

Borough Council of
**King's Lynn &
West Norfolk**



www.west-norfolk.gov.uk

Development Services

Borough Council of King's Lynn & West Norfolk
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VALIDATION CHECKLISTS LOCAL LIST OF REQUIREMENTS

Advice for officers and applicants

May 2008

Last Updated:
June 2019

1. Supporting Planning Statement, Regeneration Statement and Sustainability Appraisal

Supporting Planning Statement

1A. When is it required:

- For applications requiring an Environmental Assessment
- For Major Applications (see Appendix 1)
- For “Significant” applications (please telephone for advice)

1B. What is required:

A planning statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national and local planning policies. It should also include details of any pre-application consultations with the local planning authority and wider community / statutory consultees and neighbours undertaken prior to submission.

The Borough Council encourages the developer to discuss their ideas with local residents, interest groups and statutory consultees such as Town or Parish Councils, Highways Authority, Environment Agency, at an early stage. Where this has been carried out, a statement to that effect should be submitted setting out how the applicant has complied with these requirements and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

Regeneration Statement

Regeneration benefits should be stated where appropriate such as details of any new jobs that might be created or supported, any community benefits, and reference to any regeneration strategies that might lie behind or be supported by the proposal.

Sustainability Appraisal

Applications for “major” developments could be accompanied by an assessment demonstrating how sustainable objectives have been met including how the proposal would contribute to minimising the impact on and of climate change.

Where relevant, the sustainability appraisal should show how the proposal:-

- makes best use of land and existing infrastructure;
- minimises the use of non-renewable energy sources and construction materials and maximise opportunities for renewal energy;

- minimises water consumption and the impact on water resources and flood risk;
- curtails greenhouse gas emissions and other forms of pollution;
- encourages waste reduction and recycling;
- preserves the diversity and distinctiveness of West Norfolk's towns, villages and landscapes including the conservation of buildings, sites and areas of architectural or historic importance;
- maintains and enhances the range and vitality of characteristic habitats and species;
- creates places that are attractive, appropriate to their surroundings and safe to use for all sections of the community;
- contributes to social cohesion; and
- reduces the need to travel and increase opportunities to make necessary journeys by foot, cycle or public transport.

1C. Where can I get help or advice?

Further guidance is available in the [Local Development Framework](#) and within The [National Planning Policy Framework \(NPPF\)](#).

2. Design and Access Statement / Photographs and Photomontages

Design and Access Statement

2A. When is it required:

Design and Access Statements must accompany applications for both outline and full planning permission if they relate to one of the following:

- One dwelling or 100m² of floorspace in a designated area
- Listed Building consent
- All Major applications (appendix 1 provides the definition of a Major)

NB: A Designated Area is a Conservation Area or World Heritage Site ONLY

2B. What is required:

A Design and Access Statement is a short report that should seek to explain and justify the proposal in a structured way. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. The Design and Access Statement should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with.

Applications for listed building consent will also be required to be accompanied by a Design and Access Statement. In particular, such a statement should address:

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

The legislative requirements are set out in section 3 of the [Planning \(Listed Buildings and Conservation Areas\) Regulations 1990](#).

Photographs and Photomontages

Photographs and Photomontages – These provide useful background information and can help 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.

2C. Where can I get help or advice?

The [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

The [Planning Portal](#) also provides a wide range of advice

3. Transport Assessments and Travel Plans

3A. When they are required:

- Where developments will have significant transport implications.
- May be required for smaller development – please contact Norfolk County Council Highways for advice.

3B. What is required:

The coverage of detail should reflect the scale of development and the extent of the implications. For small schemes, it should simply outline the transport aspects of the application.

For major proposals, it should illustrate:

- accessibility to the site by all modes;
- likely modal split of journeys to and from the site; and
- proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking.

3C. Where can I get help and advice?

More information is available in the Government's [Planning Practice Guidance](#), or in the [NPPF](#).

4. Planning Obligations – Affordable Housing

4A. When is it required

New thresholds have been introduced within the NPPF

Please visit https://www.west-norfolk.gov.uk/info/20173/information_for_planning_agents/492/affordable_housing for more details

4B. What is required

Policy CS09: Housing Distribution within the King's Lynn and West Norfolk Core Strategy requires the transfer completed dwellings to a Private Registered Provider of Social Housing.

However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision may be accepted.

Where the application triggers the requirement for Affordable Housing a completed Planning Obligations Statement must be submitted (see appendix 2)

Should you consider the affordable housing contributions to render the scheme unviable, a full development appraisal must be submitted and this should be referenced in the . The appraisal will be considered by the Council and discussed in full with the applicant.

4C. Where can I get help or advice?

NPPF

[King's Lynn & West Norfolk Core Strategy: Policy CS09](#)

Planning Obligations – Other Matters

The Local Planning Authority may also seek a Section 106 Agreement (Planning Obligations) to secure the following;

1. Restrict the development or use of the land
2. Require specific operations or activities to be carried out in relation to the land
3. Require payment of a sum(s) of money towards future maintenance costs
4. Require land to be used in a certain way

In addition Major or Significant applications may require a Section 106 Agreement as defined in [Policy CS14 of the King's Lynn and West Norfolk Core Strategy](#).

Please contact a Principal or Senior Planning Officer prior to submission of your application to determine whether a draft Section 106 Agreement will be required to be submitted with your application.

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5. Flood Risk Assessment

5A. When is it required?

- Planning applications for development proposals of 1 hectare or greater in Flood Zone 1, or other source of flooding including as a result of climate change; and
- Proposals for other development located in Flood Zones 2 and 3 may require a Flood Risk Assessment (FRA) – please follow <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications> to determine whether a FRA is required.

To determine which flood risk area your proposal lies in, please use the [Strategic Flood Risk Assessment](#) (SFRA) maps on our website, these should be used in preference to the Environment Agency maps.

5B What is required?

Please visit the [Planning Practice Guidance section on flood risk vulnerability](#). Following the above link you will find a matrix that will allow you to determine what level of Flood Risk Assessment is required.

NB: Applications for renewing existing park/mobile homes and caravans within the coastal hazard zone are subject to a different [Flood Risk Form](#). This can be found on our website at the bottom of the page under Planning and development > Information for planning agents > Flood risk information

5C. Where can I get help or advice?

More information is available on [Our Website](#), and in the Government's [Planning Practice Guidance](#)

For advice and guidance on proposals along the coast from Wolferton Creek to Hunstanton, please see Policy DM18 from our [Site Allocations and Development Management Policies Plan 2016](#).

If a site is at risk of flooding, it is recommended the occupant signs up to the [Environment Agency Flood Warning System](#).

6. Heritage Asset Statements

6A. When is it required?

A “Heritage Asset” is defined as those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest. These can be manifested as Listed Buildings, Conservation Areas and Scheduled Ancient Monuments.

A heritage asset statement would be required if a heritage asset is likely to be affected by a development proposal.

6B. What is required

In accordance with Paragraph 189 from the [NPPF](#), applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

6C. Where can I get help and advice?

Applicants are advised to discuss proposals with either a planning officer or conservation officer before any application is made.

[Historic England](#) also provides information on the preparation of these documents.

7. Retail Assessment

7A. When is it required?

It is an assessment undertaken for an application for a retail, tourism or leisure use. In accordance with Paragraph 89 of the [NPPF](#), the assessment is normally required for developments exceeding 2,500 square metres gross floorspace, that are proposed outside of existing service centres.

Sometimes it may be necessary to carry out an assessment for smaller developments, such as those likely to have a significant impact on smaller service centres, for example in a village.

7B. What is required?

The assessment should include an evaluation of the likely impacts of the proposal on the vitality and viability of existing service centres within the catchment area of the proposed development.

The assessment should also include the likely cumulative effect of recent permissions, developments under construction and completed developments.

7A. Where can I get help and advice?

See the [NPPF](#) or the Government's [Planning Practice Guidance](#) for more information

8. Open Space Assessment

8A. When is it required

In accordance with Paragraph 96 of the [NPPF](#), the assessment is required for planning applications that take place on existing open space, including sports and recreational buildings and waterways with recreational value.

8B. What is required

- It will be necessary to demonstrate through an independent assessment that the open space, land or buildings are surplus to local requirements or how and where compensatory provision is to be made.
- Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.
- Some 'major' applications will need to make provision for an area of open space; plans should show any areas of existing and proposed open space within or adjoining the application site. This may involve the completion of a Planning Obligation.

8C Where can I get advice and help

See the [NPPF](#) or the Government's [Planning Practice Guidance](#) for more information

9. Landscaping Details

9A. When is it required?

- On all Planning Applications within the Design and Access Statement.
- On all Outline Planning Applications where Landscaping is not a reserved matter.
- On all Reserved Matters Applications where Landscaping is a reserved matter.

9B. What is required?

The Design and Access Statement should include:

- all treatments of outdoor spaces, including street furniture, water features and road materials as well as planting;
- how treatment will work with all other design decisions;
- that planned landscape design is based on a strategy for long term maintenance and management; and
- how the needs of disabled or older people will be met, i.e. non-slip surfaces.

Existing trees and other vegetation should, where practicable, be retained in new developments and adequately protected during the construction of the development. A plan, showing these proposals should be submitted.

9C. Where can I get Help and Advice?

Speak to our Duty Planning Service on 01553 616 200 (Tuesday and Thursday 9:00 – 13:00 only) for further guidance.

10. Tree Survey / Arboricultural Statement

10A. When is it required?

- Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees).
- When applying for full planning permission or outline planning permission and the Trees and Hedges question on the application form requires one to be submitted.

10B. What is required?

- information on which trees/hedges are to be retained;
- the means of protecting trees during construction works;
- information on any replacement trees proposed; and
- the species, spread, roots and position of the trees should be illustrated accurately on the site plan.

This information should be prepared by a suitably qualified and experienced arboriculturist. Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837:2012 '[Trees in relation to design, demolition and construction – Recommendations](#)'.

Using the methodology set out in the BS5837 should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

11. Nature Conservation / Ecological Assessment / Natural Beauty

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts.

Where proposals are being made for mitigation and/or compensation, information to support those proposals will be needed.

Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the [Wildlife and Countryside Act 1981](#), the [Conservation \(Natural Habitats etc\) Regulations 1994](#) or the [Protection of Badgers Act 1992](#).

Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need assessments of impacts and proposals for long-term maintenance and management. This information might form part of an Environmental Statement, where one is necessary.

Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts.

The British Standards Institute has produced a Publicly Available Standard to halt the loss of Biodiversity which takes the form of recommendations on standard procedures for taking account of biodiversity in the planning process, and the Association of Local Government Ecologists has developed a good practice template (available from <http://alge.org.uk>) which gives detailed validation requirements for biodiversity and geological conservation.

www.naturalengland.gov.uk

12. Biodiversity and Ecology Assessment

12A. When is it required?

If you know there are protected species on the site, including but not limited to: Bats, barn owls, breeding birds, badgers, dormice, Great Crested newts, and reptiles.

If the development directly/indirectly affects a Designated Nature Conservation Area, which includes:

- Site of Special Scientific Interest (SSSi)
- Special Protection Area (SPA)
- Breckland Special Protection Area for Stone Curlews
- Special Area of Conservation (SAC)
- RAMSAR site
- County Wildlife Site
- National Nature Reserve

Any developments can impact on wildlife and biodiversity and an assessment may be required for any size/nature of development.

12B. What is required

An assessment must be carried out by a suitably qualified and experienced person. Please see below for more information.

12C. Where can I get help and advice

Speak to our Duty Planning Service on 01553 616 200 (Tuesday and Thursday 9:00 – 13:00 only) or visit www.naturalengland.gov.uk – for their standing advice.

13. Environmental Assessment for Noise

13A. When is it required?

- Proposals for new noise-sensitive development;
- development which will be exposed to an existing noise source; or
- proposals which will generate a significant amount of noise.

13B. What is required?

Information to be provided by the developer:

- A description of the project comprising information on the site, design and size of the project (normally contained in the DAS if one is required).
- A description of measures envisaged in order to avoid, reduce and remedy significant adverse effects.
- Data required to identify and assess the main effects which the project is likely to have on the environment.
- A non-technical summary of information.

13C. Where can I get help or advice?

[The Town and Country Planning \(Assessment of Environmental Effects\) Regulations 1988](#)

14 Air Quality Assessment

14C. When is it required?

Where the development is proposed inside, or adjacent to an air quality management area (AQMA), which are currently at:

- Gaywood clock area.
- Town centre one way system and London Road, King's Lynn.

This list may have been updated since the publication of this guidance – please check the [Borough Council's website](#) for updated information.

Where the development could in itself result in the designation of an Air Quality Management Area.

Lastly, where the grant of planning permission would conflict with, or render unworkable, elements of a local air quality action plan. This action plan can be found on [Our Website](#), at the bottom of the page under Food, safety and environment > Pollution > Air quality > Air quality management areas.

14B. What is required?

Applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Where AQMAs cover regeneration areas, developers should provide an Air Quality Assessment as part of their planning application.

14C. Where can I get help or advice?

Borough Council of King's Lynn and West Norfolk website – [Air Quality Pages](#)

15. Foul and Surface Water Information, including Sustainable Drainage Systems (SuDS)

15A. When is it required?

- For applications where it is proposed to connect to the existing drainage system;
- for applications where changes/replacement to the existing system are proposed; and
- for applications where the creation of a new system is proposed.

15B. What is required?

Detailed specifications and drawings, showing:

- Existing drainage system.
- Proposed drainage system.
- Cross sections.
- Elevations.

15C. Where can I get help and advice?

Visit www.defra.gov.uk

Sustainable Drainage Systems

A drainage strategy, making particular reference to the priority and use of Sustainable Drainage Systems, must be submitted for all applications for **MAJOR** development.

For information and advice on this please consult all of the following:

Planning Practice Guidance available at
<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

The Department of the Environment, Food and Rural Affairs at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf

Norfolk County Council (as the Lead Local Flood Authority) at
<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>

The above information on foul and surface water drainage and SUDS can be included as part of the flood risk assessment rather than a separate document if required.

16. Ventilation and Extraction Details

16A. When is it required?

Applications where the end use would result in;

- Use Class A3 (Restaurants and Cafes)
- Use Class A4 (Drinking Establishments)
- Use Class A5 (Hot Food Takeaways)
- Use Class B1 (Businesses)
- Use Class B2 (General Industrial)

16B. What is required?

- Position and design of ventilation – shown on scaled elevational drawings and proposed floorplans;
- odour abatement techniques; and
- acoustic noise characteristics.

16C. Where can I get help or advice?

Please contact Community Safety and Neighbourhood Nuisance Department of the King's Lynn and West Norfolk Borough Council on 01553 616 654.

17. Structural Survey of the Property

17A. When is it required?

Where the proposal involves a conversion to a barn or rural building.

17B. What is required?

- An appraisal of the structural stability of the building.
- A schedule of the work that is required to convert the building.
- The survey should be carried out by an independent specialist consultant.
- Additionally, if it is proposed to demolish all or part of a listed building / structure, a structural survey will be required. This will need to confirm the status of the building clarifying that demolition is the only available option in the event that historic fabric either cannot be retained or is beyond meaningful repair.

17C. Where can I get help or advice?

Speak to our Duty Planning Service on 01553 616 200 (Tuesday and Thursday 9:00 – 13:00 only) for further guidance.

18. Lighting Scheme / Lighting Pollution Assessment

18A. When is it required?

Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a listed building or a conservation area, or open countryside, where external lighting would be provided or made necessary by the development

18B. What is required?

- Details of external lighting, LUX levels and the proposed hours of use. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design.
- Schemes should be prepared by a recognised independent consultant and submitted alongside applications to enable the effects of such lighting to be fully considered.

18C. Where can I get help or advice?

Please contact Community Safety and Neighbourhood Nuisance Department of the King's Lynn and West Norfolk Borough Council on 01553 616 654.

19. Contaminated Land Assessment

19A. When is it required?

- Where there is a possibility that the previous uses of the site could give rise to contamination.
- Applications on land which is known to be contaminated.
- Applications on land where contamination is suspected on all or part of the site.
- Applications where the proposed use would be particularly vulnerable to the presence of contamination.

The Council's [Advice Note](#) gives details what uses would be vulnerable or sensitive to the presence of contamination.

19B. What is required

- A completed sensitive development or agricultural questionnaire, or a desk-study and preliminary risk assessment report.
- The level of information needed will depend on the circumstances of the site and the nature of the proposed use. Our advice note, sets out what information we will require for different types of development. The use of the land in the vicinity may also need to be considered as there is the potential for migration of contaminants from the surrounding area.
- As a first stage you should establish the former uses of the site and surroundings, undertake a walk-over survey, collect information on the physical state of the site and its setting, and consult the regulatory authorities.
- Early discussions with our Environmental Quality Team are recommended to help you provide the information that is needed to support your planning application.

19C. Where can I get help or advice

The [Environmental Quality](#) pages of the Council's website.

20. Habitat Regulations Monitoring & Mitigation Contribution

Habitats Regulations monitoring and mitigation payments can be made by payment when you submit the planning application or by entering into a Unilateral Undertaking. Failure to provide either payment or a draft completed and signed Unilateral Undertaking at submission stage will result in your application being held as invalid.

20A. When will the Habitat Monitoring and Mitigation Payment be required?

The requirement for a payment will apply to:

- Housing and tourist accommodation applications;
- The whole Borough area; or
- All sizes of application from 1 unit upwards.

The need for a payment will apply to all forms of housing/tourist accommodation including:

- Hotels, guest houses, lodges, static caravans & touring pitches;
- Affordable housing;
- Student accommodation;
- Residential caravans/mobile homes/park homes;
- Housing for 'mobile' elderly people;
- BUT NOT care homes for elderly or infirm people with significantly reduced mobility.

Also for clarification:

- Both allocated and windfall sites will contribute;
- Where units already exist on the site, the net additional units will contribute;
- Applications to split one unit into two will contribute for the additional unit;
- Applications to increase the operating period of tourist accommodation will contribute for the additional period;
- Applications to convert from holiday to residential use will be assessed on a case by case basis;
- BUT extensions to existing houses will NOT be asked to contribute.

20B. How much will it cost?

The size of the standard Habitat Monitoring and Mitigation Payment is:

- £50 per house (index linked). See requirement for mitigation below.
- For tourist accommodation the contribution will be calculated on a case by case basis by the Council, depending on the type, location and seasonality of the accommodation.
- There will be a £50 administration charge whether you submit a Unilateral Undertaking or a payment in advance. If you want to add a

clause in a proposed S106 agreement then it will be covered in the overall legal fees.

- Fees will only be refunded after the appeal period has lapsed or the appeal is dismissed and the period for any subsequent High Court challenge has lapsed.
- The standard Habitat Monitoring and Mitigation Payment is in addition to the standard Public Open Space provision required for development and any specific on-site monitoring and/or mitigation measures or off-site provision of alternative natural greenspace.

20C. Unilateral Undertaking – what do I need to submit?

If you choose not to make the Habitat Monitoring and Mitigation Payment when you submit your planning application, you'll also need to provide the following documents:

- One original, completed and signed Unilateral Undertaking to pay the total Habitat Monitoring and Mitigation Payment before commencement of work on the site;
- A copy of the site location plan, that accompanies the planning application, signed by the developer;
- Recent (ie. within the last 3 months) proof of title to the land, which can normally be purchased from the Land Registry by telephone (01752 636000) or online at [Land Registry Online Title Register Search](#). Please note there are two parts to the proof of title; a Title Register and a Title Plan, both of which must be submitted.

If you have any further questions, please contact us before submitting your application. Please also read the general guidance notes below before completing the Unilateral Undertaking.

General Guidance for Unilateral Undertakings

Please read these notes carefully before completing the Unilateral Undertaking.

A planning obligation is a legally binding obligation or commitment in relation to the development of land which is secured under Section 106 of the Town and Country Planning Act 1990, as amended. They are used in order to make an overall development 'package' acceptable where otherwise the application would have to be refused. An obligation is usually made by entering into an agreement which is regularly referred to as a Planning Agreement or a Section 106 Agreement. However it is possible for owners of land to submit Unilateral Undertakings to the Council, which contain binding covenants given by the owner to the Council, which the Council can enforce.

Planning obligations can restrict the use or development of land, require a developer or landowner to undertake certain works, or to contribute financially towards the provision of measures to mitigate the negative impacts of their development.

Where a planning obligation is required, a planning agreement, drafted by the Council's legal services team and entered into by the Council and the landowner and developer will usually be appropriate. However there will be occasions where the use of Unilateral Undertakings can assist in ensuring that planning permissions are granted speedily. This benefits both the applicant and the Council.

The Council considers that it will normally be appropriate for a Unilateral Undertaking to be used only if all the following conditions are met:

- The person entering into the Undertaking is the owner of the land (not merely a purchaser with a conditional contract); and
- The size of the proposal is small, i.e. 4 or less units, OR for larger proposals of 5 or more units, where there are no leases or tenancies (If the land is subject to a mortgage/legal charge, mortgage and mortgagee details must be included and the mortgagee must be a party to the Undertaking - see template); and
- The obligation(s) consists solely of the payment of financial contributions to be paid on commencement of development.

The template Habitat Monitoring and Mitigation Payment Unilateral Undertaking includes an obligation to pay the Council's costs in assessing the adequacy of the Undertaking (which will include checking the title to the land) and registering the Undertaking as a local land charge. The current fee is £50. If planning permission is not granted, then the Undertaking will not be registered as a local land charge.

If any of the above conditions are not met, the Council will normally consider the matter unsuitable for a Unilateral Undertaking and will expect the Applicant to enter into a conventional negotiated Section 106 Agreement, which will be drafted by the Council's Legal Services under their normal terms of business.

If the Applicant considers that the above conditions are met and the Officer dealing with the application has confirmed that a Unilateral Undertaking would be appropriate, then the Applicant should complete a draft Unilateral Undertaking (using the template provided) and submit this to the Planning Department with the related planning application, together with a plan of the application land and proof of title to the land.

Upon receipt of the draft Undertaking, the Council will assess it and confirm whether it is acceptable or whether amendments are required. They will also check the proof of title submitted. If any amendments are required, the draft will be returned to the applicant.

When required, a Unilateral Undertaking is an essential part of the planning application. Planning permission will NOT be granted until the accompanying Unilateral Undertaking has been formally completed and appropriately submitted to the Council.

A Unilateral Undertaking is a legally binding document with potentially significant financial consequences. If you are in any doubt about the meaning and effect of the undertaking you should seek independent legal advice.

The Council is committed to offering pre-application advice. Where it is intended to submit a Unilateral Undertaking, you are advised to include this element in your pre-application discussions, so that the details and level of contribution can be agreed as soon as possible, preferably prior to the submission of a planning application.

21. Community Infrastructure Levy (CIL)

Introduction

Borough Council of King's Lynn and West Norfolk's (BCKLWN) CIL came into effect on 15 February 2017.

The CIL Monitoring and Compliance Officer for BCKLWN is Amanda Driver
Tel: 01553 616443 Email: CIL@west-norfolk.gov.uk.

What is the CIL?

CIL is:

- Used by local authorities in England and Wales to help deliver infrastructure to support the development of their area
- money raised from CIL can be used to support and manage the impacts of development by funding infrastructure that the Council and local communities want, for example: new road schemes, open space improvements or schools
- a % of CIL income is paid to Parishes
- charges have been set by BCKLWN and are based on the location and type of development in the Borough
- levied in £ per square metre (index linked) on net additional increase in floorspace for qualifying development

CIL *is not*:

- an additional charge on development. It effectively alters the previous approach to collecting infrastructure contributions from planning approvals using Section 106 (S106) agreements
- payments are not subject to VAT

When is a development liable for CIL?

Development will be liable to pay CIL if it is:

- of a type for which a rate has been set in the [Charging Schedule](#).
- creating 1 or more new dwellings, even where the floorspace is less than 100 square metres, including annexes
- involves the change of use of a building that has been unused for 3 or more years
- amendments to applications, even if they were granted prior to the adoption of CIL, where there is an increase in floorspace

The stages of CIL are explained on the CIL webpages: https://www.west-norfolk.gov.uk/homepage/186/cil_processes. Where the CIL processes are not followed, [surcharges](#) will be incurred.

If a [relief/exemption](#) is granted, the Council will record details of the relief on the Land Changes Register. If a disqualifying event occurs within set periods, for example if a self-build house is sold or let within 3 years, CIL will be due. After this period the relief/exemption will be removed from the Land Charge Register.

Where a relief has been granted and a disqualifying event occurs, the Council must be informed in writing, giving 14 days advance notice. Failure to do so will incur a surcharge.

If the permission is not built, the CIL charge will be removed from the Land Charges Register once the planning permission has expired.

If CIL is not paid, a range of enforcement actions can be taken. These can be found in the [CIL Regulations 2010 \(As Amended\)](#)

Appendix 1

Major Developments

1. Industrial / commercial / retail uses: >1,000m² new floorspace

OR

2. If number of dwellings or floorspace not known – site area of 1 hectare or more

OR

3. 10 or more dwellings

Minor Developments

1. If number of dwellings not know – site area less than 1 hectare

OR

2. Uses other than (1) above – floorspace <1,000m² or site area <1 hectare
3. 9 dwellings or less

Appendix 2

Planning Obligations Statement (see next page)



Planning Obligations Statement

Site Address

.....

I agree to enter into a legal agreement with the Local Planning Authority to meet the following planning obligations.

I propose the following specific terms:

- 1) Habitat Mitigation Fee
- 2) Affordable Housing Contributions
- 3) Other (please specify)

.....

I have instructed the following legal representative to act on my behalf:-

Company Name

.....

Contact:

.....

Address:

.....

.....

.....

Telephone No:

Email Address:

Signed:

Name -

Address -

.....

Email -

Signature: Date: