

**Worcestershire County
Council**

**Revised Draft Validation
Document**

**Consultation Response
Document**

February 2011

Table of Contents

Introduction	2
Comments and Responses	3
Advantage West Midlands (AWM)	3
British Aggregates Association	3
Campaign to Protect Rural England -Worcestershire	5
Cemex	7
Chaddesley Corbett Parish Council	11
Coal Authority	12
County Council Ecologist.....	12
County Council Landscape Officer	13
County Council Minerals and Waste Policy Team	16
Droitwich Spa Town Council	17
Earth Heritage Trust	17
English Heritage	19
Environment Agency	19
Hindlip, Martin Hussingtree & Salwarpe Parish Council.....	21
The Inland Waterways Association (IWA).....	21
Mineral Product Association	22
Moreton C Cullimore (Gravels) Group	26
Network Rail	28
Redditch Borough Council	28
West Midlands Planning Aid Service	28
White Ladies Aston Parish Council.....	29
Wythall Parish Council.....	30

Introduction

This document sets out all consultation comments received on the Draft Validation Document and sets out the County Planning Authority's response to them. The consultation period ran from 18 December 2009 to 26 February 2010. Documents were made available at County Hall, in Hubs and Libraries and were published on the County Council's website. 22 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 Draft Validation Document; however, the Validation Document cannot cover all circumstances. While the Revised Draft 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. The Checklists provide a not applicable section, 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. It is important that applicants demonstrate why additional information is not supplied to avoid delay; failure to do so may delay consideration of your application.

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

Consultee and Date of Response	Comments	County Planning Authority's Response	Action
Advantage West Midlands (AWM) 05.02.2010	1. No specific comments, but attach AWM's "Planning Consultation Criteria" which may be of assistance.	Noted.	No action taken.
British Aggregates Association 01.03.2010	2. We refer to this overly long proposed Validation Document which we believe far exceeds the requirements to simply validate a planning application. The unnecessary repetition of National Policy and Guidance would appear to obscure Worcestershire County Council's specific local requirements, and the extensive level of detail amounting from these. This places unnecessary and unacceptable burdens on developers and operators, when National Policy and guidance looks to reduce information and to streamline the planning process.	The information set out in the Draft Validation Document is no different to that which is already required by the County Planning Authority when determining planning applications for the winning and working of mineral resources. It is acknowledged that the amount of information needed will depend on the type of development proposed. The requirements are not	Part 1 has been removed to reduce duplication and simplify the document.

		<p>onerous, but are based on good practice that will require the applicant, in consultation with the County Planning Authority and the statutory consultees, to determine what information will need to be submitted with the application before it is submitted to the County Planning Authority. In doing so it can help speed up the determination process.</p>	
	<p>3. We feel that the County Council is going over and above National Policy by making what is guidance and discretionary into mandatory requirements.</p>	<p>The information set out in the Draft Validation Document is no different to that which is already required by the County Planning Authority when determining planning applications for the winning and working of mineral resources. It is acknowledged that the</p>	<p>Part 1 has been removed to reduce duplication and simplify the document.</p>

		<p>amount of information needed will depend on the type of development proposed. The requirements are not onerous, but are based on good practice that will require the applicant, in consultation with the County Planning Authority and the statutory consultees, to determine what information will need to be submitted with the application before it is submitted to the County Planning Authority. In doing so it can help speed up the determination process.</p>	
<p>Campaign to Protect Rural England - Worcestershire 24.02.2010</p>	<p>4. The four entries below fail to recognise "named types" of footpaths/bridleways, e.g. Drovers Road. Where these are entered on the List of Streets a designated number needs to be obtained to demonstrate awareness of the protection required and that breaching these footways is unacceptable. CPRE consider that different designations need to be included and PROW Act recognised.</p>	<p>This is not a validation matter, as Highway Authority, the County Council is responsible for the protection of all public rights of way as defined by the</p>	<p>No action taken.</p>

	<ul style="list-style-type: none"> • Part 1, Section E, Plans Measures to close or divert Public Rights of Way (PROW) including footpaths and bridleways. • Checklist iii, Documents, Site Plans Public rights of way crossing or adjoining the site. • Part 1, National and Local Requirements by Application type, Site Plan All the buildings, roads and footpaths on land adjoining the site including access arrangements. • All public rights of way crossing or adjoining the site. 	<p>Highways Act 1980.</p> <p>The information asked for in the planning application form requires the applicant to state if public right of ways are affected by the proposed development, and is required to show those affected on a plan that has to accompany the application form. These are validation requirements that are already included in the Draft Validation Document.</p>	
	<p>5. Part 2 The Local Assessments Arboricultural Statement/Tree Survey "Protect retained trees" – this is during construction and covered by The British Standards Institute BS5837 documents as stated. Throughout the whole document including Checklists, there is no mention of Tree Preservation Orders (TPO's). Normal procedure for applicants is to consult and obtain a number to demonstrate recognition and awareness. CPRE consider this entry needs to be recorded.</p>	<p>The information asked for in the planning application form requires the applicant to state whether there are trees on the proposed development site and if there are any adjacent to the application site that could influence the</p>	<p>No action taken.</p>

		development. The Checklists stipulate that they are to be shown on the site plan that accompanies the planning application. These are validation requirements that are included in the Draft Validation Document and cover all trees whether protected by Tree Preservation Orders (TPOs) or not.	
	<p>6. Appendix One, Table 2, item 2, Priority Habitats (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)</p> <p>There is no mention of Green Corridors. They crop up in all types of boundary treatments. It is important to consider Green Corridors which are the link between sections of Ancient and species-rich hedgerows, as well as existing in their own right. Not considered in validation means that applicants can ignore them. CPRE consider that Green Corridors are important for biodiversity. Hedgerow Regulations 1997 apply.</p>	Noted, but this is not considered a validation requirement but a policy requirement, and would be taken into account when determining the application.	No action taken.
<p>Cemex 26.02.2010</p>	<p>The Company supports the concept of a local validation document but feels that:</p> <p>7. The extent of the repetition of National Guidance with the Worcestershire Draft Validation Document. It is felt that it would be preferable to simply reference National Guidance rather than repeat it. The current approach adds significantly to the size of</p>	Noted.	Part 1 has been removed to reduce duplication and simplify the

	<p>the document, which at 93 pages is felt to be burdensome.</p>		<p>document.</p>
	<p>8. That the document as drafted is excessively onerous when compared to guidance given by paragraphs 24 and 25 of “The Validation of Planning Applications”. Paragraph 24 states that local lists should reduce information requirements associated with the submission of planning applications whilst paragraph 25 states that locally specific information should be sought post-validation. As drafted the Worcestershire document does not reflect this guidance.</p>	<p>The information set out in the Draft Validation Document is no different to that which is already required by the County Planning Authority when determining planning applications for the winning and working of mineral resources. It is acknowledged that the amount of information needed will depend on the type of development proposed. The requirements are not onerous, but are based on good practice that will require the applicant, in consultation with the County Planning Authority and the statutory consultees, to determine what information will need to be submitted with</p>	<p>Part 1 has been removed to reduce duplication and simplify the document.</p>

		the application before it is submitted to the County Planning Authority. In doing so it can help speed up the determination process.	
	9. The Company is concerned to note that both demonstration of need and alternatives referred to by page 13 of the draft would be a matter of validation. There is sufficient case law to indicate that need for a development and alternatives is not a matter that should be demonstrated by an application as a matter of course but is a function of individual circumstances, and a circumstance of significance would be identification of an application site (or not) by the Development Plan.	Alternatives may not just mean alternative sites, it also means different ways of working, operating, and restoring.	No action taken.
	10. There is a significant degree of commonality in information requirements irrespective of the type of development. It is suggested that a general list is established covering all development, and that the development specific lists only cover topics specific to that development type. This approach would also have the benefit of further reducing the size of the document.	Noted. The County Planning Authority does accept that this approach creates duplication, but considers it helpful to applicants to only have to refer to one Checklist. Once the final version of the document is published on the County Council's website, the Checklists will be available individually, so applicants can just	Part 1 has been removed to reduce duplication and simplify the document.

		download the appropriate Checklist.	
	11. Requiring drainage proposals to the level of detail described on page 13 of the draft as a matter of validation is considered excessive. Whilst providing an overview of post working drainage issues is understandable, the level of detail sought is more appropriately dealt with through the attachment of conditions to any grant of planning permission.	Drainage information is essential in the assessment of any mineral extraction proposals, and the County Planning Authority considers this should be included in the submitted planning application.	No action taken.
	12. The level of detail that appears to be sought in regard to aftercare (page 14 of the Draft Validation Document) is considered excessive. Whilst agreeing 'heads of terms' for aftercare as part of the application process could be desirable it is felt that the details of such schemes are more appropriately dealt with through the attachment of conditions to any grant of planning permission, reflecting current practice in this regard.	Aftercare needs to be considered as part of the design to ensure the success of any restoration scheme.	No action taken.
	13. Section G refers to Section 73 of the 1990 Act and the removal or variation of conditions. Planning conditions can only varied or removed through the issue of Modification Orders pursuant to Section 97 of the 1990 Act. Section 73 allows the determination of applications to develop land without compliance with conditions previously attached. It is felt that the description of Section G should be revised to properly reflect the effect of Section 73.	Under Section 97 of the 1990 Act a Local Planning Authority may by order revoke or modify a planning permission to such extent that they consider expedient. This is different to Section 73, which allows applicants to	No action taken.

		apply to a Local Planning Authority for planning permission for the development of land without applying with conditions attached to an earlier planning permission; therefore, Section 97 is not relevant for the purposes of this Validation Document.	
	14. The Contaminated Land Assessment offers no guidance on what the phrase "... land that has the potential to be contaminated." Such guidance would be of assistance to an application in determining if any given site has the potential for contaminated or not, and could be attached to the list as an appendix.	Noted, applicants will be directed to the Environment Agency and Environmental Health Officer for advice on contaminated land matters/issues.	No action taken.
	15. The Company acknowledges that mineral development can often have transport implications, but that these implications are normally a function of HGV movements rather than private vehicles, which are often insignificant in terms of overall number of movements. The need for the production of Draft Travel Plans for such developments is questioned on the basis that the techniques normally used in the course of drafting a travel plan have little effect on vehicle movement numbers produced by a development (such as winning and working of minerals) that produces a large number of HGV movements in comparison to private vehicles.	Noted, however the Council is seeking to encourage sustainable modes of transport, and Travel Plans can be relatively simple and brief documents, proportionate to the relevant number of vehicle movements.	No action taken.
Chaddesley	16. We feel the document is sensible and straightforward and have no	Noted.	No action taken.

Corbett Parish Council 18.02.2010	comments		
Coal Authority 22.02.2010 and 22.09.2010	<p>17. The Coal Authority originally notified the County Planning Authority that they would be shortly introducing a new risk-based approach to the way the Coal Authority interacts with the planning process (Development Management process). This approach will involve the Coal Authority defining Coal Mining Development Referral Areas. These will represent focused spatial areas within which there are particular coal mining legacy issues that will need to be taken into account and addressed during the planning process.</p> <p>The Coal Authority will encourage Planning Authorities to require developers to undertake a "Coal Mining Risk Assessment for non-householder development proposals within the Coal Mining Development Referral Areas". This will need to examine the impact of any coal mining-related land stability or other public safety risks in relation to their development proposal and identify any mitigation measures that may be required to address them. The Coal Authority will then provide a specific bespoke consultation response on any such planning applications.</p> <p>This approach has now been introduced. The Coal Authority held a meeting with the County Planning Authority and outlined the Coal Mining Risk Assessment and suggested local information requirements for applications.</p>	Noted.	The Coal Mining Risk Assessment has been added to the list of assessments.
County Council Ecologist 18.12.2009	18. Two broken web link on page 51 of Draft Validation Document, these should link to – http://www.ieem.net/surveymethods.asp and http://www.naturalengland.org.uk/publications/default.aspx	Noted.	Amended in the document.
	19. Given the requirement for the authority to demonstrate due consideration of the three derogation tests for developments which	The Habitats Regulations place the	No action taken.

	<p>impact a European Protected Species (EPS), should we require (in cases where there are known impacts to EPS) that the applicant and their ecological consultant submit with their application a statement which demonstrates how they believe their development complies with those three tests?</p>	<p>onus on the Local Planning Authority rather than the applicant to have regard to the requirements of the Habitats Directive in exercising the Authority's functions. Therefore, the County Planning Authority does not consider the three derogation tests can be included as a validation requirement.</p>	
	<p>20. Where an ecological mitigation strategy is to be submitted in conjunction with a planning application, should we/could we standardise the format of this? This will make assessment and monitoring much easier to record and track.</p>	<p>Noted, this is considered not to be a validation issue.</p>	<p>No action taken.</p>
<p>County Council Landscape Officer 21.12.2009</p>	<p>21. Page 4 of Draft Validation Document, 5th bullet point under "Site Plan", after trees insert: "hedges and substantial areas of scrub/shrub growth".</p>	<p>Noted.</p>	<p>Amended in the document.</p>
	<p>22. Page 7 of Draft Validation Document, add a new bullet point under "Species type, number, size and location" to say: "Proposals to mitigate visual intrusion".</p>	<p>Noted.</p>	<p>Amended in the document.</p>
	<p>23. Page 7 of Draft Validation Document, under the bullet point beginning "Species type, number, size and location" remove the wording "surface landscaping" and replace with: "hard and soft landscaping, including changes of level".</p>	<p>Noted.</p>	<p>Amended in the document.</p>
	<p>24. Page 7 of Draft Validation Document, add a new bullet point under the bullet point beginning "The amenity of local area" to say: "the visual</p>	<p>Noted.</p>	<p>Amended in the document.</p>

	impact, including all mitigation and screening measures and how this will affect landscape character".		
	25. Page 9 of Draft Validation Document, under the bullet point beginning "the amenity of the local area" add a new bullet point to say: "the visual impact, including all mitigation and screening measures and how this will affect landscape character".	Noted.	Amended in the document.
	26. Page 10 of Draft Validation Document, add the wording "and by the retention of existing trees" to the end of the "landscaping" paragraph.	Noted.	No action taken, as Part 1 has been removed to reduce duplication and simplify the document.
	27. Page 11 of Draft Validation Document, add a new bullet point under "Existing features of biodiversity and geological interest" to say: "existing trees and hedges".	Noted.	Amended in the document.
	28. Page 11 of Draft Validation Document, add a new bullet point under "Position of existing vehicular access to the site" to say: "existing landscape features".	Noted.	Amended in the document.
	29. Page 13 of Draft Validation Document, add a new under the bullet point beginning "The amenity of the local area" to say: "the visual impact, including all mitigation and screening measures".	Noted.	Amended in the document.
	30. Page 15 of Draft Validation Document, add a new bullet point under the bullet point beginning "Existing features of biodiversity interest" to say: "existing trees and hedges" and on Page 15, add a new bullet point under the bullet point beginning "Existing parking and access layout" to say: "existing landscape features".	Noted.	Amended in the document.
	31. Page 15 of Draft Validation Document, under "Species type, number, size and location" remove the wording "surface landscaping" and replace with: "hard and soft landscaping, including changes of level".	Noted.	Amended in the document.
	32. Page 16 of Draft Validation Document, add a new bullet point under "The amenity of the local area" to say: "the visual impact, including all	Noted.	Amended in the document.

	mitigation and screening measures and how this will affect landscape character".		
	33. Page 17 of Draft Validation Document, add a new bullet point under the bullet point beginning "Location of underground services and overhead lines" to say: "existing trees and hedges".	Noted.	Amended in the document.
	34. Page 17 of Draft Validation Document, add a new bullet point under the bullet point beginning "Haul routes" to say: "existing landscape features".	Noted.	Amended in the document.
	35. Page 17 of Draft Validation Document, for the bullet point beginning "details of fences and surface landscaping" remove the wording "surface landscaping" and replace with: "hard and soft landscaping, including changes of level".	Noted.	Amended in the document.
	36. Page 19 of Draft Validation Document, add a new bullet point under "The amenity of the local area" to say: "the visual impact including all mitigation and screening measures".	Noted.	Amended in the document.
	37. Page 23 of Draft Validation Document, under "What should it include?" for the "Arboricultural Statement/Tree Survey" add "accurate canopy spread and removed, spread, roots".	Noted.	Amended in the document.
	38. Page 32 of Draft Validation Document, broken link, should be http://www.worcestershire.gov.uk/cms/environment-and-planning/landscape-character-assessment/advice/planning-and-development/planning-advice-sheets.aspx This should also replace the link that currently appears in the Further Information section at the bottom right hand column on page 32 of Draft Validation Document.	Noted.	Amended in the document.
	39. Page 38 of Draft Validation Document, add Landscape Character Assessment (LCA) to abbreviations.	Noted.	Amended in the document.
	40. Spelling mistake in Table 1, filed should read field.	Noted.	Amended in the document.
	41. Checklist I for Site Plans, box beginning all trees... insert after trees, "and hedges".	Noted.	Amended in the document.

	42. Checklist I for Landscaping Plan, box beginning Details of fences... remove "surface" and add "hard and soft".	Noted.	Amended in the document.
	43. Checklist I for Supporting Statement, add a new box, above "features of biodiversity interest" to say: "visual impact".	Noted.	Amended in the document.
	44. Checklist II for Supporting Statement, add a new box, above "Access and highway safety" to say: "Visual impact".	Noted.	Amended in the document.
County Council Minerals and Waste Policy Team 21.12.2009	45. Convert the Checklists so that the text is locked and add check boxes. This would enable the Checklists to be submitted electronically.	Noted.	Comment flagged up, so can be incorporated into Final Validation Document, when it goes live on the County Council's website.
	46. In the Checklists move the last paragraphs beginning "If an application is not accompanied by the relevant..." to under 15 copies, and add a new paragraph at the end of the Checklists to say: if your application is not accompanied by the relevant information outlined in this Validation Checklist, you should provide written justification either here or separately.	Noted. This paragraph has been removed from the Checklists as it was felt it duplicated information. However, this paragraph still remains in the introduction.	No action taken.
	47. http://www.communities.gov.uk/documents/planningandbuilding/pdf/1415525.pdf may be worth reading as the draft seeks to remove some statutory requirements for Site Waste Management Plans.	Site Waste Management Plans were introduced as a mandatory element of the Code for Sustainable Homes prior to the introduction of the Site Waste Management	No action taken.

		Plans Regulations 2008. As a result it is now a statutory requirement to produce a Site Waste Management Plan for developments over £300,000. Given the statutory requirement the Consultation on the Code for Sustainable Homes and the Energy Efficiency Standard for Zero Carbon Homes proposes to remove the mandatory requirement in the Code for Sustainable Homes. This would not affect the Validation Document.	
Droitwich Spa Town Council 19.01.2010	48. No comments	Noted.	No action taken.
Earth Heritage Trust 05.02.2010	49. Where the phrase "features of biodiversity interest" occurs. This phrase occurs in Sections A, B, D, E and F. I would comment that "geodiversity" should be inserted alongside it, e.g. "features of biodiversity and geodiversity interest". The above suggestions also apply to the existing text in sections D and	Noted. Noted.	Amended in the document. Amended in the

	F, where “geological interest” is used in the document. However I do not feel that this term is correct - “geodiversity interest” should be used instead.		document.
	<p>50. Part 1, Section E Suggest replacing the phrase: “How the scheme contributes to Biodiversity Action Plan habitat targets for the area” to “How the scheme contributes to Biodiversity Action Plan habitat targets for the area, alongside any Geodiversity Action Plan targets”</p> <p>This would make the statement more robust into the future, as and when the current county Geodiversity Action Plan is reviewed and the forthcoming UK Geodiversity Action Plan is launched.</p>	Noted.	Amended in the document.
	<p>51. Part 1, Section F Suggest replace the phrase “Details of biodiversity mitigation, compensation and enhancement measures” for: “Details of biodiversity and/or geodiversity mitigation, compensation and enhancement measures”</p> <p>Geodiversity features are just as likely, if not more likely to be lost when land is used for landfill. A pre-existing hollow in the ground is likely to reveal some geodiversity feature, and it is important that the feature is recorded and/or mitigation measures are put in place prior to landfilling.</p>	Noted.	Amended in the document.
	<p>52. Part 2, Geo-Diversity Assessment Strongly support the inclusion of this as part of the Local Assessment criteria. Suggest revising spelling of “Geo-Diversity” to “Geodiversity”. Also suggests using “geodiversity” throughout this Section, instead of “geological/geomorphological” to be consistent.</p>	Noted.	Amended in the document.
	<p>53. Abbreviations and Glossary Suggest a definition of biodiversity and geodiversity are included.</p>	Noted.	Amended in the document.
	<p>54. Would strongly suggest removal of RIGS in the glossary. Instead replace with: “LGS – Local Geological Site (formerly known as RIGS)”</p>	Noted.	Amended in the document.

	<p>55. Appendix 2: Geodiversity and Local Requirements Strongly support the inclusion of this Checklist. Suggest removing the reference to “Regionally Important Geological Sites (RIGS)” and replace with: “Local Geological Sites (LGS)”</p>	Noted.	Amended in the document.
	<p>56. Checklists Suggest replacing “Geo-Diversity” with “Geodiversity” in all cases.</p>	Noted.	Amended in the document.
<p>English Heritage 25.01.2010 and 30.11.2010</p>	<p>57. English Heritage did not make any specific comments on the Draft Validation Document but referred the County Planning Authority to their publication “A Charter for English Heritage Advisory Services”, which contains a guide to the information required for consultations with them. Following the release of "Planning Policy Statement (PPS) 5: Planning for the Historic Environment", English Heritage updated their Charter and sent the County Council a letter outlining a list of requirements which they suggested the County Council may wish to consider for the inclusion in the Revised Draft Validation Document. These included:</p> <ul style="list-style-type: none"> • Statement of Significance; • Archaeological Assessment; • Landscape Plans; • Structural Report' • Marketing Report; and • Heritage Statement. 	<p>Unfortunately English Heritage's letter was received to late for inclusion in the Revised Draft Validation Document. However, for the Final Validation Document the County Planning Authority shall incorporate English Heritage's recommendations into the Validation Document.</p>	<p>Incorporate English Heritage's suggested list of requirements into the Final Validation Document.</p>
<p>Environment Agency 02.02.2010</p>	<p>58. Bio-aerosol Assessments could also be required to support the following types of planning applications as well as for composting proposals:</p> <ul style="list-style-type: none"> • Energy from Waste (EfW) • Crematoria (including pets/livestock etc) 	Noted.	Amended in the document.
	<p>59. Contaminated Land Assessment Supported</p>	Noted.	No action taken.

<p>60. Drainage Strategy Supported</p>	Noted.	No action taken.
<p>61. Flood risk - Sequential Test and Exception Tests Supported in principle.</p> <ul style="list-style-type: none"> Note that PPS 25 encourages a sequential approach within a site (as well as between flood zones) to ensure development is located at the lowest risk of flooding. It appears that the number one (1) has been omitted from the fourth line i.e. "Development in Flood Zone 1 automatically passes the Sequential Test". 	Noted.	Amended in the document.
<p>62. Full Flood Risk Assessment The pipernetworking website is no longer active as Flood Risk Standing Advice (FRSA) is now available on our own web site www.environment-agency.gov.uk/research/planning/33098.aspx</p> <p>The latest PPS 25 Practice Guide was published December 2009.</p>	Noted.	Amended in the document.
<p>63. Foul Sewage and Utilities Assessment If you refer to the Foul Drainage Assessment Form, which focuses primarily where there is a non-mains proposal. Your description of when the assessment needed is very broad ("where an application proposes to connect a development to the existing drainage system or ...". You are welcome to utilise this (as are other LPA's/developers). A copy is attached for your attention.</p>	Noted.	Link to document/ Environment Agency's website has been added to the Foul Sewage and Utilities Assessment section of the Revised Draft Validation Document.
<p>64. Planning Obligations Supported</p>	Noted.	No action taken.
<p>65. Water Environment Assessment Supported Sometimes this includes or takes the form of a water features audit to</p>	Noted.	No action taken.

	show what water features are present and the implications and any necessary mitigation measures.		
	<p>66. Other assessments which could usefully be included:</p> <ul style="list-style-type: none"> - Air Quality Assessment - Landfill Gas Assessment - Landfill Waste Statement (Where landfill/landraising to ensure suitability of site, nature and source of infill and impacts. - Land Stability Assessment - where unstable land (see PPG 14 Unstable Land) This could be part of, or instead of, a Geotechnic Survey). 	<p>Noted.</p> <p>Noted, unsure if these assessments may be more appropriate at the permitting stage.</p> <p>Noted.</p>	<p>Air Quality Assessment has been added to the document.</p> <p>Seeking clarification with the Environment Agency regarding these assessments.</p> <p>Land Stability Assessment has been added to the document.</p>
	67. "Guidance for Developers sheets" and "Foul Drainage Assessment Form" were also provided for information.	Noted.	Link to the Environment Agency's website - Foul Drainage Assessments has been added to the document.
Hindlip, Martin Hussingtree & Salwarpe Parish Council 17.02.2010	68. No comments	Noted.	No action taken.
The Inland Waterways	69. In general IWA consider that it is a well written policy document that will be clear to the reader. However IWA consider that it would be helpful	Noted.	Policy Drivers now added to the

Association (IWA) 31.01.2010	for those who may be using it to base their applications upon if there was an appendix listing all planning policies, especially National and Regional ones.		document.
	70. It would appear that the following have been overlooked and need including as they are all key to planning in Worcestershire: <ul style="list-style-type: none"> • The Water Framework Directive (EEC) and the consequential River Basin Management Plans. These are mandatory planning documents and extremely important in Worcestershire with the Rivers Avon and Severn running through it; • The Regional Transport Plan- not included for in Draft Travel Plan; and • Waterways for Tomorrow (ODPM 2000) not included for in Transport Assessment. 	Noted. It is recognised these are important; however, they are not appropriate to the validation process as to determine whether an application is valid or not, which is the purpose of this document.	No action taken.
Mineral Product Association 26.02.2010	71. We are surprised that such a long document is necessary (93 pages) in order to follow up on National Guidance in "The Validation of Planning Applications Guidance for local planning authorities" published by DCLG in December 2007. The National Guidance itself is 78 pages long and comprehensively discusses the National List of statutory information required to accompany all applications for development as well as local requirements. There is a substantial degree of overlap and duplication between the two documents.	Noted.	Part 1 has been removed to reduce duplication and simplify the document.
	72. Even the DCLG's recommended national list of local requirements is substantially repeated in the Worcestershire document. There seems to be little point in merely restating information already in another document when there is a valid reason for informing applicants of locally specific information. We would much prefer that the document should be severely edited to omit all information contained in the DCLG Validation List and other government documents. This will serve to emphasise the locally specific information required by Worcestershire. This will result in a much shorter and digestible document which concentrates on local matters, bookmarking national policies and	Noted.	Part 1 has been removed to reduce duplication and simplify the document.

	<p>requirements as necessary.</p> <p>73. We believe the requirements laid out in the Validation Document are onerous, especially in view of paragraphs 24 and 25 of the DCLG's "The Validation of Planning Applications". These paragraphs point local planning authorities to the need to reduce information required of planning applications. Paragraph 24 states, "Local lists should take account of the Government's commitment in the Planning White Paper Planning for a Sustainable Future to reduce information requirements associated with the submission of planning applications. Local planning authorities should bear in mind that the need for additional information may emerge during the course of the application process, for example as result of a response by a statutory consultee or by interested persons." Paragraph 25 goes on, "Where information is locally specific or is necessary for a particular type of scheme, the local planning authority should ask applicants to supply this information post-validation. This can be done under the existing statutory provisions set out in the Town and Country Planning (Applications) Regulations 1998 (see paragraph 26) that enable local planning authorities to require further information."</p> <p>The Validation Document expects a very high level of information to be submitted with planning applications before an application can even be validated. The clear advice of "The Validation of Planning Applications" is however, that specialised information should be sought after validation, and not as part of the process itself. For this reason we believe that the information burden on mineral applicants should be significantly reduced at this stage.</p>	<p>The information set out in the Draft Validation Document is no different to that which is already required by the County Planning Authority when determining planning applications for the winning and working of mineral resources. It is acknowledged that the amount of information needed will depend on the type of development proposed. The requirements are not onerous, but are based on good practice that will require the applicant, in consultation with the County Planning Authority and the statutory consultees, to determine what information will need to be submitted with</p>	<p>Part 1 has been removed to reduce duplication and simplify the document.</p>
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		the application before it is submitted to the County Planning Authority. In doing so it can help speed up the determination process.	
	<p>74. Section D: Applications to Carry Out Mineral Working and Associated Development This requires all plans to be signed, but this will only be feasible if such plans are supplied as paper copies. The guidance should make clear what is the acceptable form of electronically supplied plans.</p>	Noted.	The requirement for signed plans has been removed.
	<p>75. Sectional Drawings Making these a requirement in all cases is onerous; they should be left to the discretion of the operator to illustrate a particular point if needed. For sand and gravel operations the depth of extraction is so shallow that at a scale of 1:2500 the excavation will be barely discernable. Similarly, in most cases the underlying geology will not be particularly relevant unless it is complicated or notable in some other way. Again, this should be left to the discretion of the operator.</p>	Agree. This is why the Draft Validation Document states that it is for the developer to justify why they are not needed.	A sub-header has now been added to the Checklists which states: "it may be appropriate for applicants to provide some or all of the following plans". Sectional Drawing fall under this sub-header.
	<p>76. Supporting Statement You have omitted the need for applicants to explain the quality of the mineral as well as its quantity.</p>	Noted.	Whilst the current version of the Validation Document only refers to the quantity of the mineral, the Final Validation Document will be

			amended to include the quality of the mineral as well.
	<p>77. Supporting Statement You require details of the impact of operations on amenity, etc. However, such impacts will be described and evaluated in an Environmental Statement and should not be repeated in another document, if one is submitted with the application.</p>	Noted, but an Environmental Statement may not be required in all cases.	No action taken.
	<p>78. Supporting Statement You require the applicant to address the need for the mineral. However, this will only be required when the site is not in the Development Plan. Identification as an allocation in the plan already indicates that the provision is needed within the plan period.</p>	Agree. It is up to the applicant to explain this in the application.	No action taken.
	<p>79. Supporting Statement You also require descriptions of alternative sites considered, but again, this will only be required when the site is not in the development plan. It is in any event at the discretion of applicants to explain what alternatives have been examined by them when submitting an Environmental Statement. It should not be an absolute requirement in all cases.</p>	Agree. It is up to the applicant to explain this in the application.	No action taken.
	<p>80. Flood Risk - Sequential and Exception Tests The document advises that the sequential test is to be required for all development, but PPS25 paragraph D8 states, "When seeking planning permission for individual developments on sites allocated in development plans through the application of the Sequential Test, informed by a SFRA, developers need not apply the Sequential Test, but should apply the sequential approach (see paragraph 14) to locating development within the site." Thus although an FRA will still be required, in such circumstances a Sequential Test will not be. There is also a missing 1 from the first paragraph of this section.</p>	Noted.	Amended in the document.
	<p>81. Statement of Community Involvement The document is far too prescriptive about pre-application consultation. Although the Association advises its members of the benefits of public</p>	The County Planning Authority strongly encourages applicants	No action taken.

	<p>consultation we recognise there may be circumstances where this may not be possible (e.g. urgency in obtaining consent). Yet compliance with the Council's SCI is supposed to be mandatory even though the SCI itself quotes from Creating Local Development Frameworks, A Companion guide to PPS12. 2004 which says, "Authorities cannot refuse to accept valid applications because they disagree with the way in which an applicant has consulted the community." (para 3.12).</p>	<p>to engage with the community at the pre-application stage to help facilitate the application through the planning process.</p>	
<p>Moreton C Cullimore (Gravels) Group 25.02.2010</p>	<p>82. As a member of the Mineral Product Association (MPA), we fully support the MPA in their representations on the document, specifically in relation to the effect that it overly repeats National Policy and Guidance and in some areas, is over prescribed in the requirements for local information, in order to simply validate a planning application.</p>	<p>Noted. The County Planning Authority considers it important that all potential applicants are given clear advice on what comprises a valid application. The information listed in the Checklists is comprehensive, and it is recognised that not all of it will be needed in every case as it will depend on the type of development that is proposed and its location. When an applicant considers that certain requirements are not relevant to the development proposed it is for the</p>	<p>Part 1 has been removed to reduce duplication and simplify the document.</p>

	<p>83. The unnecessary repetition of National Policy and Guidance would appear to obscure Worcestershire County Council's specific local requirements, and the extensive level of detail amounting from these.</p> <p>The effect of the document as currently published would be to place an unnecessary and unacceptable burden on developers/operators in merely validating planning applications, at a time when policy and guidance is geared towards reducing information requirements and streamlining the planning process.</p> <p>The Local Validation List was aimed at providing Councils with the opportunity to address information requirements specific to local circumstances. It is these that should be included in the document with the appropriate thresholds.</p>	<p>applicant to explain why.</p> <p>The information listed in the Draft Validation Document is already required by the County Planning Authority in order that an application can be determined. The only difference is in the process – it is now the applicant's responsibility in consultation with the County Planning Authority to ensure that all the information the County Planning Authority needs to validate and determine it is submitted with the application.</p> <p>The Draft Validation Document does address local circumstances. As local circumstances differ in different parts of the County it is not</p>	<p>Part 1 has been removed to reduce duplication and simplify the document.</p> <p>No action taken.</p>
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		possible to be more specific.	
	84. The document as published fails to address issues specific to local circumstances and instead is over prescriptive in requiring high levels of information to be submitted in all instances. The MPA notes specific examples of this in their representation.	Noted. See comment 83.	
	85. We feel that the County Council is going over and above certain aspects of National Policy and Guidance by insisting on some requirements where there should clearly remain a level of discretion.	Disagree. It is for the County Council in carrying out its responsibilities as County Planning Authority to decide the information it needs o determine planning applications and not the discretion of the applicants.	No action taken.
Network Rail 01.01.2010	86. No comments, but notes that the Mining Team Network Rail (address given in email) be consulted on all planning applications for minerals and landfill proposals within 200 metres and 250 metres, respectively, of railway property.	Not a validation issue. It is the responsibilities of the County Planning Authority when consulting on a planning application to seek the views of the appropriate organisations.	Network Rail's details on the County Planning Authority's consultation database have been updated to incorporate the Mining Team.
Redditch Borough Council 22.02.2010	87. No comments.	Noted.	No action taken.
West Midlands	88. This seems to be a well thought out and comprehensive Validation	Noted. The	No action taken. A

Planning Aid Service 21.01.2010	Document. I think it would be useful to have a brief summary at the beginning explaining what the document is and pointing out that District Councils will have their own validation documents which cover most applications and it should be made clear in the summary which type of applications this County Council document refers to.	introduction outlines what type of applications the County Planning Authority processes.	sentence outlining what applications District Councils are responsible for has been added to the Introduction. Links to all 6 District Councils has also been added.
	89. The document is quite technical and wordy, but is straight forward English. This seems appropriate as the applications made to the County Council will be generally more complicated, applications not usually made by members of the public. The text is fairly dense on the page and I would suggest each type of application (A-I) should start on a new page to make it easier to read the document and see which section applies.	Noted. Noted.	No action taken. Part 1 has been removed to reduce duplication and to simplify the document.
White Ladies Aston Parish Council 04.02.2010 and 24.02.2010	90. We are interested to see that this document is currently under consultation and trust that the issues expressed in this document dovetail well with the Waste Core Strategy.	Noted.	No action taken.
	91. In the aftercare sections, suggest inserting a section indicating the need to ensure that enough insurance has been presented by the applicant to cover a substantial clean up period after closure of the site. Should there be a disaster within the insured period than at least the information has been made accessible. Depending on the site we would have thought 75 years a good period.	Noted, but insurance is not a material planning consideration.	No action taken.
	92. Regarding Table 2, "Local Requirements for Designated Sites and Priority Habitats Criteria", we are not happy with the NOTE: Exceptions when a full survey and assessment may not be	Noted.	No action taken.

	required. We believe that this omission could lead to a certain amount of distrust in the Council's application procedures.		
Wythall Parish Council 25.02.2010	93. No comments	Noted.	No action taken.