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 (*).

Your details

<table>
<thead>
<tr>
<th>First name*</th>
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<td>Family name (surname)*</td>
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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

Local Authority

Please provide the name of the organisation (if applicable)

Cornwall Council
Chapter 1: Introduction

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

The introductory paragraph does not need to specify ‘housing’; it should state ‘development’ so that it is clear that the NPPF applies to all types of development.

Written Ministerial Statements would need to explicitly state when they are intended to be Government Policy. It would be helpful to understand what weight ‘other statements’ will be given in planning decisions.

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

The principles of sustainable development; living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance and using sound science responsibly appear to have been removed. These are important messages and unless embodied elsewhere in the draft revised NPPF it is suggested that these are included within the NPPF. It is recognised that there is a need to drive housing delivery, however, this should be delivered through a place-based approach to planning, taking into account the sustainable development principles.

It is suggested that paragraph 8 b) is amended to include reference to ‘high quality’ built environment, to read:

b) a social objective – to support strong, vibrant and healthy communities, by .......and fostering a well-designed, high quality and safe built environment......

The explanation of the presumption in favour of sustainable development in relation to plan-making and decision-taking is welcomed by Cornwall Council, as this provides clarity.

The addition of the footnote relating to the defined list of reasons for
restricting development is welcomed, including the addition of Heritage Coast and certain heritage assets.

**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

Cornwall Council agrees, it would seem sensible to remove the ‘core principles’ section as these have been moved to a more appropriate part of the Framework.

**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?

Cornwall Council welcomes the Government’s commitment to long-term planning, however, it is noted that some of the delivery test are measured in the short-term.

Cornwall Council feels that throughout the document there is inconsistency in the terminology used, such as statement of common ground, objectively assessed need, local housing need, and plan-review. It would be helpful if the terminology could be reviewed to ensure that the terms used are not confused with other terms, for example Statement of Common Ground has a specific meaning for planning appeals and the draft revised NPPF suggested statement of common ground has a different purpose. Local Plan review implies the statutory changing of policy but in this context a review may not involve this. It would also be helpful if these terms were explained in the glossary.

Paragraph 14 needs to be more precise. As worded it could prevent housing schemes being approved on allocated Neighbourhood Plan sites if there is a minor conflict with the policy.

It is noted that there is a strong emphasis on cross-boundary delivery of housing to meet needs; this will not be relevant to all authorities. In some cases, such as large-scale unitary authorities like Cornwall, may be able to deal with strategic issues within their plan area.

**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

The Council considers that setting out the tests of soundness is helpful and welcomes the change to ‘an appropriate strategy’. However, the ‘effective’ test implies that soundness will be judged on the degree of joint working, in some cases an authority may be able to deal with strategic issues within their plan area. Suggest inserting ‘where relevant’. It is also felt that paragraph 36 a) should include the wording ‘using the standard methodology for housing need’.

We would suggest a review of terminology around ‘strategic plan’ and ‘local plan’. For some unitary authorities who can deal with strategic issues within their plan area, the interchanging of the terminology could cause uncertainty. The inclusion of these terms in a glossary could be helpful.

The ‘consistent with national policy’ test should make reference to planning policy contained in other documents, such as Planning for Waste and Written Ministerial Statements.

Question 6
Do you have any other comments on the text of chapter 3?

Cornwall Council feels that in paragraph 17 and reference to strategic policies through footnote 12 is confusing as this does not define strategic policies. However, paragraph 20 does appear to do this and it would be simpler to refer to this or to define strategic priorities in the glossary.

Again, as set out in our response to Q4 - there are is some confusing terminology used in the document, for example Statement of Common Ground (which in terms of a planning appeal or examination has a specific meaning). Local Plan review implies the statutory changing of policy but in this context a review may not involve this. It would be useful to have all terms explained in the glossary or reference made to the PPG.

We consider that statements of common ground could be extended to Statutory Consultees including Natural England, Historic England, Highways England, and the Environment Agency. It is however critical that the guidance within the NPPF/NPPG makes it clear that issues included must be on the basis of reasonableness and proportionality. We also consider that there should be a mechanism for allowing for/clarifying
areas of non-agreement.

Paragraph 23 sets out the requirements for policies to be reviewed at least once every five years, further detail is in the PPG and again we consider that the use of the term Local Plan review is misleading as it does not differentiate or provide clarity between a statutory change of policy and a Local Authority’s (LA) review. Further clarity would be helpful for when situations arise that a LA review is undertaken, a statutory review is triggered and commenced but would take longer to complete than five years post adoption of the plan.

We would also urge the government to consider a review of the Local Plan examination process. Our recent experience of the complexities of examination is clear that this format is extremely difficult for communities to understand and participate in. It often feels adversarial and individuals can feel alienated by the formality, the technicality of understanding the tests of soundness and legal advisors. The process does not feel like a constructive dialogue to ensure a good plan for an area. The involvement of the Inspectorate is to a large extent back loaded, rather than the early and an ongoing dialogue which is actively promoted for development proposals. This leads to wasted work and delay at the decision end of the process, which could be avoided by a process which has earlier review points. This brings into question whether an alternative approach to developing planning policy could be for LAs to be able to make or amend their own plans through their own governance procedures as for Local Transport Plans with independent review only required in certain cases or time periods. The statutory planning process is best used to drive long term strategic spatial planning rather small changes.

Whilst we understand that change to this system would be fundamental there may be smaller changes which could assist with the pressures faced by the Planning Inspectorate and the significant cost to LAs in statutory plan production. A simpler process for amendments to policy could be developed which did not require examination or an examination process and test more akin to that for Neighbourhood Plans. We are concerned that there is a risk of waste of resource and diversion from delivery if statutory reviews are triggered for small increases in housing numbers where LAs can continue to meet these numbers through alternative mechanism. A more flexible approach could be adopted in paragraph 23 where changes to the Local Plan are not automatically triggered by an increase in housing numbers but rather a 'significant' increase in numbers. A more productive response to increases of up to 20% where a five year supply can be shown may be to review policy and publish what proactive steps to accelerate delivery (such as those set out in the advice on action plans for Housing Delivery test) rather than the significant time and resource required for a full statutory review of a plan.
The Council welcomes the wording in paragraph 25 that evidence to support strategic policies should be relevant, adequate and proportionate.

Paragraph 34 would appear to place the burden on local authorities to provide evidence on viability and deliverability issues this level of detail will delay further already slow plan making. It is also likely to become out of date quickly and often before planning applications are received.

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?

Yes

Please enter your comments here
Cornwall Council fully supports all viability assessments being made publically available and cannot see any circumstances where this would be problematic. If exceptions are made for whatever reason, the public will become aware of the reason and the exceptions policy will be self-defeating.

It would help the public to understand the trade-off between the aesthetic quality of the development and the community benefits that may be derived from the scheme. The guidance in the draft PPG is helpful in defining the requirements and approaches.

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?

Please select an item from this drop down menu

Please enter your comments here:
The basics of viability assessments are well-known so a standardised approach to the content and layout of viability assessments, including calculating costs and values, would allow for greater transparency and comparison between different sites.

It would help the public to understand the trade-off between the aesthetic
quality of the development and the community benefits that may be derived from the scheme.

However, the Council is concerned that the inclusion of more robust viability assessment in the local plan process of site allocation is likely to slow the process down. Viability assessments should be site specific and timely.

**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

Cornwall Council is uncertain about the benefits of mandating review mechanisms in our experience such clauses not only add further layers of regulation and delay into the delivery process but are also notoriously difficult to capture increases. In all but very large applications a review process will be difficult and resource intensive to manage and is unlikely to be cost effective.

Review mechanisms rarely benefit the community. They would be used to capture escalating contingency costs which could drive inefficiencies.

**Question 10**
Do you have any comments on the text of Chapter 4?

The Council suggests that the title of chapter 4 is made clearer that it is about determining planning applications. As presently worded the title is a little ambiguous and could relate to planning policy decisions.

The words ‘planning permission’ should be defined in the glossary. The words are currently used inconsistently which limits benchmarking and the standardised application of local validation lists and document retention policies.

The Council welcomes the recognition of the importance of pre-application engagement and discussions.

Cornwall Council considers that emphasising the limited use of planning conditions may be problematic in certain circumstances, for example the use of pre-commencement conditions in heritage management.

Guidance on profit states ‘plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development’. There is case law
accepting lower profit levels, particularly on sites with reduced risk etc.

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
Cornwall Council agrees that providing a range of sites will meet differing needs and delivers a large proportion of development through small sites; this is vital to ensuring that our communities of all size can meet their needs and thrive.

Cornwall Council do not consider that the arbitrary requirement that 20% of sites should be below half a hectare is workable particularly for large authorities and dispersed authorities. In the case of Cornwall a large proportion of its development has traditionally come from sites of 10 dwellings or less. Almost 40% of completions have been on sites of less than 10 homes and 20% of current permissions are on such sites. Overall it is expected that over 30% of the Local Plan provision will be provided on small sites of less than 10 dwellings without the need for any allocations on small sites. The scope for windfall development to meet this need should therefore be reflected in the policy. However, it is recognised that for small housebuilders to be able to plan the certainty of small allocations is beneficial and it is also recognised that for many communities small-scale development can meet their needs often at a better quality. This presents a clear purpose and focus for NDPs and we would advocate an approach that requires this through this mechanism.

This issue needs to be considered in the context of the Letwin Review which will be published in due course.

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
Cornwall Council welcomes the greater clarity that is provided by the
housing delivery test and in particular the circumstances where a 20% buffer should be applied. It does not however consider it necessary to introduce a second test whereby if delivery falls below 75% of the planned requirement that paragraph 11b should apply. The reason for this is that there will be circumstances where building rates are below 75% but there is still a five year supply of housing land. In such cases it would appear that poor delivery is not due to a lack of supply or overly restrictive housing supply policies but it is more likely that it may be down to market conditions. In fact the perverse outcome of this policy could be that it is attractive for developers to deliver slowly to trigger 11b as no stick is proposed to ensure that developers meet their commitments and therefore could result in land banking by developers. The Council considers that allowing local authorities to develop housing on sites that have stalled by removing the current borrowing cap and providing further funding could increase housing delivery. By implementing paragraph 11b it would appear that the solution here is to increase supply when the lack of supply isn’t the issue. We therefore consider that it is sufficient to retain the test whereby a lack of five year supply means paragraph 11b comes into play and there is no need for a second test as is suggested. This could undermine a planned approach and alienate those communities producing Neighbourhood Plans.

**Question 13**
Do you agree with the new policy on exception sites for entry-level homes?

**Yes**

Please enter your comments here

The Council supports the policy on exception sites for entry-level homes where these meet a local need, however it seeks the definition expanded to allow self-build for those building homes (not just first-time buyers) for their own occupation permitted on exception sites (subject to locally set restrictions on eligibility). It is also noted that there needs to be some assurance that these exception sites for entry-level homes are to be discounted for first-time buyers or those seeking to rent their own homes in perpetuity.

Paragraph 72 contains contradictory terms, uses ‘located outside existing settlements’ as set out in paragraph 72, whereas paragraph 72 b) states ‘be adjacent to existing settlements’.

Paragraph 72 b) - the following text should be deleted: “not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.” This is inherent in reading the NPPF as a whole and the planning system.
Question 14
Do you have any other comments on the text of Chapter 5?

Cornwall Council considers that the standard methodology to assess local housing need should be open to challenge where there are sound reasons to do so.

Paragraph 62 – The Council supports the new requirement to identify homes for those people who wish to commission or build their own homes. The two definitions of ‘travellers’ will ensure double counting. Ex-travellers fall within the other community groups.

Paragraph 64 – The Council supports the ability to lower the threshold to require affordable housing in a designated rural area to 0. However an opportunity to include those areas where development is restricted should also be defined such as World Heritage Sites, Mineral Safeguarding areas, AONB’s, Heritage Coasts.

Paragraph 64. Does ‘major site’ mean ‘major development’?

Paragraph 68 - We agree with the emphasis of wording that SHLAAs are to show availability, with decision-making to follow on. It is worth noting that SHLAAs are not a strategic expression of planned growth.

As currently worded paragraph 76 suggests that in order to agree an annual statement that the adequacy of the five year supply will need to have been tested through the Local Plan examination. This will mean that local authorities such as Cornwall, who have a recently adopted local plan but where the inspector considered it was not necessary to determine whether there is a five year supply to find the plan sound, will not be able to agree an annual statement in the same way. It is suggested that it should be added that where a local authority has an up to date adopted local plan requirement that it can also agree five year supply through an annual statement. Cornwall Council is also concerned at the potential time lag to get an annual statement approved. It currently takes about 4 months to collate and check end of year data and publish a five year supply statement. If consultation and Planning Inspectorate approval is added to this it could be around 6 months after year end that a statement is published meaning reliance on a five year supply statement that is potentially 18 months old negating its worth.

Cornwall Council is concerned that outline permissions are not to be considered deliverable under the revision to the definition in the glossary unless there is clear evidence that housing completions will begin on site within five years. Currently there is already a requirement that sites with permission are tested to allow for lead in times and delivery rates and outline permissions are adjusted to take account that it takes longer to
deliver homes on these sites. Such sites are still suitable and there appears no reason why such sites are now excluded. The definition also refers to small sites and sites with detailed planning permission without it being made clear what scale a small site is considered to be and also what is meant in terms of their status. Are small sites with outline permission included as deliverable or does the small sites refer to other sites that may not have permission and if so these sites may be less suitable than those with outline consent that are excluded. The existing definition of deliverable should remain whereby all sites with permission are still assessed for deliverability and the onus is to show they are not deliverable and all other sites without permission should require clear evidence that they are likely to deliver homes within five years.

For the Housing Delivery Test it is currently not made clear whether or not when using a recently adopted Local Plan Housing Requirement, any shortfall accrued since the start of the plan period should be added to the requirement or whether for the purposes of the housing delivery test it is the annualised Local Plan requirement alone that should be used.

The Council recognises that new settlements can deliver significant new homes, and therefore we feel that the Garden City/Village principles should be included in paragraph 73 as advocated by the Town and Country Planning Association.

In relation to the provision of affordable homes, the Council has concerns that the requirements set out in paragraph 65, for at least 10% of the homes should be available for affordable home ownership, may impact on the number of homes made available for affordable rent. There is concern about the definition of affordable housing. The concept of a living rent should be considered for low income groups. Local Authorities should have the flexibility to determine the balance of affordable housing products delivered locally, including rent and home ownership.

Paragraph 81c could be clarified ‘disused buildings that are structurally sound and capable of conversion without a significant increase in their mass and enhance its immediate setting’. Prior Notification Applications (Part Q and Part R) should be subject to the same criteria.

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

<table>
<thead>
<tr>
<th>Cornwall Council has concerns with the focus of economic growth on areas with high levels of productivity; economic growth should be encouraged across the Country.</th>
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<td>There should be recognition of opportunities for co-location of businesses.</td>
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**Question 16**
Do you have any other comments on the text of chapter 6?

| The Council agrees that paragraphs 82-84 offer positive advice on rural based businesses without encouraging new businesses unless there is a bespoke need and circumstances. This balance is welcomed. |

**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?

No

Please enter your comments here

| The Council has concerns that the term ‘….to become available within a reasonable period….’ is ambiguous and there is no definition provided in the Glossary. |

**Question 18**
Do you have any other comments on the text of Chapter 7?

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<tr>
<th>Town Centres are fundamentally changing as a result of the different ways people live, work and shop. Standard retail assessment is predicated on trend and assumptions about spend which are outdated. We would recommend that government looks at whether different approaches to assessment should be undertaken perhaps through a series of pilots. We agree that removing offices from the sequential test is appropriate.</th>
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<td>Notwithstanding the above, para 87 is welcomed as it is appropriate to reflect the real world. The words ‘expected to become available’ are helpful and logical.</td>
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Question 19
Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

Cornwall Council recognises the role that open space, sport and recreation facilities can have including as connective green infrastructure.

The terminology suggested in paras 97 – 99 (and the title of the paragraph areas) concentrates far more on the planning, provision and protection of open spaces and sports provision than the provision and protection of linked green infrastructure (particularly access to nature and less formal spaces and connected green spaces) and the benefit that these spaces can have in terms of physical and mental well-being. This implies a lesser value for less formal spaces, which is at odds with para 92 (a-c) and the Government’s 25 year Environment Plan.

Question 20
Do you have any other comments on the text of Chapter 8?

Cornwall Council has noticed that this chapter contains several typographical errors and could do with proof-reading.

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
Cornwall Council recognises the changes to the transport chapter.

Question 22
Do you agree with the policy change that recognises the importance of general aviation facilities?
Please select an item from this drop down menu

Please enter your comments here

The Council has no specific comments on the network of general aviation facilities.

**Question 23**
Do you have any other comments on the text of Chapter 9?

Cornwall Council welcomes the definition of transport statement and transport assessment in the Glossary.

Paragraph 108 a sits more comfortably under paragraph 110. Air quality should be included in paragraph 108 c.

The test of ‘severity’ in paragraph 109 should be explained. The implications on air quality are largely highway related and the impact extends to areas beyond the road network.

**Chapter 10: Supporting high quality communications**

**Question 24**
Do you have any comments on the text of Chapter 10?

Cornwall Council welcomes the support for planning policies and decisions to encourage the expansion of electronic communications networks including full fibre broadband connections.

The Council would recommend that a reference is made to telecommunications infrastructure being appropriate enabling development to help secure the maintenance or future of heritage assets.

The Council recommends that in paragraph 116 the sentence ‘local planning authorities must determine applications on planning grounds’ should be deleted, as this is inherent but the remainder of the paragraph should be retained.

**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?
Please select an item from this drop down menu

Please enter your comments here

It should be recognised that as expressed density is a reflection of the number of independent residential units within an area rather than the density of buildings in that same area. The two need to be read together. If the intention is to encourage flatted development the document should be explicit.

To achieve well designed places it should be recognised that acceptable densities can differ between areas.

The Council considers that unless it has implications for designated heritage assets or minerals safeguarding areas the redevelopment of brownfield land in all sustainable locations should be encouraged; this may be outside but near to settlements.

Paragraph 118 e) - Decision making should include local policies as well as the NPPF and take into account material considerations as standard so it is not necessary to specify "(including complying with any local design policies and standards), and can maintain safe access and egress for occupiers." – otherwise this undermines the process where these points are not set out.

Question 26
Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?
No

Please enter your comments here

Paragraph 122 c) – suggest deleting the wording ‘that limit future car use’ as it is considered that this is not necessary.

The Council has concerns about increasing the density of residential dwellings, especially in terms of the health and safety of future occupants. Employing minimum densities must be linked to other chapters particularly in terms of requiring high quality design and amenity.

Question 27
Do you have any other comments on the text of Chapter 11?

Paragraph 117 - Footnote 35 is not needed as the document is to be read as a whole. Stating this here undermines the whole plan principle.
Paragraph 119 - It should be recognised that it may not be appropriate to bring forward all brownfield register sites or within the local planning authority’s gift.

Paragraph 121 a) - The following text should be deleted: "and would be compatible with other policies in this Framework" as this undermines the whole NPPF approach. This does not need to be repeated throughout the document.

Paragraph 123 c) - footnote 37 the text should be included in the main paragraph rather than as a footnote. A policy suggesting that other policies should be disregarded where they relate to daylight and sunlight is not welcome as it undermines the plan led system and the desire to improve places. There is an apparent conflict with paragraph 129.

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?

Cornwall Council welcomes the recognition that planning policies and decisions should support the creation of high quality places. We are particularly concerned about poor quality housing estates which are not local distinctive and devoid of economic and social infrastructure. We want to actively plan to deliver high quality thriving places and need strong government policy support to achieve this. There is also concern that increasing densities does not necessarily lend itself to achieving high quality development.

Question 29
Do you have any other comments on the text of Chapter 12?

Paragraph 126 (d) should recognise the role of planned and retained green infrastructure and connected green spaces in establishing and maintaining attractive and distinctive places. Paragraph 126 (e) should also recognise the role of green infrastructure and connected networks rather than a narrower ‘green and other public space’.

Cornwall Council welcomes pre-application engagement and it recommends inserting a sentence in paragraph 127. ‘Proposals for major development that cannot demonstrate early proactive and effective engagement with the community and are reasonably refused are likely to be at risk of an award of costs in any subsequent appeal proceedings.’
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?

Please select an item from this drop down menu

Please enter your comments here

The Council has no specific comments on chapter 13.

Question 31
Do you have any other comments on the text of Chapter 13?

Cornwall Council notes that there should be a similar method of creating green belt in rural areas.

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?

Cornwall Council considers that paragraph 147 would read better as a bulleted list.

This chapter also contains some typographical errors and would benefit from proof-reading. The chapter uses the words ‘plans’ rather than policies and or decisions which confuses.

Cornwall Council is concerned about the inclusion of the Written Ministerial Statement on the allocation of sites for wind energy within a development plan, as set out in footnote 40 and suggests that the following text in paragraph 153 b) is deleted ‘For wind energy development this should include consideration of the local community’s views’. This policy is contradictory as it requires sites for turbines to be allocated, either in a Local Plan or Neighbourhood Plan and then subsequently requires community support again to the principle of a turbine in decision making. This should not mean that planning applications for wind turbines outside of allocated areas should be refused. This goes against the grain of the planning process. If sites must
be allocated there is no further need to assess the principle of the
development only the details such as specific noise, visual assessment for
the type of turbine proposed. It is also suggested that footnote 40 is
deleted in its entirety.

Paragraph 154 should include areas where flood risk can develop; for
example due to sea level rise or coastal changes etc. A development site
might not appear in an area of flood risk today but due to these processes
a site could become at flood risk during the lifetime of the development.

Paragraph 157 – suggest that the sequential test is based on the
Environment Agency’s Flood Risk Maps for Planning as these are updated
regularly and take into account updated flood defences and include more
specific flood risk details. The term ‘reasonably available’ needs
explanation. Does it mean ‘reasonably available’ to the applicant?

Paragraph 161 c) should be expanded to ensure that sustainable drainage
systems are a functional part of the landscape, recognising that they have
green infrastructure benefits.

The definition of minor development in footnote 43 should also refer to
those elements included in the definition of minor development in
Schedule 4 of the DMPO 2015.

Paragraph 164 could lead to duplication, for example on sites that require
the approval of the MMO and the Local Planning Authority.

Question 33
Does paragraph 149b need any further amendment to reflect the ambitions in the
Clean Growth Strategy to reduce emissions from building?

Yes

There should be greater clarity as to how the NPPF and the Building
Regulations relate to, and support, each other.

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 Council agrees with the approach to strengthen the protection of areas of particular environmental importance including the protection of ancient woodland and aged or veteran trees. |

Question 35

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

Cornwall Council is concerned about the removal of reference to proportionality in relation to the hierarchy of international, national and locally designated sites.

‘Natural capital’ needs defining.

Paragraph 168 (b) The limited weight that is given to protecting the best and most versatile agricultural land is short sighted. The fact that the benefits are described as ‘economic and other’ is disappointing as the importance of long term food production should be recognised.

Paragraph 169 includes jargon. What does ‘natural capital at a catchment or landscape scale’ mean?

The chapter uses the words ‘plans’ rather than policies and or decisions which confuses.

The reference to ‘clearly’ in footnote 49 increases opportunities for challenge. Its removal relies on a balancing exercise and judgement without a tougher test needing to be applied.

Paragraph 173 removes the reference to conserve and enhance which means that the requirements for sequential tests for site selection would increase. Is this intended?

Paragraph 178 c) – Cornwall Council support the reference to ‘likely effects’ and the point on light pollution.

The Council agrees with the applicant or agent of change being required to provide mitigation before the development is completed. The definition of completion should be in the glossary.

Cornwall Council considers that the title of this chapter could be changed to include environmental growth Conserving, and enhancing and growing the natural environment. It is suggested that this change is reflected
It is suggested that the environmental growth agenda should be integrated into this section. There could possibly be more reference to biodiversity off-setting and net gain.

Cornwall Council is beginning to use Building With Nature as a metric for quantifying environmental gain in development. A charter mark is a good tool to allow developers to promote their product and secure environmental growth. The Council would like to see Building With Nature referenced in a similar manner to Building for Life.

Chapter 16: Conserving and enhancing the historic environment

Question 36
Do you have any comments on the text of Chapter 16?

The Council welcomes the recognition of the World Heritage Site and its Outstanding Universal Value.

The Council welcomes the definition of significance in the glossary.

Potential impacts can be both positive and negative. The text should refer to enhancements and the benefits of securing heritage assets particularly through enabling development.

The final sentence in paragraph 184 ‘They should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.’ does not just apply to Conservation Areas and therefore to ensure clarity this sentence should form a separate paragraph.

The text in paragraph 191 is too onerous and does not recognise that the substantial loss of an element of a designated historic asset could lead to the conservation and enhancement of the bulk of the designated heritage asset.

The Council considers that the terms ‘substantial’ and ‘less than substantial’ with respect to the two key tests for assessing the acceptability of harm to a designated heritage asset, remain ambiguous.
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?

The revised text appears to remove the recognition that minerals are ‘essential’ to supporting sustainable development. Without a steady supply of adequate minerals the ability to deliver infrastructure, buildings, energy and goods is limited. The Council recommends that ‘essential’ is reinstated in the introductory paragraph 199.

Certain minerals are not only of national importance but international importance which has significant economic benefits.

The Council welcomes the commitment to Aggregate Working Parties and the National Co-ordinating Group. However, there needs to be equal commitment to funding of these groups in the future.

Paragraph 202 d) - the introduction of the word ‘any’ does not provide the commitment from Government that there will be future consideration of national and sub-national guidelines for aggregates supply.

Question 38
Do you think that planning policy in minerals would be better contained in a separate document?

No

Please enter your comments here

It is important the minerals are considered as part of ‘mainstream’ planning, therefore it is vital that minerals planning remains within the NPPF and the Planning Practice Guide.

Question 39
Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Yes

Please enter your comments here

In order to ensure an adequate supply of minerals nationally, and plan for areas with limited supply, some form of national and sub-national
guidelines is necessary. This is especially the case given the uncertainty of funding for the Aggregate Working Parties.

The Council also has concern regarding the consistency of minerals data, especially in light of the lack of any annual minerals survey compiled nationally.

Transitional arrangements and consequential changes

Question 40
Do you agree with the proposed transitional arrangements?

Yes

Please enter your comments here

The Council notes the implementation and transitional information contained in annex 1. The chapter uses the words ‘plans’ rather than policies and or decisions which confuses.

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?

Yes

Please enter your comments here

Any planning policy on Traveller Sites should be consistent with policies in the Framework and therefore may need to be updated.

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?

Yes

Please enter your comments here

Any planning policy on waste management should be consistent with policies in the Framework and therefore may need to be updated.
It is important that planning for waste management is considered as part of ‘mainstream’ planning and therefore they may be an opportunity to incorporate the Planning Policy for Waste into the NPPF.

It is important that provision for waste management storage and collection vehicles is incorporated into the design of any development.

**Glossary**

**Question 43**

Do you have any comments on the glossary?

**Affordable housing** – the definition should be linked to income levels. There should also be mention in the glossary of the contribution that other forms of delivery can make to the supply of affordable housing, such as Community Land Trusts. If starter homes are included in the definition of affordable home ownership this should be in addition to any standard affordable housing provision.

**Annual position statement** – it may be worth including text to highlight that the position statement will be agreed by the Secretary of State.

**Brownfield land definition** - Inclusion of a definition is welcomed and should subsume the definition of “previously developed land” (also see additional comments on this definition below) but clarification is needed. We suggest changing "will be able to trigger a grant" to "have the option to grant"; and “suitable sites” to “sites they consider suitable” – landowners often expect that Permission in Principle will be granted on all sites in the register but this is not realistic and suggests a more automatic granting of Permission in Principle rather than an authority’s assessment and consultation on sites. Also we recommend changing "where they follow the required procedures" to "by following Part 2 procedures set out in these regulations" for additional clarification.

**Deliverable definition** - Inclusion of a definition is welcomed

**Developer definition** - Inclusion of a definition is welcomed

**People with disabilities** - Inclusion of a definition is welcomed. Inclusive access should however not only be considered in relation to homes and transport but also commercial and public developments (see British Standard 8300 for a full list) including support for Changing Places Toilets in appropriate major developments (see British Standard 8300-2 18.6 for full list). The NPPF is a real opportunity to improve inclusive design expectations in developments and should go further, based on British Standards which at present are only advisory. Such requirements could
be bolstered through direct reference in an additional paragraph in Chapter 12 to amplify that in paragraph 126 f).

Permission in Principle definition - Inclusion of a definition is welcomed. Recent MHCLG (verbal) language seemed to have moved away from describing Permission in Principle as a "consent", with the emphasis instead on Technical Details Consent. The definition should be expanded to include Technical Details Consent or at least a link should be given.

Previously Developed Land definition - It would be clearer to use the term “brownfield” throughout instead of “previously developed land” as this is consistent with the brownfield register and common usage.

Cornwall Council feels that certain terms used throughout the draft revised NPPF are not included in the glossary, such as:

- Statement of Common Ground
- Objectively assessed need
- Natural capital
- Local Plan review
- Local Plan
- Strategic Plan

It would also be useful to include a definition of Environmental Growth.

Other general comments:
In general we are concerned there are contradictions in the detail of the proposals which could increase tension between promotion and control.

The text includes jargon (natural capital) and imprecise words that will allow for disputes and inconsistencies to prevail. It often uses the word ‘plans’ which could be read as planning policies or determining applications.

It would have been very useful to present the changes in the conventional form of strikethrough for deletions and underline for additions.

The Council also considers that it would be helpful and informative if the Government published its sustainability appraisal and any comprehensive impact assessment of the draft revised NPPF.

Comments on the draft Planning Practice Guide:
Determining future need of private rents (indicated from levels of change in rents)
The draft recommends a variety of sources without signposting or stating what is available and how they might be used. It mentions the English Housing Survey as a potential source but there doesn’t seem to be any data at county level, so the Council queries the usefulness of this. Similarly, the most relevant geography available in the HomeLet Rental
Index seems to be at regional level (South West).

The Valuation Office Agency is also cited and although it does provide county-level data it states that the statistics should not be used to compare year on year.

**Assessing Self Build Demand**
The Self Build portal cited does not appear to represent all those on the Council’s own self-build register.