

# **Worcestershire County Council**

## **Validation Document Consultation Response Document**

**January 2024**

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## 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 V8 (n t)-4 (J0(n t)11.2 (dat)

## Comments and Responses

<b>Summary of Comments</b>	<b>Officer Response</b>
<b>County Archaeology</b>	<b>VAL23-001</b>

“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?”

The third paragraph reads:

- x “Advice on the need for Listed Building Consent should be sought from Historic England.”


The original sentence said:

- x

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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:

- x Which would affect a historic building or structure registered on the County Historic Environment Record
- x

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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>



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<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>x Details of the roads to be used to access the Strategic road Network.</li> <li>x 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>x Further information on the ability of the road to take the loads should also be listed.</li> <li>x The impacts on all residents/communities along the route to the Strategic Road Network should also be detailed.</li> <li>x 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</p>



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<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</p>	

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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.

In 2017, the government, jointly with the Local Government Association, published [guidance for directors of public health](#) on the role they should play in addressing air quality. The Public Health Outcomes Framework includes an indicator on mortality attributed to particulate matter, which local authorities should seek to improve. In 2023, legally binding targets were agreed to reduce population exposure of PM2.5, to reduce population exposure by 35% in 2040 compared to 2018 levels, with a new interim target to reduce by 22% by the end of January 2028, see [The Environmental Targets \(Fine Particulate Matter\) \(England\) Regulations 2023 \(legislation.gov.uk\)](#). Paragraph 2.1 of Air Quality Strategy 2023: framework for local authority delivery (<https://www.gov.uk/government/publications/the-air-quality-strategy-for-england/air-quality-strategy-framework-for-local-authority-delivery>) and Goal 2 “Clean Air” of the Environmental Improvement Plan 2023 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1168372/environmental-improvement-plan-2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1168372/environmental-improvement-plan-2023.pdf)).

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.

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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.

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.

Further, Industrial Emissions are known still to be a significant emitter of air pollution. Environmental PIB 0 Tw 31.75 0 3.2.0.8 (ndus)-4ue tt-32.03 a-7.3 ( E)-4 ( as)-4 (s)-3.9 ((ng,)-7.ge10.4)]T5-3.7 us Tng,ho-7.3 ( l)-7.3 (

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compliance of a process with their permit is essential to controlling emissions.

Local authorities issue environmental permits in relation to Part A(2) or Part B activities, Small Waste Incinerating Plants (SWIPs) and Solvent Emissions Activities.

A Part A(2) permit is required for the following activities:

- Refining gas
- Casting/melting ferrous and non-ferrous metals with a capacity of 20 tonnes per day
- Applying fused metal coatings with a capacity of 2 tonnes hour
- Surface treating metals and plastic materials with an aggregated vat volume exceeding 30m<sup>3</sup> that involves another

A2 or B activity:

- Grinding cement clinker or metallurgical slag
- Glass manufacturing with a melting capacity of 20 tonnes per day
- Ceramic product manufacturing, including roof tiles and bricks, with a capacity exceeding 75 tonnes per day
- Manufacturing wood-based boards, e.g. plywood, with a capacity exceeding 600m<sup>3</sup> a day. Surface treatment with organic solvents with a capacity exceeding 200 tonnes per year
- Preservation of wood with chemicals with a capacity exceeding 75m<sup>3</sup> a day
- New tyre manufacturing
- Disposing of or recycling animal ppv(S)-3ebsP.8 (v)-14.4 (ent)-7.3 (s)-4 ( w)ga0.8 (t)-7.3 (i)-0.7 (ng c)-4 (apac)-3.9 (i)-0.8 (t)-7.2 (y)-4 -4 (c)



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<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>	

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<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>	

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contamination. This includes risks arising from n

Further information in respect of contaminated land and requirements for assessment is available within Chapter 4 of the [WRS Technical Guidance Document](#).

#### 4. Mitigation and Monitoring of Emissions (Dust, Noise Odour, Vibration)

The prevention **and** mitigation of nuisance is a key consideration in planning consultations. Statutory Nuisance (see s79 of the Environmental Protection Act 1990), covers the following as nuisances:

- (a) any premises in such a state as to be prejudicial to health or a nuisance;
- (b) smoke emitted from premises so as to be prejudicial to health or a nuisance;
- (c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
- (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- (e) any accumulation or deposit which is prejudicial to health or a nuisance;
- (f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- (fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;]



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form for your information.

**6. Restoration and Aftercare Schemes:** It may be prudent to include reference to biodiversity net gain in this section, similar



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>

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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