COMMENTING ON LOCAL PLANNING APPLICATIONS
Guidance in respect of climate change
August 2023

CONTENTS **Page**

INTRODUCTION

There are three stages to consider when coming to the issue of commenting on planning applications:

1. Area Plans – it will be important to be involved in the consultation on any revision of the Local Plan from your local planning authority (usually the district council), which also applies to the Local Transport Plan from your local highway authority (usually the county council) and the Minerals Plan which deals with local issues such as quarrying.

2. Neighbourhood Development Plan (NDP) – writing key policies in your own plan will support the comments you make on any development applications, though your policies must chime with those in the planning authority's Local Plan.

3. Planning Applications – as well as referring to the specifics in the Local Plan and your NDP, there will be some general things you can probe in addition, based on national guidance.

It may be useful for parish and town councillors who sit on planning committees to take advantage of the training courses in planning run by their local county association or other bodies.

1. AREA PLANS

a) LOCAL PLAN

Local planning authorities are required to produce Local Plans at 5-year intervals to act as guidance when deciding any planning applications in their authority area. This includes National Park authorities for any planning applications within their National Park.

All Local Plans should reflect the climate change guidance in the UK Government's National Planning Policy Framework (NPPF - see Appendix 1 below).

When considering and commenting on the draft Local Plan for your area, as well as referring to the NPPF, there are specific policies you may be able to suggest if not already present (see Appendix 2).

b) LOCAL TRANSPORT PLAN

Local highway authorities are required to produce Local Transport Plans (LTPs) to inform highways developments along the following lines of guidance published in 2009:

> *An LTP should cover all of an authority's policies and delivery plans relating to transport, explaining how these contribute to the wider local agenda. It should consider the transport needs both of people and of freight. It should consider not only possible enhancements to transport services but the maintenance, operation, management and best use of the assets necessary for transport delivery, within the context of tightening environmental constraint.*

The strategic element of LTPs may look forward up to 20 years, but the implementation element may be much shorter, up to 3 years, or the highways authority may review both elements together every 5 years.

Government guidance on LTPs is currently being updated for new guidance to be published in 2023, but the 2009 guidance already links LTPs to Government targets for reducing carbon emissions. Government figures show that transport provided the largest share of national emissions in 2021, so we expect new guidance to be strengthened in this area. In the meantime, there are also transport considerations at Section 9 of the NPPF (see Appendix 3).

More information will become available shortly, but it is worth noting that while the department for Transport does not formally assess LTPs, leaving that to local communities, any Government funding for local transport may be linked to Government approval of the LTP.

c) LOCAL MINERALS PLAN

The Government includes coal and other fossil fuel sources in its definition of "minerals". Minerals planning is already linked to the awareness that minerals are a finite resource, and there is considerable guidance about minerals planning on the Gov.uk website (see Appendix 4) as well as at Section 17 of the NPPF (see Appendix 5).

2. NEIGHBOURHOOD DEVELOPMENT PLAN

Neighbourhood Plans are effectively a local extension of a planning authority's Local Plan and are not permitted to contradict anything in the Local Plan – hence the importance to town and parish councils of getting involved in any Local Plan review.

Neighbourhood Plans are a product of the Localism Act 2011, and as well as Government guidance, the Centre for Sustainable Energy has published a useful guide to neighbourhood planning in a climate emergency (see References) including many practical policy examples. The guide has specific sections around:

- Renewable Energy
- Sustainable Buildings
- Sustainable Transport
- Flooding, Extreme Weather and Water Conservation
- Green Infrastructure and Biodiversity
- Transitioning to a Low Carbon Economy, and Service Provision

Another environment and sustainable design policy example is given at Appendix 6. These practical examples are particularly relevant as the Planning Inspectorate does not seem to keep up to date with what wording is permitted in neighbourhood plans, and without examples before them planning inspectors seem to vary in their comments on draft neighbourhood plans.

3. LOCAL PLANNING APPLICATIONS

Thanks are due to Hadleigh Town Council for their published advice (see References):

The Planning Advisory Committee should use the following criteria for assessing planning applications with respect to environmental impact and climate change:

1. Design and materials. The application makes clear that the design aims to minimize energy requirements in the design phase (e.g. it fulfils Passivhaus standards (see section 8)) and also justifies the use of carbon-intensive materials such as steel, brick and cement where these have been included in the design. The general waste reduction principles of 'reduce, reuse and recycle', with use of reclaimed or recycled materials where this is possible should also be apparent in the application.

2. Energy efficiency. The application addresses standards for energy efficiency, for example by specifying a high standard of insulation, with an estimated EPC level of C or above.

3. Renewable energy. Homes should be fitted with a source of renewable energy, such as solar thermal or heat pump heating, or photovoltaics. Applications or homes with fossil fuelled boilers should not be supported.

4. Accessibility. Sites allocated for new housing are, or are to be made, easily accessible by walking, cycling and public transport links to the town centre and local amenities including schools and sports facilities. Specifying in the application any locations for cycle storage is to be encouraged.

5. Green space. The application avoids loss of local nature sites and green spaces and includes plans for their maintenance where relevant (e.g. tree watering). Significant developments should include areas that enhance local nature, through allowing habitats to establish, creating corridors between existing areas of habitat.

6. Tree coverage. Where the application includes a new open space, it includes sufficient new native tree coverage and other plant life.

7. Low-carbon vehicles. The application supports low-carbon vehicles, for example, with EV charging points easily accessible.

8. Lighting. The application specifies where appropriate that LED lights are to be used.

9. Resilience to climate impacts. Building should not be built in flood plains nor otherwise contribute to significantly changing surface or sub-surface hydrology, including impacting on other homes and buildings. Buildings should be well-insulated and may contain features such as green roofs, that contribute passively to summer cooling.

10. Water saving. The application includes where appropriate water saving measures such as using water butts and toilet flushers that save water) and runoff water in concrete areas.

Applicants are encouraged to review the guidance in the Net Zero Carbon Toolkit (see section 8). The Net Zero Carbon Toolkit has been adopted and promoted as a guide by Babergh District Council [10].

Threshold

This Planning Advisory Committee may decide not to apply this guidance where it considers an application:

- *to have low or zero environmental impact or carbon emissions, or*
- *to cover a site plot area less than 2000 sq. ft.*

Environmental impact assessments are required for certain types of development. Current Government guidance on these can be found at www.gov.uk/guidance/environmental-impact-assessment (though a consultation is under way in April 2023 on potential changes to the guidance). In summary the guidance says:

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.

Whether or not there is an environmental impact assessment provided by the planning applicants, town and parish councils will be able to review applications by following the Hadleigh approach.

Some parishes include land designated as part of an Area of Outstanding Natural Beauty (AONB). Government guidance advises:

As a local authority, you must make sure that any proposals have regard for the purpose of conserving and enhancing the natural beauty of the AONB, for example when:

- *adding utility services, like gas pipes and telecommunications cables*
- *creating public access as part of rights of way improvement*

You can consult Natural England where development might have a significant impact.

In practice, the local planning authority decides whether or not something would be a major development (see paragraph 177 of the NPPF at Appendix 7). AONBs are not statutory consultees but may have relevant policies in their own management plans. There have also been proposals recently for large solar arrays on green belt land, which if sufficiently large (over 1,000 square metres) will attract the attention of the Secretary of State, though in such cases Government policy on reducing carbon emissions seems to come into play.

More detailed advice on how to respond to planning applications on any protected area may be found at www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications . This advice includes a link www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site to the process (that should have been applied) for any plan or development affecting a protected area, a webpage which itself links to a list of protected areas across the UK.

Another heritage issue that may come up is around retrofitting listed buildings to make them more sustainable in response to climate change and also due to increased energy costs. Gloucester Cathedral and York Minster are amongst the major buildings having solar panels fitted on their roofs, but elsewhere conservation officers may be more critical of such proposals. This may of course be an issue for local councils with listed town halls who want to make such improvements.

There is currently a group of heritage practitioners seeking to influence policy in this area (see more at www.heritagedeclares.org), but meanwhile Historic England has been addressing the issue in several publications which can be found at www.historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/ . In terms of planning applications, we may look at any applications for listed buildings consent to see if they reflect Historic England's "whole building approach" through understanding the building and its context, including:

- The significance of the building and potential harm from possible changes
- Influence of local environmental factors such as exposure to sun, wind and rain
- Design, construction and condition of the building
- Performance and behaviour of the building fabric
- Design, condition and operation of engineering services
- Building use, occupancy and management
- Requirements, aspirations and aims.
- Available resources: financial; skills; materials
- Opportunities and constraints

REFERENCES

Grateful thanks are recorded to the following authorities for permission to use material from their publications. The original documents may be accessed online and used as practical examples.

- Frome Town Council, Climate Emergency Planning Guide 2021, accessed 9th August 2023 at www.frometowncouncil.gov.uk/wp-content/uploads/2021/10/Climate-Emergency-Planning-Guide-final-version.pdf
- Centre for Sustainable Energy, Neighbourhood Planning in a Climate Emergency 2020, accessed 9th August 2023 at www.cse.org.uk/resource/neighbourhood-planning-in-a-climate-emergency/
- Harpenden Town Council, Neighbourhood Plan 2018, accessed 9th August 2023 at www.harpenden.gov.uk/neighbourhood-plan
- Hadleigh Town Council, Climate Change: Planning Application Assessment Guidance 2022, accessed 9th August 2023 at https://hadleightowncouncil.gov.uk/wp-content/uploads/2022/07/Agenda-Item-10e-Climate-Change-Planning-Application-Assessment-Guidance-26th-June-DRAFT.pdf

The National Planning Policy Framework may be accessed at www.gov.uk/guidance/national-planning-policy-framework .

APPENDIX 1 – NATIONAL PLANNING POLICY FRAMEWORK (NPPF) S.14

Here for reference is the current Section 14 of the NPPF which deals with climate issues. Revised in 2021, the NPPF is being reviewed again in 2024.

14. Meeting the challenge of climate change, flooding and coastal change

152. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

153. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures[53]. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

154. New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

155. To help increase the use and supply of renewable and low carbon energy and heat, plans should:

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

156. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

157. In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

158. When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable[54]. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Planning and flood risk

159. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

160. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

161. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below;

b) safeguarding land from development that is required, or likely to be required, for current or future flood management;

c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 (*of the NPPF*).

164. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

165. Both elements of the exception test should be satisfied for development to be allocated or permitted.

166. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment[55]. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

168. Applications for some minor development and changes of use[56] should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.

169. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

Coastal change

170. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

171. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

a) be clear as to what development will be appropriate in such areas and in what circumstances; and

b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

172. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;

b) the character of the coast including designations is not compromised;

c) the development provides wider sustainability benefits; and

d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast[57].

173. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

NPPF References:

53 In line with the objectives and provisions of the Climate Change Act 2008.

54 Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

55 A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

56 This includes householder development, small non-residential extensions (with a footprint of less than 250m^2) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

57 As required by the Marine and Coastal Access Act 2009

APPENDIX 2 – POTENTIAL LOCAL PLAN POLICIES

With grateful acknowledgement to Frome Town Council, Climate Emergency Planning Guide.

BUILDING DESIGN AND RENEWABLE ENERGY

Form, Orientation and Fabric

- *To avoid costly retrofit measures all new homes should be built to the Future Homes Standard 2025 or Passivhaus standard*

Renewable Heat

- *Under no circumstances should new homes be connected to the gas grid; either a low carbon heat network or individual heat pumps should be included as standard.*

Renewable Energy Generation

- *100% of electricity demand for new residential developments to be met on-site.*
- *Developers should make early contact with local community energy groups to explore possibilities for partnership on innovative projects.*

Building Performance Evaluation & User Guidance

- *Developers to work with clients to commission a Building Performance Evaluation for the design, construction and handover stages of development*
- *All new houses to come with an easy user guide to cover heating and ventilation systems and controls, metering and energy generation.*

Building Standards for Non-Residential Development

- *All new non-residential developments to be built as close to net-zero carbon as possible, demonstrating at a minimum a 27% improvement from 2013 Part L regulations.*
- *All new non-residential developments to include low carbon heating and renewable electricity generation as standard*

BUILDING MATERIALS AND RESOURCES

Circular Economy

- *All developments shall demonstrate actions taken to reduce resource use and maximise opportunities for reuse through the provision of a Circular Economy Statement*
- *Developers to refer to a local Green Directory for local, low carbon building materials and resources*

Embodied Carbon and Whole Lifecycle Assessment

- *All developments shall demonstrate actions taken to reduce embodied carbon and for large developments, a Whole Lifecycle Carbon Assessment will be submitted*

ACTIVE AND GREEN TRAVEL

- *Developers to work with the local council and residents to ensure new developments link with the local Walking and Cycling Infrastructure Plan and Transport Strategy*
- *Active travel to be prioritised through clearly marked and separated walking and cycling routes that link up with public transport routes*
- *Secure and weatherproof cycle storage to be incorporated into all developments*
- *Developers to work with local car club providers to incorporate community vehicles into the development from day on*

BIODIVERSITY AND GREEN INFRASTRUCTURE

Biodiversity Net Gain

- *All new developments must demonstrate that they have adhered to the Biodiversity Mitigation Hierarchy and have achieved a >10% net uplift in biodiversity in line with the Environment Act 2021*

Community Food Growing

- *All developments to include allocated space for communal food growing*

Tree Planting

- *New residential streets to be "tree lined" in line with the National Planning Policy Framework, with further trees planted in community orchards and gardens*
- *Developers to liaise with local residents and the local council's trees officer to identify opportunities for planting projects and maintenance*

APPENDIX 3 – NATIONAL PLANNING POLICY FRAMEWORK (NPPF) S.9

Here for reference is the current Section 9 of the NPPF which deals with transport issues. Revised in 2021, the NPPF is being reviewed again in 2024.

9. Promoting sustainable transport

104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

105. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

106. Planning policies should:

a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

e) provide for any large scale transport facilities that need to be located in the area[44], and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy[45].

107. If setting local parking standards for residential and non-residential development, policies should take into account:

a) the accessibility of the development;

b) the type, mix and use of development;

c) the availability of and opportunities for public transport;

d) local car ownership levels; and

e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

109. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use. Considering development proposals

110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code [46]; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

112. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

NPPF References:

44 Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

45 Department for Transport (2015) General Aviation Strategy.

46 Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.

APPENDIX 4 – GOVERNMENT GUIDANCE ON MINERALS PLANNING

See fuller guidance at www.gov.uk/guidance/minerals .

What are the environmental issues of minerals working that should be addressed by mineral planning authorities?

The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:

- noise associated with the operation
- dust;
- air quality;
- lighting;
- visual impact on the local and wider landscape;
- landscape character;
- archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology;
- traffic;
- risk of contamination to land;
- soil resources;
- geological structure;
- impact on best and most versatile agricultural land;
- blast vibration;
- flood risk;
- land stability/subsidence;
- internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;
- impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty);
- nationally protected geological and geo-morphological sites and features;
- site restoration and aftercare;
- surface and, in some cases, ground water issues;
- water abstraction.

APPENDIX 5 – NATIONAL PLANNING POLICY FRAMEWORK (NPPF) S.17

Here for reference is the current Section 17 of the NPPF which deals with minerals issues. Revised in 2021, the NPPF is being reviewed again in 2024.

17.Facilitating the sustainable use of minerals

212. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

213. Planning policies should:

a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;

b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;

c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas[79]; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);

d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;

e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;

f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;

g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and

h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

214. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy[80]. In considering proposals for mineral extraction, minerals planning authorities should:

a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;

b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;

c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source[81], and establish appropriate noise limits for extraction in proximity to noise sensitive properties;

d) not grant planning permission for peat extraction from new or extended sites;

e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and

g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

215. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working. Maintaining supply

216. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);

b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;

c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;

e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;

f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised[82];

g) ensuring that large landbanks bound up in very few sites do not stifle competition; and

h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

217. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;

b) encouraging safeguarding or stockpiling so that important minerals remain available for use;

c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment[83]; and

d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

Oil, gas and coal exploration and extraction

218. Minerals planning authorities should:

a) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;

b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;

c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;

d) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and

e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

219. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

220. Planning permission should not be granted for the extraction of coal unless:

a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or

b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts

NPPF References:

79 Primarily in two tier areas as stated in Annex 2: Glossary

80 Except in relation to the extraction of coal, where the policy at paragraph 217 of this Framework applies.

81 National planning guidance on minerals sets out how these policies should be implemented.
82 Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

83 These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

APPENDIX 6 – SAMPLE ENVIRONMENT & SUSTAINABLE DESIGN POLICY

With grateful acknowledgement to Harpenden Town Council, Harpenden Neighbourhood Plan.

ESD1 – Design Strategy

All developments must be visually attractive, designed to a high quality; maintain or enhance the character of the area and support Harpenden as a low carbon place to live and work.

For major developments in the Neighbourhood Plan Area, a Design Brief must be prepared and submitted in support of the planning application. The Design Brief should demonstrate consideration of the following (where applicable) in addition to the requirements of the other policies of this Neighbourhood Plan:

i. Promotion of sustainable development, sustainable use of resources, green technologies and high levels of energy efficiency in order to minimise the impact on the environment of delivering the development and of the residents or users of the developments thereafter.

ii. How the development will promote sustainable living for housing developments and sustainable use for non-residential developments.

iii. Facilities made available for pedestrians and cyclists.

iv. Location, type and management of open space, leisure and recreation facilities

v. Protection against the loss of or significant harm to ecological or landscape value or, in the event of loss or significant harm, the provision of appropriate mitigation to address the loss or harm. If the Local Planning Authority deems that appropriate mitigation cannot be achieved, compensatory measures may be acceptable in addition to (not instead of) the maximum achievable mitigation

vi. A proportionate assessment of views to and from the proposed development and key views of townscape, including how views of landmark and gateway buildings, and important landscape features will be retained or enhanced. Visual impact should be minimised through the design of the site layout, buildings and landscape.

vii. Materials palette (if it is not possible to indicate exact materials then a broad type should be specified).

viii. How the development is sensitive to and makes a positive contribution to the local character of the area.

ix. How permeability of land surface has been maintained and / or enhanced in the development and how the development is using sustainable solutions to reduce flood risk.

x. How the water efficiency standard for housing, as set out in Policy ESD19, has been applied.

xi. How best practice measures have been used to avoid pollution to air, water and soil

xii. Environmental performance. An environmental performance and sustainability statement (demonstrating how environmental issues have been fully considered in the location, site layout, general design, building design and construction and future use of the development) is required. This should be related to advice provided by the Hertfordshire Building Futures Design Toolkit1.

Developments must be implemented in accordance with the principles set out in the Design Brief. Applicants are encouraged to engage with Harpenden Town Council / Rural Parish Council (whichever is applicable) to discuss the contents of the Design Brief

APPENDIX 7 – NATIONAL PLANNING POLICY FRAMEWORK (NPPF) S.15

Here for reference is the current Section 15 of the NPPF which deals with conserving and enhancing the natural environment. Revised in 2021, the NPPF is being reviewed again in 2024.

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework[58]; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads[59]. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development[60] other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

(a) 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;

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

179. To protect and enhance biodiversity and geodiversity, plans should:

(a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity[61]; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation[62]; and

(b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180. When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons[63] and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

181. The following should be given the same protection as habitats sites:

(a) potential Special Protection Areas and possible Special Areas of Conservation;

(b) listed or proposed Ramsar sites[64]; and

(c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Ground conditions and pollution

183. Planning policies and decisions should ensure that:

(a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

(b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

(c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life[65];

(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

186. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual

applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

188. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

NPPF References:

58 Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

59 English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

60 For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

61 Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

62 Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

63 For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

64 Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

65 See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010).