

Appendix 2

Summary of consultation responses

Consultee	Comment(s)	RDC Response
Sheriff Hutton Parish Council	No comment	N/A
Highways England	Transport Assessment Section: addition to differentiate the necessity to consult/ regard for the type of road infrastructure which the development could be utilising ie SRN/ Local Highways Network	<p>Noted - Amend validation requirements document to include:</p> <p>"Transport Assessments will be sent to the relevant consultee for the type of road infrastructure that the development would be utilising - Highways England for the Strategic Road Network and North Yorkshire County Council for the Local Highway Network.</p> <p>Advice on the preparation of Transport Assessments is available in the national Planning Practice Guidance</p> <p>https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements"</p>
Yorkshire Wildlife Trust	Supports the information on Page 17 on Biodiversity Survey and Report. Suggest the inclusion of additional links to information to assist non-technical applicants and further information to give sufficient detail as to how applicants should decide as to whether the application will have biodiversity impacts.	<p>Noted - Amend the relevant section to include links to further information as follows:</p> <p>http://www.ywt.org.uk/planning</p> <p>http://www.wildlifetrusts.org/planning</p>

	<p>(Conversion of agricultural buildings to dwellings under Permitted Development) - Include further links to the legal position and information on what protected species might be found using barns.</p>	<p>www.gov.uk/guidance/protected-species-how-to-review-planning-applications</p> <p>Noted - Amend the GPAGB checklist to include: This could include for example, Barn Owls, Bats and Breeding Birds. Further information can be found at:</p> <p>https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications</p>
<p>Environment Agency</p>	<p>Flood Risk Assessment (Page 18-19). Recommend changes to the wording of 2 paragraphs in this section to ensure that it captures all details of the Flood Risk Assessment (FRA) and the requirements.</p> <p>Paragraph 1 to read:</p> <p><i>A Flood Risk Assessment (FRA) will be required for development proposals in flood zone 2 or 3 including minor development and change of use and all proposals in flood zone 1 or more than 1 hectare(ha). An FRA will also be required for any development less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class, where they could be affected by non-fluvial flooding. In areas within flood zone 1 which are designated as a critical drainage area which has been notified to the Local Planning Authority by the Environment Agency, an FRA will also be required. Please see the Environment Agency's website for further details on FRA's.</i></p>	<p>Noted. Amend as suggested.</p>

Where appropriate, the following guidance within table 3 of the national Planning Practice Guidance, evidence for the sequential and exception tests will need to be submitted either as part of the flood risk assessment or as a standalone report. The FRA should also demonstrate that a sequential approach to flood risk has been taken within the development site, so that the most vulnerable parts of the development are carried out in the areas of lowest flood risk.

Paragraph 2:
Include 'taking the latest available climate change allowances into account', at the end of the first sentence

RDC Application Checklist for outline or full planning permission:- Amend text in relation to the sequential test to read:

You may need to carry out a sequential test as part of your FRA if both of the following points apply:

- The development is within flood zone 2 or 3
- A sequential test hasn't already been applied on the proposed site for a development of the same type.

If the sequential test shows that it isn't possible to use an alternative site, the exception test should be carried out for developments that are:

- In flood zone 2 and are classed as highly vulnerable
- More vulnerable in flood zone 3a or are essential infrastructure developments in flood zone 3a or 3b

For more information and guidance on the sequential and exception tests please see the Environment Agency

Noted - Amend as suggested.

Noted - Amend as suggested.

	website.	
Howardian Hills AONB	Existing and proposed elevation drawings must use comparable scales, styles and perspectives to enable direct comparisons between the two. 3D diagrams are useful to convey the feel of the proposals but they should not be a substitute for good elevation drawings.	Noted . It is considered onerous to expect the drawings to be of a comparable style. Amend to request that proposed and elevational plans should be drawn to the same scale.
Natural England	No capacity to comment on the consultation at the current time	N/A
Historic England	<p>Page 20 Heritage Statement. Recommend that:</p> <ul style="list-style-type: none"> • The list of items that the heritage statement should contain should include photographs and a structural survey by an appropriately qualified and independent surveyor (if required) • Include reference to the requirements of para 128 of the NPPF • Reference is included to ensure that an analysis of the character and appearance of a Conservation Area is included in applications within Conservation Area in order for the applicant to demonstrate that the development will preserve or enhance the character or appearance of the area. <p>Page 24: A requirement for a structural survey could be expanded to include non-designated heritage assets.</p> <p>Recommend that if a structural survey is to be produced for a Listed Building it should be provided by an appropriately qualified and independent surveyor.</p>	<p>Noted - Amend as suggested</p> <p>Noted, however this is considered to be an overly onerous requirement.</p> <p>Noted - Amend the text to clarify.</p>

<p>Fitzwilliam Malton Estate</p>	<p>The introduction of a validation checklist is welcomed as it can reduce uncertainty and help to avoid delay. However it can also lead to unnecessary requirements of applicants which should be avoided. Therefore we have the following comments to make:</p> <p>Pre-application Enquiries: The Council acknowledge that it cannot commit to a response to pre-application enquiries within 28 days, despite charging for the service. This is not reflected in paragraphs 2.10-2.14 relating to the processing of applications. It would be more reasonable to acknowledge that where timescales have not allowed for a pre-application enquiry, changes to an application can be made post submission subject to an agreement to extend the application determination period. This would avoid unnecessary delays, costs and abortive work (on both the applicants and Council's sides) associated with the withdrawal and re-submission of an application.</p> <p>Validation of Applications: Concerns regarding the potential for the determination period to be suspended and/or applications to be refused as a result of additional assessment being required which was not identified during validation. Whilst this approach may be reasonable where the requirement is clear at the start of the application process, there are a number of examples in the proposed validation checklist where a</p>	<p>The Local Planning Authority would urge all applicants but particularly those of larger schemes to make a pre-application enquiry to establish information requirements amongst other things. The fact that the LPA may not always be in a position to respond within 28 days should help to ensure that the pre-application process is factored in by applicants at an early stage and well in advance of the submission of an application. The context for the text referred to is in relation to local information requirements to be provided in order to validate/register an application (and confirmed as part of the pre-app process) as opposed to changes to applications post submission/validation.</p> <p>The validation checklist is consistent with those used across North Yorkshire and beyond. It is considered that the information requirements are not ambiguous. Information requirements are proportionate to the type and scale of the development proposed. It is also not</p>
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	<p>specific requirement is ambiguous. (Air Quality; Economic Statements; Landscaping details - see below; Photographs and Photomontages; Transport Assessments.</p> <p>In these instances a more reasonable approach would be to request that the relevant information is provided within agreed timescales post submission and only suspend the application determination period or refuse it in the event that the additional information is not provided.</p> <p>Legal Agreements: Question why the Council have requested that applicants use unilateral undertakings rather than Section 106 , wherever possible. This places the legal cost burden onto the applicant and raises questions about how projects funded through the agreement are secured.</p> <p>Landscape Details: The requirements are unclear and appear to confuse landscaping details with Landscape and Visual Impact Assessments (LVIA's).</p>	<p>unreasonable to expect applicants to be aware of the context for development and of the impact/potential impact that their proposed development may have and thus an awareness of the information requirements which they may need to support their own proposals.</p> <p>Clearly there may be situations which, over the course of an application may demand the production of further information and extension to determination periods can be agreed if appropriate.</p> <p>This is a suggestion not a requirement and is aimed at assisting the developers/applicants of smaller sites where contributions are sought. A template is made available to help reduce legal costs. Small developers have previously taken advantage of this option/approach to make affordable housing and open space contributions.</p> <p>Noted. Amend to clarify the role of both and the requirements of each.</p>
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