

# Worcestershire County Council

## Validation Document Consultation Response Document

### January 2024

**Document Details:**

Date: January 2024

Document Location: [www.worcestershire.gov.uk/planning-applications](http://www.worcestershire.gov.uk/planning-applications)

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## Table of Contents

Introduction.....	2
Comments and Responses .....	3
County Archaeology.....	3
Hereford and Worcester Gardens Trust.....	3
Sustrans.....	4
Lead Local Flood Authority.....	5
Worcestershire Wildlife Trust .....	6
Sport England .....	8
Coal Authority .....	8
Canal and River Trust .....	9
Charlton, Cropthorn and Fladbury Parish Council .....	9
Worcestershire Regulatory Services .....	11
Environment Agency .....	20
Worcestershire Wildlife Trust (Further Comments) .....	24
Historic England.....	25
Natural England .....	25

## 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 9 weeks and 1 day (to take account of School Summer Holidays and the August Bank Holiday) from 10 July to 12 September 2023. 14 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 application<sup>1</sup>. 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.

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<sup>1</sup> 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
<b>County Archaeology</b>	<b>VAL23-001</b>
<p>“Thank you for consulting us on the WCC Validation Document. We have one comment on the proposed new document, within the section Heritage Statement: When might it be require?”</p> <p>The third paragraph reads:</p> <ul style="list-style-type: none"> <li>• “Advice on the need for Listed Building Consent should be sought from Historic England.”</li> </ul> <p>The original sentence said:</p> <ul style="list-style-type: none"> <li>• Advice on the need for Listed Building Consent should be sought from the relevant District Conservation Officer. Advice on the need for Scheduled Monument Consent should be sought from Historic England, Ancient Monuments Society and/or the County Historic Environment Planning Advisors.</li> </ul> <p>We recommended in April changing this to:</p> <ul style="list-style-type: none"> <li>• Advice on the need for Listed Building Consent should be sought from the relevant District Conservation Officer. Advice on the need for Scheduled Monument Consent should be sought from Historic England.</li> </ul> <p>Sorry if the earlier advice was not clear about which wording should be deleted.</p>	<p>Comments noted, document revised accordingly.</p>
<b>Hereford and Worcester Gardens Trust</b>	<b>VAL23-002</b>
<p>Dear Sir,</p> <p>I am writing on behalf of Hereford and Worcester Gardens Trust (HWGT) and in response to your consultation regarding the Validation Document.</p> <p>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.</p>	<p>Comments noted, document revised accordingly.</p>

Summary of Comments	Officer Response
<p>However, we are concerned that unregistered parks and gardens of local importance are 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"> <li>• Which would affect a historic building or structure registered on the County Historic Environment Record</li> <li>• Which would affect a historic building, structure or park or garden registered on the County Historic Environment Record</li> </ul>	
Sustrans	VAL23-003
<p>Sustrans welcomes the opportunity to comment on the draft 2023 validation document.</p> <p>Our comments directly relate to pages 87-89 “Transport Assessment/Statement” and “Travel Plan”</p> <p>It is pleasing to see the focus on a package of practical measures to encourage residents, employees, students and visitors to consider their travel options or reduce the need to travel by car. In addition, we would like to see the following added where appropriate, particularly where it relates to Major Applications for over 50 residential units, Applications for commercial development (including retail) of over 1000 sq.m, and Applications for schools and nurseries, hospitals, places of worship and others where the proposed development would have significant transport implications:</p> <p>Transport Assessment should include:</p> <ul style="list-style-type: none"> <li>- Baseline conditions</li> <li>- Trip generation, distribution and modal share</li> <li>- Impacts – road network (including loading)</li> <li>- Impacts – cycle and pedestrian routes</li> <li>- Impacts – parking</li> <li>- Impacts – public transport network</li> <li>- Mitigation and planning obligations</li> </ul> <p>Additional guidance could be given as follows:</p> <ul style="list-style-type: none"> <li>- The TA should give details of the impacts on traffic movement and highway safety and assess how alternative modes of transport could be accessed along with proposing measures to improve access by public transport, walking and cycling, to</li> </ul>	<p>Comments are noted, but many of the developments listed are dealt with by the relevant District Council, rather than the County Council, as the County Planning Authority, and are thus not relevant. However, the Transport Assessment / Statement Section has been updated to reflect the Government's</p>

Summary of Comments	Officer Response
<p>reduce the need for parking associated with the proposal, and to mitigate transport impacts.</p> <ul style="list-style-type: none"> <li>- We would also recommend embedding the Healthy Streets Design check which can be found here: <a href="https://www.healthystreets.com/resources">https://www.healthystreets.com/resources</a> (please reach out if you'd like more details on this recommendation)</li> </ul> <p>Transport Statement This recommendation we would advise to also cover applications proposing residential development of 10-50 units. Should include:</p> <ul style="list-style-type: none"> <li>- The expected trip generation</li> <li>- The access to public transport and any other sustainable modes of transport in the area</li> <li>- Expected impact on parking</li> </ul> <p>Travel plan We would recommend this especially relates to all major planning applications, other which are likely to have significant transport implications (such as schools, nurseries and hotels), and all applications requiring the submission of a Transport Assessment</p> <p>Sustrans recommends developing a specific guidance doc that relates to Worcestershire's relevant policy documents and upcoming LCWIPs, in addition to national guidance. A good practice of this is from TfL: <a href="https://content.tfl.gov.uk/what-a-travel-plan-should-contain.pdf">https://content.tfl.gov.uk/what-a-travel-plan-should-contain.pdf</a> which could be adapted to the local Worcestershire context and aims</p> <p>S Send to KH, note we are a CPA</p>	<p>guidance on Transport Plans, Transport Assessments and Statements, together with the Council's Streetscape Design Guide, which sets out more detailed guidance on when a Transport Assessment / Statement is required and what it should include.</p>
<p><b>Lead Local Flood Authority</b></p>	<p><b>VAL23-04</b></p>
<p>Many thanks for the consultation on the Validation Document Review. I would ask for one change, if possible?</p> <p>The 'Surface Water Drainage Strategy' page currently contains the line: "if a soakaway is to be used, proof of porosity test with accompanying calculations to prove its capability will be required"</p> <p>Whilst this statement is correct I feel it could be mistakenly extrapolated to mean: "if no soakaways are to be used, no porosity test is needed"</p>	<p>Comments noted, document revised accordingly.</p>

Summary of Comments	Officer Response
<p>Can this be changed to: “For all developments, on-site permeability testing will be required, with the preference being for surface water run-off being directed to soakaways in all instances where the permeability is shown to be suitable”</p>	
<p><b>Worcestershire Wildlife Trust</b></p>	<p><b>VAL23-05</b></p>
<p>Thank you for sending us details of this consultation. For the most part we are please to support the guidance set out in the validation document and so the detail comments set out below should be seen in that supportive context. Where we remain silent on a policy section it is because it falls outside our remit or because we are content with the current wording. Otherwise, there are just a few minor tweaks that we believe would make the document more robust and would be in line with the wider trajectory of environmental legislation and policy. These are set out below:</p> <p>1: Biodiversity Net Gain The BNG guidance seems appropriate to us. We accept the use of the Worcestershire Biodiversity Delivery Areas and the Priority Habitats Networks data layers from the WHI in relation to strategic significance weighting in the metric until such time as the LNRS (or legislative requirements) are finalized. At that point the guidance here will need updating.</p> <p>2: Daylight/Sunlight Assessment We are pleased to note the need for lighting assessments to consider the impacts on species and habitat. We would however recommend widening this approach from just designated sites and protected species to Habitats and Species of Principle Importance listed under Section 41 of the Natural Environment and Rural Communities Act 2006. This would provide a better fit with wider biodiversity policy and legal requirements, including considerations of biodiversity net gain and nature recovery networks to be guided by the LNRS. In addition, it would be helpful to expand the guidance on what is needed in terms of a lighting assessment in relation to wildlife (or at least to link to the more detailed descriptions under that section later in the guidance document). While the reference to the BCT guidance is helpful you may wish to add more commentary to the guidance in consultation with the Council’s in house ecologists, who have considerable expertise in this area. In our view, the same approach should be taken in relation to noise assessments where noise may also have an effect on species and habitats of principle importance.</p> <p>3: Ecological Surveys and Reports</p>	<p>1: Noted. The Biodiversity Net Gain section revised in line with the recently published draft legislation and guidance.</p> <p>2: Noted. In consultation with the County Ecologist, it has been decided that these amendments should refer to the Lighting Assessment. The document has been revised accordingly.</p>

Summary of Comments	Officer Response
<p>We are pleased to support the commentary regarding ecological surveys and reports but note that minor amendments may be helpful so that the first sentence of the 'What should it include' section reads 'EcIA should be able to demonstrate that proposed development will not have an adverse impact on biodiversity and that the mitigation hierarchy (avoid, mitigate, compensate) has been followed through the design process. It is likely that Protected Species Surveys and Assessments, Habitat Surveys and Assessments and/or Designated Sites Impact Assessments will be required (see Appendix 1)'.</p>	<p>3: Noted, document revised accordingly.</p>
<p>4: Foul Sewage Drainage Strategy / Utilities Assessment  We would recommend that the third bullet under '<i>A Utilities Assessment should demonstrate</i>' should be amended to read '<i>That service routes have been planned to avoid as far as possible the potential for damage to biodiversity...</i>' rather than just trees. This would be more in keeping with wider biodiversity policy and legislative requirements.</p>	<p>4. Noted, document revised accordingly.</p>
<p>5: We are please to support the commentary set out in the Habitats Regulations Assessment section.</p>	<p>5 and 6: Noted.</p>
<p>6: We are pleased to support the commentary set out in the Lighting Assessment section.</p>	<p>7: Noted, document revised accordingly.</p>
<p>7: Surface Water Drainage Strategy. We welcome the commentary in this section but we would recommend adding in a final sentence regarding the need to consider design-exceedance events. In particular we recommend a comment along the lines of 'Consideration should be given to design-exceedance events. An assessment should be made in relation to flows and impacts on downstream watercourses in the event of failures in the system (including those arising from greater-than-anticipated rainfall events). Attention should be given to effects on biodiversity as well as health and safety for downstream communities.</p>	<p>8: Noted, document revised accordingly in consultation with the County Ecologist.</p>
<p>8: We welcome the commentary set out in Appendix one but we do not believe that breeding bird surveys can be carried out all year. They may be best undertaken between mid-March and mid-July (though some species do fall outside these times and so expert interpretation will be needed to inform survey decisions in some cases). Winter bird surveys may also be important for some species, especially in relation to those making use of functionally linked land. This ought to form a separate line in the survey calendar. Similarly, we consider that a wider range of buildings may offer potential for nesting birds than the trigger list suggests. We recommend that this is revisited with advice from the Council's in-house ecologist with revisions made as required.</p>	



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<b>Sport England</b>	<b>VAL23-006</b>
<p>They attach a copy of the consultation guidance checklist prepared by themselves (in email), and that further information can be found on their website at: <a href="http://www.sportengland.org/playingfieldspolicy">http://www.sportengland.org/playingfieldspolicy</a></p>	<p>Noted, and reference included in Validation Document requiring applicants to adhere to Sport England's Information Requirements, as set out in Annex B of their Playing Fields Policy and Guidance, which is a copy of the consultation guidance checklist.</p>
<b>Coal Authority</b>	<b>VAL23-007</b>
<p>Thank you for your notification received on the 10<sup>th</sup> July 2023 in respect of the above consultation.</p> <p>The Coal Authority is a 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</p>	<p>Noted.</p>

Summary of Comments	Officer Response
<p>the public and the environment in mining areas.</p> <p>Our records indicate that within the Worcestershire County Council area there are recorded coal mining features present at surface and shallow depth including; mine entries, coal workings and reported surface hazards. These features may pose a potential risk to surface stability and public safety.</p> <p>We are pleased to see that the Validation List includes the requirements for submission of a Coal Mining Risk Assessment and provides signposting to the Coal Authority website and the policy driver for users of the document so that they can better understand the reasons for the request. We support the validation list as proposed.</p> <p>Please do not hesitate to contact me should you wish to discuss this further.</p>	
<p><b>Canal and River Trust</b></p>	<p><b>VAL23-008</b></p>
<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 &amp; River Trust (the Trust) is a statutory consultee in the Development Management 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.</p> <p>The Trust have reviewed the document/policies contained within the document and based on the information available we have no comment to make.</p>	<p>Noted.</p>
<p><b>Charlton, Crophorn and Fladbury Parish Council</b></p>	<p><b>VAL23-009</b></p>
<p>I am responding on behalf of Charlton, Crophorne and Fladbury Parish Councils to the Planning Validation Document Consultation as follows:</p> <p>At present Checklist 3 of the proposed document on Mineral Working states <i>“Transport Assessment/Transport Statement: This</i></p>	<p>Noted, however, it is considered that the matters raised are too</p>

Summary of Comments	Officer Response
<p><i>information is required where the proposed development has significant transport implications. For smaller schemes a Transport Statement is required</i>". Given that the laden weight of vehicles accessing/leaving mineral sites will include lorries fully loaded with the mineral being extracted we are strongly of the opinion that a full Transport Assessment should be required with all applications. The following comment should be deleted "For smaller schemes a Transport Statement is required."</p> <p>Given the excessive lorry weights in addition there should be a statement stating that direct access to the Strategic Road Network is strongly preferred. In cases where this is not available at a minimum the Transport Assessment statement must include:</p> <ul style="list-style-type: none"> <li>• Details of the roads to be used to access the Strategic road Network.</li> <li>• Bearing in mind that some country lanes have no foundations there should be a requirement for all the roads being used to access the Strategic Road Network to be detailed in the assessment.</li> <li>• Further information on the ability of the road to take the loads should also be listed.</li> <li>• The impacts on all residents/communities along the route to the Strategic Road Network should also be detailed.</li> <li>• There should be a comment that any road which is subject to an existing weight restriction cannot be used to access any mineral site. This will involve the need for suitable alternative access to be made.</li> </ul> <p>There is no comment in the document as to the weighting that WCC will give to each criteria. The document should state that each criteria must be fully met.</p>	<p>detailed for the Validation Document, the purpose of which is to determine whether a planning application is valid or not. It is considered that these matters would be best addressed on a case-specific basis, in consultation with the County Highways Officer. However, the Transport Assessment / Statement Section has been updated to reflect the Government's guidance on</p>

Summary of Comments	Officer Response
	Transport Plans, Transport Assessments and Statements, together with the Council's Streetscape Design Guide, which sets out more detailed guidance on when a Transport Assessment / Statement is required and what it should include.
<b>Worcestershire Regulatory Services</b>	<b>VAL23-010</b>
<p>Thank you for the opportunity and consultation to review your draft planning validation document.</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>Introduction</p>	1, 3 and 4: Comments noted, document revised accordingly, in particular reference added to the WRS

Summary of Comments	Officer Response
<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>Under the NPPF Paragraph 174, 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 <a href="https://www.worcsregservices.gov.uk/media/hfzdoheg/wrs-technical-guidance-document-for-planning-v-5-4-final.pdf">https://www.worcsregservices.gov.uk/media/hfzdoheg/wrs-technical-guidance-document-for-planning-v-5-4-final.pdf</a></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><b>1. Air Quality Assessment (page 10)</b></p> <p>Under NPPF Para 186, 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</p>	<p>latest Technical Guidance Document, as well as reference to relevant sections of WRS' website.</p> <p>1: Updated Air Quality Section to reflect comments and reference to requirements set out in WRS latest Technical Guidance Document.</p> <p>2: As recommended 'Stack Height Determination' Assessment removed from the document.</p> <p>4: Retitled</p>

Summary of Comments	Officer Response
<p>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 <a href="#">guidance for directors of public health</a> on the role they should play in addressing air quality. The Public Health Outcomes Framework includes an indicator on mortality 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 <a href="#">The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 (legislation.gov.uk)</a>. Paragraph 2.1 of Air Quality Strategy 2023: framework for local authority delivery (<a href="https://www.gov.uk/government/publications/the-air-quality-strategy-for-england/air-quality-strategy-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</a>) and Goal 2 “Clean Air” of the Environmental Improvement Plan 2023 (<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168372/environmental-improvement-plan-2023.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168372/environmental-improvement-plan-2023.pdf</a>).</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>Mitigation and Monitoring of Emissions Section.</p>

Summary of Comments	Officer Response
<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 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 <a href="https://www.gov.uk/environment/environmental-permits">https://www.gov.uk/environment/environmental-permits</a> and at <a href="https://www.worcsregservices.gov.uk/all-services/pollution/industrial-pollution/">https://www.worcsregservices.gov.uk/all-services/pollution/industrial-pollution/</a></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"> <li>• Energy activities</li> <li>• Production and processing of materials</li> <li>• Mineral Industries</li> <li>• Chemical Industries</li> <li>• Waste Management (not all)</li> <li>• Other Activities</li> </ul> <p>In some parts of the country permitted processes can contribute to the declaration of AQMA's. Resolution of any non-</p>	

Summary of Comments	Officer Response
<p>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> <ul style="list-style-type: none"> <li>• Refining gas</li> <li>• Casting/melting ferrous and non-ferrous metals with a capacity of 20 tonnes per day</li> <li>• Applying fused metal coatings with a capacity of 2 tonnes hour</li> <li>• Surface treating metals and plastic materials with an aggregated vat volume exceeding 30m<sup>3</sup> that involves another</li> </ul> <p>A2 or B activity:</p> <ul style="list-style-type: none"> <li>• Grinding cement clinker or metallurgical slag</li> <li>• Glass manufacturing with a melting capacity of 20 tonnes per day</li> <li>• Ceramic product manufacturing, including roof tiles and bricks, with a capacity exceeding 75 tonnes per day</li> <li>• Manufacturing wood-based boards, e.g. plywood, with a capacity exceeding 600m<sup>3</sup> a day. Surface treatment with organic solvents with a capacity exceeding 200 tonnes per year</li> <li>• Preservation of wood with chemicals with a capacity exceeding 75m<sup>3</sup> a day</li> <li>• New tyre manufacturing</li> <li>• Disposing of or recycling animal carcasses with a capacity exceeding 10 tonnes per day.</li> </ul> <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>	



Summary of Comments	Officer Response
<ul style="list-style-type: none"> <li>• Storage of fuels in terminals</li> <li>• Vehicle refuelling at service stations</li> <li>• Casting/melting ferrous/non-ferrous metals below A2 threshold</li> <li>• Metal decontamination using a furnace</li> <li>• Surface treatment of metals in a vat under 30m<sup>3</sup></li> <li>• Cement and lime processing</li> <li>• Manufacturing glass below A2 threshold</li> <li>• Crushing and screening of bricks, tiles, concrete and virgin minerals</li> <li>• Heating and processing of virgin minerals</li> <li>• Roadstone coating plants</li> <li>• Manufacturing ceramic products below A2 threshold</li> <li>• Use of isocyanates</li> <li>• Incineration of clean waste biomass</li> <li>• Human and animal crematoria</li> <li>• Tar and bitumen activities</li> <li>• Coating activities using solvents including car body repair shops</li> <li>• Manufacturing of coating materials</li> <li>• Manufacturing products out of timber</li> <li>• Processing and storing vegetable or animal matter</li> <li>• Breeding maggots.</li> </ul> <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"> <li>• Printing activities</li> <li>• Coating activities</li> <li>• Manufacturing activities using solvents</li> <li>• Surface cleaning and dry cleaning.</li> </ul>	

Summary of Comments	Officer Response
<p>A public register of the current permitted processes in Worcestershire County area are at <a href="https://www.worcsregservices.gov.uk/all-services/pollution/technical-pollution-public-register/">https://www.worcsregservices.gov.uk/all-services/pollution/technical-pollution-public-register/</a></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> <p><b>2. Chimney Height (page 16)</b>  A separate section on Chimney Height calculations is, in our opinion, not required as this will usually be dealt with by the LAQM process.</p> <p>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 <a href="https://laqm.defra.gov.uk/?post_type=aq_reporting&amp;p=1711">https://laqm.defra.gov.uk/?post_type=aq_reporting&amp;p=1711</a></p> <p><b>3. Contaminated Land Assessment (page 21)</b>  Under NPPF Paragraph 183 Planning policies and decisions should ensure that:</p> <p>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and</p>	

Summary of Comments	Officer Response
<p>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);</p> <p>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</p> <p>c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.</p> <p>And NPPF Para 184</p> <p>Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.</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 <a href="http://www.gov.uk">Land contamination risk management (LCRM) - GOV.UK (www.gov.uk)</a> and BS10175: Code of Practice for Investigation of Contaminated Land.</p> <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>	

Summary of Comments	Officer Response
<p>Further information in respect of contaminated land and requirements for assessment is available within Chapter 4 of the <a href="#">WRS Technical Guidance Document</a>.</p> <p><b>4. Mitigation and Monitoring of Emissions (Dust, Noise Odour, Vibration)</b></p> <p>The prevention <b>and</b> 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> <ul style="list-style-type: none"> <li>(a) any premises in such a state as to be prejudicial to health or a nuisance;</li> <li>(b) smoke emitted from premises so as to be prejudicial to health or a nuisance;</li> <li>(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;</li> <li>(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;</li> <li>(e) any accumulation or deposit which is prejudicial to health or a nuisance;</li> <li>(f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;</li> <li>(fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;]</li> <li>(fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;]</li> <li>(g) noise emitted from premises so as to be prejudicial to health or a nuisance;</li> <li>(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];]</li> <li>(h) any other matter declared by any enactment to be a statutory nuisance;</li> </ul> <p>In lieu of this, linking to the requirements of Paragraph 185 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</p>	

Summary of Comments	Officer Response
<p>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 <a href="#">WRS Technical Guidance Document</a> with more specific bespoke measures required for more complex applications.</p> <p>Thank you for considering our comments and please contact me if you need any more information, please contact me.</p>	
Environment Agency	VAL23-011
<p>Thank you for your consultation of the above planning Validation Document, which we received on 10th July 2023. We would recommend that the validation document aligns with our consultation filter and includes any appropriate assessment needed for us to be able to assess the full impact and any mitigation proposed for a development site. We have reviewed the validation document and have the following comments in relation to specific sections within the validation documents:</p> <ol style="list-style-type: none"> <li>1. <b>Biodiversity Net Gain:</b> We note the inclusion of a Biodiversity Net Gain (BNG) section and encourage that this is included within your validation document ready for the changes in November 2023.</li> <li>2. <b>Contaminated Land Assessment:</b> We recognise the inclusion of the section highlighting the need for applicants to directly engage with ourselves prior to submitting a planning application. You may wish to provide applicants with our guidance note for Developers and Consultants – Sites Affected by Land Contamination document (attached to this response).</li> <li>3. <b>Ecological Impact Assessment:</b> We note the need for an EclA (Ecological Impact Assessment) and reference to BNG. Some works with 8 metres of a main river or in channel may require a permit from ourselves with consideration of ecological impacts. We would highlight the need for ‘twin tracking’ of the planning and environmental permit applications, and the various benefits that this joined up approach can offer.</li> <li>4. <b>Flood Risk Assessment:</b> Similar to the Contaminated Land Guidance, we have created a detailed Flood Risk Assessment Guidance document which can be provided to applicants to ensure that the correct approaches have been taken depending on the size and scale of the development within the Flood Zone. I believe that you have a copy of this document already but have attached a copy for completeness.</li> <li>5. <b>Foul Drainage Assessment:</b> We note the reference to our foul drainage form, I have attached an up-to-date copy of the</li> </ol>	<p>1: Noted.</p> <p>2: In relation to Contaminated Land Assessment it is considered the form is more appropriate for Local Planning Authorities rather than applicants and agents, however, further guidance notes referenced in the form have been added to</p>

Summary of Comments	Officer Response
<p>form for your information.</p> <p><b>6. Restoration and Aftercare Schemes:</b> It may be prudent to include reference to biodiversity net gain in this section, similar to the EclA section as restoration and aftercare are heavily linked to opportunities for sizeable biodiversity net gains if applied correctly.</p> <p><b>7. Safeguarding Mineral Sites and Supporting Infrastructure Assessment and Safeguarding Waste Management Facilities Assessment:</b> Similar to the above, we would highlight the need for an environmental permit for some of these operations and would recommend a 'twin tracked' approach.</p> <p><b>8. Water Environment Hydrology / Hydrogeology:</b> Similarly to the Contaminated Land Assessment, we note the reference to the Environment Agency and the support need to discuss these issues with us prior to an application submitted.</p> <p><b>9. Environmental Permitting:</b> Some of the sections such as Air Quality Assessment, Chimney Stack Height and Mitigation and Monitoring of Emission (dust, noise, odours, and vibration) detail the need for specific assessments. Our engagement with these documents at the planning application stage can be limited, however, we recommend that the applicant 'twin tracks' the planning and permitting applications and gains permitting pre-application advice where necessary. These documents will likely be reviewed more rigorously via our permitting process if such is required.</p> <p><b>10. Consultation Filter:</b> We would recommend that the validation document falls in line with our consultation filter and the attachments detailed below.</p> <p>We would also take this opportunity to remind the council that we would appreciate a filled-out consultation checklist to accompany planning application consultations.</p> <p>The objective of the consultation filter is to provide a consistent local consultation list. It includes our statutory role, and also some non-statutory elements we ask to be consulted on. It is designed to include consideration of the Local Flood Risk Standing Advice (LFRSA) Matrix and our approach to contaminated land. We would remind you that when consulting us we request that you include a copy of the completed Filter with your email. It includes a box for 'marking' why we have been consulted. Alternatively, please include an extract of the Filter or similar confirmation of why you are seeking our comments. If this checklist is not completed when consulting us, or if we are not advised of the reason for consultation, we may not provide a response.</p> <p>I trust that the above is of use, please feel free to contact me if you would like to discuss further.</p>	<p>the Validation Document, additional notes have been added regarding Environmental Permitting and ensured the section is compliant with the form.</p> <p>3: In relation to Ecological Impact Assessment, the comments are noted, however, it is considered that the subject of the Environmental Permit and Planning Permission twin tracking is better suited to the Emissions Assessment</p>

Summary of Comments	Officer Response
<p>Attachments: Consultation filter, Contaminated Land Guidance, FRA Guidance and Foul Drainage Assessment form</p>	<p>section.</p> <p>4: In relation to Flood Risk Assessment, this section has been updated to reflect the requirements of the guidance note.</p> <p>5: In relation to Foul Drainage Assessment reference has been added to that section refencing the guidance document is also available on request from the County Planning Authority.</p> <p>6: Comments noted,</p>

Summary of Comments	Officer Response
	<p>document revised accordingly.</p> <p>7: Comments noted, document revised accordingly.</p> <p>8: Noted.</p> <p>9: In relation to Environmental Permitting and 'twin tracking', added references throughout the document as relevant.</p> <p>Noted in relation to the 10: Consultation Filter, however, not considered relevant to</p>



Summary of Comments	Officer Response
	applicants and agents for the purposes of validation.
Worcestershire Wildlife Trust (Further Comments)	VAL23-012
<p>Thank you for sending us details of this consultation. We welcome the contents of this important document, and in particular the relevant commentary set out in the sections listed in bullet one below and Appendix One on biodiversity.</p> <ol style="list-style-type: none"> <li>1. We are pleased to endorse the commentary on Biodiversity Net Gain (beginning on p13), Ecological Surveys and Reports (beginning on p29), Habitats Regulations Assessment (beginning p43), Lighting Assessments and Restoration and Aftercare Scheme (beginning p72), Tree Survey / Arboricultural Statement (beginning p90) and Water Environment Hydrology / Hydrogeology Assessment (beginningp92).</li> <li>2. We recommend a minor amendment to the 3<sup>rd</sup> bullet point under Foul Sewage Drainage Strategy / Utilities Assessment (on page 37) so that it reads <i>‘That service routes have been planned to avoid as far as possible the potential for damage to biodiversity, including trees, and archaeological remains; and...’</i> as this would better reflect the wide range of other environmental assets that may be adversely affected by such features. We would also advocate adding the relevant biodiversity policies to the list of considerations further down in that section.</li> <li>3. It may be helpful to include a specific mention of environmental (rather than just human) receptors in the Mitigation and Monitoring of Emissions section (beginning p61) to make it explicit that these important receptors should also be considered during site investigations, as they are in lighting assessments for example. Relevant biodiversity policy should be added to the end of the section to help provide guidance on sensitive receptors and the hierarchy of designated sites and Species and Habitats of Principle Importance. The same approach may also be considered for Surface Water Drainage Strategies (beginning p83).</li> </ol>	<p>1: Noted</p> <p>2: Comments noted, document revised accordingly.</p> <p>3: Comments noted, document revised accordingly.</p>

Summary of Comments	Officer Response
<p>We would be pleased to discuss any of our comments if that would be helpful but in the meantime I hope that these comments are of use to you. Please do not hesitate to contact us again if we can be of further assistance.</p>	
<p><b>Historic England</b></p>	<p><b>VAL23-013</b></p>
<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 welcome the section on Heritage Statements that is included in the document with the exception of one sentence. We recommend that the sentence that reads, 'Advice on the need for Listed Building Consent should be sought from Historic England' (Page 48) is removed from the document since it is the relevant Local Planning Authority's responsibility to provide that advice.</p> <p>An alternative option would be to amend the sentence to read, 'Advice on the need for Listed Building Consent should be sought from the Local Authority the site lies in', or similar.</p> <p>Do not hesitate to contact me should you have any queries.</p>	<p>Noted, document amended accordingly.</p>
<p><b>Natural England</b></p>	<p><b>VAL23-014</b></p>
<p>Thank you for your consultation request on the above dated and received by Natural England on</p> <p>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 neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.</p> <p><b>Natural England does not have any specific comments on this Planning Validation Document Review.</b></p>	<p>Noted.</p>