

Consultee/ Commenter	Comments received	Proposed response/ action
1. Canal and River Trust (CRT)	<p>Further reference to the canal network could be included within the List to ensure applicants/developers are fully aware of the canal network in the Borough and the need to consider it in any relevant assessments at the earliest opportunity including the following:</p> <ul style="list-style-type: none"> • Drainage – the drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage and full details should be submitted and agreed. CRT consider that the proposed thresholds within the checklist for when a drainage scheme is required are too high. They would wish to know the drainage arrangements for any new building/dwellings within their consultation buffer zone. Any surface water discharge to the waterway will require prior consent from the CRT. As the CRT is not a land drainage authority, such discharges are not granted as of right-where they are granted, they will usually be subject to completion of a commercial agreement. • Lighting - waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. A lighting assessment should be required for any development adjacent to, or in close proximity to the canal corridor. Any external lighting should be angled downwards and light directed into the site and it should not provide flood lighting to the canal corridor to show consideration for bats and other nocturnal species. • Land stability - a requirement should also be included for applications to include a land stability report and/or a slope stability assessment where development is proposed that may risk creating land instability and/or affect the stability/integrity of nearby land. The assessment should consider the risk of the development creating adverse effects on the stability of adjacent land and/or infrastructure, which should include canal 	<ul style="list-style-type: none"> • In the column headed 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Foul and Surface Water Drainage Scheme and Sustainable Drainage' add – Development of new buildings/dwellings within canal buffer zones • In the column headed 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Lighting Assessment' add – adjacent to or in close proximity of a canal corridor – to the list of proposals for external lighting that would trigger the requirement to provide an assessment. • Add a new information driver titled '<i>Land Stability Assessment</i>' which: <ul style="list-style-type: none"> ➤ quotes the NPPF as the policy driver; ➤ specifies the type of development that trigger the requirement to provide such an Assessment as those that <i>may risk creating land instability and/or affect the stability or integrity of nearby land including canal infrastructure</i> ➤ Indicate that the information required is <i>a land and/or slope stability assessment that considers the risk of the development creating adverse effects on the stability of adjacent land and/or infrastructure and identify the extent to which mitigation measures may be needed to minimise such risks including the risk of creating instability through the imposition of additional loadings on structures such as canal embankment or cutting slopes, above tunnels or directly on canal structures (such as canal wash walls or locks).</i> ➤ Lists <i>the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust"</i> and the PPG in the column 'Where to Look for Further Assistance'.

	<p>infrastructure, and identify the extent to which mitigation measures may be needed to minimise such risks. This includes considering the risk of creating instability through the imposition of additional loadings on structures such as canal embankment or cutting slopes, above tunnels or directly on canal structures (such as canal wash walls or locks). Works on, adjacent or in close proximity to the canal corridor would need to comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”. Government advice contained in Paragraph 183 of the NPPF is clear that new development should not contribute to unacceptable levels of land instability. Paragraph 184 is equally clear that the responsibility for securing a safe development rests with the developer. The Trust therefore considers that a requirement within the List of Local Validation Requirements to provide such assessments is consistent with both the NPPF and the further guidance on land stability contained in NPPG.</p>	
2. The Coal Authority	<p>No objections or comments but would like to draw to attention that in respect of the Submission of the Coal Mining Risk Assessment the policy driver has now changed to paragraphs 183/184 of the recently updated NPPF.</p>	<ul style="list-style-type: none"> • A check of all references to the NPPF within the List of Local Validation Requirements should be carried out and references to paragraph numbers amended as required so as to be consistent with the recently published latest version of the NPPF.
3. The Conservation Officer	<p>Reference should be made to the need to provide Heritage Assets for non-designated heritage assets, in line with the NPPF.</p>	<ul style="list-style-type: none"> • In the column headed ‘Types of Applications and Geographic Location(s) that Require this information’ against the information item ‘Heritage Asset Statement’ add reference to <i>non-designated</i> as well as designated assets.
4. County Ecologist	<p>Biodiversity, Tree Protection Section 4 references NPPF 118, which does not seem relevant as it refers to High Quality Communications? Similarly 141 and 149 are referenced and appear to relate to development in the green belt, and 170-172 refer to coastal change. 176 and 177 refer to landscape designations that are not present in Newcastle. 175 and 179 refer to plan-making but should probably be included as references because these discuss important concepts such as ecological networks and biodiversity opportunity mapping (referred to on page 7).</p>	<ul style="list-style-type: none"> • The references to paragraphs set out in the draft LLVR relate to the previous version of the NPPF. As indicated above a check of all references to the NPPF within the List of Local Validation Requirements should be carried out and references to paragraph numbers be corrected, and additional paragraphs included if appropriate, so as to be consistent with the recently published latest version of the NPPF. • In the column headed ‘What Information is Required’ against the information item ‘Biodiversity survey and report’ amend - “It should be demonstrated that adverse impacts on important habitats and

NPPF 174 is crucial and brings in the concept of biodiversity net gain (d). There are now Defra metrics (one each for large and small developments) to measure whether net gain is likely to be achieved, either onsite or through offsite measures. Applicants should be encouraged and preferably obliged to evidence net gain through the use of these metrics unless it is obvious that the balance of built and soft development will remain the same within the red line boundary. Since 174 does not refer to no net loss, text on page 6 (under col 4) could be updated:

compensation is proposed that results in ~~no net loss of biodiversity or to achieve net gain if/when this becomes mandatory~~, preferably demonstrated via submission of the appropriate Defra metric.

NPPF 180-182 should be referenced. In particular 180 a) explains the avoid-mitigate-compensate hierarchy, which is covered in the 'what information is required' section on page 6. 180 d) refers to irreplaceable habitats including veteran trees and ancient woodland, both of which are important in the rural part of the Borough. Newcastle also has some areas of peatland (Chorlton and Craddocks Moss, for example) and Meres which are also irreplaceable because they are the result of glaciation.

It may be worth making it clear that where initial ecology reports indicate that additional protected species surveys are needed, such as bat emergence surveys, the application cannot be validated until these are complete.

It may also be worth referring to District Level Licencing for great crested newts, if the borough is likely to take part in this in the near future. Contact Emma.lawson@naturespaceuk.org for information – suggested text could read 'survey and mitigation for great crested newts may be simplified or avoided under the District Level Licencing scheme operated by NatureSpace and expected to be available for Newcastle by date

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species have been avoided where possible and that unavoidable impacts have been fully mitigated or that, where mitigation is not possible, compensation is proposed that results *in net gain preferably demonstrated via submission of the appropriate Defra metric*".

- In the column headed 'What Information is Required' against the information item 'Biodiversity survey and report' add the following text "*Please note that where initial ecology reports indicate that additional protected species surveys are needed the application will not be registered as valid until these have been completed.*"
- The Borough Council has not 'signed up to' District Level Licensing in respect of Great Crested Newts and as such it is not appropriate to add reference to this in the LLVR at this time.
- In the column headed 'What Information is Required' against the information item 'Heritage Asset Statement' make the amendments recommended under heading 'Archaeology/Historic Environment' in the adjoining column.
- The comments regarding public rights of way are noted and these matters will be highlighted in discussions about proposed developments that take place with officers as necessary. It is not, however, considered appropriate to introduce a new information requirement and there are no information items within the LLVR under which such reference could be added.

The following changes under the archaeology section (What Information Is Required on Pages 16 and 17) are suggested:

'Where the development has the potential to impact archaeological remains, as a minimum, a desk based assessment should be provided summarising the following;

- Justification for development affecting a Scheduled Monument or other significant archaeological remains
- The historic development of the site and surrounding area.
- The nature and extent of the above- and below-ground remains known/ likely to be present.
- The impact that the proposed development is likely to have on surviving assets.
- Proposed mitigation (if any)

Where archaeological assessments are required it may be necessary to undertake field evaluation and trench surveys, which should be carried out by a qualified professional. In such cases the developer will need to submit a proposed written scheme of investigation. Early consultation with Staffordshire County Council Historic Archaeologist, Historic England as well as the Borough Council's Conservation Officer (as appropriate) is advised to determine the need for and scope of any such archaeological works.

As a minimum the Historic Environment Record (HER) which is maintained by Staffordshire Council should be consulted. For a small fee the County Council can provide Pre-application Archaeological Advice, which will provide a summary of the historic environment interests, following a review of the HER, and set out recommendations, and suggested conditions'

It is also suggested changing 'Scheduled Ancient Monument' on page 14 to 'Scheduled Monument'.

	<p>Public Rights of Way</p> <p>There is no mention of the impact of development on public rights of way that either are directly affected or are in the local vicinity. Any public right of way directly affected should be considered in the early stages of the planning process and contact made with Staffordshire County council to discuss possible mitigation. The increased use of surrounding local routes should be taken into account and provision made for the improvement and maintenance of those routes leading to and from the development site.</p>	
5. Highways England	None of the proposed changes are likely to affect the validation of the Strategic Road Network and they have no recommendation or comment to make.	<ul style="list-style-type: none"> • No amendment required
6. Natural England	<p>Some agricultural developments will result in increases in air emissions and should be included as a type of application which triggers the requirement for an Air Quality Assessment. As a guide to whether the proposal exceeds Natural England's Impact Risk Zone thresholds, applicants can look at Defra's 'Magic' data. Under 'What information is required' they suggest that it is stated that an Air quality assessment maybe required to understand the impacts on environmental receptors.</p> <p>In respect of the information item 'Biodiversity survey and report' it is suggested that we may wish to revise the terminology used in regard to European and International sites as the Habitats and Species Regulations have been amended to reflect the UK's exit from the EU.</p>	<ul style="list-style-type: none"> • In the column headed 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Air Quality Assessment' add <i>agricultural developments that exceed Natural England's Impact Risk Zone thresholds providing a link to the Defra data.</i> • In the column headed 'What information is Required' against the information item 'Air Quality Assessment' add - <i>the Assessment should identify the impacts of the development on environmental receptors and the extent to which mitigation measures may be required.</i> • Ensure that the correct terminology is used against the information item 'Biodiversity Survey and Report'
7. Rob Duncan (agent)	<ul style="list-style-type: none"> • Biodiversity Reports. Guidance should make clear that bat survey are not required for conversion / alteration of buildings with metal roofs, as this is not suitable habitat for bats. • The Local Authority should adopt CIL to address matters of local infrastructure. Such statements are unduly onerous. • The requirement to undertake Design Review on all major applications is unduly onerous and impractical - it should be a 	<ul style="list-style-type: none"> • The 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Biodiversity survey and report' is consistent with the Biodiversity and Geological Conservation Validation Checklist published by Staffordshire County Council which was written by the County's Ecologist. As such it is not considered appropriate or necessary to make reference to there being no requirement to undertake a bat survey on buildings with metal roofs.

	<p>voluntary issue rather than a requirement. Perhaps revise to refer to 'strategic major' developments.</p> <ul style="list-style-type: none"> • Matters of drainage are covered by the Building Regulations. It is unduly onerous to require the submission of a drainage scheme for non-major developments, and the threshold should be revised to 10 units or more. • The requirement for a Foul Sewage Statement is unduly onerous as all new development will inevitably connect to the existing drainage system if not provided with its own on-site provision such as a package treatment plant. • Landscape/Visual Impact Assessment (LVIA) reports should be optional at the discretion of the developer or threshold revised to strategic major development • Landscape Master Plans should be optional at the discretion of the developer or threshold revised to strategic major development • The requirement to provide 'Open Space Assessments' is unduly onerous and duplicates other documents (infrastructure statement) • The requirement to provided 'Photographs/Photomontages and/or Computer Generated Images and 3D models' is unduly onerous and should be optional at the discretion of the developer • The requirement to provide a 'Statement of Agricultural Need' should make allowance for such arguments to be set out in a Planning Statement • Structural Surveys should not be required where the building is evidently in a sound structural condition as some building are 	<ul style="list-style-type: none"> • It is unclear as to why reference is made to CIL as the List of Local Validation Requirements (LLVR) does not require the submission of an Infrastructure Statement. The adoption of CIL is not a matter for consideration in this review of the List of Local Validation Requirements (LLVR). Should CIL be adopted then it may be necessary to carry out a further review of the LLVR and make adjustments as appropriate. No amendments are required or appropriate in this regard. • In practice it is not a requirement that all major applications have first undergone design review before the application is registered. A judgement is made during the pre-application and/or validation process as to whether this requirement meets the statutory tests (i.e it is reasonable having regard, in particular, to the nature and scale of the proposed development and about a matter which it is reasonable to think will be a material consideration in the determination of the application) and only required where the tests are met. Such judgement is made on a case by case basis as it is not possible to identify the types of major development where Design Review would not meet the tests and should be excluded from this requirement. Given the increased emphasis placed on the importance of good design it is not considered appropriate to make any amendment to this information item. • Amend what is stated in the column headed 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Foul and Surface Water Drainage Scheme and Sustainable Drainage' by omission of reference to residential development of 5 or more properties. • Amend what is stated in the column headed 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Foul Sewage Statement' to say "Where it is proposed that a <i>major</i> development will be connected to the existing drainage system. Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer" • It is not appropriate for the submission of a LVIA to be optional and at the discretion of the development as an applicant may not be prepared to provide such an Assessment even though visual impact
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		<p>may be a material consideration. Any changes to, or deletion of, this information item should not be agreed.</p> <ul style="list-style-type: none">• It is not appropriate for the submission of a Landscape Master Plan to be optional and at the discretion of the development as an applicant may not be prepared to provide this even though it is reasonable to require such a Plan and consider that it may be a material consideration. It can be agreed, however, to amend what is stated in the column headed 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Landscape Master Plan' to say "Applications involving <i>strategic</i> major development"• It is not considered that the requirement to provide an Open Space Assessment is either unduly onerous or is duplicated by other information items in the LLVR. Consideration of the impact of development on open space has clear policy drivers and meets the statutory tests for inclusion. Any changes to, or deletion of, this information item should not be agreed.• It is agreed that the requirement to provide 'Photographs/Photomontages and/or Computer Generated Images and 3D models' is unduly onerous and that this information item should be deleted from the LLVR. Such a deletion would not prevent the LPA from requesting such information where that would assist in consideration of the planning proposal.• The requirement to provide a 'Statement of Agricultural Need' does not prevent such a statement being included in a Planning Statement and as such it is considered that no amendments are required to this information item.• Amend what is stated in the column headed 'Types of Applications and Geographic Location(s) that Require this information' against the information item 'Structural Survey' to say "Development involving the reuse of rural buildings, <i>unless evidently structurally sound</i>. All applications for the demolition of listed buildings and unlisted buildings within the Conservation Area"
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8. Sport England (SE)	SE validation requirements for planning applications affecting playing field land has been provided that sets out the information that enables them to provide a substantive response to applications on which it is consulted and will also aid the LPA to assess an application in light of paragraph 99 of the NPPF and relevant Local Plan Policies	<ul style="list-style-type: none"> The 'What Information is required' section of information item 'Open Space Assessment' already includes the validation requirements from Sport England's checklist. No amendment therefore required.
9. Staffordshire Police	<p>Consideration should be given to the inclusion of the following documents under the 'Where to Look for Further Assistance' column:</p> <ul style="list-style-type: none"> Historic England's 'Heritage Crime Prevention Measures – Guidance for Owners, Tenants and Managers of Heritage Assets' against the information item 'Heritage Asset Statement' Standards for Public Cycle Parking' jointly published by the Bicycle Association, Sustrans and Secured by Design against the information item 'Parking Provision Details' 	<ul style="list-style-type: none"> Agreed – reference and links to these document should be added