

Appendix 1 – Summary of responses to the consultation

Consultee	Summary of comments	Council's response and proposed action/amendments to Validation Guidance
Councillor Tracey Taylor	Sought clarification as to whether the Validation document could inform NCC responses to consultations on applications determined by the district and borough councils and NSIPs or whether there was another NCC document that serves to do this.	Councillor Taylor was advised that the requirements set out in the Validation document only relates to applications submitted to NCC for determination. Confirmation was also provided about the process of our responses to consultations with the districts/ borough councils. No changes necessary.
Head of Safer Highways, Via East Midlands	Requested the removal of the team's email address and details from the document in Section 5 'Road Safety Office Road.safety@viaem.co.uk , ' as they do not advise on travel plans as active travel is not in the team's remit.	Email address deleted from the Validation document as requested. It can be confirmed that there are officers in Via that do deal with Travel Plans
Planning Specialist, Environment Agency	Confirmed that the EA have no additional comments to make.	The Environment Agency were involved in the initial drafting of the relevant sections of the Validation document and agree with the final wording – no changes necessary.
Northern Powergrid	Confirmed that Northern Powergrid have no assets in Nottinghamshire.	Comments noted, no changes necessary.
Water Management Consortium	Confirmed that the Boards, represented by the Water Management Consortium, have no formal comment or objections to make on the Guidance Note.	Comments noted, no changes necessary.
Continued.	They noted that the document refers applicants towards the ADA website to establish which Board may need to be contacted when developing an application.	

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<p>Head of Framework Contract Management Via East Midlands Ltd</p>	<p>Requested the removal of the reference to the Road Safety Office road.safety@viaem.co.uk. As the Road Safety Team no longer perform this function. Add link to: https://www.nottinghamshire.gov.uk/education/travel-to-schools/school-travel-plans Add link to toolkit: https://www.nottinghamshire.gov.uk/education/travel-to-schools/school-travel-toolkit</p>	<p>Reference removed (also requested above)</p> <p>Links added to the Validation document as requested.</p>
<p>Natural England</p>	<p>Commented that Natural England does not consider that this Review of the Nottinghamshire County Council’s Guidance Note on the Validation of Planning Applications poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.</p>	<p>Comments noted, no changes required.</p>
<p>Misson Parish Council</p>	<p>Stated that the Planning Validation consultation was discussed at the Parish Council meeting and the Councillors commented that they were happy with the proposals, in particular the emphasis given to consulting and including local residents and councils and taking into account neighbourhood plans and design guides throughout the planning process.</p>	<p>Comments noted, no changes required.</p>
<p>Ruddington Parish Council</p>	<p>Stated that Ruddington Parish Council support the proposals within this consultation</p>	<p>Comments noted, no changes required.</p>
<p>Heatons on behalf of Tarmac Trading Ltd</p>	<p><u>Noise Assessment Section</u> – commented that further clarification is required on what threshold the MPA (minerals planning authority) use to determine which planning applications require the submission of 3D noise modelling to support a noise assessment. The proposed wording “ for some proposals” does not provide adequate clarity.</p> <p><u>Sunlighting/Daylighting / Lighting Assessment section</u> Commented that the new proposed wording</p>	<p>Comments noted and additional wording has been added to the section to confirm the types of application where this would be relevant. The section also confirms that applicants will be advised at the pre-application stage when such an assessment needs to be undertaken and the scope of data required .</p> <p>Comments noted, but this wording has been added from a climate change point of view</p>

Tarmac Trading Ltd continued	<p>requiring that “energy efficiency data should also be submitted for proposals for new lighting” should be removed as its failure to submit would not render an application invalid. This matter is better dealt with at a later stage in the planning application process.</p> <p><u>Rights of Way section</u> – Commented that the proposed new text “Applications should include the details of any likely noise and visual impacts on existing users of rights of ways, such as on horses using bridleways, and set out proposed measures to mitigate these impacts” duplicates advice set out in the Noise and Landscape and Visual Impact Assessments sections of the Validation document. Details of potential noise and visual impact of a development proposal on specific identified receptors should not be a validation matter but dealt with by a qualified statutory consultee in their consideration of the application.</p>	<p>as there are now increasing numbers of local plan policies which seek to minimise the impacts of climate change from development. It is therefore considered to be appropriate to seek this information at the earliest stage. To leave this matter to post-validation or even post-determination does not allow this matter to be considered from the outset, or even at all prior to determination.</p> <p>No changes proposed.</p> <p>Comments noted, however matters such as noise, visual impacts and rights of way are inter-related and should not be viewed in isolation where they have the potential to affect rights of way users. If this matter was left for statutory consultees to request during the consideration of the application this would require the Council to go back to the applicant to ask them to address the potential impacts and may lead to delays in the determination of the application. For these reasons we consider it to be validation issue and propose no changes to the draft Validation document .</p>
Sutton- on-Trent Parish Council	<p>The Parish Council noted the consultation being undertaken by the County Council. While it didn't have any specific comments to make, it was very supportive of the two below statements:</p> <ul style="list-style-type: none"> • <i>inclusion within the Flood Risk Assessment section of the need to demonstrate that developments are flood resilient,</i> • <i>Update and renaming of the tree section to stress the importance of retaining existing trees and the planting and maintenance of new trees.</i> 	Comments noted, no changes required.

<p>Geo-environmental consultant on behalf of Via</p>	<p><u>Land contamination</u> Raised whether there should be sections on mineral resources and materials and waste? (based on the Nottinghamshire Minerals Local Plan and Waste Local Plan). Commented that this section is not accurate as the applicant cannot confirm that a site has no previous industrial uses unless they have done a desk study. Suggested alternative text:- An appropriate contaminated land assessment must be submitted with any application where it is stated on the planning application form that land is known and/or suspected to be contaminated or the proposed use would be vulnerable to the presence of contamination. A desk top study will normally be required in support of planning applications involving a significant change in land use. This could include a new development, or extensions and significant changes to an existing development. The desk study should identify all potential contamination sources, pathways and receptors and develop a preliminary conceptual site model and risk assessment. If the desk top study identifies that further investigation is critical to the determination of an application (i.e. could not be the subject of a planning condition) a site investigation will be required to validate the application. The site investigation should be designed to demonstrate whether the site is suitable for the proposed use, taking into account pollution from previous uses and any measures for mitigation. Applications involving any works to school buildings known, or suspected, to contain asbestos should be indicated as such on the planning application form and include, as a minimum, a desk top study and asbestos survey.</p> <p><u>Biodiversity Section</u> Commented that this section only really covers biodiversity and not geodiversity.</p> <p><u>Land stability section</u> Commented that it may be useful to distinguish between a detailed coal mining risk assessment for a</p>	<p>Following receipt of this representation on behalf of Via discussions were held with the Geo-environmental consultant and additional text has been added to address their comments and ensure that the Validation document complies with current specialist Government guidance.</p> <p>This section of the Validation document does relate to geodiversity issues and therefore no change to the heading proposed.</p> <p>A CON29M report is part of the conveyancing process relevant to purchasing of property within</p>
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	<p>high-risk development area and a Coal Authority CON29M report.</p> <p>The CON29M report is recommended if the site lies in a Coal Authority Reporting Area (which covers a lot of Nottinghamshire). If the site is located in a high-risk area, then a more detailed coal mining assessment needs to be carried out by a suitably qualified engineer or consultant.</p> <p><u>Agricultural land classification section</u></p> <p>Suggested the addition of soil resources, which are considered to be a non-renewable resource, based on the length of time it takes for natural topsoil and subsoil to develop.</p> <p>The EIA will be expected to identify mitigation measures for any significant adverse effects on soil resources, including agricultural land, for example a soil resources plan.</p>	<p>coal mining reporting zones and not relevant to the validation of a planning application and therefore no change to the text proposed.</p> <p>Soil quality added to the heading of section and additional wording added to address how soil resources are retained and protected.</p> <p>Also added a link under the section's further information to the Good Practice Guide for Handling Soils in Mineral Workings- The Institute of Quarrying 2021 https://www.quarrying.org/soils-guidance</p>
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