

REPORT OF CABINET MEMBER FOR ENVIRONMENT AND SUSTAINABILITY

DRAFT NATIONAL PLANNING POLICY FRAMEWORK: CONSULTATION

Purpose of the Report

1. The purpose of the report is to consider the County Council's response to the Draft National Planning Policy Framework (DNPPF) consultation document using the outcomes of the cross party members working group which took place on the 4th October 2011.

Information and Advice

2. The Department of Communities and Local Government (DCLG) recently published a draft consultation paper on the DNPPF and has requested responses by the 17th October 2011.
3. The consultation seeks views on the DNPPF which sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision for sustainable development. The consultation document was published for consultation in July 2011. The Government aims to have the new Framework in place by April 2012.
4. Appendix 1 contains a summary of the Draft National Planning Policy Framework.
5. A cross party members working group took place on the 4th October 2011. The outcomes of these discussions are detailed in Appendix 2.

Other Options Considered

6. An alternative option would have been to not have the cross party members working group and have the issue discussed at Cabinet, but this approach allows for a thorough discussion to be held on the issues and implications of the DNPPF for the County Council.

Reasons for Recommendations

7. To agree a County Council response to DCLG's consultation.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) It is recommended that the outcomes of the cross party Members working group form Nottinghamshire County Council's response to CLG on the 'Draft National Planning Policy Framework' (July 2011), as attached in Appendix 2.

Councillor Richard Butler Portfolio Holder for Environment and Sustainability.

For any enquiries about this report please contact:

Nina Wilson – Principal Planning Officer (Minerals, Waste and Spatial Planning)
0115 977 3793

Constitutional Comments (SHB.27.09.11)

9. Cabinet has power to approve this report.

Financial Comments (DJK 26/09/11)

10. The contents of this report are duly noted; there are no financial implications.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Draft National Planning Policy Framework (July 2011) (published)

Electoral Division(s) and Member(s) Affected

All

Appendix 1 - Summary of the Draft National Planning Policy Framework

Much of the DNPPF summarises existing national planning policies and guidance, although the new emphasis is more 'pro growth'. The main theme of the draft NPPF is that it seeks to be pro-development – positive, proactive and simple. The default answer to development proposals should be 'yes', except where this would compromise key sustainable development principles.

A presumption in favour of sustainable development is the 'golden thread' running through both plan-making and decision making in the NPPF. The 'presumption in favour' means that Local Plans should seek to restrict development only where the adverse impacts of development outweigh benefits when assessed against the NPPF.

The DNPPF describes delivering sustainable development in planning terms as:

- **planning for prosperity (an economic role)** – use the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **planning for people (a social role)** – use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
- **planning for places (an environmental role)** – use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy.

The DNPPF contains 'core planning principles' which will underpin both plan-making and Development Management. The principles are:

- Planning should be genuinely plan-led, with succinct local plans setting out a positive long term vision for the area;
- Planning should proactively drive and support development;
- Planning policies and decisions should take into account local circumstances and market signals, such as land prices;
- Planning policies should take into account the future use of land and the impacts on the quality of the environment regardless of previous use;
- Planning policies and decisions should seek to protect and enhance environmental and heritage assets;
- Planning policies and decisions should make effective use of land, promote mixed use development that create more vibrant places, encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions;

- Planning policies and decisions should enable the reuse of existing resources, such as re-use of existing buildings;
- Planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling;
- Planning policies and decisions should take account of and support local strategies to improve health and well being for all; and
- Planning policies and decisions should seek to secure a good standard of amenity for existing and future occupants for land and buildings.

Plan Making

The DNPPF refers specifically to 'local plans', rather than 'local development frameworks'.

Each local authority should produce a Local Plan, with its key objective being sustainable development and a presumption in favour of sustainable development. The production of additional development plan documents will need to be clearly justified and supplementary planning documents should only be necessary where their production can bring forward sustainable development at an accelerated rate.

Local plans must set out strategic priorities covering, housing and economic development, the provision of infrastructure, health, security, and local facilities, climate change and mitigation adaptation, protect the natural and historic environment, minerals and waste including landscape and coastal management.

The DNPPF suggests that Local Plans should cover a 15 year period, although it appears that Councils will be free to select a different period.

Up-to-date Local Plans which are consistent with the DNPPF should be in place as soon as practicable. In the absence of an up-to-date and consistent plan, planning applications should be determined in accord with the NPPF, including its presumption in favour of sustainable development. It will be up to local planning authorities to seek a certificate of conformity with the DNPPF.

Local Plans will be examined by an independent inspector whose role will be to ensure the plan has been prepared in accordance with the Duty to Cooperate and whether it is sound.

Proportionate Evidence Base

Local Plans should be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Assessments and strategies should be fully integrated and take full account of relevant market conditions and economic signals such as land prices to inform judgements about levels of demand.

Planning Strategically across Local Boundaries

LPAs will have a duty to co-operate on planning issues that cross administrative boundaries. Government expects cross boundary working between Local Planning Authorities (LPAs), particularly on strategic matters, including requirements that can not be met wholly within one LPA area. It also suggests the preparation of joint planning policies on such matters.

Neighbourhood Plans

Neighbourhood plans give communities direct power to plan the areas in which they live. Parishes and neighbourhood forums can use such plans to develop a shared vision, set planning policies for the development and use of land and give planning permission through Neighbourhood Development Orders and Community Rights to Build orders.

A Neighbourhood Plan will be assessed by an independent examiner before it can go to a local referendum and must have regard to policies in the NPPF, be in general conformity with strategic policies of the local plan and be compatible with relevant EU obligations and human rights requirements. Policies in the Neighbourhood Plan will take precedence over existing policies in the Local Plan where they are in conflict.

Development Management

The NPPF intends that the relationship between development management and plan-making should be seamless and that LPAs should:

- Approach development management decisions positively, looking for solutions, so that planning applications can be approved wherever practical;
- Attach significant weight to the benefits of economic and housing growth;
- Influence development proposals to achieve quality outcomes; and
- Enable the delivery of sustainable development proposals.

The DNPPF places great emphasis on pre-application advice and front loading in order to improve efficiency and effectiveness. Developers and LPAs should consider entering into planning performance agreements where this might speed up the planning process.

Planning for Prosperity

The Government seeks to achieve sustainable economic growth by planning proactively, promoting the vitality and viability of town centres and raising the quality of life and the environment in rural areas.

In terms of economic development local plans should set out a clear economic vision and strategy for their area and avoid the long term protection of employment land.

In relation to the vitality and viability of town centres the DNPPF is broadly consistent with PPS4 (Planning for Sustainable Economic Growth (2009)). However, it is proposed to remove office uses from the 'town centre first' policy (which will still apply to retail and leisure development).

LPAs, when assessing applications for retail and leisure development not in accordance with an up-to-date development plan should be required to carry out an impact assessment if the proposal is over a proportionate, locally set floorspace threshold. If no threshold is set, the DNPPG sets a default threshold of 2,500m².

For the rural economy the DNPPF sets out a positive approach to planning which supports the sustainable growth of rural business promotes rural diversification and supports rural tourism and leisure development.

Transport

The key message remains that development should be in highly accessible and sustainable locations. The major change is that the ceiling on parking standards should be set locally having regard to accessibility and the objectives of the DNPPF. Proactive strategies are expected for

the planning of infrastructure investment – working with neighbouring authorities and transport providers. However the draft states that: “...*development should not be prevented or refused on transport grounds unless the residual impacts of development are severe...*”.

The DNPPF also seeks to reduce greenhouse gas emissions and congestion by ensuring development that generate significant movement minimise the need to travel and maximise the use of sustainable transport modes.

Communications Infrastructure

The DNPPF sets out that LPAs should support the expansion of the electronic communications networks, including high speed broadband. They should aim to keep the numbers of masts to a minimum while maintaining efficiency of the network. LPAs should not question whether the service to be provided is needed nor seek to prevent competition between operators.

Minerals

The DNPPF appears to be retaining the system of a managed supply of aggregates supported by aggregates working parties (AWPs).

LPAs are required to define Mineral Safeguarding Areas, ensure large landbanks do not stifle competition and ensure land is reclaimed at the earliest opportunity.

The DNPPF also seeks to facilitate the use of energy minerals by encouraging underground gas and carbon storage, methane capture, clearly distinguishes between being exploration, appraisal and production of on-shore oil and indicate where coal extraction and the disposal of colliery spoil may be acceptable.

In terms of coal extraction there should be an presumption against development unless the proposal is environmentally acceptable (could involve the use of conditions or obligations) or it provides national, local or community benefits outweighing the likely impacts to justify the granting of planning permission.

Housing

The Governments key objective are to increase the supply of housing, deliver a wide choice of high quality homes that people want and need, widen opportunities for home ownership and create sustainable, inclusive and mixed communities including through the regeneration and renewal of areas of poor housing.

The thrust of the DNPPF is broadly consistent with current housing policy, as set out in Planning Policy Statement 3 ‘Housing’, although a number of changes are proposed:

- Removing the national brown-field target for housing development (set at 50% in 1995, and increased to 60% in 1998);
- Requiring councils to allocate an additional 20% of sites against 5 year housing requirement (effectively making it a 6 year supply);
- Removing the national minimum threshold for requiring affordable housing (currently 15 units) to be delivered; and
- Removing the rural exceptions sites policy for affordable housing.

Design

The Government attaches great importance to good design and seeks to deliver high quality design. The DNPPF generally summarises what the current Planning Policy Statement 1 'Delivering Sustainable Development' (January 2005) (PPS1) sets out with an additional suggestion that *"significant weight should be given to truly outstanding or innovative design"* LPAs should have local design review arrangements in place and refer proposals for national design review where appropriate. The DNPPF also seeks to encourage developers to engage with the community on design with proposals being considered more favourably where they have incorporated engagement with the community.

Sustainable Communities

The DNPPF encourages the engagement of local communities in developing policies and proposals. There is surprisingly detailed guidance about the development of schools and, in particular, the need to attach significant weight to the desirability of establishing new schools. The guidance promotes the continued protection of sports and recreational buildings and land, but acknowledges that LPAs will need to consider the need for and benefits of development affecting such sites.

The DNPPF introduces guidance that will seek to protect local green spaces (to be identified through Local and Neighbourhood Plans) in a similar manner to green belt policy.

Green Belt

The DNPPF's approach to Green Belt appears generally consistent with current policy in Planning Policy Statement 2 'Green Belts' (March 2001) (PPG2). However a number of changes are proposed:

- Development of unallocated derelict land in the greenbelt will be permissible;
- Local transport infrastructure, in addition to park & ride schemes, will be permissible;
- Community Right to Build Schemes will be permissible if backed by the local community; and
- Alterations or extensions to all buildings, not just dwellings, will be permissible.

Climate Change, flooding and coastal change

The DNPPF wants LPAs to adopt policies for a building's sustainability that are consistent with the Government's zero carbon building policy and to adopt nationally prescribed standards (presumably rather than locally derived standards). The DNPPF summarises guidance in Planning Policy Statement 25 'Development and Flood Risk' (March 2010) (PPS25) and the sequential and exception tests in that document will remain in place.

The document contains no criteria for determining wind turbine applications, other than through a footnote cross referring to parts of the National Policy Statement on Renewable Energy.

Reference is made to giving “*priority to the use of sustainable drainage systems*” (SuDS). However SuDS are to become mandatory through the enactment of the Floods & Water Management Act 2010 where development will have an impact on drainage systems

Natural Environment

The DNPPF includes continued protection for valued environmental assets, such as national parks and Areas of Outstanding Natural Beauty (AONB) and the need to conserve and enhance biodiversity. LPAs are encouraged to focus on development and land use and the impact of the use, rather than the control of processes or emissions that are covered under separate legislation. The DNPPF also suggests that where planning decisions have been made, planning issues should not be revisited through that separate legislation.

Historic Environment

The DNPPF reflects the current objectives of PPS5 and summarises the policies within it. The emphasis remains on conserving heritage assets in a manner appropriate to their significance.

Appendix 2 – Issues for the County Council as discussed at the cross party Members working group which took place on the 4th October 2011.

General Comments

1. The consultation document states that the DNPPF will cancel all existing PPSs and PPGs, two Circulars and fifteen letters to Chief Planning Officers (CPOs). However, this still leaves thirty-four Circulars and thirty-six CPO letters apparently extant according to the DCLG web-site. It will be important that the final NPPF is clear not just about those Circulars/CPO letters that have been cancelled, but the status and purpose of those that remain. A full list of National Policy Statements for infrastructure should also be included.
2. The term 'localism' is not mentioned at all in the DNPPF. The dominant ethos appears to be one of de-regulation, albeit within the context of a plan-led system. At times, the DNPPF appears more prescriptive than the policy statements it aims to replace. For example, by attempting to limit the grounds on which planning permission can be refused through the 'presumption in favour of sustainable development' and by adding an extra 20% to the requirement for a 5 year supply of available housing land. The gap between the Government's rhetoric on localism and the reality of the NPPF is likely to lead to conflict in many local communities across Nottinghamshire.
3. The County Council is disappointed that the 60% target for building on Brownfield land has been removed.
4. Whilst it is accepted that the DNPPF does not constitute a plan or programme under the EU SEA Directive and therefore does not require a formal appraisal under the SEA regulations, it is designed to have a powerful impact on local planning decisions particularly in the absence of an adopted local plan. As with National Policy Statements for major infrastructure, some form of 'appraisal of sustainability' should be undertaken on the impact of the document as a whole – not just the highlighted policy changes set out in the current 'impact assessment'. This would help ensure greater internal coherence (the key benefit of combining previously separate policy statements into one document), and highlight the extent to which the Government's aspirations for the DNPPF can realistically be met through current policies.
5. There appears to be no specific reference to a defined role for County Councils or significant two tier considerations with the LPA. There are references to County Councils in relation to minerals and highways planning and a reference to the fact that LPAs should work collaboratively across boundaries on key issues.
6. The DNPPF is significantly shorter than the collective length of the documents it replaces, resulting in a general reduction in detail and specificity. As a result, the draft is littered with qualifications to policy statements such as 'where appropriate', 'where practicable', 'proportionate' and 'normally', with little discussion as to how and in what circumstances these terms would apply. Whilst this may be intended to give flexibility to decision makers, it will also introduce a further element of uncertainty into the planning system until precedents are set through EiPs, the appeals process or in some cases by the courts. As a result, there will still be a need for additional guidance to be produced on different aspects of the DNPPF, if not by Government then by other appropriate bodies.

7. Inherent within the DNPPF is the presumption in favour of sustainable development, there needs to be a clearer definition of what 'sustainable' means. The DNPPF states that the planning system must play an active role in guiding development to sustainable solutions but provides neither guidance nor examples of what these solutions might be other than planning for prosperity, people and places.
8. The switch back to the local plan system (Paragraph 21) with allocations going into the main document will, whatever its merits, go back to the situation of having very lengthy examinations which was one of the reasons why the previous local plan system was changed. The aspirations of such 'plans being in place as soon as practical' (as stated in paragraph 26) is simply not going to be realised in spirit – plus this phrase is meaningless.
9. The current system states that Core Strategies should be robust long term documents that should not need to be regularly reviewed – which supports a longer timescale. The proposed new guidance implies less robust documents which can be regularly reviewed in response to new circumstances which is a significant change in direction. Again this is reverting back to the previous system.
10. The lack of any guidance as to what circumstances would justify preparing additional Development Plan Documents is a concern albeit it does in some ways leave it open to the LPA to interpret. Many LPAs are in the early stages of preparing Core Strategies with the assumption that Site Specific Documents will follow. This approach seems to be out of step with the new guidance.
11. Local Plans will be required to be in conformity with the NPPF. This will be one of the tests of soundness considered at Examinations in Public. It will also be open for LPAs to seek a 'certificate of conformity' with the NPPF. It is unclear who will issue the certificate and how conformity will be assessed, and whether the tests apply to individual policies or whole documents. The County Council seeks clarification on these issues as there is a danger of conflict with local councils and communities leading to further uncertainty in the planning system. More generally, greater consideration should be given to transitional arrangements to prevent further delays to the pace of development local development frameworks.
12. The County Council believes that the DNPPF does not take a 'spatial approach' to planning, is not comprehensive, is partial in consideration of some issues and does not seek to reconcile the inherent tensions between different policy objectives. In addition the DNPPF does not define any clear outcomes and makes no reference to the importance of bringing previously development land back into use, it also makes little reference to regeneration.
13. The County Council would like the final NPPF to be nationally spatially focussed, bringing together strategic infrastructure planning with broader national economic development initiatives, as well as land-use considerations – as opposed to general guidance.
14. Whilst the County Council understands and generally supports the Government's wish to promote growth and development, the expectation of development being approved unless its adverse impacts would *"significantly and demonstrably outweigh the benefits when assessed against the policies set out in the DNPPF"* (Paragraph 14) taken as a whole tips the scales too far in favour of a blanket and uncritical approval of development and sits uneasily within the principles of localism. Finally, it would be a near impossible test to apply on practice, in relation to a fifty-two page policy document inevitably containing policies that would point towards different conclusions.

15. The combined effect of the relaxation of the town centre first policy for office developments and the removal of maximum parking standards will deliver negative impacts as it will allow for more unsustainably located development with unrestricted amounts of car parking.
16. It could be argued that with the DNPPF encouraging LPAs to facilitate development throughout the economic cycle, infrastructure contribution requirements could be set at a level that can be sustained even at the very bottom of the economic cycle without any review if the economy improved. This would seriously restrict the contribution that CIL could make to meeting infrastructure needs.
17. Whilst the strengthening of the duty to cooperate that has emerged within the passage of the Localism Bill is welcomed, it has not gone far enough to adequately address the gaps in the planning system with the absence of any planning framework between national and local levels.
18. The County Council welcomes the Government's decision not to pursue the idea of taking large parts of school-related development out of planning control.

Community Infrastructure Levy/Section 106

19. Paragraph 39 states that, *"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, local standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and on-site mitigation, provide acceptable returns to a willing land owner and willing development to enable the development to be viable."* Paragraph 40 states that, *LPAs should set out their policy on local standards in the Local Plan, including requirements for affordable housing...Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy (CIL) should support and incentivise new development..."*. The County Council works closely with Nottinghamshire District/Borough Councils in developing Infrastructure Delivery Plans which lead to CIL. The DNPPF contains no clear mechanism of any CIL monies to be collected for County Council services, such as education, to be paid to the County Council.

Transport

20. The DNPPF appears broadly consistent with Planning Policy Guidance 13 'Transport' (PPG13), however, concerns are raised about traffic generation being one of the major issues stated by local communities in opposition to new development. The test of 'severe residual impact' should be reconsidered accordingly.
21. The DNPPF recognises the need for strategic cross boundary issues.

Community Safety

22. The inclusion of community safety within the DNPPF is supported by the County Council. By planning strategically across local boundaries and supporting the duty of cooperation community safety issues should be addressed.

Historic Environment

23. The DNPPF intends to deal with policy areas only once; for example having dealt with the objectives for place-making, it is unnecessary to repeat this in relation to all other topics.

Therefore references to the historic environment are imbedded in the general canon of planning policy. The County Council support this element of the DNPPF.

24. However there are gaps in provision when compared to Planning Policy Statement 5 'Planning for the Historic Environment' (March 2010) (PPS5) which the County Council would wish to see addressed.
25. It is clear that the DNPPF's presumption in favour of sustainable development combined with a generally unclear and possible unbalanced interpretation of sustainable development will impact on the consistency of approaches between LPAs. Local Plans and policies are therefore crucial in maintaining a consistent and appropriate approach to development management and land allocation. The County Council is therefore concerned that the DNPPF will provide too little protection for designated and undesignated heritage within Nottinghamshire.

Green Belt

26. The DNPPF's approach to Green Belt appears generally consistent with current policy in Planning Policy Statement 2 'Green Belts' (March 2001) (PPG2). However there is no specific reference to large scale development, including the tipping of waste and how such waste developments would be assessed.

Landscape

27. The DNPPF sets out certain requirements which LPAs must meet when planning and considering new development, including the *'approval of all individual proposals wherever possible'* (Paragraph 4) and also states that there should be flexibility within Local Plans to change to rapid shifts in demand and other economic changes. Paragraph 4 also states that *'All of the policies should apply unless adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*. The County Council is concerned that the term 'wherever possible' is open to interpretation. How will the cumulative impact of development be assessed especially if individually development is thought to only have a moderate adverse impact.
28. The DNPPF sets out provisions for local communities to identify and designate Local Green Space through Neighbourhood Plans. Work to designate and manage such spaces will be needed from landscape and planning professionals. It is also unclear how the new Local Green Space designations would work at the appropriate scale to protect some of the distinctive farmland or woodland landscape that are outside the Green Belt.
29. Paragraph 164 states, *'...the planning system should conserve and enhance the natural and local environment by protecting valued landscapes'*. The term valued landscapes has not been defined and the County Council is concerned that this may over emphasise the protection for nationally designated landscapes rather than encompass ones that are important and are highly valued at a regional and local level. Nottinghamshire has no nationally designated landscapes, however it does have a network of distinct landscapes often with strong landscape character with underlying cultural and biodiversity associations that are important at a regional and local level. Reference to the use of Landscape Character Assessments should also be included. These often highlight the appropriate

landscape strategy to be taken for development and land management within a rural area. The lack of guidance on landscape character is a clear omission within the DNPPF.

30. Without the recognition of Landscape Character Assessments within the DNPPF at both a national, regional and local level, there is little to guide development outside of nationally designated landscapes. Reference to the use of Landscape Character Assessments to both inform and shape planning and decision making should be made within the DNPPF along with outlining the mechanisms for ensuring future development is able to contribute to creating, restoring, enhancing or protecting landscapes as appropriate.

Nature Conservation

31. In principle there is a need for a more stream-lined planning system which is easier to use for all concerned, this DNPPF has swung too far in the opposite direction and drastically over simplifies things; particularly the 'presumption in favour of sustainable development', which appears to presuppose that all development should go ahead.
32. The recent Natural Environment White Paper (NEWP) (June 2011) states that: *'through reforms to the planning system, we will take a strategic approach to planning for nature within and across local areas. This approach will guide development to best locations, will encourage greener design and will enable development to enhance natural networks'*. However, this commitment does not appear to have been borne out in the DNPPF, as whilst general statements are made about these things, it is not clear how development is expected to help deliver them.
33. There is no mention of biodiversity offsetting, a new initiative introduced in the NEWP, which will be delivered through the planning system. Without recognition of this approach in national planning policy, it is very difficult to see that local planning authorities would be inclined to adopt biodiversity offsetting within their areas.
34. The NEWP identified that the value of the natural environment is normally not recognised during decision making; these values include ecosystem services that the natural environment provides, social benefits such as health and well-being improvements for local people. There needs to be recognition in the DNPPF of the wider societal and economic benefits that the natural environment brings, beyond simply the habitats and species that sites and areas support.
35. The statement made in Paragraph 16 is supported, as far as it goes; however, it is suggested that sites of national value (not just international value) should be included here, i.e. Sites of Special Scientific Interest. It is difficult to envisage many truly 'sustainable' developments that would result in damage to such sites, and still be acceptable, given that such sites are of national importance for their wildlife.
36. Paragraph 164 states that the planning system should aim to conserve and enhance the natural and local environment by "*minimising impacts on biodiversity and providing net gains in biodiversity, where possible*" should be made more positive. The NEWP states that 'we will move progressively from net biodiversity loss to net gain' (paragraph 2.8 of the NEWP). The planning system has, and must continue to have, an important role in delivering this.

37. Whilst reference to SSSIs is made in footnote 12, it is suggested that they should be specifically referred to in the main body of text, along with Local (Wildlife) Sites. More guidance should also be given on how the 'distinctions' referred to in this paragraph (in terms of the hierarchy of sites) should be made.
38. The need for planning policies to *"take account of the need to plan for biodiversity at a landscape-scale across local authority boundaries"* is supported, as is the need to *"identify and map components of the local ecological networks, including: international, national and local sites of importance for biodiversity, and areas identified by local partnerships for habitat restoration or creation"* (Paragraph 168) – however, it is suggested that reference to Nature Improvement Areas (introduced in the NEWP) might be appropriate here, to ensure that they are giving proper standing within the planning system (given that the Local Green Areas designation is referred to elsewhere in the NPPF).

Geodiversity

39. Paragraph 168 states that some designated geological sites are rare simply because the natural or man made outcrops are rare, rather than the geological feature itself is scarce. For sites which originate from former quarrying new quarrying may be able to re-instate or improve on what already exist or might get destroyed. This point should be added which would reflect the guidance on biodiversity.
40. The need to *"promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations, linked to national and local targets; and identify suitable indicators for monitoring biodiversity in the plan"* is also supported. However, the need to *"aim to prevent harm to geological conservation interests"*, which appears to be the only reference to geological conservation, is an unambitious statement. It should be amended to read *"aim to prevent harm to, and seek opportunities to enhance, geological conservation interests"*.

Archaeology

41. In the DNPPF, in terms of archaeology, reference is made to the Listed Buildings and Conservation Act 1990 but there is no legislation which covers the undesignated archaeology which form by far the largest part of the heritage environment in this country. The Ancient Monument and Archaeology Areas Act covers scheduled ancient monuments, the only protection for that type of archaeology, currently 15,000 sites in Nottinghamshire, from the pressure of development will be the guidance in this document. The County Council believe that this represents a significant imbalance.
42. It is considered that the DNPPF provides too little detail of the historic depth of landscape. In addition there is no consideration of cumulative negative impacts on the heritage environment.
43. In relation to climate change the DNPPF does not deal with the impacts of climate change adequately in relation to the heritage environment.
44. The DNPPF in relation to the heritage environment is a simplification of Planning Policy Statement 5 'Planning for the Historic Environment' (March 2010) (PPS5) and retains much

of what is set out in PPS5, it also retains much of PPS5's inability to deal properly with buried archaeology.

45. In paragraph 180 relates to the level of detail in developments and appears to be unworkable. In PPS5 it was clear that the Government were using 'significance' and 'importance' interchangeably and that it may be necessary to do a considerable amount of investigation on buried archaeology to prove that it is not important. Developers will be keen to minimise what is required of them, so the DNPPF (paragraph 180) will favour arguments that assets are of low importance and therefore require no further investigation by developers.
46. Paragraph 181 applicants have to assess the significance of the impacts on assets, so do LPAs, and it is not really clear how the two assessments are to marry up and what they achieve. Logic and practice suggests that the LPA assess the developers' assessment to ensure the right mitigation can be put in place, the DNPPF does not say that.
47. The tests set out at paragraph 184 are unachievable for buried archaeological remains, they are heavily steered towards the built heritage environment.
48. It is considered that paragraph 191 places an un-achievable demand on developers, given the current state of the nations archaeological records.

Economic Development

49. The DNPPF appears to require LPAs to set out a clear economic vision and strategy for their area this should ideally relate to Local Education Partnership/Local Education Authority/Sustainable Development Order documents and priorities. The DNPPF does not make it clear how the aspirations of the LEPs and the Districts can be squared.
50. Town centres receive a high billing in the DNPPF, including the idea of establishing a network and hierarchy of centres that are resilient to anticipated future economic changes. It could be argued that facilitating this at a District level alone may ignore the inter-relationship between County/LEP level town centres.
51. The County is concerned that the rural aspect of pushing sustainable economic growth in rural areas as a general principle pushes agricultural diversification and tourism and leisure to the fore. The County Council has worked extensively on how to address issues of a rural nature, the DNPPF does not make it clear as to how to deliver such rural economic development in a sustainable manner.

Minerals

52. In paragraph 101 it is unclear why only locally important minerals are relevant to liaising with neighbouring authorities. Surely regionally/ nationally important minerals will also require such liaison. The distinction is that the latter may also require liaison with more distant Authorities. MPAS must be able to demonstrate that sufficient mineral exists in suitable locations but how this is done may vary according to the evidence available. Bullet point 4 does go on to state that allocations are required.

53. The reference to including 'recycling' refers more correctly to alternative aggregates which come from a variety of sources. There is rarely local data on alternative aggregates on which to make any local assessments. There are no national forecasts for supplies of indigenous energy minerals against which Mineral Planning Authorities could make a local assessments. Why refer to safeguarding here when it is repeated again in paragraph 102 – is the DNPPF trying to imply something more i.e. there should be a presumption against other development for minerals of this nature? The County Council is concerned as to why landbanks for other minerals such as industrial limestone and gypsum are not referred to.
54. The County Council is unclear as to the need to safeguard concrete batching plants as they vary in size and few are strategic or irreplaceable if lost.
55. Paragraph 103 implies a fair degree of presumption against non-minerals development in minerals safeguarding areas. If this was qualified by referring to proposals that are '*likely*' to constrain future mineral uses rather than '*may*' then this would be more consistent with other guidance in this draft and what is actually intended based on more detailed guidance issued by the British Geological Society.
56. Paragraph 104 with so few collieries left, identifying where future spoil disposal is acceptable is as important as safeguarding resources as having sufficient disposal capacity within viable locations is crucial to the survival of the remaining mines. That said the uncertain future of each mine means that the coal industry may not be that willing to engage in looking at such issues when they are not that imminent. Identifying suitable areas for surface coal mining will be very controversial and problematic because the mineral is worked on a wide range of scales so unlike other minerals it is difficult to make assumptions on viable economic units. The likely public reaction to indicating preferred areas/ allocations will make any independent examination a lengthy affair. A constraint area approach is more practical as currently practiced.
57. In paragraph 104 there is no explicit reference to coal bed methane, underground coal gasification or shale gas.
58. Whilst safety issues surrounding 'underground' storage facilities are important the assessment of safety will be a matter for other agencies to consider and advise the MPA on.
59. Paragraph 106, how does a presumption against coal development relate to Paragraph 101 which wants MPAS to promote security of energy mineral supplies? In any event the basic roll over of the existing policy as set out in Mineral Planning Guidance 3 'Coal Mining and Spoil Disposal' (March 1999) MPS3) means that there is in practice no actual presumption against coal. In practice the approach is little different to dealing other energy minerals.
60. The lack of reference to a general preference for extensions is of concern as it is often an important factor when looking at options for new areas of mineral extraction. Setting out the reasons why extensions are generally preferred and when replacement sites should be considered should be set out.

Waste

61. In relation to waste, the DNPPF states at paragraph 7, that '*This framework does not contain specific waste policies, since national waste planning policy will be published alongside the*

National Waste Management Plan for England'. The intention is that Planning Policy Statement 10 'Planning for Sustainable Waste Management (March 2001) (PPS10) will remain in place until the National Waste Directive is published. Waste Planning issues will be included as an annex to this document.

62. Planning for waste is an important issue in its own right and should not merely be seen as an appendix to another document. Any readers, particularly members of the public would expect to find waste planning in the DNPPF. The County Council would suggest that waste planning issues should be included in the DNPPF when any amendments are made to the DNPPF.