

NPPF Consultation Response

June 2018

Altogether better



■	Region	
1	Question 1	3
2	Question 2	3
3	Question 3	3
4	Question 4	4
5	Question 5	4
6	Question 6	4
7	Question 7	4
8	Question 8	5
9	Question 9	5
10	Question 10	5
11	Question 11	6
12	Question 12	7
13	Question 13	7
14	Question 14	7
15	Question 15	8
16	Question 16	9
17	Question 17	9
18	Question 18	9
19	Question 19	9
20	Question 20	10
21	Question 21	10
22	Question 22	11
23	Question 23	11
24	Question 24	11
25	Question 25	12
26	Question 26	12
27	Question 27	13
28	Question 28	13
29	Question 29	14
30	Question 30	14
31	Question 31	14
32	Question 32	14
33	Question 33	15

34	Question 34	15
35	Question 35	15
36	Question 36	16
37	Question 37	16
38	Question 38	17
39	Question 39	17
40	Question 40	18
41	Question 41	18
42	Question 42	19
43	Question 43	19

Question 1

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

Durham County Council have no comments on the text of Chapter 1.

Question 2

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

2.1 In relation to the objectives set out in paragraph 8 Durham County Council considers that greater clarity is provided in terms of the objectives scope, purpose and application in the context of both plan making and decision taking. The extension to the scope of the objectives in terms of reference to improved productivity, range of homes, safe environment and effective use of land is considered to reinforce policy approaches set out elsewhere within the Framework. Reference to securing net gains is considered to be a positive addition to this part of the Framework.

2.2 In terms of the revisions to the presumption in favour of sustainable development, the council considers that the revisions set out in 11a) clearly set out the minimum requirements placed upon strategic plan makers in respect to meeting OAN and the circumstances where this may be waived. Durham County Council also considers that paragraph 11 effectively addresses and clarifies the range of matters that have been debated extensively through the courts. In terms of practical application the rewording of 11d), the re ordering of the two limbed test criteria (di and dii), the inclusion of an exhaustive list of policies (footnote 7) and referencing of the sub sections within paragraph 11 are welcomed improvements. The council is also pleased to see that much needed clarity regarding its interface with neighbourhood plans is included in paragraphs 11, 13 and 14.

2.3 Overall the revisions have resulted in this section being more focused, succinct and clear and are therefore welcomed by Durham County Council.

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?

3.1 Durham County Council welcomes the refinement of this section of the Framework in this respect and considers that the elimination of duplication ensures that important policy messages are aligned with the relevant topic areas which will allow more effective application of these important policy approaches.

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?

4.1 Durham County Council is pleased to see that much needed clarity regarding the Framework's interface with neighbourhood plans is included in paragraphs 11, 13 and 14, particularly in regard to the circumstances where paragraph 75 is triggered.

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?

5.1 Durham County Council broadly welcome the proposed amendments to the tests of soundness in particular the changes to 'justified' which now requires 'an appropriate strategy' rather than 'the most appropriate strategy.'

Question 6

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

6.1 In terms of other changes, Durham County Council suggest that Green Belt should be confirmed as a strategic policy, it is not the role of a neighbourhood plan to determine a Green Belt boundary once exceptional circumstances have been identified.

6.2 We would also welcome clarity regarding the review period of strategic policies in terms of whether this is also appropriate should the housing need figure decrease as opposed to increase.

Question 7

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

7.1 A whole plan viability assessment has been undertaken to inform the Preferred Options stage of the County Durham Plan. Whilst broad assumptions have been made, owing to this being a high level assessment for plan making purposes, these assumptions have been based on locally specific evidence. Individual viability assessments on site allocations will inform further stages in the plan making process. Whilst it is helpful to acknowledge that planning applications should not then be accompanied by a viability appraisal, those circumstances where a viability assessment is needed then they should be based on the actual site circumstances not on the recommended approach as set out in the draft Guidance.

7.2 It is our experience that standardised inputs into viability appraisals are not always reflective of true circumstances. For example, at present many viability appraisals overly rely on Building Cost Information Service (BCIS) data for build costs. However, it is considered that the BCIS data is received from both public and private sector sources and is derived from tenders. The vast majority of the data comes from schemes of 25 dwellings or less. It does not therefore include information from 'volume' house builders who are generally reluctant to share build cost information, which they consider to be commercially sensitive. Due to their increased 'buying power' volume house-builders are able to construct houses for less than a local or even regional builder. They can also offer more certainty on longer term work to contractors and sub-contractors and are therefore able to negotiate better deals, as well as being able to 'bulk buy' materials at reduced costs. When assessing larger projects, which are likely to attract volume house-builders, the limitations on the BCIS data should therefore be understood, and consideration should be given as to how best to capture actual build costs from larger scale housing schemes which are coming forward for development, as use of BCIS can distort appraisals to show many viable schemes as unviable.

7.3 Whilst it is helpful in terms of transparency that the sources can be agreed, it needs to be acknowledged that the standardised inputs are in the favour of the development industry from the outset. In low value areas across many parts of County Durham, viability is at best marginal and the necessary infrastructure required to support housing development is therefore difficult to secure through developer contributions. Developers will be reluctant to use true actual costs for the purposes of viability appraisals owing to them being made publicly available and it is also in their financial interest to apply higher assumptions such as the standardised inputs proposed includes build costs and developer profits.

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?

8.1 Durham County Council will be undertaking individual site viability appraisals to demonstrate that its housing allocations are deliverable and are able to provide policy requirements and any infrastructure requirements. It is hoped that this will mean that there will be no circumstances where viability assessments are submitted as part of a planning application. Circumstances where this may be appropriate should be set out in the local plans to ensure that these are locally specific.

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?

9.1 Durham County Council supports reference within the draft Guidance to the review of mechanisms to amend developer contributions through the lifetime of a project. This is particularly important on large scale strategic sites which are likely to have long term build out rates which extend over economic cycles.

Question 10

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

10.1 No comments.

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?

11.1 Durham County Council broadly supports the approach to ensure that a varied portfolio of sites is identified through the plan making process in the interests of meeting the needs of its residents and maximising housing delivery potential. However, the council is concerned that the method set out in the revised Framework is too prescriptive and does not take into account the full extent of the available suitable, deliverable housing land supply which exists in a given geography, how that portfolio of sites relates to the plan's strategy and the nature of neighbourhood planning activity. It is considered that a more flexible approach should be incorporated into the Framework to cater for differing local circumstances.

11.2 The council is concerned that the use of a measure which solely relates to the proportion of sites allocated will not always be the most appropriate and effective means for a given geography, particularly where a plan seeks to allocate a small number of major sites; this will simply reduce the onus on LPAs to identify small sites. Whereas an authority whose land supply is more akin to a larger number of medium sized sites just above the current threshold would have a greater onus placed upon them that may be difficult to meet as sub division/ phasing of sites may be less feasible from a scale perspective. Therefore, it is considered that the onus on the LPA should be more informed and justified through evidence via the SHLAA process rather than imposing a generic requirement.

11.3 Furthermore, undoubtedly for any given geography the supply of housing sites is made up of a variety of components including commitments and empty homes. In County Durham's 12% of our commitments are on small sites, in addition to those that will be allocated in the local or neighbourhood development plans. Durham County Council also recognises that the Brownfield Register and PIP process have the potential to boost the supply and delivery of small housing sites, particularly in relation to those sites which have delivery constraints which make them difficult to justify as housing allocations.

11.4 Durham County Council considers that the definition for site typologies should include thresholds relating to size and yield so as not to preclude larger sites whose physical or contextual constraints dictate a lower density of less than 30 dph or vice versa. However, it is considered that a definition of 'medium sites' (11- 75 units or 2.5 ha) should be included to provide flexibility in areas where these are more prevalent in the land supply.

11.5 In light of the above It is strongly urged that a more flexible means to secure the delivery of homes on smaller sites which reflects all of these additional components and constraints, which is informed by evidence to justify the level to be expressed as a number of housing units or as a proportion of sites, would be a more fitting to local circumstances and thus be a much more effective way of boosting the delivery of housing overall.

Question 12

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

12.1 Should the approach to housing delivery as set out in the revised Framework be retained then Durham County Council would have no objection to this threshold level being set subject to the incorporation of transitional arrangements. The time scale proposed is considered to be reasonable. However, it is noted that footnote 30 does not refer to a specific date for this to come into force and therefore Paragraph 75 would benefit from further clarity being provided in this respect. It is also noted that in the revised PPG a sliding scale of Delivery Test results are referred to in respect to the presumption being triggered in relation to 2018 - 2020. It is unclear as to how these relate to paragraph 75 and footnote 30; presumably they are the transitional arrangements referred to in this question.

Question 13

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

13.1 Whilst Durham County Council does not oppose the objective to boost the supply of entry level homes it has concerns about the approach set out in paragraph 72. The practical application of this approach for extensive geographies such as County Durham is of concern to the council in terms of assessing whether need is being met elsewhere. A definition of what constitutes 'a high proportion' would be welcomed.

13.2 Sites beyond the built up area, particularly those geographies with a polycentric settlement pattern may not be suitable from an accessibility perspective particularly as this sector of the community may have financial constraints which limit transportation options. Furthermore in such locations public transport, walking and cycling opportunities may be more limited, hence the approach would serve to promote more unsustainable transport modes. The approach set out in the revised Framework does not take these matters into account given they are excluded from footnote 7 and are not otherwise included in the criteria set out in paragraph 72.

Question 14

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

14.1 These comments relate to Chapter 5 in the Consultation NPPF. Across County Durham 16,808 houses currently have planning permission but have not yet been built (as at 31st March 2018). One reason for the slower pace of delivery is the issue of the time taken for sites to commence once permission is granted. Of the planning applications granted in 2015/16, 65% of the sites have not yet started, amount to 44% of the total units granted in that year, and of applications granted in 2016/17, 80% of units have not yet been delivered.

14.2 In response to this issue, a number of positive actions are currently taking place across the county including proactively working with applicants to resolve any issues of legal agreements and working with Homes England as part of their Accelerated Construction programme. However, whilst the delivery picture continues to improve, the pace of delivery and substantial time taken for sites to

commence continues, regardless of a number of actions already being implemented by the council. It is therefore considered that further powers are required by local authorities to ensure that applicants who secure planning permission are actively held to account for the delivery of new homes.

14.3 Bringing empty homes back in to use is a key priority for the council. We recognise the issues experienced in some areas as a result of concentrations of vacant, underused properties and will continue to work with all relevant agencies and in particular Homes England to pursue funding that will allow as many properties as possible to be brought back into use. In this context, it is welcome that Draft NPPF retains the direction that plans and decisions should support efforts to identify and bring back into residential use empty homes which provides a policy context for this important and ongoing work.

14.4 Durham County Council would request that reference should be made to the ageing population, which is a key driver of demographic change. Para 50 of the current NPPF implicitly requires authorities to identify and consider the scale of change in the housing needs of older people as suggested by demographic change and to also to consider mix and choice with respect to their needs. That is in addition to meeting the needs of specified groups, including older people.

14.5 We consider that the Consultation NPPF could give more of a profile to older people and their housing needs to reflect the nature of demographic change. Otherwise, we are concerned that there will be a significant risk that the scale of their existing and growing needs will not be given the importance that is warranted and there will be limited scope to achieve mix and choice to meet their needs. We have carried out substantive work on the general housing needs of older people in County Durham in the private sector in particular, and found that the development industry has failed to meet these needs for a prolonged period.

14.6 We have similar concerns with respect to the content of Draft Planning Practice Guidance as it relates to older people and the disabled. Existing Planning Practice Guidance relates the assessment of housing needs to demographic change. Indeed, it rightly identifies the need for more older peoples housing as 'critical' in the context of current and projected household change. Again, we consider that Draft Planning Practice Guidance needs to give a much higher profile of older people, their housing needs, and the importance of choice to reflect the nature of demographic change.

14.7 We note that the Neighbourhood Planning Act 2017 compels the Secretary of State to issue guidance on how local development documents should address housing needs that result from old age or disability. We are unsure if Draft Planning Practice Guidance is intended to meet this statutory requirement. If so, we consider that, as it stands, Draft Planning Practice Guidance falls short of the intent of this statute as it relates to this older people and the disabled.

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?

15.1 Durham County Council agree with the need to support business growth and productivity as an important element of national planning policy. It is important that significant weight is placed on economic growth. It is also important that strategic economic growth ambitions have the right housing and infrastructure to support this growth.

15.2 It is important that land allocations are based on understanding needs and the future needs of the economy. It also important that land allocations and planning policies are flexible to adjust to changes in the economy over time.

15.3 Flexibility in rural areas is also welcomed, often markets are very localised which makes it difficult to plan for in terms of land allocations and often industrial estates or business parks are limited. Policies should be reflective of that.

Question 16

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

16.1 Although not mentioned within this section, encouraging new housing on redundant employment land or through conversion of redundant buildings should be a last resort as in many instances such sites are unsuitable, unsustainable and unviable in County Durham.

Question 17

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

17.1 The changing nature of retail means that it is extremely difficult to understand retail needs over the entire plan period. The need to review the plan and evidence (plan, monitor, manage) provides the opportunity to react to any changing retail trends and retail needs through the Plan period. A pragmatic approach to uses in declining town centres is also welcomed. Durham County Council would suggest that in certain centres defining frontages is unnecessary given the need for flexibility and to support a greater variety of uses.

Question 18

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

18.1 It is important that the NPPF is reflective of changes in the GPDO regarding the change of use of town centre uses. The removal of the requirement for office developments to provide an impact assessment is welcomed. The changes to the sequential approach regarding pipeline sites may need further clarification to avoid unnecessary debate, for example what is a 'reasonable period'.

Question 19

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

19.1 Durham County Council welcomes the importance of the need for sufficient school places being made available.

Question 20

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

20.1 The role that planning can play in health is welcomed by Durham County Council. We have been keen to work with partners in public health on issues such as dementia and obesity in the production of planning policies. Durham County Council recognises the importance of green infrastructure it is considered positive that the Draft NPPF retains its content around the importance of green infrastructure in respect of supporting improvements to air quality and the requirement for local authorities to maintain and strengthen green infrastructure. In addition, the council welcomes and supports the recognition at paragraph 92(c) that the provision of safe and accessible green infrastructure can enable and support healthy lifestyles and help address health and wellbeing needs. This is a positive addition to NPPF.

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?

21.1 Durham County Council supports considering transport issues at the earliest stage of plan-making and development proposals and supports more emphasis on road safety when assessing transport impacts as set out in paragraph 109.

21.2 The council note the omission of the sentence in NPPF (2012) paragraph 29 relating to new transport policies that 'the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel'. Whilst the proposed wording in the draft chapter 9 relating to transport does point to widening choice of transport modes without explicitly stating policies should be 'balanced in favour of sustainable modes'. In proposed paragraph 105 the focus of criteria (a-e) is that any transport infrastructure or policy will be acceptable providing it is evidenced and appropriate for development proposals.

21.3 It is recognised that paragraph 107 introduces new policy content to NPPF. The council considers that the forthcoming NPPF would benefit from greater clarity in the circumstances in which maximum standards may be appropriate rather than presenting such an approach as an exception and indeed should also reflect upon the benefits of setting minimum standards in certain circumstances. NPPF should provide a direction as to the use of these standards rather than simply noting maximum standards would be discouraged and regarded as an exception. It should be noted that parking standards as a tool have an important role in a number of wider policy areas including supporting the vitality and viability of our town centres, health and air quality objectives as well as facilitating modal shift towards sustainable transport and supporting high quality urban design of towns and villages.

21.4 It is therefore felt that the text drafted at paragraph 107 goes too far in seeking to discourage maximum parking standards where such an approach may be appropriate in town centres or on retail schemes, where a maximum standard serves to support wider policy objectives such as protecting local town centres, preventing congested streets around town centres and supporting opportunities for sustainable travel.

21.5 Paragraph 107 would also benefit from referring to specifically to the role of minimum standards. It is felt that minimum standards are an appropriate and valuable policy response in residential areas where sufficient parking should be provided for the occupiers of properties in order to avoid issues caused by on street parking including congestion within an estate owing to high numbers of on street parked cars and damage to verges which can negatively impact upon the appearance of an area.

21.6 In this sense, the Draft NPPF should be amended to note the circumstances in which maximum parking standards could be appropriate, but also to include reference to minimum standards and their role in protecting the character of neighbourhoods.

Question 22

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

22.1 No comment.

Question 23

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

23.1 Durham County Council strongly supports the key policy statement in paragraph 104 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'. We also support references to widening the transport choice and aligning sustainable transport investments with neighbouring authorities as set out in paragraph 105 criteria a-e.

23.2 We would suggest that national policy could be further strengthened by re-inserting the statement about the transport system being balanced in favour of sustainable modes. This omission when coupled with the clear and compelling justification required for maximum parking standards could be interpreted by policy makers or developers as not prioritising sustainable modes when local policies are being formulated.

23.3 Notwithstanding the above comments relating to planning policies, we support the proposed NPPF in paragraph 110 which clearly gives priority to sustainable modes when assessing development proposals.

Question 24

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

24.1 Durham County Council welcome the new emphasis on the expansion of communication networks, including maximising access to high quality digital infrastructure such as full fibre connections from a range of providers, although the specific mention of 5G may time limit the policy.

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?

25.1 Criteria (a) of paragraph 120 would allow land to be reallocated (or deallocated) through the review of a local plan. While Durham County Council broadly supports this ability, it should be explicitly local authority-led and at the discretion of the local authority.

25.2 We do not support criteria (b) of paragraph 120. The effect of this approach would significantly undermine the development-plan approach and remove the certainty it gives, especially for communities and infrastructure providers.

25.3 Paragraph 121 proposes a more positive approach to applications for alternative uses which is not allocated for a specific use in plans. Criteria (a) applies to area of 'high housing demand' however there is no definition of what constitutes such a circumstance. We cannot therefore properly comment on this criteria. The policy is not clear on what happens in areas that are not in 'high housing demand', so further clarity is required in respect to this, as well.

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?

26.1 To support our economic ambitions we must have a complementary housing offer with the right types of housing in the right locations. The county's housing need therefore goes beyond only increasing the supply of housing, as the housing market is currently constrained by a lack of good quality, high demand locations and as a consequence the market is not delivering the range and type of housing required to assist our businesses in attracting the higher paid skilled workers and managers to the area. The availability of the right type of housing is important when informing investment decisions of businesses.

26.2 The 2016 Strategic Housing Market Assessment noted that the biggest challenge for the Private Rented Sector was the limited number of "good quality" homes available. Stakeholders felt that there was a vast oversupply of "low value terraced property" and an under-supply of "reasonable to good homes". There are also parts of County Durham, particularly in the east and south of the county that are associated with low demand for housing.

26.3 Comparison of council tax data for County Durham with regional and national data shows (Source CLG: Council Tax Data) that County Durham has a significantly higher proportion of Band A properties (59% compared to the average for England and Wales at 24%). The council tax bands are based on the value of a property on 1 April 1991, not its current value and therefore indicates County Durham has a higher proportion of lower value stock relative to elsewhere in the region and nationally. Density is linked with design and it is essential that imaginative design solutions are encouraged to achieve appropriate density levels. Whilst it is agreed that developments should make efficient use of land and resources by achieving higher densities (i.e. 30 plus dwellings per hectare) in locations with good access to public transport and facilities it should also be recognised that lower densities may be more appropriate in areas where there are already high concentrations of high density housing and in response to the prevailing existing character of a site, in smaller settlements or to provide a range and choice of housing.

26.4 It is not clear whether the provisions of paragraph 123 applies when housing needs can be met. The language is ambiguous; presumably the inference here relates to whether or not an authority can demonstrate a five year housing supply? If an authority can demonstrate an adequate housing supply do they need to include the policies required in paragraph 123? Further articulation is required to explain how this policy would operate.

26.5 It is not clear whether the criteria of paragraph 122 will also apply to the paragraph 123 provisions. We maintain that housing densities should be derived from well-designed, attractive schemes which respect and respond to the prevailing character and context, and do not simply seek to maximise the yield of a site at the expense of these fundamental requirements. Higher densities will be possible, and suitable, in certain locations however this is more often the case within the largest settlements and urban conurbations which are more likely to have the conditions to support higher density developments.

26.6 Alongside the above concerns, we do not support criteria (c) of paragraph 123 which advocates relaxing sunlight and daylight standards where they inhibit making efficient use of land within schemes that do not make efficient use of land, in the opinion of the local planning authority. Good design should be about ensuring optimum living standards, both internally and within the configuration and layout of developments. We would not anticipate any circumstances within County Durham that would require the approach in criteria (c). This criteria may apply in more dense city centre locations and should therefore be linked to specific requirements and circumstances, for example within guidance for tall buildings, etc.

Question 27

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

27.1 Durham County Council consider the word 'only' should be inserted into criteria (e) of paragraph 118, so that it reads 'allow upward extensions only where the development would be consistent with the prevailing height...' to ensure appropriate emphasis is applied to this policy requirement. This would better reflect the often compromised, and compromising, nature of this type of development and the additional impacts that it normally entails - for example in terms of refuse generation/storage/collection, parking, amenity, etc. While vertical extensions may be appropriate in some circumstances, within many contexts (particularly historically sensitive locations) there will be limited opportunities, or none at all, for this type of development.

Question 28

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

28.1 Durham County Council supports the additional emphasis that has been placed on the importance of pre-application discussions to secure good design. We do, however, have concerns in relation to the wording in the final sentence of paragraph 127, which is slightly vague in its intentions and may be open to differing interpretations. We suggest the sentence is amended to ensure that quantifiable 'design improvements' are derived from effective engagement, including through review processes such as BfL.

28.2 Paragraph 125 states that plans or SPDs 'should use visual tools', however it is the opinion that this may not always be feasible especially within larger authorities which have a plethora of different settlements in terms of their historic role and character, displaying a vast array of examples of local distinctiveness. The wording should therefore be changed to 'can use visual tools', which would support a more flexible approach and take account of local circumstances and resources.

Question 29

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

29.1 No comments.

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?

30.1 The proposed changes extend the current wording of forms are development that are 'not inappropriate.' The amendment to 'not cause substantial harm' is a planning judgement which will need to be applied at a decision making stage. We would suggest that a judgement also needs to be made about whether the previously developed land is a suitable location for housing development having had regard to other considerations such as access to services and facilities or proximity to public transport for example.

Question 31

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

31.1 No comment.

Question 32

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

32.1 Durham County Council welcome the addition to Chapter 14 of a section on planning for climate change. We are committed to ensuring that our communities are resilient to the impacts of climate change and our policies in our emerging local plan will take a proactive approach to mitigating and adapting to climate change.

32.2 In order to avoid confusion it is helpful that the NPPF has been amended to reflect the guidance in the Written Ministerial Statement of 18 June 2015 on wind energy development. This has provided a clear policy direction from the previous debate upon how much weight could be given to the WMS.

32.3 In terms of the sequential test and the exception test for flooding, we are already applying those principles in the preparation of the local plan. The addition of a reference to the consideration of cumulative impacts on areas susceptible to flooding and application of the tests to minor developments are sensible additions.

32.4 We welcome the increased emphasis on the provision of sustainable drainage systems in new development.

Question 33

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

33.1 In Durham County Council's opinion the suggested wording is generally appropriate although the removal of the word 'can' before 'help' would give it more clarity.

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?

34.1 Durham County Council support the clarification and strengthening of protection for areas of particular environmental importance. The footnotes within this section add important context to the revised wording.

Question 35

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

35.1 Whilst Durham County Council supports the need for planning policies and decisions to contribute to and enhance the natural and local environment it is felt that the requirement to improve public access to the undeveloped coast in paragraph 168 will increase recreational pressure on important internationally protected sites along the coast (SACs, SPAs, Ramsar sites) which are already being impacted by an increase in development and visitor numbers. This requirement could therefore be counter-productive to the aims of the policy as a whole.

35.2 We welcome the change of emphasis on 'Development should, wherever possible, help to improve local environmental conditions such as air quality'. We also welcome the change in emphasis in paragraph 176. We welcome the clarification on integrating new development with existing community facilities and business uses, as this has been the focus of many appeals nationally. One major change is the use of the term the 'agent of change' being required to secure suitable mitigation before the development has been completed where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development being permitted. Whilst we welcome this change a clear definition of 'agent of change' would be beneficial in the glossary.

Question 36

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

36.1 The County Council supports the proposed changes, which include amendments to paragraph 189 where additional text confirms that great weight should be given to the asset's conservation 'irrespective of the degree of potential harm to its significance'. This is welcomed as it ensures the NPPF aligns with statute and case law on listed buildings and conservation areas.

Question 37

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

37.1 Durham County Council note that reference is made on page 23 of the document to incorporating the deleted text in guidance. However, it is noted that this is not reflected in the 'Draft Planning Practice Guide' document which has been issued, therefore it is assumed that this will follow. Specific comments relating to the changes to the policy in chapter 17 and related text are as follows:

Paragraph 199 – The deletion of the first sentence is not supported. This sentence “Minerals are essential to support sustainable economic growth and our quality of life”, serves to highlight the importance of minerals to the economy and society and is beneficial in ensuring that the importance of planning for minerals is sufficiently recognized in its role in facilitating development and economic growth.

Paragraph 200(b) – It would be helpful if the PPG could provide specific advice on how mineral planning authorities take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials.

Paragraph 200(c) – It is suggested that an additional sentence be added which stresses the utmost importance of safeguarding mineral resources of national importance. Such mineral resources can be scarce and are likely to warrant a higher level of protection than some other mineral resources which are more ubiquitous i.e. sand and gravel.

Paragraph 200(e) – It is suggested that brickworks also be included in the list of safeguarded facilities. The manufacture of bricks and other tile products are essential to housing delivery.

Paragraph 201(a) – It is suggested that internationally and nationally important nature conservation designations be added to the areas from where it is intended that aggregate landbanks be maintained from outside of.

Paragraph 202 (a) – In order to assist in preparing the demand forecasts for crushed rock and sand and gravel it would be particularly helpful if guidance is provided on an approved methodology to enable mineral planning authorities to take into account 'other relevant local information'. This would be of great assistance to individual mineral planning authorities and would be essential if a decision is taken not to prepare updated National and Sub-National Guidelines.

Paragraph 203 – Clarity is required on what is meant by an 'adequate' provision of industrial minerals and an 'appropriate' level of safeguarding and stockpiling. Is it intended that clarity will be provided by the PPG? For example is it intended that the PPG will specify the number of years of 'stock of

permitted reserves' that mineral planning authorities should seek to help maintain for different types of industrial minerals? It would also be helpful if under this topic of industrial minerals, that the NPPF would provide specific advice on the strategic importance of safeguarding minerals of national importance, for example high grade dolomitic limestone which can be used in the steel and chemical industries found in County Durham and Derbyshire.

Question 38

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

38.1 Yes, the removal of minerals policy guidance from the NPPF and the preparation of a more detailed document providing essential policy, procedural and technical guidance would be supported.

Question 39

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

39.1 Durham County Council consider that the utility and importance of the National and Sub-National Guidelines on future aggregates provision should not be under estimated. The preparation of National and Sub-National Guidelines (previously known as National and Regional Aggregate Supply Guidelines and last issued in June 2009 by Government), has been a central component of the Managed Aggregate Supply System (MASS) which has operated successfully for many years through partnership working between Central and Local Government and the aggregate mineral operators and their trade associations. The preparation of guidelines (for land-won production for both crushed rock and sand and gravel together with assumptions on future marine dredged sand and gravel supply, the contribution of alternative materials and net imports to England), have helped ensure that a steady and adequate supply of aggregates can be made available to meet societies needs for aggregate minerals including the delivery and renewal of housing and other essential infrastructure. The guidelines provide a sense check on the nation collectively and what regions should collectively seek to make provision for.

39.2 In the past the guidelines have been of great assistance to Mineral Planning Authorities through their work to ensure the continued steady and adequate supply of aggregates. Without updated National and Sub-National Guidelines, Mineral Planning Authorities, will predominately, only be able to plan for future aggregate demand on the basis of past aggregate sales. The current NPPF methodology based upon past ten year sales averages, can at best be described to be an imperfect methodology. This is in the sense that it is based on past trends, with future aggregate demand currently being unduly influenced by past sales including deflated sales from during the recent recession. Within areas with limited number of aggregate sites and declining production the current NPPF methodology can produce a declining future annual demand requirement. Furthermore, experience has shown that that the current NPPF requirement to take into account 'other relevant local information' does not provide the statistical rigour which is required or could be provided by a regular issue of guideline figures based upon national and sub-national economic forecasting and standardised assumptions on the contribution of alternative materials, marine dredged aggregates and imports.

Question 40

Do you agree with the proposed transitional arrangements?

40.1 Durham County Council agree with the proposed transitional arrangements.

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 this document? If so, what changes should be made?

41.1 Durham County Council has been recognised as a best practice authority with respect to its approach to the accommodation needs of Gypsies and Travellers. We are also aware that there is complex statute relating to Travellers in addition to the NPPF, and that issues relating to travellers can prove extremely sensitive with the settled population.

41.2 The relevant proposed change to the NPPF is the inclusion of 'Travellers' in paragraph 62 as a specific group where policies should identify the size, type and tenure of homes required. The related footnote clarifies that in this context 'Travellers' are those who do not fall within the definition of 'traveller' in Annex 1 of the Planning Policy for Traveller Sites. It states that the latter sets out how Travellers accommodation needs should be assessed for those covered by the definition in Annex 1 of those documents. The council considers that greater clarity is needed on this proposed change as it affects policy development and the preparation of evidence. In particular, we are unclear if this change includes a requirement to assess the needs of housed Travellers for different types of housing, and not just sites. The following is relevant:

- Like other authorities, most of our Gypsy and Traveller community live in housing. Despite extensive efforts, and a strong relationship with our site community, the council has found it very difficult to identify and engage with its housed community in order to understand their housing needs. There is therefore a significant practical problem in developing an evidence base for this section of the housed community as a basis for policy.
- The council's extensive experience has shown that there are challenges and difficulties in collecting evidence on the accommodation needs of Gypsies and Travellers across the board. The preparation of evidence on this group can only sensibly be done in a single assessment relating to all accommodation needs of Travellers, as required by the future revised NPPF.

41.3 We also consider there are aspects of the current Planning Policy for Traveller Sites which the council has found problematic and are worthy of review, particularly in the light of proposed changes. This includes:

41.4 Paragraph 4e: Requirement to promote private sites: There is no comparability in this to requirements in the NPPF, as they relate to housing. Whilst there is known to be general national shortages to affordable housing for instance, there is no requirement to 'promote'.

41.5 Paragraph 4 h. Requirement to increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply. This requirement was included in the 2012 version of planning policy and includes an implicit assumption that there is under provision. We do not consider that this can be assumed to be the case in the context of the new planning definition of Travellers in Annex 1.

41.6 Paragraph 18. Requirement to consider mixed use on Traveller Sites, wherever possible. We have not found 'mixed uses' to be desirable in the refurbishment of our Gypsy and Traveller sites. We consider that, whilst requiring mixed uses to be considered, the words 'wherever possible' should be omitted.

41.7 Finally, since the original version of Planning Policy for Traveller Sites was published in 2012, paragraph 5 has expressed an intention to review policy when fair and representative practical results of implementation are clear. We consider that fair and representative research is now warranted related to the practical application of policies.

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 this document? If so, what changes should be made?

42.1 Durham County Council welcome the changes made to the document to clarify that plans should make explicit which policies are strategic and those on co-operation on strategic and cross-boundary issues. We welcome the recognition of waste as a strategic issue. There is an opportunity to bring both documents in line with each other. NPPF could be changed to reflect PPG for waste and National Planning Policy for Waste (NPPW) that the waste hierarchy is the responsibility of all planning authorities, not just waste planning authorities. These changes could include the text on design for waste management in new development for example.

42.2 Similarly, NPPW could be brought into line with these changes to NPPF to refer to co-operation with elected mayors and combined authorities and statements of common ground, or cross reference to the requirements of NPPF on these matters. We note the proposed changes to PPG stating that minerals and waste plans require a statement of common ground it is felt that this could be better placed in the NPPW itself. NPPW could also be changed to make clear whether development management policies for waste could be considered 'local policies' in line with the proposed changes to NPPF.

Question 43

Do you have any comments on the glossary?

Durham County Council note, that the glossary of terms now includes a definition of 'major development' which is based upon the Town and Country Planning (Development Management Procedure) (England) Order 2015. It should be made clear that this definition is not applicable to 'major development' in the context of development within or affecting the setting of National Parks and Areas of Outstanding Natural Beauty (paragraph 170 of the draft NPPF). Please see the following case law which is relevant: *Aston v SSCLG* 2013 EWHC 1936. If clarity on this matter is not provided there is a possibility that what is and is not 'major development' in the context of National Parks and Areas of Outstanding Natural Beauty may be misunderstood. Paragraph: 005 Reference ID:

8-005-20140306 Revision date: 06 03 2014 of the PPG reflects the correct position, it advises, "Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context".

The definition of minerals of local and national importance, which includes aggregate minerals, should be reinstated into the glossary in order to provide clarity in the context of local plans planning for their extraction and safeguarding these resources. If not included in the glossary within the NPPF, then some explanation should be provided in the Planning Practice Guidance.