, removal or blocking of architectural features, and division of a historic layout. You could also include positive impacts that support your application, including revealing historic features and reinstating original proportions. • Proposed mitigation measures - Outline how you have designed your proposals to limit detrimental impact to heritage significance. Common examples may include choosing historically sympathetic materials and developing a sensitive design that responds to the historic context of the site or area. Further guidance can be found be found on the Council's website - https://www.warwickdc.gov.uk/info/20377/conservation/1125/heritage_statements
16. Housing Mix Statement	**Major residential applications**

What Document? (Reason required)	When/What Needed?
Policy H4: Securing a Mix of Housing	A statement showing proposed housing mix compliant with the most recent Strategic Housing Market Area Assessment (SHMAA) or justification showing why a different mix is appropriate. The most recent Strategic Housing Market Assessment can be seen here. For more information, please see here.
17. Housing/Local Needs Survey **Policy H1: Directing New Housing** **Policy H3: Affordable Housing on Rural Exemption Sites**	**All applications which use local housing need as an overriding justification.** A proposal will be expected to be accompanied by an up-to-date local housing needs survey which identifies: • the types, sizes and tenures of homes that are needed; • that the prospective occupiers identified in the housing needs assessment can demonstrate a strong local connection as evidenced by birth, long-term residence, employment or family connection (in cases where there is a need to live close to family for support); and • the community whose needs the housing will meet - this should normally be the parish or village within which the proposal is to be located, but may also include neighbouring parishes where relevant. Please note, in some cases a housing needs surveys have already been carried out. Please see here for more information. In the cases where an up-to-date survey exists, completed by an appropriate body, applicants should not complete their own.
18. Impact Assessment / Sequential Test	**Required for all applications for new office, retail, meeting, tourism, leisure, cultural and sport development above 500 sq. m. (2,500 sq. m. for office development) seeking to place development outside of the town centres as identified within the Local Plan. (Outside of the town centre schemes below 500 sq. m. will be considered on a case-by-case basis and an assessment may be required)** An Impact Assessment should contain the following information:

What Document? (Reason required)	When/What Needed?
Policy EC1: Directing New Employment Development **Policy TC2: Directing Retail Development** **Policy CT1: Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development** **Policy CT3: Protecting Existing Visitor Accommodation in Town Centres**	i. in relation to proving there are no sequentially preferable sites within or adjacent to (300m of the defined retail area) town centres, a full sequential test in accordance with Government guidance will need to be carried out that recognises the requirement for developers and retailers to be flexible about the format, design and scale of the development and the amount of car parking required; ii. consideration of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment of the area of the proposal; and iii. consideration of the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. A Sequential Test by a suitably qualified person should be submitted. More information can be found here. Assessment will need to include: - Evidence that there are no sequentially preferable sites or buildings - The facility is of a type and scale that means it will primarily serve a local community that can access via means other than the private car
19. Lighting/Light Pollution Assessment **Policy BE3: Amenity**	**All applications which propose flood lighting** An assessment should provide details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design, plus the expected level of luminance and glare. Lighting assessments will also be required to detail the level of luminance for all advertisements. Where a proposal involves the scheme for the installation of Floodlights

What Document? (Reason required)	When/What Needed?
	for an area (e.g. a Sports Pitch), these details shall include a Light Contour diagram based on a layout of the proposed facility in its context, and showing projected lux levels including 'backlight', which where there are differences in ground levels, is to be superimposed on a topographical survey of the site and its immediate environs. More information can be found here.
20. Marketing Information **Policy EC3: Protecting Employment Land and Buildings** **Policy TC17: Local Shopping Facilities** **Policy HS8: Protecting Community Facilities**	**Required for all applications which would result in the loss of employment/retail/community land/floorspace** The statement should include: - Evidence of active marketing for at least a two-year period (9 months in the case of shop units in local shopping centres or 12 months in the case of rural shops and services) showing why this has not been successful and showing specific examples - Evidence of the price the unit was marketed at and that it is reasonable - Evidence that all other options have been explored Note: When the Council needs its own independent advice on your marketing information, costs will be paid for by the applicant. Confirmation of agreement to pay will normally be required at validation stage. This can be set down within a covering letter of within the statement.
21. Noise/vibration Impact Assessment	**All applications which would place a potentially noisy use (for example B2, B8 or some leisure uses) next to existing uses or a vulnerable use (residential) next to an existing noise source**

What Document? (Reason required)	When/What Needed?
(and insulation details) **BE3 Amenity**	Noise Assessments should be prepared by suitably qualified acousticians. They should usually outline the existing noise environment, the potential noise sources from the development, or the noise sources likely to affect the development, together with any mitigation measures. For more information please see here. The WHO guidelines for community noise can be seen here. More information can also be seen on the Institute of Acoustics here.
22. Open Space Statement **HS2 Protecting Open Space, Sport and Recreation Facilities** **Policy HS3: Local Green Space** **Policy HS4: Improvements to Open Space, Sport and Recreation Facilities**	**All new residential development of 11 units or more which will result in additional demand for Public Open Space.** In cases where it is not possible to provide the Open Space onsite a contribution can be made for enhancement/new provision of Open Space in the local area. A Unilateral Undertaking should be provided for this contribution. A template can be found at the end of this document. A justification should be provided where the Open Space is not to be provided onsite. Where Open Space is able to be provided onsite, a statement setting out the type of open space to be provided, how it will be set out and how it will be managed will be required. The Council's Open Space SPD can be found here. The Council's Green Space Strategy can be found here.

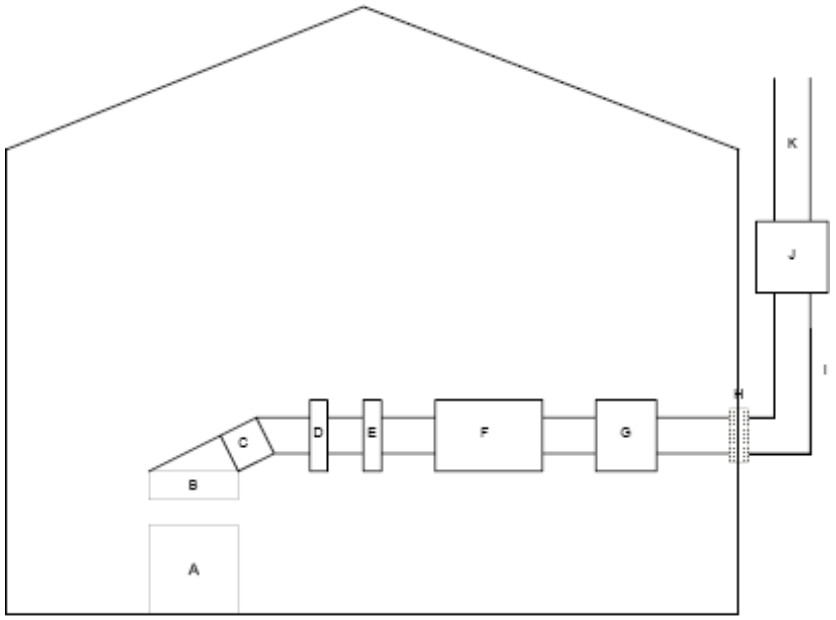
What Document? (Reason required)	When/What Needed?
Policy HS5: Directing Open Space, Sport and Recreation Facilities	More information on sporting facilities can be found here and here. Please note: The Council's legal costs incurred in getting Unilateral Undertakings checked will be the responsibility of the applicant.
23. Parking Survey/Unilateral Undertaking/ Unallocated Parking Provision Plan **Policy TR3: Parking**	**All applications which do not provide parking in accordance with the Council's Parking Standards SPD.** A Parking Survey in accordance with the details set out in the Parking Standards SPD to demonstrate there is sufficient capacity in the local area to accommodate the additional parking or a Unilateral Undertaking to remove the property from the Residents' Parking Zones. A template can be found at the end of this document. This should be accompanied by a copy of the Title Deeds for the application property. The survey should include cars parked in both unrestricted and restricted parts of each road. Where the site is within a RPZ but also within 200m of a street(s) not subject to a RPZ, a parking survey will also be required of the relevant street(s) outside the RPZ. For more information, please see the Parking Standards SPD which can be found here. For more information about Residents' Parking Zones, please see here. Please note: The Council's legal costs incurred in getting Unilateral Undertakings checked will be the responsibility of the applicant as will the cost of the implementation of the resultant Traffic Regulation Order. **Where a development includes 10 or more dwellings with new adoptable standard highway** Plan demonstrating provision of 20% of the total allocated parking space provision as unallocated parking exclusively/ predominantly on street

What Document? (Reason required)	When/What Needed?
24. Plans **Policy BE1: Layout and Design** **Policy BE3: Amenity**	**Various different plans are required dependent on the type of application.** For all plans, the following rules should be adhered to: 1. Use recognisable and standard scales (e.g. 1:50, 1:100 or 1:200) together with the '@ paper size ref' 2. Draw a 'scale bar' on the plans to avoid confusion 3. Show a north point 4. Give all plans a date and unique reference number 5. Submit all plans at A4 or A3 size where possible 6. Annotate dimensions, where appropriate More information can be found here. **Existing and proposed block/site plan (1:500)** For all applications the following details will (where appropriate) need to be shown: - The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries - All buildings, roads and footpaths on land adjoining the site including access arrangements - All Public Rights of Way crossing or adjoining the site - The position of all trees on the site, and those on adjacent land and any tree protection measures proposed - The extent and type of any hard surfacing - Boundary treatments including walls or fencing where this is proposed - position, and window details of the adjoining properties - Parking and cycle spaces - Refuse areas Where applications involve a new or amended access the following details will (where appropriate) need to be shown: - Dimensions of access - Extent of bound material - Visibility splays - Parking spaces - Turning areas - Tracking data

What Document? (Reason required)	When/What Needed?
	Existing and proposed elevations (1:100) All applications which involves alterations, extensions or new buildings **Existing and proposed floor plans (1:100)** All applications which involve new building or changes of use, showing the rooms labelled with finished floor levels shown. **Existing and proposed Roof plans (1:100)** All new buildings and extensions where a complex arrangement of roof slopes is proposed showing the proposed roof layout **Existing and proposed Topography survey, Cross sections and Levels** All applications on sites where the ground level slopes or is not uniform across the site or is different to adjoining sites **Streetscene plans (1:100)** All applications which will materially change a streetscene
25. Rural Workers Assessment **Policy H12: Housing for Rural Workers**	**All proposals for agricultural/rural workers' dwellings which would be secured by a planning obligation or condition** An assessment provided by an appropriately qualified professional should satisfactorily demonstrate: a) there is a clear functional need for the person to be readily available on the site at most times; b) the worker is fully or primarily employed on the site to which the proposal relates; c) the business is financially sound and has a clear prospect of remaining so; d) the dwelling sought is of an appropriate size commensurate with the established functional requirement; and e) the need cannot be met by an existing dwelling on the unit, or by other existing accommodation in the area.

What Document? (Reason required)	When/What Needed?
	Note: When the Council needs its own independent advice on your agricultural assessment (this is the case on all new dwellings), costs will be paid for by the applicant. Confirmation of agreement to pay will normally be required at validation stage. This can be done by way of a covering letter or within the statement. For more information, please see here.
26. Transport Assessment/Travel Plan **Policy TR1: Access and Choice** **Policy TR2: Traffic Generation** **Policy TR3: Parking**	**All major applications that result in the generation of significant traffic movements.** The NPPG sets out the content of a Transport Assessment and Transport Statement for further information click here. For more information regarding writing a Travel Plan please see here. For more information regarding the technical information which is required in a transport assessment, please see here. Note: Applicants are advised to seek pre-application advice from WCC Development Group before submitting a formal application. Charges may apply; click here for further information.
27. Tree Survey	**All development that will affect existing trees**

What Document? (Reason required)	When/What Needed?
Policy NE4: Landscape	Tree surveys should be prepared by a suitable professional in accordance with the British Standard 'BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations' (or subsequent amendments to this), to include survey, impact and mitigation proposals. It should cover all trees on a development site and trees within 15m of any operations. Where proposed buildings will be shaded a 'tree shading plan' should be provided. For further detailed advice, see BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations Further advice can be found here.
28. Ventilation/ Extraction Details **Policy BE3: Amenity**	**All applications proposing new ventilation/extraction equipment (for example, air conditioning units or cooking extraction equipment)** Information regarding the location and type of equipment and the manufacture's specifications including noise details. To assist the Environmental Health Officer to form an opinion regarding:- A) Effectiveness of the proposed ventilation system for preventing odour nuisance to neighbours. B) Potential for noise nuisance arising from the proposed ventilation system Please provide the following information:- 1) Diagram of the proposed system showing the various components labelled as per the example below 2) What is being cooked and by what means? Potential for particularly offensive odours? 3) What is the system trying to capture/extract_ Smells? Steam? Hot air? 4) How is replacement /make up air provided? –Passive ventilation or mechanical air in? 5) Do you intend to rely solely upon the height/point of discharge to avoid odour nuisance to neighbours? -If so, how will you achieve adequate height? - If not how will you treat the discharge? 6) Manufacturers information on noise of fan and other mechanical components of the system

What Document? (Reason required)	When/What Needed?
	7) Proposals for the control of noise from fans, motors, ducting and air expelled at point of discharge 8) Proposals for prevention of vibration from the system being transmitted to /through the building structure. 9) Calculation of likely noise level from the proposed system at the façade of the nearest noise sensitive premises. **Figure 4.1 Schematic diagram of a typical kitchen ventilation system**  Key to figure (a) cooking area (b) cooker hood/canopy (c) grease filters (d) coarse pre-filter (e) fine pre-filter (f) activated carbon filters (g) Fan/motor unit (h) Lagging (i) anti- vibration mounting (j) noise attenuator (best located within the building) (k) exhaust flue/stack

What Document? (Reason required)	When/What Needed?
29. Viability Assessment **Policy H3: Affordable Housing** **Policy H4: Securing a Mix of Housing** **Policy DM2: Viability Assessments** **Policy CT3: Protecting Existing Visitor Accommodation in Town Centres**	**All applications where the applicant wishes to demonstrate that the proposed development will be unviable in particular set(s) of circumstances** More information about what to include within a viability study can be found here. Note: The Council will seek its own independent advice on your viability assessment; the applicant will need to pay for costs. Confirmation of agreement to pay will normally be required at validation stage.
30. Visitor Accommodation Assessment (capacity study) **Policy CT3: Protecting Existing Visitor Accommodation in Town Centres**	**All applications which propose the loss of visitor accommodation (except where the proposed change is to retail within the retail areas on the policies map).** A capacity study of similar accommodation within the town centre to demonstrate that there is adequate capacity to meet need within alternative accommodation within the same town. Alternatively, a report which can demonstrate that the accommodation is no longer viable; that it has been marketed for a period of 12 months and that no other operators have been willing to acquire it for continued use as visitor accommodation can be submitted.

4. Recommended Additional Documents:

The following documents are not required for an application to be validated but may be required during the course of the assessment. If these are not submitted in time then it may lead to delays or a refusal. The documentation listed below may also be included to reduce the need for pre-commencement conditions, which will save time and money moving forward. Therefore, it is strongly suggested that if any of these are relevant to an application that they are submitted at the earliest opportunity and ideally as part of the initial submission.

What Document? (Reason required)	When/What Needed?
Refuse storage/collection plan Policy BE2: Amenity	**All residential / commercial developments** National information on carry distances can be found here. Local advice can be found here.
Connectivity Statement Policy BE5: Broadband Infrastructure	**Residential and commercial applications** Information should demonstrate how on-site infrastructure, including open access ducting to industry standards, will be provided to deliver fibre optic broadband technology.
Drainage details (foul and surface) Policy FW2: Sustainable Drainage	**All development introducing new drainage or SUDs systems** Plans may include (where appropriate) the following information: a. Calculations of pre- and post- development runoff rates; b. A fully labelled network drawing showing all dimensions of all elements of the proposed drainage system; c. Detailed network calculations that correspond to the above drawing; d. Modelled results for critical storms, including as a minimum 1yr, 30yr, and 100yr +30% climate change events of various durations. A submerged outfall should be used for the modelling; e. An electronic copy of the model should be provided to the Flood Risk Management team at Warwickshire County Council (WCC);

What Document? (Reason required)	When/What Needed?
	f. Any documentation relating to the surface water discharge rate and / or consents required; g. The applicant should also include evidence of overland flood flow routing in case of system failure - This should include the flow routes and depths/velocities of the flows; h. If the drainage network is to be adopted, evidence of an agreement with the adopting body; i. A Maintenance Plan to the LPA giving details on how the entire surface water system, including any SUDs features shall be maintained and managed after completion for life time of the development. The name of the maintenance company and a contact for who will be responsible for the life time of the development shall also be provided to the LPA; j. A timetable for the implementation of the drainage system. k. Each phase of the development shall be fully implemented in accordance with the approved details prior to the first occupation of the dwellings within that phase of development, and shall be retained and maintained in accordance with the approved details thereafter. For more information please contact Building Control here or the Lead Local Flood Authority here.
Green Belt Statement Policy DS18: Green Belt Policy H14: Extensions to dwellings in the open countryside	**Required for all applications within the Green Belt** Information regarding the size and volume of any development on the site and, if applicable, the Very Special Circumstances which would be advanced. This should include the existing and proposed floorspace and volume taking into account any previous extensions.
Landscaping details (Hard and Soft) Policy BE1: Layout and Design	**All applications which require landscaping** The following may (where appropriate) be required: a. planting plans,

What Document? (Reason required)	When/What Needed?
	b. written specifications including cultivation and other operations associated with tree, plant and grass establishment. c. a schedule of plants noting species, plant sizes and proposed numbers/densities. d. existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate). e. e)existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate) f. existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate). g. existing and proposed finished levels (to include details of grading and earthworks where appropriate) h. the means of accommodating change in level (e.g. steps, retaining walls, ramps where appropriate) i. hard surfacing materials- details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved. j. the position and design of all site enclosures k. car parking layout l. other vehicular and pedestrian areas m. minor artefacts and structures (e.g. street furniture, play equipment, refuse areas, signage, lighting etc). n. historic landscape features to be retained, removed or restored (where appropriate)
Large Scale Details Policy HE1: Designated Heritage Assets and their Setting	**All applications affecting listed buildings** Large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials).
Sample Materials	

What Document? (Reason required)	When/What Needed?
Policy BE1: Layout and Design Policy HE1: Designated Heritage Assets and their Setting Policy HE2: Conservation Areas	**All applications for new buildings (excluding domestic outbuildings) and householder applications in sensitive locations (i.e. where there are heritage considerations)** It is suggested that samples of all facing materials to be used (or a schedule showing the type) is submitted with the application to avoid a pre-commencement condition.
Legal Agreements – s.106 Agreement Policy DM1: Infrastructure Contributions NPPG	**All applications which require contributions/ obligations** The following should be submitted: - Draft heads of terms - Agreement to pay reasonable costs - Solicitors' details - Draft Unilateral Undertaking
Structural Survey Policy H13: Replacement Dwellings in the Open Countryside	**Applications for replacement dwellings where the justification is due to the structural inadequacy of the existing building and Prior Approval Change of Use applications (such as Class Q)** Structural surveys must be carried out by a qualified building surveyor. Conversion schemes should demonstrate that the building(s) will not require significant alterations or rebuilding for the conversion to take place. Schemes involving demolition and/or major alterations will need to identify defects and indicate the extent of rebuilding, remedial works and alterations which would be necessary in order to restore the building.
SUDs/Water Efficiency Statement Policy FW2: Sustainable Drainage Policy FW3: Water Efficiency	**All residential developments of one dwelling or more** A water efficiency statement should demonstrate how the development will meet Policy FW3.

What Document? (Reason required)	When/What Needed?
	Plans showing the sustainable drainage system and any manufacturer's specifications available.

5. Additional guidance and advice on documents

This section contains helpful information regarding the planning process.

5.1 Types of development:

Planning applications are split into four different types. The formal definitions can be seen here.

Briefly, applications are split into:

1. Major applications:
    a. Applications relating to minerals/waste
    b. Applications where the number of dwellings provided is 10 or more
    c. The provision of a building where the floorspace created is 1,000sq m or more
    d. Development carried out on a site of 1 hectare or more

N.B. an application for one dwelling over 1,000sq m in floorspace would not be considered a major.

2. Minor applications:
    a. All applications for new dwellings/buildings (not including extensions to dwellings) which do not fall into the major applications

3. Householders:
    a. Applications for extensions to dwellings
    b. Applications for new buildings within the curtilage of a dwellinghouse which are not new dwellings or commercial buildings

4. Other:
    a. All other types of application not mentioned above (including prior notifications, changes of use and tree applications)

5. Listed Building Consent
    a. All applications for listed building consent.

5.2 Ownership Certificates:

- Certificate A – Sole Ownership and no agricultural tenants
    - This should only be completed if the applicant is the sole owner of the land to which the application relates and there are no agricultural tenants. This involves signing Certificate A on the application form and nothing else.

- Certificate B – Shared Ownership (All other owners/agricultural tenants known)
    - This should be completed if the applicant is not the sole owner, or if there are agricultural tenants and the applicant knows the names and addresses of all the other owners and/or agricultural tenants. The notice, which can be found here, must be served on all owners/tenants and Certificate B signed on the application form.

- Certificate C – Shared Ownership (Some other owners/agricultural tenants known)
    - This should be completed if the applicant does not own all of the land to which the application relates and does not know the name and address of all of the owners and/or agricultural tenants. The notice, which can be found here, must be served on all owners/tenants, an advert placed in the local newspaper and Certificate C signed on the application form.

- Certificate D – Shared Ownership (None of the other owners/agricultural tenants known)
    - This should be completed if the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners

and/or agricultural tenants. An advert must be placed in the local newspaper and Certificate D signed on the application form.

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

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

Any hard copy certificate submitted with the standard application form must be signed by hand. For any electronically submitted certificate, a typed signature of the applicant's name is acceptable. Ownership certificates must also be completed for applications for listed building consent, although no agricultural declaration is required.

6. Legal Background:

The National Planning Policy Framework states at Paragraph 193 that:
"Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question."

The need for a Local List is set out in the following legislation:
The Town and Country Planning (Development Management Procedure) (England) Order 2015
Growth and Infrastructure Act 2013

Template Unilateral Undertaking (General)

Dated 20##

UNILATERAL UNDERTAKING

GIVEN BY

and

TO

Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

IN RESPECT OF

Land at

THIS DEED is made on the day of 20##

BY:

("the Owner") and

("the Mortgagee")

TO:

("THE Council")

WHEREAS

(1) The Owner is the registered proprietor at H M Land Registry under title number [ ] of the Land

(2) The Council is the Local Planning Authority for the purposes of the Act for the area within which the Land is situated

(3) The Mortgagee is the holder of a registered charge over the Land

(4) The Owner has by the Application applied to the Council for permission to

(5) The Owner has determined to enter into a unilateral planning obligation by way of this deed as hereinafter set out with the intent that the covenants by the Owner contained in Schedule 2 hereto shall be planning obligations for the purposes of Section 106 of the Act

NOW THIS DEED WITNESSES as follows:-

1. Definitions and interpretation

In this Deed:

1.1 "the Act" means the Town and Country Planning Act 1990 (as amended)

1.2 "the Application" means a written application registered on and numbered applying to the Council for planning permission in respect of

1.3 "Commencement of Development" means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" shall be construed accordingly.

1.4 "the Land" means the land described in the First Schedule hereto

1.5 "the Planning Obligations" means the covenants by the Owner contained in the Second Schedule hereto

1.6 "the Planning Permission" means a planning permission granted (whether by the Council or otherwise) in respect of the Application

1.7 Words importing one gender shall be construed as importing any other gender

1.8 Words importing the singular shall be construed as importing the plural and vice versa

1.9 The clause and paragraph headings in the body of this Deed and in the Schedules hereto do not form part of this Deed and shall not be taken into account in its construction or interpretation

2. The Planning Obligations

2.1 The Planning Obligations are planning obligations for the purposes of Section 106 of the Act

2.2 The Council is the Local Planning Authority by whom the Planning Obligations are enforceable

2.3 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Application Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

2.4 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to its statutory functions save where specifically provided to the contrary by this Deed.

3. Commencement

This undertaking shall come into effect upon the date written above but the obligations contained herein shall become effective only upon the grant of Planning Permission pursuant to the Application.

4. Owner's Covenants

The Owner covenants with the Council to observe and perform the Covenants as set out in the Second Schedule.

5. Mortgagee's Consent

The Mortgagee acknowledges and declares that this undertaking has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained herein and that the security of the mortgage over the Land shall take effect subject to this undertaking provided that the Mortgagee shall otherwise have no liability under this undertaking unless it takes possession of the Land in which case it too will be bound by the obligation as if it were a person deriving title from the Owner.

THE FIRST SCHEDULE

The Land

Land at shown for the purposes of identification only edged red on the plan attached hereto.

THE SECOND SCHEDULE

Covenants by the Owner - the Planning Obligations

1. The Owner covenants that they shall not implement the planning permission issued under reference

In the event that the Council shall at any time hereafter grant a planning permission pursuant to an application made under section 73 of the Act in respect of the conditions relating to the Planning Permission (and for no other purpose whatsoever) references in this Deed to the Application and the Development shall be deemed to include any such subsequent planning applications and planning permissions granted as aforesaid and this Deed shall henceforth take effect and be read and construed accordingly.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

Signed as a deed by

in the presence of

.....

.....

EXECUTED as a deed by

acting by

Template Unilateral Undertaking (Traffic Regulation Order)

Dated 2017

UNILATERAL UNDERTAKING

GIVEN BY

(1) [ ]

TO

(2) WARWICK DISTRICT COUNCIL

and

(3) WARWICKSHIRE COUNTY COUNCIL

Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

IN RESPECT OF

Land at

[ ]

THIS DEED is made on the day of 2017

BY:

(1) [ ] ("the Owner")

TO:

(2) Warwick District Council of Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ ("THE Council")

(3) Warwickshire County Council of Shire Hall Warwick CV34 4RL ("the County Council")

WHEREAS

(A) The Council is the local planning authority for the District of Warwick for the purposes of the Act.

(B) The Owner is the freehold owner free from encumbrances of the Land registered at HM Land Registry under Title Number [WK]

(C) The Owner has submitted an application to the Council which was validated on [(ref: W/[ ])] to in relation to the Land (the "Application").

(D) The Owner has determined to enter into a unilateral planning obligation by way of this Deed as hereinafter set out with the intent that the covenants by the Owner contained in the [Second] Schedule hereto shall be planning obligations for the purposes of Section 106 of the Act

NOW THIS DEED WITNESSES as follows: -

1. Definitions and interpretation

In this Deed:

1.1 "the Act" means the Town and Country Planning Act 1990 (as amended)

1.2 "Commencement of Development" means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and any works to the listed building required in connection with or ancillary to the any such operations and "Commence Development" shall be construed accordingly.

1.3 "Development" the development of the Land described in the Application

1.4 "Index" means the All Items Retail Prices Index published by the Office of National Statistics contained in the Monthly Digest of Statistics (or contained in any official publication substitution therefore) or such other index as may from time to time be published in substitution therefor;

1.5 "Index Linked" means adjusted in accordance with the movements in the Index between the date of this Deed and the date of the relevant payment;

1.6 "Interest" means interest at 4 per cent above the base lending rate of the Bank of England plc from time to time

1.7 "the Land" means the land described in the First Schedule hereto

1.8 “Occupation and Occupied” means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation for security purposes

1.9 "the Planning Obligations" means the covenants by the Owner contained in the Second Schedule hereto

1.10 "the Planning Permission" means a planning permission granted (whether by the Council or otherwise) in respect of the Application

1.12 “Traffic Regulation Order Contribution” means the sum of £3,000.00 to be paid in accordance with the Second Schedule

1.13 Words importing one gender shall be construed as importing any other gender

1.14 Words importing the singular shall be construed as importing the plural and vice versa

1.15 The clause and paragraph headings in the body of this Deed and in the Schedules hereto do not form part of this Deed and shall not be taken into account in its construction or interpretation

2. The Planning Obligations

2.1 This Deed is made pursuant to Section 106 of the Act

2.2 The Planning Obligations are planning obligations for the purposes of Section 106 of the Act

2.3 The Council is the Local Planning Authority and the County Council the local highways authority by whom the Planning Obligations are enforceable

2.4 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

2.5 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and County Council the successors to their statutory functions save where specifically provided to the contrary by this Deed.

3. Commencement

This undertaking shall come into effect upon the date written above but the obligations contained herein shall become effective only upon the grant of Planning Permission.

4. Conditionality

With the exception of clauses 2, 4, 7 and 10 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission.

5. Owner’s Covenants

The Owner covenants with the Council and the County Council to observe and perform the Covenants as set out in the Second Schedule.

6. Determination of deed

The obligations in this deed (with the exception of clause 7) shall cease to have effect if before the Commencement of Development, the Planning Permission:

6.1 expires;
6.2 is varied or revoked other than at the request of the Owner; or
6.3 is quashed following a successful legal challenge.

7. Council and County Council’s costs

The Owner shall pay to the Council and County Council on or before the date of this deed the reasonable and proper legal costs incurred by the Council and County Council in connection with the negotiation, completion and registration of this deed.

8. Indexation

All sums of money payable to the County Council and the Council under this Deed shall be Index Linked

9. Interest

If any payment due under the Second Schedule is paid late Interest shall be payable from the date payment is due to the date of payment.

10. Miscellaneous

10.1 This Deed is registerable as a local land charge by the Council

10.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999

THE FIRST SCHEDULE

The Land

The freehold land being [ ] and shown edged red on the plan attached hereto.

THE SECOND SCHEDULE

The Owner's Covenants

1. The Owner covenants with the Council and the County Council to:

    a. pay to the County Council within the period of 8 weeks following the Commencement of Development the Traffic Regulation Order Contribution which shall be used for amending the Traffic Regulation Order governing the residents' parking scheme in the vicinity of the Land to exclude the Land as developed by the Development from the said scheme so that the occupants of the dwellings on the Land shall not be entitled to resident parking permits.

    b. to notify the County Council in writing of first Occupation of the Land within 7 days of that first Occupation taking place such notice to be addressed to the Infrastructure Delivery Manager, Communities, Warwickshire County Council, Barrack Street, Warwick, CV34 4SX.

In the event that the Council shall at any time hereafter grant a planning permission pursuant to an application made under section 73 of the Act in respect of the conditions relating to the Planning Permission (and for no other purpose whatsoever) references in this Deed to the Application and the Development shall be deemed to include any such subsequent planning applications and planning permissions granted as aforesaid and this Deed shall henceforth take effect and be read and construed accordingly.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

EXECUTED AS A DEED by
[ ]
acting by

Director

Director/Secretary