

Worcestershire County Council

Validation Document Consultation Response Document

May 2024

Document Details:

Date: May 2024

Document Location: www.worcestershire.gov.uk/planning-applications

Contact: Steven Aldridge, Worcestershire County Council, Planning Development Management Team, Economy and Infrastructure Directorate, County Hall, Spetchley Road, Worcester, WR5 2NP

Email: validdoc@worcestershire.gov.uk

Tel: 01905 763763

Table of Contents

Introduction.....	2
Comments and Responses	3
Lead Local Flood Authority.....	3
Network Rail.....	3
Ramblers Association	3
Public Rights of Way Team	5
South Worcestershire Land Drainage Partnership	6
Natural England	6
Environment Agency	7
Malvern Hills National Landscape	7
Canal and River Trust	9
Coal Authority	10
Historic England.....	10
Earth Heritage Trust.....	11
Worcestershire Wildlife Trust	12
Worcestershire Regulatory Services	13

Introduction

This document sets out all consultation comments received on the Validation Document Review and sets out the County Planning Authority's response to them. The consultation period ran for a period of 6 weeks from 29 January to 11 March 2024. 16 responses were received in total.

The County Planning Authority has tried to be as encompassing as possible, including many of the comments in the revised Validation Document; however, the Validation Document cannot cover all circumstances. While the revised Validation Document contains the County Planning Authority's general requirements, the County Planning Authority may request further information in order to determine the application¹. Furthermore, the County Planning Authority accepts there will be times when the requirements in the relevant Checklist will not apply to a proposal. It is important to identify these at the pre-application stage. If it is considered that the information is not applicable, then the applicant should provide a written justification with the application as to why it is considered not appropriate in that particular circumstance.

¹ Regulation 4 of the Town and Country Planning [Applications] Regulations 1988 enables local planning authorities to direct applicants to supply any further information, plans and drawings necessary to enable applications to be determined.

Comments and Responses

Summary of Comments	Officer Response
Lead Local Flood Authority	VAL24-001
<p>Many thanks for the Consultation on the '<i>Revised Planning Validation Document</i>'.</p> <p>I have reviewed the '<i>Flood Risk Assessment</i>' and the '<i>Surface Water Drainage Strategy</i>' chapters of the revised document, and I have reviewed the document's '<i>Appendix 3: Lead Local Flood Authority's Surface Water Checklist</i>'.</p> <p>I approve of those listed chapters / appendix.</p>	Comments noted.
Network Rail	VAL24-002
<p>Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).</p> <p>Network Rail is also a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will need to be carefully considered.</p>	Comments noted, applications which impact Network Rail's assets will be considered on a case-by-case basis during the determination of planning applications, and the appropriate bodies consulted.
Ramblers Association	VAL24-003
I am afraid as a part-time volunteer I find it impossible to wade through the large content, let alone follow up on the reference	Comments are

Summary of Comments	Officer Response
<p>material. I realise the complexity follows from the legislation and the involvement of many bodies, but I was rather hoping for clearer indexing.</p> <p>My role is to comment purely on matters for which the Ramblers Association is a consultee, and in particular in relation to public rights of way. This is not easy. I have spent 20 minutes trying to find anything defining what is required in relation to the footpath network. I have no doubt it is there, buried in series of references to other documents, but I didn't get to it. Perhaps it might be a good idea therefore to have an addition to the required documents, one which deals with Public Rights of Way in all cases where they pass through, or are adjacent to, the land involved.</p> <p>I would expect a description of what routes of all descriptions will be directly affected, when and for how long. I would expect a drawing showing these on a map of the area.</p> <p>The basic requirements for the drawings are:</p> <ol style="list-style-type: none"> 1) there should be a clear legend showing the symbology used, and preferably with the irrelevant items removed 2) there should be some form of scaling bar, accepting the fact that the material will be viewed on a variety of small screens 3) Routes should be identified, roads by name of number, rights of way by the WCC numbering system, and all interconnections in the immediate vicinity should be included 4) Gates and stiles to be identified and the type specified. <p>This is very little to ask, and I know it is included in some part in many applications. But very few meet all these basics, and I can understand why having tried to find out where they are specified.</p> <p>I hope this is of some use in the revision you are undertaking.</p>	<p>noted and considered addressed by the Public Rights of Way Assessment section of the Validation Document.</p>

Summary of Comments	Officer Response
Public Rights of Way Team	VAL24-04
<p>We're really pleased to see the PRow paragraph in the main sections. Can I suggest adding a line about DMMOs, below in blue?</p> <p><i>Public Rights of Way Assessment:</i> <i>This information is required for planning applications where a Public Right of Way (PRow) and/or Public Access traverses, passes close by, or impacts the site or involves the temporary diversion or closure of part of a route in order to construct the development. A PRow Assessment is also required for proposals which affect a PRow, even temporarily during construction phases, within or adjacent to an application site. Furthermore, a PRow Assessment is required for proposals where any new PRows are proposed to be created as part of the development or are the subject of a pending Definitive Map Modifications Order (DMMO) application.</i></p> <p>This is a hole in our planning/PRow cross-check system, especially with the districts so it would be good to plug it internally. These are Rights of Way that may exist but have not yet been added to the Definitive Map. If your DevCon gang have the PRow GIS layer then there's a chance that they also have the DMMO layer. Happy to chat it through if necessary.</p> <p>Would it also be possible to add the PRow paragraph to the Demolitions document to cover infrastructure close to or facilitating PRow?</p>	<p>Noted. Validation Document updated accordingly. In response to requiring a Public Rights of Way Assessment for Demolition Consent applications, this is a matter that cannot be taken into account in the determination of such applications, thus the requirement for this assessment is not relevant in this instance, however Checklist 9: 'Demolition' has been updated to include reference to Public Rights of Way to be shown</p>

Summary of Comments	Officer Response
	on the Location Plan.
South Worcestershire Land Drainage Partnership	VAL24-005
<p>Thank you for your consultation request regarding the above document, in particular Biodiversity Net Gain. I have no comments to make on the BNG but I did note in the Planning and Flood Risk section of the amended NPPF, published now by the Dept. for Levelling Up rather than DCLG as previously, that Annex 3 has replaced Table 2; NPPG for assessing flood risk vulnerability. I'm sure that Henry will comment on this aspect on behalf of the LLFA but loss of the footnotes is a bit concerning. No doubt all part of the drive to 'simplify' the planning process.</p>	Noted.
Natural England	VAL24-006
<p>Thank you for your consultation request on the above dated and received by Natural England on 29th January 2024. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is a statutory consultee in Local and Neighbourhood planning and must be consulted on draft Local and Neighbourhood development plans and associated documents by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.</p> <p>Natural England does not have any comments on Worcestershire County Council's revised Planning Validation Document.</p> <p>For any further consultations on your plan, please contact: consultations@naturalengland.org.uk</p>	Noted.

Summary of Comments	Officer Response
Environment Agency	VAL24-007
Thank you for your consultation of the changes to your validation document. I have taken a look at the document, particularly the Biodiversity Net Gain section. We have no objection to the section as drafted and no further comments at this time	Noted.
Malvern Hills National Landscape	VAL24-008
<p>Thank you for consulting the Malvern Hills National Landscape Team on Worcestershire County Council’s revised Planning Validation Document.</p> <p>You will be aware that since the original consultation was undertaken by Worcestershire County Council, the Malvern Hills National Landscape is now the new name for the Malvern Hills Area of Outstanding Natural Beauty (AONB), as of 22 November 2023. The new name takes forward one of the proposals of the Government-commissioned ‘Landscapes Review’, also known as the ‘Glover Review’, to rename AONBs as ‘National Landscapes’. This change reflects the national importance of AONBs and the fact that they are safeguarded, in the national interest, for nature, people, business and culture. National Landscapes are designated AONBs and consequently, the name Malvern Hills National Landscape is commonly used throughout this consultation response.</p> <p>However, since ‘AONB’ remains the legal name for the designation and policy status, including in terms of planning functions, this term is also used in appropriate places, for example, when referring to the Malvern Hills AONB Management Plan or when directly quoting from older documents. The name used for the partnership associated with the designation is the Malvern Hills National Landscape Partnership, which exists to support the conservation and enhancement of this nationally protected area. We make the following observations in respect of the consultation:</p> <ul style="list-style-type: none"> • Under the ‘Landscape and Visual Impact Assessment’ heading of the Revised Validation Consultation Document, LVIAs actually include an assessment on landscape effects and visual effects, which are two distinctive components. Proposed alternative wording as follows: “<i>Landscape and Visual Impact Assessments will be required for all proposals, that due to their scale or location are likely to have significant landscape effects and/or visual effects, or proposals within or visible from and/or to a designated Area of Outstanding Natural Beauty (AONB).</i>” Assessment on Landscape Character effects are as relevant as visual effects. 	Noted. Validation Document updated accordingly.

Summary of Comments	Officer Response
<ul style="list-style-type: none"> • Under ‘Further Information’ aspect of the Landscape and Visual Impact Assessment’ heading of the Revised Validation Consultation Document, as per Policy BDP2 of the Malvern Hills AONB Management Plan 2019-2024, itself a statutory plan and a material planning consideration in decision-making, “<i>Development in the AONB and its setting should be in accordance with good practice guidance</i>” • “. Our guidance and Position Statements are freely available to assist those considering development in the National Landscape, including decision-makers: https://www.malvern-hills-nl.org.uk/our-work/planning/guidance-documents/. It therefore may be appropriate to also direct applicants to our Guidance to help inform any future planning applications the County Council receives both within the Malvern Hills National Landscape and/or its Setting. • Under the ‘Further Information’ of the ‘Lighting Assessment’ heading of the Revised Validation Consultation Document, as per Policy BDP2 of the Malvern Hills AONB Management Plan 2019-2024, itself a statutory plan and a material planning consideration in decision-making, “<i>Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership</i>”. Our guidance and Position Statements are freely available to assist those considering development in the National Landscape, including decision-makers: https://www.malvern-hills-nl.org.uk/our-work/planning/guidance-documents/. It therefore may be appropriate to also direct applicants to our revised Lighting Guidance to help inform any future planning applications the County Council receives both within the Malvern Hills National Landscape and/or its Setting. • Checklist 1 (County Council’s Own Developments), Checklist 2 (Outline Planning Applications), Checklist 3 (Mineral Working), Checklist 4 (For Waste Management Facilities (Except Landfill)), Checklist 5 (Landfill), Checklist 8 (Advertisements) and Checklist 10 (Removal or Variation of Conditions) should be expanded under ‘Lighting Assessment’ to include where it may have an impact upon the designated Area of Outstanding Natural Beauty (AONB). As identified within the Malvern Hills AONB Management Plan 2019-2024, one of the Special Qualities (Those aspects of the area’s natural beauty, wildlife and cultural heritage, that make the area distinctive and are valuable, particularly at a national scale) of the AONB is “<i>A sense of remoteness and tranquillity, underpinned by dark night skies and limited noise and disturbance. People feel calm and spiritually refreshed.</i>” 	

Summary of Comments	Officer Response
<ul style="list-style-type: none"> • The same checklists should be expanded under ‘Landscape and Visual Impact Assessment’, as LVIAs include an assessment on landscape effects and visual effects, which are two distinctive components. Proposed alternative wording as follows: <i>“Landscape and Visual Impact Assessment: This information is required for all proposals, that due to their scale or location are likely to have significant landscape effects and/or visual effects, or proposals within or visible from and/or to a designated Area of Outstanding Natural Beauty (AONB).”</i> We say this as whilst it is raised under ‘Landscape and Visual Impact Assessment’ under the Revised Validation Consultation Document, this does not carry over into the Checklists. • As per Policy BDP2 of the Malvern Hills AONB Management Plan 2019-2024, itself a statutory plan and a material planning consideration in decision-making, <i>“Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership”</i>. Our guidance and Position Statements are freely available to assist those considering development in the National Landscape, including decision-makers: https://www.malvernhillsonline.org.uk/our-work/planning/guidance-documents/. It therefore may be appropriate to also direct applicants to our Guidance to help inform any future planning applications the County Council receives both within the Malvern Hills National Landscape and/or its Setting. <p>We trust you will take the above into consideration, particularly in light of the recent amendments to the Countryside and Rights of Way Act (2000), following the introduction of the Levelling Up and Regeneration Act (2023). Please do not hesitate to contact us for further information if needed but we hope the above comments are constructive to enable improved quality of applications to avoid delays once validated.</p>	
Canal and River Trust	VAL24-009
<p>We are the charity who look after and bring to life 2000 miles of canals and rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Canal and River Trust is a statutory consultee in the Development Management</p>	<p>Noted.</p>

Summary of Comments	Officer Response
<p>process, and as such we welcome the opportunity to input into planning policy related matters to ensure that our waterways are protected, safeguarded and enhanced within an appropriate policy framework. The trust has reviewed the document and based on the information available we have no comment to make.</p>	
Coal Authority	VAL24-010
<p>Thank you for your notification of 29 January 2024 seeking the views of the Coal Authority on the above. The Coal Authority is non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>We commented on the former Validation List consultation in a response to the LPA dated 30th August 2023. We noted that were pleased to see that the Validation List includes requirements for submission of a Coal Mining Risk Assessment and signposting to the Coal Authority website.</p> <p>I can confirm we have no additional comments in respect of the revisions made to the Validation Document.</p>	Noted.
Historic England	VAL24-011
<p>Thank you for the consultation on the above document. As the Government’s adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.</p> <p>We note that current revisions relate to changes arising from the revised NPPF and Biodiversity Net Gain legislation and associated guidance.</p> <p>Whilst we have no comments to make on those matters we would refer you to our previous response of 5 September 2023 in respect of the Heritage Statement section. At that time, we sought removal of the sentence that read 'Advice on the need for Listed Building Consent (LBC) should be sought from Historic England'. We note that the text remains in the document.</p> <p>To clarify, Historic England does not provide advice on whether LBC is required or not, it is the relevant Local Planning</p>	Noted. Validation Document updated accordingly.

Summary of Comments	Officer Response
<p>Authority's responsibility to provide that advice. As such, we would again request that the sentence is removed from the document, or altered as suggested in our advice of 5 September 2023.</p> <p>We would be grateful if you could confirm that the document has been updated to remove the sentence as requested.</p> <p>Do not hesitate to contact me should you have any queries.</p>	
Earth Heritage Trust	VAL24-012
<p>Thank you for inviting Herefordshire and Worcestershire Earth Heritage Trust to comment on the revised Planning Validation Document.</p> <p>I am responding on behalf of H&WEHT as a trustee.</p> <p>There is concern that the conditions for requiring a Geodiversity Assessment may be too limited, especially where extensive mineral workings are involved. The WMLP recognises that generally the presence of buried features of geological interest will be unknown until mineral works begin. Some may be discovered at an investigative stage, while others can be revealed only once extraction has commenced.</p> <p>Further, the removal of large volumes of rock will always involve a loss of geodiversity. This is inconsistent with the WMLP Policy 36 which requires that all mineral extraction projects should "conserve and enhance" geodiversity and outlines how this should be achieved.</p> <p>Hence it is proposed that all Mineral Working Applications should be required to conduct a Geodiversity Assessment and provide for a set of geo-conservation measures appropriate to the geodiversity lost in line with WMLP policy. This will affect Checklist 3.</p> <p>Also, the wording of Appendix 2 (Geodiversity and Local Requirements) is rather unclear regards "Other Geodiversity Conservation Features". It would be useful to have a little more time to consider how this might be clarified.</p>	<p>Noted. Validation Document, including Appendix 2 updated to require Geodiversity Assessment for all mineral developments.</p>

Summary of Comments	Officer Response
Worcestershire Wildlife Trust	VAL24-013
<p>Thank you for sending us details of Worcestershire County Council's Revised Planning Validation Document consultation. We are pleased to note the contents of the associated draft document, the checklists and appendices and we welcome the opportunity to feed back our views on this important piece of work.</p> <p>In general, we are fully supportive of the recommendations set out in the consultation document and believe that they are fit for purpose. Our detailed comments are constrained to specific areas around biodiversity and the environment and our silence on other aspects of the paper can be read as endorsements of the proposed requirements, which seem sensible to us.</p> <p>We have only a few detailed comments to make as follow.</p> <ol style="list-style-type: none"> 1. In the section titled 'BIODIVERSITY NET GAIN When might it be required?' we recommend adding the word 'legally' to the latter part of the 5th paragraph so that it reads as follows. <i>'Therefore, although evidence of this is not <u>legally</u> required (but is encouraged) at validation stage, the County Planning Authority recommends that the Biodiversity Gain Hierarchy is fully considered and applied by applicants throughout the planning process to avoid possible delays later on.'</i> We believe that this would better reflect the council's clear desire to have as much evidence on BNG as possible at validation to aid progress of the application thereafter. This aspiration is neatly picked up by comments later on in the BNG chapter and is something we fully endorse. A lack of sufficient evidence on BNG prior to determination could compromise the council's ability to determine likely impacts on biodiversity and therefore whether an application can be considered policy compliant. While explicit details may be submitted under planning conditions we fully endorse the proposed draft maps and management plans picked out in the last four bullet points under the section titled 'Biodiversity Net Gain maps'. 2. We welcome and support the section on 'Planning Policy/Legislation Drivers' but note that in some places it is already out of date and will require minor amendments prior to publication. It seems likely that the Government will continue to add to the body of guidance around BNG for some time and so further updates may also be anticipated in the near future. 3. We fully support the commentary under the section titled 'ECOLOGICAL IMPACT ASSESSMENT AND ECOLOGICAL SURVEYS AND REPORTS', noting that minor rewording may be needed in relation to BNG implementation. 4. We fully support the commentary under the section titled 'HABITATS REGULATIONS ASSESSMENT'. 5. We fully support the commentary on bats and other ecological receptors under the section titled 'LIGHTING 	<p>Noted. Validation Document updated accordingly.</p>

Summary of Comments	Officer Response
<p>ASSESSMENT’ and we endorse the wording on the close links between lighting considerations and ecological assessments.</p> <p>6. We support the wording set out under the section titled ‘SURFACE WATER DRAINAGE STRATEGY’ and we are particularly pleased to welcome the wording around design-exceedance. It would be helpful to make explicit reference to the opportunity for SUDS to be designed to benefit biodiversity (perhaps even specifically in relation to on-site BNG requirements). This could perhaps form an adjunct to the sentence on grey water recycling so that it reads ‘<i>Consideration should be given to greywater collection and usage and to opportunities to deliver on-site BNG through appropriately designed SUDS</i>’. This could then cross-reference guidance in the BNG and ecological impact assessment sections.</p> <p>7. We are pleased to support the references to biodiversity (both in terms of BNG and ecological assessment) in the 10 checklists and endorse their inclusion where they have been added.</p> <p>8. We support and are pleased to endorse the commentary set out in ‘Appendix 1 - Biodiversity and Local Requirements for Protected Species’. There may however be a need for some minor re-wording in relation to mandatory BNG to bring it up to date.</p>	
<p>Worcestershire Regulatory Services</p>	<p>VAL24-014</p>
<p>Worcestershire Regulatory Services (WRS) is the Shared Environmental Health and Licensing Service for all six Worcestershire District Councils, hosted by Bromsgrove District Council. WRS is based at Wyre Forest District Council offices in Kidderminster but we operate across the county and for some service areas wider afield. As part of Bromsgrove District Council we are committed to being a customer driven organisation, with our customers at the heart of everything we do; focused on improving on delivery services that make a difference to the community that we serve.</p> <p><u>Introduction</u></p> <p>WRS general approach to dealing with environmental protection matters when consulted by local planning authorities (LPA) is set out in our technical guidance document, published on our website. It was last updated in November 2022 and gives detailed advice on Contaminated Land, Air Quality, Light Pollution, Noise and Vibration and Odour. Experienced planning applicants are advised to use this document to assist in their own pre-application screening process as to whether their proposals will require assessment for suitability.</p>	<p>Noted.</p>

Summary of Comments	Officer Response
<p>Under the NPPF Paragraph 180, Planning policies and decisions should contribute to and enhance the natural and local environment by: ...</p> <p>(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.</p> <p>Detailed guidance on the measures likely to be required for planning validation and planning applications are WRS Technical Guidance see wrs-technical-guidance-document-for-planning-v-5-6-final.pdf (worcsregservices.gov.uk).</p> <p>We have not considered the whole of the document but offer the following comments on particular sections of your draft document</p> <p><u>Air Quality Assessment (page 10)</u></p> <p>Under NPPF Para 192, planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Air quality mitigation measures are ideally integrated into a development's design. Where this is not the case there are other tools that can be used within the planning process to secure required mitigation measures or development of necessary infrastructure.</p> <p>Poor air quality remains the biggest environmental threat to public health. Air quality interventions should be designed in a way which takes account of the disparities in exposure to and impacts from poor air quality. Air pollution also harms the natural environment, affecting our biodiversity, waterways and crop yields. In particular, emissions of ammonia have reduced more slowly than the other key pollutants and continue to damage sensitive natural habitats, adding to our existing challenges around house building with nutrient neutrality.</p> <p>In 2017, the government, jointly with the Local Government Association, published guidance for directors of public health on the role they should play in addressing air quality. The Public Health Outcomes Framework includes an indicator on mortality</p>	

Summary of Comments	Officer Response
<p>attributed to particulate matter, which local authorities should seek to improve. In 2023, legally binding targets were agreed to reduce population exposure of PM2.5, to reduce population exposure by 35% in 2040 compared to 2018 levels, with a new interim target to reduce by 22% by the end of January 2028, see The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 (legislation.gov.uk), Paragraph 2.1 of Air Quality Strategy 2023: framework for local authority delivery (https://www.gov.uk/government/publications/the-air-quality-strategy-for-england/air-quality-strategy-framework-for-local-authority-delivery) and Goal 2 “Clean Air” of the Environmental Improvement Plan 2023 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168372/environmental-improvement-plan-2023.pdf).</p> <p>Air quality needs to be considered where development is proposed in or near to an AQMA or areas of emerging poor air quality. Air quality must also be considered where development is proposed outside of Air Quality Management Areas (AQMAs) and areas of poor air quality if the proposed development is likely to result in an increase in emissions arising from road traffic and/or relevant point sources.</p> <p>Given the variety of possible developments and site-specific conditions dependant on location it is not possible to provide prescriptive criteria as to when an air quality assessment will be required. Each development is unique and conditions will be site specific. Developers and consultants are advised to liaise with the planning authority at pre-application stage to determine whether or not an assessment is needed. Any development that is proposed in areas of poor air quality or where there are potential significant impacts on air quality from the development an appropriate air quality assessment will be required. An assessment must take into account the potential cumulative impacts from committed development in the local area as well as the actual development itself and consider impacts on areas of poor air quality in the locality, such as any AQMAs. Given the nature of mineral applications, many of which are likely to be significant developments which are likely to have an adverse influence on existing areas of poor air quality in terms of traffic to/from the sites, crushing and power generation and other related activities.</p> <p>Where an air quality assessment, that is acceptable to the Local Authority, indicates that a development will cause a significant detrimental impact or result in exposure to pollutant concentrations that exceed the national objective, adequate and satisfactory mitigation measures should be secured before the granting of planning permission. In addition, general mitigation measures (such as Electrical Vehicle Charging Points, Low Emission Boilers, Secure Cycle Parking) should be applied to all new</p>	

Summary of Comments	Officer Response
<p>development to help offset the incremental creep in pollutant emissions.</p> <p>Advice on what an air quality assessment should contain is contained in Section 3.5 of our Technical Guidance, including an overview of the proposed development, dispersion Modelling, Model Input Data, Model scenarios, Modelling Requirements for Point Sources, Monitoring, Model Accuracy Verification, Assessment of Impacts, Cost of Impacts, Data requests and file formats.</p> <p>Further, Industrial Emissions are known still to be a significant emitter of air pollution. Environmental Permits are issued by the Environment Agency and Local Authorities as a way of controlling the pollution from certain industries under the “polluter pays” principals. Detailed guidance on the permitting process is contained at https://www.gov.uk/topic/environmental-management/environmental-permits and at https://www.worcsregservices.gov.uk/all-services/pollution/industrial-pollution/</p> <p>More complex plants tend to be permitted by the Environment Agency and less complex, often smaller processes are usually permitted by the local authority. Part A1 processes that are permitted by the Environment Agency include:</p> <ul style="list-style-type: none"> • Energy activities • Production and processing of materials • Mineral Industries • Chemical Industries • Waste Management (not all) • Other Activities <p>In some parts of the country permitted processes can contribute to the declaration of AQMA’s. Resolution of any non-compliance of a process with their permit is essential to controlling emissions.</p> <p>Local authorities issue environmental permits in relation to Part A(2) or Part B activities, Small Waste Incinerating Plants (SWIPs) and Solvent Emissions Activities.</p> <p>A Part A(2) permit is required for the following activities:</p>	

Summary of Comments	Officer Response
<ul style="list-style-type: none"> - Refining gas - Casting/melting ferrous and non-ferrous metals with a capacity of 20 tonnes per day - Applying fused metal coatings with a capacity of 2 tonnes hour - Surface treating metals and plastic materials with an aggregated vat volume exceeding 30m³ that involves another A2 or B activity - Grinding cement clinker or metallurgical slag - Glass manufacturing with a melting capacity of 20 tonnes per day - Ceramic product manufacturing, including roof tiles and bricks, with a capacity exceeding 75 tonnes per day - Manufacturing wood-based boards, e.g. plywood, with a capacity exceeding 600m³ a day. – Surface treatment with organic solvents with a capacity exceeding 200 tonnes per year - Preservation of wood with chemicals with a capacity exceeding 75m³ a day - New tyre manufacturing - Disposing of or recycling animal carcasses with a capacity exceeding 10 tonnes per day. <p>A Schedule 13 Small Waste Incinerators is required when incinerating waste in an appliance that has the capacity of: – Less than 3 tonnes per hour for non-hazardous waste. – Less than 10 tonnes per day for hazardous waste.</p> <p>A Part B permit is required for the following activities</p> <ul style="list-style-type: none"> - Storage of fuels in terminals - Vehicle refuelling at service stations - Casting/melting ferrous/non-ferrous metals below A2 threshold - Metal decontamination using a furnace - Surface treatment of metals in a vat under 30m³ - Cement and lime processing - Manufacturing glass below A2 threshold - Crushing and screening of bricks, tiles, concrete and virgin minerals - Heating and processing of virgin minerals - Roadstone coating plants - Manufacturing ceramic products below A2 threshold 	

Summary of Comments	Officer Response
<ul style="list-style-type: none"> - Use of isocyanates - Incineration of clean waste biomass - Human and animal crematoria - Tar and bitumen activities - Coating activities using solvents including car body repair shops - Manufacturing of coating materials - Manufacturing products out of timber - Processing and storing vegetable or animal matter - Breeding maggots. <p>A Schedule 14 solvent emissions permit is required for the following activities are above the relevant threshold:</p> <ul style="list-style-type: none"> - Printing activities - Coating activities - Manufacturing activities using solvents - Surface cleaning and dry cleaning. <p>A public register of the current permitted processes in Worcestershire County area are at https://www.worcsregservices.gov.uk/all-services/pollution/technical-pollution-public-register/</p> <p>Further, the Environmental Permitting Regulations 2018 implemented the Medium Combustion Plant Directive (MCPD) and introduced additional controls on specified generators. The MCPD introduces new requirements on emissions of sulphur dioxide, nitrogen oxides and particulate matter from combustion plant with a capacity more than or equal to 1 megawatt thermal (MWth) and less than 50MWth burning any fuel. Tighter controls on nitrogen oxides from specified generators (plant that generate electricity) were also introduced for MCP and some plant below 1MWth. The controls apply to all new MCP and will apply to existing MCP (those first used pre-December 2018) in 2025 or 2030 depending on their capacity.</p> <p>Non-Road Mobile Machinery (NRMM) 10.9 NRMM includes mobile machines and transportable equipment or vehicles which are fitted with an internal combustion engine which are not intended for transporting passengers or goods on roads.</p>	

Summary of Comments	Officer Response
<p><u>Chimney Height (page 16)</u> A separate section on Chimney Height calculations is, in our opinion, not required as this will usually be dealt with by the LAQM process. On the DEFRA LAQM website, a chimney height calculation spreadsheet for sulphur dioxide emissions from small boilers is available. This document allows for an initial screening assessment. It should be noted that this model is based on calculations from a superseded version of ADMS modelling software. However, it is still considered useful as an initial screening exercise. Results should be treated with caution especially where the model predicts results close to Air Quality Objective levels. In addition, a report giving supplementary assistance on stack height determination in relation to sulphur dioxide emissions from small boilers can also be downloaded. See https://laqm.defra.gov.uk/?post_type=aq_reporting&p=1711</p> <p><u>Contaminated Land Assessment (page 21)</u> <i>Under NPPF Para 189 Planning policies and decisions should ensure that:</i> <i>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</i> <i>b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</i> <i>c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.</i> <i>And NPPF Para 190</i> <i>Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.</i></p> <p>The NPPF requires that planning policies and decisions ensure that a site is suitable for the proposed use following development of the site. Risks from contamination should be appropriately assessed and investigated by competent persons with relevant experience in the discipline. It is the responsibility of the developer and landowner to ensure a safe and suitable development. Contaminated land assessments should be carried out in accordance with relevant guidance and best practice, namely DEFRA and the Environment Agency's Land contamination risk management (LCRM) - GOV.UK (www.gov.uk) and BS10175: Code of Practice for Investigation of Contaminated Land.</p>	

Summary of Comments	Officer Response
<p>Where a site is known or suspected of being impacted by contamination, or an application is for a particularly vulnerable end use, it is recommended that a Preliminary Risk Assessment (as a minimum) is provided in the first instance. The assessment should include a review of all available environmental information for a site, historical review of the land use, and site walkover. The report should contain a suitably detailed conceptual site model and risk assessment for the site based upon the findings of the review. This assessment should then be used to inform the requirements for further work as required such as appropriate site investigation and development of remedial or mitigation measures as necessary.</p> <p>Assessments should take account of offsite sources of contamination, as well as onsite sources, that could impact upon the proposed development. This is particularly relevant where there may be former landfill sites or other significant areas of infilled ground near to the proposed development which may be sources of ground gas that have the potential to migrate offsite. In these circumstances it would be necessary to carry out a gas risk assessment that may require gas monitoring to be undertaken.</p> <p>Further information in respect of contaminated land and requirements for assessment is available within Chapter 4 of the wrs-technical-guidance-document-for-planning-v-5-6-final.pdf (wrcsregservices.gov.uk).</p> <p><u>Mitigation and Monitoring of Emissions (Dust, Noise Odour, Vibration)</u></p> <p>The prevention and mitigation of nuisance is a key consideration in planning consultations. Statutory Nuisance (see s79 of the Environmental Protection Act 1990), covers the following as nuisances:</p> <p><i>(a) any premises in such a state as to be prejudicial to health or a nuisance;</i> <i>(b) smoke emitted from premises so as to be prejudicial to health or a nuisance;</i> <i>(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;</i> <i>(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;</i> <i>(e) any accumulation or deposit which is prejudicial to health or a nuisance;</i> <i>(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;</i> <i>(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;]</i> <i>(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;]</i> <i>(g) noise emitted from premises so as to be prejudicial to health or a nuisance;</i></p>	

Summary of Comments	Officer Response
<p><i>(ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street [F6or in Scotland, road];]</i> <i>(h) any other matter declared by any enactment to be a statutory nuisance;</i></p> <p>In lieu of this, linking to the requirements of Paragraph 191 of the NPPF, planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. All the above “statutory nuisances” have been identified to have a material effect on human health and accordingly, any development should be to design out, mitigate or control the effects of any pollution arising from the construction and/or operational life of the development.</p> <p>In most cases, the measures likely to be required are detailed in the WRS Technical Guidance see wrs-technical-guidance-document-for-planning-v-5-6-final.pdf (worcsregservices.gov.uk) with more specific bespoke measures required for more complex applications.</p>	
<p>Hereford and Worcester Gardens Trust</p> <p>I am writing on behalf of Hereford and Worcester Gardens Trust (HWGT) and in response to your consultation regarding the Planning Validation Document. HWGT are pleased to note that a Heritage Statement will be required when development proposals are likely to affect a Registered Park or Garden and its setting. (These are parks and gardens Registered by Historic England). However, we are concerned that unregistered parks and gardens of local importance are still not mentioned. We recommend that the final bullet point itemizing when a Heritage Statement would be required is amended as below:</p> <ul style="list-style-type: none"> • Which would affect a historic building, structure, park or garden registered on the county Historic Environment Record. 	<p>VAL24-015</p> <p>Noted. Validation Document updated accordingly.</p>
<p>Earth Heritage Trust</p> <p>Many thanks for inserting the proposed amendments and giving us the opportunity for further comment.</p> <p>Regards the Geodiversity Assessment, I am satisfied that the amended version brings it in line with WMLP. I would simply further suggest that the requirement for a suitably qualified person applies in all cases. See attached document with tracked changes and comments.</p>	<p>VAL24-016</p> <p>Noted. Validation Document updated accordingly.</p>

Summary of Comments	Officer Response
<p>Regards Appendix 2, I think you sent an unchanged version. Please see attached for my suggested amendments and comments, which are hopefully in line with your thinking on this.</p> <p>Please let me know if I can help further on this.</p>	