

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Please select an item from this drop down menu

If you selected other, please state the type of organisation

Environmental Charity

Please provide the name of the organisation (if applicable)

Chiltern Society The Chiltern Society is a charitable body with 7000 members. We campaign for the conservation and enhancement of the Chilterns National Character Area, which includes the Chilterns Area of Outstanding Natural Beauty (AONB) and part of the London Green Belt. Our role in the planning system is co-ordinated through a network of voluntary planning field officers and co-ordinators.

Chapter 1: Introduction

Question 1

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

No comments

Chapter 2: Achieving sustainable development

Question 2

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

Please select an item from this drop down menu

Please enter your comments here

Paragraph 8 – we welcome the addition of provision of open spaces within the list of social objectives.

Paragraph 11 – presumption in favour of sustainable development. On the whole, the Chiltern Society believes the proposed changes are an improvement, in particular the more explicit recognition that policies in the Framework relating to areas or assets of particular importance provide a reason to restrict development. This will give additional strength to the protection of AONBs and Green Belt.

The inclusion of the words ‘strong’ in b) i. and ‘clear’ in d) i. introduces unfortunate ambiguity: - since it could be interpreted as meaning that conflict with those policies only provides a reason for restricting development if the degree of conflict is strong / clear, which surely is not the intention. And do ‘strong’ and ‘clear’ have different meanings, and, if so, what are they? These words are thus superfluous and should be deleted.

It would be clearer if footnote 6 referring to Statements of Common Ground was incorporated in the main text of b).

To reflect the circumstances of areas like the Chilterns where several neighbouring authorities are all significantly constrained by AONB, Green Belt and other assets of significant importance, a clarificatory addition should be made in the Framework or in accompanying guidance that needs do not have to be repeatedly passed along a chain from one authority to another, but can where appropriate be “written off” and that, accordingly, housing numbers can be adjusted downwards in those circumstances . Without such a possibility there is a significant threat to the Chilterns AONB and the Green Belt from encroaching development.

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

Please enter your comments here

It makes sense to link the core principles with the main section of the report on that topic.

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?

Paragraph 14 – the wording is unclear. Significant re-wording is required to add clarity as to its purpose and to reduce the need to cross-reference other paragraphs and footnotes.

In relation to neighbourhood planning, we are concerned that there cannot be a 'one-size-fits-all' regarding land supply. The approach should be commensurate with the local situation, different and diverging economic and demographic developments, infrastructure and geographic restraints.

Chapter 3: Plan-making

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

Please enter your comments here

We are pleased to see changes to the Tests of Soundness under 'Positively prepared' and 'Effective', which require joint working between adjacent authorities to address unmet need and the preparation of Statements of Common Ground. This joint working is essential in areas such as the Chilterns due to a high proportion of the area being designated as Green Belt and/or AONB. In order to protect these environmental assets and their settings, very careful consideration must be given to the choice of sites and strict tests applied, with very limited specific exceptions, before land is taken out of the Green Belt. Joint working between authorities provides an opportunity to consider meeting development needs over a large area

and authorities in less constrained areas being able to take some of the unmet need from the constrained areas.

In relation to Statements of Common Ground (SCGs), it is unclear whether local authorities are likely to have one SCG signed with each neighbouring authority or whether a group of authorities may come together to produce a single SCG. The latter approach would lend itself to the situation in the Chilterns where a number of local authorities need to work together to ensure adequate protection of the Chilterns AONB and areas of Green Belt.

Question 6

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

Paragraph 20 – We support the proposals to include separate strategic policies to be identified by the Local Planning Authority. In particular, the policies required under sub-section (f) in relation to conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure are particularly welcome. The paragraph should also include reference to providing policies for Areas of Outstanding Natural Beauty (AONBs) and Green Belt.

Taking a strategic approach will provide an important context for more detailed policies and neighbourhood plans to address land supply issues, including the local requirements set out in Paragraph 14.

Paragraph 22 – Whilst a time period of a minimum of 15 years would be good for all plans, we have some doubts as to whether that is likely to be achievable with any accuracy. Some shorter term flexibility is likely to be required.

Paragraph 24 For clarity, and complete consistency with presumption in favour of sustainable development which provides some circumstances when needs do not have to be met, should be amended from “They should have a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development” to “They should have a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in a way consistent with the presumption in favour of sustainable development.”

Paragraph 32 – We are concerned about the relationship between neighbourhood plans and emerging local plans. The policy of the neighbourhood plan taking precedence until superseded by the local plan could lead to neighbourhood plans having quite a short lifespan. In sensitive areas such as the villages of the Chilterns, neighbourhood planning is important in identifying local issues and priorities for development. There needs to be a system whereby neighbourhood plans and local plans are considered alongside each other where they are both within their respective plan periods. Otherwise this might act as a deterrent to communities to prepare neighbourhood plans.

Paragraph 34 – Development Contributions – We are pleased to see that it is proposed that requirements for development contributions will be set out in future local plans. This will give infrastructure providers the certainty that funding will be made available and give developers a clear idea of the Council’s requirements in terms of developer contributions and the Community Infrastructure Levy.

The Council’s requirements should be the subject of a viability assessment at the plan preparation stage to ensure that the contributions requested would be reasonable.

The final sentence of paragraph 34 is of concern because it provides a potential ‘get out’ for developers who could claim that they are unable to make the necessary developer contributions due to viability issues. It needs to be clear that such assessments would be exceptional to give some guidance as to when such an assessment might be required, such as, for example, where there would be significant decontamination or other reasonably unanticipated additional costs.

In sensitive areas such as the Chilterns it is essential that the impacts of developments on the local environment are minimised and that sufficient developer contributions can be collected to reduce or mitigate any impacts. With the pooling restrictions still being in place and the large scale of the development being proposed in many areas, we have concerns as to whether sufficient funding will be forthcoming to create the strategic infrastructure that is likely to be required.

The Chiltern Society’s focus has always been on limiting development in the Chilterns, and ensuring that any development that does take place in the vicinity has sufficient infrastructure and mix of development (jobs, etc.) that minimises need to travel through the Chilterns. So, we consider that infrastructure needs must be identified in a strategic manner and must be only those that are essential for the new development proposed.

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

Please enter your comments here

We support the proposal to make viability statements publicly available because it would provide greater clarity to the decision-making process in relation to developer contributions required from individual planning permissions.

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?

Yes

Please enter your comments here:

As set out above, we are concerned that viability assessments are frequently used as a 'get out' from making the appropriate level of developer contributions on viability grounds. Full contributions should be paid unless there are exceptional reasons, which should be limited to those set out in guidance and also which could not reasonably have been anticipated.

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?

Please enter your comments below

No comments

Question 10

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

No comments

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?

Please enter your comments here

The Chiltern Society welcomes the proposal for a greater use of smaller sites in order to encourage smaller builders. In heavily constrained areas such as the Chilterns there could also be other benefits, because housing on small sites in and around villages and towns can often be preferable to larger sites expanding out into open countryside.

It needs to be clear as to whether the proposal is for 20% of houses to be on small sites or 20% of sites to be half a hectare or less. If the latter is used, as suggested in the text, one site for 5 houses and four sites for 2000 houses, for example, would meet the criteria – is this what was intended?

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?

Please select an item from this drop down menu

Please enter your comments here

It would be much clearer if the figure of 75% was included in paragraph 75 rather than included as a footnote.

Whatever the figure used, the whole premise of the Housing Delivery Test is flawed, in that it involves sanctions against LPAs for something that is not wholly within their power to control. Under-delivery can occur for a number of reasons, including land banking or other delivery decisions made by developers, which can result in Councils being unable to meet their target, as assessed by the Housing Delivery Test. Putting a shorter timescale on a permission may encourage the developers to start the development sooner, but it may not have any impact on when the houses are delivered or to the practice of land banking.

Some consideration could be given to whether planning permissions should set out time frames for starting and completing development within a specified period (subject to genuine reasons for an extension).

There is a risk that by deliberate banking of the land for large sites the delivery would then dip below the 75% figure, allowing the Presumption for Sustainable Development to kick in and less suitable sites to be granted planning permission to meet the shortfall.”

Question 13

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

No

Please enter your comments here

The Chiltern Society objects to this new policy on exception sites for entry level homes, because it dilutes, complicates and undermines existing policies on rural exception sites, affordable housing, and protection of greenfield sites around settlements.

The proper purpose of exception site policy remains, in our view, to provide new affordable homes to meet local needs, with strict safeguards on future sales or transfers. Properly applied, and in appropriate situations, this is a policy we support, because in areas such as the Chilterns where house prices are high there are limited opportunities for young people to stay in the local area and purchase a home of their own.

As written, the new policy weakens these safeguards, and allows deliberately or unwittingly for additional encroachment of essentially ordinary market housing into open countryside where it would normally be restricted by policy. This risk arises for the following reasons:

- the lack of a definition for “entry level homes”;
- the explicit allowance in paragraph 72a that not all the homes on such sites should be “entry level”, only a “high proportion”, with the implication being that the rest can be market housing – inevitably developers will seek to exploit this by pushing for the proportion of entry level homes to be as low as possible.

If the proposal is to be taken forward, at minimum the following changes need to be made to mitigate these issues:

- a clear definition should be provided for entry level homes;
- the reference to ‘discounted sale’ in paragraph 72a, and presumably within the definition, should be amended to ‘discounted market sales housing’ to be consistent with a category within the definition of affordable housing’

There should also be a clearer direct link to meeting a local need, because otherwise there would be a risk of buyers moving in from out of the area and thus not providing opportunities for local people to continue to live and work in the area.

Question 14

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

Paragraph 61 – For clarity this could be re-worded as follows – “In establishing this figure, any needs identified by neighbouring authorities that cannot be met within those areas should also be taken into account.”

Paragraph 64 – It should be clarified whether the ‘major sites’ identified in this paragraph have the same definition as ‘major developments’ in the Glossary.

Paragraphs 66 & 67 – In terms of identifying housing supply at neighbourhood level, we would expect decisions to reflect the different needs arising as a result of widely different social, demographic and economic circumstances. In sensitive areas such as AONBs and Green Belt it is essential that authorities do not take a blanket approach to identifying housing supply based on percentage increases, for example. There needs to be more discretion at neighbourhood level through the neighbourhood planning process.

Paragraph 74 – This paragraph relates to the five-year land supply and suggests the application of 5%, 10% and 20% buffers to the identified 5-year supply. Whilst we consider it sensible to allow a 5% buffer to allow for choice and competition, the higher percentages appear to be for the purposes of punishing local authorities for under supply. Often this is out of their hands due to developers deliberately land banking sites. The effect of this for sensitive areas such as the Chilterns is that it can lead to the presumption for sustainable development to kick in across the district, potentially risking planning permissions being given for environmentally sensitive sites by default. The 10% uplift as a “price” for establishing a set position regarding housing delivery also lacks any logic, since using this process will help speed up decision making and reduce disputes, and thus be of benefit to all parties.

Paragraph 78 – Whilst supporting this proposal, we are not convinced that on its own requiring a shorter implementation period will make much difference to the rate of implementation or reduce land banking. Presumably the requirement would only be that the development was started in that period. A developer could potentially undertake a small amount of work and then land bank the site. The government should also pursue other measures and sanctions against unreasonably dilatory developers, such as the charging of a tax on unused sites with planning permission.

Paragraph 79 – We oppose the apparent weakening of policy on rural exception sites, which seems to allow for additional market housing to be slipped in. For consistency with existing policy and the definition in the glossary, the wording of the last sentence should be amended to ‘Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and not allowing any market housing on these sites unless this is absolutely essential to the delivery of the affordable element. It would also be useful in this paragraph to clarify what constitutes a rural area for the purposes of rural exception sites.

Title of Chapter - there is a discrepancy in the chapter title used in the consultation document and the draft NPPF itself.

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?

Please select an item from this drop down menu

Please enter your comments here

Paragraphs 84 & 85 – We consider that, in rural areas, the paragraph as drafted gives insufficient protection from inappropriate business use. The paragraph allows

for 'all types of businesses to grow and expand. Our view is that businesses need to be relevant and appropriate to their locality. This is particularly true in AONBs where inappropriate business use could lead to unacceptable landscape change. The wording of the sub-sections of para 84 should be amended to include a provision that councils may also choose to set out more details of what types of business are appropriate within local policies.

Question 16

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

No comments

Chapter 7: Ensuring the vitality of town centres

Question 17

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

Yes

Please enter your comments here

We particularly support the proposed policy change set out in para 87, which will increase the chances of maintaining viable town centres.”

Question 18

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

We support this chapter as it focusses key facilities in the urban areas. This is particularly important in the Chilterns as the transitions between towns and open countryside are key features in many areas.

Residential development is appropriate within these areas and consideration could be given to increasing density and increasing the heights of new developments. The more development that can be accommodated in the towns, the less development that is required in out-of-town locations.

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?

Paragraph 92 – We particularly welcome the additional recognition given to the importance of social interaction and healthy lifestyles.

Question 20

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

No comments

Chapter 9: Promoting sustainable transport

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

Please enter your comments here

Paragraph 103 – This paragraph could be expanded to recognise the importance of increased development pressure resulting from proposed transport infrastructure e.g. bypasses, Oxford-Cambridge Expressway.

Paragraph 103b – although the existence of transport infrastructure will be a relevant factor in deciding the suitability of an area to accept development, it does not follow that new or improved transport infrastructure (roads or railways) should always be accompanied by adjacent development – the perceived benefits of allowing such development, perhaps as a means of garnering developer contributions to pay towards the infrastructure, should not outweigh other considerations such as landscape, biodiversity, tranquility, or the overall sustainability of patterns of development and travel.

Paragraph 104 – We support the proposals to focus significant development on sustainable locations.

Paragraph 105b – We consider that development in rural areas needs to have access to good (not just adequate) public transport services to help to avoid increases in traffic on rural roads.

Paragraph 108 – We welcome the expansion of this paragraph to include highway safety.

Paragraph 109 – In terms of cumulative impacts on road safety, the test surely needs to be lower than 'severe'. Aside from difficulties in defining what constitutes severe, the currently proposed wording would require developments to be approved even though all parties know they will increase danger by a substantive amount, which surely cannot be the intention, nor reasonable. Possible alternative wording might be "Development should only be prevented or refused on highways grounds if residual adverse impacts on road safety are non-trivial, or the residual cumulative impacts on the road network would be severe."

Question 22

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

Not sure

Please enter your comments here

In providing aviation facilities, consideration needs to be given to the potential impacts of the resulting noise on tranquil areas such as AONBs and National Parks. This will require detailed considerations of flightpaths and the scheduling of flights.

Question 23

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

No comments

Chapter 10: Supporting high quality communications

Question 24

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

Communications equipment such as masts and overhead cables have the potential to cause significant harm to landscapes, and this is particularly important in protected areas.

We consider that the chapter should be expanded to recognise potential environmental impacts and to encourage the undergrounding of cables in AONBs and fully assess the potential landscape and visual impact of new masts and antennae.

Chapter 11: Making effective use of land

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?

Not sure

Please enter your comments here

No comments

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?

Please select an item from this drop down menu

Please enter your comments here

We support the principle of minimum density standards for city and town centres (paragraph 123) as this will help to reduce the pressure for development on the open countryside. It is assumed that these minimum densities would be set at local level to take account of individual local circumstances. Chiltern towns, such as Chesham, where there is strong pressure for new development, could seek to provide that development within the town rather than requiring incursions into the Chilterns AONB and Green Belt.

However, any development within the setting of the AONB would need to consider the potential impacts of increased density on the setting of the AONB. In particular, there would need to be clear and defensible boundaries where such high density policies apply, and lower densities would be required around settlements to ensure a sensitive transition to open countryside.

Additionally, footnote 37 should be incorporated into main text of 123c) to properly reflect its importance.

Question 27

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

We welcome the inclusion of this section and the proposal to prioritise brownfield land is welcomed. However, brownfield land can contain locally or even nationally rare habitats and species, and fully effective policies need to be in place to protect them. In the developed south-east, including the Chilterns, where brownfield land tends to be in shorter supply, the risks of such adverse impacts are greater. To give

this issue the prominence it requires, footnote 35 should be incorporated into the text at the end of paragraph 117.

Paragraph 118 - Sub-sections (a) and (b) need to be strengthened to ensure protection and enhancement of habitats and landscapes on brownfield land. Sub-section (b) needs to do more than just require recognition of the value of this land. Development plans should also include strong policies to ensure the protection and enhancement of these features.

Paragraph 118e - The option of upward extensions, as proposed by sub-section (e) could provide a solution in some circumstances where there is pressure for development in environmentally sensitive locations. For example, increasing the height of buildings in the town centres of the Chilterns could reduce some of the pressure for urban extensions into the Green Belt and further development in the Chilterns AONB.

Paragraph 120 – This deals with alternative uses of land in the event of applications for the allocated use not coming forward. We consider that sub-section (b) is too simplistic in that the only test is that it meets an unmet need. Safeguards need to be put in place to ensure that any alternative use has been tested against the sustainability objectives and this includes safeguards to protect important habitats and landscapes, including areas with environmental designations such as AONBs and Green Belt. Without a proper review of land availability and allocations, it is not possible to make sound decisions on applications for alternative uses, so sub-section b) risks creating a market-driven free-for-all lacking a coherent or long-term strategy, and without proper safeguards regarding wider sustainability objectives; sub-section b) should be deleted.

Chapter 12: Achieving well-designed places

Question 28

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

Paragraph 130 – we very much welcome the revision to this paragraph to make clear that “outstanding or innovative designs” should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.

Question 29

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

We welcome paragraphs 124 and 125 in relation to the use of design guides and design codes. These are essential tools for helping to ensure that development is designed to be appropriate to its location. In areas such as the Chilterns AONB, it is

essential that design guidance is agreed between neighbouring authorities to ensure that standards are high across the area and that Local Authorities meet their duties under the CROW Act 2001 to conserve and enhance natural beauty.

In order to be effective, these design guides and codes need to be linked to effective policy at both a national and local level. The wording in the NPPF could be strengthened to raise the status of these guides and to require local authorities to develop design guides (in the form of SPDs) directly linked to policies in their local plans.

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?

No

Please enter your comments here

As stated in our answer to Question 13, we object to the proposals for starter homes and some market homes within Green Belt areas. We particularly object to the widening of the provisions of 144g (and, implicitly, 144f) to starter homes, since starter homes lack crucial key elements of true affordable housing, namely prioritisation for local needs and affordability in perpetuity. We accept that there are likely to be some brownfield sites that may be suitable for housing, but 100% affordable housing schemes should be prioritised.

We also object to the relaxed test on openness in the second part of 144g: a test of substantial harm is such a high bar that very few proposals could be refused on these grounds. Since rural exception sites policy can be used for true affordable housing to meet local need in the Green Belt, there seems no need for the second clause to suggest a wider range of developments may be acceptable providing there is a proportion of affordable housing. At the very least, the wording should be amended to "where the development would re-use previously developed land and comprise 100% affordable housing (excluding starter homes) to meet an identified local housing need, not cause significant harm to the openness of the Green Belt.

As all buildings are considered by definition to be inappropriate development in the Green Belt (paragraph 142), a lower threshold than substantial harm is required as a control on development. The wording could say for example 'significant harm' and that could take into account the nature of the development and the setting in which it is proposed. It is also unclear how impacts on openness should be assessed.

Question 31

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

Paragraph 134 – Whilst we do not support the removal of land from the Green Belt to allow development, and consider that housing numbers should be capable of being adjusted downwards where the only option to meet those numbers is to encroach on Green Belt which meets the criteria, we realise that there is significant pressure in the South East (and in and around the Chilterns) for new housing development. If, however, this proposal is not acceptable, then, where no alternative can be found (including in neighbouring districts) and exceptional circumstances exist, local authorities should be required wherever possible to create new areas of Green Belt with boundaries that can be defended in the long term. It is essential that such changes should only be set out in Local Plans along with the proposed removals of land from the Green Belt. All proposals must be supported by substantial evidence.

Paragraph 135 – We are concerned about Green Belt changes being altered through Neighbourhood Plans. It is unclear what is meant by 'detailed amendments' and whether Neighbourhood Plan bodies would have powers to designate new compensatory areas of Green Belt as part of this policy.

Paragraph 136 – We welcome the more detailed test to be applied to demonstrate exceptional circumstances for removing land from the Green Belt. Issues of density in city and town centres and discussions with neighbouring authorities are essential in areas such as the Chilterns where many authorities have large areas of Green Belt.

We are concerned that the draft paragraph requires local authorities to have 'examined fully all other reasonable options for meeting its identified need for development', without giving any clarification as to what this means in practice. The evidence provided to the Inspector must include detailed evidence to justify any release of Green Belt land as well as a thorough assessment of opportunities provided by brownfield land. A balanced approach should be required to ensure a suitable level of scrutiny can be undertaken by the Inspector at the Examination.

In terms of the Statements of Common Ground, it is unclear whether each authority would be expected to have one or several of these and how their review would be undertaken where the Local Plans of several authorities are at different stages. One option could be a shared statement of common ground specifically in relation to the Green Belt, which could be agreed by local authorities over a wider area for a set timescale.

An additional test could be added to paragraph 136 to assess whether an authority 'has potential for the creation of a new and defensible area of Green Belt to compensate for any loss'.

In relation to the Green Belt, we have also reviewed the proposed changes to Planning Practice Guidance. In relation to the section entitled 'Can plan-making authorities apply constraints to the assessment of development needs?' on page 25

we have concerns that there are insufficient safeguards in situations where protection of the Green Belt indicates that a local authority cannot meet its assessed need without causing significant harm.

The draft guidance indicates that the standard approach for assessing housing need is to be applied unless there are exceptional circumstances that justify an alternative. Any such exception will however be thoroughly tested by the Inspectorate. It would appear that constraints such as Green Belt are not factors in assessing this need, but can be planning constraints in meeting that need. We suggest that the text is amended to include the following sentence - 'Limitations including supply of land, capacity of housing markets, viability, infrastructure, Green Belt or environmental designations, are considerations when assessing how to meet need and the extent to which authorities are able, and would otherwise be required to, meet that need'.

It is good that it is accepted that there might be restraints, but it should follow that the requirement to meet the assessed need can be reduced where the restraints are such as to prevent an authority from meeting that need. This is particularly true where neighbouring authorities are equally constrained.

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?

Paragraph 148 - We particularly welcome the added reference in to the implications of climate change on biodiversity and landscapes.

Question 33

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

Not sure

No comments

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

Please enter your comments here

The strengthening of the policies is welcome. We are particularly pleased to see the addition of a reference to the 'intrinsic character and beauty of the countryside' in paragraph 168 (b).

The amended text of paragraph 169 is also welcome as it requires environmental and amenity values to be addressed in a strategic manner. Such a strategic approach, across local authority boundaries, is essential in ensuring effective conservation and enhancement of AONBs.

Paragraph 170 – It is unclear to us why the two former paragraphs have been merged into one. We consider that the policy would be clearer if, as before there was a paragraph break after '...should be limited'. There is then a separate and clear paragraph relating to major development. We are pleased that the Glossary include a definition of major development as this was lacking previously.

We are disappointed that the reference to AONBs having the highest status of protection has been removed. This made it clear that AONBs are on a par with National Parks in terms of landscape and scenic beauty.

The AONB paragraphs fail to offer any protection in relation to the setting of AONBs. Setting is increasingly being recognised by local authorities and Conservation Boards as a key issue and we would like to see this encouraged through an appropriate insertion into the text. We note that paragraphs 185 and 186 seek to protect the setting of heritage assets, but the NPPF does not afford similar protection to AONBs. This should be rectified for consistency.

Also, in many AONBs, it is the cumulative impacts of several developments that are leading to significant landscape change. An additional paragraph should be added to ensure that local authorities, either individually or in partnership, should develop policies for addressing cumulative impacts on AONBs and their settings.

Question 35

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

In relation to ground conditions, the chapter does not appear to address issues of water resources, concentrating mainly on pollution issues.

In the Chilterns there is a significant issue of low flows in the internationally important chalk streams. This has been an issue over a number of years resulting from over abstraction of water supplies. In this particular case, any development that either compromised the remaining water supplies or increased abstraction would have a significant cumulative impact on these watercourses.

Therefore, we would like to see an additional paragraph recognising the importance to the environment of water resources and, in situations where issues are likely to exist, requiring local authorities to address this through policies in their local plans.

Chapter 16: Conserving and enhancing the historic environment

Question 36

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

We particularly support the clarificatory revision of Paragraph 189, and the provision in Paragraph 184 to make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

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?

Paragraph 201 – We are pleased that sub-section (a) requires that landbanks for non-energy minerals are located outside AONBs. We would like this policy to be extended to include Green Belts.

Where extraction sites are allocated within local plans we would like to see restrictions placed on new operational buildings in the Green Belt. Once these are no longer required they should be removed. The site should not then automatically be considered to be a brownfield site suitable for affordable or starter home provision.

Question 38

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

Not sure

Please enter your comments here

No comments

Question 39

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

No

Please enter your comments here

No comments

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Not sure

Please enter your comments here

No comments

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?

Not sure

Please enter your comments here

No comments

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?

Not sure

Please enter your comments here

No comments

Glossary

Question 43

Do you have any comments on the glossary?

A definition of 'AONB' could be added to clarify that these areas have the highest level of landscape protection (if it is to be removed from the text of Paragraph 170).

'Green Belt' could be added for completeness.

'Openness' - We believe a definition of openness [in relation to Green Belt] would be very beneficial, to be adapted from the most appropriate case law.

'Entry level homes' - If the term used in Chapter 5, is to be retained, a definition must be provided.

'Deliverable' - The subtle, but, in some scenarios, potentially very significant, change to the definition of 'deliverable' [currently defined in footnote 11 of the NPPF], which shifts the default categorisation of sites with outline planning permission from deliverable to non-deliverable, should have been highlighted.

'Irreplaceable habitat' - We welcome the inclusion of a definition of 'irreplaceable habitat', but ask that the list in the second sentence be expanded to also include chalk streams (which are internationally rare, as well as technically difficult to replace) and some types of unimproved meadow.

'Rural exception sites' - The change in the definition of 'rural exception sites' from allowing 'small numbers of market houses' to 'a [unspecified] proportion of market houses' should be reversed.