

<p>04.07.2024 – as discussed with all Councils on 07.05.2024 with changes confirmed by subsequent emails.</p>	<p>Comment received</p>
<p>National Requirements (Sections 1-9) and including Biodiversity Net Gain</p>	<p>National Highways Whilst National Highways could identify that they have their own requirements regarding Biodiversity Net Gain that may differ (go further) than National Requirements and which may apply if National Highways' land interests are influenced, the absence of such within an application's supporting information would not deem it invalid. Therefore, National Highways consider this a scoping / review matter and offer no further comment regarding this specific matter in relation to this consultation.</p>
<p>Response</p>	<p>Agreed response No changes made in response to National Highways comment as not considered that changes are necessary. Final review of text undertaken and minor changes to provide clarification only have been made.</p>
<p>Section 10: Application Plans</p>	
<p>Response</p>	<p>Agreed response Typo corrected only.</p>
<p>Section 11: Acoustic and Vibration Assessment</p>	<p>The requirement for Acoustic and Vibration Assessment for all outdoor sport facilities, Class E developments, Class F1, F2 and Sui Generis developments is disproportionate. This survey should be required at the discretion of officers and considered on a case-by-case basis for all applications. Requirement for all developments within these use classes to require this survey is not appropriate.</p>
<p>Response</p>	<p>Agreed response Additional text to be added to include vibration from metro line and text reviewed to provide clarity. No change to use classes where assessment is required but further text regarding liaison with EHO prior to undertaking assessments to be added as well as further info on clarity of requirements for Class E Update to guidance list</p>
<p>Section 12: Affordable Housing Statement</p>	
<p>Response</p>	<p>Agreed response</p>

	Text reviewed and further information provided in guidance section to provide clarity.
Section 13: Air Quality Assessment	This should be requested at discretion of the case officer for each application, not automatically required for all developments with 10 or more car parking spaces. This is disproportionate.
Response	<p>Agreed Response</p> <p>NCC reviewed this section again.</p> <p>10 Car Park Space requirement retained but clarification of where this is required provided. Review of text and areas where AQA needed undertaken and text adjusted. Clarity provided on what type of developments require AQA in AQMA.</p>
Section 14: Archaeological Assessments	<p>Historic England</p> <p>It may be best to refer to Historic England's HEAN 17 Planning and Archaeology here link https://historicengland.org.uk/images-books/publications/planning-archaeology-advice-note-17/heag314-planning-archaeology/</p> <p>Instead of referring to https://historicengland.org.uk/listing/selection-criteria/listing-selection/ we suggest the following https://historicengland.org.uk/listing/selection-criteria/ihas/ https://historicengland.org.uk/listing/selection-criteria/scheduling-selection/</p> <p>NCC Archaeology</p> <p>Historic England Good Practice in Planning Notes 1 4:https://historicengland.org.uk/images-books/publications/pps-practice-guide/</p> <p>Should read</p> <p>Historic England Good Practice Advice (GPAs) 1 – 4 https://historicengland.org.uk/advice/planning/planning-system/#Good%20Practice%20Advice</p> <p>Also I think Gateshead have saved Unitary Development Plan Policies ENV21, ENV22, ENV23 and ENV24?</p>
Response	<p>Agreed Response</p> <p>Update to links made On review of text, noted that greenfield sites had been omitted (as currently shown in 2019 list). This has been reinstated. Exceptions added for clarity Contact details duplicated further up the guidance section for clarity. Gateshead – Confirmed policies and requested addition of MSGP26 – ENV policies have been superseded.</p>

<p>Section 15: Coal Mining Risk Assessment / Mineral Safeguarding</p>	<p>The Coal Authority The Coal Authority supports the requirement as set out in Section 15 for relevant planning applications to be supported by a Coal Mining Risk Assessment. We are pleased to see links provided to further information on this issue for users of the Validation List.</p>
<p>Response</p>	<p>Agreed Response Minor tweaks to text only</p>
<p>Section 16: Biodiversity Surveys and Reports</p>	<p>Biodiversity and Survey Reports: A – Protected Species Survey and Report Natural England welcomes the requirement – for all applications which include conversion, demolition, removal, or modification of existing buildings or removal or pruning of trees – to submit a protected species survey and report for developments where protected species are known and considered likely to be present (confirmed by a data search or local knowledge). For Great Crested Newts, Natural England agrees with the requirement that the above surveys be submitted should a major proposal be within 500m of the perimeter of a pond, or 200m of rivers, streams, canals, lakes, or other aquatic habitats such as wetlands, and for minor proposals, within 100m of the above.</p> <p>Biodiversity and Survey Reports: B – Ecological Impact Assessment (EclA) Natural England welcome the requirement for applications (excluding householder) to submit an EclA which include and / or are adjacent to impact semi-natural habitats both within and external to the development site.</p> <p>Biodiversity and Survey Reports: D – Habitats Regulations Assessment Under Regulation 63 of the Habitats Regulations Assessment 2017, all competent authorities must undertake an appropriate assessment of the implications of a plan or project if it is likely to have a significant effect on a European site or a European offshore site (either alone or in combination with other plans and projects), and is not directly connected with or necessary to the management of that site. Natural England agrees that the plans and projects likely to require a HRA (Stage 2 appropriate Page 2 of 2 assessment) as outlined in the draft validation checklist as those that are within 500m of the coast, those being hydrologically connected to the coast, and those which bring new residential development within a define Impact Risk Zone. For new residential development, Natural England advises that a contribution to the relevant Coastal Mitigation Scheme should form part of the appropriate assessment.</p>
<p>Response</p>	<p>Agreed Response Text reviewed and adjusted to prove clarity on what is required and when.</p>
<p>Section 17: Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Strategy</p>	<p>NCC – LLFA Reinstate 0.5ha limit on applications within Critical Drainage Areas for requirements for FRA</p> <p>Gateshead</p>

Development within a local authority's own identified critical drainage area (as identified within the strategic flood risk assessment) and Flood Zones 2 & 3 including minor development and change of use; <http://www.environment-agency.gov.uk/research/planning/93498.aspx>

Would this be better split into 2:

Development within a local authority's own identified critical drainage area (as identified within the strategic flood risk assessment)

Flood Zones 2 & 3 including minor development and change of use; <http://www.environment-agency.gov.uk/research/planning/93498.aspx>

Or just using the requirements set out in the national guidance

- *in flood zone 2 or 3 including [minor development](#) and [change of use](#)*
- *more than 1 hectare (ha) in flood zone 1*
- *less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)*
- *in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency*

[Find out what flood zone you're in](#)

Contact [your local planning authority](#) to check if your development site is in an area identified as having critical drainage problems

Environment Agency

We would expect to see a site-specific Flood Risk Assessment submitted in support of a planning application where one is required. Where non-mains foul drainage is proposed we would expect to see an FDA1 form completed in full, however the Environment Agency would only be commenting on non-mains foul drainage for major developments.

Other

Surface Water Drainage Strategy Requirements - it should not be a necessary validation requirement to include Landscaping Plans for SuDS features, a Construction Method Statement for proposed SuDS, Construction details and Planning including development phasing and a Construction Management Plan, SuDS Maintenance Plan, SuDS Management Plan, and an Information and Communication Plan for the Proposed SuDS Scheme.

These requirements are all items which could be dealt with as planning conditions attached to any granted consent. Completely unnecessary barriers for developers to jump over at the validation stage.

Response

Agreed Response

	<p>0.5ha limit to be reinstated for all authorities</p> <p>Adjusted wording to reflect suggested change to FRA requirements</p> <p>EA comment – FDA1 form already referenced in text so slight tweak to wording made only</p> <p>Landscape comment – no amendments to be made as considered necessary to ensure SuDS areas work</p> <p>Management and maintenance considered to be able to be conditioned – adjusted requirements to make it desirable rather than essential for validation</p> <p>WFD guidance added following further consultation with the EA regarding the requirements (in response to later comment).</p> <p>Text changes to provide clarity.</p>
Section 18: Health Impact Assessment	<p>Sport England</p> <p>We welcome this requirement. However its scope appears quite narrow, and in respect of employment, thresholds are too high. So for example neither a major retail proposal, educational institution or office development would require a HIA - although all of them would generate significant travel as they would be a major destination. In a similar vein 10Ha threshold for employment development is too high. We would suggest 2Ha.</p>
Response	<p>Agreed Response</p> <p>It is suggested that as there is currently no policy basis for changing the thresholds the limits as set out should remain the same. Gateshead request more definite requirements.</p> <p>Text amended to pick up differing requirements across the Councils.</p> <p>Option of lower threshold added to allow consideration at pre-app in response to Sport England’s suggestion.</p>
Section 19: Heritage Statement	<p>Historic England</p> <p>We suggest referring applicants to Historic England's Planning System webpages here which links to all Historic England Advice notes (HEANs) and Good Practice Advice notes (GPA's).</p> <p>https://historicengland.org.uk/advice/planning/planning-system/</p>
Response	<p>Agreed response</p> <p>Update to links</p>
Section 20: Housing Spacing Standards	<p>Query whether this could be dealt with by adding floor space size/dimensions to Proposed Plans rather than in a statement form?</p>
Response	<p>Agreed response</p> <p>Submission of a statement is required but details on the plans would be beneficial to aid with assessment.</p> <p>Note to be added requesting that information be submitted on plans as well, but validation requirement remains as statement only.</p>

	Also provided clarity on M4(3) requirements.
Section 21: Land Contamination Assessment	North Tyneside Council's requirement for Phase 2 Assessment for all developments is completely unnecessary and should be removed. Difficult to understand the justification for this, particularly given that a Phase 1 is required to be undertaken to then confirm whether further investigative works (in the form of a Phase 2) are required. Another unnecessary barrier for developers to jump over at validation (the surveys are very costly) and this should be gravely considered.
Response	Agreed Response North Tyneside Council have confirmed that this requirement can be omitted. Text removed. Text adjusted for clarification. NCC confirmed that screening assessment also acceptable (not just in Gateshead) so this has been added. Do other Councils agree?
Section 22: Landscape Impact Assessment and Masterplan	Ideally this should be at Officer discretion where a major application is considered to potentially have a visual impact on the Landscape Surrounding Area, rather than for all major applications being required to provide this.
Response	Agreed Response Advised to scope requirements at pre-app Clarity to be provided on areas where an assessment would be required by adjusting text accordingly – this has been done by re-titling the section to clarify what is needed and emphasise that LVAs and LVIAs are only needed in particular circumstances in line with guidance. This hopefully avoids confusion over terminology.
Section 23: Landscaping Details	
Response	Agreed Response Adjustments to text made to clarify and distinguish between previous section only.
Section 24: Marketing Information	
Response	Agreed Response Text added to clarify when information would be needed in relation to heritage assets.

Section 25: Open Space Assessment (including playing fields and recreational buildings)	Sport England We welcome and support the reference to Sport England’s Playing Fields Policy and Guidance Document (2018) which includes Appendix A ‘Information Requirements’ for applications affecting playing fields.
Response	Agreed Response
Section 26: Overheating Assessment and Mitigation Requirements	
Response	Agreed Response Clarification on when this would be required added.
Section 27: Planning Statement	
Response	Agreed Response Minor text changes only for clarity.
Section 28: Statement of Community Involvement	
Response	Agreed Response
Section 29: Structural Survey	
Response	Agreed Response Minor text changes only for clarity.
Section 30: Sunlight/Daylight/Wind Study/Microclimate/Lighting Assessment	

Response	Agreed Response Minor text changes only for clarity.
Section 31: Sustainability Statement	
Response	Agreed Response
Section 32: Telecommunications Development	
Response	Agreed Response
Section 33: Town Centre Use Assessment	
Response	Agreed Response Minor formatting changes only
Section 34: Transport Assessments / Statements and Travel Plans	NCC Highways TA / TS / TPs... Can you confirm why no threshold for Class A? Construction Management Plans We would prefer these are referred to as Construction Traffic Management Plans, so they are specific to what we in highways assess when reviewing them, and not details about on site health and safety measures which is controlled by H&S / CDM regulations. If we leave it referred to as CMPs, we are likely to keep receiving documents that a full of pages of information not relevant to highways / traffic management. It would be helpful if there was more of a description of what's to be included. We can send a draft paragraph. It would only be in exceptional circumstances that details of the CMP needs to be agreed at pre-app. Certainly they should be giving it some consideration at pre-app stage, but the scope as referred to in the checklist is CMP template itself. The template is not just for major applications...its just for when we want a CMP Nexus Sustainable Transport Provision Section 34 of the Tyneside Validation Checklist focuses on Transport Assessments and Travel Plans, which play an important role in ensuring sustainable transport provision is available from the outset of development. Nexus recognises the opportunities to encourage sustainable

transport use at development sites which make use of existing public transport and active travel connections and encourages proactive engagement on behalf of the Applicant to ensure appropriate mitigations are in place in areas that are not already served by good existing public transport provision.

In order to support Applicants through the development planning process in relation to sustainable transport and set out Nexus' guidelines for sustainable transport provision, Nexus has a Planning Liaison Policy. Alongside the above, this document also:

- Details Nexus' approach when consulted on planning applications,
- Supports Applicants in designing and developing a sustainable site,
- Highlights public transport interventions and incentives that are available (and may be conditioned through the planning process),
- Highlights how Nexus supports Applicants from pre-application through to planning approval.

A copy of the Nexus Planning Liaison Policy will be included within Nexus' response email.

A summary of the key recommendations within the Nexus Planning Liaison Policy are as follows:

- Nexus considers that all new dwellings should be within 400 metres walking distance of a bus stop or 800 metres of a Metro Station, in alignment with other policies.
- Residents of new developments should be able to access a variety of key services, including doctors' surgeries and local shops, within 30 minutes, door to door, using public transport.
- Bus services will need to be provided throughout the day and week with a minimum 30-minute frequency between the hours of 6.30am and 6.30pm, Monday to Saturday. Outside of these times, Applicants are expected to include proposals that are proportionate to the size and nature of the development.
- Where a proposed development may affect public transport infrastructure, Nexus must be consulted to ensure that there will be no impact on the operation of transport services. More detailed information on this point will be highlighted in section 3 of Nexus' response comments.
- Where new bus stops are required, these must be paid for by the Applicant and be to Nexus standard. The Applicant must also be required to contribute towards the ongoing upkeep of any new shelter to be managed by Nexus for a period of five years.
- For residential developments of 50 or more dwellings, Nexus will request via the Local Planning Authority that the Applicant meets the cost of two introductory travel tickets per dwelling, namely Pop Pay as You Go cards at the time of writing, each with £50 of pre-loaded credit.
- For commercial and industrial developments, where the development will be the place of work for 50 or more Full Time Equivalent posts, a workplace travel plan should be produced. As part of this, the Applicant should also meet the cost of one Pop Pay as You Go card per employee with £50 of pre-loaded credit.

Nexus recognises the important role public transport can play in ensuring development sites are sustainable and would welcome any of the considerations set out within the Nexus Planning Liaison Policy considered within the Tyneside Validation Checklist.

3. Development Adjacent to Nexus Infrastructure

As a statutory consultee and neighbouring landowner, Nexus is consulted on applications which may impact upon, or are located adjacent to, Nexus assets or infrastructure. Nexus has attached some wording within this response document to provide advice to Applicants wishing to

submit a planning application on land neighbouring Nexus or Metro infrastructure. Nexus would welcome the inclusion of this advice within the Tyneside Validation Checklist where appropriate, to ensure Nexus' requirements are adhered to by Applicants and to ensure the planning process is streamlined for Nexus, the Applicant, and the Local Planning Authority. The tone of the attached text may be altered as appropriate to suit the overall tone of the Tyneside Validation Checklist. Nexus' advice is as follows:

Properties adjacent to Nexus/Metro Infrastructure

Nexus is the Passenger Transport Executive for Tyne and Wear and is the owner and operator of the Tyne and Wear Metro; as well as other infrastructure such as bus stations, depots, and office facilities. Nexus is a statutory consultee on any planning application which is adjacent to any Nexus infrastructure (or land owned by Nexus). This also takes into consideration Metro tunnels in Central Newcastle and Gateshead, and adjacent to Byker, North Shields and Tyne Dock Metro Stations. This is to ensure that Nexus assets are protected from any detrimental effects of the Applicant's work.

Nexus encourages the Applicant to discuss their application with Nexus before it is formally submitted to the Local Planning Authority. This will allow Nexus to offer advice on how to ensure the design of the development does not impact on Nexus infrastructure. The planning application will be rejected if the Applicant cannot demonstrate that Nexus assets will not be affected by their works. The application will remain rejected until Nexus is satisfied. A 'pre-application' meeting can be set up with Nexus, free of charge, by contacting 3rdPartyWorks@nexus.org.uk. Please allow up to 28 days for a response.

If approval is granted, the Applicant is expected to liaise with Nexus to coordinate works. At this stage, all Project Management and Engineering time spent on the project is recharged to the Applicant. Nexus must review all Risk Assessments, Method Statements, final designs, or any documentation deemed applicable to ensure that the development can be carried out within Nexus' safety standards. Charges also apply for access to any Nexus infrastructure (which may include isolation of Overhead Line Equipment) which must be planned by the Nexus Project Manager.

It may be necessary to have a formal agreement, with the input of lawyers, if deemed applicable by the Nexus Project Manager. This could include, but is not limited to, Asset Protection Agreements, Oversailing Licences, or Party Wall Agreements. All legal costs to Nexus will be charged back to the Applicant.

The Applicant should refer to the NENG-STR-STD-007 Nexus 3rd Party Engineering Requirements & Guidance for more information on Nexus' requirements. This should be provided to the Applicant by the LPA. The Applicant may also wish to contact Nexus directly at 3rdPartyWorks@nexus.org.uk.

A copy of the Nexus 3rd Party Engineering Requirements & Guidance document will be included within Nexus' response email. Nexus would welcome any consideration within the Tyneside Validation Checklist given towards the steps to be taken should development be located in close proximity to Nexus infrastructure, to ensure the development planning process is streamlined for Nexus, the Local Planning Authority, and the Applicant.

Response

Agreed response

	<p>Deletion of Class A means reference in table not required as part of Class E Reference to CMPs is not a validation requirement, it is just included for guidance – terminology to remain as CMP. Nexus comments appear more relevant to assessment than validation so no changes are proposed in response.</p>
<p>Section 35: Tree Survey and/or Statement of Arboricultural Implications of Development</p>	<p>Gateshead Should this wording be moved to what information is required for validation?</p> <p><i>However, the following details will also be required where a tree is protected by a Tree Preservation Order or where the site is located in a Conservation Area:</i></p> <p><i>Age class (young, middle aged, mature, over-mature, veteran); physiological condition (e.g. good, fair, poor, dead); structural condition (e.g. collapsing, the presence of any decay and physical defect); preliminary management recommendations, including further investigation of suspected defects that require more detailed assessment and potential for wildlife habitat; estimated remaining contribution in years (e.g. less than 10, 10-20, 20-40, more than 40); category grading (see BS5837: 2012 Trees in Relation to Construction – Recommendations).</i></p> <p>Other Should be required for where trees are present within the application site and are to be impacted by a proposed development. Developments not affecting trees should not require this.</p>
<p>Response</p>	<p>Agreed response</p> <p>Move text to clarify requirements for TPO/Conservation Area trees Text added to confirm only required where trees are likely to be or potentially would be affected.</p>
<p>Section 36: Ventilation / Extraction Details / Odour management</p>	
<p>Response</p>	<p>Agreed Response</p> <p>Minor formatting changes only</p>
<p>Section 37: Viability Assessment</p>	
<p>Response</p>	<p>Agreed Response</p> <p>Minor formatting changes only</p>

Section 38: Waste Management Plan	Can waste management details be provided on Proposed Site Plans and details confirmed in Planning Statements, rather than requiring a separate plan.
Response	<p>Agreed response</p> <p>NCC taking different approach to other Councils by requiring waste management form. This to be specified in requirements. All other authorities happy with details being shown on plans.</p>
Section 39: Community Infrastructure Levy (Gateshead, North Tyneside and Newcastle only)	
Response	Agreed Response
Appendix 2 - The Validation Checklists	<p>National Highways We note that list of ‘relevant expert bodies’ identified in relation to preapplication scoping excludes National Highways (other than by virtue of the identified, “and Highway Authority etc.”).</p> <p>National Highways is, however, identified as a potential consultee in relation to scoping, “where there exits the potential for an impact to be apparent at the Strategic Road Network, as represented by trunk roads and motorways”. This is acceptable.</p> <p>The list of information provided within transport submissions identifies:</p> <ul style="list-style-type: none"> • “Clearly defined objectives” – which National Highways would extend to needing to satisfy Circular 01/2022’s requirement for a “vision”; and • Regarding the need for RSAs – identified in relation to inclusion within TAs / TSs and TPs, we consider it is extremely unlikely that RSAs would be included within TAs/TSs (and would not satisfy National Highways’ requirements unless scoped, undertaken and agreed at pre-application scoping stage). Notwithstanding this, this strengthens National Highways’ requirement that an RSA (including Scope and Response) be agree before an application is determined, where works are identified at the SRN. <p>The need for Construction Management Plans are noted, and is supported by National Highways.</p> <p>The Policy Background identifies “The Strategic Road Network; Planning for the future”, which is incorrect and should make reference to “Planning for the future - A guide to working with National Highways on planning matters”, along with DfT Circular 01/2022 – “Strategic road network and the delivery of sustainable development”.</p>
Response	<p>Agreed response</p> <p>Update links</p>

	<p>Add National Highways to list of relevant expert bodies</p>
<p>Do you have any other general comments you would like to make?</p>	<p>Environment Agency We would expect to see a Water Framework Directive (WFD) Assessment where required.</p> <p>There is a small section on pre-app but I would have said that as a minimum we would expect to see: 1. Red line boundary 2. Basic description of the development proposal type</p> <p>National Highways The general note that National Highways may have specific requirements that differ from those within the checklist and which may apply if National Highways are to be satisfied regarding the acceptability of a proposal, referenced above, could be included here. And, accordingly, pre-application scoping engagement is strongly encouraged. However, the absence of such information an application’s supporting information would not deem the application itself invalid. Therefore, it is suggested that these requirements need not be identified within the Checklist itself – whilst noting the comments that have been made in relation to the TA/TS and TP section.</p> <p>Other Please consider the comments made as some of the currently stringent requirements aforementioned will have considerable implications for Applicants and developers bringing forward new development.</p> <p>Nexus Early Engagement Section V of the Tyneside Validation Checklist notes that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. As has been referenced above, Nexus would strongly encourage early engagement on behalf of the Applicant regarding the implementation of sustainable transport and to ensure that any of Nexus’ infrastructure requirements are adhered to for developments that neighbour Nexus’ assets or infrastructure. Nexus would welcome its preference for early engagement to be noted within the document wherever appropriate.</p>
<p>Response</p>	<p>Agreed Response</p> <p>Note added to pre-application section regarding establishing requirements for submission as requirements for EA may not be the same as others.</p> <p>Nexus added to contact lists in pre-application section to encourage early engagement.</p> <p>Water Framework Directive requirements have been confirmed with the EA and further information added to guidance section with Section 17.</p> <p>Introductory/Background text adjusted to provide clarity</p>