

APPENDIX A

RESPONSE TO (MHCLG) CONSULTATION ON PROPOSED REVISIONS TO THE NATIONAL PLANNING POLICY FRAMEWORK

Consultation response form

Final response will be submitted 10 May 2018

Question 1

Do you have any comments on the text of Chapter 1?

No

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Yes.

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Yes.

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

Clarity in the wording of paragraph 14 would be supported.

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Yes. The amended 'Justified' soundness test is supported, particularly as it emphasises the need for joint working and removes the disproportionate evidence required to demonstrate 'the' most appropriate strategy. There is no need for this amendment to require a transitional period.

Question 6

Do you have any other comments on the text of chapter 3?

Clarification and further guidance is encouraged for paragraph 37 on the soundness of local policies.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

No. DCC is supportive of improving transparency and increasing accountability.

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

No. This is not necessary. The practice guidance gives some illustrative examples of circumstances which plan makers could identify as requiring viability assessment at the decision making stage. This should be at the discretion of the local planning authority.

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

It seems sensible that if having negotiated a viability assessment that reduces contributions, that if circumstances change and the marginality of the development improves, that the necessary obligations should be captured to better mitigate the pressures of the development

Question 10

Do you have any comments on the text of Chapter 4?

No.

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

The Council recognises the need to diversify the housebuilding sector. The revision in paragraph 69 asserts that small sites are often built-out relatively quickly, and suggests a proportion of land for homes comes forward. The wording implies 20% of land (which is different to 20% of sites allocated). A proportion of the overall number of homes to be provided for on small sites is more logical. However, this approach fails to reflect local circumstances and the nature of the planning area. In urban areas, with majority of infill, brownfield land, this proportion is more achievable than say a rural area which could have suffered infrastructure deficits historically as a result of the cumulative impact of small sites. The sustainability, suitability and deliverability of sites should inform the site selection process, and not an arbitrary aspect such as size.

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No DCC welcomes the proposed approach to hold developers to account for delivery of new homes. Measures are needed to ensure that developers take up and build out sites that are allocated/ permitted at a faster rate than achieved to date.

Local authorities should not be penalised where they have made adequate and realistic provision for housing (as tested through the local plan) and future shortfalls are being caused by developer delays or slow buildout rates.

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

No

Question 14

Do you have any other comments on the text of Chapter 5?

Paragraph 65: Prescribing that at least 10% of homes on major site should be affordable home ownership is arbitrary. The tenure mix should be negotiated at the local level based on viability assessment, and strong local strategy and policy.

Widening the definition of affordable housing to include starter homes and other 'discount' home ownership products will undermine the ability to achieve genuinely affordable housing through s106 developer contributions. This will have an inevitable impact on the delivery of genuinely affordable homes in favour of subsidised home ownership products.

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Yes

Question 16

Do you have any other comments on the text of chapter 6?

No

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Yes

Question 18

Do you have any other comments on the text of Chapter 7?

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No

Question 20

Do you have any other comments on the text of Chapter 8?

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Yes

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

Question 23

Do you have any comments on the text of Chapter 9?

Paragraph 109 Clarification on how to define 'severe' should be considered

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

No

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Yes

Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

No

The Council supports the housing White Paper proposals to make more intensive use of existing land and buildings, where this protects important greenfield land. Employing minimum density standards where this achieves sustainable communities and makes optimal use of brownfield land is supported. Density standards for town centres and other locations that are well served by public transport (and pedestrian and cycle movements) would also support objectives of creating communities with opportunities for social interaction and creating a sense of place. Density should not be at the expense of quality urban design

Question 27

Do you have any other comments on the text of Chapter 11?

No

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No

Question 29

Do you have any other comments on the text of Chapter 12?

No

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Yes, subject to comments in Q.31.

Question 31

Do you have any other comments on the text of Chapter 13?

In areas of high housing need and significant environmental constraints, it is important for the NPPF to give clear guidance on how the review of local plans should proportionately assess the degree to which sustainable development principles should be considered when reviewing the case for exceptional circumstances. The proposed text in section 13 is comprehensive and helpful in setting out the approach. However, it does not appear to distinguish between areas with Green Belt where land is relatively unconstrained or where brownfield opportunities are available, and those areas which might be highly constrained. This could for example mean having to look much further afield for sites, with a resultant impact upon commuting, leading to unsustainable patterns of development and additional infrastructure costs. Clarification (or possibly guidance in the Planning Practice Guidance) would be welcomed on what a full consideration of alternatives might require in areas of high constraint or limited brownfield opportunities where housing needs are high. It is important, for example, to ensure that housing needs are broadly met within the relevant housing market area, but also to guard against excessive pressures on brownfield land to an extent which could jeopardise the meeting of other (economic or social) needs.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes. The Council supports strengthening protection for ancient woodland and other irreplaceable habitats.

Question 35

Do you have any other comments on the text of Chapter 15?

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

Generally, the changes to Section 17 (facilitating the sustainable use of minerals) are welcome as they help clarify or simplify the wording, and provide appropriate flexibility for mineral planning authorities to plan for needs. However, there are a couple of paragraphs that DCC would request some additional text.

Paragraph 143: DCC is concerned that the text in para. 143 relating to safeguarding of mineral infrastructure no longer includes specific reference to rail or wharfage facilities. Whilst it is understood that the proposed text provides the opportunity to consider such infrastructure, it would nevertheless be helpful for the NPPF to include some added recognition of the importance of safeguarding infrastructure where it is finite or difficult to replace. For example, deep water quays can play a significant role in relation to the importation of marine-dredged aggregates and their loss to non-mineral uses could adversely affect the ability for an area to secure a sustainable supply of alternatives to land-won aggregates. Similarly, rail sidings can be important, for example in handling crushed rock.

DCC therefore recommends that para. 200 e) includes words that state that *'mineral planning authorities should have regard to the importance of supporting mineral infrastructure that is finite in nature, such as deep-water wharves and rail heads that provide mineral-handling opportunities, and ensure these are suitably safeguarded from inappropriate development'*.

Paragraph 199:

It is disappointing to see the removal of the first sentence from paragraph 142 of the current NPPF (proposed para. 199 in the revised NPPF). This sentence confirms an important principle that minerals are vital to the delivery of economic and social aspirations and thus are a core part of sustainable development. Once mineral resources are sterilised they are no longer capable of contributing to these objectives which in turn could increase pressure for mineral extraction in more sensitive locations.

DCC would request that the following wording be retained/inserted at the beginning of para. 199:

'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs'.

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

Yes, subject to the retention of some text in the NPPF that confirms the importance of minerals and that the stand-alone guidance will have equal status to the NPPF.

If contained in a stand-alone document it would offer an opportunity to provide greater detail and technical guidance (with elements of the Planning Practice Guidance included) that the NPPF is unable to provide. This could provide scope to provide more nuanced interpretations of how some of the NPPF principles (e.g. those relating to heritage) might apply to temporary quarry workings where restoration may provide long-term benefits.

However, there is a risk that, by removing the minerals guidance from the NPPF, minerals could be overlooked or given less weight in plan preparation and planning decisions. For this reason, if minerals are to be set out in separate guidance, DCC would strongly advocate the retention of a brief section in the NPPF that reiterates the first sentence of para. 142 of the current NPPF (as referenced in our response to Q.38), followed by some text that confirms:

- a) Separate guidance deals more specifically with minerals;

That this guidance needs to be considered in the same way, and given the same weight as, the NPPF.

Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Whilst the planning for mineral provision is the responsibility of mineral planning authorities, it is nevertheless useful to have a national and sub-national context (including appropriate fora) which can assist in the positive planning for mineral needs and ensuring closer co-operation across mineral planning areas. Aggregates Working Parties provide an important forum for discussing Local Aggregates Assessments, agreeing consistent methodologies and gaining a valuable input from the minerals industry. They also enable mineral planning authorities within a sub-national area to gain an understanding of cross-boundary issues. National surveys/guidance can also assist in establishing a wider picture of mineral supply trends. This seems particularly relevant at a time when the need for housing and infrastructure is pressing, but where many mineral resources are in highly constrained locations. Dorset County Council would consider that being able to articulate larger than local importance of minerals is important to securing a sustainable supply. However, it is important that such guidelines should be a source of evidence only and should not override the importance of locally developed policies within mineral planning authority areas.

No

Question 40

Do you agree with the proposed transitional arrangements?

No. The amended 'Justified' soundness test (reflecting the LPEG recommendations) removes the disproportionate evidence required to demonstrate 'the' most appropriate strategy. Plans due for submission shortly after publication of the revised Framework should be able to benefit from this amendment. The Council does not agree that this amendment requires a transitional period.

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Section 14 (meeting the challenge of climate change, flooding and coastal change) sets out a positive steer for the use and supply of low carbon and renewable energy (para. 150) which DCC supports. Sustainable management of residual waste (i.e. waste that cannot be prevented, recycled, or reused) can play an important role in supporting energy recovery, including combined heat and power and electricity generation from thermal processes, in suitable locations. This reduces the need to export waste or provide landfill sites while also increasing the supply of energy as a by-product of waste treatment. In future there may be other emerging technologies for residual waste treatment that could have low carbon benefits. DCC would advise that the Planning Policy for Waste will need to be consistent with the NPPF's proactive steer, in particular by providing suitable policy guidance to waste planning authorities on the importance of maximising opportunities to secure energy as a by-product where thermal treatment of residual waste is required, and that other (non-waste) local plans consider such opportunities when planning for heat/energy receptors (residential, commercial, industrial and leisure).

Glossary

Question 43

Do you have any comments on the glossary?

Widening the definition of affordable housing to include starter homes and other 'discount' home ownership products risks undermining the ability to achieve genuinely affordable housing through s106 developer contributions. This will have an inevitable impact on the delivery of genuinely affordable homes in favour of subsidised home ownership products.