

**Horsham District Council's Response to**  
**Draft National Planning Policy Framework**  
**Published 25<sup>th</sup> July 2011**

Horsham District Council is generally supportive of the approach to 'refresh' and simplify national planning guidance. We also support the objective of simplifying the planning process and the focus on sustainable development. We agree that economic needs are a priority but that these should be balanced with the environmental and social elements of sustainable development.

**General Issues**

An overall key concern is the lack of clear parameters in numerous areas of the Framework which is due to a lack of detail and very generic policy statements. In particular, we are concerned about the removal of Planning Policy Guidance (PPG) and Planning Policy Statement's (PPS) such as PPS4, PPG13, PPS23 PPG24 and PPS25, especially those more recently published. Some sections of this existing Government guidance help to measure the suitability of development proposals as well as assess other areas including public health violations such as noise and land instability. They also provide detailed guidance on the sequential test for flooding. There is concern about the creation of a policy vacuum by the removal of some of these detailed PPG/PPS's and their appendices. The NPPF consultation document infers that there will be further publications but it is not clear whether other policy/guidance will be produced. This needs to be clarified with a list of areas to be covered and could allay many concerns.

As a predominately rural District with a number of market towns this Council is concerned that the NPPF is silent on a focus for brownfield development. This may result in developers bringing forward greenfield sites rather than brownfield allocations.

We are concerned that a full Strategic Environmental Assessment has not been undertaken of the document, which sets policy, as required by European Legislation of plans, policies and programmes. Also, that an Equalities Impact Assessment and Health Impact Assessment do not appear to have been undertaken.

There is also concern about the lack of focus on 'spatial planning'. The Draft NPPF focuses around land use tying in plans with other relevant strategies and programmes.

We consider that transitional arrangements need to be set out as well as detailed information on subsequent guidance/ advice areas to be produced alongside the framework to ensure the desired aims are realised from this change at the national level. An absence of transition arrangement could lead to a lack of direction in planning and it being led by the reactive appeal process rather than being plan-led. This will not necessarily achieve the aims of sustainable development and leads to uncertainty for communities and service providers.

**We support the comments of the Planning Officers Society and the work it is doing with the Government on the National Planning Policy Framework.**

**Some key comments in response to the document and the consultation questions are:**

### **Introduction**

#### Paragraph 3

We support the approach that planning must be transparent, effective and efficient and it must ensure the public interest is protected through a planning system based on national policies, local and neighbourhood plans and development management.

### **Delivering Sustainable Development**

#### Paragraph 10

The definition of Sustainable development is supported. The intention to protect and enhance the natural, built and historic environment is particularly supported. There is some concern however that it does not appear to allow the opportunity to differentiate between developments in different areas and whether the use of the three areas will be appropriately weighted by all parties.

### **The Presumption in Favour of Sustainable Development**

#### Paragraph 13

*"Without growth a sustainable future cannot be achieved"*. This statement is not necessarily true, if it plunders or pollutes resources so much that development cannot be sustained. To ensure that paragraph 10 is attained development may not always be suitable, but there needs to be an emphasis on seeking other options or innovating solutions. This is not really apparent within the document.

#### Paragraph 14

*'Respond to rapid shifts in demand and economic changes'* – Policies need to be based on sound evidence. Plans need to consider the short term and long term position, planning for a changing world including economic changes. Flexibility is one thing, which we agree should be incorporated in to Local Plans, but responding to rapid shifts in demand and economic changes (which could mean positive or negative changes) could require policy changes when with a larger Local Plan this may be difficult to quickly review. Additional information could be provided in an SPD however, SPDs should be prepared to *'bring forward sustainable development at an accelerated rate'*, see comments against paragraph 21.

#### Paragraph 14

*"Grant permission where the plan is silent, indeterminate or where relevant policies are out of date"*. It is considered that this will not achieve the aims of Sustainable Development. A policy may go out of date as technology changes or a new situation may arise (e.g. photovoltaics and the landscape – sometimes granting permission for this may not have been sustainable depending where it was located – e.g. visually intrusive, aircraft concerns). We are concerned that this could lead to a lack of direction in planning if it is not clear when policies are considered 'out of date' as will be a point of much discussion by applicants. This is an area that should be made clear transitional arrangement guidance.

### **Core Planning Principles**

#### Paragraph 19

As suggested by other bodies we also consider there to be a lack of reference to localism in these principles, which should be rectified. We are supportive of the clear direction in this section of the document for plan-led growth, however we are concerned that the document does not follow this through. The planning system should ensure that plans continue to give certainty to communities and properly plan

for areas. There is concern that the currently drafted document may not give this direction due to the strong emphasis of granting permissions for sustainable development, particularly with the ambiguity over 'plus 20%' in the five year supply delivery (as seen in comments to paragraph 109) which could put great pressure on infrastructure of all types and impact on forward planned development and planned improvements to infrastructure.

Paragraph 19, 4<sup>th</sup> bullet point

It is considered that some qualifying is needed of this bullet point for the consideration of land.

Paragraph 19, 5<sup>th</sup> bullet point

Again general principle of sustainable development is welcomed, however, the statement in this bullet point that *'decision-takers at every level should assume that the default answer to development proposals is yes'* causes considerable concern especially when taken in conjunction with paragraph 14 which states that permission should be granted where the plan is *"absent, silent, indeterminate or where relevant policies are out of date"*. Paragraph 14 also stating that the 'golden thread' of the presumption in favour of sustainable development should apply unless the impacts of allowing development *"would, when assessed against the policies in this Framework taken as a whole"*.

Paragraph 19, 5<sup>th</sup> bullet point

We are supportive of the phrase *'protect and enhance'*. However, have concern regarding the phrase *"allocations of land for development should prefer land of lesser environmental value"*. We agree with this in principle, but this can be very subjective, and clashes with localism – local communities may value a site that it is not of national importance but is of major significance on a local scale.

There is concern regarding *'Protection of environmental and heritage assets appropriate to their significance'*, as this may possibly only protect nationally designated assets rather than local assets. Whilst Green Belt, AONB etc is protected, this protection doesn't extend to countryside land, making possible inappropriate development in the countryside difficult to uphold where presumption is in favour of development.

Paragraph 19, 7<sup>th</sup> bullet point

It is considered that mitigation and adaption should be mentioned here as well as climate change more generally including water.

Paragraph 19, 10<sup>th</sup> bullet point

We have concerns that the wording of this core principle *'seek to'* could lead to the loss of amenity green space. Also *'amenity'* needs to be clarified.

It is also considered that 'design' should feature within these Core Planning Principles.

## **Plan Making**

### **Local Plans**

Concern as to the lack of focus on spatial planning more focused around land use, tying in plans with other relevant strategies and programmes.

Paragraph 21

Although the flexibility is welcomed that Local Authorities can review in whole or part Local Plans to respond flexibly to changing circumstances and SPDs can be

produced. We have concerns as to the scale of local plans and therefore preparation as well as review timescales. This is due to there being little detail at the national level on many areas therefore these will need to be set out at the local level in Local and Neighbourhood Plans with any of these areas being the same across authorities so repetitive rather than covered at a higher level. Regarding SPDs, we are concerned that SPDs should only be prepared where clearly justified and should not place a financial burden on developments. In the example where an Air Quality Management Area is declared by DEFRA, not foreseen in the plan making years earlier, an SPD may be needed which would help development come forward in the area but setting out the mitigation requirements needed to enable development however placing financial burdens.

Paragraph 24, 2<sup>nd</sup> bullet point

Clarification would be welcomed as to what time scale '*taking account of longer time requirements*' is referring to.

Paragraph 26

Clarity is needed as to how a '*certificate of conformity*' is sort. What such a certificate needs to cover/consider and how this requirement stands with currently adopted plans, it is presumed that this is a requirement for new plans not those currently adopted? This is another area that should be made clear in transitional arrangement guidance. Plans need to be locally distinctive and therefore respond to local requirements, therefore the ability to gain a '*certificate of conformity*' and subjectivity of this, understanding the local area and the needs for policy and evidence for individual plans is a potential concern.

## **Housing Requirements**

Paragraph 28

This paragraph refers to housing requirements meeting both 'need' and 'demand'. There is a big difference between 'need' and 'demand' - there is a large 'demand' for housing in the South East but this differs from 'need'. In many areas the demand and registered housing needs far exceed housing requirement figures. We therefore consider that there needs to be clarity in not only this paragraph but also throughout the document.

## **Environmental Assessment**

Paragraph 34/ 35

We are pleased to see reference to Sustainability Appraisal, but it is worth noting that Strategic Environmental Assessment is a distinct legislative requirement that must be adhered to. This is not mentioned whereas habitats regulations are. We suggest these are built into these paragraphs for consistency.

Paragraph 36

We query what is meant here regarding '*repeating assessment of higher level policy*'? Under the new regime there is only National Planning Policy Framework (which has no SEA that it is considered meets requirements). This may only apply to SPDs which are not generally encouraged and some Neighbourhood Plans where this might apply. This appears to be lifted from previous guidance PPS12 however no longer makes sense and needs some clarification. Comments on the footnote to page 43 state that National Policy Statements should be referred to in the opening chapters of the document, stating their position in relation to the National Planning Policy Framework.

## **Ensuring viability and deliverability**

### Paragraph 39

Concern regarding the use of '*policy burdens*' in this paragraph as policies are adopted with robust evidence base to direct development accordingly following an assessment of social, environmental and economic considerations. It is considered that this is more of a developers view and should be removed.

### Paragraph 39

We question as to how '*acceptable returns*' are defined. What is acceptable to a landowner / shareholder may not be acceptable to anyone else. This could potentially lead to developer control of negotiations and incorrect public perception of 'bought planning permissions'. Therefore it is considered that this needs some sort guidance and we suggest a wording change to 'reasonable'.

### Paragraph 41

The implication of authorities planning and therefore setting CIL appropriately '*throughout the economic cycle*' is a concern as this could mean in the future CIL levels are too low and infrastructure is not able to be delivered. Clarity is needed around the cumulative impact reference whether this is for all aspects of development, if so this should be made clearer in the document not just within this paragraph. Cumulative impact of developments regarding air quality are referred to in paragraph 174 and when determining minerals applications in paragraph 103 but there is a lack of reference else where in the document.

### Paragraph 46

Agree with the approach to cross boundary working however it should be recognised that Local Planning Authorities may not always reach an '*agreed position*'.

## **Neighbourhood Plans**

It is considered that clear guidance and direction is needed on neighbourhood planning, learning from the Vanguard Authorities, and the recognition of this should be set out in the National Planning Policy Framework, particularly as other guidance in some areas is mentioned and we have suggested elsewhere in our comments that further clarity is needed as to further expected guidance.

### Paragraph 50 /51

These paragraphs conflict, paragraph 50 states that Neighbourhood Plans must be in conformity with local plan versus Paragraph 51 which states that where policies conflict, neighbourhood policy takes precedence. If a Neighbourhood Plan policy conflicts with local plan, it is not in conformity, clarification is needed as to which is it to be, it is suggested that Paragraph 50 is correct and should be reflected in Paragraph 51.

## **Development Management**

It is considered that the important role of Compliance in delivering sustainable development should appear in this section.

### Paragraph 53

The comment that development management should not "*hinder or prevent development*" is considered to be unnecessary and is a throw away comment that would be used in appeals so should be removed.

### Paragraph 54

It is considered that the role of Development Management is quite adequately (and accurately) set out in this paragraph and in fact is something, especially with regard to the first bullet point, already happens within this Council.

### **Pre-application and front loading**

Paragraph 56-61

We support the emphasis on front loading consultation and agree that this leads to better outcomes. The resource implication of this can be vast for authorities and needs to be considered, particularly in the current climate.

Paragraph 58

This paragraph is considered to be contradictory. It starts by saying '*the more issues considered at pre-application stage, the greater the benefits*' which as a principle is agreed. However, the same paragraph ends '*consents relating to how a development is built or operated can be dealt with at a later stage*'. Further clarification is therefore needed.

### **Neighbourhood Development and Community Right to Build Orders**

Paragraph 65

Although support is given to neighbourhood planning and the use of neighbourhood development orders there is concern as to design implications of developments that would not be required to apply for planning permission and the size of developments effectively permitted.

### **Planning conditions and obligations**

Paragraph 67

It is considered that this needs further explanation stating "*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*" with preference seemingly being given to the use of conditions. It seems hard to imagine circumstances where the mere use of conditions would make an unacceptable development acceptable without specific guidance.

Paragraph 67

It is considered that care is needed in this paragraph regarding unacceptable applications made good by planning conditions. This may fall foul of EIA case law where this applies. This states that conditions cannot be used to address failings of EIA at a later date (which may make good the application), so this could not take place in such a situation.

### **Planning for Prosperity**

#### **Business and Economic Development**

##### **Support economic development**

Paragraph 73

Bullet point 3 states that '*policies should be flexible enough to accommodate requirements not anticipated in the plan and allow a rapid response to changes in economic circumstances*.' Some concerns are raised to this wording in paragraph 14 of the document however we do welcome a more flexible policy approach which gives us the hook to review our economic / retail / employment policies.

Paragraph 75

We have concern regarding the avoidance of policy for the long term protection of employment land. This may be essential to ensure loss of sites to housing which would not meet aims of sustainable development. Paragraph 24 refers to crucial

elements of Local Plans, two being the limitation of freedom on some land and protection of land. We suggest that there needs to be clarification as to what 'long term' means in this paragraph and suggest the paragraph refers to '*carefully consider protection of employment land or floorspace*' rather than '*avoid*'. This approach could also help deliver paragraph 14's aim to '*respond to rapid shifts in demand or other economic changes*' resisting the loss of necessary employment land for short and longer term benefits where an assessment is made.

#### Paragraph 75

This paragraph appears to provide a more flexible approach to employment land, but how far we can take market signals into account over a 15 year plan period is questioned more flexibility in the production in SPDs would again be welcomed. This being a key mechanism to respond to changing situations adding additional detail to policy.

### **Promote the vitality and viability of town centres**

#### Paragraph 76

We support this section, the Council moving forward the production of documents promoting vitality and viability of Horsham Town centre following many of these principles.

#### Paragraph 77

The National Planning Policy Framework as drafted removes office uses from the sequential approach to planning applications. Concerns are raised about this in that it may take the onus off developers to demonstrate compliance with the test as it sends a weaker message than previously. There are also concerns that the removal of office use from the sequential approach will lead to inappropriate out of town development. The onus therefore, on local planning authorities to include a sequential approach in plans / policies.

#### Paragraph 79 and 80

Clarity is needed over the '*impact assessment*', agree with the second bullet point in paragraph 80 however this will be difficult to assess.

With the removal of PPS/PPGs this is another example where guidance will disappear with no reference to replacement guidance, for example on sequential test.

### **Support the rural economy**

#### Paragraph 81

We support the approach in this paragraph however have concerns as to a lack of reference to protection and enhancement of the natural environment. It is considered that there should be reference in this paragraph, not only to '*respect the character of the countryside*' which is only in the 3<sup>rd</sup> bullet point but also to rural development minimising impact on natural resources, and managing valued landscapes and biodiversity.

### **Transport** **Objectives**

It is considered that the Transport objectives contained in the National Planning Policy Framework as drafted are relatively brief and general in nature. PPG 13 set out in some detail a national agenda for the integration of transport provision and planning, this detail is therefore lacking which is concerning, with again no indication of further guidance.

## **Facilitate Economic Growth**

### Paragraph 85

This highlights the importance of Local Planning Authorities working with neighbouring authorities and transport providers to develop '*strategies for the provision of viable infrastructure to support sustainable economic growth.*' We suggest that the importance of inter-modal connectivity is highlighted through these strategies to provide fluidity to the journeys of public transport users, thereby making it a more desirable/ feasible option for travel.

### Paragraph 86

This paragraph suggests that '*All developments that generate significant amounts of movement, as determined by local criteria, should be supported by a Transport Statement or Transport Assessment*'. It is questioned as to what is the definition of "significant."

### Paragraph 86

We are concerned regarding the final paragraph, as it does not take into account the cumulative impacts of a large number of smaller developments which could overall have a very significant impact, but individually could be deemed suitable, for example if considering air quality impacts. It is questioned as to how this is to be taken into account and assessed?

## **Support reductions in greenhouse gas emissions and congestion**

### Paragraph 89 and 90

Support the reference to travel plans and the importance of these. There is however a lack of reference to parking in the bullet points of paragraph 89 though.

## **Communications infrastructure**

### **Objectives**

#### Paragraph 95

It is considered that this is a good enabling paragraph for identifying the importance for Broadband and brining forward consideration and delivery of infrastructure.

## **Planning for People**

### **Housing**

#### **Significantly increasing the supply of housing**

##### Paragraph 109, 1<sup>st</sup> bullet point

This paragraph refers to meeting the full requirements for both market and affordable housing. This District would be unable to meet the full requirements for affordable housing. As in paragraph 28, there is a big difference between 'need' and 'demand' - there is a large 'demand' for housing in the South East but this differs from 'need'. There needs to be clarity over what housing 'requirement' figures are.

##### Paragraph 109, 2<sup>nd</sup> bullet point

This states that '*the supply should include an additional allowance of at least 20 per cent.*' It is considered that there needs to be further clarification in the document around this 20%, if it is to remain, being within the five year element of housing delivery and how authorities apply '*at least*' to policies? This is creating more uncertainty around five year supply monitoring and will lead to further debates with applicants and at appeals. It is considered that a line should be decided upon, such as a forward looking five year supply of housing land (in effect a 6 year supply including the current monitoring year) and therefore a clear level be understood. See comments also against paragraph 19 around pressures on infrastructure and providing certainty through plans.

Paragraph 109, 4<sup>th</sup> bullet point

This makes reference to not allowing windfall sites in the first 10 years of supply, or in the rolling 5 year supply. It is not considered that the latter is required as if you exclude windfalls from the first 10 years of supply; you automatically excluded them from the five year supply.

Paragraph 111

It is considered that there needs to be a clear national definition of affordable housing that all local authorities, registered providers and developers can refer to and be bound by. It is questioned as to whether simply rehearsing a definition in the glossary is sufficient? Comments can be seen in the 'Glossary' section regarding the definition of affordable housing

Paragraph 111

We suggest that a definite reiteration of the Exception Policy be included. Local 'bottom up' rural affordable housing is more effective than local authorities allocating sites, which increases hope value rather than delivery.

Paragraph 112

Stating that local authorities '*should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs*' has always been a thorny issue but it is believed that there is a case to be made for allowing limited market housing to release a site for a local needs affordable housing scheme however there is concern again about the loss of true exception sites due to land value expectations which this wording would lead to.

Paragraph 112

The comment on sustainable development/local services is chicken and egg. A small scheme of local needs housing can trigger the reintroduction of local services, with Housing Associations and local people working together to, for example, set up a small local shop. If a local community actively supports an affordable housing scheme it should not be prevented simply because a settlement might be considered 'unsustainable'.

### **Design**

We welcome that good design is indivisible from good planning ideology and achieving high quality design.

In general this design section focuses on aesthetics rather than the many other aspects it can achieve such as sustainable buildings, diversity, ease of movement and other elements which contribute to a 'sense of place'. It is considered that this should be amended to strengthen these aspects. There is also concern as to the lack of reference to sustainable development in this section.

### **Deliver high quality design**

Paragraph 116

It is not considered that all the elements in paragraph 35 of PPS1 are incorporated into this design section, particularly the consideration of impacts directly or indirectly on the natural environment.

Paragraph 116

It is considered that the requirement for work to be undertaken to understand the place and its development may lead to many authorities needing to undertake more detailed characterisation work in addition to the current Parish and Village Design

Statements, which are either general in understanding development pattern and place with specific guidance often over detailed and aimed at development which is usually permitted development in which design is not controllable. It is questioned if this is the aim and whether it needs further clarification.

Paragraph 117

Design codes can help, but can also be overly prescriptive. Holistic design briefs, working with the community are considered to be a more proactive way of promoting good quality design.

Paragraph 117

This paragraph makes reference to design policies concentrating *'on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally.'* However there appears no reference to the determination of applications as set out in PPS5 paragraph HE7.5, this particularly important if policies are not in place *'Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.'*

Paragraph 120

Design review reference welcomed, however there is concern as to resources in order to undertake this.

Paragraph 121

We have concerns that this paragraph could be potentially problematic saying that *'significant weight should be given to truly outstanding or innovative designs which help raise the standard of design more generally in the area'*. This, it is considered, will be subjective and the implication seems almost that such design standards will outweigh all other material considerations. Clarification would therefore be welcomed.

### **Sustainable Communities**

#### **Facilitate social interaction and inclusive communities**

Paragraph 125

We have some concern as to the first bullet point – getting cross sections of the community to meet in one location is a laudable aim however care is needed to ensure that competing uses do not come into contact e.g. play areas may create noise that is not appreciated by say small business units.

#### **Deliver community facilities and local services**

Paragraph 126

Support this paragraph and approach however with the lack of PPG17 guidance, audits will be lacking guidance and consistency.

Paragraph 127

We understand the desire to ensure that schools can be created, but it seems to be almost 'at any cost'. We are concerned that the policy, as worded, doesn't actually take child welfare into account – e.g. road safety, other surrounding land uses etc. It is considered that this should come first.

## **Deliver open space, sports and recreational facilities**

Paragraph 129

' *the need for and benefits of the development clearly outweigh the loss*' it is considered is a rather subjective phrase and easy to argue either way. Some further guidance here as to what is / isn't acceptable needed either at local or national level is needed.

Paragraph 130 and 131

We are supportive of the idea of 'Local Green Space' designations. It is however questioned as to how is 'very special circumstances' defined, how is this different to 'exceptional'?

## **Green Belt**

Paragraph 137

We support the approach for Local Planning Authorities to review the Green Belt boundaries as part of the Local Plan preparation and paragraph 139's reference to '*consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary*'. Giving authorities the opportunity to review the Greenbelt and consider the needs of the communities within the Greenbelt and provide for communities which may relieve pressure for other areas to supply need overflowing from these areas.

Paragraph 144

This seems to be the only reference to Previously Developed Land throughout the whole document. Clarification is needed on the view on the significance and focus of Previously Developed Land.

Paragraph 146

This states that renewable energy projects will generally comprise inappropriate development when located in Green Belts and that developers would need to demonstrate very special circumstances if such projects are to proceed. This contradicts the advice given in paragraph 153, which states that local authorities should apply the presumption in favour of sustainable development when determining planning applications for renewable energy and not require applicants to demonstrate overall need, approving applications if their impacts can be made acceptable. Clarification is therefore needed.

## **Planning for Places**

### **Climate change, flooding and coastal change**

#### **Objectives**

Paragraph 149

Under paragraph 19, the document rightly states that a strategic priority for Local Plans should be climate change mitigation and adaption. Whilst there is reference to this issue in this section in paragraph 149 '*To this end, local planning authorities should adopt proactive strategies to mitigate and adapt to climate change*' little other detail is provided throughout the document, with the emphasis being predominantly on renewable and decentralised energy provision and flood protection. Spatial planning is one of many elements that can contribute directly towards providing an effective response to climate change. The lack of detail on climate change mitigation and adaption is therefore considered a missed opportunity. At the very least, the Planning for Places section of the document it is considered should contain words

pertaining to the fact that effective design should be used to reduce society's vulnerability to a changing climate.

#### Paragraph 149

Whilst this section recognises that flood risk is an issue that should be addressed through the Local Plan, no reference is given to the fact that the urban heat island effect will also become a problem in urban areas. It is therefore considered that this section should provide reference to the fact that Local Planning Authorities should consider climate change mitigation and adaptation in relation to heating, cooling and extreme weather events in their sustainable design policies, not only in terms of building design, but also public transport systems, green infrastructure, water conservation and public open spaces.

### **Support cuts in Greenhouse gas emissions**

#### Paragraph 150 second bullet point

Climate change technologies are a fast moving field. Adopting national standards therefore has the potential to stifle innovation. Policies need to be sufficiently adaptable to respond to this situation as it will ultimately be of benefit to the climate and the economy. The issue regarding solar cells is a case in point.

#### Paragraph 151

It is considered that there is a conflict with this paragraph and paragraph 116, which includes a section on responding to local character and reflecting the identity of local surroundings while not preventing or discouraging appropriate innovation. This paragraph essentially seems to state that unless designated, existing character is not important, which we are sure would not be the Government's intention. Generally local people have strong ideas about protecting local character, designated or not, and there is no reason that sustainable design cannot reflect local design and character. It is considered that there should be continuity of this aim here and elsewhere in the document.

### **Support the delivery of renewable and low-carbon energy**

#### Paragraph 152

The National Planning Policy Framework as drafted makes no reference to the UK Climate Change Act, 2008, where the UK has committed to achieve an 80% reduction in CO<sub>2</sub> emissions (below 1990 levels) by 2050, with an interim target of 30% by 2020. As mentioned previously, the planning system is one of the key mechanisms that can be used to help achieve this; therefore it is considered important that this point is emphasised through the National Planning Policy Framework. Considering the national programme for zero carbon development stating all new residential development should be zero carbon by 2016, equivalent to Code Level 6 of the Code for Sustainable Homes. In order to achieve 'zero carbon', the government is working on a scheme whereby any carbon not mitigated onsite could be dealt with through a range of 'allowable solutions'. Whilst these solutions have not yet been announced, it is anticipated this could be through a range of projects including investment in offsite low carbon infrastructure, improvements to existing housing stock and contributions towards a low carbon offset fund. On this basis it is important that Local Authorities have plans in place defining exactly what they would like their own 'allowable solutions' to be, for example the identification of local projects. Without this, any funds collected could end up being paid into a third party 'offset fund' which will not benefit the local area. This is also an important consideration for other planning measures such as CIL, which is another reason why we consider it should be dealt with in the National Planning Policy Framework.

Paragraph 153

See comment above related to paragraph 146

Footnote

The footnote on page 43 makes reference to the National Policy Statement for Renewable Energy. National Policy Statements should be referred to in the opening chapters of the document, stating their position in relation to the National Planning Policy Framework,

### **Minimise vulnerability to climate change and manage the risk of flooding**

Paragraph 154

Support the inclusion of green infrastructure here. It is considered that it would be helpful to also refer to it elsewhere in the document where it has benefits,.

Paragraph 156

With the removal of PPS/PPGs this is another example where guidance will disappear with no reference to replacement guidance, for example on sequential test.

Paragraph 155-158

Whilst the approach to flood risk policy is welcomed, it is felt that additional weight should be given to the use of Sustainable Drainage Systems (SuDS) and the investigation of groundwater flooding and surface water management in this section of the document.

Groundwater and surface water flooding are issues which are steadily rising in importance due to the impact of climate change, it is therefore vital that individual developments consider their impact on surface water flooding through site specific Flood Risk Assessments (FRA's). Whilst the National Planning Policy Framework as drafted does require site-specific FRA's to be prepared for developments over 1 hectare, there is no reference to what these assessments should contain and it is felt that the framework would be strengthened by making specific reference to surface and groundwater flooding. There is also concern that PPS25 required an FRA on all residential developments greater than 0.5ha, therefore it would appear the National Planning Policy Framework has diminished the existing controls. Clarification is therefore needed.

The use of SuDS is also only considered in relation to developments where the Sequential Test, and if required the Exception Test has been applied. In reality SuDS should be considered for all developments, as not only do they manage flood risk, but they can also improve water quality, provide an opportunity for water conservation through rainwater harvesting and increase the amenity value and biodiversity provision of a development. SuDS should be considered in relation to runoff rates where development on previously developed land should seek betterment on existing rates pre-development.

### **Natural Environment**

As a general comment this whole section is at odds with the Government White Paper and Lawton Report, which goes some way to try to address some of the current problems regarding biodiversity losses, and recognises that humans actually depend on the natural world for our survival, and the need to ensure we retain and enhance it. Measures include costing of its services. None of that is apparent in this section, essentially only protecting national parks / designations. There needs to be reconsidered in order for it to be in accordance with the White Paper e.g. there is no

mention of the costing of services, biodiversity offsetting, limited mention of green infrastructure etc.

### **Objectives**

Paragraph 164

The beginning of the document talks about protecting and enhancing the natural environment which the Council supports. In this paragraph 'where possible' is added. If built development is degrading the existing environment, then enhancement must take place elsewhere to retain the services the natural world offers, and development is most certainly not sustainable. It is considered that '*where possible*' should therefore be removed.

Paragraph 164

Again we are concerned as to the removal of detailed measures currently set out in PPG documentation regarding pollution, noise and land instability.

### **Protect valued landscapes**

Paragraph 167

There is concern that there is no mention of the need for new developments to conserve and enhance the landscape of the wider countryside, only designated AONBs and National Parks. It is considered that this should be addressed, as drafted it could leave the government open to legal challenge in the European Court, as it is a signatory to the European Landscape Convention.

### **Minimise impact on biodiversity and geodiversity**

Paragraph 168

Re-creation of priority habitats, this is a difficult business and does not always work, in the case of ancient woodlands it is impossible. The National Planning Policy Framework it is considered should reflect that this is the last option after preservation or restoration, and is ideally undertaken as an 'extra' after the other two.

Paragraph 169, Forth bullet point

This aims to ensure irreplaceable habitats are not lost, but contains the phrase '*unless the need for and benefits of, the development in that location clearly outweigh the loss*'. It is questioned, how this is defined as this is somewhat subjective and the source of many a planning appeal. Given the importance of ancient woodland, it is considered that development would need to be very significant – national level / international. It is considered that this wording needs consideration and potentially tightening.

Paragraph 169

Elements of Paragraph 12 and 14 of PPS 9 should be drawn out more in this paragraph. Maximising benefits to biodiversity from developments and recognising networks of habitats. It is also considered that ancient woodland and other important natural habitats should be recognised in this paragraph, as in paragraph 10 of PPS9.

### **Preventing unacceptable risks from pollution and land instability**

Paragraph 174

'*Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan*', whilst this is true Air Quality Actions Plans are only written in response to an AQMA being declared, therefore there could be a window of 18 months between an AQMA being declared and the plan being delivered. It is therefore recommended that the National Planning Policy Framework ensure 'Local Plans' contain reference to some other

form of planning control, not only to bridge the aforementioned gap in AQMA's, but also to prevent air pollution worsening as a result of development in all other areas.

Paragraph 173

There is no guidance in this document of what might be considered to be significant adverse impact on health / quality of life. Signposts / guides in PPS24 would be helpful here however are lacking. The same applies to where other environmental standards and legislation applies. It is considered that this needs careful consideration and addressing. Again we are concerned as to the removal of detailed measures currently set out in PPG documentation regarding pollution, noise and land instability.

### **Historic Environment**

The importance of understanding '*significance*' of a heritage assess and information to be provided by the applicant in an application is welcomed, as well as the strategic approach to the conservation of heritage assets.

There is however concern as to the removal of the detailed advice in the recently prepared English Heritage PPS5 guidance. The section gives less information to the public and could open the doors to inconsistent interpretation of policy nationally.

### **Objectives**

Paragraph 177

The reference to "sustaining and enhancing" the significance of heritage assets, their contribution to the wider social, cultural, economic and environmental benefits, and new development making a positive contributing in decision making is welcomed.

### **Conserve heritage assets**

Paragraph 178

Although the other elements of PPS5 paragraph HE 7.4 are within this paragraph it is considered that the '*the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of the factors*' should also be reflected. This adding to the 3<sup>rd</sup> bullet point.

Paragraph 179

The reference to '*conservation areas*' at paragraph 179 seems out of context and is written negatively, it is suggested that revising of the wording may solve this concern.

Paragraph 183 and 184

We are concerned as to the lack of reference to "setting" when addressing "harm" and "loss" issues of heritage assets.

### **Glossary**

#### **Previously developed land**

In light of the government's commitment to sustainable development, it is questioned whether land in private residential gardens in the built-up area should continue to be excluded from the definition of previously developed land.

#### **Affordable Housing**

There needs to be a clear national definition of affordable housing that all local authorities, registered providers and developers can refer to and be bound by. It is questioned as to whether simply rehearsing a definition in the glossary is sufficient.

The Council would strongly support retaining the current wording in PPS3, Annex B. This was only revised in June 2011 to take into account the new Affordable Rent model. Affordable Rent is a central Government initiative and therefore affordable housing definitions should be enshrined in national planning policy.

### **Impact Assessment**

As previously stated we are concerned that a full Strategic Environmental Assessment has not been undertaken of the document, which sets policy, as required by European Legislation of plans, policies and programmes. Also, that an Equalities Impact Assessment and Health Impact Assessment do not appear to have been undertaken.

We do not consider that the Impact Assessment would meet EU requirements for a Strategic Environmental Assessment as there was no scoping, limited evidence (baseline) much is supposition rather than evidence based results. We also do not consider that it fulfils schedule 2 for a number of reasons including the lack of reference to the Natural Environment White Paper, no consideration of landscape, air quality etc short/ long term or any interrelationships between them, also that it does appear that an Equalities Impact Assessment or Health Impact Assessment has been undertaken.

We are concerned as to the way the questions have been phrased throughout the document. It presents results on a topic then asks questions like 'what impact do you think X will have?' 'will you change your policies in light of Y?'. It implies that there is uncertainty around the answers and little research has been done. On the basis of this there is concern that the results set out in the document cannot be useful or informative when thinking through the wider implications of the National Planning Policy Framework.

### **Gypsies and Travellers**

*In response to the recent question "Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?"*

This Council submitted comments to the recent consultation, ending on the 3<sup>rd</sup> August on the draft Planning Policy for traveller sites, these comment should be considered through this consultation on the National Planning Policy Framework as we understand this will be incorporated into the final National Planning Policy Framework.