

Appendix 1 – Summary of responses to consultation

Consultee	Summary of comments	Council's response and proposed action / amendment to Validation Guidance (as highlighted)
Environment Agency	Confirmed that they have looked through the updated document and have no major comments to make. Welcomed the requirements to validate relevant applications of a Flood Risk Assessment, contamination report or biodiversity report where appropriate.	Comments noted No changes proposed
NCC- Senior Practitioner Nature Conservation	Commented that it would be beneficial to refer specifically to Preliminary Ecological Appraisals (PEAs), which are often the first step in assessing ecological impacts and which are now the industry standard.	Comments noted Insert the following highlighted wording into Section 11: For major development this assessment should take the form of an Ecological Impact Assessment (EclA), whilst for other development, a Preliminary Ecological Appraisal should be completed, noting that an EclA may subsequently be required.
Natural England	Natural England welcome the fact that comments they made when the Validation document was previously updated have been incorporated into the latest version, so have no further comments to make. Noted a typo in Section 11, Bilhaugh incorrectly spelt.	Comments noted Update document to read Birklands and Bilhaugh Special Area of Conservation
NCC- GIS Development Officer	Suggested that there should be a paper size and scale included within the requirements for electronic submission.	Comments noted Insert the following wording: All drawings shall include a scale bar, key dimensions, paper size and scale (for example 1:1250 at A3)
Ashfield District Council	Welcomed being consulted on the document and confirmed that after reading the contents they have no further comments to make.	Comments noted No changes proposed.
Warsop Parish Councillor	Commented that having reviewed two recent applications within their Parish	A response was sent to the Parish Councillor explaining that the issues raised are not

	<p>they have noticed that both applications suffered from the same problems- notably problems associated with the deferral of activities. Requested that the Validation Guidance be amended to include a section to address the following issues - timescales of working, length of project, deferral or amendment of timescales, what remedial action is to take place and associated timescales for this work. Also, in Section 15 regarding the Statement of Community Involvement (SCI) no mention is specifically made to the involvement of District and Parish Councils whether encompassing or adjacent to the proposed area. However, it was noted that this is mentioned in the proposed SCI (which is also the subject of a consultation exercise).</p>	<p>specifically matters on which an application would be invalidated. These are matters which are considered during the course of assessing the proposal and may be the subject of planning conditions.</p> <p>Comments regarding the SCI are noted and it was explained that any planning application would be publicised and dealt with in accordance with the requirements set out in the SCI, including involvement of and consultation with the District and Parish Councils.</p> <p>No changes proposed</p>
<p>NCC- Senior Practitioner Historic Buildings</p>	<p>Welcomed the inclusion of the requirement for a heritage statement in section 9.</p> <p>Commented that the Transport Assessment (Section 3) does not presently note that transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. It would be appropriate to include this as warning and encourage applicants to consider impacts alongside the others listed in Section 3.</p>	<p>Comments noted</p> <p>Insert the following highlighted wording into Section 3 Transport Assessment/ Transport Statements :</p> <p>Transport implications and the mechanism for remedying these may impact on a conservation area or the setting of a designated heritage asset. Where this is the case applicants must consider such impacts and include these within the TA/TS.</p>
<p>The Coal Authority</p>	<p>Confirmed that the Nottinghamshire County Council area has significant coal mining legacy which includes; 2062 mine entries, recorded and unrecorded coal workings at shallow depth and 505 hazard reports to the Coal Authority. The Coal Authority is pleased to see that the Local Validation List (section 18), notes that a Coal Mining Risk Assessment should be submitted to support relevant planning applications in the defined Development High Risk Area. They also support the inclusion of the signposting to the Coal Authority website should additional information or advice be required.</p>	<p>Comments noted</p> <p>No changes proposed.</p>

	The Coal Authority supports the Guidance Note on the Validation of planning applications.	
NCC – Planning Policy	Advised that it is anticipated that the proposed replacement for the existing Statement of Community Involvement will become Council policy in Spring 2018. It will be known as Nottinghamshire County Council’s Statement of Community Involvement – Second Review adopted [month to be inserted] 2018.	<p>Comments noted</p> <p>Insert the following highlighted wording into the further information section of Section 15 – Statement of Community Involvement.</p> <p>Nottinghamshire County Council Statement of Community Involvement- Second Review adopted 2018 (proposed)</p>
Sport England	Advised that the majority of consultations with Sport England involve school proposals which impact upon or involve the loss of playing field area. As a basic minimum in order to understand the proposal and its impacts the existing and proposed summer and winter pitch layouts would be useful and information around why the particular location within the site has been chosen. Further guidance can be found on Sport England’s website as to the type of information required in order for them to evaluate planning applications : www.sportengland.org/playingfieldspolicy	<p>Comments noted</p> <p>Insert the following highlighted wording into Section1- Supporting Planning Statement.</p> <p>For school developments which impact upon or involve the loss of playing field area existing and proposed summer and winter pitch layouts should be provided and confirmation as to why the particular location within the site has been chosen.</p> <p>Insert website details into Further Information of Section 1 www.sportengland.org/playingfieldspolicy</p>
Tarmac Trading Ltd	<p>Commented that in general terms the guidance note is helpful for those preparing and submitting planning applications within the County. However, in our view it does not consider/qualify the scope/variances of applications that the checklist would be applicable to. There are circumstances where requirements could be onerous/costly in ensuring applications are validated. The Guidance Note should distinguish between the different types of application and therefore the level of detail required.</p> <p>The Guidance note only requires 2 hard copies of applications to streamline the process and encourage electronic submission. Whilst this is strongly supported this is contrary to the national requirements for 4 copies plus the original. If this is a deviation from the</p>	<p>Comments noted</p> <p>Within the main introduction to the Guidance note, the introduction to Part Two, the Local List, and within several sections of the list reference is made to the fact that applications range in terms of their nature and scale and therefore requirements will vary from case to case and applicants are invited to contact planning officers at an early stage to discuss what information needs to be submitted. It is considered that the Validation Guidance would be far too long and complicated if every type of application was individually covered in terms of the information required.</p> <p>The National Planning Practice Guidance states that applicants who apply on a paper copy of the standard application form must provide the original plus 3 copies of the form (a total of 4 copies), unless the local planning authority indicate that a smaller number is required. NCC has decided that 2 copies is adequate for our own and consultation</p>

<p>Tarmac Trading Ltd, continued</p>	<p>national guidelines this should be made clear.</p> <p>It would be useful if the checklist to be submitted alongside planning applications could be available to download as a word document to ensure adequate space for the justification or otherwise for submitting information under each section.</p> <p>Section 2 – Environmental Statement, as the Planning Authority carries out Screening (under the EIA Regs.) when an application is submitted. The Guidance should refer to this to encourage more applicants to carry out a screening request prior to submission this may reduce risks of non-validation.</p> <p>Section 4- Draft Travel Plans, minerals development can generate a 'significant amount of movement', however a travel plan is likely to be unnecessary given the type of vehicle movements generated. This section should quantify what types of development may require a Travel Plan.</p> <p>Section 5-Planning Obligations –Draft Heads of Terms, this section would benefit from reiterating the importance of pre-application discussions and potentially scoping to address the potential need for Planning Obligations to address matters which cannot be controlled by planning conditions. It is considered that this should not be an essential criteria and “where considered essential by the County Council” should be removed. This statement infers development to be unacceptable without the use of obligations which may not come to light except during the course of determination.</p> <p>Section 6- Flood Risk Assessment, the Guidance should be more specific about what are considered to be 'critical drainage problems'. The requirement to include the design of surface management systems is overly onerous and costly to the developer and may not</p>	<p>purposes therefore this is reflected in the Guidance.</p> <p>Comments noted, a word version of the checklist will be put onto the County Council's website available to download, complete and send to the Council to accompany submitted applications.</p> <p>Section 2 makes it clear that a “screening opinion” can be obtained from the County Council as to whether the proposed development falls within the scope of the EIA Regulations. The County Council very rarely invalidates applications on this basis.</p> <p>It is considered that this section does specify when Travel Plans are required and where there is any doubt applicants should contact planning officers as referred to above.</p> <p>The County Council is currently reviewing and streamlining its Planning Obligation process. This will encourage Heads of Terms to be submitted at the earliest stage in order to avoid delays at the post decision stage. However, this requirement would only be applicable where it has been made clear during discussions at the pre-application stage. Insert the following wording into Section 5 Planning Obligations;</p> <p>Draft Heads of Terms will only be required where this has been made clear during discussions at the pre-application stage.</p> <p>Comments noted. 'critical drainage problems' is the standard terminology used by DEFRA and the Environment Agency for these situations. The Guidance has the support of the Environment Agency (see comments above). The guidance states that early consultation with the County Council as the Lead Local</p>
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<p>Tarmac Trading Ltd cont.</p>	<p>be necessary in all cases.</p> <p>Section 9- Heritage Statement, the scope of the assets identified within the guidance means that all applications have the potential to impact upon heritage. It should be established who makes the judgement over the level of impact/potential effect as this could hold up the validation of applications – this section would benefit from greater clarity on the scope of applications which may be caught by this criteria.</p> <p>Section 11- Biodiversity and geo-diversity Assessment, The Guidance states that EclA should be carried out for all major developments, this would include all major developments but EclA would generally not be carried out for every minerals application, but only when an EIA. The checklist should be more specific in this regard.</p>	<p>Flood Authority is advisable. Clarification can be provided as to when these requirements are essential.</p> <p>Sections 9 and Section 11. Comments noted. The wording of these sections have been drafted in conjunction with specialist heritage and biodiversity officers and no changes are proposed.</p> <p>As with other sections of the guidance specialist advice should be sought in connection with specific proposals where bespoke guidance can be given as to the level of submission required.</p>
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