Essential Reference Paper 'B'

Summary of Consultation Responses on East Herts Council Validation Requirements for Planning and Listed Building Consent Applications

Respondent	Consultation Response	Changes Suggested
Environment Agency	Biodiversity Questionnaire The list should refer to proposals which include development within eight metres of a watercourse.	Agreed and included
	The Biodiversity Questionnaire should be amended to include the requirement for a Water Framework Directive Assessment.	No changes are proposed to the Biodiversity Questionnaire as part of the changes to validation requirements. The Questionnaire will be reviewed separately and the Environment Agency's comments will be considered as part of the review of that document.
	Flood Risk Assessment The need for a Sequential Test should be identified.	Agreed and included
	Land Contamination Assessment A Land Contamination Assessment should also be required where there is potential for contamination to exist, not just where contamination is known. The assessment must consider risks from contamination on site including historic, current and proposed uses.	Agreed and included
	An application will be required to be made to the SuDS Approval Body (SAB) as part of a planning application. How will this form part of the validation checklist?	The SAB has not yet been set up and therefore no changes are required to the validation checklist at this time.

Respondent	Consultation Response	Changes Suggested
Hertford Town Council	Submitted plans should make reference to gradients affecting the appreciation of the context of the development site.	Agreed and included
	Applicants should identify all other buildings or structures that will be impacted by the proposed development.	It is a national requirement that site/block plans show all the buildings on land adjoining the application site. This is therefore already included in the validation requirements.
Hertfordshire Biological Records Centre	Biodiversity Questionnaire The Policy Driver section makes reference to Circular 06/2005 which may be replaced in the future. The relationship between planning policy and wildlife protection legislation and policy is especially dynamic (e.g. from several recent Supreme Court judgements) and complex. It may therefore be worth making the case for some small changes if and when there are significant changes to policy.	The Government have identified this Circular as a priority for review. However, until such a review has taken place, the Circular remains the relevant and most up to date Government guidance on these matters, and reference to it in the validation requirements should remain.
	Herts Biological Record Centre will shortly be renamed as Herts County Council Ecology.	Included

Respondent	Consultation Response	Changes Suggested
Historic Environment Unit, Herts County Council	Archaeological desk-based assessment/field evaluations Recommend that the text for 'Types of Application and when required', should be amended to read 'Operational development in Areas of Archaeological Significance (AAS), and (or) where the development would impact on a site which has, or may have, archaeological interest'. This would clarify the point that very significant archaeology can be present in areas that are outside AAS (which at present only denote known archaeology) and that in some instances desk-based assessments and/or field evaluations may therefore be necessary. It is no longer appropriate to rely on the AAS identified in the Local Plan as the sole criterion to trigger a requirement for the submission of archaeological desk-based assessments or field evaluation reports at validation stage, as new archaeological discoveries are included on the Historic Environment Record (HER) on a regular basis on sites which aren't within an AAS.	Agreed and included
	It would also be relevant to add a sentence relating to the submission of a report on a field evaluation of a site, where necessary, to the 'What is required' section.	Agreed and included
	The guidance referring prospective applicants to this office for further advice is helpful.	Noted