



Dartmoor Local Plan (2018 - 2036) Examination

ED16 Hearing Statement 2 – Vision, spatial strategy and planning applications

Matters, Issues and Questions

Whether the Vision and strategic policies and other policies 1.1(2) to 1.9(2) are positively prepared, justified, effective and consistent with national policy.

Issue 1 The Vision and other matters

- Q1. Is the Vision for Dartmoor National Park (as set out on pages 17 and 18 of the Plan) consistent with the priorities in the English National Parks and the Broads Circular 2010? Would the strategic policies in the Plan, when read as a whole, deliver that Vision?
- 1.1 Topic Paper 4 - Vision and Spatial Strategy [SD104] describes how the Vision in the Plan is formed from the overarching national Circular and Vision¹, how it aligns with the Dartmoor National Park Management Plan [SD240] and emerging (now adopted) Management Plan [SD239]. Links with the Management Plan provide a key link with the identification of the National Park's Special Qualities.
- 1.2 The Issues Paper [SD29] provided for a clear consultation which enabled the formation and validation of the vision, through in particular, consideration of priorities, and balancing areas of potential competing priority or conflict. This was distilled into the Vision described on pages 17/18, which was consulted upon at Regulation 18 and Regulation 19.
- 1.3 The strategic policies of the Plan form a robust framework for the delivery of the priorities identified in the vision.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf

- Q2. What is the justification for the Plan period of 2018 to 2036? If the Plan were to be adopted after April 2021 would a modification be required in this regard?
- 1.2 NPPF Paragraph 20 states "Strategic policies should look ahead over a minimum 15 year period from adoption". The Authority would consider that were the Plan likely to be adopted after 2021 a modification may be required.
- Q3. Having regard to paragraph 21 of the NPPF, does the Plan make clear which policies should be regarded as 'strategic policies' and would they constitute a clear strategy for the pattern, scale and quality of development in the National Park?
- 3.1 Strategic policies are explicitly named as such in the Plan. A helpful overview "Using the Plan" (LP Page 10) refers expressly to strategic and non-strategic policies.
- 3.2 The strategic policies are those which deliver the vision by establishing a clear spatial strategic, strategic approaches to housing, community, economic and resource development. They also have a strong emphasis on sustainable development and the natural and historic environment, reflecting National Park purposes and the national circular and vision.

Issue 2 Strategic Policy (SP) 1.2(2) Sustainable development

Q1. What is the background and justification for this policy?

- 3.1.1 The NPPF (paragraph 6) states “The purpose of the planning system is to contribute to the achievement of sustainable development” and at paragraph 16 that Plans should “be prepared with the objective of contributing to the achievement of sustainable development”.
- 3.1.2 At NPPF Paragraph 7 the economic, social and environmental objectives are described in brief and Paragraph 11 sets out the presumption in favour of Sustainable Development.
- 3.1.3 Topic Paper 4 - Vision and Spatial Strategy [SD104] (paragraph 2.2.3) discusses how, at Issues consultation stage, respondents emphasised that is important that sustainable development should be at the core of the local plan for the National Park. It was evident through discussion at early consultation, though, that there was a range of interpretation of what sustainable development was, and a clear need to articulate this in the Plan in order to clearly establish what, when referring to the ‘presumption in favour’ this meant in the respect of Dartmoor.
- 3.1.4 SP1.2(2) therefore sits at the heart of the Local Plan, taking the vision to the next step of ‘first principles’ which can be relied upon at a fundamental level in all decisions. This draws from DNPA’s experience of Core Strategy Policy COR1 (Sustainable Development) which has proven valuable in setting out what the plan is seeking to achieve as a positive strategy for the delivery of sustainable development.

Q2. How is it intended to be implemented in relation to specific development proposals and how would it relate to other policies in the Plan?

- 3.2.1 As described above, SP1.2(2) sets out ‘first principles’ at the heart of the plan. DNPA considers this fundamental to the delivery of a positive strategy (NPPF Paragraph 16 [a][b]). Where there is uncertainty as to whether a proposal pursues or achieves sustainable development the factors described enable the decision maker to consider the proposal against a range of factors which will ensure appropriate weight is given to sustainable development in reaching decision.
- 3.2.2 The Plan should be read as a whole, and therefore SP1.2 may be relevant in all proposals and of particular importance where there are no specific policies relevant to the planning application, in accordance with the presumption in favour of sustainable development.

Q3. Does the policy adequately and effectively deal with the range of issues relating to sustainable development, for example climate change, minerals development, the use of previously developed land?

3.3.1 Policy SP1.2(2) is intended to provide a strategic articulation of what is considered to be sustainable development in Dartmoor National Park. It describes a range of environmental, social and economic factors consistent with NPPF Paragraph 7 and the 'Brundtland' definition of sustainable development described at paragraph 1.3.1.

3.3.2 The factors it describes are at a strategic level, reflected where necessary in more detail in individual policies. Issues such as climate change are included at (b) and (c) as well as, inter alia through other factors, (d) refers to efficient use of land and prioritising previously developed land. (g) refers to the conservation of natural resources; it is noted that minerals is not included as a following example of what is meant by this term.

Q4. Is the policy consistent with national policy?

3.4.1 As described at Question (1) above, policy SP1.2(2) seeks to clearly articulate the way in which the Local Plan will positively pursue sustainable development consistent with the NPPF. The factors described within SP1.2(2) reflect a broad range of individual policy areas set out in the NPPF in a simple strategic policy

3.4.2 NPPF Footnote 6 recognises that National Parks are areas/assets of particular importance which should be protected; SP1.2(2) is therefore consistent with the NPPF in setting out the weight of sustainable development in the context of the protected landscape, and serves a clear purpose as required by NPPF paragraph 16(f).

Q5. Is a modification necessary for soundness to ensure that it effectively addresses the adverse impacts on flood risk and the use of sustainable materials?

3.5.1 A Main Modification is proposed (MM02) consistent with those identified by the Environment Agency in respect of ensure clear reference to 'adverse' impact upon flood risk.

3.5.2 Reference to the use of sustainable materials where possible, is consistent with policy 1.7 (2) and the application of the energy hierarchy described at paragraph 1.6.10. It is thereby considered an appropriate factor in sustainable development and modification is considered not necessary.

Issue 3 SP 1.3(2) Presumption in favour of sustainable development

Q1. What is the justification for this policy?

1.1 DNPA included a policy (DMD1a) on the presumption in favour of sustainable development in its current Development Plan as a main modification; in response at that time to the Inspector seeking the clear reflection of the NPPF (2012) presumption within the development plan. The policy is of value such that it sets out clearly the context of the presumption and enables the Local Plan to be comprehensive when considered as a whole.

Q2. In its current form would it accord with the PPG and NPPF paragraph 16(f)? Would it have a clear purpose and avoid unnecessary duplication of policies in the NPPF?

1.2 DNPA considers that this policy adds value, in particular taken into account NPPF footnote 6; adding clarity in respect of how the decision maker should respond. However it is noted that the NPPF (2019) statement regarding the presumption is described somewhat more clearly and, reflecting paragraph 16(f) of the Framework, we would be content to consider the extent to which Strategic Policy 1.3(2) now adds value. This could be considered in the context of additional cross-reference to the presumption in Strategic Policy 1.2(2), which would align more closely with the approach taken in other more recent local plans.

Issue 4 SPs 1.4(2) Spatial strategy, 3.3(2) Housing in Local Centres, 3.4(2) Housing in Rural Settlements and 3.5(2) Housing in Villages and Hamlets, 5.1(2) Non-residential businesses and tourism, 5.2(2) Town Centres, 5.3(2) Shops and other activities

Q1. What methodology was employed to assess settlements for inclusion in the settlement hierarchy? What factors were taken into account and is the approach justified?

1.1 Topic Paper 4 - Vision and Spatial Strategy [SD104] appendix 1, sets out a clear and justified methodology for the settlement hierarchy. The methodology employed sought to take account of a quantitative assessment of the sustainability of a settlement, and qualitative assessment of its suitability of a quantum of managed growth. The methodology reflects the intentions of the preferred settlement strategy (discussed in detail in [SD104] section 3).

1.2 Both the methodology and the list of settlements were subject of public consultation; this led to adjustments to take into account the views of consultees.

Q2. What methodology was employed to indicate the anticipated level of development for each tier of the settlement hierarchy? What factors were taken into account and is this robustly based?

2.1 Topic Paper 6 – Housing [SD106] describes at section 5.5 the approach to identifying a spatial strategy and the distribution of housing growth. It states that the evidence suggests that current policy has successfully directed the right proportion of housing to the Local Centres. However, the response to the Issues consultation was that a greater level of opportunity was sought in other smaller settlements which has not been met under the current strategy.

2.2 The apportionment in the Plan is indicative (as the 60% has been) rather than a policy target. However it may provide an effective way of understanding the anticipated spatial distribution, and provide an indication of expectations to enable effective monitoring.

- Q3. How was the figure of 'around 60% of the indicative housing delivery figure of 65 dwellings per year' in Local Centres arrived at? Is that figure justified by the evidence? Should a figure be included for the other settlement tiers? In the absence of an apportionment figure for each settlement would the Plan adequately meet identified need for example within West Devon and South Hams?
- 3.1 Topic Paper 6 – Housing [SD106] describes at section 5.5 Spatial Strategy and the distribution of housing growth. The Paper describes an indicative split proposed is 60% in Local Centres, 25% in Rural Settlements, 10% in Villages and Hamlets and 5% in the open countryside. The Paper states that with a needs-led approach to policy it is right that the apportionment should not be expressed in policy as a target, as at this small level of development it is reasonable that it is responsive to local needs and delivery, which will vary year on year. DNPA considers that with such small number apportionment would be difficult to justify, but that the indicative level provides a clear benchmark for monitoring.
- 3.2 Successive Authority Monitoring Reports (AMRs) have proven this approach to be deliverable based upon a balance of allocated site delivery and consistent delivery on windfalls. The 2019/20 AMR Section 4.4 gives an overview of the proportion of homes delivered in Local Centres (61%), Rural Settlements (25%) and Open Countryside (13%) over the lifetime of the Core Strategy (April 2008 – March 2020). Delivery in Local Centres generally dominates, ranging from 34% of the total in 08/09 to 86% of the total in 17/18, the annual variability being a product of relatively small numbers, and the influence of an allocated site coming forward in a particular year.
- 3.3 This is therefore a balanced judgement with regard to relatively small numbers, seeking to achieve the majority of development in the most sustainable locations in line with sustainability goals, providing certainty of delivery through allocations, while allowing for a level of development lower in the hierarchy which meets local housing needs and community aspirations.
- 3.4 The Monitoring and Governance Topic Paper [SD110] describes a clear approach to monitoring at a housing authority/HMA level (Section 2.5 - Housing Delivery and Distribution) with a monitoring and governance framework for housing at paragraph 2.5.5. This reflected in the Local Plan monitoring, and has been agreed with neighbouring authorities through the Duty to Co-operate process and provides a robust plan, monitor, manage approach to ensuring need is met.

- Q4. Is the approach to provide for development in the open countryside consistent with national policy?
- 4.1 NPPF para 73 sets out the national approach to housing in rural areas; and paras 83 & 84 the approach to rural economic development. The strategic approach described in SP1.4 (Spatial Strategy)(4) development in the open countryside, reflects the national approach focussing upon:
- The needs of farming, forestry and land-based rural businesses
 - The re-use of existing buildings
 - Opportunities for new businesses in appropriate buildings and locations
 - Community and infrastructure needs.
- 4.2 Taking into account the 'great weight' and 'highest status of protection' applied in NPPF para 172 and the balanced approach described in the Circular and Vision (2010) (section 4.4).
- Q5. What is the Authority's strategy for economic growth? How will the Plan help to improve the alignment between the locations of workplace and homes? Should the Plan identify a jobs growth and/employment land target?
- 5.1 The Local Plan describes a clear economic strategy, and its spatial application illustrated simply on pages 110-111.
- 5.2 Options for the spatial strategy for new and replacement employment uses are discussed in the 2018 ELR [SD148] at 9.20. Further assessment of spatial strategy options, including for uses not covered by the ELR, are discussed and assessed throughout the Economy Topic Paper [SD108], most significantly at 5.6.13 and 6.3.
- 5.3 The Economic Hearing Statement provides answers which are relevant to some of these queries. In particular the answer to Issue 1 Q2 deals with whether the Plan should identify a jobs growth and employment land target. IT states: 'Developing a specific land requirement figure was considered not reasonable due to the small number and wide variety of employment sites on Dartmoor. A single figure would not represent accurately the wide variety of employment sites across Dartmoor. Instead, a policy approach which provides clear opportunities for development (with a broader scope than extant policy) and aligns with market needs is considered the most flexible and positive way to enable delivery.'

Q6. Does the spatial strategy strike the right balance between conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park, whilst positively addressing the socio-economic issues it faces? Would the spatial strategy and related policies provide clear guidelines to direct development to the most suitable and sustainable locations?

6.1 Different options for the spatial strategy were assessed in detail in Topic Paper 4 - Vision and Spatial Strategy [SD104] (Section 3). The analysis and discussion included a thorough consideration of how to balance appropriately the delivery of appropriate development to meet local needs in the context of the National Park. This was informed by a range of evidence including in particular:

- The Landscape Character Assessment [SD113]
- Landscape Sensitivity Assessment [SC114-117]
- Land Availability Assessment [SD159]
- Consideration of housing need (Housing Topic Paper [SD106])

6.2 It also seeks to respond to responses to the Issues Consultation [SD29/SD30] which identified a desire to facilitate a broader range of opportunities for small scale development in some of Dartmoor's medium sized villages, subsequently identified as Rural Settlements in the strategy.

6.3 The spatial strategy is then applied clearly and consistently through the strategy. DNPA has learned extensively from the approach of the Core Strategy (2008), refining this strategy, whilst sustaining key successes such as appropriately sized allocated sites, the use of settlement boundaries, and a clear approach to meeting need at the appropriate level in the settlement hierarchy. Key aspects of this Plan which refine the extant strategy are:

- The three tier settlement hierarchy with additional opportunity in the middle tier (Rural Settlements)
- A clear articulation through SP3.1 of the way in which housing need is understood and met
- A consistent application of the spatial strategy, aided through clear graphic for housing (Pages 74/75) and economic development (Pages 110/111).

Q7. Would a modification be required for soundness to restrict opportunities in Rural Settlements to new or improved small scale employment sites and to ensure consistency with paragraph 5.2.4 of the Plan?

7.1 Paragraph 5.2.4 is describing the business, tourism and employment uses you would typically find across the settlement hierarchy. It is describing what might current exist in Rural Settlements as typically being small

scale. SP1.4(2) (Spatial Strategy) does not specify that new development in Rural Settlement would necessarily be small-scale, and SP5.1(2) (non-residential business and tourism development) states at (1) development should be “of a scale and use appropriate for its location”. The inference and likelihood in Rural Settlement is that this is likely to mean small scale development, however the clear reference to ‘small scale’ is in this instance stated for the Villages and Hamlets, recognising their highest level of sensitivity. The appropriate scale of development opportunities in Rural Settlements remains flexible and responsive to individual circumstances in line with the strategy, and SP5.1(2) (1).

- Q8. Overall, is the Plan’s general approach to new housing, employment and tourism development, as set out in SPs and other policies of the Plan consistent with paragraph NPPF 16?
- 8.1 Topic Paper 4 - Vision and Spatial Strategy [SD104] describes the thorough approach which has been taken to arriving at an appropriate and evidenced based approach to housing, employment and tourism development, with additional detail set out in Topic Paper 6 – Housing [SD106] and Topic Paper 8 - Economy [SD108].
- 8.2 These Topic Papers demonstrate how the Plan has been positively prepared, in a way which is aspirational but deliverable, and how this has been shaped by engagement at an early stage, in particular through identifying key Issues [SD29/SD30] and establishing a Direction of Travel for strategic policy matter [SD55].
- 8.3 The policies are clearly written and unambiguous, reflected the Authority’s early aims to deliver a Plan which is shorter, clearer and more accessible. DNPA has been commended for this in consultation responses.
- 8.4 Housing, Employment and Tourism are key areas of policy for Dartmoor National Park, and a locally distinctive approach is therefore necessary and justified. The policies are consistent with national policy, but do not duplicate, instead providing a clear local response to the issues and evidence in the National Park.

Issue 5 SP 1.5(2) Major development

Q1. Would the Plan's definition of 'Major Development' accord with NPPF footnote 55, which indicates that it is a matter for the decision maker, taking account of the nature, scale and setting and whether it could have a significant adverse impact on the special qualities of the National Park?

- 1.1 Topic Paper 5 (Minerals and Waste Development) [SD105] Section 13 sets out a detailed discussion of the subject of Major Development. The definition set out in the Plan and echoed in policy SP1.5(2) draws from the report undertaken for the Campaign for National Parks (CNP) by Sheffield Hallam University (2016). It is recognised that the language of the 'Maurici opinions' referred to in the research referring to 'scale, character or nature' has arguably been superseded by NPPF footnote 55 which refers instead to 'nature, scale and setting'.
- 1.2 DNPA considers the reference to Special Qualities in this definition to reflect the best practice advice of the CNP report, which is described at 13.1.6 of Topic Paper 5 [SD105].
- 1.3 In order to align more clearly with the more recent footnote, modifications are proposed as follows:

MM41	Paragraph 1.5.5	Definition of Major Development	For the purposes of this policy development , the Authority will is considered development to be Major where its <u>nature</u> , scale <u>and setting</u> , character or nature has the potential to have a significant adverse impact on the National Park's Special Qualities.
MM42	Strategic Policy 1.5		In deciding whether a proposal is 'Major Development' the Authority will consider whether the development, by reason of its <u>nature</u> , scale <u>and setting</u> , character or nature has the potential to have a significant adverse impact on the Special Qualities of the National Park.

Q2. How is it intended to be implemented in relation to specific development proposals and how would it relate to other policies in the Plan and site allocations?

- 2.1 The Authority has extensive recent experience of the implementation of a Major Development Policy. In the consideration of a number of recent decisions, the Authority has ensured the application is supported by appropriate information to inform judgement of whether a proposal is Major Development, it has then reached its judgement this has formed a separate decision prior to the determination of the application.

- 2.2 The Plan should be read as a whole, and any proposals which may have the potential to be major development would be subject to consideration as described above. Importantly, it is noted at 13.1.6 of Topic Paper 5 [SD105] that case law has established that a definition provides a framework for a judgement, but that the concept of Major Development is relative; it should be recognised that something which may be major in one national park, may not be in another, and even that something may be major in one part of the same national park, whilst not somewhere else.
- 2.3 The proposals identified in Section 7 of the Plan are not considered, at Plan-making stage to be judged as Major Development. This would though be considered formally at application stage with the benefit of more detailed information for each specific proposal.
- Q3. Would the wording of criteria a) in referring to a national need accord with NPPF paragraph 172?
- 3.1 The policy states that "consideration of such applications should include an assessment of... the need for the development, including any national need and the development's contribution to the national economy".
- 3.2 NPPF paragraph 172, refers to "consideration of such applications should include an assessment of... the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy".
- 3.3 Neither is definitive in the view the decision-maker should reach, but instead referring to the factors which the decision maker should take into account in reaching a decision.
- 3.4 DNPA considers that the phrase 'national need' is not inconsistent with the NPPF which refers to both 'need' and 'national considerations'. The CNP Report referred to above discusses in detail the concept of national need, examining cases where this has been used to justify major development proposals, as well as the increasing role of the local economic benefits. We would also note the reference to national need in the recently adopted North York Moors Local Plan (2020). DNPA considers the policy to accord with the NPPF.

Issue 6 SP 1.6(2) Design

Q1. Does the policy adequately address community safety matters?

1.1 DNPA has reviewed this and have proposed a Main Modification (MM05) [ED05]. Taking into consideration answers to the Inspector's Question 2 DNPA has now removed this modification and incorporated it into the modification proposed in our answer to Question 2.

Q2. To ensure soundness, should the design principles set out in paragraph 1.6.5 of the supporting text be included within policy? In referring to the Dartmoor National Park Design Guide would the policy be justified and effective?

2.1 DNPA initially made a response to this question in its response to Inspector's initial questions [ED03].

2.2 DNPA have since given this matter further consideration and would like to propose an alternative solution.

2.3 There is a legal distinction between the policies of a local plan and the supporting text. The former has the legal weight applied by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. The latter does not. This issue is dealt with in Cherkley Campaign Group v Mole Valley DC which involved a golf course proposal in an AONB. Policy REC12 concerned the development of golf courses. Its supporting text included the sentence "Applicants proposed new courses will be required to demonstrate that there is a need for new facilities." However, this issue was not included in the policy itself which contained a variety of other criteria.

2.4 The judge said in paragraph 16 of his judgement:

"... it seems to me, in the light of the statutory provisions and the guidance, that when determining the conformity of a proposed development with a local plan the correct focus is on the plan's detailed policies for the development and use of land in the area. The supporting text consists of descriptive and explanatory matter in respect of the policies and/or a reasoned justification of the policies. That text is plainly relevant to the interpretation of a policy to which it relates but it is not itself a policy or part of a policy, it does not have the force of policy and it cannot trump the policy. I do not think that a development that accorded with the policies in the local plan could be said not to conform with the plan because it failed to satisfy an additional criterion referred to only in the supporting text. That applies even where, as here, the local plan states that the supporting text indicates how the polices will be implemented."

- 2.5 Whilst Policy 1.6 (2) is slightly different to this case, in that the 'Design Principles' are referred to in the policy and the policy wording makes clear how they will be used in decision making, it is a grey area whether this will be sufficient to accord with the above legislation and case law.
- 2.6 Given this DNPA would like to propose an amended Policy 1.6 (2) which includes the design principles within it, and proposed Main Modifications are below which achieve this.
- 2.7 With regards reference to the Design Guide in policy, this is done in a manner consistent with existing Policy DMD3 [SD40]. The SPD does not in itself represent or supersede policy and the way it is referred to in policy does not elevate the status of the SPD. Supplementary design guidance is referred to in a manner consistent with its status, as a material consideration building upon and providing more detailed advice and guidance on policies in the plan.

Ref	Section / Policy	Paragraph / part	Main Modification	Reason
MM 44	Section 1.6	1.6.5	<p>The following design principles set out our expectations for the design of all new development:-</p> <p>Character</p> <ul style="list-style-type: none"> ● Encourage development with a clear and distinctive character that respects local character, vernacular and materials ● Encourage development which contributes to the National Park's cohesive and vibrant communities <p>Promote quality and variety of accommodation</p> <ul style="list-style-type: none"> ● Ensure architectural taste or style is not imposed without clear reason and innovative design, including contemporary design, is encouraged ● Refuse planning permission for poor design <p>Environmental sustainability</p> <ul style="list-style-type: none"> ● Achieve efficient use and protection of natural resources (promote a fabric first approach, maximise energy efficiency, minimise the use of non-renewable resources, minimise the generation of waste and avoid pollution) <p>Enhance biodiversity</p> <ul style="list-style-type: none"> ● Encourage creation of new habitat ● Design to allow migration and future adaptability <p>Access and Movement</p> <ul style="list-style-type: none"> ● Ensure ease of access to new development and existing services through inclusive design, well located and permeable development with adequate parking 	To ensure soundness and that the design principles may be used in decision making as intended by the policy.

			<p>Promote sustainable means of travel and easy access</p> <ul style="list-style-type: none"> • Ensure land is used efficiently and effectively, and proposals do not prejudice the delivery of future development <p>Community safety</p> <ul style="list-style-type: none"> • Ensure attractive and safe public spaces and security through natural surveillance 	
TBC	Policy 1.6 (2)	1 and 2	<p>1. All development should will create a strong sense of place <u>with a clear and distinctive character</u> by reinforcing local character, respecting Dartmoor’s vernacular, and maintaining and enhancing townscapes, street patterns and frontages and their relationship with the landscape. <u>Planning applications exhibiting anything less than good design will be refused.</u></p> <p>2. Decisions on design matters will <u>ensure that development has been</u> informed by the following principles and supplementary design guidance:</p> <p><u>Character</u></p> <ul style="list-style-type: none"> • Encourage development which contributes to the National <u>Park’s cohesive and vibrant communities</u> <p><u>Promote quality and variety of accommodation</u></p> <ul style="list-style-type: none"> • Ensure architectural taste or style is not <u>imposed without clear reason and innovative design, including contemporary design, is encouraged</u> <p><u>Environmental sustainability</u></p> <ul style="list-style-type: none"> • Achieve efficient use and protection of natural resources <u>(promote a fabric-first approach, maximise energy efficiency, minimise the use of non-renewable resources, minimise the generation of waste and avoid pollution)</u> <p><u>Enhance biodiversity</u></p> <ul style="list-style-type: none"> • Encourage creation of new habitat • Design to allow migration and future adaptability <p><u>Access and Movement</u></p> <ul style="list-style-type: none"> • Ensure ease of access to new development and existing <u>services through inclusive design, well-located and permeable development with adequate parking</u> 	To ensure soundness and that the design principles may be used in decision making as intended by the policy.

			<p><u>Promote sustainable means of travel and easy access</u></p> <ul style="list-style-type: none"> • <u>Ensure land is used efficiently and effectively, and proposals do not prejudice the delivery of future development</u> <p><u>Community safety</u></p> <ul style="list-style-type: none"> • <u>Ensure attractive and safe public spaces and security through natural surveillance</u> • <u>Ensure development is designed for the prevention of crime, fear of crime and disorder</u> 	
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Issue 7 SP 1.7(2) Sustainable construction

- Q1. In focussing on a reduction in energy use and carbon emissions, would the policy be justified by the evidence? Would the 'fabric first' approach strike the right balance between minimising energy usage and promoting renewable energy?
- 1.1 Evidence to support this policy is presented in section 3 of the Design Topic Paper [SD103] and primary evidence is provided within the Reducing CO2 Emissions in New Development Policy Research and Recommendations 2019 [SD130]. In view of the overwhelming and unequivocal evidence that human induced climate change is occurring the evidence supports a pro-active policy framework to reduce carbon emissions associated with the use of new buildings. The planning system is able to do this through the improvement of a building's energy efficiency.
- 1.2 Section 2.2 of the evidence paper Reducing CO2 Emissions in New Development Policy Research and Recommendations 2019 [SD130] provides evidence which justifies the fabric first approach pursued in policy. Importantly the approach is consistent with the energy hierarchy which prioritises minimising energy demands before relying upon renewable energy to meet energy demands. This approach is also being pursued by Government in the Future Homes Standard Consultation.
- Q2. In setting energy performance standards that exceed the Building Regulations, would the policy be justified by the evidence, consistent with national policy and accord with the emerging Future Home Standard?
- 2.1 In developing this policy DNPA have been mindful of the emerging Future Home Standard which would serve to override the proposed policy if it came into effect.
- 2.2 At this stage the Future Homes Standard remains in consultation stages and there is no guarantee that its recommendations will be consolidated into Building Regulations or legislation. Our experience has been that policy should not be relied upon until it is in force. The Future Homes Standard has been delayed throughout the plan-making process. DNPA has a responsibility to ensure it does all that it can to minimise our impacts on climate change.
- 2.3 DNPA has sought an alternative policy positions to ensure it does not miss the opportunity to improve standards, in the event national standards are not progressed. This can act as an intermediary policy until the new

standards are brought into effect, it can also be an alternative were they to be withdrawn.

- 2.4 In the latest consultation document on the Future Homes Standard (paragraph 2.40) the Government state they: 'will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes'. DNPA are expecting the longer-term role of Local Planning Authorities to be established in the Government's response to the Planning White Paper. In the interim DNPA remain able to pursue a policy setting performance standards that exceed the Building Regulations, this is made clear by National Planning Practice Guidance on Climate Change paragraph: 012 Reference ID: 6-012-20190315.
- 2.5 The Future Homes Standard proposes two options for improving the energy efficiency standards of new homes:
- Future homes fabric - a 20% reduction on CO2 with a very high fabric improvement
 - Fabric plus technology – a 31% reduction in CO2 using fabric improvements
- 2.8 At paragraph 2.28 of the latest consultation document on the Future Homes Standard the Government states it intends to pursue a fabric first approach and that the high fabric improvements in option 1 will be incorporated into the future home standard due for implementation in 2025. This is consistent with DNPA's approach, but will exceed DNPA's policy requirement when introduced.

Issue 8 Policies 1.8(2) Protecting local amenity and 1.9(2) Higher risk development and sites

Q1. Would these policies set clear frameworks to indicate how the decision maker should respond to a development proposal? Are modifications required for soundness to ensure clarity and consistency with NPPF paragraph 16d?

- 1.1 The Authority has a local amenity policy in the extant Local Plan (DMD4). This policy is well used in decision making, particularly at a householder level, and has proven robust at appeal in ensuring amenity is taken into account in decision. For these reasons Policy 1.8(2) is relatively unchanged from DMD4 other than adjustments to ensure consistency with current national policy, and the removal of the reference to Special Qualities as this is provided for in SP1.1(2).
- 1.2 Policy 1.9(2) seeks to achieve the requirements of NPPF 178-180. It is a simplified policy drawing from our experience of policies DMD17 (development on contaminated land) and DMD18 (development on unstable land). The approach of Policy 1.9(2) is more straightforward, and proportionate. It is recognised that the first sentence could be considered to lack clarity, and a modification is proposed which aligns this opening statement with NPPF paragraph 178.

MM46	Section 1.8	Policy 1.9(2)	1. Development must be <u>suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.</u> appropriate for its location. Development on sites which may have or are suspected to have a higher level of risk through contamination or stability, or involve hazardous installations or substances, will only be approved, where:
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Q2. Would policy 1.8(2) adequately address the adverse impacts of noise on quality of life? In this respect would it accord with NPPF paragraph 180?

- 2.1 A modification [ED05] is proposed which seeks to ensure consistency with NPPF paragraph 180.

MM06	Section 1.7	Policy 1.8 (2)	c) introduce levels of noise, vibration, lighting, odours, fumes or dust that would adversely affect human health <u>or quality of life;</u> and/or
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